

## **DC/20/20**

<b>Application No:</b>	Y19/0925/FH
<b>Location of Site:</b>	Land adjoining Turner Court, Romney Avenue, Folkestone
<b>Development:</b>	Erection of 8 two storey dwellings with associated parking, access and retaining walls (resubmission of Y18/1013/FH)
<b>Applicant:</b>	Village Homes Folkestone Ltd
<b>Agent:</b>	CL Architects 127 Sandgate Road Folkestone
<b>Officer Contact:</b>	Lisette Patching

### **SUMMARY**

The site is located within the settlement boundary and as such the principle of development is considered to be acceptable in this location. Planning permission has previously been refused for 10 dwellings on the site in 2019. The material planning considerations for Members to consider are whether the previous grounds of refusal have been overcome in respect of design and layout; ecology, sustainable urban drainage; ground water; land stability; site levels; national space standards and contamination; as well as highway safety. The scheme has been amended since the previous refusal of planning permission and since the submission of this current application and additional reports have been submitted. For the reasons set out in the report it is considered that, with the exception of garden sizes, the previous grounds for refusal have been overcome, sufficient information has been provided and the revised scheme is now considered acceptable.

### **RECOMMENDATION:**

**That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

### **1. INTRODUCTION**

- 1.1. The application is reported to Committee at the request of Cllr Prater as he considers that the previous grounds for refusal remain valid; to give Councillors an opportunity to review the development and neighbours a chance to make direct representations; and to see what development conditions will be brought forward for the site.

### **2. SITE AND SURROUNDINGS**

- 2.1. The application site is located on the south eastern side of Romney Avenue, opposite Freemantle Road. The site slopes steeply up from the Enbrook Road end and although it is relatively flat on the front section, there is a steep bank on the rear part. The site is open from the road but at the time of the officer's site visit it was inaccessible as it

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was overgrown with nettles, brambles and some bamboo. There is a mixture of mature trees on the rear bank comprising mainly sycamores with some evergreen species.

- 2.2. The site is surrounded by residential development. Turner Court, immediately to the southwest, is a two storey terraced building with a shallow pitched roof. There is a 1.8m high closed boarded fence along the boundary with the application site. Opposite and at the top end of the site are two storey dwellings. On the corner of Romney Avenue and Enbrook Road is a block of 3 storey flats. The site backs on to two storey dwellings in Southernwood Rise and Eversley Way, which are at the top of the bank and at a significantly higher level than the front of the site. Materials in Romney Avenue are predominantly yellow brick with tile hanging or cladding above and a variety of roof tiles.
- 2.3. The site is within the Enbrook Valley Character Area of the Sandgate Design Statement 2013.
- 2.4. A site location plan is attached to this report as **Appendix 1**.

### 3. PROPOSAL

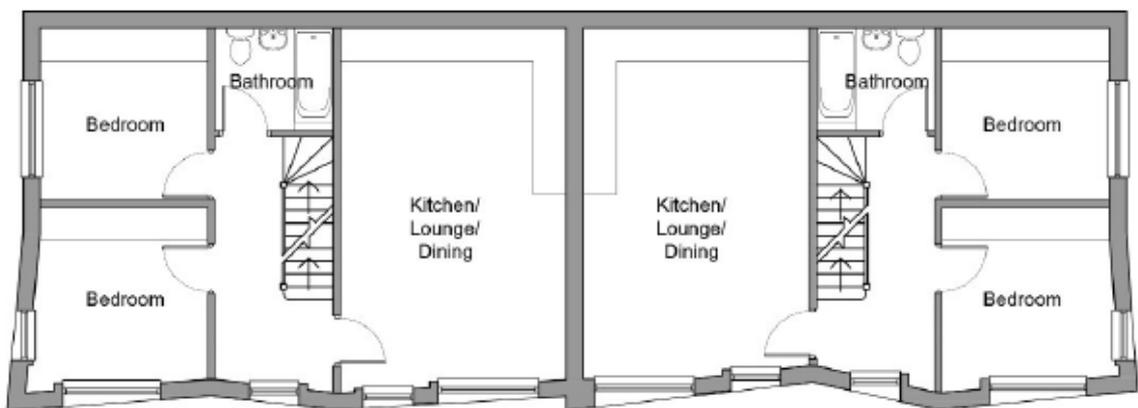
- 3.1 Full planning permission is sought for the erection of eight semi-detached dwellings. These are proposed to be positioned on the flattest parts of the site and avoiding the steepest parts of the bank, which would remain undeveloped.



- 3.2 At the north-eastern (top) end of the site, fronting Romney Avenue, would be one pair of 3 storey, 3-4 bed properties. The accommodation is designed to be flexible as the

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top floor can be used as either a bedroom or living room. Each has 2 allocated off street parking spaces including an integral carport. These are separated from the remainder of the proposed development at the south-western (bottom) end of the site by the steep vegetated bank. Following discussions with officers these are of a different design to the other buildings, having been designed to sit into the sloping site. In order to avoid the need for unattractive retained walls to create garden areas, the usable amenity space is provided as a roof terrace adjacent to the top floor bedroom/living area. There would be an overhanging red brick first floor. Fronting Romney Avenue this would be an undulating façade with the windows being set back within the façade to create depth and there would brick panelling to the rear elevation. Grey brickwork is shown to the ground floor on a ragstone base, and the second floor would be a timber clad pod set back on the roof for the bedroom/living room together with a wooden pergola over the roof terrace. The pod was originally shown to be metal clad but at the request of the planning officer this has been changed to wood cladding to better integrate into the wooded hillside behind.



Proposed First Floor Plan

1:100

- 3.3 At the south western end of the site the dwellings are proposed to be two storey with pitched roofs. Two pairs of semi-detached properties would be positioned each side

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of a new access road and would front Romney Avenue. One pair being four bed and one pair being 3 bed. The access road would lead to a further pair of four bed dwellings together with a turning head and parking spaces. All the dwellings would have two allocated off street parking spaces either to the front or rear. There would also be one visitor parking space to the rear. The dwellings are designed to be stepped up the slope to reflect the sloping road and site. The design and materials for these 6 units are identical, with red and grey brick walls and slate roofs.



