

Application No: Y19/0704/FH

Location of Site: Highview School, Moat Farm Road, Folkestone, CT19 5DJ

Development: Erection of 30 residential units with access road, footpaths and associated landscaping

Applicant: Folkestone and Hythe District Council

Agent: N/A

Officer Contact: Sue Head

SUMMARY

This report considers whether full planning permission should be granted for the erection of 30 dwellings together with access road, footpaths and associated landscaping at the former Highview School, Moat Farm Road, Folkestone.

The site is in an acknowledged sustainable location within the urban area of Folkestone, which is reflected in its allocation for residential development in the Places and Policies Local Plan. Policy UA8 of the PPLP advises that the site has an estimated capacity of 27 dwellings and lists a number of criteria that the development should meet.

The site is accessed from Moat Farm Road and is irregular in shape, with levels rising towards Downs Road and Mead Road in the east and south east. The proposed houses are set around one main road within the site with some open space in the central part of the site and the existing footpath on the southern side of the site maintained and opened up within the site. The design of the proposed buildings is traditional but the execution is contemporary with yellow bricks, dark weatherboarding and grey roofs.

All the units are proposed to be affordable with a mixture of shared ownership and affordable rent, which will be covered by S106 Agreement.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report and the applicant entering into a S106 legal agreement securing affordable housing, and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary.

1. INTRODUCTION

1.1. The application is reported to Committee because it is a Council application.

2. SITE AND SURROUNDINGS

- 2.1. By way of background, the site is the former site of Highview School. It is no longer required for educational purposes as The Beacon School in Folkestone was built to replace Highview and Foxwood Schools in Seabrook, the latter having had planning permission resolved to be granted in July last year.
- 2.2. The application site measures approximately 0.91ha in area. It is surrounded by existing residential development. The rear boundaries of properties in Downs Road form the eastern boundary, and the rear boundaries of properties in Park Farm Road form the western boundary. On the northern boundary, the site is flanked by the rear gardens of properties in Moat Farm Road. The southern boundary is formed by a pedestrian footpath which runs from Park Farm Road in the west to Black Bull Road in the east. On the opposite side of this footpath towards the west is an area of open space, and to the east, the rear boundaries of properties in Mead Road back onto the footpath. Vehicular access to the site is via Moat Farm Road.
- 2.3. There is a fall in levels across the site of approximately 7m, from south east to north west, with the highest point of the site in the south east corner of the site. In addition to the footpath that forms the southern site boundary, there is also a short public footpath from Moat Farm Road to the site, which runs between no's 1 and 3 Moat Farm Road, and a link on the eastern boundary through to Downs Road. The site originally contained a number of school buildings across the site, mainly in the central part, with three small temporary structures in the south western part of the site. All the buildings have now been demolished and the site is vacant and cleared.
- 2.4. There is a public footpath that runs along the southern boundary of the site (HF 13) and part of the site in the south west is located within Flood Zone 1.
- 2.5. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Full planning permission is sought for the erection of 30 dwellings on the site, including access roads, parking and landscaping. All the dwellings are proposed to be affordable in a mix of 10 no. 2 bed houses, 12 no. 3 bed houses, 2 no. 4 bed houses (1 wheelchair compliant) and 6 no. 1 bed flats (2 wheelchair compliant). 18 semi-detached houses are proposed, with 6 detached and all 6 flats in one block.



Figure 1 Site Layout

- 3.2 Access is proposed from the existing access off Moat Farm Road, and the road runs through the site in a T shape with the houses all fronting it. The dwellings are positioned within the slope of the site, so the access road rises uphill as it enters the site, and then slopes downhill as it runs towards Park Farm Road.
- 3.3 An area of green space is proposed in the central part of the site, and on the southern boundary, where the site is adjacent to the public footpath, it is proposed to open the site to the footpath, incorporating it within the route. A link to the footpath that runs from the eastern boundary of the site to Downs Road, is also proposed. In the south eastern corner, an area of ecological mitigation is proposed. Running north from the ecology area, around the boundary of the site, is a green corridor that separates the site from the surrounding area.
- 3.4 The design of the proposed dwellings is traditional with pitched roofs, but the finish is contemporary, being yellow brick and black weather-boarding. Parking is provided in a mix of on-plot, rear courtyard (for the flats) and on-street. Cycle storage is proposed.

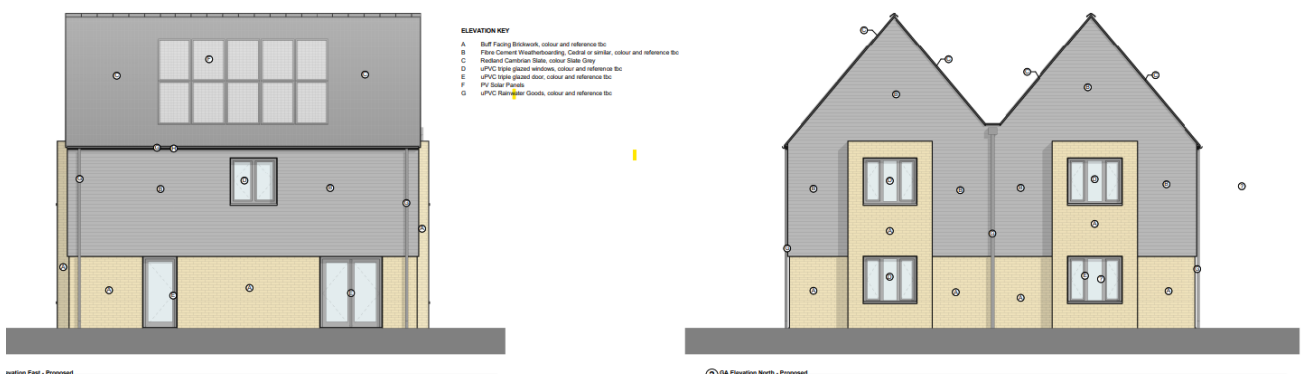
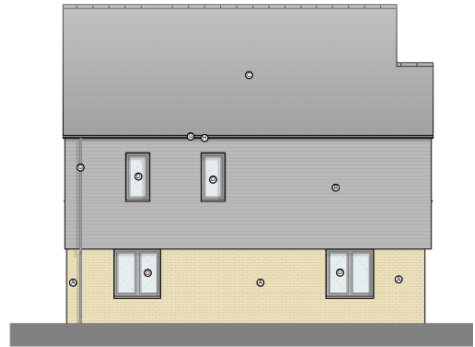


