

Mr Mark Maurice
Dover Street Properties
c/o Mr Doug Brown
JWDB Planning
51 London Road
Ramsgate
Kent
CT110DD

Town and Country Planning Act 1990 (as amended)
Town & Country Planning (Development Management Procedure) (England) Order
2015

APPLICATION NUMBER DOV/16/00417

NOTIFICATION OF GRANT OF Outline Planning Permission

Proposal: Outline application for the erection of 65 residential apartments and houses comprising 10 x 1 Bedroom Units, 32 x 2 Bedroom Units, 9 x 3 Bedroom Units, 14 x 4 Bedroom Units , together with 78 parking spaces, vehicular and pedestrian access and garden and open space areas (matters to be considered access, appearance, layout and scale) (landscape to be reserved)

Location: The Old Sorting Office, Charlton Green, Dover, CT16 1AP

TAKE NOTICE that Dover District Council, the District Planning Authority under the Town and Country Planning Act, **HAS GRANTED** Outline Planning Permission for the proposal in accordance with the application and accompanying plans received on 11/04/16

SUBJECT TO SUCH CONDITIONS AS ARE SPECIFIED hereunder together with the reasons for their imposition:-

- 1 Approval of the details of the landscaping (hereafter called "the Reserved Matters") shall be obtained from the local planning authority in writing before development commences and the development shall be carried out as approved.
Reason: To comply with the provisions of the Town and Country Planning (General Development Procedure) Order and the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (or any Order/legislation revoking or re-enacting that Order/ legislation with or without modification).

- 2 Application for approval of the Reserved Matters shall be made to the local planning authority not later than the expiration of 3 years from the date of this permission.
Reason: To comply with the provisions of the Town and Country Planning (General Development Procedure) Order and the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (or any Order/legislation revoking or re-enacting that Order/ legislation with or without modification).
- 3 The development hereby permitted shall be begun not later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.
Reason: To comply with the provisions of the Town and Country Planning (General Development Procedure) Order and the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (or any Order/legislation revoking or re-enacting that Order/ legislation with or without modification).
- 4 The development, insofar as it relates to scale, layout, appearance and access, hereby permitted shall be carried out in accordance with the following approved plans: CGD.15.02 A, CGD.15.09 A, CGD.15.10 A, CGD.15.11 A, CGD.15.12 A, CGD.15.13 A, CGD.15.18 A, CGD.16.02 B, CGD.16.11 A, CGD.16.12 A, CGD.16.21 A, CGD.16.22 A, CGD.16.23 A, CGD.16.24 A, CGD.16.25 A, CGD.16.26 A and CGD.16.27 A.
Reason: For the avoidance of doubt.
- 5 The Reserved Matters details shall include a scheme for the provision of affordable housing. The scheme shall demonstrate that the provision is based on evidenced and justified need in terms of unit types, numbers and locations. The affordable housing scheme shall be provided in accordance with the approved details. For the avoidance of doubt affordable housing shall be defined in accordance with the definition provided within the National Planning Policy Framework and shall comprise the provision of 30% of the total houses proposed as affordable houses, unless evidence is submitted which demonstrates that, due to the financial viability of the scheme, such provision cannot be made.
Reason: In the interest of sustainability.
- 6 The Reserved Matters details shall include the following soft landscaping details: soft landscape details, to include open spaces, tree and hedge removal and planting, front garden areas, green spaces; details of any earthwork's, including grading, re-profiling, mounding and changes in land levels; a schedule of planting, including locations, species, plant sizes and proposed numbers/densities; details of protective measures (including tree guards) to planted areas; a programme for carrying out the works; and a scheme for the maintenance of the landscaping in perpetuity. The development shall be carried out in accordance with approved details and maintained as such.
Reason: In the interest of visual amenity.