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

- Design and Access Statement
- Transport Statement
- Flood Risk Assessment and Drainage Strategy
- Geoenvironmental Site Investigation and Slope Stability Report
- Construction Stability Assessment
- Ground Water Assessment
- Desk Study Report (Contamination)
- Preliminary Ecological Appraisal
- Badger Survey
- Reptile Survey

3.5 The Transport Statement considers the current level of use of Romney Avenue by vehicles and pedestrians; the accessibility of the site to public transport, current parking levels, access points and junction visibility. It concludes that the site has good accessibility by public transport to a range of shops and employment by foot, bus and train; the development would accommodate a high level of car ownership onsite and any street parking resulting from it would cause no problems due to existing low level of on street parking. The access road junction and frontage parking would have excellent visibility. The report concludes that there is no transport reason why the development should not be permitted.

3.6 The Flood Risk Assessment and Drainage Strategy assesses flood risk and provides guidance on the method of surface water disposal for the proposed residential development. The report reviews the site topography, geology, hydrogeology and hydrology; existing drainage as well as the proposed permeable and impermeable surfaces and the foul and surface water drainage strategy. It concludes that the disposal of foul water can be via a connection to the public foul sewer in Romney

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Avenue. Surface water can satisfactorily be dealt with by draining to a geocellular attenuation tank, with a hydro brake downstream from the tank to restrict discharge into the public sewer at a rate of 2 l/s for the 1:100 year event. The conclusion of the report is that the site can be satisfactorily drained.

- 3.7 The Geoenvironmental Site Investigation and Slope Stability Report follows a geotechnical site investigation and slope stability analysis carried out on the site which comprised a desk study of historical data, boreholes and soil testing. This identified that the site comprises a 10 metre high slope over two thirds of its area that is overgrown with trees and a remaining third that had been temporarily levelled with loose fill during the investigation and would form the development area. The existing slope and fill area were calculated to be stable but close to failure. The report identifies that the fill must be stabilised before being used by heavy plant and that any excavations would require retaining structures. A bored pile or sheet pile retaining wall solution is recommended, which must be installed in advance of significant excavation. The report also recommends that the existing upper slope be visually monitored and the vegetation left in place and maintained in order to improve stability. If this is unsatisfactory or found to be unsustainable, a soil nailing solution could be investigated. This would require the clearance of most of the existing trees. The report states that no construction on the upper slope will be possible. Pile foundations are recommended for the houses. In terms of contamination the risks were assessed as low with the levels of contamination measured in the soil being below the limits of detection or less than adopted criteria for residential gardens. No remediation measures are considered necessary for contamination.
- 3.8 The purpose of the Construction Stability Assessment is to assess slope stability and safe methods of working and the construction of the proposed development. The report concludes that the site is stable but that specialist design would be required to maintain slope integrity; significant retaining structures would be required to maintain slope stability but it is possible to configure a piled retaining wall tying that wall into the building structures or other foundations to provide propping to ensure that the wall retains the soil behind; retention of the trees and planting on the steepest parts of the site would continue to provide stability; the construction of the initial piled retaining walls would require the use of specialist piling equipment designed for use on steep slopes and difficult soft terrain; once the initial wall is in place it would act as temporary works to allow the permanent additional propping foundations to be excavated and installed; all temporary and permanent works design and construction must only be undertaken by suitable qualified and experienced engineers and contractors to ensure slope stability and ground integrity is maintained throughout. The report concludes that with care and the use of suitably equipped competent and experienced specialist contractors, the site can be constructed safely.
- 3.9 The Ground Water Assessment was requested by the planning officer due to ground water having been identified within the site and the need for it to be adequately dealt with during and after any development of the site. The site investigation identified that groundwater levels are shallow on parts of the site with evidence that water comes out of the ground at about 37m AOD. The report contributes the majority of the groundwater on the site to rainfall with some from the land above. At times of heavier rainfall and in the winter months when trees and plants are less active, groundwater builds up such that on a steeply sloping sites it can spring out of the ground as is the case on this site. The report identifies that the retaining walls required for the proposed development would require drainage behind them to ensure that any surplus groundwater would not build up behind the walls and compromise their structural

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integrity. It is proposed that the detailed design incorporates a series of weepholes throughout the walls in order to allow groundwater to flow through the wall. That water would be collected at the base of the wall in a simple gravel filled filter drain to allow the water to naturally infiltrate away. This is an accepted and established means of dealing with water from weepholes. As the developed part of the site would be designed with a suitable attenuated surface water drainage system that would capture and store all rainfall before discharging to the public sewer at an agreed flow rate, there would be a lot less water entering the ground to contribute to local groundwater levels. During construction it is anticipated that the contractor would provide temporary catchpits and sumps to capture any encountered groundwater from where it can be pumped to an offsite outfall under temporary licence from the drainage authority or to a bowser from where the water would be disposed of offsite to a suitably licenced facility. All of these suggested techniques are well understood by competent contractors. It is expected that the site would become drier following development as the bulk of the rainfall would be captured by the onsite drainage system.

3.10 The Desk Study Report on contamination contains the results of an investigation into the site history and a site walkover. These identified that the site has been undeveloped throughout its recorded history. No adjacent potential sources of contamination were identified and no indications of former tanks, spills or waste were observed during the site walkover. The conclusions of the report are that environmental risks to site occupants, surface waters, ground waters, ecological systems and other receptors is low.

3.11 The Preliminary Ecological Appraisal identified potential for breeding birds, roosting bats, badgers, reptiles and hedgehogs and the need for a reptile survey. The required reptile and badger surveys have been carried out. Due to the risk of persecution the results of the badger survey cannot be made public. No reptiles were found in any of the seven surveys carried out on the site. Therefore the report concludes that no mitigation measures for reptiles are necessary. Mitigation is required for badgers.

