

Decision Notice

MC/16/2776



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Applicant's Name Mr Attwood F D
Attwood & Partners

TOWN & COUNTRY PLANNING ACT 1990

Town & Country Planning (Development Management Procedure) (England) Order 2015

Location: Land At Brickfields, Darland Farm, Pear Tree Lane, Hempstead, Gillingham, ME7 3PP

Proposal: Outline application with some matters reserved (appearance, landscaping, layout and scale) for a residential development of up to 44 dwellings with associated garaging, access, landscaping and open space

Notification of Grant of Planning Permission to Develop Land.

Take Notice that the Medway Council in pursuance of its powers under the above Act HAS GRANTED PERMISSION for the development of land as described above in accordance with your application for planning permission received complete on 28 June, 2016.

- 1 Approval of the details of the layout, scale and appearance of the buildings, the means of access within the site and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory

- 2 Plans and particulars of the reserved matters referred to in Condition 1

above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos 712/L (-) & 05 16-007-008 rev A) received on 7 July 2016 and drawing no. 712: L (--) 01 D received on 12 December 2016.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 5 No development shall commence until a Construction Environmental Management Plan (CEMP) that describes measures to control the noise, dust, lighting, vehicle movements, hours of working and the effect on wildlife and habitat impacts arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority and all construction works shall be undertaken in accordance with this approved plan.

Reason: Required before the commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to Policies BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 6 Prior to the commencement of the development hereby permitted, an emissions mitigation assessment shall be submitted and approved in writing by the Local Planning Authority. The emissions mitigation assessment should include a damage cost assessment that uses the DEFRA emissions factor toolkit and should include details of mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required before commencement of development to avoid any

irreversible impact on human health and in accordance with Paragraphs 109, 120 and 124 of the NPPF.

- 7 The details submitted in pursuance of condition 1 shall be accompanied by details, samples and a schedule of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 8 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping (hard and soft) and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for the completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 5 years of planting 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 Authority gives written consent to any variation.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 9 The details submitted in pursuance of condition 1 shall be accompanied by a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 10 The details submitted in pursuance of Condition 1 shall show land reserved for parking or garaging in accordance with the adopted County Parking Standards. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order)

shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

11 In accordance with the recommendations contained in British Standard 5837:2012 *Trees in relation to design, demolition and construction - Recommendations* or any revision thereof the plans and particulars submitted pursuant to Condition 1 above shall include:

- a) A tree constraints plan showing root protection areas and any other relevant constraints plotted around each of the category A, B and C trees overlaid onto the proposed site layout plan.
- a) Existing and proposed finished site levels and cross-sectional details on a scaled plan with retained trees and root protection areas overlaid.
- a) An arboricultural impact assessment that evaluates the direct and indirect effects of the proposed design, including during construction in terms of access, adequate working space and provision for storage of materials; and where necessary recommends mitigation.
- a) Arboricultural method statements for the implementation of any aspect of development that is within the root protection area, or has the potential to result in loss of or damage to a tree to be retained. Particular attention should be given to:
 - i. Removal of existing structures and hard surfacing;
 - ii. installation of temporary ground protection;
 - iii. excavations and the requirement for specialized trenchless techniques;
 - iv. specialist foundations or other engineering within root protection areas of retained trees, including details of installation techniques and effect on finished floor levels and overall height;
 - v. retaining structures to facilitate changes in ground levels; and
 - vi. preparatory works for new landscaping.
- a) A schedule of work to trees which is directly necessary to provide access for operations on site, including pruning to facilitate access.

The development shall be carried out in accordance with the approved details before any equipment, machinery or materials are brought on to

the site and any mitigation measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: *To avoid any irreversible damage to retained trees 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, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.*

- 12 No development shall take place (except as may be agreed in writing by the Local Planning Authority) until the developer has secured the implementation of a programme of archaeological work in accordance with a written specification and time table which has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved specification.

Reason: Required before commencement of the development to ensure that features of archaeological interest at the site are properly examined and recorded in accordance with Policy BNE21 of the Medway Local Plan 2003 and Paragraph 139 of the NPPF.

- 13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in approved remediation scheme are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 14 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

i. a timetable for its implementation, and

ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: Required before commencement of the development in order to manage surface water during and post construction and for the lifetime of the development in accordance with Paragraph 103 of the NPPF.

