



Cullum
Capel Street Property Developments Ltd
c/o Mrs Welch
Hobbs Parker
Romney House
Monument Way
Orbital Park
Ashford
TN24 0HB

Town and Country Planning Act 1990 (As Amended)

APPLICATION NUMBER 22/00043

NOTIFICATION OF GRANT OF Reserved Matters

Proposal: Reserved matters application for approval of landscaping, layout, scale and appearance pursuant to outline application DOV/19/00669 for 34 dwellings

Location: Land Between Nos 107 And 127, Capel Street, Capel Le Ferne

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

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and details:
 - 010.000 Rev H - Proposed Block (Roof) Plan - Received 25 May 2023
 - 010.001 Rev H - Proposed Site Plan - Received 25 May 2023
 - 050.001 Rev H - Highways Adoption Plan - Received 25 May 2023
 - 050.002 Rev H - External Lighting Plan - Received 25 May 2023
 - 050.003 Rev F - Bins & Cycle Storage Plan - Received 25 May 2023
 - 050.004 Rev F - +FFL Plan - Received 25 May 2023
 - 050.005 Rev G - Tenure Plan - Received 25 May 2023
 - 050.006 Rev F - Materials Strategy Plan - Received 25 May 2023
 - 050.007 Rev E - Refuse Strategy Plan - Received 25 May 2023
 - 5887-LLB-XX-XX-DR-L-0001 Rev P13 - Landscape Masterplan - Received 25 May 2023
 - 5887-LLB-XX-AA-DR-L-0003 Rev P13 - Hardworks - Received 25 May 2023
 - 5887-LLB-XX-BB-DR-L-0004 Rev P13 - Hardworks - Received 25 May 2023
 - 5887-LLB-XX-CC-DR-L-0005 Rev P12 - Hardworks - Received 25 May 2023
 - 5887-LLB-XX-DD-DR-L-0006 Rev P13 - Hardworks - Received 25 May 2023
 - 5887-LLB-XX-AA-DR-L-0007 Rev P10 - Detailed Planting Plan - Received 25 May 2023
 - 5887-LLB-XX-BB-DR-L-0008 Rev P09 - Detailed Planting Plan - Received 25 May 2023

