

**Application No:** Y17/0314/SH

**Location of Site:** 65 Radnor Cliff Folkestone Kent CT20 2JL

**Development:** Construction of two pairs of three-storey, semi-detached houses following demolition of existing house and garage.

**Applicant:** Mr Ray Field  
65 Radnor Cliff  
Folkestone  
Kent  
CT20 2JL

**Agent:** Mr John Verkaik  
JV Chartered Architects  
6A Broadfield Road  
Folkestone  
CT20 2JT

**Date Valid:** 17.05.17

**Expiry Date:** 12.07.2017

**PEA Date:** 05.09.2017

**Date of Committee:** 29.08.17

**Officer Contact:** Mrs Wendy Simpson

<b>RECOMMENDATION:</b> That planning permission be granted subject to the conditions set out at the end of the report.
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## **1.0 THE PROPOSAL**

- 1.1 The proposal is a full application for the demolition of the existing house and garage, the excavation of part of the site and the erection of two pairs of semi-detached houses. The proposed houses would be three storeys (including use of the roofspace) and would be south facing onto Radnor Cliff. The closest of the houses will be inset by about 2.5m from the western boundary of the site and about 1.9m from the eastern boundary. The gap between the two pairs of dwellings would be about 3.65m. Overall the width of the site is about 30m and the depth of the part of the site to be developed under this application (as much of the site is covered with protected woodland) is about 14.5m from the back edge of the road.
- 1.2 The design of the houses are intended to reflect a traditional 'beach hut' appearance and utilises full width glazed balconies at first and second floor levels and large areas of floor to ceiling glazing. The palette of materials proposed are 'ivory' painted render and Accoya timber cladding (coloured differently for each house), grey powder coated aluminium windows and doors, and natural slate roof tiles. Walls, including retaining walls, are to be faced with natural stone and climbing planters are proposed on the flanks of

the building. (The design of the buildings has been revised during the course of the application to change the cladding material from a 'Cedral' product to timber and to add a greater degree of articulation and interest to the flanks of the houses.) Overall the footprint of each dwelling would measure about 5.5m in width by 10.85m in depth. The height to the eaves, from the reduced ground level, would be 6m and to the roof ridge 8.3m. The overall floor area for each house would be 100m<sup>2</sup> excluding car ports and balconies.

- 1.3 The proposed dwellings have a carport, wc/utility room, entrance hallway and bin storage at ground floor only, living room and kitchen/diner at first floor and three bedrooms, one with ensuite shower room, and a family bathroom at second floor level within the roofspace. In addition to the carports, a second parking space is provided to the front of each carport. An area of private garden space (excluding woodland) is proposed to the side and rear of each house.

## **2.0 LOCATION AND DESCRIPTION OF SITE**

- 2.1 The application site is located to the eastern end of Radnor Cliff, adjacent to the coastal park car park and opposite the 4 storey apartment block known as Marine Point.
- 2.2 The existing property itself is detached with weatherboarding to the first floor and dates from the 1960's, forming one of 3 dwellings set against the highly vegetated landscape of the steep cliff.
- 2.3 Radnor Cliff is characterised by properties of a variety of designs, styles and ages. Typically the southern side of the road comprises larger, more imposing houses and blocks of flats, whilst the northern side is characterised by smaller, detached and semi-detached houses, with gaps between the properties giving views through to the vegetated cliff face. The road itself is fairly narrow with double yellow lines along its northern side and on street parking to its southern side. The road provides an access to the coastal park and beach, with a small Council controlled car park at its terminus.
- 2.4 The application site lies within the designated settlement of Folkestone, the Sandgate High Street Conservation Area and contains trees in the rear garden covered by a preservation order. Radnor Cliff is also identified on the Local Plan maps as falling within an Area of Special Character and an area known for land instability. The site is also within the setting of the adjacent Folkestone Leas and Bayle Conservation Area to the east.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 Y08/0864/SH Erection of a terrace of five 3-storey dwellings following demolition of existing house and garage. (Refused). The reason for refusal reads:

