

**TOWN AND COUNTRY PLANNING ACT 1990**

*Notification of Grant of Planning Permission to Develop Land*

Mr Peter Chalcraft  
C/o Mr James Reuther  
RDA Consulting Architects  
Evegate Park Barn  
Evegate  
Smeeth  
Ashford  
TN25 6SX

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 REAR 74 HIGH STREET NEW ROMNEY KENT**

**and being: ERECTION OF 6 DWELLINGS (RESUBMISSION OF Y08/0758/SH)**

referred to in your application for permission for development received on 12th May 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 16.124.01, 16.124.03, 16.124.04, 16.124.05 Rev A, 16.124.06 Rev B, Tree Survey and Constraints Report dated 18 December 2008, Tree Position Plan dated July 2016, Archaeological Evaluation Report dated November 2008.

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in the accordance with the aims of 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, (inclusive of garage doors), balustrading, guttering 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 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 an implementation programme and maintenance schedule. The details submitted shall include indications of all existing trees, shrubs and hedgerows on the land and details of any to be retained together with measures for their protection in the course of development. 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 policies SD1, BE4 and BE16 of the Shepway District Local Plan Review.

- 5 Soft landscape works shall include 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.

Reason: In order to protect and enhance the appearance of the area in accordance with policies SD1, BE4 and BE16 of the Shepway District Local Plan Review.

- 6 Prior to the commencement of building works on site, the recommendations and sequencing of operations in relation to works and protection of trees on the adjacent land shall be carried out strictly in accordance the details contained in the approved Tree Survey and Constraints Report dated 18 December 2008, unless otherwise approved by the Local Planning Authority. Such works shall be carried out in accordance with BS 5837 (2005).

Reason: In the interests of good arboricultural management and the protection of trees on the adjacent land in accordance with policies SD1, BE4 and BE16 of the Shepway District Local Plan Review.

- 7 No development shall commence until details of the proposed means of surface water disposal have been submitted to and approved by in writing the Local Planning Authority in consultation with Southern Water. Development shall be carried out in accordance with the approved details.

Reason: To ensure proper drainage and avoid pollution of the area surrounding the site in accordance with policies SD1 and U4 of the Shepway District Local Plan Review.

- 8 Prior to the commencement of development, details of the measures which will be undertaken to divert the public sewer (if diversion of the public sewer is necessary to facilitate the development) shall be submitted to and agreed by in writing the Local Planning Authority (in consultation with Southern Water). Such measures as agreed shall be carried out prior to the first commencement of building works or other such timescales as agreed in writing by the Local Planning Authority.

Reason: In order to protect drainage infrastructure in accordance with policies SD1 and U1a of the Shepway District Local Plan Review.

- 9 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 policies SD1, U1a, U2 and U4 of the Shepway District Local Plan Review.

- 10 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 Shepway 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>

- 11 The parking/garaging shown on the approved plans shall be kept available for domestic parking purposes in connection with the dwellings 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 policies TR12 and SD1 of the Shepway District Local Plan Review.

- 12 The turning areas shown on the approved plans shall be provided and made available for use before the first occupation of the premises and shall thereafter be maintained and kept available for use for the turning of vehicles only at all times.

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

- 13 Prior to the commencement of development, details of the flood resilient measures to be incorporated into the dwellings hereby permitted shall be submitted to and approved by in writing, the Local Planning Authority. The measures hereby approved shall be installed at the time of development and retained as such.

Reason: In the interests of protecting the dwellings from flooding in accordance with policy SD1 of the Shepway District Local Plan Review, PPS25 - Development and Flood Risk Practice Guide and National Planning Policy Framework and Technical Guidance.

- 14 Before work commences on site details of existing and proposed ground levels and finished slab levels together with full details of the roof ridge lines and eaves levels of the proposed dwellings in relation to those of the neighbouring properties to the north-east and south of the site shall be submitted to and approved in writing by the Local Planning Authority and the work shall be undertaken in accordance with the approved details.

Reason: To ensure control over the height of the building when constructed and to minimise the impact on adjacent residential properties and the locality in accordance with policies SD1, BE1, BE4 and BE5 of the Shepway District Local Plan Review.

- 15 Before any construction commences on site, 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) Routing of construction vehicles and appropriate signing;
- (vi) Parking for contractors vehicles;
- (vii) The recycling of any demolition waste and construction waste as is practicable;
- (viii) Delivery arrangements.
- (ix) Methodology and measures to be put in place to control dust.