## 4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

Y18/1013/FH	Erection of 10 three storey dwellings with associated parking and access roads	Refused 24.01.19
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## 5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

### Consultees

#### **Sandgate Parish Council:**

No objection subject to confirmation that parking provisions complies with FHDC policy.

#### **KCC Highways and Transportation:**

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06.05.20 - Provision of parking for plots 7 and 8 in tandem form is slightly disappointing as less user friendly for potential residents. This would only require an additional single visitor parking space to rectify. This is not an issue of such scale that I could recommend refusal. Previous comments, recommended conditions and informative remain valid.

11.09.19 No objection subject to conditions relating to Construction Management Plan; measures to prevent discharge of surface water from private drives onto the highway; provision and retention of parking and turning spaces and cycle parking; gradient of accesses; reasonable endeavours to implement Traffic Regulation Order.

### **KCC Ecology:**

No objection subject to mitigation measures and ecological enhancements being secured by condition and an information regarding breeding birds

### **Southern Water:**

A formal application for connection to the public sewerage system is required in order to service this development. Discharge of surface water runoff to public sewer shall not exceed the approved peak flow rate of 2l/s and shall be secured by the use of flow restriction device. The disposal of surface water should be in compliance with Part H3 of the Building Regulations. Any sewer found crossing the site would require an investigation to ascertain its ownership before any further works commence on site.

The proposed onsite foul drainage is not designed to adoptable standards. Attenuation tank shall not be located within 5 metres of adoptable sewers.

The proposed onsite surface water drainage is not adoptable by Southern Water.

Request condition requiring details of foul and surface water disposal to be submitted and approved prior to construction of development. The design of drainage should ensure that no land drainage or groundwater is to enter public sewers network.

### **Contamination Consultant:**

Submitted contamination report is relevant to part 1 of the Council's standard condition. It is acknowledged that the degree of contamination associated with the site history is likely to be slight. However, further detail is required on the provenance and chemical status of the imported materials used to build the development platform. Recommend that soil chemistry in the development area is subject to basic characterisation via laboratory testing. In addition, further consideration is required on the degree of ground gas risk associated with the presence of peat deposits. Does not recommend discharge of any parts of the condition until further information is supplied.

### **Landscape and Urban Design Officer:**

Regarding the plans for the above I can confirm that we worked closely with the agent/architect on various elements of the design, notably the two upper houses, which have changed to a more contemporary style with the roof terrace. The main issue that had to be considered for these two plots was the potential for a large retaining wall. These are often quite dominant structures that are not generally pleasant to see. A decision was made during the development of the masterplan to incorporate this engineering structure into these two houses.

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These two units stand away from the main body of the development, which is situated towards the bottom of the hill. As there are a mix of architectural styles within the area, it was felt that these two units could be unique. The topography of the land around the houses is steep and in order to accommodate more outside space for the residents a roof terrace was considered appropriate. This combined with the eclectic mix of architectural styles within the immediate area suggested that contemporary architecture would create something distinctive, which would be both practical and make a positive contribution to the character of the streetscape.

### **Local Residents Comments**

- 5.2 36 neighbours directly consulted. 10 letters of objection received.
- 5.3 Comments received from the Sandgate Society objecting on grounds of loss of wildlife and biodiversity and disturbance to badgers and foxes.
- 5.4 I have read all of the letters received. The key issues are summarised below:

#### **Objections**

- High density
- Overcrowded
- Loss of wildlife habitat
- Impact on badgers and other wildlife
- Concern will increase water run-off onto neighbouring land
- Landslip area
- Accesses to Units 7 and 8 dangerous
- Damage to road surface during construction
- Increase in on-street parking
- Increased traffic
- Highway safety
- Loss of light
- Overshadowing
- Loss of privacy from Units 7 and 8
- Subsidence due to loss of trees
- Disruption to residents
- Noise and disturbance during construction

#### **General Comments**

- Request traffic calming in Romney Avenue if permitted.

#### **Ward Member**

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- 5.4 Previous grounds of refusal have not been fully addressed including overdevelopment; units to rear will resemble a back garden development out of keeping with area; surface water strategy unacceptable as predicated on assumptions that are not true as site has a number of streams and water arisings; site stability - can't see how units 7 and 8 can be constructed without remove a significant proportion of the bank in breach of stability report; insufficient information on building heights; are garden spaces adequate as they are smaller than others nearby; is number of units is reasonable, especially next to elderly people's block; desktop contamination is insufficient, there will have been potential dumping over the years and a full on site surface contamination report is required.
- 5.5 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 saved polices of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013).
- 6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48.
- 6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.
- 6.4 The relevant development plan policies are as follows:-

### Shepway District Local Plan Review (2013) (SDLP) – Saved Policies

Policy SD1 – Sustainable Development

Policy HO1 - Housing land supply

Policy HO2 (G) - Land supply requirements 2001-2011

Policy BE1 - Standards expected for new development in terms of layout, design, materials etc.

