

**TOWN AND COUNTRY PLANNING ACT 1990**

*Notification of Grant of Planning Permission to Develop Land*

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Folkestone  
Kent  
CT20 2JT

Take notice that The Shepway District Council, the Local Planning Authority under the Town and Country Planning Acts has **GRANTED PERMISSION** for the development of land

**situate at: 112 SHORNCLIFFE ROAD FOLKESTONE KENT CT20 2PQ**

**and being: ERECTION OF A DETACHED DWELLINGHOUSE WITH NEW  
ACCESSSES, FOLLOWING DEMOLITION OF EXISTING  
GARAGE**

referred to in your application for permission for development received on 29th November 2017.

This Approval is subject to the following conditions:

**CONDITIONS**

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

Reason:

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

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbered 1414-01, 1414-03B, 1414-04A, 1414-05B, 1414-06, 1414-07, 1414-09, 1414-10.

Reason:

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

- 3 Construction 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.

**Reason**

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

Water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings' <https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings>

- 4 No work on the construction of the building shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:**

To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

- 5 No construction work above the slab level of any building on site shall take place until full details of both hard and soft landscape works have been submitted to the local planning authority including an implementation programme and maintenance schedule. The building shall not be occupied until an approved landscaping scheme has been carried out in accordance with the approved details unless an alternative timescale has been agreed with the local planning authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

**Reason:**

In order to protect and enhance the appearance of the area.

- 6 Details of the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority and the approved boundary treatment shall be completed before the dwelling is first occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. The details shall include the retention and repair of the existing red brick wall upon the south and west boundaries as appropriate (except where the accesses are required).

Reason:

In the interests of visual amenity of the streetscene and the residential amenity of occupiers.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within Class(es) A, B, C, D, E 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:

To enable the Local Planning Authority to retain control over future development given the limited space within the curtilage in accordance with Saved Local Plan Review policies SD1 and BE1.

- 8 1. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.
2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
- (i) A survey of the extent, scale and nature of contamination;
  - (ii) 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
  - (iii) 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.

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:

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 in accordance with saved Local plan Review policy U10a and the NPPF: 2012.

- 9 Prior to the first occupation of the dwelling, the first floor rear (east) windows serving the reading room and en-suite bathroom shall be fitted with obscured glass of a type that is impenetrable to sight and shall be non opening up to a minimum of 1.8 metres above the internal finished floor level and the 6 rear roof windows upon the east roof slope shall be fitted at high level so the bottom cill is a minimum of 1.8 metres above internal finished floor level and shall be retained as described above at all times.

Reason:

To minimise overlooking onto adjoining properties and maintain privacy in accordance with saved Local Plan Review policy SD1.

- 10 The area shown on the approved plan as car parking spaces (including those identified for 112 Shorncliffe Road) shall be adequately surfaced before the premises hereby permitted is first occupied and shall thereafter be kept available for parking purposes in association with the the property hereby permitted and no 112 Shortcliffe Road.

Reason:

It is necessary to make provision for adequate off street parking to prevent obstruction of the neighbouring highway and safeguard the amenities of adjoining areas in accordance with policies TR12 of the Shepway District Local Plan Review.

- 11 The dwelling shall not be occupied until the bicycle parking as shown on the approved plans has been provided on site and thereafter shall be retained for the occupiers use.

Reason:

To ensure that facilities are available for the parking of bicycles so as to encourage access to the site by means other than private motor car in accordance with policy TR5 of the Shepway District Local Plan Review.

- 12 The first 5m of the access from the back edge of the highway shall be surfaced in a bound permeable material.

Reason:

To prevent loose material being transferred onto the highway and reduce flooding, in the interests of highway safety in accordance with policy TR11 of the Shepway District Local Plan Review.

- 13 At the time of the construction of the new vehicular access and driveway hereby permitted, measures shall be installed to prevent the discharge of surface water onto the public highway and thereafter shall be retained.

