

## Stubbs, Lilian

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**From:** Shore, Dave  
**Sent:** 18 July 2019 12:05  
**To:** Planning  
**Cc:** Patching, Lisette; Dethier, Claire; Lloyd, Llywelyn; Jarrett, Andy; Matt Shillito (matt.shillito@tibbalds.co.uk); michael.bottomley@tibbalds.co.uk  
**Subject:** RE: Reference Number: Y17/1042/SH Pre-commencement conditions

Dear Miss Dethier

Further to the Formal Notification outlined below, and sent in respect of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, I can confirm that Folkestone and Hythe District Council, as the applicant for planning application Y17/1042/SH, agrees to the imposition of the pre-commencement conditions listed (numbered 13 to 30), should the Local Planning Authority resolve to grant planning permission:

Regards,  
Dave Shore BA(hons), DipTp, MRTPI

Strategic Development Projects Manager  
Folkestone & Hythe District Council,  
Civic Centre, Castle Hill Avenue,  
Folkestone, Kent. CT20 2QY.  
Office: 01303 853459  
Mobile: 07976 958486  
Email: [dave.shore@folkestone-hythe.gov.uk](mailto:dave.shore@folkestone-hythe.gov.uk)  
Website: [www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)

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**From:** Planning  
**Sent:** 18 July 2019 11:55  
**To:** Shore, Dave  
**Subject:** Reference Number: Y17/1042/SH Pre-commencement conditions

Dear Sir / Madam,

**Application Reference Number: Y17/1042/SH**  
**Site Address: Princes Parade Promenade, Princes Parade, Hythe**  
**Proposal: Hybrid application accompanied by an Environmental Statement for the development of land at Princes Parade, comprising an outline application (with all matters reserved) for up to 150 residential dwellings (Use Class C3), up to 1,270sqm of commercial uses including hotel use (Use Class C1), retail uses (Use Class A1) and / or restaurant/cafe uses (Use Class A3); hard and soft landscaped open spaces, including childrens play facilities, surface parking for vehicles and bicycles, alterations to existing vehicular and pedestrian access and highway layout, site levelling and groundworks, and all necessary supporting infrastructure and services. Full application for a 2,961sqm leisure centre (Use Class D2), including associated parking, open spaces and childrens play facility.**

**The Town and Country Planning (Pre-commencement Conditions) Regulations 2018**

## FORMAL NOTICE

In accordance with the above regulations, the Local Planning Authority must request the written agreement of the applicant before imposing any pre-commencement conditions. We therefore request your written agreement to the imposition of the following conditions, should the Local Planning Authority resolve to grant planning permission:

13. Prior to commencement of the development hereby permitted a phasing plan identifying all proposed phases or sub-phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of likely commencement dates of all principal elements of the development hereby permitted (including the leisure centre, residential development and the commercial development). Thereafter all phases or sub-phases of the development shall be carried out in accordance with the phasing plan unless otherwise previously agreed in writing with the Local Planning Authority.

Reason:

The development will not be carried out as a whole, so certain conditions require details to be submitted only in relation to individual plots comprised within the site or for the whole development. The boundaries of those plots must be identified in order for those conditions to be effective.

14. Prior to commencement of any part of the development hereby permitted evidence shall be submitted to and have been approved in writing by the Local Planning Authority demonstrating that full funding is available for the construction and fitting out of the leisure centre and that it is deliverable with that funding.

Reason:

Provision of the leisure centre was a material planning consideration in the decision to grant planning permission for the overall development.

15. Prior to commencement of the development on each relevant phase or sub-phase relating to the planning permission hereby permitted, a preliminary ecological appraisal (PEA) shall be carried out, the results and recommendations of which shall inform a review/ update of the detailed mitigation strategy to be submitted as part of condition 16 of this planning permission.

Reason:

In order to ensure up to date information is available to inform appropriate mitigation against the environmental effects of the development in accordance with the planning permission.

