

- 1) Approval of the details of the appearance, landscaping, layout and scale (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:

- 7572-L-10
- 2243-F10 (included within the submitted Transport Assessment, July 2021, Croft)

The development shall be general accordance with the following approved plan:

- 7572-L-12 Rev E

Reason: For the avoidance of doubt.

- 5) No development shall take place until full details of existing and proposed finished ground levels, including levels of 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.

6) No development shall take place (including any ground works, site or vegetation clearance), until a method statement for the protection of 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 method, 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 and enhance existing species and habitat on the site in the future.

7) The details submitted pursuant to condition 2 (the Reserved Matters) shall include the details of how development will achieve a biodiversity net gain of at least 10%. This will include the provision of integrated bat bricks, bird nest boxes and bee bricks within the walls of the buildings, use of native species within the landscaping scheme and provision of holes for hedgehogs (13cm x 13cm) within every close boarded fence. The approved details shall be implemented and thereafter retained and managed in accordance with the details.

Reason: To protect and enhance existing species and habitat on the site in the future.

8) No development shall take place above ground level until a lighting design strategy for biodiversity for the site has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Identify those areas/features on and around the 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 8/18 Bats and Artificial Lighting in the UK' (Bat Conservation Trust and Institute of Lighting Professionals)

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

Reason: To protect existing species and habitat on the site in the future

9) 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: areas for the loading and unloading of plant and materials; on-site parking for construction workers; any temporary access arrangements; hours of construction working; any machine operated plant to be used; temporary lighting which, for the avoidance of doubt shall be specified, located and installed in accordance with 'Guidance Note 8/18 Bats and Artificial Lighting in the UK' (Bat Conservation Trust and Institute of Lighting Professionals); measures to control the emission of dust and dirt during construction; details of groundwater protection measures; and any temporary hoarding/fencing. 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 with regard to impacts on highway safety, contamination, ecology and residential amenity.

10) 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 constructed in accordance with details provided in 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.

11) No development above ground level shall take place until details of the construction of all proposed roads within the site together with a timetable for the implementation of the roads 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 and timetable. For the avoidance of doubt, the submitted details shall comprise cross sections through roadways.

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

12) No dwelling shall be occupied unless that dwelling has been provided with covered cycle parking facilities. Full details of the covered cycle parking facilities shall be

submitted with the reserved matters application. These facilities shall be retained thereafter.

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

- 13) The application(s) for the approval of Reserved Matters shall include full details of forward visibility to roads and the pedestrian and vehicular visibility splays to all junctions and vehicular accesses. The approved visibility splays shall be provided prior to the first occupation of the dwellings to which they relate and shall thereafter be maintained.

Reason: In the interests of road safety and convenience.

- 14) The development hereby approved shall not be occupied until a landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. The said scheme shall include hard and soft landscaping; tree/hedge/shrub planting plans, including details of the community orchard; written specifications; schedules of species, sizes and proposed numbers/densities of planting where appropriate; details of all play equipment, surfacing, means of enclosure and any other minor artefacts to be provided within the Local Equipped Area for Play (LEAP); details of all boundary treatments, including their locations, design and materials; and a timetable for the implementation of the scheme. Thereafter, the approved landscaping scheme shall be carried out in accordance with the approved timetable. Any trees or other plants which within a period of five 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 a similar size and species unless the local planning authority give prior written consent to any variation. No boundary treatments other than those which have been approved shall be erected or installed.

Reason: In order to protect and enhance the visual amenity of the area, protect trees and to provide for the Open Space needs of future occupiers of the development.

- 15) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority. All tree works shall be carried out in accordance with BS 3998:2010 (or as may be subsequently amended). If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. In this condition a "retained tree or shrub" is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and the above paragraphs shall have effect until the expiration of 5 years from the date of the (occupation of the building/commencement of use of the approved development) for its permitted use.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

16) No development shall take place until a scheme to deal with contamination of land and groundwater has been submitted and approved in writing by the local planning authority and until the measures approved in that scheme have been implemented. An investigation report shall be conducted and presented in accordance with the guidance in CLR11 "Model Procedures for the Management of contaminated land" published by the Environment Agency. The scheme shall include all of the following measures unless the local planning authority dispenses with any such requirement specifically and in writing:

(i) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land, sources of groundwater contamination, ground gas, and its implications. The site investigation shall not be commenced until the requirements of the local planning authority for site investigations have been fully established, and the extent and methodology have been agreed in writing by the local planning authority.

(ii) A written method statement for the remediation of land and/or groundwater contamination affecting the site, including a timetable, shall be approved in writing by the local planning authority prior to commencement of such works. No deviation shall be made from this scheme without the express written agreement of the local planning authority.

(iii) A Certificate shall be provided to the local planning authority by a suitably qualified or otherwise competent person stating that remediation has been completed as approved and the site is suitable for the permitted end 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.