Figure 2 Elevations



04 Elevation South - Proposed

- ELEVATION KEY**
- A Buff Facing Brickwork, colour and reference to:
 - B Fawn Cement Weatherboarding, Colour or similar, colour and reference to:
 - C Redland Caribbean Slate, colour Slate Grey
 - D uPVC Eight glazed windows, colour and reference to:
 - E uPVC Eight glazed door, colour and reference to:
 - F PV Solar Panels
 - G uPVC Timberline Goods, colour and reference to:
 - H Facias, colour to:



04 Elevation West - Proposed

Figure 3 Elevations



Figure 4 CGI street scene



Figure 5 CGI street scene

3.5 The following reports were submitted by the applicant in support of the proposals:

Planning Statement

The Planning Statement sets out the background to the development, assessing the relevant planning history, the policy considerations and the assessment of the key issues. It states that the site is located within the urban area of Folkestone where local planning policy, as set out in Shepway Core Strategy Local Plan, is seeking to deliver the majority of the District's new housing supply. A range of local services, employment opportunities and open space provision is available within walking distance of the site, with the nearest bus stop being only 30 metres from the site. It states that the proposal will make an important contribution to the supply of affordable housing in the District and sets out the housing need within the District. It concludes by saying that the proposal meets the requirements of local and national planning policy, and in particular Policy UA8 of the PPLP, and will make a positive and sustainable contribution to the development of Folkestone and the supply of housing for local residents.

Design and Access Statement

The DAS sets out the background to the site and includes a pre-demolition site survey which shows the location and photos of the school buildings as previously existed. It describes how the layout has been designed to tie into the surrounding residential area forming appropriate ancillary external space including sufficient parking to meet modern living standards. Existing linkages to the surrounding area are proposed to be maintained, but two secluded footpath links are proposed to be closed. Landscaping will be a mix of a variety of soft and hard landscaping across the site with an ecology area in the south eastern part of the site. It states that the proposed layout is as a result of discussions with Planning Officers.

The DAS also states that the proposals will achieve homes that are as near as possible Zero Carbon in their use. This will be achieved by looking at fabric first principles to which the external envelope thermal properties and air-tightness will be increased reducing the need for mechanical heating or cooling. This will be supported by renewable methods where feasible including Air Source Heat Pump, Whole-house MVHR systems, Photovoltaics and Battery Storage Power. Where

these technologies are not feasible to fit now, cabling will be considered for future installation.

Flood Risk and Sustainable Drainage Assessment

This report assesses the risk of flooding at the site, to ensure that the proposals for development are acceptable and that any risk of flooding to the occupants of the proposed residential units is appropriately mitigated. In addition, the NPPF also requires the risk of flooding offsite to be managed, to prevent any increase in flood risk as a result of the development proposals.

The report states that the development is situated in Flood Zone 1 and is a development type that is classified as being 'more vulnerable'. As such the NPPF does not require either the Sequential Test or the Exception Test to be applied. However, because the subject site is at risk of flooding from sources other than rivers and the sea, it is still necessary to examine the impact of all sources of flood risk on the development.

This has been assessed, and it is only the risk of surface water flooding that has shown to have any bearing on the development. However, when the risk was examined in detail, it was demonstrated that with appropriate mitigation, the development will be safe and will not increase flood risk elsewhere.

A SUDs strategy is also proposed to include water butts, permeable surfacing, geocellular storage crate systems and geocellular storage crate soakaways system. The proposed surface water drainage system is based on storing surface water runoff on site to allow the runoff to infiltrate into the underlying geology.

Arboricultural Impact Assessment

This states that the proposal results in the removal of a number of trees due to proposed level changes, layout proposals and lack of suitability for retention within the proposed scheme. The design places buildings outside the Root Protection Areas (RPAs) of the retained trees. Conditions should be imposed to provide adequate tree protection prior to demolition; during the development and service installation phases; no dig surface installation close to T10 and hard and soft landscaping.

Extended Phase 1 Ecological Assessment

This set out to indicate the likelihood of Protected Species and Habitats issues affecting the proposed development; and produce a report of the survey findings and where necessary outline suitable mitigation measures and/or any required additional ecological surveys that may be required prior to and/or during development of the site. It concluded that the main wildlife habitat on the site is improved grassland with a developing sward height which is common in the area and of limited botanical interest. However, the potential for reptile habitat was identified in one part of the site and a survey was recommended. Potential for bat roosting in the buildings was also identified, as was the potential for bird-nesting habitat. Impact on bats should be mitigated through a sensitive lighting proposal and although not a protected species, an active fox earth was found and it was recommended that this piece of the site be excavated outside of the birth and young dependence periods.

A reptile survey was subsequently carried out and a population of slow worms was recorded. Translocation was recommended. A bat survey found that no bats were seen to be roosting within the current buildings or trees on site, but it was found that Common Pipistrelle, Serotine and at least one Myotis species commuted over the old school site. The report recommended that some areas of the site should not be lit at night, and any outside lighting that is required should be of low intensity type with lighting angled down and away from any border areas. To maintain foraging areas and

connectivity for bats at this site, it was recommended that additional native deciduous trees and hedgelines are planted around the boundary.

Four potential receptor sites were subsequently surveyed prior to translocation of the reptile population from the site, and these were assessed in a report dated May 2021. This concluded that Hawkinge Cemetery was the only site large enough to accommodate the population of slow worms from the application site.

The final Ecological Report submitted is a record of the works that have been undertaken. This confirms that the slow worm translocation has taken place

Archaeological Desk Based Assessment

This report focussed on Historic Environmental Record, map regression, aerial photograph and existing site records analyses, with provisional historical contextualisation.

It concludes that on the basis of previous work within the proposed development area and nearby, archaeological remains of regional significance might be extant with the proposed development area. In order to mitigate potential impacts on the archaeological record, a watching brief on all site investigation procedures that entail groundworks, and on all further groundworks associated with the proposed development, is considered an appropriate safeguard. Ceasing of site groundworks to allow more extensive archaeological mitigation (excavation) should be retained as an option, in liaison with the local authority archaeologist, in the event of intact and significant remains being encountered during the works.

Transport Statement

This examines existing transport conditions, trip generation from the proposed development, the parking and internal layout and the impact on the transport network and compliance with transport policy.

