

2.9 REFERENCE NO - 16/506166/FULL			
APPLICATION PROPOSAL			
Retrospective demolition of former Working Men's Club. Erection of 9 no. dwelling houses and 1 no. maisonette together with car ports for garaging.			
ADDRESS Newington Working Mens Club, High Street, Newington, Kent, ME9 7JL.			
RECOMMENDATION GRANT, subject to receipt of further comments from Kent Highways & Transportation; and the completion of a S106 agreement to secure SPA mitigation and wheelie bin contributions.			
SUMMARY OF REASONS FOR RECOMMENDATION			
Proposal provides ten new dwellings in a sustainable, previously developed, urban location and would not give rise to any serious amenity concerns. Residential development of site has also previously been approved at appeal.			
REASON FOR REFERRAL TO COMMITTEE			
Parish Council objection, and application requires a S106 agreement to secure financial contributions towards SAMMS and wheelie bin provision.			
WARD Hartlip, Newington And Upchurch	PARISH/TOWN Newington	COUNCIL	APPLICANT Mr Paul Giles AGENT Mr Darren Stoneman
DECISION DUE DATE 06/01/17	PUBLICITY EXPIRY DATE 18/11/16		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/11/0906	Application to renew permission granted at appeal under SW/06/0115 (see below).	Approved.	16.08.2012
The application recognised the position established by the previous Inspector (see below) and recommended approval subject to the Inspector's conditions, and an additional condition to require rooms fronting on to the High Street to be mechanically ventilated from the rear.			
SW/10/0393	Amendment to planning application SW/06/0115, consisting of an amendment to the mews block to provide two additional flats giving a total of six flats in the mews block and 8 dwellings in the front block.	Refused, and dismissed at appeal.	09.08.2010
The application was refused primarily on the basis that the additional units would significantly intensify vehicle parking within the courtyard, to the detriment of the development as a whole and particularly harmful to the amenity of the flats (and bedroom windows) facing out onto the courtyard.			
SW/06/0115	Demolition of existing building and residential redevelopment to provide 1 x one bed and 11 x two bed apartments together with all associated parking and garages.	Refused.	24.07.2007
The application was refused primarily on the grounds that it would result in a worsening of air quality for the occupants at 45 to 51 High Street, in particular the EU 2010 limit for NO ₂ .			

However the subsequent appeal decision dated 16 October 2008 was allowed by the Inspector who commented that *“the benefits associated with the proposal, most particularly the re-use of previously developed land, addition to housing stock, and adoption of a built form that would contribute to enhance of the Conservation Area...outweigh the element of conflict with Policy E2 and of likely harm related to predicted rises in NO₂ concentration at localised positions on the High Street.”*

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 Application site is the former Newington Working Men’s Club situated on the A2 within the centre of Newington. The site is roughly rectangular with a small area at the back wrapping around to the rear of neighbouring properties and formerly housed a detached single storey building but this was demolished last year (this is discussed further below) and the land cleared. The site now comprises an empty parcel of bare land with construction fencing fronting the highway and various garden fences and other boundary treatments on the other sides.
- 1.02 The area features a mixture of residential and commercial properties, with residential units to the east, south, and north; a flat above the post office to the west; and local shops and services beyond the post office to the west. Land levels generally rise up to the south here, so that the dwellings to the rear are roughly 2m higher than the application site.
- 1.03 The site lies within the Newington High Street conservation area and there are a number of listed buildings within the immediate vicinity, including no.56 immediately to the east and 45-49a inclusive to the north, across the A2.

2.0 PROPOSAL

Background

- 2.01 I would firstly draw Members’ attention to the demolition of the former Working Men’s Club building, which took place in June last year. As the 2011 planning permission for the site had expired demolition of the structure would have required a Demolition Notification, which should have been submitted to the Council prior to works being carried out. This was not submitted, however, and the building was demolished very swiftly and before the Council could take action to prevent total demolition. A number of local residents submitted numerous and sustained complaints to the Council regarding demolition and the subsequent site clearance, particularly with regards to the potential for asbestos on site.
- 2.02 However the **only** action the Council could have taken was to have the structure re-built as-was, but as it was in very poor condition (officers had visited the site some months prior and noted this in particular), and planning permission had been granted for redevelopment of the site (*including* demolition of the existing structures), in 2006 and 2011. Officers therefore did not see any merit in this course of action. Other matters such as the clearance of asbestos, safety practices for workers on site, and the removal and disposal of material following demolition and site clearance fall to be considered under other legislation and as such lie within the remit of the Environment Agency and the Health & Safety Executive, who each pursued the elements within their respective control.

- 2.03 Whilst I fully understand that the unauthorised demolition and subsequent site clearance works have been an emotive issue for local residents, Members should be clear that those activities have no bearing on the consideration of this application, and it should be assessed solely on its own planning merits.

Proposed Scheme

- 2.04 The application seeks retrospective consent for demolition of the former club buildings, and full planning permission for the erection of 9no. houses and 1no. maisonette with associated parking and amenity space.
- 2.05 The development will be arranged with 6 units fronting on to the A2 – a terrace of 3 houses, the maisonette situated above the vehicle access, and then 2 more terraced houses, viewed from left (east) to right (west) – and a terrace of 4 houses to the rear. In between the two rows of dwellings will be the gardens for the frontage units and a shared parking court. The gardens for the rear units back on to the southern site boundary.
- 2.06 The houses in the frontage block will stand approximately 8.6m tall (roughly the same height as the existing neighbouring buildings) and the maisonette (situated centrally, above the vehicle access) will stand approximately 9m tall to top of parapet and 10m to top of the recessed roof ridge. The block as a whole will be roughly 27m wide and a maximum of 9.7m deep. External materials are shown as a mixture of facing brick and render, each of the houses would have a small front garden and low wall abutting the pavement edge, and rear gardens would be a minimum of 9.2m deep (maximum 13m).
- 2.07 The rear block sits approximately 27m from the rear of the frontage block. It will stand a maximum of 8.7m tall x 17.3m wide x a maximum of 11m deep (including single storey rear projection on 3 of the units). Rear gardens are in excess of 10m deep. The garden to the easternmost unit (unit 7) wraps around to the side so that it would be a maximum of 9.5m deep from the rear elevation, but 19m at the longest point including the side area. The garden for the westernmost unit (unit 10) wraps around to the rear of the existing neighbouring plot.
- 2.08 A parking court with 2 tandem spaces per dwelling is provided between the two blocks, accessed from the A2 via an underpass under the maisonette unit. Open-fronted parking barns are provided along the side boundaries, but a car port to the rear of no.46 was removed at officer’s request due to concerns about the amenity of those neighbours.
- 2.09 The density of development would be 66 dwellings per hectare.

