

# CANTERBURY CITY COUNCIL

## DECISION NOTICE



**Correspondence Address:**

Clague  
62 Burgate  
Canterbury  
CT1 2BH

**Town and Country Planning Acts**

**Application Number:** 16/02177

**Location:** Larkey Woods Farm, Cockerling Road, Chartham, CT4 7PQ

**Proposal:** Variation of conditions 02 (approved drawings) and 20 (vehicle access) of planning permission CA/15/00683/FUL for the 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; to allow new vehicular access onto Cockerling Road and the route of the access road to be moved to the southwest.

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 16th September 2018.

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:

22230B\_200 Revision C received 29 September 2016

22230A\_220 Revision D received on 15 September 2016

4643/201 Revision B received on 22 September 2016

4643/203 received on 22 September 2016

4643/002 Revision C received on 15 September 2016

4643/005 received on 15 September 2016

All of which submitted for application CA/16/02177/VAR, as well as drawings:

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  
All of which submitted for application CA/15/00683/FUL.

REASON: To ensure the development is in accordance with the permission 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 The development shall be carried out in accordance with the Lustre Consulting Larkey Valley Wood, Chartham, Kent Remediation and Verification Plan received 30 November 2015

Following completion of the development hereby approved, a verification report as referred to in section 4.18 of the report shall be submitted to the Local Planning Authority

REASON: To mitigate to risk of pollution in accordance 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 2222/16/B/3 received 29th September 2016, 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 application CA/15/00683.

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 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.

- 14 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.

- 15 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.

- 16 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.

- 17 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.

- 18 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.

- 19 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.

- 20 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.

- 21 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 of the LaDellWood Larkey Valley Tree Survey (September 2016) received 15th September 2016 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.

- 22 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.

23 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.

24 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.

The application was processed having regards to the National Planning Policy Framework, which requires that where there are potential solutions to problems arising in relation to dealing with planning applications, the Council will work with the applicant in a positive and proactive manner to seek solutions to those problems.

#### NOTES TO APPLICANT

1 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.

2 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.

- 3 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:**

**Date of Issue:** 17 November 2016

A handwritten signature in black ink, appearing to be 'Steve Musk', written over a horizontal line.

Steve Musk  
Authorised Signatory of the Council

## Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeal Type	Timescale
Householder application	Within 12 weeks of the date of the notice
Minor commercial application	Within 12 weeks of the date of the notice
Express consent for the display of an advertisement	Within 8 weeks of the date of receipt of the notice
Tree Preservation Orders	Within 28 days of the date of the notice
Planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice	Within 28 days of the date of the notice
If an enforcement notice is served relating to the same or substantially the same land and development as in your application.	Within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier
All others	Within 6 months of the date of the notice

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority 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.

### IMPORTANT NOTES

Notification of permission under the Planning Acts does NOT convey consent under The Building Regulations

1. The development to which the attached planning permission relates may also require a separate approval under the Building Regulations.
2. If the planning permission refers to amended plans, any necessary Building Regulations approval should also cover those amendments.
3. If the development involves any demolition work, notice of this this may be required under the Building Act 1984.

ADVICE ON EACH OF THE ABOVE IS AVAILABLE FROM THE BUILDING CONTROL SECTION – CONTACT 01227 862513 OR ALTERNATIVELY EMAIL [building.control@canterbury.gov.uk](mailto:building.control@canterbury.gov.uk)