

TOWN AND COUNTRY PLANNING ACT 1990

Notification of Grant of Planning Permission to Develop Land

Mr Martezia Karimi
116 - 118 High Street
Hythe
Kent
CT21 5LE

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: 116 - 118 HIGH STREET HYTHE KENT

and being: CHANGE OF USE OF THE GROUND FLOOR FROM RETAIL (CLASS A1) TO A MIXED CAFE/RESTAURANT AND TAKEAWAY USE (CLASS A3/A5).

referred to in your application for permission for development received on 20th December 2016.

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 titled ground floor proposed, garden cafe area and the Promap OS map, together with the details set out in the e-mail from Marteza dated 06.01.2017.

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 The use hereby permitted shall not be open to customers outside the following times 07.00hrs to 22.00hrs daily.

Reason:

In the interests of the amenities of nearby residents in accordance with policies SD1 and BE8 of the Shepway District Local Plan Review and the NPPF: 2012.

- 4 The use of the premises shall be limited to uses contained within Classes A3 and A5 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking, amending or re-enacting that Order.

Reason:

In order that the Local Planning Authority is able to maintain effective control over the future development of the property given its location within the town centre and primary shopping area in accordance with saved policies SD1 and S5 of the Local Plan Review.

- 5 There shall be no more than 8 tables and 32 chairs for customer use within the external courtyard area, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To control the use of the external amenity area, in the interests of the amenities of the area in accordance with saved Local Plan Review policies SD1 and BE8 and the NPPF: 2012.

- 6 There shall be no live music or DJ's and only background incidental music shall be played which shall not exceed 30dBA unless otherwise previously agreed in writing with the Local Planning Authority.

Reason:

To reduce noise disturbance, in the interests of the amenities of the area in accordance with saved Local Plan Review policies SD1 and BE8.

INFORMATIVES

- 1 For the avoidance of doubt this permission does not permit any internal and external alterations to the building.
- 2 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 applicant/agent was provided with pre-application advice in accordance with the Council's Informal Advice Protocol

The application was acceptable as submitted and no further assistance was required

The application was determined within the relevant timescales

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, BE4, BE5, S5, TR12
Shepway Core Strategy Local Plan - DSD, SS1, SS2, SS3, CSD7.
National Planning Policy Framework 2012



Dated this 14th day of February 2017

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.

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.