

Officer Report

Application No.	Y19/0214/FH
Site Address	23 - 25 Tontine Street Folkestone Kent CT20 1JU
Officer Name	Ross McCardle
Proposal	Erection of a part two storey part three storey rear extension following demolition (now completed) of two storey rear extension, together with erection of a part two storey, part three storey building comprising four new commercial units (classes A1, A2, A3, B1) and five new residential units (class C3). Change of use of existing ground floor commercial unit to include shops (class A1), alterations to windows on the north east elevation, together with other external alterations and formation of a new pedestrian access to serve Mill Bay with associated landscaping.

Recommendation

Report Number	RD-421366
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	27 April 2020

Report

SITE

The application site comprises a mid-terrace property towards the south-eastern end of Tontine Street and land to the rear. 23-25 Tontine St forms part of a continuous terraced frontage of (mostly) 4-storey Regency style buildings that run the length of the road, most with shopfronts at ground level. This building and neighbouring properties display a distinctive saw-toothed pitched roof which is visible from the rear but hidden from street view by a parapet. The frontage of 23-25 has recently been restored and includes a shopfront at ground floor with painted render and traditional windows to three floors above, which contain a total of 3 residential flats; 5 further flats are located within a large rear extension to the property.

Many of the buildings along the street have (relatively) recently been restored/renovated, and the character of the area is partly defined by these Regency properties which have been colourfully decorated, and some units which feature distinctive decorative cladding.

To the rear of the terrace is a car park leading to the rear elevations of the frontage buildings. Much of the land was previously occupied by a poorly-designed building, but this has recently been removed, the site opened up, and foundations laid in accordance with a previously-approved scheme for the site (see below).

The site is within the Leas and Bayle conservation area, and within an area of archaeological potential. The front of the building is within FZ3 and the whole site is within FZ2.

RELEVANT HISTORY

Y15/0590/SH granted PP for an identical scheme to this current application. Many of the conditions were discharged but construction did not commence on site in time (although foundations have been laid) and the Council considered the permission to have lapsed.

Y09/1126/SH - Approved with conditions for the subdivision of existing 2 bedroom first floor flat to 2 x 1 bedroom flats, construction of decked area to rear flat roof and other external alterations to building.

Y04/0348/SH - Consultation in respect of changes to existing front elevation and shop front facing Tontine Street; no objection with comments.

PROPOSAL

This application seeks permission for an identical scheme to what was approved under Y15/0590. Some elements of the scheme are retrospective; although the permission lapsed some work had progressed on site before the matter came to light.

The application is for:

- erection of a part two-storey, part three-storey rear extension with pitched roof (further to demolition of previously-existing two storey rear extension);
- erection of a part two, part three-storey building with pitched roof, comprising four new commercial units (Classes A1, A2, A3 & B1) and five new residential units (Class C3);
- change of use of existing ground floor commercial unit to include shops (Class A1);
- alterations to windows on the north east elevation;
- other external alterations and formation of a new pedestrian access to serve Mill Bay; and
- associated landscaping.

Of the eight residential properties to be provided on the site five will be new build, and four of the five commercial units will be new build.

Overall, the amount of retail space would be reduced by approximately 175 square metres (net internal) (236 sq.m gross) and the total amount of residential space would be reduced by approximately 17 sq.m (net internal) (23 sq.m gross).

The detached building to the rear of the existing Tontine Street property would be a timber clad structure incorporating artwork that may feature in a future Triennial. The appearance of the front elevation to Tontine Street will remain largely unaltered, however it is proposed to adjust the ground and first floor to reflect the proposed internal alterations and the opening up of the pedestrian route from Tontine Street to Mill Bay and Payers Park to the rear.

The frontage works to Tontine Street have largely been completed and form the retrospective element of the scheme. The windows to the first floor have been altered to align with the windows at second and third floor levels, increased in height, and a decorative plaster column applied to the facade has been removed. A new pedestrian route through the site has been created by opening up an existing covered alleyway to provide access to Mill Bay, Payers Park and the Old High Street (via existing steps) from Tontine Street, and a gate has been installed. To close the route to pedestrians between the hours of 8pm and 7am. The gate will be operated through an electronic access-control fob system and locking of the gate will be automatically timed and controlled. New lighting and CCTV cameras will be installed within the covered alleyway and across the application site.