*“The proposed development, extending across the entire width of the site would fail to respect the established spatial character, grain and pattern of development along the northern side of Radnor Cliff, characterised by views and spaces between buildings to the wooded cliff to the rear. The proposal is considered overly intensive and would result in the overdevelopment of the site, a greater visual impact of buildings and the loss of important vegetation and is therefore contrary to policies SD1, BE1, BE11, BE12 and BE16 of the Shepway District Local Plan Review, policies SP1 and QL1 of the Kent and Medway Structure Plan and advice contained in the Kent Design Guide, PPS1 and PPS3.”*

- 3.2 90/0560/SH Construction of a double garage and conversion of existing garage to study and minor alterations. (Approved)

#### **4.0 CONSULTATION RESPONSES**

##### **4.1 Sandgate Parish Council**

Objection in relation to land instability matters and a lack of front gardens being out of character with Radnor Cliff.

##### **4.2 Building Control Officer**

If granted planning permission a condition is required in respect to construction details in the light of known land instability in the area.

##### **4.3 Environmental Health**

No objection subject to standard conditions in respect to land contamination.

##### **4.4 Arboricultural Manager**

Notwithstanding additional tree survey information submitted, the conclusions that no tree protection measures are proposed for the woodland is not accepted by the Council. It is accepted that there is no opportunity to plant significant trees in the level garden area, but natural regeneration of coppice woodland to the north of the retaining wall is possible and should be required. Conditions are necessary to ensure the remaining protected trees are safeguarded during construction.

##### **4.5 Southern Water**

There are no dedicated public surface water sewers in the area to serve this development and therefore alternative means of draining surface water from this development are required, which in the first instance should be via adequate soakaway or infiltration system and only if not possible then to the sewer.

## **5.0 PUBLICITY**

5.1 Neighbours notified by letter. Expiry date 07.08.2017

5.2 Site Notice. Expiry date 19 June 2017

5.3 Press Notice. Expiry date 22 June 2017

## **6.0 REPRESENTATIONS**

6.1 11 letters/emails received (including a representation from the directors of the Marine Point management company) objecting on the following grounds:

- This part of the street is narrow and heavily congested (in part due to access to coastal park) and the additional traffic would increase congestion and accident potential
- The houses would be out of character with nearby houses;
- The houses would overlook bedrooms at Marine Point;
- Increase the potential for landslides;
- The proposal is not in keeping with the remaining two houses of the same design as the existing dwelling on the site;
- There will be insufficient gap between the houses;
- Visually the buildings will be overbearing.

## **7.0 RELEVANT POLICY GUIDANCE**

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

7.2 The following policies of the Shepway District Local Plan Review apply: SD1, HO1, BE1, BE12, BE16, BE19, TR5, TR11, TR12, CO11, U10a and U15.

7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS3, SS5, CSD4 and CSD5.

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework (particularly paragraphs): 7, 9, 14, 15, 17, 42, 49, 50, 56, 57, 58, 109, 118, 120 and 121.

National Planning Policy Guidance: particularly 'Land Stability'.

Sandgate Village Design Statement

## **8.0 APPRAISAL**

### **Principle**

- 8.1 The NPPF 'core principles' at paragraph 17 encourage the effective reuse of brownfield sites (previously developed land) that are not of high environmental value. Policy SS1 of the Shepway Core Strategy identifies the strategic priorities for future development being on urban, brownfield sites. Saved policy HO1 of the Shepway Local Plan Review permits housing on previously developed sites or infill within urban areas and policy SS3 of the core strategy requires development within Shepway to be directed towards previously developed land within the urban area.
- 8.2 Therefore it is considered that the redevelopment of this urban site, following demolition of existing structures, is acceptable in principle but the proposal must be assessed in terms of sustainability, design, impact on the conservation areas and Area of Special Character, impact on neighbours' amenities and in respect to parking and highway matters. These matters are discussed in the report below.