16. Prior to commencement of the development hereby permitted (including any ground works, site or vegetation clearance) within any relevant phase or sub-phase, a detailed Ecological Method Statement (EMS) (informed by the submitted Ecological Mitigation and Enhancement Plan, Lloyd Bore, August 2017; Appendix 4: Schedule of Environmental Mitigation; Appendix 5: Ecological Mitigation Strategy, Lloyd Bore REF: 3609-LLB-RP-EC-0010-S4-P04 03/07/2018; Appendix 6: Reptile report, Lloyd Bore REF: 3609-LLB-RP-EC-0011-S4- P01 26/06/2018; Appendix 7: Badger Report, Lloyd Bore REF NO. 3609-LLB-RP-EC-0012-S4-P02 03/07/2018) shall be submitted to and approved in writing by the Local Planning Authority. The content of the EMS shall include but not be limited to:

- a) Purpose and objectives for the proposed works, to include the eradication of Japanese knotweed from the site;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) Extent and location of proposed works, including the identification of a suitable receptor site, shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- f) Use of protective fences, exclusion barriers and warning signs;
- g) Initial aftercare and long-term maintenance (where relevant);
- h) Disposal of any waste material;
- i) Interim management plan to ensure the habitats created/enhanced as part of the mitigation strategy will be managed appropriately;
- j) Details of ongoing monitoring.

The works shall be carried out in accordance with the approved details and retained as required thereafter.

Reason:

In order to ensure appropriate mitigation against the environmental effects of the development.

17. Prior to the commencement of any habitat clearance works in relation to the development hereby permitted, a habitat creation plan shall be submitted to and have been approved in writing by the Local Planning Authority. The habitat creation plan shall clearly set out the habitats which will be created within any relevant phase or sub-phase of the development hereby permitted. The approved plan shall inform the overarching Ecological Method Statement that is required to address Condition 16 and shall be incorporated into that document. Any habitat clearance works within any relevant phase or sub-phase shall only occur in accordance with the approved details.

Reason:

In order to ensure appropriate mitigation against the environmental effects of the development.

18. Prior to commencement of the development hereby permitted within any relevant phase or sub-phase, details of a street lighting plan and a lighting design plan for biodiversity, for that phase or sub-phase shall be submitted to and have been approved in writing by the Local Planning Authority, with such details as approved, implemented in accordance with the specifications and locations set out in the approved details for that phase or sub-phase and maintained thereafter in accordance with those details. The plans shall include:

- a) details of the design and external appearance and siting of all street and footpath lighting;
- b) details of how the impact of the lighting on the wider landscape has been considered;
- c) the hours of operation;
- d) identification of those areas/features on site that are particularly sensitive for badgers and bats and where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- e) details of how, where and what external lighting will be installed so that it can be clearly demonstrated that lighting will not disturb or prevent the above species using their territory;

Reason:

To ensure the lighting scheme minimises harm to the character and appearance of the area and to minimise light-related impacts upon foraging bats.

19. Prior to commencement of the development hereby permitted within any relevant phase or sub-phase, details of the proposed means of foul water sewerage disposal shall be submitted to and approved in writing by the Local Planning Authority for that phase or sub-phase, with such details as approved for that phase or sub-phase, implemented in full at the time of the relevant development.

Reason:

To ensure suitable measures are incorporated for the disposal of foul water from the site.

20. Prior to commencement of the development hereby permitted within each phase or sub-phase, details shall be submitted to and have been approved in writing by the Local Planning Authority of the measures proposed to protect the public sewers within that phase or sub-phase, with such details as approved, implemented in accordance with the approved details.

Reason:

In order to protect existing infrastructure.

21. Prior to commencement of any relevant phase or sub-phase of the development hereby permitted a detailed sustainable surface water drainage scheme for that phase or sub-phase shall be submitted to and have been approved in writing by the Local Planning Authority. The detailed drainage scheme shall take into account the overall development and drainage requirements of the whole site and demonstrate that the surface water generated by this development for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be discharged from the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on and off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

22. Prior to commencement of any relevant phase or sub-phase of the development hereby permitted details of the implementation, maintenance and management of the sustainable drainage scheme associated with that phase or sub-phase, to include the drainage measures required by conditions 7, 21 and 31 shall be submitted to and have been approved in writing by the Local Planning Authority. The sustainable drainage scheme for that phase or sub-phase shall be implemented and thereafter managed and maintained in accordance with the approved details. 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.

Reason:

To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

23. Details submitted pursuant to conditions 7, 21 and 31 of this planning permission shall ensure that there will be no discharge of surface water into land impacted by contamination or land that has previously been identified as being contaminated. There shall be no direct discharge to groundwater and no discharge to made ground.

Reason:

To protect vulnerable groundwater resources.

24. Prior to commencement of the development hereby permitted within any relevant phase or sub-phase, the relevant planning approval(s) shall have been obtained for any surface water drainage outfalls or other necessary engineering operations required to serve the development hereby permitted.

Reason:

In the interests of the proper planning of the site.