- 7 The Reserved Matters details shall include full details of the exact position of the Combined Sewer crossing and adjacent to the site, which shall be determined by on-site investigation. The landscaping scheme (submitted in accordance with condition 6) shall have regard for the established position of the sewer. For the avoidance of doubt: there shall be no development or new tree planting within 3.5 metres either side of the centreline of the sewer; there shall be no new soakaways within 5 metres either side of the centreline of the sewer; and all existing infrastructure shall be protected during the course of construction works.
Reason: To ensure adequate measures are made for disposal of foul drainage and sewage.
- 8 The Reserved Matters details shall include full details of the on and off site measures (as appropriate) for the means of disposal for foul sewage. Details shall include measures taken to protect the existing public sewers and a timetable for the carrying out of the works as approved for the means of disposal, either as a phased or full implementation. The development shall be carried out in accordance with approved details and maintained as such.
Reason: To ensure adequate measures are made for disposal of foul drainage and sewage.
- 9 The Reserved Matters details shall include a Surface Water Drainage Scheme. The Scheme shall incorporate sustainable drainage features to attenuate and restrict the rate and volume of surface water leaving the site and shall include details of a Management and Maintenance Plan for the lifetime of the development, including arrangements for adoption by an appropriate Public Authority or Statutory Undertaker, where relevant. The development shall be carried out in accordance with approved details and maintained as such.
Reason: To prevent flooding to the development site and adjacent land by ensuring the satisfactory disposal of surface water from the site.
- 10 The Reserved Matters details shall include details demonstrating how surface water would be prevented from discharging onto the public highway. Development shall be carried out in accordance with the approved plans.
Reason: In order to prevent the discharge of surface water on the public highway in the interests of highway safety.
- 11 No development shall take place until a site investigation and risk assessment, undertaken by competent persons and following recommendations made in the Soiltec Phase 1 Environmental Assessment (Desk Study Report) reference 06631/21 and dated 9th September 2015, has been submitted to and approved in writing by the Local Planning Authority. The investigation and assessment report shall include an assessment of the nature and extent of any contamination on the site and whether or not it originates from the site. The report of the findings shall include:
- (i) A survey of the extent, scale and nature of contamination, to include an asbestos survey where relevant.
 - (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.

(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).

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 prior written notification of commencement of the remediation scheme works.

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. Any material imported to the site shall be laboratory certified as suitable for use.

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 secure the safe development of the site in terms of human health and the wider environment and pursuant to the National Planning Policy Framework. These details are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 12 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The said plan shall include details of: loading and unloading of plant and materials; on-site parking for construction workers; temporary access arrangements; and measures to prevent dirt or other debris from being deposited upon the public highway. The approved Construction Management Plan shall be fully complied with throughout the construction period.
Reason: These details are required prior to the commencement of the development in the interests of minimising the impact of the development during the construction phase. These details are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.
- 13 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the local planning authority.
Reason: To ensure that features of archaeological interest are properly examined and recorded. These details are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.
- 14 No development above ground, other than demolition, shall take place until a scheme of sound insulation measures, such that the reasonable internal unoccupied noise levels detailed in Table 5 of British Standard 8233:1999 are met, has been submitted to and approved in writing by the Local Planning Authority. These levels are:
- Living rooms during the day (0700-2300 hours) 40dB LAeq (16hr);
 - Bedrooms at night (2300-0700 hours) 35dB LAeq (8hr). Individual noise events in bedrooms shall not exceed 45dB LA(max) measured with Fast Time Weighting
- The details as approved shall be implemented prior to the first occupation of the dwellings and thereafter maintained.
Reason: In order to safeguard the amenities of residential occupiers and the details are needed prior to the start of work so that measures can be incorporated into the build.
- 15 No development above ground level shall take place until samples of materials to be used in the construction of the external surfaces of the building hereby permitted 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: In the interests of visual amenity.
- 16 Prior to the first occupation of the development hereby approved, the vehicular access, as shown on drawing number CGD.16.02 B, shall be completed in accordance with the approved plans and shall thereafter be maintained. For the avoidance of doubt, the first five metres of the access shall be constructed using a bound surface material.
Reason: In the interests of highway safety.

- 17 Prior to the first occupation of the development, the existing vehicular access to Charlton Green, as shown on drawing number CGD.15.LS02 A, shall be permanently closed and the footpath reinstated, in accordance with details to be submitted to and approved in writing by the local planning authority.
Reason: In the interests of highway safety.
- 18 Prior to the first occupation of the dwellings within blocks A2 and A3, the pedestrian and cycle access through blocks A2 and A3, as shown on drawings CGD.16.02 B, CGD.16.11 A and CGD.16.24 A, shall be made available and thereafter be retained for that purpose.
Reason: To ensure the provision of adequate pedestrian and bicycle permeability to encourage sustainable modes of transport and in the interests of highway safety.
- 19 The visibility splay shown on the approved plans shall be provided prior to the first occupation of the dwellings and shall thereafter be so maintained. No structure, tree or plant within the approved splay shall exceed 1 metre in height.
Reason: In the interests of road safety and convenience.
- 20 The areas shown on the approved drawings as vehicle parking space and turning space shall be provided, surfaced and drained before the dwellings to which they relate are first occupied, and shall be retained for that use thereafter whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, and re-enacting that Order with or without modification).
Reason: Development without provision of adequate parking of vehicles is likely to lead to highway safety issues to other road users.
- 21 The approved bicycle storage, as shown on drawing number CGD.16.02 B, shall be completed prior to the first occupation of the development and shall thereafter be retained solely for that purpose.
Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.
- 22 The refuse stores, as shown on drawing number CGD.16.02 B, shall be provided before the dwellings to which they relate are first occupied and shall thereafter be kept available for their approved purpose at all times.
Reason: In order to ensure satisfactory provision of on-site storage for refuse/recycling facilities.
- 23 The boundary treatments shown on drawing numbers CGD.15.09 A, CGD.15.10 A, CGD.15.11 A, CGD.15.12 A, CGD.15.13 A, CGD.15.18 A and CGD.16.02 B, shall be completed before the occupation of the development to which those details relate.
Reason: To ensure a high quality of design and in the interests of enhancing the quality and enjoyment of the environment.