3.0 SUMMARY INFORMATION

	Proposed
Site Area	0.15ha
Maximum Ridge Height	8.6m (houses) 10m (maisonette)
Approximate Eaves Height	5m
Approximate Depth	9.7m (frontage) 11m (rear block)
Parking Spaces	22 (inc. 2 visitors)
No. of Residential Units	10

No. of Affordable Units	0
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4.0 PLANNING CONSTRAINTS

- 4.01 The site lies within an area of Potential Archaeological Importance, and the Newington High Street Conservation Area. There are also a number of listed buildings adjacent to the site.

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 Paragraph 46 of the NPPF requires Local Planning Authorities (LPA) to have an up-to-date five year housing supply. Swale currently, until publication of the Local plan Inspector's findings, can't demonstrate a five-year housing supply and thus policy H2 of the Local Plan is not considered to comply with the provisions of the NPPF in terms of restricting housing supply. However that does not have a huge bearing on the determination of the current application as the site lies within the built up area boundary; planning permission has previously been granted for residential development of the site; and the site lies within the built up area boundary where residential development is acceptable in principle.
- 5.02 NPPF paragraphs 109 and 110 encourage developments that would minimise pollution, including air pollution. Para. 111 encourages *"the effective use of land by re-using land that has been previously developed."*
- 5.03 National Planning Practice Guidance (NPPG) also provides general guidance in relation to development. It encourages the provision of housing within sustainable areas, subject to consideration of issues such as local and residential amenity, highways, contamination, noise, and ecology, amongst others.
- 5.04 Policies SP1 (sustainable development), SP4 (Housing), E1 (general development criteria), E9 (Landscape), E14 (listed buildings), E15 (conservation areas), E19 (design), H2 (new housing), T3 (vehicle parking), and T4 (cyclists and pedestrians) of the adopted Swale Borough Local Plan 2008 are all relevant in the consideration of the application.
- 5.05 In support of the above, policies ST1 (sustainable development), ST2 (housing targets), ST3 (settlement strategy), ST4 (meeting housing targets), CP2 (promoting sustainable transport), CP3 (delivering a choice of high quality homes), CP4 (good design), CP8 (historic environment), DM7 (parking), DM8 (affordable housing), DM14 (general criteria), DM19 (sustainable design and construction), DM21 (water use), DM32 (listed buildings), and DM33 (conservation areas) of the emerging Swale Borough Local Plan 'Bearing Fruits 2031' are also relevant, and can be given substantial weight further to the recently-closed Local Plan inquiry.

6.0 LOCAL REPRESENTATIONS

- 6.01 14 letters of objection have been received from 7 separate addresses, raising the following summarised concerns:
- There is a right of way to the side of no.44 that runs through the application site, which development would block off and prevent vehicle access to the rear of the property [NB: I have received representations from the applicant's solicitors that there is no right of way. This is, ultimately, however, a private legal matter];
 - 10 units is over-intensive development [NB: 12 units approved at appeal];
 - Impact on highway safety and amenity;

- Lack of vehicle sight lines;
- Inadequate parking provision;
- No access for service vehicles;
- Previous club use has been abandoned and traffic movement considerations must take existing nil use of site into account;
- Overlooking, loss of light, and loss of privacy for neighbouring residents;
- Noise and disturbance from parking area;
- Scheme is contrary to policy;
- Poor design, unsympathetic and harmful to the area;
- Construction traffic may block A2;
- Noise, disturbance, and dust during construction;
- Loss of view;
- Noise, disturbance, and health and safety concerns during demolition, and potential for asbestos within the former buildings;
- Where was asbestos disposed of?
- Impact on air quality due to canyon effect;
- Creation of a 'wind tunnel' along the High Street, buildings should be set back further to prevent this;
- No air survey submitted;
- No contamination survey submitted;
- Potential loss of trees [NB: a mature tree was removed from the site frontage at the same time as the club building was demolished. This is discussed further below];
- Impact on property values;
- Vibration from vehicles on the A2 will be amplified;
- 'Right to light' for properties across the A2 [NB: this is a private legal matter, and in any case the separation between the two will be a minimum of 11m, which I consider acceptable];
- Wheelie bins obstructing pavement;
- Impact on local drainage;
- Should be examined cumulatively with Pond Farm and other local developments; and
- Developer has not discussed the proposals with local residents.

7.0 CONSULTATIONS

7.01 Newington Parish Council objects, commenting:

“The proposed housing is not unattractive and demonstrates a wish to reflect the streetscape of the Newington Conservation area. However the development is over-intensive, with the volume of occupancy excessive for the space available. Parking facilities are insufficient both in number and in size of each space. Guidelines appear not to have been followed and evidence shows that even these guidelines do not meet real needs or actual use in similar sites where three vehicles, often one being a large van, are the norm per unit. In Newington there would be no parking available on the High Street and so would simply push the problem to the already congested village car park and Church Lane.

The Parish Council is puzzled that the plans submitted and approved in 2011 show clear access to the rear of the property immediately adjacent to west of the application site. Locally it is understood that, historically, this neighbouring landowner had vehicular access which has been impeded since the access to the car park was blocked. Current plans show the red outline boundary following the wall of the old post office on the location plan; the block plan suggests a footway of unspecified width. We suggest that these details should be clarified before the application can be fully considered.