### **Sustainability**

- 8.3 At a national level the National Planning Policy Framework (NPPF) presumes in favour of sustainable development (unless harm will result from the proposal), as does policy DSD of the Shepway Core Strategy and policy SD1 of the Shepway Local Plan Review.
- 8.4 The site is located within the urban boundary of Sandgate and close to main bus routes and local amenities. It is therefore considered that the proposal is in a sustainable location.
- 8.5 In term of water sustainability, policy CSD5 of the Shepway Core Strategy in part requires that all developments should incorporate water efficiency measures and demonstrate a maximum level of usage should be of 105 litres per person per day or less. Policy CDS5 also required that new buildings must not increase water runoff from the site above that of the existing water runoff rate and the use of Sustainable Drainage Systems (SUDs) should be incorporated into the development. These matters can be addressed by planning condition.
- 8.6 Overall, the proposal is considered to constitute sustainable development.

### **Design/Impact on the Conservation Areas and Area of Special Character**

- 8.7 The NPPF and saved local plan policy BE1 requires new residential development to deliver high quality housing in term of the appearance of the development, ensuring that the development density is appropriate for its location, the impact on the street scene and character of the area and also the functionality and layout of the development design. Para 56 of the NPPF says that 'good design is a key aspect of sustainable development'. Para 57 and 58 refer to high quality and inclusive design, that is visually attractive as a result of good architecture and appropriate landscaping, that adds to the overall quality of the area and responding to local character and history and reflecting the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Policy BE4 of the SDLPR

seeks to protect the character and appearance of conservation areas. Policy BE17 relates to development in relation to trees with protection orders.

- 8.8 The terraced houses of the 2008 application were of a similar design and height to the semi-detached houses now proposed. The officer report stated: *“I consider the design of the dwellings sought, in this location of mixed dwelling types is acceptable and would respect the character of the area. I consider the height of each dwelling would not over dominate nearby dwellings whilst the proposal would not result in overshadowing of nearby gardens or the unacceptable overlooking of other dwellings.”*
- 8.9 In this case the existing dwelling on the site is of a pleasing appearance but displays no architectural or historic features that can be considered to be worthy of its retention as an ‘undesigned heritage asset’ or to deem it of particular importance to the character or appearance of the conservation area.
- 8.10 The proposed houses are considered to be of a high quality contemporary design which responds well to the site’s prominent position when viewed from the east – the coastal park and the Folkestone Leas and Bayle Conservation Area. The eastern flank and southern elevation of the proposed houses provide visual interest as is necessary given their prominence when viewed from the east. The ‘beach hut’ referencing is considered to be appropriate given the site’s coastal location and would not appear out of character given that there is a wide variety of designs, styles and ages of dwellings in the wider area.
- 8.11 On the northern side of Radnor Cliff are more typically detached and semi-detached housing with gaps between properties providing views of the vegetated cliff face. The proposed houses are considered to fit well into their setting in terms of dwelling type, scale, height, spacing and architectural merit and are considered to enhance the appearance of the conservation area in which they would be located.
- 8.12 The application site also falls within an Area of Special Character (ASC), which is protected under policy BE12 of the Shepway District Local Plan Review. Policy BE12 seeks to protect the character of Areas of Special Character particularly existing vegetation, important skylines and the visual impact of buildings in terms of scale.
- 8.13 The proposed houses are of a scale and height that are in keeping with the street scene and retain gaps between the buildings ensuring the wooded escarpment to the rear can be viewed. This is considered to be in keeping with the character of this part of the Area of Special Character and as such there are no objections on these grounds either. As such it is considered that the previous reason for refusal has been overcome and that the proposal would now respect the ‘established spatial character, grain and pattern of development along the northern side of Radnor Cliff, characterised by views and spaces between buildings to the wooded cliff to the rear’.

