

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

Date of Decision: 11 October 2024



Email: planning@folkestone-hythe.gov.uk

Mr & Mrs Masters
C/o Mr Phil Ward
Ingrain Architecture Ltd
The Grain Store
Faversham
ME13 9LY

TOWN AND COUNTRY PLANNING ACT 1990

Application Number: 24/0424/FH

Proposal: Replacement of existing dwelling & associated landscaping works.

Site Location: East View, Dungeness Road, Dungeness, Romney Marsh, TN29 9NE

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 except in complete accordance with the following approved drawings and documents:

Site location plan - 23109-PL-(00)-0100 Rev 1
Proposed block plan - 23109-PL-(00)-0120 Rev 1
Proposed floor and roof plan - 23109-PL-(00)-0125 Rev 1
Proposed elevations - 23109-PL-(00)-0130 Rev 1
Proposed sections - 23109-PL-(00)-0135 Rev 1
Proposed bin and bike store - 23109-PL-(00)-0140 Rev 1
Proposed artist impression view 1 - 23109-PL-(00)-0145 Rev 1
Proposed artist impression view 2 - 23109-PL-(00)-0150 Rev 1
Proposed artist impression view 3 - 23109-PL-(00)-0155 Rev 1
Proposed construction management plan - 23109-PL-(00)-0160 Rev 1

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 No development beyond the construction of foundations shall take place until samples of the external finishing materials to be used on the development hereby permitted have been 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.

- 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 parking area shown on the submitted plan shall be provided and made available prior to the first occupation of the any 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.

- 6 Prior to the first occupation of the dwelling hereby permitted, the electric vehicle charging point which provides for at least 7KW shall be installed in the location set out in the approved plans. The charging point shall be retained in working order in perpetuity.

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

- 7 No development shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by Folkestone & Hythe District Council. The CEMP shall accord with the measures outlined in section 5 of the Ecological Impact Assessment

associated with this application (Corylus Ecology, March 2024) and include full details of the following:

- I. measures to avoid degradation of vegetated shingle;
- II. measures to avoid impacts to individual reptiles;
- III. measures to avoid impacts to nesting birds;
- IV. measures to avoid impacts to bats and other mammals; and
- V. measures to reduce any effects of artificial lighting;
- VI. the parking of vehicles of site operatives and visitors;
- VII. loading and unloading of plant and materials;
- VIII. storage of plant and materials used in constructing the development;
- IX. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- X. wheel washing facilities;
- XI. measures to control the emission of dust and dirt during construction;
- XII. a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: In the interests of the amenities of the area, highway safety and convenience and to ensure that any adverse environmental impacts of development activities are mitigated in line with the NPPF 2023, 186(a).

- 8 Prior to first occupation, details of a sensitive external lighting scheme to avoid light spill into the Dungeness statutorily designated sites shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the siting and design of any lighting together with the spread and intensity of the lighting. These measures will thereafter be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To limit the impact of light pollution from artificial light on Dungeness statutory designated sites in accordance with the NPPF 2023, paragraph 191c

- 9 A Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority prior to first occupation of the development. The LEMP shall accord with the measures outlined in section 5.2 of the submitted Ecological Impact Assessment (Corylus Ecology, March 2024) and section 3 of the submitted Biodiversity Net Gain report (Corylus Ecology, March 2024) associated with this application and include full details of the following:
- restoration of degraded vegetated shingle;
 - creation of biodiverse green roofs;
 - sowing of plants which are of benefit to the Sussex emerald moth;
 - provision of two externally-mounted woodstone bird boxes; and
 - provision of two woodstone insect blocks/insect nesting aids.

The approved plan will be implemented in accordance with the approved details and retained for the lifetime of the development.

Reason: to minimise impacts on and provide net gains for biodiversity in line with the NPPF 2023 180(d).

- 10 A biodiversity monitoring strategy shall be approved in writing by the Local Planning Authority prior to first occupation of the development. The purpose of the strategy shall be to confirm that the restoration and creation of vegetated shingle habitats is achieved as outlined in the Biodiversity Net Gain report associated with this application (Corylus Ecology, March 2024). The content of the strategy shall include the following:

- Identification of adequate baseline conditions prior to the start of development;
- Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged;
- Methods for data gathering and analysis;
- Timing and duration of monitoring;
- Responsible persons and lines of communication;
- Review, and where appropriate, publication of results and outcomes.

Reports describing the results of monitoring shall be submitted to the Local Planning Authority at intervals identified in the strategy. These reports shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: To ensure that the proposed development delivers its intended biodiversity gains.

- 11 (A) No development shall take place until a desk top study has been 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.

(B) If the 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 but not including the demolition of the existing buildings. 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;

(ii) 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

(iii) 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 Land contamination risk management (LCRM) Guidance published on gov.uk (<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>)

(C) If investigation and risk assessment shows that remediation is necessary, no development other than the demolition of the existing buildings shall take place until 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 has been submitted to and approved in writing by the Local Planning Authority. 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.

(D) No development other than demolition of the existing buildings shall take place until a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation has been 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.

(E) 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.

- 12 No development beyond the construction of foundations shall take place until details to demonstrate 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 No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works, including boundary treatments (inclusive of colour, materials) 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 and encouraging wildlife and biodiversity.

- 14 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

- 15 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

- 16 Construction of the dwelling hereby permitted shall not commence until details of the proposed means of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure proper drainage and avoid pollution of the area surrounding the site

- 17 No construction work or deliveries in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0800 – 1800 hours
Saturdays 0800 – 1300 hours

unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

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 read 'H. G. G.', is positioned above the text 'Issued by the Chief Planning Officer'.

Issued by the Chief Planning Officer

This decision notice consists of 8 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.