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TOWN AND COUNTRY PLANNING ACT 1990

Application: SW/09/0755

CASE NO. 21062

NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND

TO: Ward Homes
c/o Judith Ashton
Judith Ashton Associates
The Studio
Sherbrook Cottage
Silver Hill
Hurst Green
East Sussex TN19 7QB

TAKE NOTICE that Swale Borough Council, in exercise of its powers as a Local Authority under the Town and Country Planning Acts, **HAS GRANTED PERMISSION** for development of land situated at:

Land off Grovehurst Road, Iwade, Sittingbourne, Kent

and being Provision of temporary haul road (3 years) whilst land to the west of Woodpecker Drive/Helen Thompson Close is developed

referred to in your application for permission for development accepted as valid on the 13th August 2009

SUBJECT TO THE CONDITIONS specified hereunder:-

Planning

- (1) The temporary haul road hereby approved shall only be constructed and used upon approval of the application for the residential development of land east of Helen Thompson Close and Woodpecker Drive (planning reference SW/09/0756).

Grounds: To ensure the temporary haul road is constructed only in connection with construction of the dwellings, whereby the development in isolation would be considered unacceptable and harmful to the countryside, in accordance with Policies E6 and E8 of the Swale Borough Local Plan 2008.

- (2) The temporary haul road hereby approved shall cease its use either on or before 30 December 2012, or the completion of the construction of the dwellings the subject of planning application SW/09/0756, whichever is the sooner, whereby the land shall be restored to its former use within three months of the elapsed time period or construction completion of the dwellings, whichever is the sooner.

Grounds: In order that countryside land can be returned to its lawful use and in pursuance of Section 91 of the Town and Country Planning Act 1990 as amended and Policy E6 of the Swale Borough Local Plan 2008.

FOR FURTHER CONDITIONS AND GROUNDS – PLEASE SEE ATTACHED SHEET

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

avn 2.7 07(11).01.10

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Conditions & Grounds (Contd)

- (3) The temporary haul road hereby approved shall only be used for construction and personnel traffic connected with the construction of the dwellings on land east of Helen Thompson Close and Woodpecker Drive the subject of application SW/09/0756 or any subsequently approved scheme, or related farm traffic, and shall not be used for any other purpose whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking or re-enacting that Order.

Grounds: To ensure the temporary haul road is used only in connection with the housing development or farm traffic in order to limit its usage to protect residential amenity in pursuance of Policy E1 and E6 of the Swale Borough Local Plan 2008.

Ecology

- (4) Prior to the commencement of any works which may affect great crested newts or their breeding sites or resting places, and widespread reptiles and their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the District Planning Authority. All works shall then proceed in accordance with the approved strategy unless otherwise agreed in writing by the District Planning Authority.

Grounds: To ensure the development adequately mitigates for great crested newts that are present on the site and in accordance with Policy E11 of the Swale Borough Local Plan 2008.

Environmental Protection

- (5) The commencement of the development shall not take place until a programme for the suppression of dust and noise during the construction, use and removal of the haul road has been submitted to and approved by the District Planning Authority. Works shall be carried out in accordance with those approved details and shall be employed throughout the period of the construction, use and removal unless any variation has been approved by the District Planning Authority.

Grounds: To ensure the development does not prejudice conditions of residential amenity and in accordance with Policies E1 and E2 of the Swale Borough Local Plan 2008.

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Conditions & Grounds (Contd)

- (6) The construction of the temporary haul road hereby approved shall only take place between 08.00 - 18:00 hours on weekdays & between 08.00 - 12.00 hours on Saturdays and not at anytime on Sundays and Bank Holidays. There shall be no queuing of vehicles prior to the start times on the haul road any further north than the second passing place, as identified on drawing number 1408-GA-07B.

Grounds: To ensure the development does not prejudice conditions of residential amenity and in accordance with Policies E1 and E2 of the Swale Borough Local Plan 2008.

- (7) Construction and personnel traffic using the temporary haul road hereby approved in connection with the dwellings the subject of application SW/09/0756 shall be allowed only between the hours of 0730 to 1800 Monday to Friday and 0800 to 1400 Saturdays and at no times on Sundays or Bank holidays. There shall be no queuing of vehicles prior to the start times on the haul road any further north than the second passing place as identified on drawing number 1408-GA-07B.

Grounds: To ensure the development does not prejudice conditions of residential amenity and in accordance with Policies E1 and E2 of the Swale Borough Local Plan 2008.

Highway

- (8) Details of wheel washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances shall be submitted to and approved in writing by the District Planning Authority, and agreed measures shall be installed prior to, and during construction of the development hereby approved.

Grounds: To ensure the highway is kept clear of mud in pursuance of Policy T1 of the Swale Borough Local Plan 2008.

- (9) The access details shown on the approved plans shall be completed to the satisfaction of the District Planning Authority, and the access shall thereafter be maintained throughout the duration of the associated construction works that it is intended to serve.

Grounds: To ensure that that the junction provides for safe access and in accordance with Policy T1 of the Swale Borough Local Plan 2008.

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Conditions & Grounds (Contd)

- (10) Before the haul road hereby approved is first brought into use, it shall be surfaced with a properly consolidated and bound surface (not loose stone or gravel), details of which shall have been submitted to and approved by the District Planning Authority.

Grounds: To ensure that that the temporary haul road is satisfactory and in accordance with Policy T1 of the Swale Borough Local Plan 2008.

- (11) Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 9m from the carriageway edge.

Grounds: To ensure that that the junction provides for safe access and is not a danger to highway safety and in accordance with Policy T1 of the Swale Borough Local Plan 2008.

- (12) The haul road hereby permitted shall not be brought into use until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 0.9m above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Grounds: To ensure that that the junction provides for safe access and is not a danger to highway safety and in accordance with Policy T1 of the Swale Borough Local Plan 2008.

- (13) Prior to the commencement of the construction of the temporary haul road hereby approved, details of a scheme of signage to direct construction traffic to the entrance to the temporary haul road shall be submitted to and approved in writing by the District Planning Authority. Development shall be carried out in accordance with those approved details.

Grounds: To minimise the disturbance caused to residential amenity from construction vehicles entering the village and in pursuance of Policies E2 and T1 of the Swale Borough Local Plan 2008.

Reason for Approval

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following Policies AAP9; E1; E2; E6, E8, E11 and T1 of the Swale Borough Local Plan 2008.

14th January 2010

Dated:

James Freeman
Head of Development Services

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