CONSULTATION RESPONSES

The EA initially objected due to the absence of an FRA, but has now removed their objection following submission of additional information. They request that excavation to the rear should be carried out carefully and the EA informed if any culverted watercourses or drains are discovered; I have set out an informative to this effect.

KCC LLFA has no objection.

The KCC Archaeologist has recommend a standard watching brief condition.

The Council's contamination consultant, commenting in respect of condition 13 (contamination) on the previous permission, noting that there are low concentrations of any contaminants on site and no significant risks are present. She does note, however, that further information is required in respect of landscaped areas and the risk of hazardous ground gases.

Kent Police have suggested a number of measures that could be incorporated to comply with CPTED, but it is noted that these are not material planning considerations. I have set out an informative advising the applicant to contact Kent Police to discuss the matter outside of the planning process.

FHDC Arb. Officer has no comments.

No others received.

REPRESENTATIONS

One letter received from a neighbouring property commenting that they intend to install a fire door to the rear, and requesting that it not be obstructed. This is a private legal matter, however, and not a material planning consideration.

No others received.

PUBLICITY

The application was publicised in accordance with the regulations.

RELEVANT POLICIES

Local Plan Review Saved Policies:

SD1, HO1, BE1, BE4, BE9, U2, TR5, and TR12.

Core Strategy Local Plan:

DSD, CSD6.

Places and Policies Local Plan Submission Draft:

HB1, HB2, HB3, HB6, HW4, RL1, RL10, T1, T2, T3, T5, NE5, NE6, NE7, CC2, and HE1.

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. An examination-in-public was held in 2019, with hearing sessions taking place from 15-17 May 2019. The Inspector recommended a limited number of Main Modifications to the Plan which were consulted on from 13 January to 24 February 2020. The council is currently waiting for the Inspector's Report on the Plan before proceeding to adoption.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018), as proposed to be modified by the published Main Modifications (2020), may be afforded significant weight.

Core Strategy Review Submission Draft 2019:

SS1, SS2, CSD1, and CSD6.

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Following changes to national policy, a further consultation was undertaken from 20 December 2019 to 20 January 2020 on proposed changes to policies and text related to housing supply. The Core Strategy Review was then submitted to the Secretary of State for independent examination on 10 March 2020.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

NPPF and NPPG:

The NPPF and NPPG generally support new commercial and residential development within the defined built up areas, subject to consideration of general amenity impacts and protection of designated heritage assets.

APPRAISAL

The principle for this development has already been established through grant of permission for the works under ref. Y15/0590/SH, and it is noted that although that previous permission expired some of the works have already been carried out on site, such as renovation of the Tontine Street frontage, demolition of the rear block, and laying of foundations for the new rear buildings.

Since approval of the scheme in 2015 the emerging PPLP and Core Strategy Review have been through a formal review and the policies therein can be afforded significant weight. In that regard the policy circumstances under which the scheme is considered today is different to that in 2015. However, the policies in the emerging PPLP and Core Strategy Review are not significantly different from those in 2015, and generally support developments such as this. The policies encourage sustainable development that would contribute to the economy, provide new residential dwellings, contribute positively to / restore / enhance visual amenity, and preserve or enhance the special interest or character of designated heritage assets.

In that regard I consider that the principle of development remains acceptable.

Scale and design

This was considered in detail under the previous approval and the design remains unchanged.

I consider the proposed works to be of an appropriate scale and design. The works already carried out to the Tontine Street frontage have enhanced the appearance of the building and it now contributes positively to the wider street scene as part of a ground of refurbished and colourful buildings.

The proposed new buildings to the rear are of a good design in my opinion. The extension they replace was a poorly-designed structure that contributed negatively to the character of the area, and these contemporary buildings will present a much better appearance and create a more open and spacious aspect in this otherwise confined backland plot and set the standard for future regeneration of the wider area.

I have no serious concerns in regards this aspect of the development.

Heritage assets

Further to the above I consider that the scheme will contribute positively to the area and preserve or enhance the character of the conservation area, which is increasingly becoming defined by well-considered contemporary interventions such as this.

There are a number of listed buildings on the Old High Street but these are some distance away and their special historic interest is unlikely to be affected.

