

# CANTERBURY CITY COUNCIL

## DECISION NOTICE

**Correspondence Address:**

Mr Paul Webster  
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PO Box 573  
Tunbridge Wells  
TN2 9WF

**Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) (England) Order 2015**

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### NOTIFICATION OF GRANT OF FULL PLANNING PERMISSION

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**Application Number:** CA/20/00925

**Location:** Montpelier, Clapham Hill, Whitstable, Kent, CT5 3DQ

**Proposal:** Erection of three-storey apartment block comprising 24 units and 4 semi-detached three-storey dwelling following demolition of the existing dwelling.

Take notice that **Canterbury City Council**, the district planning authority under the Town and Country Planning Act 1990, has **GRANTED** your application, as described above, subject to the following conditions/reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON:** In pursuance of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall be carried out in accordance with the submitted drawings:

Proposed Site Plan no 19/0729 - 06 rev. G,  
Complete Rear Elevation no 19/0729 - 20,  
Apartments Elevations - Sheet 1 of 2, no 19/0729 - 11 rev. A,  
Apartment Elevations - Sheet 1 of 2, no 19/0729 - 10 rev. A,  
Highways Improvements Plan - no 9165X/01 issue A,  
Apartments Ground Floor Plan - no 19/0729 - 07 rev. E,

Apartments First Floor Plan - no 19/0729 - 08 rev. B,  
Apartments Second Floor Plan - no 19/0729 - 09 rev. B,  
Site Location Plan - 19/0729 - 04,  
Houses Floor Plan - 19/0729 - 12 rev. A,  
Houses Elevations - Sheet 1 of 2, no 19/0729 - 13 rev. A,  
Tree Retention Plan - Appendix B of the Tree Survey Report, ref. AR/84420, February 2020.

**REASON:** To secure the proper development of the area.

3. No development, other than demolition, shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

(i) archaeological field evaluation works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority; and,

(ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation, post-excavation assessment, analysis, publication or conservation in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

**REASON:** To ensure that features of archaeological interest are properly examined and recorded in accordance with policies HE11 and HE12 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, a Construction Management Plan including the following details:

- (a) Routing of construction and delivery vehicles to/from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management/signage
- (f) Details demonstrating how the effects of noise, dust, etc will be controlled and mitigated during demolition and construction phases
- (g) Burning waste on-site during demolition and construction should not take place.
- (h) Details of Hours of Work, Deliveries, etc.

(i) Noisy work, deliveries, etc should not take place outside the following without the prior written agreement of the Council or unless in associated with an emergency: 07:30 to 18:00 Monday to Friday 08:00 to 13:00 Saturday. No such activity should take place on a Sunday or public holiday

shall be submitted and approved in writing to the Local Planning Authority and the approved measures shall be implemented in full.

**REASON:** In the interests of highways and to protect from pollution, in line with policies T1 and QL11 of the Canterbury District Local Plan 2017.

5. Prior to the commencement of the development hereby approved, details of measures to minimise the risk of crime, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

**REASON:** In the interest of Security, Crime Prevention and Community Safety and in accordance with the principles of the NPPF and with policies DBE1 and DBE3 of the Canterbury District Local Plan 2017 and the guidance within The Kent Design Initiative (KDI) and protocol dated April 2013.

6. The access as shown on the drawings hereby approved shall be completed in full prior to the first use of the site commencing and thereafter maintained.

**REASON:** In the interests of highway safety.

7. Details of the measures to prevent the discharge of surface water onto the highways shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be provided and implemented in full prior to the first use of the dwellings hereby approved.

**REASON:** In the interests of highway safety.

8. Prior to the first occupation of the development hereby approved, the area shown on the deposited plan for the parking, turning and manoeuvring of vehicles shall be operational prior to any part of the development hereby approved being brought into use. The area agreed shall thereafter be maintained for that purpose.

**REASON:** In the interests of highway safety and in accordance with policy T9 of the Canterbury District Local Plan 2017.

9. Prior to the first occupation of the development hereby approved, details of the secure and covered parking facilities and bin storage shall be provided. The cycle and bin storage shall be provided prior to the first occupation of the site and thereafter retained in accordance with the approved details.