The report concludes that the site is in an accessible location and sustainable in terms of transport options. The proposed residential use has been assessed as generating fewer am peak hour and daily vehicle movements than the previous education use and comparable pm peak hour vehicle movements. The impact of the proposed development on the local road network is therefore neutral in terms of vehicle trip generation.

Phase 1 Environmental Statement (Desk Study Report)

This report assesses the ground conditions of the site and the surrounding area. It concludes that it is unlikely but possible that the site has been impacted in terms of ground contamination from its former uses. There are no recorded pollution incidents on the site that could have impacted the site, and it is unlikely that landfill gases are impacting the site from on-site sources although this will need to be verified. The findings also indicated that that contamination impact to the site from the immediate surroundings area is unlikely.

Geo-Environmental Investigation

This report is a more detailed contamination report and includes site investigation, intrusive works and subsequent data assessment. This concludes that based on the principles and definitions outlined under Section 57 of the Environment Act 1995, the site would not be considered to be "Contaminated Land" based on its proposed residential redevelopment with plant uptake end use.

4. RELEVANT PLANNING HISTORY

- 4.1 A number of planning applications were submitted to Kent County Council over the past 30 years that related to the previous educational use of the site. None are considered material to the consideration of this planning application.

5. CONSULTATION RESPONSES

- 5.1 The consultation responses are summarised below.

Several iterations of the plans have been submitted and superseded. The consultation responses below are in response to the final plans to be considered.

Consultees

Folkestone Town Council: Awaited

KCC Highways and Transportation: Further to previous comments, revised plans have been submitted and I have the following observations to make:

1. No plan has been submitted demonstrating the service margins, which are required to ensure they are acceptable.
2. No plan has been submitted demonstrating the adoptable areas, these are required so that our Agreements team and Soft Landscaping team can assess these prior to any recommendation of approval from KCC.
3. I note the submission of a plan demonstrating street lighting columns, however this cannot be assessed fully as it lacks enough detail. In addition I would point out the street lighting columns and soft landscaping (trees) would appear to clash in a few areas. This will need to be resolved.
4. EV charging points - for Plot 3 (the flats) parking spaces 5-10 should all have an EV point and there should be one EV charging point for parking space 14/15, as I believe these are the two spaces for Plot 4, though this has not been detailed on the site plan.
5. I could not find a ground floor plan for Plot 3 (the flats), so I could check the space allocated for bicycle storage. I have pointed out previously that details should be submitted on the storage system to be used, so I can ensure it will fit in the space allocated.
6. Plans submitted previously demonstrating the tracking for an 11.4m vehicle were based on a previous layout, and this should be updated to show the swept path based on the proposed layout (taking into account the change on footpath provision, soft landscaping areas and removal of on-street parking bays).
7. Car parking for plots 5 & 6, 9 & 10 and 11 & 12 - I note a fence is proposed to run between the parking spaces. Where a parking space is enclosed on both sides, a width of 2.9m minimum is required to ensure drivers can exit the vehicle. The spaces here would not appear to meet this dimension - this could be resolved by the removal of the fence. Plots 7 & 8 parking spaces would also appear to be enclosed on both sides. Dimensions should be detailed for clarity.
8. The pedestrian footpath into the site would appear to start/end abruptly (in front of Plot 23) and does not link into any existing footway - this needs to be addressed.

KCC Ecology: Satisfied that no further information is required prior to determination but advise that as the works were completed in October 2021, there is a risk that a fox den or suitable reptile habitat may establish prior to the commencement of works. Therefore if planning permission is granted, recommend a pre-commencement ecological survey is carried out. The following conditions should be included:

- Pre-commencement survey
- Bat sensitive lighting scheme
- Ecological Enhancement Plan
- Management Plan condition wording must include a requirement for the details of the management of the ecological habitat.

KCC Flood and Water Management: No objection subject to condition.

KCC Archaeology: No objection subject to condition.

KCC Public Rights of Way: No objections, subject to Informatives.

Environment Agency: No objection subject to conditions.

Southern Water: No objection subject to condition.

Contamination Consultant: No objection subject to conditions.

Arboricultural Manager: No objection subject to conditions.

Environmental Health: No objection subject to conditions.

NHS: The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution. £25,920 is requested towards the refurbishment, reconfiguration and/or extension of The New Surgery and/or Harbour Medical Practice and/or Guildhall Street Surgery and/or Manor Clinic and/or towards new general practice premises development in the area.

Local Residents Comments

- 5.2 There have been several sets of consultations in response to the initial submission and subsequent amended plans. 56 neighbours directly consulted. 11 letters of objection, and 1 letter neither supporting nor objecting to the application.
- 5.3 I have read all of the letters received. In relation to the first consultation, the key issues are summarised below:

Objections

- Loss of privacy

- The Downs Road footpath is a nuisance
- Over-intensive
- Moat Farm Road is inadequate to serve the development
- Trees should remain on site
- Increase in parking on Downs Road
- Will increase the risk of flooding
- The existing sewer is inadequate
- Insufficient services in the locality
- Increase in people using the footpath in Mead Road
- Loss of wildlife habitat
- Buildings are too high

General Comments

- Confirmation required that the houses will not be made larger once planning permission is granted
- Drawings not clear
- Is it affordable or open market housing?
- Elderly residents in the locality

5.4 In relation to the second consultation, 58 neighbours were consulted. 1 letter received. The key issues are summarised as follows:

- Possible overlooking

5.5 In relation to the third consultation, 50 neighbours consulted. 4 letters received. The key issues are summarised as follows:

Objections

- Impact of development on Moat Farm Road
- Design not in character
- Imposing on properties in Downs Road
- Alleyway to Downs Road will lead to an increase in parking in Downs Road
- Impact from the block of flats on the adjacent property

Support

- Generally support the redevelopment of the site
- Support the incorporation of the small alleyway to Downs Road into the new development

5.6 **Ward Member**

No response received from the Ward Member.