- 5887-LLB-XX-CC-DR-L-0009 Rev P09 - Detailed Planting Plan - Received 25 May 2023
- 5887-LLB-XX-DD-DR-L-0010 Rev P10 - Detailed Planting Plan - Received 25 May 2023
- 5887-LLB-XX-ZZ-DR-L-0012 Rev P05 - Planting Plan Residential Hedging in Rear Gardens - Received 25 May 2023
- 8202-MJM-XX-XX-DR-H-9003 Rev P04 - Refuse Vehicle Tracking - Received 24 May 2023
- 5887-LLB-XX-XX-DR-L-0011 Rev P04 - Biodiversity Enhancement Plan (notwithstanding the location of the parking spaces for units 12 which shall accord with 010.001 Rev H - Proposed Site Plan - Received 25 May 2023) - Received 12 May 2023
- 8202-MJM-XX-XX-DR-H-9002 Rev P07 - Private Vehicle Tracking - Received 12 May 2023
- 020.001 Rev B - Unit Type A(1) Plots; 27 - Received 04 October 2022
- 020.002 Rev C - Unit Type A(2) Plots; 26 - Received 04 October 2022
- 020.003 Rev B - Unit Type B(1) Plots; 4 - Received 04 October 2022
- 020.004 Rev B - Unit Type B(2) Plots; 3 - Received 04 October 2022
- 020.005 Rev B - Unit Type B(3) Plots; 1 & 2 (Handed) - Received 04 October 2022
- 020.006 Rev B - Unit Type C(1) Plots; 31 (Handed) & 32 - Received 04 October 2022
- 020.007 Rev B - Unit Type C(2) Plots; 33 (Handed) & 34 - Received 04 October 2022
- 020.009 Rev B - Unit Type D(2) Plots; 28 - Received 04 October 2022
- 020.011 Rev B - Unit Type E(1) Plots; 29 - Received 04 October 2022
- 020.015 Rev C - Unit Type G(1) Plots; 5, 6 (Handed), 12 (Detached) 13 & 14 (Handed) - Received 04 October 2022
- 020.016 Rev C - Unit Type G(2) Plots; 25 - Received 04 October 2022
- 020.017 Rev B - Unit Type H(1) Plots; 18 & 19 (Handed) - Received 04 October 2022
- 020.018 Rev B - Unit Type H(2) Plots; 22 & 23 (Handed) - Received 04 October 2022
- 020.008 Rev D - Unit Type D(1) Plots; 15 (Handed), 16 (Handed) - Received 01 March 2023
- 020.008.2 Rev B - Unit Type D(1) Variant Plots; 17 - Received 01 March 2023
- 020.010 Rev D - Unit Type D(3) Plots; 30 - Received 01 March 2023
- 020.012 Rev D - Unit Type E(2) Plots; 21 (Handed) - Received 01 March 2023
- 020.012 Rev A - Unit Type E(2) Plots; 7, 8 (Handed) 10, 11 (Handed) & 21 (Handed) - Received 01 March 2023
- 020.014 Rev D - Unit Type F(1) Plots; 24 - Received 01 March 2023
- 020.014 Rev D - Unit Type F(2) Plots; 20 - Received 01 March 2023
- 020.019 Rev C - Unit Type I Plots; 9 - Received 01 March 2023
- 040.001 Rev C - Street Elevation A-A - Received 01 March 2023
- 040.002 Rev C - Street Elevation B-B - Received 01 March 2023
- 040.003 Rev C - Street Elevation C-C - Received 01 March 2023
- 040.004 Rev C - Street Elevation D-D - Received 01 March 2023
- 040.005 Rev D - Street Elevation E-E - Received 01 March 2023
- 060.008 Rev C - Unit Type D(1) Materials - Received 01 March 2023
- 060.010 Rev C - Unit Type D(3) Materials - Received 01 March 2023
- 060.013 Rev C - Unit Type F(1) Materials - Received 01 March 2023
- 060.013 Rev A - Unit Type E(3) Materials - Received 01 March 2023
- 060.014 Rev C - Unit Type F(2) Materials - Received 01 March 2023
- 060.019 Rev C - Unit Type I Materials - Received 01 March 2023
- 060.001 Rev B - Unit Type A(1) Materials - Received 04 October 2022
- 060.002 Rev B - Unit Type A(2) Materials - Received 04 October 2022
- 060.003 Rev B - Unit Type B(1) Materials - Received 04 October 2022
- 060.004 Rev B - Unit Type B(2) Materials - Received 04 October 2022
- 060.005 Rev B - Unit Type B(3) Materials - Received 04 October 2022
- 060.006 Rev B - Unit Type C(1) Materials - Received 04 October 2022
- 060.007 Rev B - Unit Type C(2) Materials - Received 04 October 2022
- 060.009 Rev B - Unit Type D(2) Materials - Received 04 October 2022
- 060.011 Rev B - Unit Type E(1) Materials - Received 04 October 2022
- 060.012 Rev B - Unit Type E(2) Materials - Received 04 October 2022
- 060.015 Rev B - Unit Type G(1) Materials - Received 04 October 2022
- 060.016 Rev B - Unit Type G(2) Materials - Received 04 October 2022
- 060.017 Rev B - Unit Type H(1) Materials - Received 04 October 2022
- 060.018 Rev B - Unit Type H(2) Materials - Received 04 October 2022

- 8202-MJM-XX-XX-DR-H-9001 - Visibility Splays (in relation to the visibility splays and accesses only) - Received 04 October 2022
 - Affordable Housing Statement by Hobbs Parker Property Consultants LLP - Received 13 January 2022
 - Ecological Mitigation and Management Plan by David Archer Associates - Received 13 January 2022
 - Updated Ecology Assessment by David Archer Associates - Received 13 January 2022
 - Letter from Herrington Consulting Limited regarding the further drainage information entitled 'Discharge of Conditions 9 and 10 for the proposed development at Capel Street' - Received 06 March 2023.
 Reason: For the avoidance of doubt.

- 2 No development above ground level shall take place until samples of the brickwork, black stained timber cladding, natural coloured timber cladding, slate roof tiles, clay roof tiles, reconstituted stone cills and headers, and hardsurfacing (including permeable block paving, block paving and clay/concrete paving) to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
Reason: In the interests of visual amenity and to provide a satisfactory external treatment.