Policy BE16 - Requirement for comprehensive landscaping schemes

Policy U2 - Five dwellings or more or equivalent to be connected to mains drainage

Policy CO11 - Protection of protected species and their habitat

TR5 - Provision of facilities for cycling in new developments and contributions towards cycle routes

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Policy TR11 - Accesses onto highway network

Policy TR12 - Vehicle parking standards

### Shepway Local Plan Core Strategy (2013)

Policy DSD – Delivering Sustainable Development

Policy SS1 - District Spatial Strategy

Policy SS2 - Housing and the Economy Growth Strategy

Policy SS3 - Place-Shaping and Sustainable Settlements Strategy

Policy SS5 - District Infrastructure Planning

Policy CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation

Policy CSD5 - Water and Coastal Environmental Management

### Places and Policies Local Plan Submission Draft (2019) (PPLP)

Policy HB1 – Quality Places through Design

Policy HB3 - Internal and External Space Standards

Policy C3 - Provision of Open Space

Policy T2 - Parking Standards

Policy T3 - Residential Garages

Policy T5 - Cycle Parking

Policy NE2 – Biodiversity

Policy NE6 - Land Stability

Policy NE7 - Contaminated Land

Policy CC2 - Sustainable Design and Construction

Policy CC3 - Sustainable Drainage Systems (SuDS)

### Core Strategy Review Submission draft (2019)

Policy SS1 – District Spatial Strategy

Policy SS2 - Housing and the Economy Growth Strategy

Policy SS3 - Place-Shaping and Sustainable Settlements Strategy

Policy SS5 - District Infrastructure Planning

Policy CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation

Policy CSD5 - Water and Coastal Environmental Management

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

### **Supplementary Planning Guidance/Documents**

Sandgate Design Statement 2013

Policy SDS1 – Compliance with the Sandgate Design Statement

Policy SDS2 – Compliance with the Development Plan

Policy SDS5 - Character Areas (Enbrook Valley Character Area)

Policy SDS6 – Street Scene Detailing

Policy SDS8 – Development in areas of increased landslip risk

Policy SDS11 – Traffic and Parking

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2019

- 6.6 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.

Paragraph 63 – Criteria for seeking provision of affordable housing

Paragraph 68 – Contribution of small and medium sized sites to meeting housing requirement

Paragraph 108 – Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or if residual cumulative impacts on the road networked would be severe.

Paragraph 117 – Making effective use of land

Paragraph 127 -130 – Achieving well designed places

Paragraph 175 – Habitats and biodiversity

Paragraph 178 – Ground contamination

Paragraph 179 – Contamination and land stability – responsibility for securing a safe development rests with the developer and/or landowner.

#### National Planning Policy Guidance (NPPG)

Design: process and tools

Land affected by contamination

Land stability

Natural Environment

#### National Design Guide October 2019

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- 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 and the reasons for the refusal of the previous application, the main issues for consideration are:

- a) Principle of development and sustainability
- b) Design/layout/visual amenity
- c) Residential amenity
- d) Ecology and biodiversity
- e) Contamination
- f) Drainage
- g) Land stability
- h) Highway safety

### **Principle of development and sustainability**

7.2 The site lies within the settlement boundary of Folkestone and as such the principle of residential development on this site is acceptable. It is also located close to local shops, primary and secondary schools and Folkestone West Railway Station. Romney Avenue is on a bus route so there is access to Folkestone Town Centre by public transport. Given this, the site is considered to be a sustainable location for residential development.

7.3 Planning permission has recently been refused for 10 houses on the site under Y18/1013/FH. The principle of residential development on the site was considered acceptable but there were a number of concerns with the proposal as summarised below:

1. Lack of preliminary ecological appraisal
2. Height, bulk, layout, design, materials and overall appearance would have a detrimental impact on the character of the local area.
3. Insufficient information on surface water drainage and impact on slope stability
4. Insufficient information on impact of development on land stability and impacts of any necessary engineering solutions on the character of the area.
5. Insufficient information on existing and proposed site levels and how these would affect height of development.
6. Proposed garden sizes would not meet external space standards.

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7. Insufficient information on possible ground contamination.

- 7.4 The site was allocated for residential development as a part of a larger site under saved policy HO2 (G) of the SDLP. The overall allocated site extends to the south to Southernwood Rise. That policy requires that the development of the whole allocation incorporates the provision of a footpath link from Southernwood Rise to Romney Avenue and improvements to the nearby open space at the rear of Darnley Close. When the previous application was determined, the lack of a footpath link and open space improvements within that scheme were not grounds of refusal. This was because the remainder of the allocation is in separate ownership and has been built out separately with two dwellings and there was no requirement under that planning permission for a footpath link or open space improvements. However, it was noted in the officer report for Y18/1013/FH that any scheme on this current site would be expected to provide significant landscaping to compensate for not providing open space improvements.
- 7.5 Since the previous refusal the agent has worked with officers to overcome the concerns relating to design and layout. The scheme now proposed has been reduced from 10 dwellings to eight dwellings, the design and external materials of the dwellings changed and the application is accompanied by all of the required reports.

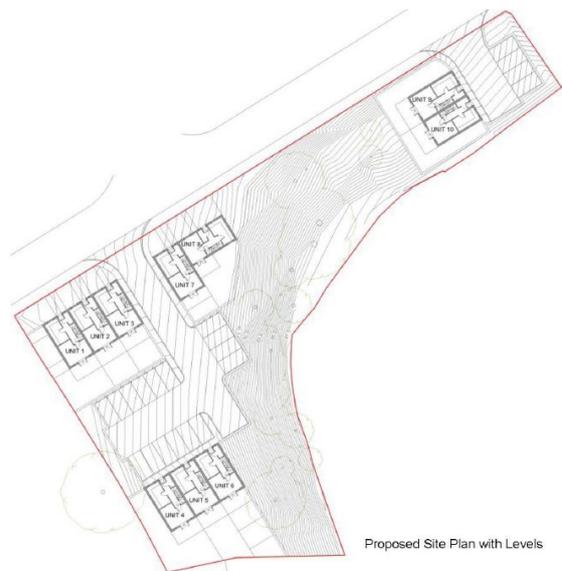
### Design/layout/visual amenity

- 7.6 The Sandgate Design Statement identifies the key characteristics of the Enbrook Valley Character Area as being one, two and three storey semi-detached and terraced properties with concrete tiled pitched roofs and yellow brick and white and green weatherboarded walls. Front gardens are generally of a good size and laid to grass with an open plan character.
- 7.7 In the previous application the dwellings were proposed to be three storeys high and included two terraces of three units at the lower end of the site, as shown on the drawing below.