15

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the proposed means of foul water sewerage disposal. Work shall be carried out in accordance with the approved details before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Details are required to be submitted and approved prior to the commencement of the development, due to the fact that below ground works will need to be undertaken prior to construction of the building. To safeguard the amenities of the occupiers of the proposed development in accordance with Policy BNE2 of the Medway Local Plan 2003.

16

No development above slab level shall take place until measures to minimise the risk of crime, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and shall thereafter be retained.

Reason: In the interests of security, crime prevention and community safety and in accordance with Paragraph 69 of the NPPF.

17

No development shall take place (including any ground works, site or vegetation clearance) until a method statement for ecological mitigation (including provision for reptiles, nesting birds, dormice and bats) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) Extent and location of proposed works, including the location of the ecological buffer zone around the periphery of the site;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present

- on site to undertake / oversee works;
- f) Use of protective fences, exclusion barriers and warning signs;
- g) Initial aftercare and long-term maintenance (where relevant);

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In the interests of ecology and in accordance with the provisions set out under Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003 and Paragraph 118 of the NPPF 2012

- 18 Before the commencement of development (including any ground works, site or vegetation clearance), a bat activity survey shall be carried out with full details of appropriate bat mitigation measures and shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented in full accordance with the details so approved.

Reason: In the interests of ecology and in accordance with the provisions set out under Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003 and Paragraph 118 of the NPPF 2012

- 19 No development shall take place until a “lighting design strategy for biodiversity” for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

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

Reason; In order to limit the impact of the lighting on the landscaping of the site, the surrounding landscape and wildlife and with regard to Policies BNE1, BNE34 and BNE39 of the Medway Local Plan 2003 and Paragraph 118 of the NPPF 2012

- 20 Prior to commencement of development hereby approved, details of how the development will enhance the quality and quantity of biodiversity as outlined in Section 4.3 of the submitted Extended Phase 1 Habitat Survey (Corylus Ecology, April 2016) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details and thereafter retained.

Reason: In the interests of ecology and in accordance with the provisions set out under Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003 and Paragraph 118 of the NPPF 2012

Your attention is drawn to the following informative(s):-

The tree survey required pursuant to condition 8 should included a scaled drawing that shows the position of and allocating a reference number to:

- i. Each existing tree within the site with a stem diameter of 75mm or more, measured at 1.5m above the highest adjacent ground level, or in the case of woodlands or substantial tree groups, only individual trees with stem diameters greater than 150mm;
- ii. Each tree with an estimated stem diameter of 75mm or more that overhang the site or are located beyond the site boundaries, within a distance of up to 12 times their estimated stem diameter.

For individual trees the crown spread shall be shown at the four cardinal points, for woodlands or substantial groups of trees the overall extent of the canopy shall be shown. Spot levels, other relevant landscape features and artefacts shall also be recorded, taking account of the recommendations contained in paragraph 4.2.4 of British Standard 5837 or any revision thereof.

The applicant is reminded that this permission relates to planning permission only and does not constitute approval under any other legislation including Building Regulations, To obtain advice on current Building Regulations the applicant should contact the South Thames Gateway Building Control Partnership at Foord Annex, Eastgate House, High Street, Rochester, Kent ME1 1EW

In accordance with paragraphs 186 and 187 of the NPPF Medway Council takes a positive and proactive approach to development proposals focused on solutions. Medway Council works with applicants/agents in a positive and proactive manner by;

- Offering a pre-application advice service,
- Updating applicants/agents of any issues that may arise in the processing of their application,
- Where possible suggesting solutions and,
- Informing applicants/agents of any likely recommendation of refusal prior to a decision.

In this instance **(PLEASE INSERT)** as appropriate

- The applicant/agent was updated of any issues after the initial site visit,
- The applicant/agent was provided with pre-application advice,
- The application was acceptable as submitted and no further assistance was required,
- The applicant/agent was advised the application was unlikely to be acceptable and asked how he/she wished to proceed.

- Officers recommended the application for approval but this recommendation was overturned by Planning Committee.

Signed

A handwritten signature in black ink that reads "Dave Harris". The signature is written in a cursive style with a large initial 'D'.

David Harris
Head of Planning
Date of Notice 15 March, 2017

