

TOWN AND COUNTRY PLANNING ACT 1990

Notification of Grant of Planning Permission to Develop Land

Mr J Nelson
C/o Mrs Jane Scott
Hobbs Parker Property Consultants LLP
Romney House
Monument Way
Orbital Park
Ashford
Kent
TN24 0HB

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

situate at: **THE WORKSHOP THE SAWMILL WILLS LANE
NEWCHURCH**

and being: **ERECTION OF TWO STOREY BUILDING COMPRISING
GROUND FLOOR CREATIVE STUDIO AND FIRST FLOOR
ANCILLARY RESIDENTIAL ACCOMMODATION, AND
ASSOCIATED CAR PARKING AND LANDSCAPING,
FOLLOWING DEMOLITION OF EXISTING BARN.**

referred to in your application for permission for development received on 26th April 2018.

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, numbers 0039/01D; 0039/05B; 0039/06B; 0039/07B; 197WBR/LD01; 197WBR/LD02 and 197WBR/LD03.

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 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest are recorded. The watching brief shall be in accordance with a written programme and specification which has first been submitted to and approved by the Local Planning Authority.

Reason:

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

- 4 1. Prior to the commencement of development, 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).

2. 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.

3. 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.

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

Reason:

To protect the environment and human health against contamination and pollution, in accordance with saved Local Plan Review policies SD1 and U10a and the NPPF: 2018.

- 5 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 Folkestone & Hythe 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>

- 6 No construction work above the slab level of the building hereby approved shall take place until samples of the materials to be used in the construction of the external surfaces of the building(s) 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.

- 7 No work above slab level on the construction of the building hereby permitted shall take place until, details (including location within the site and elevational drawings) of secure cycle store and bin store have been submitted to and approved in writing by the Local Planning Authority. The approved cycle and bin stores shall be constructed in accordance with the approved details prior to the first use of the building hereby permitted and shall be maintained in a good condition thereafter.

Reason:

To safeguard the living conditions of future occupiers.

- 8 No development shall take place above slab level until details of boundary treatments have first been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall then be installed prior to the first use of the building hereby approved and maintained as such thereafter.

Reason:

To protect the visual amenity of the site and surrounding area.

- 9 The building hereby approved shall not be occupied until the landscaping scheme shown on the approved drawings 197WBR/LD01, 197WBR/LD02 and 197WBR/LD03 has been carried out unless an alternative timescale has first been agreed in writing 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.

- 10 The area shown on the approved plan (no 0039/01 D) as car parking shall be adequately surfaced before the building hereby approved is first used and shall be kept available for parking purposes in association with the premises at all times.

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 Saved Local Plan Review policy TR12.

- 11 Prior to the first use of the building hereby permitted, the ecological enhancements recommended by the submitted Bat Scoping Survey (dated September 2017) shall be implemented and retained as such thereafter.

Reason:

To enhance biodiversity in accordance with paragraph 174 of the NPPF 2018.

- 12 The development hereby approved shall be carried out in accordance with the submitted 'Drainage Strategy & Maintenance Statement' (dated November 2017). The drainage scheme shall be carried out prior to the first use of the building hereby approved and thereafter maintained in a functional condition.

Reason:

To ensure proper drainage and avoid pollution of the area surrounding the site in accordance with saved Local Plan Review policies SD1 and U4 and the NPPF: 2018.

- 13 Prior to first occupation, the recommended flood mitigation measures as set out in the Herrington Consultancy Ltd Flood Risk Assessment (dated October 2017) shall be installed within the building hereby approved and thereafter maintained.

Reason:

In the interests of protecting the building and future occupants from flooding.

- 14 The first floor finished floor level should be set no lower than 3.23m AOD and sleeping accommodation is to be located at first floor only. No ground floor sleeping accommodation is permitted.

Reason:

To reduce the risk of flooding to the development and future occupants.

- 15 No external lighting shall be installed on the land, the subject of this application, without the prior submission to and approval of details by the Local Planning Authority. The installation of any external lights shall only be in accordance with the approved details. Thereafter, no additional lighting shall be installed.

Reason:

In order to reduce light pollution and in accordance with saved Local Plan Review policy U15 and NPPF: 2018.

- 16 The primary use of the building hereby permitted shall be limited to use as a creative studio for the purposes of sculpting or creative media with ancillary first floor residential accommodation and for no other purpose. The ground floor studio shall not be separated from the ancillary residential accommodation above and the ground floor shall not be used / occupied as habitable / living accommodation either in connection with or separately from the first floor ancillary living accommodation at any time. No independent access shall be created to the ancillary first floor accommodation at any time.

Reason:

The site is in a sensitive countryside location where permission has only been granted on the basis of a live / work unit with ancillary residential accommodation and a separate residential unit would not be acceptable in this location, in accordance with Core Strategy policy SS1, SS3 and CSD3.

- 17 The residential floorspace of the live / work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floorspace of that unit, a widow or widower of such a person, or any resident dependants.

Reason:

The site is in a sensitive countryside location where permission has only been granted on the basis of a live / work unit with ancillary residential accommodation and a separate residential unit would not be acceptable in this location, in accordance with Core Strategy policy SS1, SS3 and CSD3.

- 18 The ground floor studio hereby permitted shall not be used other than for office work, and no deliveries or despatches shall take place outside of the following times: 0800 to 1800 Mondays to Saturdays and not at all on Sundays and Bank Holidays, unless otherwise first agreed in writing by the Local Planning Authority.

Reason:

In the interests of the amenities of nearby residents in accordance with saved Local Plan policy SD1 and the NPPF: 2018.

- 19 There shall be no external working in connection with the use hereby permitted outside of the hours set out in condition 18 above.

Reason:

In the interests of the amenities of nearby residents in accordance with saved Local Plan policy SD1 and the NPPF: 2018.

INFORMATIVES

- 1 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.

- 2 Please view the Considerate Constructors Scheme at <http://www.ccscheme.org.uk/index.php/company-registration/how-to-be-very-considerate/company-code-of-considerate-practice>.

In accordance with paragraph 38 the National Planning Policy Framework 2018, Folkestone & Hythe District Council, as local planning authority, has taken a positive and proactive approach to the proposed development, focusing on finding solutions.

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

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 HO1 BE1 CO1 CO5 CO19 U3 U10a TR11 TR12

Emerging Places & Policies Local Plan: HB1 HB3 HB7 HB8 E7 T2 T5 NE3 NE7 HE2

Shepway Core Strategy Local Plan: DSD SS1 SS3 CSD3

A handwritten signature in black ink, appearing to read 'L. Patching', with a stylized, cursive script.

Dated this 30th day of November 2018

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

Lisette Patching
Development Management Manager

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.

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.