Access

The new access through the site from Tontine St to the rear area will be fitted with an access control gate, lighting, and CCTV. In that regard the safety and amenity of residents/users of the alley will be protected as far as possible, and the potential for crime and disorder is reduced. Access through / around the site to the Old High Street is retained.

I have no serious concerns that would justify a departure from the 2015 approval.

Amenity

The development is unchanged from the 2015 approval, during which the amenities of neighbouring residents was considered in detail. The officer report for Y15/0590 sets out:

The rear elevations of properties fronting Tontine Street and The Old High Street are in close proximity to one another with high degrees of interlooking and overlooking between neighbouring properties. This close relationship is considered to be part of the urban grain which defines the locality and forms part of its character. Given the variation in levels, with a sharp decrease front south to north and the height of properties fronting The Old High Street, being approximately 10 metres higher than the ridge height of the proposed new development at its highest point, it is considered that the proposed replacement rear extension and detached building will not have a significant or detrimental impact on neighbouring amenity, and accepting that incidences of interlooking and overlooking are inevitable given the close urban setting, that the proposal does not create an unacceptable level of these issues either to or from the proposed development. In addition, given the orientation of the site with a large area of open space to the west (Mill Bay and Payers Park) it is considered that the new structures to the rear of the application site will receive a good level of natural light, and that their comparative low profile to the surrounding rear elevations of properties fronting Tontine Street and The Old High Street will not cause additional overshadowing. Additional activity in this area will provide improved natural surveillance of Payers Park and Mill Bay.

With regard to noise and disturbance, the flexible uses proposed would allow for a restaurant or cafe in Unit C with outdoor seating area. This is in close proximity to residential accommodation and therefore its use in association with the flexible uses should be limited to between the hours of 9am to 9pm, and controlled by condition, to ensure that an unacceptable level of noise and disturbance to nearby residents is not caused.

I have no reason to disagree with this assessment and have no serious concerns.

Uses

The development will provide a mix of residential and commercial uses across classes A1, A2, A3, B1, and D1. This would ensure optimum viability of the unit, and accords with adopted and emerging policies in respect of economic development and housing provision.

As with the previous officer's assessment I consider this to be acceptable.

Highways and parking

The site is within a highly sustainable town centre location, where nil-provision is accepted by IGN3. The development is not likely to generate significant levels of vehicle movement, and on-street parking is widely available locally.

I have no serious concerns in regards parking or highway safety.

Flooding and contamination

The site is within FZs 2 and 3 but I note that the EA has no objection and I therefore do not consider there to be grounds for refusal on this matter.

I note the comments from IDOM in respect of contamination, and the wording of condition 13 of the previous permission can be reconsidered to account for information submitted in the interim.

Other matters

The development is not subject to CIL, being for charitable housing, and no s.106 contributions are required.

The KCC Archaeologist has recommended a standard watching brief condition. Demolition and foundation works have already been carried out, however, so there is little justification for such a condition to be attached in my opinion as no further ground works are proposed.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

DUTY TO COOPERATE

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service and, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance the application was acceptable as submitted.

RECOMMENDATION

Taking the above into account the application is recommended for approval subject to the following conditions.

CONDITIONS

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

No development shall take place other than in complete accordance with the details shown on the submitted plans (inclusive of levels), numbers 23-25/50/A/42; 23-25/50/A/43; 23-25/50/A/44; 23-25/50/A/45; 23-25/50/E/161; 23-25/50/E/162; 23-25/50/E/163; 23-25/50/E/164; 23-25/50/E/165; 23-25/50/E/166; 23-25/50/E/167; 23-25/50/E/168; 23-25/50/A/43; 23-25/50/O/41; 23-25/50/O/42; 23-25/50/O/43; 23-25/50/O/44; 23-25/50/O/45; 23-25/50/O/61; 23-25/50/O/64; 23-25/50/O/66; 23-25/50/O/68; 23-25/100/A/00; 23-25/100/A/01; 23-25/100/A/02; 23-25/100/A/03; 23-25/100/A/04; 23-25/100/O/00; 23-25/100/O/01; 23-25/100/O/02; 23-25/100/O/03; 23-25/100/X/00; 23-25/100/A/00; 23-25/100/A/01; 23-25/1250/A/00; Design & Access Statement (including the materials, window, railing, and landscaping details set out at Appendix B); CCTV & Security Lighting Layout; Flood Risk Assessment; Q28 Topsoil and Ameliorants schedule; Q31 External Planting schedule; and Q35 Landscape Maintenance schedule.