5.7 Responses are available in full on the planning file on the Council's website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. RELEVANT PLANNING POLICY

- 6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Local Plan 2013.
- 6.2 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was submitted to the Secretary of State on 10 March 2020. Inspectors were appointed to examine the plan on 19th March 2020 and public hearings were held from 15th to 18th December 2020, from 5th to 12th January 2021 and from 29th June to 1st July 2021. The Inspectors wrote to the council on 1st July 2021 to state that the Core Strategy Review complies with the duty to cooperate and can be made 'sound' by amendment through main modifications. The Inspectors followed up their initial assessment by letter on 16th July 2021, stating that, subject to main modifications concerning detailed policy wording, they consider that the plan's spatial strategy and overall approach to the district's character areas and settlements is sound. The Inspectors find that the housing requirement is justified and that the Core Strategy Review will provide an adequate supply of housing over the plan period and at least a five year supply of housing land at the point of adoption. In accordance with National Planning Policy Framework (2021) paragraph 48, the policies in the Core Strategy Review should therefore be afforded significant weight, having regard to the Inspectors' outline of main modifications required.
- 6.3 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

UA8 – Highview School, Moat Farm Road, Folkestone

The site is allocated for residential development with an estimated capacity of 27 dwellings.

Development proposals will be supported where:

1. The design includes appropriate links to the local footpath network that connects Park Farm and Black Bull Road and incorporates measures to minimise opportunities for anti-social behaviour;
2. Access is maintained to the existing underground sewerage infrastructure for maintenance and upsizing purposes;
3. Traffic flow and parking provision is assessed to ensure that adequate parking provision is provided so that there are no detrimental parking impacts on Moat Farm Road; and
4. The archaeological potential of the land is properly considered and appropriate archaeological mitigation measures are put in place.

- HB1 – Quality Places through Design
- HB2 – Cohesive Design
- HB3 – Internal and External Space Standards
- HB4 – Self-build and Custom Housebuilding Development
- E8 – Fibre to the Premises
- C1 – Creating a Sense of Place

- C3 – Provision of Open Space
- C4 – Children’s Play Space
- T1 – Street Hierarchy and Site Layout
- T2 – Parking Standards
- T5 – Cycle Parking
- NE2 – Biodiversity
- NE3 – Protecting the District’s Landscape and Countryside
- NE5 – Light Pollution and External Illumination
- NE7 – Contaminated Land
- CC1 – Reducing Carbon Emissions
- CC2 – Sustainable design and construction
- CC3 – Sustainable Drainage Systems
 - HW2 – Improving the Health and Wellbeing of the Local Population and Reducing Health Inequalities
- HW3 – Development that Supports Healthy, Fulfilling and Active Lifestyles
- HW4 – Promoting Active Travel
- HE2 – Archaeology

Core Strategy Local Plan (2013)

- DSD – Delivering Sustainable Development
- SS1 – District Spatial Strategy
- SS2 – Housing and economy
- SS3 – Sustainable settlements
- SS5 – District Infrastructure Planning
- CSD1 – Balanced neighbourhoods
- CSD2 – District Residential Needs
- CSD4 – Green Infrastructure of Natural Networks, Open Spaces and Recreation
- CSD5 – Water and Coastal Environmental Management in Shepway

Core Strategy Review Submission draft (2019)

- SS1 – District Spatial Strategy
- SS2 – Housing and the Economy Growth Strategy
- SS3 – Place-Shaping and Sustainable Settlements Strategy
- SS5 – District Infrastructure Planning
- CSD1 – Balanced Neighbourhoods for Shepway
- CSD2 – District Residential Needs
- CSD4 – Green Infrastructure of Natural Networks, Open Spaces and Recreation
- CSD5 – Water and Coastal Environmental Management in Shepway

6.4 The following are also material considerations to the determination of this application.

Government Advice

National Planning Policy Framework (NPPF) 2019

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

Flood Risk and Coastal Change

Natural Environment

National Design Guide October 2019

C1 – Understand and relate well to the site, its local and wider context

I2 – Well-designed, high quality and attractive

Paragraph 53 “Well designed places are visually attractive and aim to delight their occupants and passers-by”.

N3 – Support rich and varied biodiversity

7. APPRAISAL

7.1 In light of the above the main issues for consideration are:

- a) Principle of development and sustainability
- b) Design and layout
- c) Residential amenity
- d) Amenities of proposed residents
- e) Ecology and biodiversity
- f) Highways and access
- g) Flood risk and drainage

- h) Housing mix and affordable housing
- i) Contamination
- j) Archaeology
- k) Sustainable design and construction
- l) S106 Contributions

a) Principle of development and sustainability

- 7.2 The NPPF states that achieving sustainable development should be delivered through the preparation and implementation of plans and the application of the policies in the Framework and planning policies and decisions should play an active role in guiding development towards sustainable solutions. It highlights that Council's should ensure an adequate supply of housing land is provided within the development plan and planning policies should identify a supply of specific, deliverable sites for years one to five of the plan period and specific, developable sites for years 6 – 10 and where possible for years 11 – 15 of the plan.
- 7.3 This objective is reflected in the spatial strategy for the District as set out in the adopted Core Strategy Local Plan (2013). Core Strategy Policy DSD states that when considering development proposals, the Council 'will take a positive approach that reflects the presumption in favour of sustainable development'.
- 7.4 Within this context, Core Strategy Policies SS1, SS2 and SS3 seek to direct all new major development to previously developed land within the Urban Character Area. The 'urban area' is to be the sustainable focus for development and it is envisaged that it will accommodate approximately 75% of new residential need identified by the 2013 Core Strategy.
- 7.5 The application site is a sustainably located brownfield site within the policy defined urban confines of Folkestone. It is accessed directly from Moat Farm Road, which is itself accessed from Park Farm Road, which forms part of the wider strategic bus route. There is also a continuous footpath to Folkestone town centre, some 2.25km to the south, with other footpath connections from the site to the wider area. The development site therefore occupies a highly sustainable location and is well placed in relation to existing development and services.
- 7.6 The site's sustainable credentials underpin PPLP Policy UA8 which allocates it for residential development with an estimated capacity of approximately 27 dwellings, subject to certain criteria, which are addressed in the following sections of the report. Whilst the number of dwellings proposed exceeds the estimated capacity in the Policy, the report will explain why this is acceptable in layout terms.
- 7.7 I am satisfied that the principle of the development of this site is acceptable in policy terms, subject to material considerations and the criteria listed in the policy, all of which are dealt with in the following paragraphs.