- 8.14 Planning conditions have been recommended to ensure the materials used are of a high quality and that the trees in the woodland are protected both during and following construction. It is also recommended that permitted development rights to extend these dwellings be removed, to ensure that any future additions represent high quality design and preserve neighbouring living conditions.
- 8.15 Additional tree survey information was submitted to support the application and concluded that no tree protection measures are required for the woodland. This position has not been accepted by the Council who will require the woodland to be protected throughout the period of works to develop the site. Although it is recognised that there is no opportunity to plant significant trees in the level garden area, it is considered that natural regeneration of coppice woodland to the north of the retaining wall should be possible.

### **Neighbouring Amenity**

- 8.16 Policy SD1 of the Shepway District Local Plan Review and the NPPF (paragraph 17) require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development.
- 8.17 The floor areas of the units are about 100m<sup>2</sup>, which is considered to be acceptable and would provide a suitable standard of living accommodation for future occupiers. It is recognised that the size of the garden areas, as well as outlook from and daylight received into the rear rooms of the proposed houses, will be somewhat compromised by the wooded escarpment to the rear, due to the close proximity of the rear of the houses to the woodland. However, it is considered that such a situation is not uncommon for houses in coastal locations, given their close proximity to landscape features such as steep escarpments or cliffs. It is also noted that a similar situation can be seen at neighbouring properties on the northern side of Radnor Cliff. To address this issue, the proposed dwellings include the provision of two south facing balconies for each house across the full width of each front elevation. With the above in mind, the living space provided for future occupiers of the proposed dwellings is considered to be acceptable and as such there are no objections.
- 8.18 To the western side are two dwellings of the same design as the existing dwelling on the application site. Opposite the site, on the southern side of Radnor Cliff, is Marine Point which is a four storey block of apartments. There are no neighbouring dwellings to the eastern side of the application site.
- 8.19 It is common in urban situations that dwellings (flats and houses) face each other on opposite sides of the same road. The separation between the proposed houses and Marine Point is considered to be quite generous and is reflective of Radnor Cliff properties to the west of the application site.
- 8.20 To the west of the application site, the closest pair of houses proposed will be set about 2.5m further forward of 63 Radnor Cliff with the rear elevation

of the proposed dwellings being about 1.5m further forward than the rear elevation of no. 63. Given the site is to be excavated to accommodate the development, the eaves and roof ridge of closest proposed dwelling would be about 0.6m above the eaves height and 1m above the roof ridge of no. 63. The eastern flank of no. 63 is blank and contains an integral garage to the front on its eastern side and it does not have any garden between its eastern flank and the application site. Given the gap and relationship between the proposed development and no. 63, it is not considered that any harm to the living conditions of occupiers of no. 63 will result in terms of loss of outlook, daylight and privacy or overshadowing of its garden area.

### **Parking and Highways**

- 8.21 Policy TR12 of the Shepway Local Plan Review relates to car parking levels to serve new development, policy TR11 relates to the impact of new development on the highway network and policy TR5 relates to the provision of cycle parking.
- 8.22 At this part of Radnor Cliff the road itself is fairly narrow with double yellow lines along its northern side and on street parking to its southern side. There is no footpath on the northern side of Radnor Cliff at this part of the street. The road provides an access to the coastal park and beach, with a small Council controlled car park at its terminus.
- 8.23 Each of the proposed houses will have a carport parking space and a driveway parking space. With the provision of two off-street parking spaces per unit the proposal meets the adopted parking standards for urban three-bedroomed houses.
- 8.24 Whilst neighbours raise significant concerns in relation to additional congestion being created and an increased potential for traffic accidents, it is considered that the proposal for an additional three houses, each with two parking spaces, is unlikely to give rise to issues concerning highway safety or convenience. As such it is unlikely the Council would be able to defend a refusal on these grounds at appeal. Conditions have been recommended to ensure the carports remain open and are not converted to garages or rooms and that adequate visibility splays are provided and maintained.

### **Land Instability**

- 8.25 Saved policy BE19 of the Shepway Local Plan Review requires that development in areas of land instability will not be granted unless investigation and analysis has been undertaken which clearly demonstrates that the site can be safely developed and the proposed development will not have an adverse effect on the slip area as a whole. With respect to the matter of land stability the NPPF advises in paragraphs 120, 121 that *'responsibility for securing a safe site rests with the developer and/or landowner'* and that planning decisions should ensure that the site is suitable for its new use taking account of various matter including ground conditions and land stability.