Should this application not be rejected by the Case Officer we ask it go to the Planning Committee and that they should note that despite a 2008 decision by the Planning Inspectorate attaching strict conditions to any demolition and a unilateral undertaking signed by the applicant in 2012 agreeing to a month's written notice of intended demolition, that the demolition was undertaken without any regard to this in June 2016. Whilst outside the 4 year limit, the applicant was well aware of the distress caused to nearby residents. Regardless of this and the requirement for a condition survey (from Case Officer, 13 October 2016) the applicant resumed work on the site in November, protests about which involved the Borough Council, Health & Safety Executive and MP. The Parish Council believes this shows contempt for the planning process and the residents of Newington."

- 7.02 The Environment Agency has no comments.
- 7.03 The County Flood Risk Officer has no objections subject to a condition requiring drainage details to be provided, as set out below.
- 7.04 Southern Water has no objection subject to a standard informative, as set out below.
- 7.05 The LMIDB have no comments.
- 7.06 Natural England note that the development has the potential to impact upon the SSSI, but raise no objection subject to securing the standard SAMMS mitigation payment of £223.58 per dwelling (through an appropriately worded S106 agreement). They also recommend securing biodiversity enhancements within the development, which are secured by condition set out below.
- 7.07 The Council's Environmental Health Manager notes that *"there are potential Air Quality issues at this location and the position of the new dwellings, as there is currently an AQMA in place here and building these properties would reinforce the 'canyon' effect of the narrow High Street further. I note that a previous application to build residential properties was refused for Air Quality reasons, though this was later overturned on appeal. An air quality assessment therefore should be carried out at this locality. It is also a noisy location with the busy A2 High Street immediately in front of these new properties and therefore a traffic noise assessment should be carried out to see whether mitigation measure are feasible to reduce excessive noise."* Ultimately, however, he raises no objections subject to the provision of such surveys by way of the conditions set out below.
- 7.08 Kent Highways & Transportation raised a number of items that required amending, including the sizing of the proposed parking spaces, the position of the underpass stairs, and the provision of cycle parking. As noted elsewhere their further comments in light of the amended plans are awaited.
- 7.09 UK Power Networks have no objection.
- 7.10 Southern Gas Networks set out requirements for safe development in proximity to pipelines, which I have included as an informative, below.
- 7.11 The County Archaeologist notes that, due to the location of the site, there is potential for archaeological remains within the area, and recommends the standard condition set out below to secure a programme of works.

- 7.12 Kent Police raise a number of concerns in respect of Secured By Design (SBD), including that the maisonette stairs in the underpass should be enclosed, and that a raised footpath should be provided through the underpass. Amended drawings have been received to show the stairs enclosed, but there is not sufficient room to provide a footpath *and* requisite vehicle passing space.
- 7.13 Kent County Council do not request any financial contributions towards local services as the number of units is not more than 10 and the floor space of the development is below 1000sqm, thus the scheme does not exceed revised Government guidance thresholds for seeking such monies. (Members should also be aware that this guidance expressly precludes us from requesting financial contributions towards standard items such as open space maintenance / play equipment, healthcare, etc. but does not preclude standing charges such as the SAMMS payments and wheelie bin charge.)

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The application is accompanied by a full suite of drawings and an ecological survey. A basic contamination survey was submitted during the course of the application, following demolition of the old club building.
- 8.02 The above-noted historic applications are also relevant, particularly SW/06/0116 and SW/11/0906. Of particular note, further to these applications, is the appeal decision in relation to the refusal of SW/06/0116 – a full copy is appended to this report but I consider it relevant to refer to particular extracts here, given the above objections:

- “4. The Conservation Area is characterised by development along High street that is close to the back of pavement. The existing buildings on the appeal site that served as the working men’s club are of no intrinsic interest and are set well back within the site. As a result they make no positive contribution to the character of the Conservation Area and the proposal to demolish them does not in itself raise any Conservation Area related issues...*
- 5. The proposed residential development was refused on the basis that it would result in a localised worsening of air quality...*
- 6. The development proposal in itself is not a significant direct contributor to potential air pollution in the vicinity of the appeal site. The concern raised is that with a new building filling the present gap...existing pollution...will be less able to dissipate.*
- 7. The complication in this case is that re-establishment of a street frontage, while creating a canyon effect in relation to movement of air, is regarded by the Council’s conservation advisers as an essential feature of a scheme for development on this site in a manner that achieves enhancement of the Conservation Area. ...I share the view of the Council’s conservation advisers that re-establishing a street frontage is an important design objective for development of this site.*
- 9. The study of impact on air quality that has been carried out predicts localised increases in N02, notably across the road at 45-51 High Street. This is a material consideration in this appeal but as advised in paragraph 26 of PPS23 [now superseded by the NPPF] “the overall aim of planning and pollution control is to ensure the sustainable and beneficial use of land”.*

11. *In this case, I consider that the benefits associated with the proposal, most particularly the re-use of previously developed land, addition to housing stock and adoption of a built form that would contribute to enhancement of the Conservation Area...outweigh the element of conflict with Policy E2 and of likely harm related to predicted rises in N02 concentrations at localised positions on the High Street.*

13. *The owner of the High Street property, used as a post office, immediately to the west of the site has raised certain matters. These include some, concerning rear access, that turn on claimed property rights that are disputed by the appellant. I consider that the proposed layout is satisfactory in relation to the matters raised involving planning considerations, including a satisfactory relationship in terms of neighbour's privacy and amenity."*

9.0 APPRAISAL

Principle of Development

- 9.01 I would again reiterate that the various issues surrounding demolition of the former buildings and accompanying health and safety concerns are not relevant to the determination of the proposal at hand, and refusal on such grounds would be wholly unreasonable and leave the Council entirely open to an award of costs against it at appeal, in my opinion.
- 9.02 The application site lies within the built up area boundary, where residential development is acceptable in principle under the local policies and national guidance noted above. The grant of permission at appeal under SW/06/0116 and the subsequent renewal of that consent in 2011 also firmly establish the principle of development here.
- 9.03 Furthermore the development would contribute a modest but not insignificant number of dwellings towards the Council's five year supply target, and on previously developed land within a sustainable urban location close to local shops, services and public transport links. In these regards I have no serious concerns surrounding the principle of residential development here.