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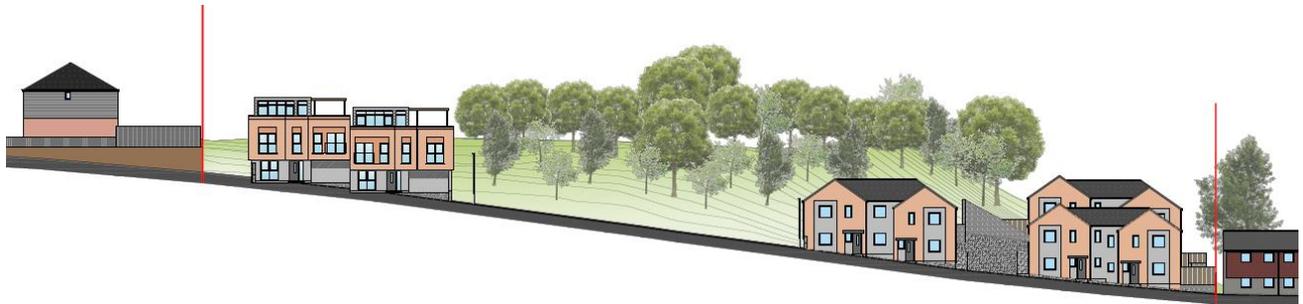
The semi-detached pair proposed at the top of the site were designed to side on to Romney Avenue, as shown on the drawings below.



- 7.8 Following discussions with the agent, not only has the number of units been reduced from ten to 8 but the height of the six units at the lower end of the site has been reduced to two storeys, the design amended to introduce more interest to the front elevations and the brick colours changed to a mix of red and grey, which results in less austere and dark facades. The units at the top of the site have been repositioned so that they now front Romney Avenue, which is visually appropriate in the streetscene. It was considered that as these two dwellings are visually separate from the rest of the development due to their position on the site, they could accommodate a more exciting design to allow them to better integrate both visually and physically into the hillside in order to avoid the need for visible unattractive retaining structures. Although they remain three storeys, the top floor accommodation is set back from the front façades and only occupies half of the width of the unit, with the remaining comprising a roof terrace with pergola. The top floor would be timber clad and have the appearance of a lightweight pod, thus reducing the impact of the height of the buildings. The undulating front façade inset with windows running parallel to the ground floor façade would create depth and interest, as would the inset ground floor, which would create the appearance of the first floor floating over it. The brick colours now proposed are a light red brick first floor, with a light grey brick ground floor, again resulting in a less austere appearance. The design of the buildings is considered to be a significant improvement on the previous scheme and they would contribute positively to the streetscene. It is accepted that the design of all the units is different from that of the neighbouring buildings but it is not considered appropriate to replicate that 1960s/70s style, nor the style of the more recent building at the junction of Romney Avenue and Enbrook Road. The application site has a large frontage to the street and can accommodate a different design style.
- 7.9 With regard to the Sandgate Design Statement, the storey heights and open plan front gardens are in accordance with the identified key characteristics of the area. The brick colour differs from the predominating in the area as red and grey is proposed, as opposed to yellow. However given the large frontage of this site it is considered that it can accommodate a development of different coloured brick as it would be seen as a more modern addition to the area.

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- 7.10 With regard to the height of the proposed buildings, although the units fronting Romney Avenue adjacent to Turner Court would be taller than Turner Court, this is partly due to the rising land levels and partly to the design of the buildings. The size of the site is such that visually it can accommodate taller buildings without them appearing dominating. Given the separation distance from Turner Court and the fact the section of the building that is above the height of Turner Court is the roof slope it is not considered that the proposed building would appear dominant or overbearing. The two dwellings to the rear would be at a higher level than the front two but again this is due to the rising land levels and is considered acceptable as the buildings are set back from the road frontage and Turner Court. The two units at the top of the site would be set into the slope and would be at a lower height than the existing dwellings above them.
- 7.11 In terms of design, layout, materials and overall appearance in the streetscene the proposed development is considered acceptable and in overall accordance with the Sandgate Design Statement.



### Residential Amenity

- 7.12 The properties closest to the proposed dwellings are Turner Court and 3 and 4 Sandgate Mews at each end of the site. The properties to the rear of the site in Southernwood Rise and Eversley Way are located at the top of the slope and so are at a significantly higher level than the proposed dwellings. As such they would look over the top of the new dwellings and would not be affected by any loss of privacy or overbearing impacts. There are no windows in the side elevation of Turner Court facing the application site and due to the position of the front two dwellings roughly in line with Turner Court, the separation distance of 3 metres from the boundary to the side wall of the proposed dwelling and the orientation of the site, there would not be any unacceptable overshadowing or overbearing impacts on Turner Court. The two units proposed to the rear are set far enough back that even with their elevated position they would not have an unacceptable impact on the amenity of residents in Turner Court either from interlooking, overshadowing or being overbearing. There is potential for overlooking of the amenity area to the rear of Turner Court from the front windows of the closest unit but this amenity area is already overlooked by windows in Turner Court itself so there would not be any greater loss of privacy than already exists.
- 7.13 The dwellings at the top of the site are proposed to have two bedroom windows at first floor level in the east elevation facing the rear of the property in Eversley Way. However, these would be level with the boundary fencing to the rear of No. 3 Eversley Way and so would not result in any overlooking. There are no windows proposed at second floor level in this elevation.

