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Folkestone and Hythe District Council
c/o Mr D Shore
Folkestone and Hythe District Council
Civic Centre
Castle Hill Avenue
Folkestone
CT20 2QY

Town and Country Planning Act 1990 (as amended)
Town & Country Planning (Development Management Procedure) (England) Order 2015

APPLICATION NUMBER DOV/16/01450

NOTIFICATION OF GRANT OF Outline Planning Permission

Proposal: Outline application for the erection of 19 dwellings with some matters reserved
Location: Land adjacent to Fernfield Lane, Hawkinge, CT18 7AW

TAKE NOTICE that Dover District Council, the District Planning Authority under the Town and Country Planning Act, **HAS GRANTED** Outline Planning Permission for the proposal in accordance with the application and accompanying plans received on 14/12/16

SUBJECT TO SUCH CONDITIONS AS ARE SPECIFIED hereunder together with the reasons for their imposition:-

- 1 Approval of the details of the landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the local planning authority in writing before development commences and the development shall be carried out as approved.
Reason: To comply with the provisions of the Town and Country Planning (General Development Procedure) Order and the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (or any Order/legislation revoking or re-enacting that Order/ legislation with or without modification).

- 2 Application for approval of the Reserved Matters shall be made to the local planning authority not later than the expiration of 3 years from the date of this permission.
Reason: To comply with the provisions of the Town and Country Planning (General Development Procedure) Order and the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (or any Order/legislation revoking or re-enacting that Order/ legislation with or without modification).
- 3 The development hereby permitted shall be begun not later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.
Reason: To comply with the provisions of the Town and Country Planning (General Development Procedure) Order and the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (or any Order/legislation revoking or re-enacting that Order/ legislation with or without modification).
- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Block Plan PR58.03 Rev A received on 15.10.2018
 - Existing and Proposed Site Sections PR58.05 Rev A received on 15.10.2018
 - Existing and Proposed Site Sections PR58.04 Rev A received on 15.10.2018
 - Site Location Plan PR58.01 received on 14.12.2016
 - Existing Block Plan PR58.02 received on 14.12.2016
 - Noise Assessment received on 15.10.2018
 - Letter dated 12.10.2018 received on 15.10.2018
 - Design and Access Statement received on 14.12.2016
 - Planning Statement received on 14.12.2016
 - Pre-development Tree Survey and Report received on 14.12.2016
 - Landscape and Visual Impact Appraisal received on 14.12.2016
 - Ecological Impact Assessment Report received on 14.12.2016
 - Transport Statement received on 14.12.2016
 - Air Quality Assessment received on 22.08.2017
 - Flood Risk Assessment received on 14.12.2016
 - Stage 1 Safety Audit received on 26.04.2017
 - Footpath Visibility Splays 668/207 received on 26.04.2017
 - Alternative Footpath Sections 668/210 received on 26.04.2017
 - Footpath Longsection 668/208 received on 26.04.2017
 - Footpath Layout 668/209 received on 26.04.2017
 - Footpath Layout 668/206 received on 26.04.2017
 Reason: For the avoidance of doubt.

- 5 No development approved by this planning permission shall commence until an environmental management strategy to deal with the risks associated with potential contamination risks of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components: 1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

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 178 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class/cause deterioration of a protected area (Source Protection Zone 2).

- 6 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.

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 178 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class/cause deterioration of a protected area (Source Protection Zone 2).

- 7 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. Any material imported to the site shall be laboratory certified as suitable for use.
Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that any remediation of the site is complete. This is in line with paragraph 178 of the National Planning Policy Framework.
- 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
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 from previously unidentified contamination sources at the development site in line with paragraph 178 of the National Planning Policy Framework.
- 9 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
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 caused by mobilised contaminants in line with paragraph 178 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class/cause deterioration of a protected area (SPZ2) and groundwater body.
- 10 Development shall not be commenced until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
Reason: The protection of the site and surrounding land from flood risk.

- 11 No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
- Reason: The protection of the site and adjoining land from flood risk.
- 12 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of: vehicle routing to the site; timing of HGV movements; loading and unloading of plant and materials; on site parking and turning facilities for construction workers and deliveries; temporary access arrangements; measures to prevent dirt or other debris from being deposited upon the public highway; hours of construction working; machine operated plant to be used; temporary lighting; measures to control the emission of dust and dirt during construction; and temporary hoarding/fencing. The approved Construction Management Plan shall be fully complied with throughout the construction period.
- Reason: These details are required prior to the commencement of the development in the interests of minimising the impact of the development during the construction phase.
- 13 Use of a bound surface for the first 5 metres of each private access from the edge of the adopted highway.
- Reason: In the interests of highway safety.
- 14 The footway connection to The Street shall be completed as shown on Drawing number 668/209 dated 26th April 2017 prior to the use of the site commencing.
- Reason: In the interests of pedestrian safety.
- 15 Prior to first occupation of the dwellings the provision of a footway along the western part of the Fernfield Lane frontage shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented in accordance with the approved plan.
- Reason: In the interests of pedestrian safety.
- 16 The proposed roads, footways, footpaths, verges, junctions, street lighting, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, driveway gradients, car parking, turning facilities, cycle parking, highway drainage, street lighting and street furniture to be laid out and constructed in accordance with details to be submitted to and approved in writing by the local planning authority prior to first occupation of the dwellings.
- Reason: In the interests of highway safety and the proper planning of the proposed development.