b) Design and layout

- 7.8 Policy HB1 of the PPLP requires development to make a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings and land uses, particularly with regard to layout, scale, proportions, massing, form, density and materials.
- 7.9 Policy HB2 of the PPLP states that major housing developments or complex proposals or on sensitive sites, the design should demonstrate that it integrates with the neighbourhood, creates a place and creates streets and homes.
- 7.10 The site is surrounded by residential development. Two storey houses with long back gardens back onto the site in Downs Road to the north east, and two storey houses in Mead Road back onto the site on the southern boundary, separated from the site by an existing public footpath. Two storey houses in Park Farm Road back onto the site on the western boundary, and bungalows back onto the site in Moat Farm Road. The site slopes from the south west point towards Moat Farm Road, and originally contained a number of school buildings, hard standings and access roads. The proposed layout has the access as existing, off Moat Farm Road, with development positioned around a central road which runs in a T shape west to east through the site. Flats with rear parking are proposed to be located in the northern part of the site, with two storey houses around the periphery of the site. All the proposed dwellings face inwards towards the central road, with back gardens onto the boundaries.
- 7.11 The grain of development in this area is tight with a mixture of terraces, semi-detached houses and bungalows in the immediate surroundings. The proposed layout reflects that character with a mix of two storey detached and semi-detached houses and a block of 3 storey 6 x 1 bed flats in the northern part of the site, with parking to the rear. The houses address the street, and the design is traditional with pitched roofs, but the materials proposed – a mix of brick and black weatherboarding on the elevations and grey roofs gives the scheme a contemporary feel. The proposed scheme is high quality and it is considered that it will have a positive impact on the area.
- 7.12 An area of open space is proposed in the centre of the site, overlooked on both sides and on the southern boundary, to the rear of five of the proposed dwellings, another area of open space is proposed, which will be open to the public existing footpath that runs along this boundary. This will make the footpath feel safer for pedestrians to use and will connect visually and spatially with the existing open space on the southern side of the footpath. This is a well-used footpath, and with the houses overlooking the footpath at the western end of the site, and the inclusion of the footpath within the layout, this will improve both the safety and appearance of the footpath, making it much more pleasurable to use. This was negotiated in during the processing of the application, and in my view, is a considerable asset to the scheme. A link to the existing footpath to Downs Road from the eastern boundary of the site between two of the proposed houses is also proposed, so the links to surrounding roads and footpaths will be preserved and improved, thus complying with point 1 of policy UA8.
- 7.13 A detailed landscaping scheme has been submitted with the application which shows trees will be retained where possible and supplemented with a significant number of new trees as well as new hedgerows, natural native thicket areas, amenity shrub planting, close-mown grass areas for amenity use and tall grass areas for habitat

diversity. Native and ornamental flowering/nectar species planting mixes will be used to encourage wildlife as well as bird/bat boxes, hibernacula woodpiles within thicket areas, and hedgehog holes in close boarded fences. If permission is granted, a condition is suggested requiring implementation and maintenance of the landscaping proposals.

- 7.14 PPLP Policies HB3 and C3 set out the requirements for external space standards and open space provision. The applicant has confirmed that all the proposed dwellings meet or exceed the requirements of HB3 in terms of internal and external space standards. Whilst some open space is provided on-site it does not fully meet the requirements of policy C3. It is considered in this case that this is acceptable and this is explained in paragraphs 7.44 and 7.45 below.
- 7.15 Through negotiations, Officers have sought to ensure that routes through the site and public open space maximise the opportunities for natural surveillance with a clear and defined public and private realm. This would not only contribute to safety within the development, but through the removal of the footpath fence and overlooking by the houses, the use is significantly enhanced from a safety point of view, through a sense of openness and visual enhancement. As a result, the lane would no longer be a space where the pedestrian could be, or felt trapped.
- 7.16 The proposals have been amended during the processing of the application and are now considered to provide a quality development which accommodates the topography of the site and adds value to the area through the incorporation of the green space next to the footpath.

c) Residential amenity

- 7.17 The site is located within a built up area with residential properties along most of its boundaries. The development follows the topography of the site as it slopes uphill to the south eastern point, at the rear of properties in Downs Road and Mead Road. The properties in Downs Road are at a higher level than the site with long rear gardens, so it is not considered that their residential amenity will be affected. The rear first floor windows of the proposed dwellings will be at the same level as the rear fences of the properties in Downs Road, and then at some distance.
- 7.18 Sections through the site show the relationship of the proposed properties with Mead Road and Moat Farm Road. The existing properties in Mead Road have short rear gardens that back onto the footpath that leads from the site to Blackbull Road. Within the site on this boundary, there are two areas of open space next to the footpath. The one in the corner of the site is for ecological mitigation and will be fenced off and the other, further west and referred to in para 7.12 above, would be open to the footpath. Whilst the two of the proposed new properties will be close to this site boundary, their position means that there will not be any direct interlooking from first floor windows and the two areas of green space provide physical, landscaped breaks between the existing and the new.
- 7.19 In the northern part of the site, a pair of semi-detached houses and a three storey block of six flats is proposed. In this area, the sections show that the site levels will be flattened with a retaining wall and a belt of landscaping at the rear to minimise impact on the adjoining bungalows. Car parking for the flats is proposed at the rear, but it appears that this area was the access and car parking for the school, so the impact will be no greater under the proposed scheme. The addition of landscaping proposed within the site along this boundary would also be an improvement. Given

this, and the distance between the elevations of the proposed and existing dwellings, it is considered that the impact on the adjoining bungalows is acceptable.

- 7.20 Five dwellings are proposed to the rear of properties in Park Farm Road and Moat Farm Road, in the south western “dog leg” of the site, with a turning head for refuse vehicles. These are side on to the rear boundaries of the Park Farm Road properties, backing on to the properties in Moat Farm Road. The site here is about 1m lower than the surrounding land, and there is an existing footpath which runs along the western and north site boundary here, which is proposed to be blocked off as a result of the development. This would be an improvement in terms of safety and pedestrian permeability is not harmed due to the footpath that will be retained from Moat Farm Road into the site, just to the east of these dwellings, and the footpath that remains on the southern boundary of the site. The impact on the properties in Park Farm Road is considered acceptable as the closest proposed property is flank elevation on to the rear boundary. The proposed dwellings here are two storey and they will back onto bungalows in Moat Farm Road. However, the distance between the elevations at 20m is considered acceptable in this urban location.
- 7.21 The existing access to the site from Moat Farm Road will be used and whilst there will be a change to traffic patterns compared to when it was a school, the number of traffic movements in peak times will be reduced, so it is not considered that it would have a detrimental impact on the amenity of neighbouring properties.
- 7.22 I am satisfied that the proposal is acceptable in terms of the impact on the residential amenity of neighbouring properties.