In reaching the decision to grant planning permission, the Local Planning Authority has taken into account the requirement in Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application in accordance with the Development Plan, the policies of the Development Plan and all other material considerations. Policies are referred to in conditions where appropriate.

In accordance with paragraphs 186 and 187 of the NPPF, Dover District Council (DDC) takes a positive and proactive approach to development proposals focused on solutions. DDC works with applicants/agents in a positive and proactive manner by: Offering a pre-application advice service; where possible, suggesting solutions to secure a successful outcome; and, as appropriate, updating applicants/agents of any issues that may arise in the processing of their application. In this instance:

- 1 The applicant/agent was updated of any issues after the initial site visit.
- 2 The applicant/agent was provided with pre-application advice.
- 3 The applicant was provided the opportunity to submit amendments to the scheme/address issues.

Dated: 07/10/2016

DISTRICT COUNCIL OFFICES
WHITE CLIFFS BUSINESS PARK
DOVER KENT CT16 3PJ
TEL:DOVER (01304) 821199

Signed:

For Mike Ebbs
Head of Regeneration & Development

YOUR ATTENTION IS DRAWN TO THE REQUIREMENTS OF THE CONDITIONS SET OUT IN THIS DECISION NOTICE. THE PLANNING PERMISSION IS CONDITIONAL ON COMPLIANCE WITH THESE REQUIREMENTS. SOME CONDITIONS MAY REQUIRE THE SUBMISSION AND APPROVAL OF FURTHER DETAILS BEFORE ANY WORK IS COMMENCED AND SUCH SUBMISSIONS WILL BE SUBJECT TO A FURTHER FEE.

ANY CHANGE TO THE APPROVED PLANS IS LIKELY TO REQUIRE A FURTHER PLANNING PERMISSION.

FAILURE TO COMPLY WITH THESE REQUIREMENTS MAY LEAD TO LEGAL ACTION BY THE DISTRICT COUNCIL AND /OR MEAN THAT THE PERMISSION IS VOID.

YOUR ATTENTION IS ALSO DRAWN TO THE NOTES AND ANY LETTER ACCOMPANYING THIS NOTICE

Appeals to the Secretary of State

- * If you are aggrieved by the decision of the Council to refuse permission for the proposed development, or to grant permission subject to conditions, you may wish to discuss with the Council whether a revised proposal would be likely to succeed; the District Council is likely to charge for such discussions. Otherwise you may appeal to the First Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you wish to appeal, you must do so **within 6 months** of the date of this notice **or within 12 weeks of this date if your application concerned is householder development or minor commercial. Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel: 0303 444 5000, or online at www.planningportal.gov.uk/pcs.**

- * The Secretary of State has power to allow a longer period for giving notice of an appeal, but he will not be prepared to use this power unless there are extraordinary 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 Council could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- * In practice, the Secretary of State does not refuse to consider appeals solely because the Council based its decision on a direction given by him.

Purchase Notices

- * If either the Council 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 render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- * In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Environmental Statements

- * If you submitted an Environmental Statement, the Local Planning Authority has taken that environmental information into consideration in reaching its decision.

Other Matters

- * Any planning permission or approval granted is confined to permission under the Town and Country Planning Act and the Town and Country Planning (General Development Procedure) Order 2015, and does not negate the need for compliance with any other enactment, bylaw, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be required. This includes the need to apply for Listed Building Consent should the proposal involve the demolition or alteration (internal or external) of, or extension to, a building listed as being of Architectural or Historic Interest, or of any structure built before July 1948 within the curtilage of a listed building, for the total or substantial demolition of any unlisted building if it is situated within a designated conservation area.
- * **You are advised particularly to contact the Building Control Officer at the District Council Offices, White Cliffs Business Park, Dover (01304 821199) to ascertain whether permission is necessary under the Building Regulations. Attention is also drawn in particular to the provisions of Section 53 of the County of Kent Act 1981, which may be applicable, the requirements of the Party Wall Etc Act 1996 concerning notifying affected neighbours and the Housing Act 2004 concerning the adequacy of lighting to habitable rooms. Many species of wildlife and their habitat are protected by law.**
- * Should any change be required to your proposal, however minor, in connection with other legislation or otherwise, a further planning permission is likely to be required to ensure that the development is authorised.