

Wierton Place Homes Ltd
C/O
Guy Holloway Architects LLP
The Tramway Stables,
Rampart Road,
Hythe,
Kent,
CT21 5BG



13 October 2016

PLANNING DECISION NOTICE

APPLICANT:	Wierton Place Homes Ltd
DEVELOPMENT TYPE:	Small Major Dwellings
APPLICATION REFERENCE:	11/0511
PROPOSAL:	Change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions; conversion of the existing ball room to 2 dwellings, including extensions; demolition of existing garage block and erection of 4 terraced properties; conversion of existing glasshouses to 4 dwellings, including extensions; and the erection of 5 detached dwellings to the north and south of the access track, together with associated access and landscape works (PLEASE SEE MA/11/0512 FOR LISTED BUILDING CONSENT APPLICATION).
ADDRESS:	Wierton Place, Wierton Road, Boughton Monchelsea, Maidstone, Kent, ME17 4JW

The Council hereby **GRANTS** planning permission subject to the following Condition(s):

MKPS – Working in Partnership with: Maidstone Borough Council

Please Note: All planning related correspondence for MBC should be sent to:

Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ

Email: planningsupport@midkent.gov.uk

Access planning services online at: www.maidstone.gov.uk; or submit an application via www.planningportal.gov.uk

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development shall not commence until details of foul water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out and maintained thereafter in strict accordance with the approved details;

Reason: In the interest of pollution and flood prevention.

- (3) The development hereby permitted shall not commence until a detailed sustainable surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to the Local Planning Authority and approved in writing in consultation with the Lead Local Flood Authority.

The drainage details submitted to the Local Planning Authority shall:

Include details of all sustainable drainage features; and
Specify a timetable for implementation; and
Provide a long term management and maintenance plan for the lifetime of the development which shall specify the responsibilities of each party for the implementation of the SUDS scheme and any other arrangements to secure the operation of the scheme throughout its lifetime; and
Relevant manufacturers details on all SUDS features.

The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

- (4) No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest.

- (5) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic landscape survey and assessment in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of historic landscape and garden history interest are properly examined and recorded.

- (6) No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure due regard is had to the preservation in situ of important archaeological (including garden history) remains.

- (7) No development, including demolition of existing structures, shall take place until a programme of building recording and analysis (the "Programme") of the main building, the glasshouses and the garden building/ice house has been submitted to and approved in writing by the Local Planning Authority. The Programme shall include a written scheme of investigation, which shall be implemented in full in the implementation of the planning permission. The resulting report shall be submitted to the Local Planning Authority, the Historic Environment Record held by Kent County Council and the Maidstone Museum before first occupation of the development hereby permitted;

Reason: To ensure that historic building features are properly examined and recorded.

- (8) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a high quality appearance to the development and safeguard the fabric, appearance, character and setting of listed buildings.

- (9) No development shall take place until details (in the form of large scale drawings and samples as appropriate) have been submitted to and approved in writing by the Local Planning Authority in respect of the following:

Main House

- (i) Internal and external joinery (all windows to be timber); and
- (ii) New plasterwork; and
- (iii) Internal and external paint schemes; and
- (iv) All works to existing, and proposals for new, fire surrounds; and
- (v) All services, including computer cabling and lift machinery; and
- (vi) Works of making good; and
- (vii) Schedules of repair work and stone/brick-cleaning/replacement.

Outbuildings and works to the garden walls

- (i) Samples of materials, including sample panels of brickwork, stonework and re pointing; and
- (ii) Internal and external joinery details at an appropriate scale (all windows to be timber) except for joinery to existing glasshouse building which shall be undertaken in accordance with drawings WM/Joinery/01, WM/Joinery/02, WM/Joinery/03, WM/Joinery/04, WM/Joinery/05, WM/Joinery/06, WM/Joinery/07, WM/Joinery/08, WM/Joinery/09 and WM/Joinery/10 all received 7th July 2015 ; and; and
- (iii) Window details at an appropriate scale; and
- (iv) Repair schedules for the walls; and
- (v) Details of windows, eaves, ridges, doors and door surrounds, bands, plinth mouldings and quoins; and
- (vi) The details and design of any gates proposed.

The development shall thereafter be undertaken in accordance with the subsequently approved details except as agreed in writing by the Local Planning Authority;

Reason: To ensure the fabric, appearance and character of heritage assets are maintained and to secure a high quality of new development within the site.