d) Amenities of proposed residents

- 7.23 With regard to future occupants of the proposed development, Policies HB1 and HB3 of the PPLP require that consideration be given to their residential amenity and space standards. The proposed development ensures that all dwellings would have suitably sized rooms with adequate light as well as outlook to all habitable spaces. All gardens meet the requirements being 10m in depth and the width of the dwelling. Some gardens are to the sides of dwellings but are still an acceptable size.

e) Ecology and Biodiversity

- 7.24 Core Strategy Policy CSD4 seeks to support and improve green infrastructure by ensuring that development must avoid a net loss of biodiversity, and Policy NE2 of the PPLP requires all new development to conserve and enhance the natural environment, including all sites of biodiversity value and all legally protected habitats and species.
- 7.25 Ecological surveys were submitted with the application, which established 3 species of bats foraging/commuting within the site; breeding population of slow worms; suitable habitat for breeding birds and an active fox den. KCC Ecological Advice Service was consulted and required further information regarding the reptile translocation methodology and receptor site and confirmation that no bats were present when the buildings were demolished. The latter was confirmed, which KCC accepted, and during the processing of the application, the reptile translocation site has been established at Hawkinge Cemetery. The reptile mitigation was completed in 2021 and works were carried out to humanely remove the fox den.

- 7.26 KCC Ecological Advice Service has been consulted throughout this process and their latest comments state that they are satisfied that no further information is required prior to the determination of the application. They advise however, that as the works were completed in 2021 there is a risk that that a fox den or suitable reptile habitat may establish prior to the commencement of works. Therefore, they advise that a further ecological survey is carried out prior to the commencement of works, and that this should be covered by condition. They advise that conditions should be imposed for a pre-commencement survey; bat sensitive lighting scheme; ecological enhancement plan; management plan to include a requirement for the details of the management of the ecological habitat. They will provide the detailed wording of these conditions and this will be included on the supplementary sheet.
- 7.27 Given the above, I am satisfied that the requirements set by policy have been met and the proposal is acceptable in ecological and biodiversity terms.

f) Highways and access

- 7.28 The NPPF (Paragraph 32) requires the submission of a Transport Assessment for all developments that generate significant amounts of traffic movement. A Transport Statement was submitted with the application and this found that the am peak hour trips of the residential use compared to the former school use was 10 for residential and 101 for education, while the pm peak hour trips were 12 for residential compared to 11 for education. Overall, there was a reduction of 201 traffic movements when comparing the residential use to the former education use, so the impact of the proposed development on the local road network is beneficial in terms of vehicle trip generation.
- 7.29 Access is to be provided from the existing access from Moat Farm Road, and parking is mainly on-plot with some visitor spaces on-street and a parking court at the rear of the block of 6 flats. KCC Highways have been consulted on the application and the amended plans seek to address initial concerns. Members will note that KCC Highways still have some minor concerns with the layout and it is anticipated that amended plans will have been received and consulted on so that either a written or verbal up-date can be given at Committee. Some of the matters raised by KCC Highways can be dealt with by condition, and these have been included at the end of the report.

g) Flood risk and drainage

- 7.30 The site is in Flood Zone 1, which has a low probability of flooding, however, the NPPF requires a flood risk assessment to be prepared to accompany all planning applications for sites that could be affected by sources of flooding other than rivers and the sea. This ensures that the development is not only safe, but that it doesn't increase flood risk elsewhere.
- 7.31 A Flood Risk Assessment has been submitted with the application and this identifies that the risk from rivers, the sea, groundwater, sewers and artificial sources of flooding is low. It identified however, that a small area of the western part of the site could be affected by a flow path with a maximum depth in the range of 300mm to 600mm. The vast majority of the flooding would be contained within the gardens and parking of the two properties affected in this location during an extreme event, and in reality, the consequence would be floodwater flowing against the external walls.

- 7.32 The FRA has examined the risk of surface water flooding in detail and concludes that with appropriate mitigation, the development will be safe and will not increase flood risk elsewhere. It recommends that flood resistance and resilience measures are included within the construction of the proposed dwellings.
- 7.33 In terms of managing surface water run-off from the site, a SUDs strategy has been submitted, which includes water butts, permeable surfacing, geocellular storage crate systems and a geocellular storage crate soakaway system. The proposed surface water drainage system is based on storing surface water runoff on site to allow the runoff to infiltrate into the underlying geology. Foul water will be discharged into the public combined sewer which crosses the development site and the proposed development is designed so that access is maintained to the existing underground sewerage infrastructure, thus complying with point 2 of Policy UA8.
- 7.34 KCC Flood and Water Management have been consulted and have no objection in principle subject to conditions requesting the submission of a detailed SUDs scheme and a verification report. I am therefore satisfied that the proposal is acceptable in terms of flood risk and drainage.

h) Housing mix and affordable housing

- 7.35 Core Strategy policy CSD2 does not detail a specific mix of unit size and tenure for new developments, but seeks to manage housing supply with an objective that at least half of new homes should be three bedroom (or larger) dwellings. The development proposes 10 no. x 2 bed houses; 12 no. x 3 bed houses; 2 no. x 4 bed houses and 6 no. x 1 bed flats. Just under half of the proposed properties are 3 or 4 bed houses, so I consider this acceptable in terms of the policy.
- 7.36 All the proposed properties are for Local Authority social housing, as such a demand has been identified in this area. They will be a mix of social rent and shared ownership and will go towards the Council's target of providing 139 affordable homes a year over the plan period of the Core Strategy, identified in the Council's Strategic Housing Market Assessment. The affordable housing will be secured through a S106 Agreement.

i) Contamination

- 7.37 The application was accompanied by a Desk-Top contamination report, a Geo-Environmental Investigation report and a further response related to the comments of the Councils' environmental consultant. These identified that the site represents a very low to moderate environmental risk and the Council's environmental consultant has commented on these reports and accepts that contamination on the site is limited. They recommend that the information supplied is satisfactory, subject to conditions relating to verification and discovery strategy. I am therefore satisfied that contamination issues have been, subject to condition, dealt with satisfactorily.

j) Archaeology

- 7.38 Paragraph 189 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary, a field evaluation. In the cast of this application, the site policy UA8 (4) requires the archaeological value of the land to be

properly considered and that appropriate archaeological mitigation measures are put in place.