Visual Impact / Implications for Character and Appearance of Conservation Area

- 9.04 I consider the proposed development to be of an acceptable scale and design. I have discussed the scheme with the Council's Conservation and Design officer, who notes that while *"the proposal is substantial in its built form, arrangement, and general architectural detailing it does compliment the evolved character and appearance of the village centre."* The proposed frontage block (subject to conditions in respect of materials, construction and joinery details, as below) would sit comfortably within the context of the area and would not seriously detract from the character of the conservation area or harm the setting of the neighbouring listed buildings, in my opinion. The proposed design would be traditional, and I note the previous Inspector's comment that *"re-establishing a street frontage is an important design objective for development of this site."*
- 9.05 The rear block and car ports are, to my mind, similarly acceptable, but have a much lesser impact upon the character of the area due to their position than the scheme previously allowed on appeal..

- 9.06 Members may care to note that the overall footprint of development is substantially less than that approved under the 2006 appeal (as above), which included a large L-shaped rear block wrapping along the rear and western side boundaries. The reduction in footprint will have a consequently reduced visual impact, and also a lesser impact upon the residential amenities of neighbouring properties (discussed below).

Residential Amenity

- 9.07 I consider that each of the proposed new dwellings would provide a good standard of amenity for future occupants – they all have good internal dimensions, and garden sizes are good overall (as set out at paras.2.05 to 2.07 above).
- 9.08 I do not consider that the development would give rise to any serious amenity issues for neighbouring residents. The frontage block would be located almost in line with the existing buildings fronting the A2 and therefore would not seriously overshadow front or rear windows or amenity spaces. There would remain a meaningful gap between proposed buildings and existing flank windows on neighbouring properties and I do not consider that there would be any serious loss of light such as to justify refusal of planning permission.
- 9.09 The rear block is positioned a minimum 15.5m from 17 Brookes Place, which is the closest dwelling to the rear and sits side-on to the application site. The Council's minimum flank-to-rear distance is 11m. However, 17 Brookes Place features a large window in the side elevation of a rear extension which would be a minimum of 18m from the rear elevation of the rear block. The Council normally applies a 21m rear-to-rear distance which would be appropriate in this instance due to potential overlooking. I am not seriously concerned, however, as this appears to be a secondary window to the room, with a further large window on the rear elevation of the extension that would provide light and an outlook if a blind were installed to minimise potential for overlooking. Furthermore there is a change in levels of around 2m between the application site and no.17's garden which would help to mitigate overlooking from the rear windows of the proposed new block. I therefore consider that the development would not be likely to give rise to serious overlooking or loss of amenity for the residents of no.17.
- 9.10 I have also had regard to the previous approvals for development of the site, which would have had a similar impact and were agreed by the planning Inspector, giving weight to my considerations above.

Highways

- 9.11 I appreciate local concern in regards to parking provision, but would note that the plans were amended shortly after receipt of the Parish Council comments, and now show parking spaces of appropriate size provided at a rate of 2 per dwelling in accordance with the adopted Kent Vehicle Parking Standards plus 2 additional parking spaces. I await further comment from Kent Highways & Transportation and will update Members at the meeting, but do not have any serious concerns in this regard.
- 9.12 I also requested that the amended drawings remove the car port that was shown to the rear of no.46, which I considered would have been harmful to the amenity of the occupants thereof. This has been done and I am no longer concerned in this respect.

Landscaping

- 9.13 The site layout, whilst acceptable in my opinion, leaves little room for landscaping outside of the rear garden areas but I do not necessarily consider this to be an issue given the prevailing character of the area comprises properties fronting hard against the pavement edge, with little or no frontage landscaping at all within this section of the High Street. Small front gardens are provided for each property – it is unlikely that these areas will make a significant contribution towards greening the site, but their presence will be noticeable given the lack of front gardens elsewhere in the immediate area. However, the rear garden areas are all of a good size and planting therein will make a contribution towards biodiversity enhancement and soft landscaping. I have recommended the standard landscaping condition below, which will help officers to secure an appropriate level of planting within the garden areas.
- 9.14 The above notwithstanding, however, I note that a mature Rowan tree was removed from the site frontage during demolition and clearance works. This is regrettable, but was also a part of the previous scheme for redevelopment of the site and I therefore do not give significant weight to its loss overall.

Air Quality

- 9.15 The site lies within an AQMA and air quality is a particular issue for local residents and the Council. I fully appreciate their concerns, but note the balancing of issues carried out by the inspector in considering the appeal against SW/06/0116 (and referred to at 8.02 above) which was refused solely on grounds of air quality:

“In this case, I consider that the benefits associated with the proposal, most particularly the re-use of previously developed land, addition to housing stock and adoption of a built form that would contribute to enhancement of the Conservation Area... outweigh the element of conflict with Policy E2 and of likely harm related to predicted rises in NO2 concentrations at localised positions on the High Street.”

- 9.16 The Inspector considered that the issue of air quality could effectively be dealt with by condition, which I have set out below in an updated form recommended by the Council's EHO manager. In this regard, whilst I note local concern I do not consider that the Council could effectively refuse the scheme on the grounds of air quality, nor could officers defend an appeal on such grounds having had such a clear judgement issued on the matter previously.
- 9.17 I do not consider that 10 units would contribute significantly to air quality levels within the AQMA. Members will recall the proposals for 124 dwellings on land at 99 High Street, Newington (ref. 16/501266/FULL), which was reported last month, and for which the submitted air quality report identified negligible impact upon the AQMA. The Council's Environmental Health Manager agreed with the findings of that report. The development the Working Men's Club site is 10x smaller than the 99 High street proposals. Furthermore, the Council's Environmental Health Manager has confirmed that the local nitrous oxide levels monitored by a continuous analyser stationed to the front of the Co-op, a short distance from the application site, have *never* exceeded the maximum allowed level.
- 9.18 I therefore do not consider that there are any reasonable grounds on which to justify a refusal based on air quality.

