

**NOTIFICATION OF DECISION OF
THE LOCAL PLANNING AUTHORITY**

Date of Decision: 10 February 2023



Email: planning@folkestone-hythe.gov.uk

Mr and Mrs Dowle
C/o Mr Alex Richards
Holloway
The Tramway Stables
Rampart Road
Hythe
CT21 5BG

TOWN AND COUNTRY PLANNING ACT 1990

Application Number: 22/0284/FH

Proposal: Demolition of existing dwelling and erection of replacement dwelling.

Site Location: Abbotswood, Fishers Lane, Stelling Minnis, Canterbury, CT4 6BJ

DECISION: APPROVE WITH CONDITIONS in accordance with the planning application and plans.

Subject to the following conditions:

- 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 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans:

100-001 Rev R0 Site Location Plan
100-002 Rev R0 Existing Site Plan
100-003 Rev R0 Existing GA Plan
100-004 Rev R0 Existing Dwelling – Ground Floor Plan
100-005 Rev R0 Existing Dwelling – First Floor Plan
100-006 Rev R0 Existing Dwelling – Elevations 1 of 2
100-007 Rev R0 Existing Dwelling – Elevations 2 of 2
100-008 Rev R0 Current Situation
100-009 Rev R0 Existing Site Section A
100-010 Rev R0 Existing Site Section B
100-011 Rev R0 Existing & Proposed Block Plan

200-001 Rev R0 Proposed Site Plan
200-010 Rev R0 Proposed Lower Ground Floor
200-011 Rev R0 Proposed Ground Floor Plan
200-012 Rev R0 Proposed First Floor Plan
200-013 Rev R0 Proposed Roof Plan
200-021 Rev – Proposed Elevations 2 of 2
200-020 Rev – Proposed Elevations 1 of 2
200-030 Rev R0 Proposed Section
Planning Statement 31366 February 2022
Design & Access Statement 21.127_V1

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Places and Policies Local Plan.

- 3 Within one month of first occupation of the dwelling hereby permitted the existing dwelling on the site shall be demolished and all materials which are not proposed for reuse within the site shall be removed from the site and the site left in a tidy condition.

Reason: The erection of a dwelling is only acceptable within this location on the basis that it replaces the existing dwelling on the site. The retention of two dwellings on this site would be contrary to policy CSD3 of the Core Strategy 2022 and policy HB5 of the Places and Policies Local Plan Adopted 2020.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within Class A of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over future development, to ensure any additions reflect the architectural detailing of the permitted dwelling and do not detract from the visual character of the surrounding countryside in accordance with policy CSD3 of the Core Strategy 2022 and policy HB5 of the Places and Policies Local Plan Adopted 2020.

- 5 The recommendations as set out within the Bat Mitigation Measures, as detailed in paragraph 5.3 and 5.4 of the Ecological Impact Assessment, David Archer Associates, September 2022, along with measures to enhance the site for bats and bat roosting features as detailed on the site plan within Appendix 7 of the Ecology Report, shall be implemented in full, and shall be thereafter retained in perpetuity. The mitigation strategy must be implemented as approved unless varied by a European Protected Species (EPS) license issued by Natural England.

Reason: In the interest of enhancing ecology and biodiversity.

- 6 No further development shall take place, until a Precautionary Method Statement has been submitted to and approved in writing by the local planning authority. The content of the Precautionary Method Statement shall include the:

- a) Detailed working methods necessary to avoid the killing or injury of reptiles, foraging and commuting bats, dormice, breeding birds, and to avoid the spread of any invasive species, and to protect trees; as detailed in section 5 of the Ecological Impact Assessment, David Archer Associates, September 2022;
- b) Extent and location of proposed works, shown on appropriate scale maps and plans;
- c) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction and taking into consideration the active and the sensitive periods for these animal groups;
- d) Persons responsible for implementing the works, including times during site clearance/ construction when specialist ecologists need to be present on site to undertake / oversee works;
- e) Use of protective fences, exclusion barriers and warning signs (if needed);

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In the interest of enhancing ecology and biodiversity.

- 7 Within 3 months of the date of this decision, an Ecological Enhancement Plan(s) detailing ecological enhancements and timeframe for implementation (based with the recommendations outlined in the Ecological Impact Assessment, David Archer Associates, September 2022) shall be submitted to and approved in writing by, the Local Planning Authority. Upon approval works shall be implemented in full and retained in perpetuity.

Reason: In the interest of enhancing ecology and biodiversity.

- 8 If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. 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 ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

- 9 Works shall not commence on the proposed development until details of the foul drainage strategy, including discharge volumes and method, is submitted to, and approved in writing by, the local planning authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy

Framework.

- 10 The development hereby approved shall be carried out in accordance with the details of materials as specified in the application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

- 11 No external lighting shall be fixed and/or installed on site without details having first been submitted, and agreed in writing by the Local Planning Authority.

Reason: In the interests of the beauty of the Kent Downs Area of Outstanding Natural Beauty.

- 12 Prior to completion of the development, details demonstrating that the dwelling hereby permitted shall use no more than 110 litres of water per person per day have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as agreed.

Reason: In the interest of sustainable development and minimising water consumption.

- 13 Prior to first occupation of the development hereby approved, details of the boundary treatments to be erected on the development shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason:
In the interest of visual amenity.

- 14 The parking area shown on the submitted plan shall be provided and made available prior to the first occupation of the dwelling hereby approved, shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: In the interests of highway safety and convenience.

- 15 Prior to the first occupation of the dwelling hereby permitted, details of the cycle parking space(s) (no.1 cycle parking space per bedroom) shall be provided, in accordance with specifications and in location(s) that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of sustainable development and reducing carbon emissions.

- 16 Prior to the first occupation of the dwelling hereby permitted, one electric vehicle charging point shall be provided, in accordance with specifications

and in location(s) that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of sustainable development and reducing carbon emissions.

- 17 Prior to first occupation of the development hereby approved, full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

- 18 Upon completion of the approved landscaping scheme, any trees or shrubs that are 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, and within whatever planting season is agreed.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

Informatives and notes

- 1 It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

- 2 All applications to the LPA involving non-mains foul drainage should include all relevant information on foul drainage proposals:
<https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

Any foul drainage discharges to the environment in this area may require an Environmental Permit, unless it meets the General Binding Rules for small sewage discharges: Small sewage discharges in England: general binding rules - GOV.UK (www.gov.uk) Discharges to surface water and groundwater: environmental permits - GOV.UK (www.gov.uk).

- 3 It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

In determining this planning application, the Council has had due regard for all relevant matters and particularly the National Planning Policy Framework. This includes the duty to work positively with the applicant to resolve potential issues and seek acceptable solutions.

This decision relates ONLY to the requirements of Town and Country Planning Act 1990. Separate determinations are required for other aspects of the planning regime, building regulations and environmental legislation. Any other permissions must be obtained separately from the relevant body.

The Council as Local Planning Authority expects the above Conditions to be complied with promptly. Where Conditions require details or other matters to be approved by the Council prior to commencement or occupation of the development, these must be submitted to the Council for its consideration well in advance, to ensure that there is no delay or loss to your project. Failure to observe the Conditions may result in enforcement action by the Council

A handwritten signature in black ink, appearing to be 'H. G. G.', written in a cursive style.

Issued by the Chief Planning Officer

This decision notice consists of 7 pages

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority then you may be able appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so promptly.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate.

The Inspectorate's website also gives details of timescales and the processes which would apply to this type of application.