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CT13 9FF

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

**APPLICATION NUMBER 19/00669**

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**NOTIFICATION OF GRANT OF OUTLINE PERMISSION**

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Proposal: Outline application for the erection of 34 dwellings (8 x 2 beds, 16 x 3 beds and 10 x 4 beds) and means of access with associated landscaping (appearance, landscaping, layout and scale reserved)

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

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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 The development to which this permission relates must be begun not later than whichever is the later of the following dates : (a) the expiration of two years beginning with the date of the grant of outline planning permission. (b) the expiration of one year from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.  
Reason: Pursuant to Section 92(2) of the Town and Country Planning Act 1990 and to ensure that the dwelling for which an overriding need has been claimed is erected whilst the conditions that give rise to that need still apply.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan: A1382.01 received on 06.06.2019  
Existing site plan: A1382.105 received on 06.06.2019  
Site Masterplan: A1382-110 Rev F received 08.11.2019  
Proposed illustrative masterplan drainage strategy: A1382-130 Rev SK2 received on 06.06.2019  
Proposed illustrative masterplan with landscaping strategy: A1382-131 Rev SK2 received on 06.06.2019  
Design and Access Statement: received on 06.06.2019  
Planning Statement received on 20.06.2019  
Statement of Community Involvement received on 06.06.2019  
Bat survey, reptile survey and Phase 1 Ecological Survey received on 06.06.2019  
Tree Report received on 06.06.2019  
Tree Constraints Plan received on 20.06.2019  
Sustainable Drainage Assessment received on 06.06.2019  
Flood Risk Assessment received on 19.06.2019  
Transport Statement received on 06.06.2019  
Proposed Highway works plan: 19182-01-102 Rev B received on 02.09.2019  
Proposed Lining plan: 19182-01-103 received on 02.09.2019  
Road Safety Audit received on 02.09.2019  
Technical Transport Note received on 10.02.2020

Reason: For the avoidance of doubt.

- 4 No development shall take place until full details of existing and proposed finished ground levels and sections through the buildings, including levels of ridges and thresholds, have been submitted to and approved in writing by the local planning authority. The works shall be carried out as approved.

Reason: These details are required prior to the commencement of the development to ensure that the development is carried out at suitable levels in relation to adjoining land and buildings and in the interests of amenity and highway requirements.

- 5 No development shall commence until an Ecological Mitigation and Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include:

- A statement of purpose and objectives;
- Measures, informed by ecological survey work, to achieve the stated objectives;
- Details of the extent and location of proposed protection measures, mitigation works and ecological enhancement measures shown on plans;
- Details of the nature and extent of habitat creation for all habitat types to include the specification of native seed mixes and species for tree/shrub planting;
- Habitat management practices to promote biodiversity within the retained areas of trees;
- Means of implementation of the plan, including persons responsible and provision for specialist ecologist to be present on site to oversee works;
- Programme of and arrangements for monitoring against stated and measurable objectives;
- A management plan and maintenance plan for the lifetime of the development and details of the body/organisation(s) responsible for implementation of the plan.

Development and future management shall be carried out in accordance with the approved Ecological Mitigation and Management Plan.

Reason: The protection and enhancement of protected species, biodiversity enhancement and appropriate landscaping on the site.

6 No development shall commence, until a site-wide Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include and provide for:

- the location of access points for site traffic, parking of construction vehicles and vehicles of site operatives and visitors, wheel washing facilities, a scheme for the prevention of surface water discharges onto the highway, directional signage on and off site; loading and unloading of plant and materials;
- routing and management of construction and delivery vehicles to/from the B2011 New Dover Road;
- timing of HGV movements to/from site (it should be noted that such movements will not be permitted during school drop-off and pick-up times);
- parking and turning facilities for delivery and site personnel vehicles;
- temporary traffic management (this will need to be agreed with Kent County Council's Streetworks Team and may need to include temporary parking restrictions, signage, etc.).
- the location and size of site compounds and areas for storage of plant and materials used in constructing the development;
- the location and form of temporary buildings and temporary lighting, details of the erection and maintenance of security hoardings;
- details for the safe storage of any fuels, oils and lubricants;
- a scheme to control surface water run-off, prevent pollution and manage flood risk;
- details of proposed temporary sewerage systems;
- a scheme for the handling and storage of topsoil;
- measures, including the construction of exclusion zones, to prevent soil compaction in large scale planting areas and measures to remediate soil compaction;
- details of measures to protect trees and hedgerows;
- a scheme for the protection of areas of ecological interest and mitigation of any harm to such areas, including timing of works and precautionary work practices;
- measures to control the emission of dust and dirt during construction;
- measures for the control of noise and vibration during construction, including delivery and construction working hours;
- a scheme for recycling/disposing of waste resulting from construction works; and
- procedures for maintaining good public relations, including complaint management procedures, community consultation and liaison.

The approved CMP shall be adhered to throughout the construction period.

Reason: The details are required prior to commencement in the interests of minimising the impact of the development during the construction phase.

7 No development shall commence unless and until 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 - Recommendations (or in an equivalent British Standard if replaced). 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.