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7.14 With regard to the amenity of future occupants of the proposed dwellings, a ground for refusal on the previous application was that the garden sizes were significantly below the standards set out in policy HB3 of the PPLP. This policy requires gardens of at least 10 metres in depth and the width of the dwelling in order to provide an acceptable standard of amenity for the health and well-being of the occupants. Although the garden sizes have improved from the previous scheme, Units 3, 5 and 6 still have gardens less than 10 metres in depth with the garden of Unit 3 being between 7 – 9 metres and those of Units 5 and 6 and 7 being approximately 6 metres and 7 metres respectively. The main areas of roof terraces of Units 7 and 8 are approximately 6.5m x 3.7m. While these gardens don't meet the 10 metre policy requirement they are of a reasonable width and Unit 3 also has a side garden. The problem in achieving larger gardens is due to the topography of the site as the steepness of the embankment restricts the amount of usable space available. Not meeting the policy requirement for garden sizes needs to be balanced against the requirement in government policy to make effective use of land. The only way to achieve the policy requirement for garden sizes would likely render this already constrained site unviable as less units would be achievable. Therefore, in this instance it is not recommended that planning permission be refused on this ground. In all other respects the proposed development is considered to provide an acceptable standard of amenity for future occupants and all units meet the internal space standards for room sizes.

### **Ecology and biodiversity**

7.15 As the site is overgrown with scrub and contains trees and shrubs it currently contributes to the biodiversity and ecology of the area. The proposed scheme would enable the development of the site while still retaining a significant area as wildlife habitat. The steep tree covered embankment would be retained as an undeveloped area and it is important that it is properly managed and maintained. Its retention and proper maintenance can be secured by condition. The Preliminary Ecological Appraisal submitted with the application identified potential for breeding birds, roosting bats, badgers, reptiles and hedgehogs and the required reptile and badger surveys have been submitted. No reptiles were found on the site. The KCC Ecologists is satisfied with the reports and the mitigation measures proposed. The badger survey recommends a mitigation strategy which is considered appropriate and can be required by condition. A licence from Natural England would also be required but this is outside of the planning process. Any work to vegetation that may provide suitable nesting habitats for birds should be carried out outside of the bird breeding season and this is covered by separate legislation. It is also important to secure ecological enhancements on the site and the requirements for these can be satisfactorily required by condition. Therefore, the previous ground of refusal relating to the lack of an ecological appraisal and the potential adverse impacts on ecology are considered to have been sufficiently addressed and demonstrated to be acceptable. As such, there are now no ecological grounds for refusal planning permission. The development would involve the loss of several trees at the top of the site in order to accommodate units 7 and 8 but as all the trees on the rear slope are proposed to be retained this is not considered to be an unacceptable or unreasonable loss.

### **Contamination**

7.16 The Contamination report submitted with the application identifies the risk of existing contamination on the site as being low. The Council's Contamination Consultant agrees with the findings but identifies the need to ensure that any imported material required for the development platform is free from contamination. The standard contamination condition contains the necessary requirements to satisfactorily deal with

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this issue, therefore there are no grounds for refusing planning permission in this regard.

### **Drainage**

- 7.17 It is proposed that foul water and surface water drainage are disposed of by connection to the public sewer in Romney Avenue. Southern Water has no objection to this subject to the discharge of surface water being controlled so that it does not exceed 2 l/s. This is proposed to be achieved by the use of a geocellular attenuation tank and hydrobrake system. The proposed location of the attenuation tanks is not currently acceptable to Southern Water and they have requested a condition requiring further details.
- 7.18 Ground water has been identified within the site and this cannot be disposed of via the Southern Water sewer. The ground water has been identified as saturation arising from periods of heavy rainfall rather than the existence of underground streams or springs. The application details propose to deal with this by the provision of weepholes in the retaining walls in order to allow ground water to flow through them to prevent build up behind the walls which could compromise their integrity. The water would then be collected at the base of the wall in simple gravel filled filter drains to allow the water to naturally infiltrate away. This is an accepted and established means of dealing with water from weepholes. As the developed part of the site would be designed with a suitable attenuated surface water drainage system that would capture and store all surface rainfall before discharging to the public sewer at an agreed flow rate, there would be less water entering the ground and adding to groundwater levels than is currently the case. It is important that groundwater is also dealt with during construction. This could be by the provision of temporary catchpits and sumps to capture any encountered groundwater from where it can be pumped to an offsite outfall or to a bowser from where the water would be disposed of offsite to a suitably licenced facility. Adequate measures for dealing with groundwater both during construction and during the lifetime of the development can be secured by conditions.

### **Land stability**

- 7.19 The site comprises two main areas. The front third contains levelled fill material and has been identified as being the developable part of the site. The remaining two thirds comprise a 10 metre high slope that is overgrown with trees. Two reports have been submitted with the application regarding safeguarding the stability of the site both during construction and during the lifetime of the development. Following onsite investigation the existing slope and fill area were calculated to be stable but close to failure. No construction on the upper slope is considered possible and none is proposed in the application. It has been identified that the fill must be stabilised before being used by heavy plant and that any excavations would require retaining structures to maintain slope stability. The solution suggested in the reports is a piled retaining wall using specialist piling equipment, to be installed prior to any significant excavation. Once the initial wall is in place it would act as temporary works to allow the permanent additional propping foundations for the houses to be excavated and installed. Piled foundations are recommended for the houses which would be tied in to the retaining wall. The report advises that all design and construction work only be undertaken by suitably qualified and experienced engineers and contractors to ensure slope stability and integrity is maintained throughout the period of construction. It concludes that with care and the use of suitably equipped competent and experience specialist contractors the site can be constructed safely.

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- 7.20 With regard to the upper slope, retention of the trees and planting would continue to provide stability. The report recommends that it be visually monitored over time and the vegetation left in place and maintained in order to improve stability. If monitoring reveals this to be unsatisfactory or it is found to be unsustainable, a soil nailing solution could be investigated. However, this would require the clearance of most of the existing trees and is not the preferred solution of officers.
- 7.21 It has been satisfactorily demonstrated that the site can be safely developed so there are now no grounds for refusing planning permission due to land stability. The requirements for the design and construction work to be carried out by suitably qualified engineers and contractors can be secured by condition, as can the final details of the means of securing the stability of the site and adjoining land during construction works and the design of the retaining wall and foundations for the houses. A condition is also proposed to require a monitoring and management plan for the upper slope to ensure its long term stability.