Reason: For the avoidance of doubt.

The materials to be used on the external surfaces of the development hereby permitted shall be as set out within Appendix B of the approved Design and Access Statement (see condition 2).

Reason: In the interest of visual amenity and the character or appearance of the conservation area.

None of the residential units hereby permitted shall be occupied until the space shown on the approved plans for the storage of bicycles has been provided in full. Once provided, the space shall thereafter be retained for the storage of bicycles in association with the approved residential use.

Reason: To ensure that facilities are available for the parking of bicycles so as to encourage access to the site by means other than private motor car.

Prior to the first use of any commercial unit for A3 purposes full details of kitchen extraction/ventilation/refrigeration/air conditioning systems, including methods of sound attenuation and odour abatement and control shall be submitted to the Local Planning Authority in writing for approval. The approved systems shall be installed prior to the first use of the premises and retained in full working order thereafter.

Reason: In the interests of the amenities of nearby residents.

The A3 commercial use hereby permitted shall not be open to customers outside the following times 09:00 to 21:00.

Reason: In the interests of the amenities of nearby residents.

The facilities for storage and collection of refuse and recycling shown on the approved plans shall be provided prior to the development being first occupied and thereafter retained for this purpose in perpetuity.

Reason: To ensure adequate means of refuse collection in the interests of the amenities of residents.

No live or recorded music shall be played and no external speakers used in the external areas created by the development hereby approved.

Reason: In the interests of the amenities of nearby residents.

The new pedestrian access route from Tontine Street to Mill Bay hereby permitted shall not be open to members of the public outside the following times 07:00 to 20:00. The gate will be operated through an electronic access-control fob system and locking of the gate will be automatically timed and controlled.

Reason: In the interest of security and the amenities of residents.

Security measures, lighting, secure access and CCTV shall be provided in accordance with the agreed CCTV & Security Lighting Layout (see condition 2) prior to the first use of the development hereby approved.

Reasons: In the interest of amenity and in accordance with the details of the application.

The scheme of tree planting and landscaping shown on the submitted plans and within the approved Design & Access Statement shall be carried out prior to occupation of the development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

1. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include

- A survey of the extent, scale and nature of contamination
- An assessment of the potential risks to
- Human health
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Ground waters and surface waters,
- Ecological systems,
- Archaeological sites and ancient monuments and
- An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

3. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks

to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

4. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

5. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To protect the environment and human health against contamination and pollution.

INFORMATIVE

The Environment Agency has highlighted the potential for previously-unknown culverted watercourses or drains on land to the rear. Excavations on site should be carried out carefully and the EA informed if any such watercourses or drains are discovered so that their extent and importance can be assessed.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

The applicant is advised to contact Kent Police to discuss the potential for on-site measures to ensure compliance with Crime Prevention Through Environmental Design (CPTED). The relevant officers can be contacted on pandcr@kent.pnn.police.uk.

With regard to condition 12 (contamination) the applicant is advised to consider the comments of Dr Linda Horsley in her letter dated 16 September 2015 (see file for application ref. Y15/0590/SH) in which it is acknowledged that the site is unlikely to be contaminated but further information in respect of ground gases and landscaped areas is requested.

Case Officer: Ross McCardle

Report and draft decision notice completed and passed to senior officer.

Name: Ross McCardle Position: Principal Planner Date: 23.04.20

Report and draft decision notice agreed and passed to admin to issue decision.