- 17 Prior to the use of the site commencing the visibility splays shown in the submitted Transport Statement shall be provided and maintained with no obstructions over 1 metre above carriageway level within the splays and thereafter shall be so maintained at all times.
Reason: In the interests of highway safety.
- 18 Prior to the use of the site commencing pedestrian visibility splays of 1 metre x 1 metre behind the footway on both sides of each private access with no obstructions over 0.6m above footway level shall be provided and the splays shall thereafter be maintained at all times.
Reason: In the interests of highway and pedestrian safety.
- 19 The noise mitigation and sound insulation scheme identified in the Noise Assessment received on 15th October 2018 shall be fully implemented (unless otherwise agreed in writing with the local planning authority) before the first occupation of the dwellings in order to include:
- A contiguous line of housing and garages to the north east of the site, with the roof-ridges parallel to the site boundary as demonstrated in figure 2 of the report.
 - No residential accommodation in the proposed roof spaces
 - All properties to be fitted with thermal double glazing windows with a typical sound reduction performance of at least 25dB Rw + Ctr.
 - Rooms of the houses to the north east of the site facing shall be fitted with higher specification glazing providing a sound reduction performance of at least 32dB Rw + Ctr. The report suggests double-glazing of 6mm glass – nominal cavity – 6.4mm acoustic laminated glass.
 - The elevations facing the north east of the site boundary shall be fitted with acoustic vents with a performance of at least 40dB Dn,e,w.
- Reason: To protect future residents from the potential impact of noise from the nearby site and to protect business interests.
- 20 Prior to the reserved matters application a scheme, programme and timetable for the proposed means of disposal of foul water discharge from the development including the improvement and delivery of infrastructure reinforcement works to the existing foul sewerage system on and off-site has been submitted to and approved in writing by the local planning authority (in consultation with Southern Water). The scheme shall be fully implemented, verified and operational, as approved, prior to occupation of the dwellings approved by this permission and maintained thereafter.
Reason: The mains foul sewerage capacity is insufficient locally and would need suitable upgrading to ensure it would not exacerbate potential flooding. Such measures need to be implemented prior to occupation and/or any increase in flows.

- 21 The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by putting in place the following measures prior to commencement of the development:
- (i) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2005 (or as may be subsequently amended). Such tree protection measures shall remain throughout the period of construction
 - (ii) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
 - (iii) No materials or equipment shall be stored within the spread of the branches or root protection area of the trees and other vegetation;
 - (iv) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or root protection areas of the trees and other vegetation at any time;
 - (v) Ground levels within the spread of the branches or root protection areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level.
 - (vi) No trenches for underground services shall be commenced within the root protection areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the local planning authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

These measures shall be retained as such for the duration of the construction period.
Reason: These details are required prior to commencement to allow the proper consideration of the impact of the proposed development on the amenity value of the existing site and to protect and enhance the appearance and character of the site and locality.

- 22 No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority. All tree works shall be carried out in accordance with BS 3998:2010 (or as may be subsequently amended). If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

In this condition a "retained tree or shrub" is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and the above paragraphs shall have effect until the expiration of 5 years from the date of the occupation of the dwellings.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 23 No development shall take place above ground until a scheme for the enhancement of biodiversity on the site in accordance with the Ecological Impact Assessment has been submitted to and approved in writing by the local planning authority. The approved scheme shall take account of any protected species that have been identified on the site and include a timetable for implementation. The development shall be carried out in accordance with the approved details.

Reason: These details are required prior to commencement to protect and enhance existing species and habitats on the site in the future.

- 24 No development shall take place, including demolition and site clearance, until detailed surveys of wildlife habitats and population surveys of species identified have been submitted to and approved in writing by the local planning authority. The survey results shall be used to inform an appropriate mitigation strategy and timetable for each species, illustrating how the populations shall be maintained, enhanced or monitored. The strategy shall be submitted to and approved in writing by the local planning authority and the approved measures shall be carried out in accordance with the agreed timetable.

Reason: These details are required prior to commencement to protect the existing populations of species and areas of wildlife habitats and to improve habitat on the site.