### **Highway safety**

- 7.22 With the exception of one visitor parking space, adequate parking is required to meet parking standards. As there is adequate on street parking capacity to accommodate one visitor parking space this is not considered sufficient to justify a refusal of planning permission on highway safety grounds and Kent Highways do not support this as a ground of refusal.
- 7.23 Kent Highways has raised no objections and considers the new access to be acceptable in terms of visibility and highway safety. They have requested conditions relating to the provision of a construction management plan, measures to prevent the discharge of surface water on to the highway, retention of parking, turning and cycle spaces, gradient of accesses and reasonable endeavours by the applicant to implement a Traffic Regulation Order. Due to the constraints of the site and the restricted developable area it seems unlikely that construction traffic parking and unloading would be able to take place on the site. By necessity it would have to take place on the highway. Lorry routing is outside the control of the local planning authority as it is not possible to enforce against the use of the public highway. Mud and debris on the road is a matter ultimately for the highway authority to enforce against. Therefore it would not be reasonable in this case to require the submission of a construction management plan. Similarly a condition requiring reasonable endeavours to secure a Traffic Regulation Order is not enforceable as it is open to interpretation as to what constitutes reasonable endeavours. Kent Highways has not recommended refusal if a TRO is not obtained, therefore, it is not reasonable to impose this as a condition as it is not something that is considered necessary to make the development acceptable. The other conditions are considered reasonable and enforceable and will be included in the recommended conditions as the end of the report.

### **Environmental Impact Assessment**

- 7.24 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 as it does not meet the threshold to be considered an urban development project. As such the application does not require screening for likely significant environmental effects.

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### **Local Finance Considerations**

- 7.25 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.
- 7.26 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. The CIL levy in the application area is charged at £115.71 per square metre for new residential floor space.

### **Human Rights**

- 7.27 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**

- 7.28 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**

- 7.29 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 has worked with the agent for this development in a positive and creative manner to secure an acceptable scheme for the site.

## **8. CONCLUSION**

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- 8.1 This site has a number of constraints but, with the exception of the garden sizes, all the grounds for refusal on the previous application have been satisfactorily overcome. The design and layout of the scheme is now considered acceptable and reports relating to ecology, contamination, land stability and ground water have all been provided and demonstrate that the site can be safely and satisfactorily developed. The necessary measures to secure the stability of the site and secure the long term maintenance of the stability of the slope, protected species and biodiversity can be adequately secured by condition. Although the policy standards for external amenity space cannot be met in full, this is due to the physical constraints of the site and needs to be balanced against the benefits of developing the site to provide housing as well as securing the long term management and stability of the undeveloped part of the site. As such it is recommended that planning permission be granted.

## 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 following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

### 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.

2. The development hereby permitted shall not be carried out except in complete accordance with details shown on the submitted plans, numbers:

PL01 Rev P1 Site Location Plan

PL05 Rev P3 Proposed Site Plan

PL06 Rev P3 Proposed Site Plan with Levels

PL07 Rev P3 Proposed Romney Avenue Elevation

PL08 Rev P2 Proposed Plans and Elevations of Units 1 and 2

PL09 Rev P2 Proposed Plans and Elevations of Units 3 and 4

PL10 Rev P2 Proposed Plans and Elevations of Units 5 and 6

PL11 Rev P4 Proposed Plans and Elevations of Units 7 and 8

PL020 Rev P1 Proposed Site Sections Views A & B

PL021 Rev P1 Proposed Site Sections Views C & D

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in the interests of the visual amenity of the area.

### Precommencement

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3. 1. Prior to commencement of the development a further desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall provide further detail on the provenance and chemical status of the imported materials used to build the development platform and shall include details of laboratory testing of the basic characterisation of the soil chemistry in the development area and the results of this. In addition the study shall include further assessment of the degree of ground gas risk associated with the presence of peat deposits. Using this information and the information obtained from the report submitted with the planning application, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.
2. If the further 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).

3. 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.

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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.

5. 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:

Details are required to be approved prior to the commencement of development on the site because it is necessary that any contamination likely to be present on the site is identified and measures put in place to prevent pollution of the environment before work commences on site in order to ensure the protection of the environment and human health against contamination and pollution in accordance with Places and Policies Local Plan Submission Draft policy NE7 and government advice in the NPPF: 2019 and the NPPG: Land Affected by Contamination.

4. Prior to commencement of the development, including any excavation or land raising, the applicant shall obtain, from a suitably qualified engineer a written report detailing the types of foundations and retaining structures to be used, 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.

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The report should also include a method statement which indicates measures to be adopted during the construction phase, including the specialist equipment to be used, to ensure that development does not cause instability to adjoining retaining walls, land and buildings.

This report shall be in accordance with the findings of the Geoenvironmental and Slope Stability Report and the Construction Stability Assessment submitted with the application.

No development shall take place until this report has been submitted to and approved in writing by the Local Planning Authority and all temporary and permanent works, design and construction shall only be undertaken by suitably qualified and experienced engineers and contractors using the necessary specialist equipment to ensure slope stability and ground integrity is maintained throughout.

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.

All works recommended in the approved 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 any buildings being occupied.

Reason:

Details are required to be approved prior to the commencement of development in order to ensure that adequate measures are in place to protect the stability of the site, the development and neighbouring land and buildings during construction and for the lifetime of the development as the site lies within an area identified as being subject to soil instability as detailed on the Ordnance Survey Geological Survey in accordance with policy NE6 of the Places and Policies Local Plan Submission Draft and government advice in the NPPF: 2019 and the NPPG: Land Stability .

5. If pile foundations are required, a Piling Risk Assessment (written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination": Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73" must be submitted to and agreed in writing by the Local Planning Authority before any piling work commences on site.

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.

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6. Prior to the commencement of development, including any excavation or land raising, details of how ground water will be dealt with during construction and during the lifetime of the development 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:

Details are required to be approved prior to the commencement of development in order to ensure that adequate measures are in place to deal with the ground water in the site in order to prevent land stability and flooding issues both during construction and throughout the lifetime of the development.

