

CANTERBURY CITY COUNCIL

DECISION NOTICE

Correspondence Address:

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Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England)
Order 2015**

Application Number: CA/15/00683/FUL

Location: Larkey Woods Farm, Cockering Road, Chartham, CT4 7PQ

Proposal: Restoration of agricultural land across two adjoining sites; demolition of 5 no. existing derelict barns; the processing of on-site materials and associated landscaping; the construction of an enabling development of 10 no. residential units with a new integral access.

Take notice that **Canterbury City Council**, the district planning authority under

the Town and Country Planning Act 1990, has **GRANTED** your application, as described above, subject to the following conditions/reasons:

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

REASON: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Unless otherwise agreed in writing by the local planning authority the development or work shall only be carried out in accordance with the following drawings:

22230A_220 Revision D received on 31 March 2015
22230A_200 Revision M received on 19 May 2015
4643/001 Revision A received on 31 March 2015
4643/201 Revision A received on 19 May 2015
4642/202 Revision A received on 19 May 2015
4643/002 Revision B received on 31 March 2015
4643/003 received on 31 March 2015
4643/004 Revision A received on 19 May 2015
22230A_1.1 received on 31 March 2015
22230A_1.0 received on 31 March 2015
22230A_2.0 Revision E received on 31 March 2015
22230A_2.1 Revision E received on 31 March 2015
22230A_3.0 Revision D received on 31 March 2015
22230A_3.1 Revision D received on 31 March 2015
22230A_4.0 received on 31 March 2015
22230A_4.1 received on 31 March 2015
22230A_5.0 Revision B received on 31 March 2015
22230A_5.1 Revision E received on 31 March 2015
22230A_6.0 received on 31 March 2015
22230A_6.1 received on 31 March 2015
22230A_7.0 Revision E received on 31 March 2015
22230A_7.1 Revision E received on 31 March 2015
22230A/8.0 received on 31 March 2015
22230A/8.1 received on 31 March 2015
22230A_9.0 received on 31 March 2015
22230A_9.1 received on 31 March 2015
22230A_10.0 received on 31 March 2015
22230A_10.1 received on 31 March 2015
22230_CB2 Revision A received on 31 March 2015
22230_CB3 Revision A received on 31 March 2015
22230_CB1 Revision A received on 31 March 2015

REASON: To ensure the development or work is in accordance with the permission, consent or approval given.

- 3 All materials for use in the proposed development shall be first submitted to and approved by the Local Planning Authority before being used in the development being carried out.

REASON: To ensure the proposed works do not prejudice the character of the area

4 Prior to the commencement of the development a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- i) A preliminary risk assessment which has identified:
 - a) All previous uses
 - b) Potential contaminants associated with those uses
 - c) A conceptual model of the site indicating sources, pathways and receptors
 - d) Potentially unacceptable risks arising from contamination at the site
- ii) A site investigation based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required, the timetable for their implementation and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components will require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015, the local planning authority is satisfied that the requirements of this condition (including the timing of compliance) are so fundamental to the development permitted that, if not imposed, it would have been necessary to refuse permission for the development. This is because, at the time of granting permission, full ground contamination and stability details were not yet available but this information is necessary to ensure the development complies with Canterbury District Local Plan 2006 Policy C40 and Draft Canterbury District Local Plan 2014 Policy QL12 and otherwise to prevent the pollution of controlled waters and harm to human health.

- 5 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy has been submitted to the Local Planning Authority and approved in writing which details how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

REASON: To prevent pollution of controlled waters and harm to human health.

- 6 No occupation of any part of the development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include the 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 any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To prevent pollution of controlled waters and harm to human health.

- 7 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON: To prevent pollution of controlled waters and harm to human health.

- 8 Piling or other foundation designs using penetrative methods are not permitted other than with the express written consent of the Local Planning Authority which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

REASON: To prevent pollution of controlled waters and harm to human health.

- 9 Before the development is commenced, details shall be submitted to the Local Planning Authority for its approval of the proposed means of disposing of foul and surface water. These details shall include a Management and Maintenance Plan for all Sustainable Drainage Systems to be used in the finalised drainage systems. The development shall not be carried out other than in accordance with such details as may be approved.