Affordable Housing

- 9.19 The emerging Local Plan requires affordable housing provision at a rate of 40% on developments of 10 units or more within this area. However, para.31 of the NPPG states (my emphasis in bold):

“There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-built development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the written ministerial statement of 28 November 2014 and should be taken into account.

These circumstances are that;

- *contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)”*

- 9.20 The Written Ministerial Statement (WMS) of 28 November 2014 on Small Scale Developments by Brandon Lewis, Minister for Housing and Planning also states that :

“Due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought.

...

By lowering the construction cost of small-scale new build housing and home improvements, these reforms will help increase housing supply. In particular, they will encourage development on smaller brownfield sites and help to diversify the house building sector by providing a much-needed boost to small and medium-sized developers, which have been disproportionately affected by the Labour Government’s 2008 housing crash.”

- 9.21 The Local Plan (“10 units or more”) therefore conflicts with the WMS (“10 units or less”) on whether or not affordable housing should be provided on this site. Weight must be afforded to *both* policy documents, but in this instance I see no particular reason as to why greater weight should be afforded to the Local Plan – with *particular* regard to the fact that the wording of the emerging Local Plan policy DM8 has very recently been amended to “11 dwellings or more” in light of comments from the Maidstone Borough Council’s Local plan Inspector. I therefore consider that the WMS should, in this instance, take priority over the Local Plan, and that no affordable housing contributions should be sought.

- 9.22 I also consider that refusal of permission on the grounds of affordable housing provision (or other traditional S106 contributions) would leave the Council open to an indefensible appeal.

Other Matters

- 9.23 I note objections in regards to right of access to rear of no.46, and have received representations from both that neighbour’s solicitor and the applicant’s solicitor alleging favour for their respective clients. Of particular note is a letter dated 21 May 2008 in which the applicant’s solicitor states that *“there is no right of way referred to either in the Conveyance or in the Deed of Exchange and, additionally, that in the Deed of Exchange your client [no.46] covenants to construct a six ft high wall around the land acquired.”* My understanding of the situation, therefore, is that there is no formal right

of access across the application site, and the neighbouring resident at no.46 enjoyed access by informal agreement from the previous landowner (when there was a car park adjacent to his property and thus means of vehicle access). In any instance, however, this amounts to a private legal matter that does not have a bearing on the determination of this application.

- 9.24 I note local concerns in regards the potential for asbestos from demolition of the former club buildings. However, having visited the site post-demolition I note that the land has been cleared to an approximate depth of 500mm, removing all topsoil and all demolition spoil (other than a small area of bricks that have been used to infill a hole). Any asbestos that may or may not have been present within the buildings has thus been removed from the site, and its disposal is a matter for the EA and HSE to consider under separate legislation.
- 9.25 As noted above KCC do not request any financial contributions as the scheme does not exceed the minimum floor space for developer contributions as set out by recent Government legislation. Contributions are required, however, towards maintenance and mitigation of the SPA (in accordance with the Council's standing agreements with Natural England and amounting to £223.58 per dwelling) and for the provision of wheelie bins (amounting to £920). I therefore request that Members give me delegation to enter into a S106 agreement to secure such funds, which amount to a total of £3155.80.

10.0 CONCLUSION

- 10.01 There has been a significant level of local interest in this site, and objections to this application. However, I consider that many of the issues raised have been influenced by the way in which demolition of the old club building and subsequent site clearance works were carried out, and these should not have a bearing on Member's deliberations on this application.
- 10.02 It is clear from the previous Inspector's decision that residential development of this site, at this scale and density, and in this form, is acceptable. In evaluating the current proposals I do not disagree with the Inspector's findings, and consider this scheme to represent acceptable development, in a sustainable location, of a good design, and with minimum impact on adjoining residential amenities.
- 10.03 Taking the above into account I recommend that planning permission should be granted.

11.0 RECOMMENDATION – GRANT Subject to receipt of further comments from Kent Highways & Transportation; the completion of a S106 agreement to secure SPA mitigation and wheelie bin contributions; and the following conditions:

- (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.

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

- (2) No development shall take place until an Air Quality Assessment, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures proposed by such an assessment shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impact upon local air quality.

- (3) No development shall take place until a survey has been carried out to establish traffic noise levels affecting the site and predictions shall be made of any future traffic noise level increase over the next 15 years. The survey shall be carried out in accordance with a written protocol, details of which shall be submitted to and approved by the Local Planning Authority before the survey is carried out.

A report giving:

- (a) the results of the survey,
- (b) the predictions of noise levels,
- (c) details of the design measures that will be used to mitigate against traffic noise, and
- (d) details of the building specifications of the dwellings which will be used to achieve a maximum internal noise level within any of the dwellings of 35dB(A) with windows closed

shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The approved measures shall be implemented in full prior to the first occupation of any of the buildings hereby permitted.

Reason: To minimise impacts to future residents from road noise.

- (4) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work 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 archaeological interest are properly examined and recorded.

- (5) All windows on the front façade of the block fronting onto the High Street shall be non-openable only. Before the development is occupied a scheme of mechanical ventilation to be fitted in each dwelling to draw air from the rear façade to the front rooms shall be submitted to and approved in writing by the Local Planning Authority. The scheme to be approved shall also include details of long-term maintenance.

Reason: In the interests of residential amenity.

- (6) (i) No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

(ii) No building hereby permitted shall be occupied until 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:

- 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 system throughout its lifetime.

(iii) 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. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- (7) No development shall take place until details of facing materials, facing bricks and roofing tiles to be used on the development hereby permitted, including details of mortar mix and jointing details, have been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be implemented in accordance with these approved details.

Reason: In order to secure an appropriate design and preserve or enhance the character and appearance of the conservation area

- (8) The brickwork on the development hereby permitted shall be laid in Flemish bond unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of preserving or enhancing the character and appearance of the conservation area.

