



c/o Mrs Lucy Wilford, DHA Planning  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
ME14 3EN

## **Town and Country Planning Act 1990 (As Amended)**

**APPLICATION NUMBER 22/01497**

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### **NOTIFICATION OF GRANT OF OUTLINE PERMISSION**

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Proposal: Outline application for the erection of up to 53no. dwellings with associated parking, open space, landscaping, drainage and associated infrastructure (with all matters reserved except access) (existing buildings to be demolished)

Location: Land At 52 New Street, Ash, CT3 2BN

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

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

- 1 Approval of the details of the layout, scale, landscaping and appearance (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 hereby permitted shall be carried out in accordance with the following approved plans:

- SITE LOCATION PLAN- 22-23-01 REV A (Received 14th November 2022)
- PROPOSED ACCESS ARRANGEMENT- 16404 - H-01 REV P4 (Received 30th March 2023)
- PROPOSED EMERGENCY ACCESS NEW STREET- 16404 - H-02 REV P4 (Received 30th March 2023)

and shall be carried out in broad accordance with the following approved plans:

- DIAGRAMMATIC ZONAL SITE PLAN OPT 1- 22-23-07 (Received 14th November 2022)

Reason: For the avoidance of doubt.

5 Full details the refuse and recycling facilities shall be submitted with the reserved matters application. No dwelling shall be occupied unless that dwelling has been provided with refuse and recycling facilities together with details of storage facilities or specific collection points. These facilities shall be fully implemented as approved and be retained thereafter.

Reason: In the interests of residential and visual amenity.

6 Full details of the covered cycle parking facilities shall be submitted with the reserved matters application. No dwelling shall be occupied unless that dwelling has been provided with covered cycle parking facilities. These facilities shall be retained thereafter.

Reason: In the interests of sustainability and reducing the need for car travel.

7 No dwelling shall be occupied until the vehicular parking spaces, turning facilities, visitor and communal parking spaces and access road to serve it, have been provided in accordance with details provided at the reserved matters application. These shall be permanently retained as approved thereafter.

Reason: In the interests of highway safety and the free flow of traffic.

8 Based on the submission of the Ecology report (EES 22.108.2) and the Groundsure report (ref:EMS-787127\_1015582) 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 and whether or not it originates on the site. The report of the findings shall include:

- a. A survey of the extent, scale and nature of contamination;
- b. An assessment of the potential risks to:
  - i. Human health;
  - ii. Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - iii. Adjoining land,
  - iv. Ground waters and surface waters,
  - v. Ecological systems,
  - vi. Archaeological sites and ancient monuments; and
- c. An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with relevant guidance, including CLR11 (Model Procedures for the Management of Land Contamination) and BS10175:2011.

Reason: These details are required prior to commencement to ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

9 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.  
Reason: These details are required prior to commencement to ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

- 10 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.

Reason: These details are required prior to commencement to ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

- 11 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, pursuant to the National Planning Policy Framework.

- 12 Before the construction of the access road/access hereby permitted, details to prevent the discharge of surface water on the public highway shall be submitted to and approved in writing by the local planning authority. 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.

- 13 The development shall include the use of a bound surface for the first 5 metres of the access from the edge of the highway.

Reason: In the interests of highway safety.

- 14 No development shall be occupied until the vehicular and pedestrian access to the site has been provided in accordance with the approved plans.

Reason: In the interests of accessibility and a highway safety and convenience.

- 15 The visibility splays shown on the approved drawings 16404 - H-01 REV P4 (Received 30th March 2023) and 16404 - H-02 REV P4 (Received 30th March 2023) shall be provided prior to the first occupation of the development and thereafter shall be so maintained. No structure, tree or plant within the approved splays shall exceed 1 metre in height above the carriageway level.

Reason: In the interests of highway safety and convenience.

- 16 No development above ground level shall take place until full details of proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture, have been submitted to the local authority and approved in writing.

The above shall include provision of highway carriageways and footways up to the boundaries of adjacent sites. There should be no boundary treatments erected at these locations across the carriageways or footways.

The development shall be laid out and constructed in accordance with the approved details before first occupation.

Reason: In order to ensure that the development is served by an adequate standard of highway in the interests of highways safety and the visual quality of the development.

- 17 No dwelling shall be occupied until the following off site highway works (as indicated on drawings H01-P4 and H02-P4, both received 30th March 2023), have been carried out in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority and secured through a section 278 agreement under the Highways Act 1980 for works to the highway:

- Dropped kerbs and tactile paving to be provided to create a pedestrian crossing over Cherry Garden Lane
- Verge to be converted to a 2m wide footway on southern side of Sandwich Road
- Uncontrolled crossing on Sandwich Road, with dropped kerbs and tactile paving, new stretch of footway to northern side of Sandwich Road and relocation of the bus stop and shelter
- Relocation of telegraph pole
- Relocation of the speed limit on Sandwich Road including relocated dragon's teeth and red surfacing
- Submission of details for double yellow lines at New Street emergency access

All works will be subject to a separate Section 278 Agreement under the Highways Act 1980.