- 25 The development shall not commence until a scheme for the provision of affordable housing on the site as part of the development hereby permitted has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 to the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- (i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord involved;
- (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: These details are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 26 No development shall take place until full details of existing and proposed finished floor levels and sections through the building, including levels of thresholds and building heights have been submitted to and approved in writing by the local planning authority. The proposed dwellings shall be restricted to two storeys in height only and no accommodation of any form shall be permitted in the roofspace. The development shall be carried out in accordance with the approved details.
Reason: The protection of the special character of the landscape and scenic beauty of the Area of Outstanding Natural Beauty and the protection of future residents from potential noise.
- 27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Classes B and C of Part 1 of Schedule 2 of that Order.
Reason: To enable the local Planning authority to regulate and control the development of land in the interests of protecting the character and amenities of the locality.
- 28 Prior to the commencement of development a Method Statement shall be submitted to and approved in writing by the local planning authority to address the presence, management and removal of Japanese Knotweed. The approved scheme shall be implemented prior to commencement of building operations.
Reason: The protection of the site and area from an invasive and contaminated species.

In reaching the decision to grant planning permission, the Local Planning Authority has taken into account the requirement in Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application in accordance with the Development Plan, the policies of the Development Plan and all other material considerations. Policies are referred to in conditions where appropriate.

In accordance with paragraph 38 of the NPPF, Dover District Council (DDC) takes a positive and proactive approach to development proposals focused on solutions. DDC works with applicants/agents in a positive and proactive manner by: Offering a pre-application advice service; 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:

- 1 The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- 2 The application was considered by the Planning Committee where the applicant/agent has the opportunity to speak to the committee and promote the application.

Dated: 21/12/2018

DISTRICT COUNCIL OFFICES
WHITE CLIFFS BUSINESS PARK
DOVER KENT CT16 3PJ
TEL:DOVER (01304) 821199

Signed:

For Mike Ebb
Head of Regeneration & Development

YOUR ATTENTION IS DRAWN TO THE REQUIREMENTS OF THE CONDITIONS SET OUT IN THIS DECISION NOTICE. THE PLANNING PERMISSION IS CONDITIONAL ON COMPLIANCE WITH THESE REQUIREMENTS. SOME CONDITIONS MAY REQUIRE THE SUBMISSION AND APPROVAL OF FURTHER DETAILS BEFORE ANY WORK IS COMMENCED AND SUCH SUBMISSIONS WILL BE SUBJECT TO A FURTHER FEE.

ANY CHANGE TO THE APPROVED PLANS IS LIKELY TO REQUIRE A FURTHER PLANNING PERMISSION.

FAILURE TO COMPLY WITH THESE REQUIREMENTS MAY LEAD TO LEGAL ACTION BY THE DISTRICT COUNCIL AND /OR MEAN THAT THE PERMISSION IS VOID.

YOUR ATTENTION IS ALSO DRAWN TO THE NOTES AND ANY LETTER ACCOMPANYING THIS NOTICE

Appeals to the Secretary of State

- * If you are aggrieved by the decision of the Council to refuse permission for the proposed development, or to grant permission subject to conditions, you may wish to discuss with the Council whether a revised proposal would be likely to succeed; the District Council is likely to charge for such discussions. Otherwise you may appeal to the First Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you wish to appeal, you must do so **within 6 months** of the date of this notice **or within 12 weeks of this date if your application concerned is householder development or minor commercial**. **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel: 0303 444 5000, or online at www.planningportal.gov.uk/pcs.**

- * The Secretary of State has power to allow a longer period for giving notice of an appeal, but he will not be prepared to use this power unless there are extraordinary circumstances which excuse the delay in giving notice of appeal.

- * The Secretary of State need not consider an appeal if it seems to him that the Council could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- * In practice, the Secretary of State does not refuse to consider appeals solely because the Council based its decision on a direction given by him.

Purchase Notices

- * If either the Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- * In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Environmental Statements

- * If you submitted an Environmental Statement, the Local Planning Authority has taken that environmental information into consideration in reaching its decision.

Other Matters

- * Any planning permission or approval granted is confined to permission under the Town and Country Planning Act and the Town and Country Planning (General Development Procedure) Order 2015, and does not negate the need for compliance with any other enactment, bylaw, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be required. This includes the need to apply for Listed Building Consent should the proposal involve the demolition or alteration (internal or external) of, or extension to, a building listed as being of Architectural or Historic Interest, or of any structure built before July 1948 within the curtilage of a listed building, for the total or substantial demolition of any unlisted building if it is situated within a designated conservation area.
- * **You are advised particularly to contact the Building Control Officer at the District Council Offices, White Cliffs Business Park, Dover (01304 821199) to ascertain whether permission is necessary under the Building Regulations. Attention is also drawn in particular to the provisions of Section 53 of the County of Kent Act 1981, which may be applicable, the requirements of the Party Wall Etc Act 1996 concerning notifying affected neighbours and the Housing Act 2004 concerning the adequacy of lighting to habitable rooms. Many species of wildlife and their habitat are protected by law.**
- * Should any change be required to your proposal, however minor, in connection with other legislation or otherwise, a further planning permission is likely to be required to ensure that the development is authorised.