**REASON:** In the interests of promoting increased cycling in accordance with the National Planning Policy Framework and in accordance with policies T1, T9 and DBE4 of the Canterbury District Local Plan 2017.

10. Prior to the use of the site commencing, the existing access shall be closed and remain as such.

**REASON:** In the interests of the highways safety.

11. The development hereby approved shall use a bound surface for the first 5 metres of the access from the edge of the highway. The bound surface shall be installed prior to the first use of the site commencing.

**REASON:** In the interests of the highways safety.

12. Prior to the first occupation of the development hereby approved, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, illumination levels and spread of light, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan prior to the first occupation of the development and maintained thereafter.

**REASON:** In the interest of biodiversity, in accordance with policy LB9 of the Local Plan 2017

13. Prior to the commencement of works, all precautionary mitigation measures and/or works for reptiles will be carried out in accordance with the details contained in sections 8.4.1. And 8.4.2 of the Preliminary Ecological Appraisal (The Mayhew Consultancy, February 2020).

**REASON:** In the interest of biodiversity, in accordance with policy LB9 of the Local Plan 2017.

14. Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include the provision of native vegetation. The approved details will be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

**REASON:** In the interest of biodiversity, in accordance with policy LB9 of the Local Plan 2017.

15. Prior to the landscaping, full details of both hard and soft landscape works, to include:

- Details of the landscaping buffer along Thanet Way,
- Species, size and location of new shrubs, hedges and grassed areas to be planted;
- The treatment proposed for all hard-surfaced areas beyond the limits of the highway; walls, fences, gates, other means of enclosure proposed

shall be submitted to, and approved in writing by, the Local Planning Authority.

**REASON:** In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with policies DBE3 and LB10 of the Canterbury District Local Plan 2017.

16. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives any written consent to any variation.

**REASON:** In the interests of the visual amenities of the area in accordance with policies DBE3 and LB10 of the Canterbury District Local Plan 2017.

17. Existing trees, shrubs and hedgerows identified for retention (as shown in the Tree Survey, Arboricultural Impact Assessment & Tree Protection Plan, February 2020) within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837:2012 using the following protective fence specification:

- Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority.

Such tree protection measures shall remain throughout the period of construction. The protective fencing shall be erected before the works hereby approved or any site clearance work commences and shall thereafter be maintained until the development has been completed.

At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the protective fenced area. Ground levels within the protective fenced area shall not be raised or lowered in relation to the existing ground level. No trenches for underground services shall be commenced within the protective fenced area or within 5m of hedgerows shown to be retained without the prior written consent of the local planning authority.

**REASON:** In the interests of the visual amenities of the area and to adequately integrate the development into the environment, in accordance with policies DBE3 and LB10 of the Canterbury District Local Plan 2017.

18. The development hereby approved shall not begin (except for demolition/ site clearance) until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the document named Drainage Strategy and Sustainable Drainage Management Maintenance Plan (15 April 2020, Issue B).

The scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

(a) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters appropriate operational,

(b) maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

**REASON:** To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off-site flooding, in accordance with policy C11 of the Local Plan 2017

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

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

20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

**REASON:** To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

21. Prior to the first occupation of the development hereby approved, the acoustic fence along Thanet Way and the mitigation measures, as set out in the section 4.4. of the Noise Impact Assessment (Able Acoustics, July 2020) shall be implemented in full and thereafter retained.

**REASON:** In the interests of residential amenity and in pursuance of policies DBE3 and QL12 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

22. Prior to the first use in the development hereby approved, samples of the materials to be used in the construction of the external surfaces of the development, including 1sqm sample of brickwork with bond, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried in accordance with the approved samples and details.

**REASON:** In the interests of the visual amenities of the area in accordance with policy DBE3 of the Canterbury District Local Plan 2017.

23. Prior to the first occupation of the development hereby approved, active EV charging points to serve one parking space per dwelling and 10% of the unallocated parking spaces and low NOx boilers for each property shall be installed and thereafter permanently retained.