7. Full details of the proposed surface water drainage and sewage disposal, including measures to prevent surface water from being discharged onto the public highway, shall be submitted to and approved by the Local Planning Authority before the development commences. The approved schemes shall be fully operational prior to the occupation of the buildings and thereafter maintained in a functional condition.

Reason:

Details are required to be approved prior to the commencement of development in order to ensure measures can be adequately accommodated within the development and are included as the development progresses.

8. No development shall take place, including any site clearance, excavation or land raising until the following plans and details have been submitted to and approved by the Local Planning Authority:-
  - (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
  - (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply.
  - (c) Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
  - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation (within the crown spread of any retained tree or of any tree on land adjacent to the site) (within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree); such details to be in accordance with BS5837: 2012 Trees in Relation to Construction - Recommendations.
  - (e) Details of the specification and position of fencing (and of any other measures to be taken) for the protection of any retained tree from damage before or during the course of development. In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above, such details to be in accordance with BS5837: 2012 Trees in Relation to Construction - Recommendations.

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(f) Details of how the foundations and other underground works have been designed to take account of tree roots in order to prevent future pressure to remove the trees. Such details to be in accordance with BS5837: 2012 Trees in Relation to Construction - Recommendation.

The construction of the development shall be carried out in complete accordance with the approved details.

Reason:

Details are required to be approved prior to the commencement of development in order to ensure the protection of the trees during construction and their long term retention as they are important to the visual amenity of the area and the stability of the slope.

9. From the commencement of any works on the site, including site clearance, all mitigation measures for badgers shall be carried out in accordance with the details contained within Appendix 3 of the Badger Survey (Martin Newcombe July 2018, amended April 2020) unless varied by a European Protected Species licence subsequently issued by Natural England.

Reason:

In order to ensure the protected species is adequately protected and safeguarded during the construction and lifetime of the development.

### Prior to construction of buildings

10. No work on the construction of the buildings shall take place until samples of the materials to be used in the construction 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 the visual amenity of the area.

11. Construction of the dwellings shall not commence 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.

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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.

### Prior to occupation

12. Prior to the first occupation of each dwelling, the relevant parking and turning areas as shown on the approved plans shall be laid out and suitably surfaced in the approved materials and thereafter kept available for parking and maintained in a useable condition for occupiers and visitors to the dwellings.

Reason:

In order to ensure the provision of adequate off street parking in the interests of highway safety.

13. The gradient of the accesses to the dwellings shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

Reason:

In the interests of highway safety

14. No dwelling shall be occupied until secure and covered cycle parking has been provided within the curtilage of that dwelling for the parking of one bicycle per bedroom.

Reason:

To ensure that facilities are available for the parking of bicycles so as to encourage access to the site by means other than by private motorcar in accordance with policy T5 of the Places and Policies Local Plan Submission Draft.

15. Prior to first occupation of any dwelling, a plan for the ongoing management and maintenance of the undeveloped part of the site to include a programme of monitoring of the stability of the slope by a suitably qualified engineer shall be submitted to and approved by the Local Planning Authority. Regular monitoring reports on the stability of the slope and details of any measures required to ensure its ongoing stability shall be provided to the Local Planning Authority at intervals that shall be set out in the approved monitoring programme. Any works identified to be necessary to maintain the stability of the slope shall be first approved by the Local Planning Authority and then carried out within timescales to be agreed with the Local Planning Authority.

Reason:

In the interests of the amenity of the area and the stability of the slope.

16. Details of the positions, design, materials and type of boundary treatment to be erected for each dwelling shall be submitted to and approved by the Local

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Planning Authority and the approved boundary treatment shall be completed before each dwelling is first occupied.

Reason:

In the interests of the visual amenity of the area and the residential amenity of the occupants.

17. None of the buildings hereby approved shall be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority including an implementation programme and maintenance schedule. The details submitted shall include indications of all existing trees, shrubs and hedgerows on the part of the site that is to remain undeveloped. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the implementation programme agreed with the Local Planning Authority and the soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason:

In the interests of the visual amenity and ecology of the area and the stability of the slope.

18. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason:

In order to ensure adequate detail is provided.

19. No dwelling shall be occupied until adequate space has been made available within the curtilage of each dwelling for the storage of the required receptacles for refuse and recycling.

Reason:

To ensure wheelie bins etc. are not kept on the public highway and in the interests of the visual amenity of the area.

### Other

20. No trees on the site shall be lopped, topped or felled without the previous written consent of the Local Planning Authority until 12 calendar months after completion of the permitted development. Any trees removed without such consent or which die or are severely damaged or become seriously diseased before the end of the period shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority. The tree works approved shall be carried out in accordance with British Standard 3998 (Tree Work).

Reason:

The trees are important to the visual amenity, biodiversity and ecology of the area and to the stability of the slope.

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21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting those Orders) no development falling within Classes A,B,E,D and F 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:

It is necessary for the Local Planning Authority to retain control over extensions, outbuildings and hardsurfacing in the interests of the appearance of the overall development and the underlying land stability, ground water and surface water drainage issues on the site.

22. Within six months of the works commencing on site, including site clearance, details of how the development will enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority. This shall include the recommendations in section 4.10 of the Preliminary Ecological Appraisal (KB Ecology February 2019). The approved details shall be implemented prior to the occupation of the last dwelling to be completed and shall thereafter be retained.

Reason;

In order to secure ecological enhancements on the site in the interests of the ecology and biodiversity of the area.

### Informatives:

1. Your attention is drawn to the need to contact the Council's Street Naming and Numbering Officer on 01303 853418 in order to have the new properties formally addressed.
2. You are 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 permission for a development does not provide a defence against prosecution under the Act. Trees and scrub are present on the application site and are assumed to contain nesting birds between 1<sup>st</sup> March and 31<sup>st</sup> August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

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**Appendix 1 – Site Location Plan**