- (10) No development shall take place until samples and details of the surface treatment of all hardstandings, courtyards, pathways driveways and access ways of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a high quality appearance to the development and safeguard the fabric, appearance, character and setting of listed buildings and the historic gardens.

- (11) The development hereby permitted shall not commence until a programme of repairs to the main house, glasshouses, garden building/ice house and garden wall have been submitted to and approved in writing by the Local Planning Authority in consultation with Historic England and the development shall thereafter be undertaken in full accordance with the approved details;

Reason: To ensure that the fabric, appearance, character and setting of the heritage assets is preserved.

- (12) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of those to be removed and retained, together with a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment (Linton Greensand Ridge landscape type) 2012 and Landscape Character Assessment Supplement 2012. The landscape scheme shall include the following, inter alia:

The retention of all trees and hedges identified as such in the Arboricultural Impact Assessment (ref 2082_RP_001 date 24th July 2015) received 24th July 2015; and The provision of cordwood greater than 150mm in diameter arising from tree clearance retained and stacked safely within landscaped areas and other appropriate features of biodiversity enhancement; and the retention and where appropriate enhancement of existing tree lines; and the use of a range of native flowering and berry bearing species of trees; and areas of grassland to be managed as rough grassland;

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned, domestic gardens.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained, ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character, appearance and setting of heritage assets, and enhance biodiversity assets.

- (13) The development hereby permitted shall be undertaken in full accordance with the Lloyd Bore Tree Protection Plan shown on drawing numbers 2082_DR_001 rev B and 2082_DR_002 rev B received 24th July 2015 and detailed in Arboricultural Impact Assessment (ref 2082_RP_001 date 24th July 2015) received 24th July 2015;

Reason: To safeguard existing trees and hedges to be retained, ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character, appearance and setting of heritage assets.

- (14) The planting, seeding and turfing specified in the approved landscape details shall be carried out during the first planting season (October to February) following first occupation of the development hereby permitted. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of the development, die or become so seriously damaged or diseased that their long term health has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the Local Planning Authority gives written consent to any variation;

Reason: To safeguard existing trees and hedges to be retained, ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character, appearance and setting of heritage assets.

- (15) No tree identified as being retained as identified in drawing numbers 2082_DR_001 rev B and 2082_DR_002 rev B or the Arboricultural Impact Assessment (ref 2082_RP_001 date 24th July 2015) received 24th July 2015 shall be cut down, uprooted or destroyed, or topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, a replacement tree shall be planted and that tree shall be of such size and species, and shall be planted at such time and in a position to be agreed with the Local Planning Authority, as may be specified in writing by the Local Planning Authority;

Reason: To safeguard existing trees and hedges to be retained, ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character, appearance and setting of heritage assets.

- (16) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of highway and pedestrian safety.

- (17) Prior to the commencement of the development, details of all fencing, walling and other boundary treatments including gates, together with any vehicle barriers to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the development and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character, appearance and setting of heritage assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (18) The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

- (19) The development shall not commence until, details of the colour of the external finish of the new build dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character, appearance and setting of heritage assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (20) No external lighting shall be placed or erected within the site without the prior written approval of the Local Planning Authority. Any submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and minimise effects on fauna including bats. The development shall thereafter be carried out and retained in accordance with the subsequently approved details;

Reason: To prevent light pollution in the interests of the character and amenity of the area in general and to prevent harm to biodiversity assets.

- (21) The development shall be carried out in strict accordance with the Bat Survey Report (ref 6037/SBTG dated 5th September 2011) received 7th October 2011; Update Bat Survey Report (ref 6037/4687/SBTG dated 11th June 2014) received 25th June 2014; and Bat Activity Survey Report (dated 20th July 2015) received 20th July 2015 with the mitigation proposed (which shall include the provision of a bat roost within the main building, bat tubes incorporated in to the fabric of new buildings and bat boxes within the grounds attached to suitable trees) provided prior to occupation of the development hereby permitted and thereafter maintained;

Reason: In the interests of providing suitable mitigation for ecology.

- (22) The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority;

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

- (23) No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority;

Reason: To secure a high standard of design.

- (24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F, G and H and Part 2 Class A and Part 16 to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the property and the surrounding area, and in acknowledgement of the special circumstances of permitting this development.

- (25) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority;
- (a) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment set out in the approved Phase 1 Land Contamination Assessment by Ecologica, received on 16th October 2015. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency actions.
 - (b) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (a). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components, including the approved Phase 1 Land Contamination Assessment, require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

- (26) Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003), unless previously agreed in writing by the Local Planning Authority.