- (9) No development shall take place until detailed drawings, at a scale of 1:5, of all new external joinery work and fittings together with sections through glazing bars, frames and mouldings, have been submitted to and approved in writing by the Local Planning Authority before any development takes place. The development shall be carried out in accordance with the approved details.

Reason: In order to secure an appropriate design and preserve or enhance the character and appearance of the conservation area

- (10) No development shall take place until constructional details, at a scale of 1:5, of the eaves, ridges, gable bargeboards, and verges to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to secure an appropriate design and preserve or enhance the character and appearance of the conservation area

- (11) No development shall take place until constructional details of the dormer windows and High Street frontage boundary walls and railings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: In order to secure an appropriate design and preserve or enhance the character and appearance of the conservation area

- (12) No development shall 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 demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity.

- (13) 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.

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

- (14) 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.

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

- (15) No development shall take place until a scheme of biodiversity enhancements, such as bat boxes, bird nesting boxes, or other improvements, has been submitted to and approved in writing by the Local Planning Authority. The enhancements shall be implemented as agreed and thereafter retained in perpetuity.

Reason: In the interest of enhancing biodiversity.

- (16) 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, 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.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity and to ensure that such matters are agreed prior to the commencement of development.

- (17) No meter boxes, vents, ducts, grilles or trickle vents shall be installed on the High Street elevation without the prior written approval of the Local Planning Authority.

Reason: In order to preserve or enhance the character and appearance of the conservation area

- (18) During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning, and parking for site personnel

/ operatives / visitors. Such parking shall be provided prior to the commencement of the development.

Reason: Development without adequate provision for the parking of construction vehicles is likely to lead to car parking inconvenient to other road users and detrimental to highway safety and amenity.

- (19) No construction or demolition work shall take place on the site on any Sunday or Bank Holiday, nor on any other day except Monday to Friday between 0730 - 1900 hours and Saturday between 0730 – 1300 hours, unless with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (20) As an initial operation on site adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

Reason: To prevent mud on the highway and in the interests of highway safety and convenience and in pursuance of policies E1 and T3 of the Swale Borough Local Plan 2008.

- (21) The vehicle parking spaces shown on the approved drawings shall be provided, surfaced and drained before the dwellings hereby permitted are first occupied, and shall thereafter be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space. No doors, gates, or other means of enclosure shall be installed to the front of the car ports hereby permitted unless otherwise agreed in writing by the Local Planning Authority

Reason: Development without adequate provision for the parking of construction vehicles is likely to lead to car parking inconvenient to other road users and detrimental to highway safety and amenity.

- (22) Before the dwellings hereby approved are first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority.

Reason: To prevent dangerous materials on the highway and in the interests of highway safety and amenity.

- (23) Upon completion, no further development, whether permitted by Classes A, B, C or D or E of Part 1 of Schedule 2 Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out without the prior permission in writing of the Local Planning Authority.

Reason: In order to preserve or enhance the character and appearance of the conservation area

INFORMATIVES

- (1) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (2) Please note privately owned gas pipes or ones owned by other gas transporters may be present in this area and information regarding those pipes needs to be requested from owners. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 0.3m of an intermediate pressure system. You should, where required, confirm the position using hand dug trial holes and follow safe digging practices in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services.” For further information please contact Southern Gas Networks (0800 9121722).
- (3) 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.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called ‘highway land’. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have ‘highway rights’ over the topsoil.

Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land> 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.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

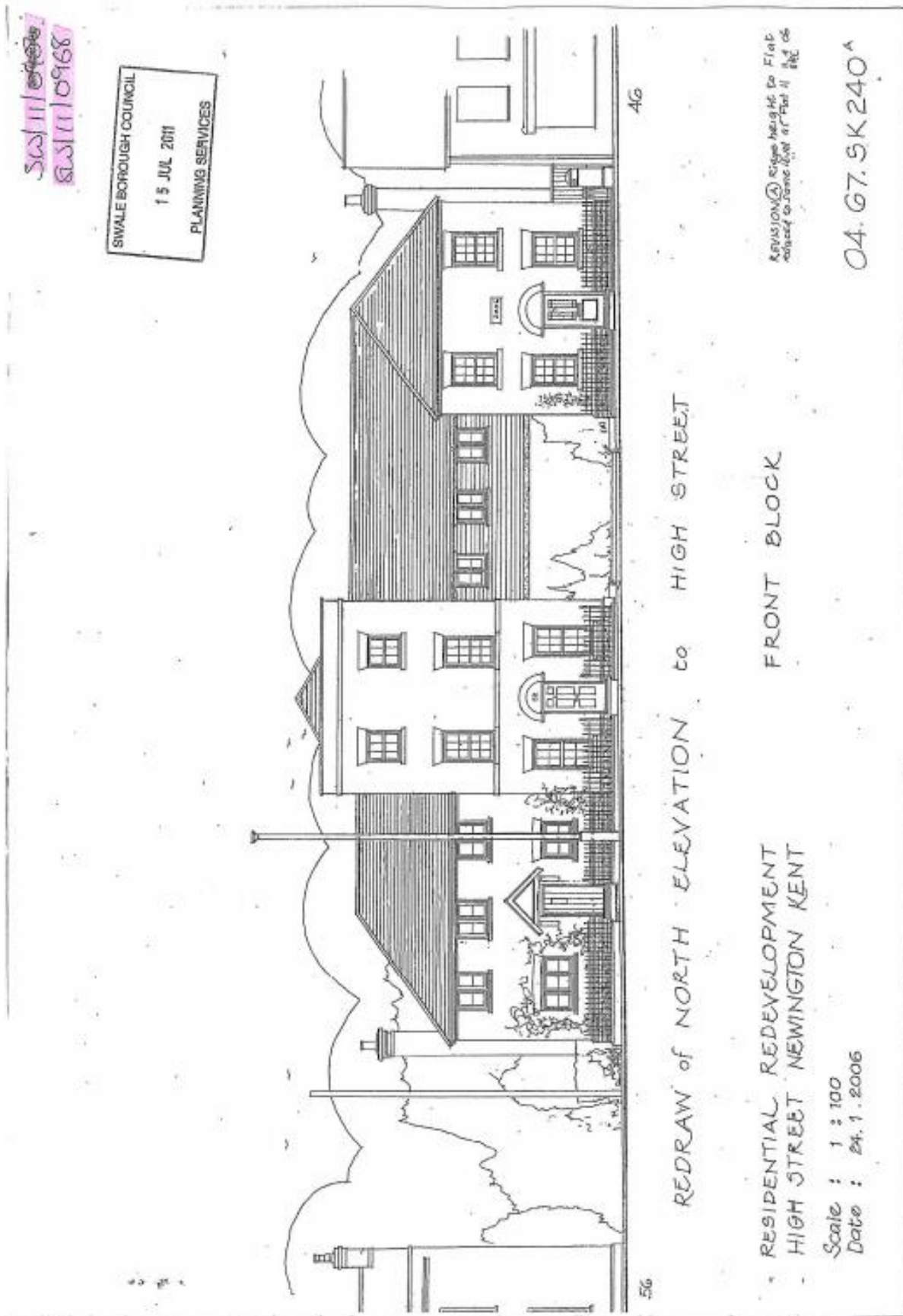
As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the applicant/agent was advised of minor changes required to the application and these were agreed. The application was then considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council’s website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