Reason: In the interests in the safe and free flow of traffic on the local highway network.

- 18 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:
- a. Details of how the developer will liaise with construction and delivery vehicle operators to manage vehicle routing to and from the site
  - b. Parking and turning areas for construction and delivery vehicles and site personnel
  - c. Timing of deliveries
  - d. Provision of wheel washing facilities

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.

- 19 No development shall take place (with the exception of site clearance, remediation and archaeological works) until details have been submitted with the Reserved Matters application which demonstrate that the requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

- 20 Development shall not begin (with the exception of site clearance, remediation and archaeological works) until a detailed sustainable surface water drainage scheme for the site has been submitted to, and approved in writing by, the local planning authority. The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to be beyond being reasonable practical then any surface water leaving site shall not exceed a discharge rate of 5.4l/s for all rainfall events. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations 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.

- 21 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 22 No development shall take place (with the exception of site clearance, remediation and archaeological works) until a detailed scheme for the disposal of foul sewage, together with a programme for implementation and long term maintenance, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented and operational before any of the dwellings hereby permitted are first occupied and shall be maintained in accordance with the approved scheme thereafter.

Reason: These details are required prior to the commencement of the development to ensure the development is served by satisfactory arrangements for the disposal of foul sewage.

- 23 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.

- 24 The details required by Condition 1 (reserved matters condition for layout) shall demonstrate that the proposed development accords with Secured by Design Principles, following guidance contained within "Secure by Design Homes 2023".

Reason: To ensure the development seeks to address measures for the prevention of crime.

- 25 A survey of the development site as existing together with a Pre-Development Tree Survey/Report in accordance with BS5837:2012 Trees in relation to design, demolition and construction shall be submitted to the local planning authority at the same time as the submission of the detailed site layout drawings and shall include, as appropriate, the following information at a suitable scale:

(i) Location, species, girth or stem diameter, accurately planned crown spread and reference number of all trees on and adjoining the site with a stem diameter of 75 mm or greater at a point 1.5 metres above ground level.

(ii) A numbered tree condition schedule with proposals for removal of trees, details of retained trees and for surgery or other works, where applicable, to retained trees.

(iii) Existing and proposed levels including, where appropriate, sufficient detail to allow proper consideration of existing tree protection.

(iv) Location, spread and other relevant details of existing hedgerows, hedges and other significant areas of vegetation.

(v) Location and dimensions of existing watercourses, drainage channels and other aquatic features with water, invert and bank levels as appropriate.

(vi) Existing boundary treatments and forms of enclosure.

Reason: These details are required prior to commencement to allow the proper consideration of the impact of the proposed development on the amenity value of the existing site.

- 26 Prior to the commencement of development a tree and hedge protection scheme has been submitted to and approved in writing by the local planning authority. The protection scheme shall identify the retained trees and hedges and where excavations or changes to land levels or underground works are proposed that might affect the root protection area, the scheme shall detail the appropriate working methods (the arboricultural method statement) in accordance with British Standard BS 5837: 2012 (Trees in relation to design, demolition and construction). The scheme for the protection of the retained trees and hedges shall be carried out as approved. In this condition "retained tree or hedge" means an existing tree or hedgerow which is to be retained in accordance with the submitted and approved plans and particulars. If any retained tree or hedgerow is cut down, uprooted or destroyed or dies within 5 years of the completion of development, the tree/hedgerow shall be replaced by a tree/hedgerow of a similar type and species in the next planting season after the damage or loss.

Reason: To protect and prevent damage to existing trees and hedges on the application site, in the interests of visual and rural amenity.

- 27 All window glazing used for liveable rooms (bedrooms, living rooms, dining rooms and kitchens) in planned dwelling houses shall achieve a sound reduction value of 30 dB Rw + Ctr. All such glazing shall be fitted with acoustically treated trickle vents. The sound reduction value for the trickle vents must ensure that the sound reduction value of the façade is maintained despite their installation.

All dwellings shall be designed to ensure that the internal unoccupied noise levels in living rooms and bedrooms accord with British Standard 8233:2014 - 'Guidance on sound insulation and noise reduction for buildings' ( or any equivalent replacement guidance) in accordance with details to be submitted to and approved in writing by the local planning authority.

