

TOWN AND COUNTRY PLANNING ACT 1990

Notification of Grant of Planning Permission to Develop Land

Mr K Sharp
C/o Drawing Services Ltd
Hydene
Barrack Hill
Hythe
CT21 4BY

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: LAND ADJACENT 49 ADIE ROAD GREATSTONE KENT

and being: ERECTION OF 14 DWELLINGS WITH ASSOCIATED HARD SURFACING AND AMENITY SPACE.

referred to in your application for permission for development received on 7th 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 Approved plan numbers. The development hereby permitted shall not be carried out except in complete accordance with the details shown on plans numbered DS/1856/1b, DS/1856/2, DS/1856/3, Flood Risk Assessment dated 22 March 2016, Exception Test dated 16 December 2016, Surface Water Drainage Strategy dated 21 July 2016, Preliminary Ecological Assessment dated 22 March 2016.

Reason:

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

- 3 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted inclusive of colour, window/door details, and surface treatment 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 in accordance with saved policies SD1, BE1, BE4 and BE5 of the Shepway District Local Plan Review.

- 4 No development shall take place until full details of both hard and soft landscape works inclusive of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority including planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme and maintenance schedule. 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 the programme 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 in accordance with saved policies SD1, BE4 and BE16 of the Shepway District Local Plan Review.

- 5 Prior to commencement of development, a detailed sustainable surface water drainage scheme shall be submitted to (and approved in writing by) the local planning authority based upon the principles set out in the approved Drainage Strategy dated 21st July 2016 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 100yr storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- o a timetable for its implementation, and

o 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 the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

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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 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 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 the requirements of policy U10a of the Shepway District Local Plan Review.

7 Prior to commencement of development, a construction method statement for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme. The matters addressed in the Statement shall include:-

- (i) Code of Construction Practice;
- (ii) Hours of working for construction and a method statement for any piling or other noisy construction activities, or the installation of any large static construction equipment such as cranes;
- (iii) The location of work compounds;
- (iv) Means of preventing transfer of mud onto the public highway;

- (v) Parking for contractors vehicles;
- (vi) Delivery arrangements.

The approved measures shall be permanently retained throughout the development.

Reason:

In the interests of the amenities of the locality and highway safety in accordance with saved policies SD1, BE1 and TR11 of the Shepway District Local Plan Review.

- 8 Prior to any part of the development reaching slab level, full details of bat and bird bricks to be inserted to each house and insect boxes within the gardens shall be submitted to and approved in writing by the local planning authority. The work shall be implemented prior to the occupation of the last dwelling and thereafter managed and permanently maintained in accordance with the approved details.

Reason:

In the interests of protecting and enhancing biodiversity in and around the site in accordance with saved policy C011 of the Shepway District Local Plan Review.

- 9 Prior to the occupation of the development, full details of the secure cycle storage sheds within the rear gardens shall be submitted to and approved in writing by the local planning authority and implemented in full accordance with the approved details.

Reason:

In the interests of providing an alternative and sustainable form of transport.

- 10 The first floor side windows to each house serving bathrooms and en-suite bathrooms shall be fitted with obscured glass of a type that is impenetrable to sight and permanently retained as such in perpetuity.

Reason:

To minimise inter-looking and overlooking onto adjoining properties and maintain privacy in accordance with saved policy SD1 of the Shepway District Local Plan Review.

- 11 All dwellings hereby permitted shall be connected to the mains drainage sewerage system prior to first occupation.

Reason:

In the interests of sustainability and to prevent contamination of the surrounding land in accordance with saved policies SD1, U1a, U2 and U4 of the Shepway District Local Plan Review.

- 12 The development hereby permitted shall provide finished floor levels set at 3.57m ODN as recommended in the submitted Flood Risk Assessment (FRA) with all sleeping accommodation set at first floor level only and shall be maintained as such in perpetuity.

Reason:

To protect people and property from the impact of flooding.

- 13 The car parking spaces and surfacing materials for each house as shown on plan No. DS/1856/1b shall be used for the parking cars and for no other purpose and permanently retained as such in perpetuity.

Reason:

To ensure that car parking spaces are made available for the lifetime of the development in the interests of highway safety and the amenity of the area.

INFORMATIVES

- 1 This decision is also conditional upon the terms of the Planning Agreement which has been entered into by the developer and the Local Planning Authority under Section 106 of the Town and Country Planning Act 1990. The Agreement runs with the land and not with any particular person having an interest therein.
- 2 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 3030119) or www.southernwater.co.uk.
- 3 Kent Fire and Rescue Service recommends that domestic sprinkler installation is considered within the building.
- 4 Your attention is drawn to the need to contact the Council's Street Naming and Numbering Officer on 01303 853418 in order to have the new properties formally addressed.
- 5 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 and issues of concern were addressed in the submitted application

The application was considered by the Council's Planning & Licensing Committee and the applicant/agent was given the opportunity to speak in support of it

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, U2, U3, U4, U10a, TR5, TR11, TR12, H01, C01, C05, C011.

Shepway Core Strategy Local Plan - DSD, SS1, SS2, SS3, SS5, CSD1, CSD8.

National Planning Policy Framework 2012 - paragraphs 14, 17, 56, 58, 100, 109

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 25th day of August 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.