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|---|--|--|-------------|
| 2.8 REFERENCE NO - 14/500569/REM | | | |
| APPLICATION PROPOSAL Approval of Reserved Matters relating to layout, scale, appearance and landscaping following Outline Planning Permission SW/10/1456 (Outline Planning Application with all matters reserved except access for 20 houses linked application with SW/10/1455) | | | |
| ADDRESS St Thomas School Attlee Way Sittingbourne Kent ME10 2HE | | | |
| RECOMMENDATION APPROVE | | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The principle of housing development on the site has already been established with the approval of Outline Planning Permission SW/10/1456, and therefore the current Reserved Matters application is considered acceptable as having no significant detrimental impact upon the surrounding area. | | | |
| REASON FOR REFERRAL TO COMMITTEE Called in by Councillor Tolhurst; | | | |
| WARD Milton Regis | PARISH/TOWN COUNCIL | APPLICANT Persimmon Homes South East AGENT ECE Planning Limited | |
| DECISION DUE DATE 15/09/14 | PUBLICITY EXPIRY DATE 15/09/14 | OFFICER SITE VISIT DATE 11/02/15 | |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | | |
| App No | Proposal | Decision | Date |
| SW/10/1456 | Outline Application for 20 houses (all matters reserved except access) | Approved | 03.05.2013 |
| SW/11/0994 | Revised proposal for Multi Agency Specialist Hub (originally granted consent under SW/10/0334) | No objections | 19.08.2011 |

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The site consists of an area of previously developed land covering 0.56 hectares, which is situated to the southwest side of Attlee Way in Sittingbourne. The site is located within a predominantly residential area within the built-up area of Sittingbourne and is vacant at present and was previously occupied by St. Thomas' Primary School, which has now been demolished. The former school amalgamated with St. Bartholomew's School on the opposite side (north east) of Attlee Way. A Multi-Agency Specialist Hub (Mash) special needs school has now been constructed on the majority of the former St. Bartholomew's site

The site is adjoined by Wyvern Close to the north and west. To the south of the site is a redeveloped area for sheltered affordable housing known as "Wylie Court". The vehicular access to the school is located on Attlee Way, with another access point to the south of this point. Access to the site is taken from Wyvern Close.

2.0 PROPOSAL

2.01 The application seeks the Approval of Reserved Matters relating to layout, scale, appearance and landscaping following Outline Planning Permission SW/10/1456 (Outline application with all matters reserved except access for 20 houses at the former St. Thomas’ School Attlee Way, Sittingbourne. A revised access arrangement is also included within the Reserved Matters Application as requested in the Planning Decision. The decision notice for SW/10/1456 is appended.

3.0 SUMMARY INFORMATION

| Site Area | Existing | Proposed | Change |
|-----------|----------|----------|--------|
| | 0.56 ha | 0.56ha | None |

4.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

Environment Agency Flood Zone 2

Environment Agency Flood Zone 3 133498

Section 106 or 52 Agreement SW/12/1188

Section 106 or 52 Agreement SW/10/1455 and SW/10/1456

Section 106 or 52 Agreement SW/96/1056

Tree Preservation Orders on site references T1, T10, T11 and T18
Description: St. Thomas School, Attlee Way, Sittingbourne

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (The Framework) was adopted in March 2012; it introduced the “presumption in favour of sustainable development” (paragraph 14).

The NPPF seeks improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

- Improving the conditions in which people live, work, travel and take leisure and
- Widening the choice of high quality homes

In this instance the following sections of the NPPF are considered to be particularly relevant to the consideration of the application;

- Section 6 – Delivering a wide choice of high quality homes
- Section 7 – Requiring good design

Swale Borough Council Local Plan 2008

Within the settlement hierarchy of the Borough, Sittingbourne is listed as the primary settlement where urban regeneration and development opportunities will be encouraged under Saved Policy SH1. The site is within a sustainable urban location, which is close to the centre of Sittingbourne and makes efficient use of previously developed land in accordance with Saved Policy SP1 of the Swale Borough Council Local Plan.

Saved Policy SP1 of the Swale Borough Council Local Plan explains the principles of sustainable development and how they should be applied in order to meet the needs of the Borough.

The eleven “principles” of sustainable development that are listed in Saved Policy SP1 are relevant to the determination of this Reserved Matters application. These principles include, amongst other points – minimising the impact upon the environment, provision of a mix of housing types (including affordable housing), sustainable construction and provision of high quality design.

6.0 LOCAL REPRESENTATIONS

6.01 Objections from 3 separate addresses have been received and, may be summarised as follows:

- The proposed development on both sides of Attlee Way will have an adverse effect upon highway safety and parking – creating an ‘overspill’ of car parking on roads
- Traffic is currently extremely heavy during school peak times.
- On-street parking would lead to access difficulties for emergency vehicles
- Outline planning permission was granted for 20 dwellings – but reserved matters application is for 21 units, which would result in an intensification of traffic also, fear that applicant may apply for more dwellings on the site.
- Semi-detached dwellings and proposed dormer windows are out of character with the street scene. It would make it harder to resist granting consent for loft conversions.
- Concern over the possibility of existing dwellings applying for front dormer windows.

6.02 One of the objections received did however comment that, the proposed development utilises an otherwise derelict site.

7.0 CONSULTATIONS

7.01 Initial concerns were raised by the Highways Authority relating to proposed off street parking adjacent to plots 10 and 13, the provision of a dedicated layby along Attlee Way to cater for parked vehicles and the tracking to accommodate the freighter movement. These issues have now been addressed by the applicant and the Highway Authority raises no objection to the proposed development.

