

TOWN AND COUNTRY PLANNING ACT 1990

Notification of Grant of Planning Permission to Develop Land

Mr William Blake
C/o Mr Mike Simmonds
Kent Planning
PO Box 277
Hythe
Kent
CT21 9BG

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: LAND ADJOINING HOLME VIEW FARM DENGEMARSH ROAD LYDD KENT

and being: CHANGE OF USE OF LAND FROM AGRICULTURAL TO B1 (BUSINESS) / B2 (GENERAL INDUSTRIAL) / B8 (STORAGE AND DISTRIBUTION) PURPOSES, INCLUDING FORMATION OF HARDSTANDING AREA TOGETHER WITH RETENTION OF ACCESS, AND CAR PARK AND ERECTION OF INDUSTRIAL UNIT.

referred to in your application for permission for development received on 28th August 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 0306/16/10a, 2017/68/05, 2017/68/06, 0306/16/01c, received 24.07.2018, 2017/68/02B, 2017/68/03B, 2017/68/07B, received 29.10.2018 and 2017/68/08E, received 06.06.2019.

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 development hereby approved shall be carried out in accordance with the details of materials as specified in the application, 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.

- 4 No external lighting shall be installed on the land or buildings without the prior submission to and approval of details by the Local Planning Authority. Details shall include levels of luminance and extent of light spill. The installation of any external lights shall only be in accordance with the approved details.

Reason:

In order to reduce light pollution and in accordance with the Shepway District Local Plan Review policy U15.

- 5 No manufacturing or repair works shall take place within any open external areas of the site at any time.

Reason:

In the interests of neighbouring amenity in accordance with policy SD1 of the Shepway District Local Plan Review.

- 6 The use hereby permitted shall not be operational outside the following times - 07:30 - 20:00 Monday to Saturday or at any time on Sundays or Bank Holidays.

No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside of the hours of operation.

Reason:

In the interests of the amenities of nearby residents in accordance with policies SD1 of the Shepway District Local Plan Review.

- 7 The combined noise emissions from all plant operational on the site shall not exceed -5dB relative to background noise at the nearest residential facade at any time.

Reason:

In the interests of the amenities of nearby residents in accordance with policies SD1 of the Shepway District Local Plan Review.

- 8 The area shown on the approved plan as a vehicle parking area and spaces shall be adequately surfaced and kept available for parking purposes in association with the use hereby permitted.

Reason:

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

- 9 Any access gates to be installed shall not exceed 2.5m in height and shall open away from the public highway.

Reason:

To prevent obstruction of the highway and safeguard the amenities of adjoining areas in accordance with policy TR12 of the Shepway District Local Plan Review.

- 10 The first 5m of the access from the back edge of the highway shall be surfaced in a bound material within 3 months of the date of the permission unless the site ceases operation within that time. If the site ceases use, the access and visibility splays shall be completed prior to the site becoming operational again.

Reason:

To prevent loose material being transferred onto the highway, in the interests of highway safety.

- 11 The access and visibility splays shown on the approved plans shall be completed within 3 months of the date of the planning permission and shall be maintained and retained at all times unless the site ceases operation within that time. If the site ceases use, the access and visibility splays shall be completed prior to the site becoming operational again.

Reason:

In the interests of highway safety in accordance with policy TR12 of the Shepway District Local Plan Review.

- 12 1. A site 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 operational development on site. 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 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 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.

- 13 Any fencing erected around the site shall feature badger gates as shown on the approved plans. Thereafter, they shall be retained or provided again should replacement fencing be erected.

Reason:

To enable movement to retained badger sett and wider site.

- 14 The Gorse planting shown on the approved plans shall be retained. Within 2 years of the date of this planning permission replanting shall take place if any plant is removed, uprooted, destroyed or dies.

Reason:

In the interests of ecology in accordance with saved Local Plan Review policy CO11 and NPPF: 2012.

- 15 The operational development hereby permitted shall not be commenced until such time as a scheme to connect the building to foul and/ or surface water drainage system has been submitted to, and approved in writing, by the local planning authority. The scheme shall thereafter be implemented as approved prior to the first use of the building.

Reason:

To ensure proper drainage and avoid pollution of the area surrounding the site in accordance with saved policies SD1 and U2 of the Shepway Local Plan Review.

- 16 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To avoid pollution of the area surrounding the site in accordance with saved policies SD1 and U2 of the Shepway Local Plan Review.

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.

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 £116.00 per request or £34.00 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
http://ecab.planningportal.co.uk/uploads/appPDF/L2250Form027_england_en.pdf. 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 1st day of November 2019
Folkestone & Hythe District Council,
Civic Centre, Castle Hill Avenue,
Folkestone, Kent CT20 2QY

Llywelyn Lloyd
Chief Planning Officer

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.