Name: Helena Payne Position: Development Management Team Leader Date: 28 - 4 - 2020

Recommended Conditions (12)

1

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2

No development shall take place other than in complete accordance with the details shown on the submitted plans (inclusive of levels), numbers 23-25/50/A/42; 23-25/50/A/43; 23-25/50/A/44; 23-25/50/A/45; 23-25/50/E/161; 23-25/50/E/162; 23-25/50/E/163; 23-25/50/E/164; 23-25/50/E/165; 23-25/50/E/166; 23-25/50/E/167; 23-25/50/E/168; 23-25/50/A/43; 23-25/50/O/41; 23-25/50/O/42; 23-25/50/O/43; 23-25/50/O/44; 23-25/50/O/45; 23-25/50/O/61; 23-25/50/O/64; 23-25/50/O/66; 23-25/50/O/68; 23-25/100/A/00; 23-25/100/A/01; 23-25/100/A/02; 23-25/100/A/03; 23-25/100/A/04; 23-25/100/O/00; 23-25/100/O/01; 23-25/100/O/02; 23-25/100/O/03; 23-25/100/X/00; 23-25/100/A/00; 23-25/100/A/01; 23-25/1250/A/00; Design & Access Statement (including the materials, window, railing, and landscaping details set out at Appendix B); CCTV & Security Lighting Layout; Flood Risk Assessment; Q28 Topsoil and Ameliorants schedule; Q31 External Planting schedule; and Q35 Landscape Maintenance schedule.

Reason: For the avoidance of doubt.

3

The materials to be used on the external surfaces of the development hereby permitted shall be as set out within Appendix B of the approved Design and Access Statement (see condition 2).

Reason: In the interest of visual amenity and the character or appearance of the conservation area.

4

None of the residential units hereby permitted shall be occupied until the space shown on the approved plans for the storage of bicycles has been provided in full. Once provided, the space shall thereafter be retained for the storage of bicycles in association with the approved residential use.

Reason: To ensure that facilities are available for the parking of bicycles so as to encourage access to the site by means other than private motor car.

5

Prior to the first use of any commercial unit for A3 purposes full details of kitchen extraction/ventilation/refrigeration/air conditioning systems, including methods of sound attenuation and odour abatement and control shall be submitted to the Local Planning Authority in writing for approval. The approved systems shall be installed prior to the first use of the premises and retained in full working order thereafter.

Reason: In the interests of the amenities of nearby residents.

6

The A3 commercial use hereby permitted shall not be open to customers outside the following times 09:00 to 21:00.

Reason: In the interests of the amenities of nearby residents.

7

The facilities for storage and collection of refuse and recycling shown on the approved plans shall be provided prior to the development being first occupied and thereafter retained for this purpose in perpetuity.

Reason: To ensure adequate means of refuse collection in the interests of the amenities of residents.

8

No live or recorded music shall be played and no external speakers used in the external areas created by the development hereby approved.

Reason: In the interests of the amenities of nearby residents.

9

The new pedestrian access route from Tontine Street to Mill Bay hereby permitted shall not be open to members of the public outside the following times 07:00 to 20:00. The gate will be operated through an electronic access-control fob system and locking of the gate will be automatically timed and controlled.

Reason: In the interest of security and the amenities of residents.

10

Security measures, lighting, secure access and CCTV shall be provided in accordance with the agreed CCTV & Security Lighting Layout (see condition 2) prior to the first use of the development hereby approved.

Reasons: In the interest of amenity and in accordance with the details of the application.

11

The scheme of tree planting and landscaping shown on the submitted plans and within the approved Design & Access Statement shall be carried out prior to first occupation of the development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

12

1. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include

- A survey of the extent, scale and nature of contamination
- An assessment of the potential risks to
- Human health
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Ground waters and surface waters,
- Ecological systems,
- Archaeological sites and ancient monuments and
- An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

3. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken,

proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning

Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

4. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

5. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To protect the environment and human health against contamination and pollution.

Suggested Informatives (4)

1

The Environment Agency has highlighted the potential for previously-unknown culverted watercourses or drains on land to the rear. Excavations on site should be carried out carefully and the EA informed if any such watercourses or drains are discovered so that their extent and importance can be assessed.

2

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

3

The applicant is advised to contact Kent Police to discuss the potential for on-site measures to ensure compliance with Crime Prevention Through Environmental Design (CPTED). The relevant officers can be contacted on pandcr@kent.pnn.police.uk.

4

With regard to condition 12 (contamination) the applicant is advised to consider the comments of Dr Linda Horsley in her letter dated 16 September 2015 (see file for application ref. Y15/0590/SH) in which it is acknowledged that the site is unlikely to be contaminated but further information in respect of ground gases and landscaped areas is requested.