REASON: Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015, the local planning authority is satisfied that the requirements of this condition (including the timing of compliance) are so fundamental to the development permitted that, if not imposed, it would have been necessary to refuse permission for the development. This is because, at the time of granting permission, full details of the drainage scheme for the development to allow an assessment of the implication for surrounding development were not yet available but this information is necessary to ensure the development complies with Canterbury District Local Plan 2006 Policy C31 and Draft Canterbury District Local Plan 2014 Policy CC11. To ensure the development is satisfactorily drained and to prevent localised flooding.

- 10 Notwithstanding the information provided on drawing 2222/15/B/6 received 08 April 2015, within two months of the commencement of the development hereby approved a detailed strategy for the landscaping of the site to include the siting and specification of tree and shrub/hedgerow planting, seeding or turfing and the treatment of all hard surfaces shall be submitted to and approved by the local planning authority.

REASON: To ensure that the site is adequately landscaped in the interests of the appearance of the locality.

- 11 All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which are removed, die or become seriously damaged or diseased within five years of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted.

REASON: To ensure that the site is adequately landscaped in the interests of the appearance of the locality.

- 12 The development shall be carried out in accordance with the recommendations contained within Section 5.0 of the LaDellWood "Reptile Presence or Absence Survey Preliminary Bat Survey and Bat Activity Surveys" submitted to accompany the application.

Notwithstanding this, before the development is commenced details of the receptor site identified to accommodate any reptiles that may be displaced as a result of the development, shall be submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate that the receptor site would provide suitable habitat for species that would be impacted by the development. The receptor site shall then be provided in accordance with the approved details.

REASON: Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015, the local planning authority is satisfied that the requirements of this condition (including the timing of compliance) are so fundamental to the development permitted that, if not imposed, it would have been necessary to refuse permission for the development. This is because, at the time of granting permission, full details of the receptor site were not yet available but this information is necessary to ensure the development complies with Canterbury District Local Plan 2006 Policy NE1 and Draft Canterbury District Local Plan 2014 Policy LB9 and otherwise to protect wildlife existing on the site.

- 13 Prior to the commencement of development, the following components of a scheme for the archaeological evaluation of the site, to be undertaken for the purpose of determining the presence or absence of any buried archaeological features and deposits and to assess the importance of the same, shall each be submitted to and approved in writing by the local planning authority:

- a) A written scheme of investigation, to be submitted a minimum of fourteen days in advance of the commencement of fieldwork.
- b) A report summarising the results of the investigations, to be produced on the completion of fieldwork, in accordance with the requirements set out in the written scheme of investigation.
- c) Any further mitigation measures considered necessary as a result of the archaeological investigations, to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.
- d) If necessary, a programme of post-excavation assessment, analysis, publication and conservation.

Fieldwork, including further mitigation works and post-excavation work shall be completed in accordance with the approved details and programme timings unless otherwise agreed in writing with the local authority, and the local authority shall be notified in writing a minimum of fourteen days in advance of the commencement of any fieldwork.

REASON: Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015, the local planning authority is satisfied that the requirements of this condition (including the timing of compliance) are so fundamental to the development permitted that, if not imposed, it would have been necessary to refuse permission for the development. This is because, at the time of granting permission, full archaeological details were not yet available but this information is necessary to ensure the development complies with Canterbury District Local Plan 2006 Policy BE15 and Draft Canterbury District Local Plan 2014 Policy HE11 and otherwise to protect the environment of the site and its locality.

- 14 Before the development is commenced a Construction Environmental Management Plan shall be submitted to and approved by the Local Planning Authority. Thereafter all construction works shall be carried out fully in accordance with the approved details. The plan should address details for the provision of access to the site for all demolition and construction traffic, the management of deliveries, operatives parking, hours of working, measures and mitigation to minimise the effect of nuisance dust from any fugitive emissions from the site, noise and vibration arising from the construction work as well as other construction practices which should adhere to the principles established in the Considerate Constructors Scheme.

REASON: To ensure the development is constructed without detriment to the free flow of the adjoining highway, residential amenity, or the overall amenity of the surrounding area.

- 15 Prior to its installation on site, details of all external lighting, shall be submitted to the Local Planning Authority for its approval and then installed in accordance with these details.

REASON: In the interests of visual amenity.

- 16 Before the first occupation of the development refuse and recycling areas shall be provided in accordance with details that have first been submitted to and approved by the local planning authority. The works shall be carried out in accordance with that approval and retained for such purposes.

REASON: In the interests of the general amenity of the locality.