- 7.39 Archaeology reports have been submitted with the application and KCC Archaeology has stated that the Assessment submitted with the application demonstrates a range of past human activity within the surrounding area and illustrates how the site has been developed in the 20th century. Development will have impacted on below-ground archaeological remains but there is still potential for archaeology to survive and be impacted by the proposed development. To understand potential impacts and allow for appropriate mitigation, a condition is suggested which requests field evaluation works. Subject to this, I am satisfied that the requirements of Policy UA8 (4) are met.

k) Sustainable design and construction

- 7.40 Policy CC1 of the PPLP seeks to ensure that carbon emissions are reduced by a minimum of 10% above the Building Regulations Target Emission Rate through the use of on-site renewable and low-carbon energy technologies which could include an integrated system or site-wide solution through the installation of a system that is not integrated within the new building.
- 7.41 It is the applicant's aim that this proposal will achieve homes that are as near as possible Zero Carbon in their use. This will be achieved by looking at fabric first principles to which the external envelope thermal properties and air-tightness will be increased reducing the need for mechanical heating or cooling. This will be supported by renewable methods where feasible including Air Source Heat Pump, Whole-house MVHR systems, Photovoltaics and Battery Storage Power. Where these technologies are not feasible to fit now, cabling will be considered for future installation. It is considered that this is to be welcomed as it will likely exceed the target set by policy.

l) S106 Contributions

- 7.42 Members will note that the NHS has requested a contribution towards improving medical facilities in the Folkestone area. As a CIL charging authority, we are unable to ask for this through S106 as health care provision is covered by CIL and it would not therefore comply with Regulation 122 of the Community Infrastructure Levy Regulations.
- 7.43 The policy requirement for affordable housing is to provide 22%. This proposal is a wholly affordable scheme and it is proposed that the S106 Agreement ensures that all the dwellings are retained as affordable units. This overprovision of affordable homes will inevitably have an impact on the viability of the scheme, but it is reacting to an acknowledged need in this area.
- 7.44 Policies C3 and C4 of the PPLP relate to the provision of open space and play space. If not provided wholly on site, there is opportunity for a commuted sum to be provided to be used elsewhere in the locality to address the needs of the development. In most cases, the developer is a third party and they will in effect, transfer the responsibility of providing and maintaining that space to the Council. In this case, the Council already owns the land and is the developer, and is also the responsible authority for open space and play areas within the District. There would therefore be no need to transfer the authority from one party to another, so it is not considered necessary in

this case to secure that contribution. Some open space is provided within the development and furthermore, the area will benefit from significant public realm improvements as a result of the development, including the improvements to the setting of the footpath and a comprehensive landscape scheme.

- 7.45 The S106 obligation is considered to satisfy the terms of Regulation 122 of the Community Infrastructure Levy Regulations as being necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development.

Environmental Impact Assessment

- 7.46 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local Finance Considerations

- 7.47 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 7.48 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. As all the dwellings proposed are affordable, this application is exempt from the CIL charge.

Human Rights

- 7.49 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

- 7.50 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.

Working with the applicant

7.51 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner. In this case, the applicant has engaged with Officers through the pre-application discussions and through negotiations since the submission of the application.

8. CONCLUSION

8.1 The site is allocated for residential development with an approximate capacity for 27 dwellings in the Places and Policies Local Plan. It is a sustainably located brownfield site within the policy defined urban confines of Folkestone. The proposal responds positively to the requirements of the site specific policy and is well designed, providing affordable housing to meet local demand.

8.2 The technical consultee responses have been considered, and where appropriate, matters can be covered by condition. A S106 Agreement will cover the total provision of affordable housing.

8.3 It is recommended that planning permission be granted, subject to the completion of a suitable S106 Agreement and the imposition of the conditions set out below.

9. BACKGROUND DOCUMENTS

9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATIONS

That planning permission be granted subject to the conditions set out below and the applicant entering into a S106 legal agreement securing the site wholly for affordable housing and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary:

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 details shown on the submitted plans:

Site location plan 18HS.001 A
Existing site block plan 18HS.002 A
Existing site sections 18HS.003
Proposed site block plan 18HS.005 G
Proposed site plan 18HS.006 F
Proposed site sections 18HS.007A
Plot 01, 02 Proposed Floor Plans (HMY) 02576 1100 P04
Plot 01, 02 Proposed Roof Plans (HMY) 02576 1101 P04
Plot 4 - 11 Proposed floor Plans (HMY) 02576 1102 P04
Plot 4 - 11 Proposed roof Plans (HMY) 02576 1103 P04
Plot 12 Proposed Floor Plans (HMY) 02576 1104 P04
Plot 12 Proposed Roof Plans (HMY) 02576 1105 P04
Plot 13 Proposed Floor Plans (HMY) 02575 1106 P04
Plot 13 Proposed Roof Plans (HMY) 02576 1107P04
Plot 14 Proposed Floor Plans (HMY) 02575 1108 P04
Plot 14 Proposed Roof Plans (HMY) 02576 1109 P04
Plot 15 - 16 Proposed Floor Plans (HMY) 02576 1110P04
Plot 15 - 16 Proposed Roof Plans (HMY) 02575 1111 P04
Plot 17 Proposed Floor Plans (HMY) 02576 1112 P04
Plot 17 Proposed Roof Plans (HMY) 02575 1113 P04
Plot 18 Proposed Floor Plans (HMY) 02576 1114 P04
Plot 18 Proposed Roof Plans (HMY) 02576 1115 P04
Plot 21 - 22 Proposed Floor Plans (HMY) 02576 1116 P04
Plot 21 - 22 Proposed Roof Plans (HMY) 02576 1117 P04
Plot 23 - 24 Proposed Floor Plans (HMY) 02576 1118 P04
Plot 23 - 24 Proposed Roof Plans (HMY) 02576 1119 P04
Plot 25 Proposed Floor Plans (HMY) 02576 1120 P04
Plot 25 Proposed Roof Plans (HMY) 02576 1121 P04
Plot 3 Proposed Ground Floor Plan (HMY) 02576 1122 P04
Plot 3 Proposed First Floor Plan (HMY) 02576 1123 P04
Plot 3 Proposed Second Floor Plan (HMY) 02576 1124 P04
Plot 3 Proposed Roof Plan (HMY) 02576 1125 P04
Plot 19 Proposed Floor Plans (HMY) 02576 1126 P04
Plot 20 Proposed Roof Plans (HMY) 02576 1127 P04

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

3. No construction work above ground floor slab level of any building on site shall take place until samples of the materials to be used in the construction of all of the external surfaces of the buildings hereby permitted 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 the satisfactory appearance of the completed development and in the interests of visual amenity.

