

TOWN AND COUNTRY PLANNING ACT 1990

Notification of Grant of Planning Permission to Develop Land

Mr Mark Randall
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CZWG Architects LLP
17 Bowling Green Lane
London
EC1R 0QB

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: THE STONES HOUSE, 73 THE PARADE, GREATSTONE NEW ROMNEY KENT

and being: SECTION 73 APPLICATION FOR THE VARIATION OF CONDITION 2 AND 3 OF PLANNING PERMISSION Y13/0677/SH FOR THE ERECTION OF A DETACHED DWELLING, TO CHANGE THE EXTERNAL FACADE AND FENESTRATION OF THE DWELLING.

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

This Approval is subject to the following conditions:

CONDITIONS

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 1929-00-DR-001 Rev 02 and 1929-00-DR-0100 Rev P03 received 27/06/17 under application Y13/0677/SH; 1929-00-DR-0600 Rev P07; 1929-00-DR-0601 Rev P09; 1929-00-DR-0602 Rev P08; 1929-00-DR-0603 Rev P08; 1929-00-DR-0604 Rev P07 and 1929-00-DR-0605 Rev P04; 1929-00-DR-8000 Rev C03 all received 29/06/17.

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.

- 2 The development hereby approved shall be carried out in complete accordance with the details of materials as approved in connection with condition 3 of planning application reference Y13/0677/SH, decision notice dated 25/04/16, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

- 3 The turning area shown on the approved plans, to enable vehicles to enter and leave the site in forward gear, shall be constructed within the site before the occupation of the premises utilising materials approved in connection with condition 3 of planning application Y13/0677/SH, and shall be maintained and kept available for use for the turning of vehicles at all times.

Reason:

To prevent vehicles having to reverse onto the neighbouring highway in the interests of highway safety in accordance with saved policy TR11 of the Shepway District Local Plan Review.

- 4 The garaging shown on the approved plan shall be kept available for domestic parking purposes in connection with the dwelling hereby permitted at all times.

Reason:

To ensure the permanent retention of the space for parking purposes within the curtilage of the site in order to avoid obstruction of the highway and safeguard the amenities of adjacent properties in accordance with saved policies TR12 and SD1 of the Shepway District Local Plan and paragraph 17 of the National Planning Policy Framework.

- 5 At no time shall a gate, or any other means of enclosure, be installed across the vehicular access to the site shown on the approved plans.

Reason:

To prevent vehicular traffic entering the site having to wait on the highway and cause a potential obstruction to other highway users in accordance with saved policy TR12 of the Shepway District Local Plan Review.

- 6 All materials, vehicles, machinery and plant associated with the development shall be stored, operated or driven within land under the control of the applicant but excluding areas of land within the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI), the Dungeness Special Area of Conservation (SAC) and the proposed Special Protection Area (SPA). All vehicles and machinery accessing the site shall only use existing access tracks.

Reason:

In the interests of the protection of the Dungeness Site of Special Scientific Interest, the designated Special Area of Conservation and the proposed Special Protection Area in accordance with policy CSD4 of the Shepway Core Strategy Local Plan and the National Planning Policy Framework.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 (or any Order revoking or re-enacting those Orders) no development falling within Classes A, B, C, D, E and F of Part 1 or Class A of Part 2, both 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 due to the constrained nature of the site, in order to ensure that proposals preserve the character of the dwelling and to protect neighbouring amenity and the adjacent Dungeness Site of Special Scientific Interest, the designated Special Area of Conservation and the proposed Special Protection Area (SPA) in accordance with saved policies SD1, BE1 and BE8 of the Shepway District Local Plan Review, policy CSD4 of the Shepway Core Strategy Local Plan and the National Planning Policy Framework.

- 8 The hard and soft landscaping shall be carried out in accordance with the details as approved under condition 10 of application Y13/0677/SH. If details are not approved the following condition shall apply:

Within 1 month from the date of this decision notice, full details of both hard and soft landscape works, including a plan indicating the positions, design, materials and type of boundary treatment and/or retaining structures to be erected, have been submitted to and approved in writing by the Local Planning Authority including 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 any agreed maintenance schedule.

Reason:

In the interests of the visual amenity of the street scene and wider area in accordance with saved policies SD1, BE1 and BE16 of the Shepway District Local Plan Review and the National Planning Policy Framework.

- 9 1. Within 1 month from the date of this decision notice and prior to the first occupation of the approved dwellinghouse, 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. 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).

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 the first occupation 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 the first occupation of the dwellinghouse hereby permitted, 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 and prior to the first occupation of the dwellinghouse, 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 saved policy U10a of the Shepway District Local Plan Review.

- 10 The bathroom window to the first floor on the north facing elevation, hereby approved, shall be permanently glazed using obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and shall be permanently non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the windows are installed.

Reason:

To protect the privacy of the occupiers of the adjoining dwelling.

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.

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 application was acceptable as submitted and no 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:

Saved Local Plan Review Policies - SD1, BE1, BE8, BE16, HO1, CO6, CO11, U1, U4, TR5, TR11, TR12.

Core Strategy Local Plan - DSD, SS1, SS2, SS3.

The 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 24th 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.