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

b) If the desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and have been 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 and whether or not it originates on the site. The report of the findings shall include:

- i) A survey of the extent, scale and nature of contamination
- ii) An assessment of the potential risks to;
- iii) Human health
- iv) Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- v) Adjoining land,
- vi) Ground waters and surface waters,
- vii) Ecological systems,
- viii) Archaeological sites and ancient monuments and
- ix) 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).

c) 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 previously agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

d) 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.

e) 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 and approved by the Local Planning Authority before any further development takes place on that phase of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the development and surrounding environment and human health against contamination and pollution.

26. Prior to commencement of the development hereby permitted in any relevant phase or sub phase, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environment Management Plan shall include, but not be limited to, the following:

- a) Access point for HGVs and site personnel;
- b) Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction;
- c) Dust suppression methods;
- d) Commitment to no burning of materials on site;
- e) Details of and location of any lighting used for construction;
- f) Details of plant and noise generated from operation of vehicles and machinery;
- g) Location of any fencing/hoardings in order to avoid physical encroachment into adjoining habitats;
- h) HGV routing;
- i) Hours of operation;

- j)Details of any temporary traffic management/signage required;
- k)Pollution prevention and control;
- l)Prohibition of dewatering or discharge of wastes into canal and use of temporary on-site drainage works to divert runoff away from the canal
- m)Monitoring of works to avoid indirect effects upon surrounding habitats;
- n)Details of the supervised clearance and erection of herptile fencing and trapping and translocation of reptiles to created or enhanced off-site habitats;
- o)Details regarding how the clearance of bird nesting habitat will be prioritised within the period October to February (inclusive), which is outside the typical bird breeding season. If any areas of bird nesting habitat cannot be removed within this period, and need to be removed within the typical bird breeding season (March to mid-September), details of a bird nesting check by a suitably experienced ecologist and a protocol that must be followed if an active nest is recorded, shall also be provided;
- p)Details of tree protection measures to be installed around trees which have been agreed to be retained within the development
- q)Details of appointment of an Ecological Clerk of Works (ECoW) for the duration of the construction stage;

All details of the approved Construction Management Plan shall thereafter be adhered to during the construction of the relevant phase or sub-phase.

27. Prior to commencement of the development hereby permitted within any relevant phase or sub-phase the Applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written specification and timetable which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that features of archaeological interest are properly examined and recorded.

28. Prior to commencement of the development hereby permitted within any relevant phase or sub-phase details of foundations designs and any other development involving below ground excavation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason:

To ensure the preservation in situ of archaeological remains.

29. Prior to the commencement of the development hereby permitted within each relevant phase or sub-phase, details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multipoint destinations and all buildings. The submitted details shall illustrate sufficient capacity, including duct sizing, to cater for all future phases of development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall thereafter be laid out in accordance with the approved details and at the same time as other services during the construction process.

Reason:

To ensure that there is sufficient capacity for high speed telecommunications provision

30. Prior to commencement of the development hereby permitted in any relevant phase or sub-phase, details of a phasing strategy for the realignment of the highway at Princes Parade shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reason:

In order to minimise the extent and duration of parking displacement and ensure that roadworks follow highway authority procedures in the interests of highway safety and the amenity of road users.

Reason:

To ensure appropriate mitigation of environmental effects and the provision of adequate off-street parking for construction-related vehicles, in the interests of highway safety and to protect the amenity of local residents during the construction phase.

The reason the Local Planning Authority consider the proposed condition(s) to be pre-commencement condition(s) is that the timing of compliance is so fundamental to the development and the amenity of residents and the local area that it would otherwise be necessary to refuse planning permission.

In providing a response to this formal notice, you can agree to the proposed pre-commencement condition(s), provide comments or suggest amendments, or state that you do not agree to the imposition of the proposed condition(s).

Please respond to this formal notice within 10 working days from the date of this email (30/07/2019).

If you do not respond in writing to this formal notice by the above date, the Local Planning Authority can determine the planning application and impose the above pre-commencement conditions.

Please note that the serving of this notice is not a guarantee that planning permission will be granted.

Yours faithfully

Miss C Dethier  
Planning Team Leader  
T: 01303 853538  
Folkestone & Hythe District Council, Civic Centre,  
Castle Hill Avenue, Folkestone, Kent, CT20 2QY  
E-mail: [planning@folkestone-hythe.gov.uk](mailto:planning@folkestone-hythe.gov.uk)  
[www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)  
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