- 8.26 The applicant has submitted a basic report of ground conditions with the application. The report identifies that the risk of landslips in the area is 'high', but has not provided details of the proposed foundations for both the proposed building and retaining structures, which would need to be specially designed to account for the risk of land slips.
- 8.27 There are a number of options for the design of foundations/retaining structures that will be possible although the final design will not be known until a comprehensive site and project-specific ground investigation has taken place and its recommendations incorporated into the scheme. It is noted that in close proximity to the west of the site, there are a number of new dwellings that have been built in recent years in the same landslip area. Details of further investigations, reports and structural design can be required by planning condition.

## **Ecology**

- 8.28 The matter of ecology falls under the 'environmental' aspect of sustainable development and the NPPF seeks to minimise impacts on biodiversity and provide net gains in biodiversity where possible. Saved policy CO11 of the Shepway Local Plan Review states that permission will not be given for development which would endanger plant or animal life to habitat protected under law or if it causes the loss or damage to habitat and landscape features of importance to nature conservation. This is unless the need for the development outweighs the nature conservation considerations and mitigation measures are undertaken to fully compensate for remaining adverse effects.
- 8.29 In this case the site is the plot of a single, occupied domestic dwelling and its maintained garden. As such no ecology report has been requested at application stage. A condition for landscaping details can provide an opportunity to enhance biodiversity on site including a number of enhancement measures.
- 8.30 Conditions relating to surveys, the timing of tree removal outside of bird breeding season and protected species have been recommended.

## **Contamination**

- 8.31 Saved policy U10a relates to contamination with respect to the health and safety of occupiers of residential development and the contamination of land and watercourses by the development.
- 8.32 In this case no phase 1 investigation (desk top study) with respect to contamination was submitted with the application. However, given that the site has been in a domestic use for a number of decades and new housing has been built recently in close proximity to the site, there is no reason to conclude that planning permission should be withheld due to contamination concerns. Therefore, if planning permission is granted it should be subject to a condition requiring site investigation in respect to contamination and remediation if necessary.

## **Local Finance Considerations**

8.33 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. New Homes Bonus payments are not considered to be a material consideration in the determination of this application. In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £0 per square metre for new residential space (excluding any residential floor area created through a change of use).

## **OTHER MATTERS**

8.34 Paragraph 42 of the NPPF and policy SS5 of the Shepway Core Strategy relate to the need to provide high quality broadband infrastructure to support new development. This can be achieved through the use of a planning

## **Human Rights**

8.35 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.

8.36 This application is reported to Committee due to objection to the proposal from Sandgate Parish Council.

## **9.0 SUMMARY**

9.1 The proposed pairs of semi-detached dwellings are of a high quality design which will enhance the appearance of the conservation area and will be of good appearance when viewed from the Folkestone Leas and Bayle conservation area. The houses are in keeping with the scale and height of dwellings within the area and ensure that views through to the wooded escarpment to the north are maintained and the character of the Area of Special Character is respected.

9.2 The proposed development will not cause harm to neighbours' living conditions and is acceptable in highway terms, subject to conditions. In all other material planning aspects the proposal is considered to be acceptable.

## **10.0 BACKGROUND DOCUMENTS**

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

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### **RECOMMENDATION – That planning permission be granted subject to the following conditions:**

1. The development must be begun within three years of the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: 1605-01 rev A (except width of car port opening), 1605-10, 1605-08, 1605-05 rev B, 1605-05 (Roof Plan), 1605-07, 1605-09, 1605-11, 1605-12.

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.