17) No development shall take place until a surface water drainage scheme for the site has submitted to and approved in writing by the local planning authority. The scheme shall include: details of the site investigation and remediation method statement required by condition 17; details of the foundation designs required by condition 26; an updated Hydrological Risk Assessment which considers karst flows; details for all works both on and, if necessary, off site; an implementation timetable for the works; and a maintenance plan. The development shall be carried out in accordance with the approved details and the approved timetable and shall thereafter be maintained in accordance with the approved maintenance plan. Prior to the first occupation of the development, verification report shall be submitted to demonstrate that the approved works have been implemented. There shall be no infiltration of groundwater, other than that which is approved.

Reason: To reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development.

- 18) 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 details 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.

- 19) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of archaeological field evaluation works in accordance with a specification and written timetable which has previously been submitted to and approved in writing by the local planning authority. The specification shall include: any safeguarding measures, identified in the evaluation as necessary, to ensure preservation in situ of important archaeological remains and/or further archaeological investigation in accordance with a timetable which has previously 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. 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.

- 20) No development shall take place until a foul water drainage scheme for the site has submitted to and approved in writing by the local planning authority. The scheme shall include details for all works both on and, if necessary, off site, an implementation timetable for the works and a maintenance plan. The development shall be carried out in accordance with the approved details and the approved timetable and shall thereafter be maintained in accordance with the approved maintenance plan. Prior to the first occupation of the development, verification report shall be submitted to demonstrate that the approved works have been implemented.

Reason: To reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development.

21) No development shall take place until the exact position of the water main crossing the site has been identified and details of the measures which shall be undertaken to protect the water main 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: These details are required prior to the commencement of the development in order to reduce the impact of the development on flooding, protect water quality and avoid contamination.

22) No development shall take place until the off-site highway works have been completed. For the avoidance of doubt, unless otherwise agreed in writing, the off-site highway works are shown on drawings: 2243-F10; 2243-F11; 2243-F01 Rev. O; 2243-F02 Rev. I; 12-015-108 B; 12-015-108_TR1 B; 12-015-108_TR2 B; 12-015-108_TR3 B; and 12-015-108_TR4.

Reason: In the interests of highway and pedestrian safety

23) 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.

24) The application(s) for the approval of Reserved Matters shall include scale plan, elevation and section drawings of all windows and doors, together with details of the depth of reveals to all windows and doors.

Reason: To ensure a high quality of design and in the interests of enhancing the quality and enjoyment of the environment.

25) No development shall take place until details of foundations designs and any other development involving below ground excavation have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not cause contamination to groundwater and the supply of potable water.

26) The application(s) for the approval of Reserved Matters shall include details of refuse/recycling storage. Such details, as are approved, shall be provided before the dwelling(s) to which the details relate are/is 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.

APPENDIX 2

Provisions relating to the transfer of the Open Space

The transfer of the Open Space to the Management Company shall:

- i. be a transfer of the entire freehold interest in the Open Space
- ii. be free from any pre-emption or option agreement
- iii. be free from any mortgage, charge, lien or other such incumbrance
- iv. be free from any lease, licence or any other third party interests
- v. be subject to a covenant which prohibits the use of the Open Space for any purpose other than for public recreation and amenity subject to the right of the Management Company to construct any buildings or other structures ancillary to such use
- vi. include all usual and necessary rights and easements for the benefit of the Open Space
- vii. reserve in favour of the Owner any usual and necessary rights and easements to enable the proper construction, maintenance and use of the Development and to use existing services in so far as they are necessary based upon the final approved layout of the Development and location of the Open Space
- viii. reserve in favour of the Owner the right to lay and use new services subject to the prior written agreement of the Management Company together with any rights of entry to inspect, repair, renew, cleanse and maintain the same
- ix. declare that boundary structures shall belong to and be maintained by the owners of the Dwellings which adjoin the Open Space
- x. not require consideration in excess of one pound (£1)
- xi. contain a covenant for the benefit of the District Council to manage and maintain the Open Space in accordance with the approved Management Plan

Executed as a deed by affixing the
Common seal of
DOVER DISTRICT COUNCIL
in the presence of:



Authorized Signatory

Executed as a deed by affixing the
Common seal of
THE KENT COUNTY COUNCIL
in the presence of:



Authorized Signatory

Signed as a deed by
BILLIE-DAWN FULLER




As Attorney for **RICHARD MACKNEY FULLER**
under a Power of Attorney dated ✓ 18/10/2023 and 15/01/2024

in the presence of:-

Signature: 

Print Name: LISA KNIGHT

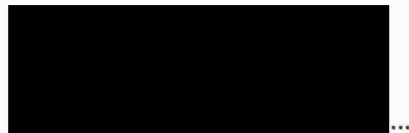
Address: 



Occupation: 

EXECUTED as a deed by
GLADMAN DEVELOPMENTS LIMITED

Acting by a director





Director

in the presence of:



Witness name:

Witness address:

.....
Name: 
.....


Occupation:

regd secretary

- (1) DOVER DISTRICT
COUNCIL

- (2) THE KENT COUNTY
COUNCIL

- (3) RICHARD MACKNEY
FULLER

- (4) GLADMAN DEVELOPMENTS
LIMITED

**PLANNING OBLIGATION BY DEED
OF AGREEMENT**

Pursuant to Section 106 of the Town and
Country Planning Act 1990
Relating to the development of land on the
West side of Cross Road, Walmer, Deal