**REASON:** To mitigate impacts on air quality in accordance with policies DBE1, DBE3 and QL12 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

24. The sustainability measures, as set out in Sustainability Statement (V3, April 2020), shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

**REASON:** To encourage sustainable construction measures, in line with policies DBE1, DBE3 and QL12 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

25. 20% of homes hereby approved shall meet the accessibility and adaptable dwellings Regulation M4(2) of the Building Regulations.

**REASON:** To ensure that the development meets the highest standards of accessibility and inclusion, in accordance with policy DBE5 of the Local Plan 2017

This application relates only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

The application was processed having regard to the National Planning Policy Framework, which requires that where there are potential solutions to problems arising in relation to dealing with planning applications, the council will work with the applicant in a positive and proactive manner to seek solutions to those problems.

**NOTES TO APPLICANT (INFORMATIVES):**

1. For the avoidance of doubt, the provision of contributions to as set out in the section 106 agreement dated 8th December 2021 submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

2. It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

3. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

A formal application to requisition water infrastructure is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

4. Lighting can be detrimental to foraging and commuting bats. The Bat Conservation Trust's Bats and Lighting in the UK guidance should be adhered to in the lighting design to minimise impact the proposed development will have on any foraging or commuting bats.

Demolition and vegetation clearance should take place outside of the bird nesting season, otherwise it should be preceded by an inspection of the site by a suitably qualified ecologist.

5. The applicant is advised to seek the input of the Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that all efforts are made to incorporate the principles of Designing out Crime (A Kent Design Guide for Developers Designers and Planners) into the high quality design of any proposal.

6. It should be noted that, where asbestos may be present, a survey by a specialist company will be required to determine whether it is present. If asbestos is found, the specialist company will be required to submit a method statement to the Health and Safety Executive, with a copy to the Council's District Surveyor indicating how the asbestos is to be safely disposed of.

7. Your development has been identified as **liable for CIL charges** and will be charged in line with Canterbury City Council's CIL Charging Schedule.

Next Steps:

- If an 'Assumption of Liability' (Form 2) has not already been submitted, you can find this form on Planning Portal. Please submit this to [planning.obligations@canterbury.gov.uk](mailto:planning.obligations@canterbury.gov.uk).

- Once this has been completed and returned a 'Liability Notice' will be issued by the Council. This notice will set out details of the payment procedure and the charge due (which may be £0 in some cases, for example, where the development meets the conditions for CIL but a zero rate applies in the charging schedule).

- For chargeable developments, the liable party is then required to submit a 'Commencement Notice' (Form 6) before development is commenced. If work on site commences before the notice is submitted the opportunity to claim relief or exemptions may be lost and the liable party will be issued a surcharge of £2,500 or 20% of the chargeable amount, whichever is the lower amount.

- Once the 'Commencement Notice' has been received, the Council will issue a 'Demand Notice'. This notice will detail who is liable, for how much, any reliefs or surcharges, and will also specify the dates on which the payments are due.

The development may qualify for an exemption or relief. However, exemption or relief from CIL is not automatic. The appropriate CIL form(s) must be submitted and agreed by us in writing before starting any work on site, in order to benefit from these provisions.

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Canterbury City Council  
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*Dymowska*

Joanna Dymowska

**Authorised Signatory of the Council**

**Date of issue: 8 December 2021**

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## Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeal Type	Timescale
Householder application	Within 12 weeks of the date of the notice
Minor commercial application	Within 12 weeks of the date of the notice
Express consent for the display of an advertisement	Within 8 weeks of the date of receipt of the notice
Tree Preservation Orders	Within 28 days of the date of the notice
Planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice	Within 28 days of the date of the notice
If an enforcement notice is served relating to the same or substantially the same land and development as in your application.	Within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier
All others	Within 6 months of the date of the notice

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

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

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

### IMPORTANT NOTES

Notification of permission under the Planning Acts does NOT convey consent under The Building Regulations

1. The development to which the attached planning permission relates may also require a separate approval under the Building Regulations.
2. If the planning permission refers to amended plans, any necessary Building Regulations approval should also cover those amendments.
3. If the development involves any demolition work, notice of this this may be required under the Building Act 1984.

Advice on each of the above is available from STG Building Control Partnership on 01634 331133 or by email [building@stgbc.org.uk](mailto:building@stgbc.org.uk)

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