3.
  - i. No development shall commence until details of surface water drainage and a sewage disposal scheme for the site, based on sustainable drainage principles and supported by the relevant calculations, have been submitted to and agreed in writing with the Local Planning Authority, in consultation with Southern Water. (The scheme must ensure no discharge occurs of surface water from the site to the highway.) There are no public surface water sewers in this area.
  - ii. The development shall be carried out in accordance with the agreed surface water drainage and sewage disposal scheme.
  - iii. No development shall commence above foundation/slab level until details of the implementation, maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:
    - a) A timetable for its implementation, and
    - b) 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.

iv. The agreed sustainable drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure proper drainage and in order to maintain the residential amenities of the area and prevent surface water flooding in the wider area.

4. (a) Notwithstanding the submitted report (Groundsure Geo Insight, ref GS-3622036, dated 8 February 2017) prior to commencement of the development the applicant shall obtain, from a suitably qualified engineer, a written slope stability report advising on the effect the development will have on the stability of the site and all adjoining land and properties. The report is to include, but need not be limited to, the types of proposed foundations, the effect that any excavations into sloping ground will have, types of retaining structures necessary, surface and foul drainage, the effect of any increase/decrease of site loadings, the possible effect to the stability of any adjoining properties, and any other factors needed to ensure the stability of the site and all adjoining land, properties and associated services. The report should also include a method statement which indicates measures to be adopted during the construction phase to ensure that development does not cause instability to adjoining retaining walls, land and buildings. No development shall take place until this report has been submitted to and approved in writing by the Local Planning Authority.

(b) No works other than those approved shall be carried out unless details of these have first been submitted to and approved by the Local Planning Authority.

(c) All works recommended in the approved slope stability report and method statement (and any alternative works approved) shall be carried out as set out in the approved documents and upon completion confirmation from a suitably qualified engineer that the approved works have been carried out in full shall be submitted to the Local Planning Authority prior to the building being occupied.

Reason: The site lies within, or within the influence of an area identified as being subject to soil instability as detailed on the Ordnance Survey Geological Survey and it is necessary to ensure that appropriate works are carried out in order to ensure the stability of the site and the development and the adjoining land and buildings.

5. i. Notwithstanding the report 'Tree Survey to BS 5837 (2012): with constraints and impacts' (Philip Wilson Arboriculture ref 170401 v 2 of 19 June 2017) prior to the commencement of works on site (including demolition, tree removal and excavation works) details of tree protection measures for the retained woodland in the northern part of the site shall be submitted to and agreed in writing with the Local Planning Authority and

shall be installed on the site prior to the commencement of works (including demolition, tree removal and excavation works).

ii. The agreed tree protection measures shall be installed on the site at least a week in advance of the commencement of works on the site (including demolition, tree removal and excavation works) and at least 5 days notice of the commencement of works (including demolition, tree removal and excavation works) shall be given to the Council's Arboriculture Manager with contact details supplied to arrange for a site inspection of the agreed protection measures to take place.

iii. At no time shall the agreed tree protection measures be removed or altered, other than with the agreement in writing of the Local Planning Authority, in consultation with the Council's Arboriculture Manager.

Reason: Due to the particular constraints of the site and to ensure the protection of the health and vitality of

6. If work has not commenced within 2 years of date of this planning permission (including demolition land stability investigation works) then a Phase 1 Ecological Scoping Survey (carried out by an accredited ecological advisor) to a depth of 18m into the site from the back edge of the highway (Radnor Cliff), shall be submitted to the Local Planning Authority, together with any species surveys that the scoping survey deems necessary, and shall be agreed in writing prior to site clearance and demolition. If the surveys show a presence on the site of species that are protected by the Wildlife and Countryside Act 1981 (or any Act revoking, replacing or updating that Act) then prior to the commencement of development (including clearance of the site and demolition) details of mitigation measures, implementation programme and maintenance programme shall also be submitted to and agreed with the Local Planning Authority. The mitigation measures shall be carried out in accordance with the agreed implementation program prior to the commencement of development (including demolition and site clearance) and shall be maintained in accordance with the agreed maintenance programme thereafter.

Reason: To ensure adequate mitigation is in place to ensure the development does not harm protected wildlife at the site.