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.

In the event that, at any time while the development is being carried out, contamination is found that was not previously identified development shall cease, 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 Page 128 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.

5. The area shown on the submitted plan as car parking space 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 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: To ensure the permanent retention of the space for parking purposes within the curtilage of the site in order to avoid obstruction of the highway and safeguard the amenities of adjacent properties.

6. The area shown on the submitted plans as cycle parking for the dwellings shall be kept available for such use at all times, and shall be made available prior to the first occupation of the dwellings. The approved cycle parking shall be kept available for such use at all times and shall be made available prior to the first occupation of the flats.

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.

7. Prior to development commencing, a plan showing service margins shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of the area.

8. Prior to development commencing, a plan showing the areas to be adopted by Kent County Council as Highway Authority shall be submitted to and approved by the Local Planning Authority.

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

9. No construction work above slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority, including the detailed design, including sectional drawings of the open space, details of the green roofs, and an implementation programme and maintenance schedule. 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, and hard surfacing.

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

10. All hard and soft landscape works hereby approved shall be carried out in accordance with the approved details prior to the first occupation of any phase of the development or in accordance with the implementation programme agreed by the Local Planning Authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

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

11. 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 District Planning Authority, and within whatever planting season is agreed.

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

12. Prior to development commencing, an Arboricultural Watching Brief shall be submitted to and approved by the local planning authority, and the development, shall be carried out in accordance with the approved details.

Reason: In the interests of the protection of the trees on the site.

13. The trees shown on the plans hereby approved as "existing trees to be retained" shall be retained and maintained. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of the date of this permission shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity.

14. All trees to be retained must be protected by suitable fencing of a height not less than 1.2m at a distance as specified in Table 1 or Figure 2 of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction' before any

equipment, machinery or materials are brought on to the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any Page 131 of the area fenced in accordance with this condition and the ground levels within those area shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To safeguard the existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

15. Construction shall not commence until written documentary evidence has been submitted to and approved in writing by the local planning authority proving the new dwellinghouses and apartments will achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator. The new dwellinghouses and apartments hereby permitted shall not be occupied until written documentary evidence has been submitted to and approved by the local planning authority, proving that the development has achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: In accordance with the requirements of policies CSD5 and SS3 of the Shepway Core Strategy Local Plan 2013 which identify Shepway as a water scarcity area and require all new dwellings to incorporate water efficiency measures.

Water efficiency calculations should be carried out using the 'water efficiency calculator for new dwellings'

<https://www.gov.uk/government/publications/thewaterefficiency-calculator-for-new-dwellings>

16. No work above slab level on the construction of the buildings hereby permitted shall take place until a copy of formal confirmation has been supplied to the Local Planning Authority confirming that High Speed Fibre Optic that meets the Department for Culture, Media and Sport requirement that 'fibre to the premise' broadband connections are available to all premises of gigabit capacity will be provided to all dwellings. Prior to the first occupation of any of the dwellings hereby approved, confirmation shall be submitted to the Local Planning Authority that the infrastructure to allow 'fibre to the premise' broadband connections are available to all premises of gigabit capacity has been laid out in the site.

Reason: In order to ensure the future provision of superfast fibre optic broadband for occupants.

17. Prior to the commencement of any works above slab level hereby permitted, details of electric charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved electric charging points shall be implemented in full accordance with the approved details and maintained as such thereafter.

Reason: To support the transition to a low carbon future.

18. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Plan shall provide for:
- a) Working hours and arrangements for the delivery and storage of materials for the off-site highway works.
 - b) The parking and turning for on-site of vehicles of site operatives and visitors.
 - c) The loading and unloading of plant and materials.
 - d) The storage of plant and materials proposed to be used in the construction of the development.
 - e) The design, erection and maintenance of site perimeter fencing and security hoardings.
 - f) Details of working and delivery hours including details to avoid/minimise deliveries during peak hours and school opening/closing times.
 - g) The display of contact details of the site manager.
 - h) Routes to be taken by vehicles carrying plant/materials to and from the site.
 - i) Measures to ensure that construction plant and vehicles and delivery vehicles do not impede access to nearby properties.
 - j) Details of wheel washing facilities and other measures to prevent the deposit of mud and debris on the public highway.
 - k) Details of any temporary traffic management/ signage to ensure delivery routes are adhered to.
 - l) Details of piling methods and timings.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of the amenities of the area and highway safety and convenience.

19. Development shall not begin in any phase 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 be based upon the Flood Risk Assessment and Drainage Strategy (Herrington Consulting January 2022) and 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 use of infiltration drainage (option 1) shall be promoted unless site specific ground investigations demonstrate infiltration would not be viable as the sole outfall for surface water generated by the development.

The drainage scheme shall also demonstrate (with reference to published guidance):

- That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- Appropriate operational, maintenance and access requirements for each drainage feature of SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations 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.

20. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason:

Reason: To ensure that flood risk from development to the future users of the land neighbouring land are minimised, together with those risks to controlled waters, property and ecological system, and to ensure that the development as constructed is compliant with the subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework

21. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and
 - ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

22. No construction above slab level shall take place until details of the refuse collection points have been submitted and approved and those details shall be fully implemented prior to the first occupation of each dwelling hereby permitted and shall thereafter be retained and maintained.

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

Informatives:

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.
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. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highwayland/highway-boundary-enquiries>. Page 135 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. Your attention is drawn to the requirements of the Building Regulations 2000 and the possibility of the need to obtain consent under such regulations. Prior to implementing this permission, you should seek advice from Building Control as to whether or not to make an application. Advice and application forms are available from the Civic Centre, Folkestone (telephone numbers 01303 853538). Alternatively another building control body may be able to assist.
4. Please view the Considerate Constructors Scheme at <http://www.ccscheme.org.uk/index.php/company-registration/how-to-beveryconsiderate/company-code-of-considerate-practice>.

5. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
6. There must be no disturbance of the surface of the right of way, or obstruction of its use, wither during or following any approved development.
7. No hedging or shrubs should be planted within 1.5m of the edge of the public bridleway.
8. The grant of planning permission confers no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

Appendix 1 – Site Location Plan