The code shall include:

An indicative programme for the carrying out the works
Measures to minimise the production of dust on the site
Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site
Design and provision of site hoardings
Management of traffic visiting the site, including temporary parking or holding areas
Provision of off road parking for all site operatives
Measures to prevent the transfer of mud and extraneous material onto the public highway
Measures to manage the production of waste and to minimise the re-use of materials
Measures to minimise the potential for pollution of groundwater and surface water
The location and design of site office(s) and storage compounds
The location of temporary vehicle access points to the site during the construction works
The arrangements for public consultation and liaison during the construction works

Reason: To prevent harm to human health and pollution of the environment.

- (27) The development hereby permitted shall be undertaken in strict accordance with the following plans and supporting documentation:

Drawing numbers D132799/1 rev 2, D132799/2, D132799/3, D132799/8 rev 1, D132799/9 rev 1, D132799/10, D132799/11 and D132799/12 received 31st March 2011; drawing numbers 09.79.50, 09.79.51 rev B, 09.79.104 Rev B, 09.79.105 Rev A, 09.79.106 Rev B, 09.79.107 Rev B, 09.79.108 Rev B, 09.79.109 Rev A, 09.79.111 rev A, 09.79.112 rev A, 09.79.113 Rev B, 09.79.114 Rev B, 09.79.115 Rev B, 09.79.125, 2082_DR_001-A, 2082_DR_002-A, received 25th June 2014; drawing numbers WM/Joinery/01, WM/Joinery/02, WM/Joinery/03, WM/Joinery/04, WM/Joinery/05, WM/Joinery/06, WM/Joinery/07, WM/Joinery/08, WM/Joinery/09 and WM/Joinery/10 all received 7th July 2015; drawing numbers 09.79.110 Rev B and 09.79.116 rev B received 8th September 2014; drawing number 09.79.101 rev E received 23rd July 2015; drawing numbers 2082_DR_001 rev B and 2082_DR_002 rev B received 24th July 2015; drawing numbers 09.79.117 rev A, 09.79.118 rev A, 09.79.119 rev A, 09.79.120 rev A, 09.79.121 rev A, 09.79.122 and 09.79.123 received 28th July 2015.

Supported by a Bat Survey Report (ref 6037/SBTG dated 5th September 2011) received 7th October 2011; Conservation Statement (dated June 2014), Valuation Report and Appraisal for Enabling Development (dated 25.06.14); Design and Access Statement,

Supplementary Arboricultural Impact Assessment (ref 2082_RP_002 dated 29th April 2014), Update Bat Survey Report (ref 6037/4687/SBTG dated 11th June 2014) received 25th June 2014; and Bat Activity Survey Report (dated 20th July 2015) received 20th July 2015; and an Arboricultural Impact Assessment (ref 2082_RP_001 date 24th July 2015) received 24th July 2015; Phase 1 Land Contamination Assessment by Ecologica received 16th October 2015;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character, appearance and setting of heritage assets, secure biodiversity assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

Informative(s): Please refer to S106 Agreement, and following informatives:-

- (1) The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.
- (2) You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk
- (3) No construction vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).
- (4) Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.
- (5) Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.
- (6) The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.
- (7) As the development involves demolition and/or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.

- (8) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

- (9) The installation of any communications equipment on the site which is normally permitted development under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 has been restricted by condition 24 of the planning permission. This is in order to protect and enhance the setting of the listed building. It is advised that a single installation of one telecommunications device or structure within the application site, that can be suitably sited and well screened from the listed building, would be more favourably received than multiple applications for individual satellite dishes or other equipment for each residential unit.

R. L. Jarman

**Rob Jarman
Head of Planning Services
Maidstone Borough Council**

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF PERMISSION OR GRANT OF PERMISSION SUBJECT TO CONDITIONS

This decision does not give approval or consent that may be required under any act, bylaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Appeals to the Secretary of State

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

Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant.

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of service of the enforcement notice, or within **6 months [12 weeks in the case of a householder or minor commercial application decision]** of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a **Householder** application or a **Minor Commercial** application and you want to appeal the LPA's decision, or any of the conditions imposed, then you must do so within **12 weeks** of the date of this notice.
- In all other cases, you will need to submit your appeal against the LPA's decision, or any of the conditions imposed, within **6 months** of the date of this 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 or online at www.planningportal.gov.uk/pcs.

The SoS 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 SoS need not consider an appeal if it seems to the SoS that the LPA 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.