7. No development shall commence (including demolition, site clearance and ground stability investigation works) until details of a construction management plan addressing construction vehicle loading/unloading and turning facilities and practices, compound location, parking facilities for site personnel and visitors, hours of working and other relevant issues have been submitted to and approved by the local planning authority, with such details as approved, implemented for the duration of construction at the application site.

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

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

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

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

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

iii. 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.

iv. 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.

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

Reason: To protect the environment and human health against contamination and pollution, in accordance with saved Local Plan Review policies SD1 and U10a and the NPPF: 2012.

9. Before development commences details shall be submitted to evidence that High Speed Fibre Optic (minimal internal speed of 100mb) connections can be made to all units within the building hereby approved. The high speed fibre optic infrastructure (minimal internal speed of 100mb) shall be installed at the same time as other services during the construction process and no unit shall be occupied without the facility in place for that/those occupier(s) to be able to connect to the high speed fibre optic infrastructure.

Reason: To accord with national and local policy to provide high speed broadband infrastructure for current and future occupiers.

10. Prior to the commencement of development the ground level/ridge level 'Above Ordnance Datum' [AOD] level for the houses hereby approved, shown in relation to the roof ridge AOD level of 63 Radnor Cliff, shall be submitted to and agreed in with Local Planning Authority. The development shall be built in accordance with the agreed levels.

Reason: To ensure the levels/height of the houses are in keeping with the street scene.

11. Prior to commencement of works above foundation/slab level full details of hard and soft landscape works and biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. Hard landscaping details shall include details of walls, fencing the surfacing of the parking areas. Details of soft landscaping works shall include retained trees; planting plans; schedules of plants, an implementation programme and a maintenance programme. Details of

biodiversity enhancement measures shall accompany submission, and reference as appropriate to the landscaping details, and shall include an implementation and maintenance details. No unit hereby approved shall be occupied until the approved landscaping schemes and biodiversity enhancements measures for its plot have been carried out in accordance with the approved implementation programme(s), unless an alternative timescale has been agreed with the local planning authority. The landscaping and biodiversity enhancements shall thereafter be maintained in accordance with the approved maintenance schedule.

Reason: In order to protect and enhance the appearance of the area and enhance biodiversity.

12. Prior to commencement of works above foundation/slab level samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall 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.

13. Construction shall not commence above foundation/slab level until written documentary evidence has been submitted to, and approved in writing by, the Local Planning Authority proving the development 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 development 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/the-water-efficiency-calculator-for-new-dwellings>

14. Prior to the occupation of any of the units hereby permitted the car parking areas as shown on drawings 1605-05 rev B shall be laid out, with suitable drainage installed and suitably surfaced, and thereafter shall be maintained in a useable state for occupiers and visitors to the premises at all times. At



no time shall the car ports or undercroft areas of any of the houses be enclosed.

Reason: To ensure the retention of loading, unloading, turning and car parking areas within the site to prevent interference with the free flow of traffic along the highway and to safeguard the amenities of adjoining areas.

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

Reason: To enable the Local Planning Authority to retain control over future development given the small garden areas, neighbours amenities and location within a conservation area.

- 16 Notwithstanding drawings 1605-11 and 1605-12 the garden walls/garden ground level, forward of the houses hereby approved, shall be no higher than 0.75m above the level of the carriageway surface of Radnor Cliff and planting in these areas shall be maintained at a height no greater than 1.05m above the level of the carriageway of Radnor Cliff.

Reason: To ensure adequate vision between highway users and cars using the parking areas and for vehicles exiting the parking areas.