And the approved measures shall be retained throughout the development.

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

- 16 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 (or any Order revoking or re-enacting those Orders) no development falling within Classes A, B, C, D, E and H of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason: For the avoidance of doubt, in the interests of protecting the visual amenities of the conservation area and the setting of the listed building and to enable the Local Planning Authority to retain control over future development given the restricted nature of the site in accordance with policies SD1, BE1, BE4 and BE5 of the Shepway District Local Plan Review.

- 17 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 and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To record and protect items of archaeology within the site in accordance with policy SD1 of the Shepway District Local Plan Review.

- 18 Prior to the commencement of works on site details of the foundation design, including depth, to take account of the findings of the Archaeological Evaluation works submitted as part of the application shall be submitted to and approved by in writing the Local Planning Authority. The works shall be carried out strictly in accordance with the agreed details.

Reason: To protect archaeological remains in situ in accordance with policy SD1 of the Shepway District Local Plan Review and the National Planning Policy Framework.

- 19 Details of the facilities for storage and collection of refuse (including areas for recycling) shall be submitted to and approved by in writing the Local Planning Authority before the development is begun and the approved scheme shall be made available for use prior to the dwellings being first occupied. Such areas as agreed shall thereafter be retained for refuse/recycling storage purposes.

Reason: To ensure adequate means of refuse collection in the interests of the amenities of residents in accordance with policy SD1 of the Shepway District Local Plan Review.

20 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.

- 21 The dwellings hereby permitted shall be fitted with domestic sprinklers prior to first occupation which shall be maintained in a functional condition at all times.

Reason: In the interests of the health and safety of future occupiers of the new dwellings in accordance with policy SD1 of the Shepway District Local Plan Review.

- 22 No dwelling shall be commenced until the details listed below (where relevant) have been submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details:

- a) 1:50 scale elevations and sections sufficient to identify the specific location of all external gas and electricity meters together with their relationship to proposed adjacent ground levels whether hard or soft landscaped;
- b) 1:20 scale details of porch canopies (including materials and finish, details of any supporting posts and related brick plinths and roofing materials);
- c) Details of any other external fittings to dwellings and their locations (including aerials, dishes and amenity lighting)
- d) Brick boundary wall pier and coping details
- e) Extract vents and Flues

Reason:

In order to ensure the design quality of the development is maintained in accordance with BE1 and SD1 of the Local Plan Review and policy SS7 of the Shepway Core Strategy Local Plan 2013.

INFORMATIVES



- 1 The applicant is advised of comments from Southern Water which state that sewer records show a public sewer crossing the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the public sewer, so long as this would result in no unacceptable loss of hydraulic capacity and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Should the applicant wish to divert apparatus:

1. The 150mm diameter sewer requires a clearance of three metres either side of the sewer to protect it from construction works and allow for further access for maintenance.
2. No development or new tree planting should be located within three metres either side of the centreline of the public sewer.
3. No new soakaways should be located within 5m of a public sewer.
4. All other existing infrastructure should be protected during the course of construction works.

Alternatively, the applicant may wish to amend the site layout or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items 1 - 4 above also apply.

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 Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

- 2 Kent Fire and Rescue Service recommends that domestic sprinkler installation is considered within the building.
- 3 Your attention is drawn to the need to contact the Council's Building Control Unit on 01303 853418 in order to have the new properties formally addressed.
- 4 The applicant is advised that no additional windows can be inserted into the houses without further notification to the Local Planning Authority.
- 5 The applicant is advised with regards to condition 6 above that the relevant consent of the owners of the trees, in this case New Romney Town Council, is required prior to any works being carried out on the trees outside the application site.
- 6 The applicant is advised that details for the submission of materials should include the provision of a clay roof tile rather than the slate stated on the plans.
- 7 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 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:

The following policies of the Shepway District Local Plan Review apply:

SD1, HO1, BE1, BE4, BE5, BE16, U1a, U2, U6, TR6, TR11, TR12

The following policies of the Shepway Core Strategy Local Plan apply:

DSD, SS1, SS2, SS3, CSD1, CSD8.

The following Supplementary Planning Documents and Government Guidance apply:

- National Planning Policy Framework
- Kent Design Guide

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 23rd day of December 2016

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](http://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.