APPENDIX A



APPENDIX B



Appeal Decisions

Site visit made on 6 October 2008

by **S E Gibbs MA MRTPI MSocSc**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gov.uk

Decision date:
16 October 2008

Appeal Ref: APP/V2255/E/08/2067356
Newington Working Men's Club, High Street, Newington, Sittingbourne,
ME9 7JL

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Huntcourt International Ltd against the decision of Swale Borough Council.
- The application Ref SW/06/0116, dated 12.12.2005, was refused by notice dated 24.07.2007.
- The demolition proposed is of the former working men's club building.

Appeal Ref: APP/V2255/A/08/2061894
Newington Working Men's Club, High Street, Newington, Sittingbourne,
ME9 7JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Huntcourt International Ltd against the decision of Swale Borough Council.
- The application Ref SW/06/0115, dated 12.12.2005, was refused by notice dated 24.07.2007.
- The development proposed is residential development to provide 1 one bedroom and 11 two bedroom apartments together with associated parking and garaging.

Decisions:

1. I allow the appeal ref APP/V2255/E/08/2067356 and grant Conservation Area consent for demolition of the existing building at the Newington Working Men's Club, High Street, Sittingbourne, ME9 7JL.
2. I allow the appeal ref APP/V2255/A/08/2061894 and grant planning permission for 1 one bedroom and 11 two bedroom apartments together with associated parking and garaging at the Newington Working Men's Club, High Street, Sittingbourne, ME9 7JL in accordance with the terms of the application, Ref SW/06/0115, dated 12.12.2005, and the amended plans dated 24 January 2006, subject to the Schedule of Conditions set out at Annex A to this letter.

Main issue

3. The key consideration in this appeal is whether the effect of the proposal on air quality along the High Street is a matter of such significance and causing such harm that permission should be withheld notwithstanding other positive attributes of the scheme, including re-use of previously developed land and potential for enhancement of a Conservation Area.

SWALE BOROUGH COUNCIL

Appeal Decisions APP/V2255/E/08/2067356 & A/08/2061894

Reasons

4. The Conservation Area is characterised by development along High Street that is close to the back of pavement. The existing buildings on the appeal site that served as the working men's club are of no intrinsic interest and are set well back within the site. As a result they make no positive contribution to the character of the Conservation Area and the proposal to demolish them does not in itself raise any Conservation Area related issues. The Council's concern in relation to the demolition consent has been solely to ensure that there is a valid permission in place for redevelopment of the site before the existing buildings are cleared. I conclude that if I decide that planning permission should be granted for the proposed redevelopment of the site, then a consent for demolition should be granted.
5. The proposed residential development was refused on the basis that it would result in a localised worsening of air quality with a breach in the EU limit value for 2010 for NO₂. This was regarded as contrary to Policy E2 in the (now adopted) Swale Borough Local Plan 2008, Policy QL1 of the Structure Plan and to advice in PPS23.
6. The development proposal is not in itself a significant direct contributor to potential air pollution in the vicinity of the appeal site. The concern raised is that with a new building filling the present gap along a section of High Street existing pollution associated with traffic on the A2 will be less able to dissipate. Monitoring along the High Street shows raised concentrations of NO₂, which is a recognised feature of heavily trafficked and congested roads flanked by lines of closely spaced buildings: the so-called canyon effect.
7. The complication in this case is that re-establishment of a street frontage, while creating a canyon effect in relation to movement of air, is regarded by the Council's conservation advisers as an essential feature of a scheme for development on this site in a manner that achieves enhancement of the Conservation Area. While acknowledging that local residents who have written objecting to the proposed form of development take a different position, I share the view of the Council's conservation advisers that re-establishing a street frontage is an important design objective for development on this site.
8. In examining the planning merits of the appeal proposals, I have had regard to guidance given in PPS23, and particularly in Appendix 1G within Annex1 which is titled "Air Quality as a Material Consideration in Development Control Decisions". Paragraph 1G.2 recognises the danger of applying controls in a manner that would sterilise development and emphasises that not all planning applications should be refused if the development would result in deterioration of local air quality.
9. The study of impact on air quality that has been carried out predicts localised increases in NO₂, notably across the road at 45-51 High Street. This is a material consideration in this appeal but as advised in paragraph 26 of PPS23 "the overall aim of planning and pollution control is to ensure the sustainable and beneficial use of land".
10. In light of this advice, I consider that the implications of the proposed development for air quality should not be taken in isolation but considered along with the consequences of the proposal as judged against a full range of

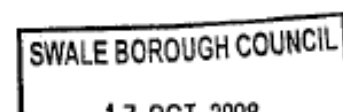
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planning objectives. Equally the proposal is not to be judged solely against policy in the Development Plan relating to air quality, in this case Policy E2, but against the whole range of the Development Plan's policies, including the design and conservation objectives of Policy QL6 of the Structure Plan, and Policies E1 and E15 of the Swale Borough Local Plan 2008.