The approved measures shall be completed before the dwellings are first occupied, and thereafter shall be retained in that form.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

- 28 No development will take place (including any ground works, site or vegetation clearance), until a method statement for the protection of protected and designated species including bats, nesting birds, reptiles, and hedgehogs during site, vegetation clearance and construction works has been submitted to and approved in writing by the local planning authority. The content of the method statement will be informed by up-to-date ecological surveys of the site (if necessary), and will include:

- a) Purpose and objectives of the method statement.
- b) Working methods, including timings, necessary to achieve stated objectives.
- c) Extent and location of all features with potential ecological interest shown on appropriate scale plans.
- d) Provision for species translocation and / or rescue, as necessary.
- e) Persons responsible for implementing works, including times during site clearance / construction when specialist ecologists need to be present on site to undertake / oversee works.
- f) 'Toolbox talk' information regarding protected species encounters that will be provided to contractors prior to works commencing.

The works will be carried out in accordance with the approved details.

Reason: These details are required prior to commencement to protect the existing populations of species and areas of wildlife habitats and to improve habitat on the site.

- 29 Prior to first occupation of the development hereby permitted, a "lighting design strategy for biodiversity" for the site will be submitted to and approved in writing by the local planning authority. The lighting strategy will:

- a) Identify those areas/features on site that, due to their potential for use by bats, are particularly sensitive to lighting impacts (including any biodiversity enhancement features)
- b) Show how and where external lighting will be installed in accordance with 'Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals)

All external lighting will be installed in accordance with the specifications and locations set out in the strategy and will be maintained thereafter in accordance with the strategy.

Reason: These details are required prior to commencement to protect the existing populations of species and areas of wildlife habitats and to improve habitat on the site.

- 30 The application for Reserved Matters shall include an ecological design strategy (EDS). The EDS shall address and include a Biodiversity Gain Plan, demonstrating a measurable biodiversity net gain from the site baseline submitted in June 2023, and include:

- Completed biodiversity metric, incorporating on-site habitat creation and enhancement in accordance with the detailed design and any necessary off-site BNG delivery.
- Condition assessments for baseline habitats.
- Confirmation that the off-site BNG has been secured for 30 years.

The EDS will include the following:

- a) Purpose and conservation objectives for the proposed ecological design works.
- b) Detailed design(s) to achieve stated objectives.
- c) Extent and location/area of proposed works on appropriate scale maps and plans.
- d) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- e) Timetable for implementation.
- f) Persons responsible for implementing the works.
- g) Details of initial aftercare.

The EDS will be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: These details are required alongside reserved matters submissions, to protect the existing populations of species and areas of wildlife habitats and to improve habitat on the site.

- 31 No development will take place (including any ground works, site or vegetation clearance), until a scheme of biodiversity enhancement measures has been submitted to and approved in writing by the local planning authority.

The biodiversity enhancement measures for the site shall include native species planting for the benefit of nesting birds, hibernacula for herpetofauna and invertebrates, hedgehog boxes, specifications for hedgehog highways for walls and fences, a pond and the inclusion of building-integrated bat and bird boxes and bee bricks.

The approved details will be implemented and thereafter retained and managed in accordance with the details.

Reason: These details are required prior to commencement to protect the existing populations of species and areas of wildlife habitats and to improve habitat on the site.

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.

Dated: 17th May 2024

<p>DISTRICT COUNCIL OFFICES          WHITE CLIFFS BUSINESS PARK          DOVER, KENT CT16 3PJ          TEL: (01304) 821199</p>	<p>Signed:</p>  <p><b>Sarah Platts</b>  <b>Head of Planning &amp; Development</b></p>
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**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.**

In accordance with paragraph 38 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 process of their application.

**YOUR ATTENTION IS ALSO DRAWN TO THE FOLLOWING NOTES/INFORMATIVES WHICH FORM PART OF THIS NOTICE.**

1. The applicant/agent was provided the opportunity to submit amendments to the scheme to address issues.
2. The application was considered by the Planning Committee where the applicant/agent has the opportunity to speak to the committee and promote the application.
3. Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Standing Advice valid from 1st January 2023 until 31st December 2024

4. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.



It is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

5. To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)

Southern Water has undertaken a desktop study of the impact of the proposed development on the existing public surface water network. The results of this assessment indicate that with a connection at the "practical point of connection", as defined in the New Connections Services implemented from 1st April 2018, there is an increased risk of flooding if the proposed surface water run off rates are to be discharged at proposed connection points.

Alternatively, if this is a brownfield site redevelopment, the developer can discharge surface water flow no greater than existing levels if proven to already be connected and it is ensured that there is no overall increase in flows into the surface water system. The developer will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

## **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](http://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.