- 3 All external windows and doors shall be white sash/casement UPVC windows, white UPVC doors, and timber front doors as annotated and illustrated on the approved plans and set within reveals of not less than 100mm.
Reason: In the interests of visual amenity.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Class AA, B, D, E, F, and H of Part 1, Schedule 2 and Class A of Part 2, Schedule 2 of that Order within the curtilage of the dwellinghouses hereby permitted without the prior permission of the local planning authority.
Reason: To enable the local planning authority to regulate and control the development of land in the interests of protecting the character and amenities of the locality and adjacent AONB in accordance with the objectives of the NPPF.

- 5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
 - i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the local planning authority; and
 - ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the local planning authority.
 Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 6 The first floor side elevation windows to the north and south of units 25 and 1 respectively shall be fitted with obscure glazing sufficient to prevent clear through views and shall be non-opening up to a minimum height of 1.7m above internal finished floor level and thereafter be retained in that form.
Reason: In the interests of the residential amenities of nearby properties.

- 7 Prior to the first occupation of the dwellings hereby approved, pedestrian visibility splays of 2m x 2m either side of the accesses, with no obstruction above 0.6m within the splays shall be provided at the private accesses at Capel Street and thereafter maintained.
Reason: In the interests of pedestrian and highway safety.

- 8 Prior to the first occupation of the dwellings hereby approved, the external lighting scheme shall be provided in accordance with the approved plan 050.002 Rev H - External Lighting Plan - Received 25 May 2023 and the specifications as set out in the Lighting Design Booklet by Prolectric received 01 March 2023 (notwithstanding the layout of the development, which shall accord with approved plan 050.002 Rev H) and thereafter retained and maintained in perpetuity in accordance with the manufacturer's specifications for the lifetime of the development. No external lighting other than that which is approved shall be installed or brought onto the land
Reason: In the interests of visual and residential amenity.
- 9 Prior to the first occupation of the dwellings hereby approved, the hard surfacing and boundary treatments shall be provided in accordance with the approved plans numbered:
 - 5887-LLB-XX-XX-DR-L-0001 Rev P13 - Landscape Masterplan - Received 25 May 2023
 - 5887-LLB-XX-AA-DR-L-0003 Rev P13 - Hardworks - Received 25 May 2023
 - 5887-LLB-XX-BB-DR-L-0004 Rev P13 - Hardworks - Received 25 May 2023
 - 5887-LLB-XX-CC-DR-L-0005 Rev P12 - Hardworks - Received 25 May 2023
 - 5887-LLB-XX-DD-DR-L-0006 Rev P13 - Hardworks - Received 25 May 2023
 The approved hardsurfacing and boundary treatments shall be thereafter retained and maintained in perpetuity for the lifetime of the development.
Reason: In the interest of visual amenity.
- 10 All planting, seeding or turfing comprised in the approved details of landscaping as set out in the approved Landscape Masterplan numbered 5887-LLB-XX-XX-DR-L-0001 Rev P13 - received 25 May 2023 shall be carried out in the first planting and seeding seasons following the first occupations of the buildings or the completion of the development, whichever is the sooner; and any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reasons: In order to protect and enhance the amenity of the area.
- 11 Prior to the first occupation of the dwellings hereby approved, the ecology avoidance, mitigation, management and enhancement measures shall be implemented and thereafter retained and maintained in accordance with the recommendations within the approved Ecological Mitigation and Management Plan received 13 January 2022 and Updated Ecology Assessment - received 13 January 2022.
Reason: In the interests of protecting and enhancing the biodiversity of the site in accordance with Paragraph 174 of the NPPF.

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: 8th June 2023

DISTRICT COUNCIL OFFICES WHITE CLIFFS BUSINESS PARK DOVER, KENT CT16 3PJ TEL: (01304) 821199	Signed:  Sarah Platts Head of Planning & Development
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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. The applicant is advised to apply for a Temporary TRO (TTRO) via KCC Streetworks East to ensure that temporary measures are in place while the permanent TRO goes through the consultation and approval process.

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.