11. In this case, I consider that the benefits associated with the proposal, most particularly the re-use of previously developed land, addition to housing stock and adoption of a built form that would contribute to enhancement of the Conservation Area satisfy a range of policies in the Development Plan, including Structure Plan Policy QL6 and Local Plan Policies E1 and E15. Furthermore, in my judgement these benefits, rooted in the Development Plan outweigh the element of conflict with Policy E2 and of likely harm related to predicted rises in NO₂ concentrations at localised positions on the High Street.
12. I have considered other matters raised as objections by third parties. In addition to proposing an open frontage to High Street, it is suggested that the village would suffer from not being able to use the appeal site for public parking. I could see that there is limited public parking adjacent to High Street but do not accept this to be a matter of such significance as to constitute a strong argument for refusing permission for the proposed housing development on the appeal site.
13. The owner of the High Street property, used as a post office, immediately to the west of the site has raised certain matters. These include some, concerning rear access, that turn on claimed property rights that are disputed by the appellant. I consider that the proposed layout is satisfactory in relation to the matters raised involving planning considerations, including a satisfactory relationship in terms of neighbour's privacy and amenity.
14. I have received a signed Unilateral Undertaking, dated 9 July 2008, which covers contributions to youth and community facilities and to library facilities. Kent County Council's e-mailed letter of 15 July withdraws objections previously lodged on the basis of a need for such contributions.
15. I have examined the Council's suggested conditions which address many areas where further details are to be submitted for approval. I consider that the conditions put forward in relation to hard and soft landscape details and measures for attenuation against traffic noise are appropriate to impose. There is also a basis for applying contamination conditions and some of the conditions controlling architectural detailing on the High Street frontage but, taking account of the information given on the amended plans dated 24 January 2006, not to the full extent of the conditions put forward. I have amended the proposed conditions so that they do not go beyond what is necessary for a grant of permission to be made.
16. Having given consideration to the full range of policies in the Development Plan and weighed competing planning objectives, I conclude that planning permission should be granted subject to the attached Schedule of Conditions and consent for demolition of buildings in a Conservation Area should be given.

Simon E Gibbs

Inspector



Appeal Decisions APP/V2255/E/08/2067356 & A/08/2061894

Annex A to Appeal APP/V2255/A/08/2061894

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Development shall not begin until an investigation to assess the nature and extent of any contamination on the site has been completed. The investigation shall accord with a scheme that has been previously submitted to and approved in writing by the Local Planning Authority and shall identify the extent of any contamination and the measures to be taken to avoid risk to the environment when the site is developed.
- 3) Development, other than that required to carry out remediation, shall not begin until measures to deal with contamination of the site have been implemented and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to the Local Planning Authority.
- 4) The commencement of the development shall not take place until a survey has been carried out to establish traffic noise levels affecting the site. The survey shall be carried out in accordance with a written protocol, details of which shall be submitted to and approved by the Local Planning Authority before the survey is carried out. A report giving:-
 - (a) the results of the survey,
 - (b) the predictions of noise levels,
 - (c) details of the design measures that will be used to mitigate against traffic noise, and
 - (d) details of the building specifications of the dwellings which will be used to achieve a maximum internal noise level within any of the dwellings of 35dB(A) (Fast) with windows closed,shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The approved measures shall be implemented in full prior to the first occupation of any of the buildings hereby permitted.
- 5) No construction or demolition work shall take place on the site on any Saturday, Sunday or Bank Holiday, nor on any other day except Monday to Friday between 0730 - 1900 hours and Saturday between 0730 - 1300 hours, unless with the prior written approval of the Local Planning Authority.
- 6) No impact pile driving shall take place in connection with the construction of the development except on Monday to Friday between 0900 - 1700 hours.
- 7) Development shall not begin until a programme for the suppression of dust during the demolition of existing buildings and 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 demolition and construction unless any variation has been approved by the Local Planning Authority.
- 8) No burning of waste or refuse shall take place on site.

Appeal Decisions APP/V2255/E/08/2067356 & A/08/2061894

- 9) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any revoking and re-enacting that Order) the use of the garages hereby permitted shall be limited to the domestic and private needs of the occupiers and shall not be used for any business or other purpose whatsoever other than the parking of vehicles and associated uses.
- 10) The area allocated for parking and/or turning on plan 04.67.SK20B shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted unless with the approval in writing of the Local Planning Authority.
- 11) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.
- 12) Development shall not begin until details of facing materials, facing bricks and roofing tiles to be used on the development have been submitted to and approved in writing by the Local Planning Authority.
- 13) Development shall not begin until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include any existing features that are to be retained, schedules of planting, noting species, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials and an implementation programme. The works shall be carried out in accordance with the agreed implementation programme.
- 14) Upon completion of the approved landscaping scheme, any trees or shrubs 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.
- 15) The brickwork to the development hereby approved shall be laid in Flemish bond unless otherwise agreed in writing by the Local Planning Authority.
- 16) Details of brick arches, roof eaves and verges, dormer windows, roof lights, decorative roof vent features, joinery (including door and window reveals) and of porch and front railing/dwarf walls shall be submitted to and approved by the Local Planning Authority before the development is begun.
- 17) Manufacturers' details for the roof lights shall be submitted to and approved by the Local Planning Authority before the development is begun.
- 18) No meter boxes, vents, ducts, grilles or trickle vents shall be installed on the High Street elevation without the prior written approval of the Local Planning Authority.
- 19) Upon completion, no further development, whether permitted by Classes A, B, C or D or E of Part 1 of Schedule 2 Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out without the prior permission in writing of the Local Planning Authority.

OWALE BOROUGH COUNCIL