Reason:

In the interests of highway safety to prevent surface water flooding in accordance with saved Local Plan Review policies SD1 and TR11.

- 14 The construction of the vehicular accesses as shown on the approved plans hereby permitted shall be completed prior to the first use of the dwelling and thereafter maintained for use at all times.

Reason:

In the interests of highway safety in accordance with saved Local Plan Review policies SD1 and TR11.

- 15 Prior to the first use of the vehicular accesses hereby permitted, visibility splays as shown on the submitted plans 1414-03 Rev B with no obstructions over 0.6 metres above carriageway level within the splays shall be provided and thereafter maintained at all times.

Reason:

In the interests of highway safety, in accordance with saved Local Plan Review policies SD1 and TR11.

## INFORMATIVES

- 1 Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- 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.
- 3 Southern Water advises that a formal application for connection to the public sewerage system is required in order to services this development. Please contact Southern Water on Tel: 0330 303 0119.
- 4 Your attention is drawn to the requirements of the Building Regulations 2000 and the possibility of the need to obtain consent under such regulations.

Prior to implementing this permission, you should seek advice from Building Control as to whether or not to make an application. Advice and application forms are available from the Civic Centre, Folkestone (telephone numbers 01303 853538). Alternatively another building control body may be able to assist.

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Shepway District Council, as local planning authority, has taken a positive and proactive approach to the proposed development, focusing on finding solutions:

The agent was advised of planning issues during the processing of the application and additional information has been submitted to address these

An extension of time was agreed with the agent.

The development proposed has been considered against the National Planning Policy Framework, Local Plan policy and relevant material planning considerations and it is the view of the Local Planning Authority that planning permission should be granted.

In coming to this decision regard has been had to the following policies:

Shepway District Local Plan Review Saved Policies - SD1, BE1, BE16, U1, U10a, HO1, TR5, TR11, TR12

Shepway Core Strategy Local Plan - DSD, SS1, SS2, SS3, SS5, CSD5, CSD6.

National Planning Policy Framework 2012

Note:

You are advised that there may be conditions attached to this permission which require the submission of further details to this Authority before the development hereby approved commences or by other specified periods. Such details must be approved by the Local Planning Authority before development commences, or by any other such period specified.

A fee is payable for the discharge of and compliance with conditions of £97.00 per request or £28.00 if relating to planning permission for extending or altering a dwelling house or other development in the curtilage of and ancillary to a dwelling house. (This does not apply to the discharge of conditions on listed building consents)

Requests must be made in writing and must be on the form Approval of Details Reserved by Condition which can be downloaded from <http://www.shepway.gov.uk/content/view/200143/257/#planning>. The statutory period for determining requests is 8 weeks from receipt of a valid request and correct fee. If a decision is not reached within 12 weeks of receipt of a valid submission the fee will be refunded.

Please ensure that all requests for discharge of and compliance with conditions are addressed to the Head of Planning Services and not sent to any other section of the Council and that they are clearly marked with the planning application reference number at the top of this decision notice. Proceeding with the development without obtaining the relevant approvals required by the conditions or not complying with conditions in any other respect may invalidate the permission and may result in the Council serving a Breach of Condition Notice and subsequent prosecution if the Notice is not complied with.



Dated this 26th day of January 2018

Shepway District Council,  
Civic Centre, Castle Hill Avenue,  
Folkestone, Kent CT20 2QY

Ben Geering  
Head of Planning

## **APPEAL GUIDANCE NOTES**

Note:

This permission is confined to permission under the Town and Country Planning Act 1990 (as amended) and does not obviate the necessity for compliance with any enactment, bye-law or other provision whatsoever or of obtaining from the appropriate authority any permission, consent, approval or authorisation which may be required.

### **NOTIFICATION TO APPLICANT**

#### **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 the grant of it, subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of the notice, using a form which you can get from Initial Appeals, The Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provision of a development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

#### **PURCHASE NOTICES**

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which had been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interests in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.