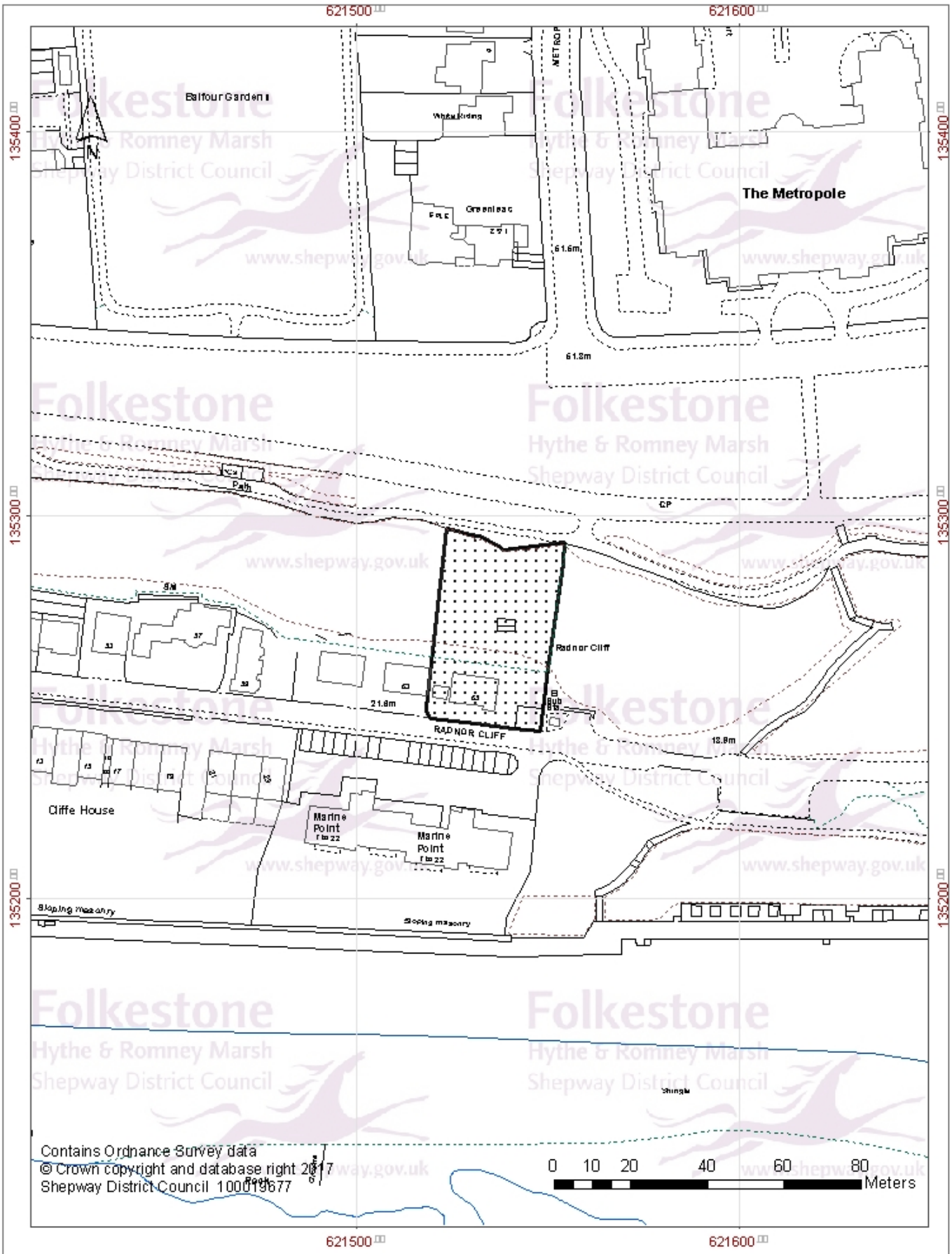
- 17 No external lighting shall be installed on the land in the rear/side gardens of the dwellings hereby approved without the prior submission to and approval of details by the Local Planning Authority. The installation of any external lights shall only be in accordance with the approved details.

Reason: In order to reduce light pollution and prevent disturbance of wildlife, and bats in particularly.

- 18 Clearance of vegetation and removal of trees is not to take place during bird breeding season (between March and August in any one year).

Reason: In order to ensure that the ecological and biodiversity interests of the site are safeguarded.

Y17/0314/SH  
65 Radnor Cliff  
Folkestone



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