- 17 Provision shall be made for construction vehicle loading/unloading and turning facilities, parking facilities for site personnel and visitors and wheel washing facilities prior to the commencement of construction work on the site and shall be maintained for the duration of the development.

REASON: In the interests of highway safety.

- 18 Prior to the first occupation of the development, cycle storage facilities shall be provided for each dwelling in accordance with details that have first been submitted to and approved by the local planning authority. The development shall be carried out in accordance with that approval and retained for such purpose.

REASON: To promote sustainable modes of transport.

- 19 Prior to the first occupation of the development the parking, vehicle loading/unloading and turning facilities shown on the approved drawings shall be provided and shall be permanently maintained for such purposes at all times.

REASON: In the interests of highway safety and to promote sustainable modes of transport.

- 20 The proposed vehicle access shown on the approved drawings shall be provided prior to the first occupation of the development. The vehicle access shall thereafter be maintained in perpetuity.

REASON: In the interests of highway safety.

- 21 The visibility splays shown on the approved drawings shall be provided prior to the first occupation of the development with no obstructions over 0.9 metres above carriageway level within the splays. The splays shall thereafter be maintained in perpetuity.

REASON: In the interest of highway safety.

- 22 The development shall be carried out in accordance with the "Tree Retention, Removal and Protection During Construction, Arboricultural Impact Assessment and Arboricultural Method Statement Section 4.0" of the LaDellWood Larkey Valley Tree Survey (March 2015) received 31 March 2015 submitted to accompany the application. During the period of construction works on the site, chestnut paling fencing to a minimum height of one metre shall be erected and maintained around and outside the spread of the branches of all trees to be retained and no excavations or trenches shall be dug, no site buildings shall be erected, no materials or top soil shall be stored and no vehicles or machinery shall be routed through or parked within the area enclosed by such fencing. The tree protection measures shall be provided prior to the commencement of the development and shall remain in place for its duration.

REASON: In the interests of the visual amenity of the locality.

- 23 Plans of the site showing the existing and proposed ground levels and the levels of thresholds of all proposed buildings shall be submitted to and approved by the local planning authority before the construction of any of the dwellings hereby approved is commenced.

REASON: Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015, the local planning authority is satisfied that the requirements of this condition (including the timing of compliance) are so fundamental to the development permitted that, if not imposed, it would have been necessary to refuse permission for the development. This is because, at the time of granting permission, full details of the building levels for the development to allow an assessment of the implication for surrounding development not yet available but this information is necessary to ensure the development complies with Canterbury District Local Plan 2006 Policy BE1 and Draft Canterbury District Local Plan 2014 Policy DBE3. Thereby seeking to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways having regard to amenity, access and highway requirements.

- 24 Prior to the first occupation of each dwelling hereby approved the following works shall have been completed between it and the adopted highway:

- a) Footways and or/footpaths, with the exception of the wearing course;
- b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

REASON: In the interests of highway and pedestrian safety.

- 25 Prior to any works being carried out in relation to the demarcation of the crossing of the Public Right of Way, details of a specification of works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details as approved.

REASON: In the interests of the general amenity of the Public Right of Way.

This permission relates only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

NOTES TO APPLICANT

1

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) Canterbury City Council takes a positive and proactive approach to development proposals focused on solutions. Canterbury City Council works with applicants and or their agents in a positive and proactive manner by:

- offering a pre-application advice service;
- where appropriate updating applicants/agents of any issues that may arise in the processing of their application;
- by adhering to the requirements of the Customer Charter.

In this case, the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application. The proposal was found to be acceptable and was approved. Full details of the Council's assessment of the application can be found in the Officers Report which is available to view on the Council's website.

2

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.

3

i) No furniture may be erected on Public Rights of Way without the express consent of the Highway Authority.

ii) There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.

iii) No hedging or shrubs should be planted within 1.0 metres of the edge of the Public Path.

iv) There should be no closeboard fencing or similar structure over 1.2 metres erected which will block out the views.

The grant of planning permission confers no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

4 The applicant is advised to have regard to the representation made by the Environment Agency dated 22nd August 2015 which contains a number of recommendations relating to drainage, fuel storage and waste. These recommendations should be adhered to at all times during the development.

Signed:

A handwritten signature in black ink, appearing to read 'Ian Brown', with a long horizontal flourish extending to the right.

Date of Issue: 16 September 2015

Ian Brown
Assistant Director - Planning and Regeneration