

Mr Paul Cohen
C/O Evison & Company
FAO Mr Ian Goemans
33 Mount Ephraim
Royal Tunbridge Wells
Kent
TN4 8AA



26 May 2016

PLANNING DECISION NOTICE

APPLICANT:	Mr Paul Cohen
DEVELOPMENT TYPE:	Small Major Dwellings
APPLICATION REFERENCE:	15/505190/FULL
PROPOSAL:	Erection of 14 No 'Passivhaus' houses comprising 6 x 3 bed semi detached, 3 x 3 bed detached, 3 x 4 bed detached and 2 x 5 bed detached units.
ADDRESS:	Former Silver Sands Nurseries And Garden Centre Staple Street Hernhill Kent ME13 9HZ

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

- (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 the permission is granted.

Reasons: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby approved shall be carried out in complete accordance with drawings L90_200 REV H; P1411_P_101 REV A; P1411_P_102 REV A; P1411_P_103 REV A; P1411_P_150; P1411_P_151; P1411_P_200, P1411_P_201; P1411_P_202; P1411_P_203; P1411_P_204 REV B; P1411_P_205 REV B; P1411_P_206 REV A; P1411_P_207 REV A; P1411_P_208, and P1411_P_209.

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

MKPS – Working in Partnership with: Swale Borough Council

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

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

Tel: 01622 602736 email: planningsupport@midkent.gov.uk

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

- (3) Before the development hereby permitted is commenced, samples of all facing materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with these approved details.

Reasons: In the interests of visual amenity, and to ensure that the details are correct before any development takes place.

- (4) The development hereby permitted shall fully comply with the requirements of the Passivhaus standard, and a Certificate of Compliance with that standard for all dwellings shall be submitted to the Local Planning Authority within six months of the completion of the development hereby approved.

Reasons: In order to ensure high levels of sustainable development.

- (5) Before the development hereby permitted is commenced, full technical specifications and drawings of the proposed acoustic fences shall be submitted to and approved in writing by the Local Planning Authority. The details shall also include details of the planting used to visually obscure the fence from both sides. The development shall then be carried out in complete accordance with these approved details.

Reasons: In the interests of visual and residential amenity, and to ensure that the details are correct before any development takes place.

- (6) No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising:

a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the Local Planning Authority prior to any intrusive investigations commencing on site.

b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

Reason: To ensure any contaminated land is adequately dealt with and to ensure that such matters are agreed before work is commenced.

- (7) Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

Reason: To ensure any contaminated land is adequately dealt with.

- (8) Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure any contaminated land is adequately dealt with.

- (9) Before the development hereby permitted is commenced, a reptile mitigation strategy must be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy must include the following:

Map showing location of receptor site

Reptile survey of receptor site - confirming that there is sufficient carrying capacity.

Details of ecological enhancements

Translocation methodology

Timings of works

Management plan for receptor site

Monitoring for receptor site

The development should then be carried out in strict accordance with these approved details.

Reasons: In order to secure the safety of protected species, and to ensure that the details are correct before any development takes place.

- (10) Before the development hereby permitted is commenced, a badger mitigation strategy must be submitted to and approved in writing by the Local Planning Authority. The development should then be carried out in strict accordance with these approved details.

Reasons: In order to secure the safety of protected species, and to ensure that the details are correct before any development takes place.

- (11) Before the development hereby permitted is commenced, a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that both the rate and volume of run-off leaving the site post-development will be restricted to that of the existing site during any rainfall event (up to and including the climate change adjusted 100yr critical storm).

Reasons: In the interests of sustainable drainage on the site, and to ensure that the details are correct before any development takes place.

- (12) No dwelling hereby permitted shall be occupied before details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

A timetable for its implementation, and 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 system throughout its lifetime.

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- (13) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 - 1900 hours, Saturdays 0730 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reasons: In the interests of residential amenity.

- (14) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor on any other day except between the following times :-

Monday to Friday 0900 - 1700 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reasons: In the interests of residential amenity.

- (15) The commencement of the development shall not take place until a programme for the suppression of dust during the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority.

Reasons: In the interests of residential amenity and to ensure that the details are correct before any development takes place.

- (16) As an initial operation on site, adequate precautions shall be taken during the progress of the works to prevent the deposit of mud and similar substances on the public highway.

Reasons: In the interests of amenity and road safety.

- (17) During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

- (18) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features to be retained, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity, and to ensure that such matters are agreed before work is commenced.

- (19) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (20) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (21) The areas marked on the approved drawing no.P1411-P-101 as parking spaces shall be reserved for vehicle parking at all times, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land or in such a position as to preclude vehicular access to these areas.

Reasons: In the interest of highway safety and amenity.

(22) Before the first occupation of a dwelling the following works between that dwelling and the adopted highway shall be completed as follows:

(A) Footways and/or footpaths shall be completed, with the exception of the Wearing course;

(B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:

(1) Highway drainage, including off-site works,

(2) Junction visibility splays,

(3) Street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

(23) Underground ducts shall be installed before any of the buildings hereby permitted are occupied to enable telephone services and electrical services to be connected to the dwellings within the application site without recourse to the erection of distribution poles and overhead lines, and notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no distribution pole or overhead line shall be erected.

Reason: In the interests of visual amenity.

(24) In order to maintain Passivhaus standards, no alterations or extensions, whether permitted by Classes A, B or C of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reasons: In the interests of preserving Passivhaus standards for the approved properties.

The Council's approach to this application:

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) and seeks to work with applicants in a positive and proactive manner by offering a pre-application advice service; and seeking to find solutions to any obstacles to approval of applications having due regard to the responses to consultation, where it can reasonably be expected that amendments to an application will result in an approval without resulting in a significant change to the nature of the application and the application can then be amended and determined in accordance with statutory timescales.

In this case the proposal was considered acceptable as submitted, subject to the receipt of reptile and badger surveys, and subject to the receipt of acceptable acoustic treatment, and the application was then referred to the Planning Committee for consideration.



James Freeman
Head of Planning Services
Swale 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.