During the development 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.

- 8 If, during the course of construction of the approved development, contamination on the site is found to be present or caused, the occurrence shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.

Reason: 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 No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) shall demonstrate that 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.

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.

- 10 No development shall take place 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 be based upon the Sustainable Drainage Assessment by Herrington Consulting (June 2019, Issue 2, Revision 1) and shall demonstrate 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 without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- o that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- o appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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.

- 11 No building 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 the suitable modelled operation of the drainage system where the system constructed is different to that 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.

- 12 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
Reason: To prevent groundwaters from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the Policy Framework.
- 13 No dwelling shall be first occupied until the approved accesses to the site and/or house plots, their visibility splays, sightlines and their associated highway works have been provided in accordance with the approved plans and carried out in full. There shall be no obstructions to visibility over 1 metre above carriageway level within the splay areas. The accesses, splays and sightlines shall be retained as such thereafter.  
Reason: In the interests of highway safety.
- 14 No dwelling shall be occupied until between the dwelling and the adoptable highway the following works have been fully completed:  
i) Footways and/or footpaths (with the exception of the wearing course);  
ii) Carriageways (with the exception of the wearing course); including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any are required by the Highway Authority).  
  
Reason: In the interests of highway and pedestrian safety.
- 15 No dwelling shall be occupied unless that dwelling has been provided with covered cycle parking facilities for each dwelling. These facilities shall be retained thereafter.  
Reason: In the interests of sustainability and reducing the need for car travel.
- 16 No dwelling shall be occupied unless that dwelling has been provided with refuse and recycling facilities. These facilities shall be retained as such thereafter.  
Reason: In the interests of residential and visual amenity.
- 17 No dwelling shall be occupied until all the vehicular parking spaces, turning facilities, visitor and communal parking spaces, estate road have been provided in full to an adoptable standard. These shall be permanently retained as such for their purpose thereafter.  
Reason: In the interests of highway safety and the free flow of traffic.
- 18 No dwelling shall be occupied until the highway improvement works including the completion of the carriageway and footway improvements in Capel Street as shown on the approved plans 19182-01-102 Rev B received on 02.09.2019 have been fully implemented and completed.  
Reason: In the interests of highway and pedestrian safety and the free flow of traffic.
- 19 No occupation shall take place until a Traffic Regulation Order (TRO) has been implemented adjusting and prohibiting on street parking in Capel Street as shown on the approved plan 19182-01-103 received on 02.09.2019.  
Reason: In the interests of highway and pedestrian safety and the free flow of traffic.
- 20 Before the first occupation of the dwellings hereby approved full details of the replacement/visitor parking spaces on-site shall be submitted to and approved by the local planning authority. The details as approved shall be fully implemented as approved prior to the implementation of the Traffic Regulation Order and retained thereafter for parking purposes.  
Reason: In the interests of road and pedestrian safety and to ensure suitable car parking provision is available for parents of school children.

21 No development shall take place above ground until a Landscape and Open Space Management Plan for the site in accordance with the Illustrative Landscape Strategy Masterplan A1382-131 Rev SK2 received on 06.06.2019 has been submitted to and approved in writing by the local planning authority. The Plan shall provide for:

- a description and evaluation of features to be managed;
- full details of all proposed landscaping, tree, shrub and hedge planting;
- the precise location and boundaries of the areas of formal and informal public open space to be provided and a timetable for their delivery;
- aims and measurable objectives of management and maintenance;
- appropriate management prescriptions for achieving those aims and objectives; and details of the body or organisation(s) responsible for implementation and maintenance of the Plan.

The development shall be carried out in accordance with the approved details. The open spaces shall be laid out and implemented in accordance with the agreed timetable and shall be retained thereafter in accordance with the management plan.


Reason: The protection of visual and rural amenities and to ensure the protection and enhancement of important landscape features.

22 No development above ground level shall take place until details of all external lighting including street lighting have been submitted to and approved in writing by the local planning authority. The said details shall include heights of columns, light fittings and levels of luminance. The development shall be carried out in accordance with the approved details and prior to the first occupation of the associated dwelling unit. No further lighting, whether temporary or permanent shall be installed or brought onto the land.

Reason: In the interests of the residential amenities of nearby properties, the rural character of the area and the proximity of the Area of Outstanding Natural Beauty.

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: 28th February 2020

DISTRICT COUNCIL OFFICES WHITE CLIFFS BUSINESS PARK DOVER, KENT CT16 3PJ TEL: (01304) 821199	Signed:  Lois Jarrett Head of Planning, Regeneration & 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 applicant/agent was updated of any issues.
3. The application was considered by the Planning Committee where the applicant/agent has the opportunity to speak to the committee and promote the application
4. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any 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 such 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.
5. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), [www.southernwater.co.uk](http://www.southernwater.co.uk) or by email at [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).

6. The design of any deep bore soakaway would need to be agreed and should be as shallow as possible into the chalk strata, below the clay head materials.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution, treated materials can be transferred between sites as part of a hub and cluster project, some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.





### **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.