7.02 The Environment Agency raises no objection to the proposed development but, re-iterate their previous comments made to the outline planning application SW/10/1456. It is understood that, the site falls within Flood Zone 3a, considered to be high risk, generally. However, subject to suggested conditions imposed, the scheme would be considered acceptable

7.03 Southern Water raise no objections to the proposal and suggest that, if approved, planning conditions need to be imposed to ensure the construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

- 7.04 Kent County Council's Ecology Officer states that a Biodiversity Enhancement Plan was submitted in support of the application (in accordance with condition 7 of the outline planning permission for the housing development). Hence, the implementation of the measures detailed within the submitted plan is considered acceptable, but suggest that further information is required in respect of the location of the proposed bird / bat boxes.
- 7.05 Kent Police raises no objection to the proposed development, and suggests, certain conditions are imposed to ensure the development incorporates measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.
- 7.06 The Health and Safety Executive raises no objection to the proposed development on safety grounds. It was suggested that a Padhi + process be carried out. This consultation was done 10/9/14 and raised no objections.
- 7.07 The Kent County Heritage/Archaeological officer raises no objection, and considers that the archaeological conditions on the proposed development schemes may be discharged. The site has previously been heavily worked for clay and gravel quarrying. As such, the archaeological potential of the site has been removed and monitoring of the development's groundwork is unnecessary.
- 7.08 The Council's Tree Consultant considers that the submitted Arboricultural Impact Assessment is satisfactory and the supporting submitted method statement and tree protection details are to be complied with by way of appropriate planning conditions. In addition the submitted landscape details are considered satisfactory, but would like to see information in respect of future maintenance and management, perhaps by way of the imposition of a suitable planning condition.
- 7.09 The Council's Climate Change Officer considers that the submitted Drainage Strategy is satisfactory, and, the revised Code Pre-Assessment which confirms that the development will meet Code Level 4 is considered to be satisfactory. Thus, suggesting that condition 6 of the outline consent may be discharged.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The completed forms, plans and supporting documents submitted with the application reference 14/500569/REM and SW/10/1456, the conditions of which will obviously remain applicable to the final development.

9.0 APPRAISAL

- 9.01 Principle of development

The principle of housing development on the site has already been established with the approval of Outline Planning Permission SW/10/1456 on the 3rd.May 2013. Approval of residential development on the St. Thomas' and St. Bartholomew's sites was in accordance with Planning Policy as set out in the Swale Borough Council Local Plan 2008.

9.02 Highways / Access

The detailed housing layout includes the retention of Wyvern Close as a cul-de-sac, to restrict vehicular access to the development, and a dedicated layby adjacent to plots 10 to 13 to provide on-street car parking space for these plots. The visibility for vehicular traffic exiting Wyllie Close needs to be safeguarded. The incorporation of a section of highway into the proposed front gardens of plots 10 to 12 is not accepted.

9.03 Loss of Community use

The principle of the loss of the community use of the site has already been established by the granting of Outline Planning Permission for housing (SW/10/1456 and SW/10/1455).

Saved Policy SP7 of the Local Plan seeks to safeguard essential services and facilities such as schools from development proposals. Saved Policy C1 of the Local Plan resists the loss of such facilities where there would be detriment to the community unless a suitable replacement facility is provided and there is evidence that the current use is no longer needed. St. Thomas' Primary School was amalgamated with the St. Bartholomew's Primary School on the opposite side of Attlee Way. This school was then replaced by the new special needs school which has left both sites surplus to requirements.

It has been accepted that an alternative use for the site for residential purposes represents the best alternative use owing to its proximity to other residential properties and avoid a conflict of uses; it would support the housing targets required by the adopted and emerging local plan.

9.04 Residential amenity

The impact of the development upon residential amenity was considered before Outline Planning Permission for housing was granted. It was agreed that the submitted layout was acceptable in terms of separation distances.

The layout included properties that were mainly front facing and there were no concerns that existing neighbours would be adversely affected by overlooking, loss of outlook, dominance or loss of sunlight and excessive shadowing from the dwellings being too close to existing properties. The future occupiers of the properties would not be adversely affected by existing and other future properties.

The submitted scheme promotes good design as suggested in the Kent Design Guide and the NPPF by the distances to and from properties and the position of surrounding properties within the development and the adjoining development.

9.05 Design. Layout and impact upon the character of the area

Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.

Saved Policy SP2 of the Swale Borough Council Local Plan provides that development proposals should protect and enhance the special features of the visual, aural, ecological, historical, atmospheric and hydrological environments of the Borough and promote good design in its widest sense.

Saved Policy E19 of the Swale Borough Council Local Plan seeks to achieve high quality design and distinctiveness through new development.

The detailed scale of the proposed dwellings respects the scale of the surrounding properties. There is no noticeable change in ground levels between the site and the adjacent properties and the overall ridge height for the dwellings is only slightly higher than the adjoining properties. The appearance of the traditional two storey dwellings respects the character and setting of the surrounding area with a mixture of materials of brick, render, timber and tile hanging. The design of the new dwellings comply with paragraphs 56 and 57 of the NPPF and saved policies SP2, E1, E18 of the Swale Borough Council Local Plan 2008 and the Kent Design Guide SPD.

The proposed layout conforms to the illustrative layout with the Outline Planning Permission. The dwellings would have adequate private amenity space to the rear, and would include cycle storage, bin storage, composters and water butts. The proposed dwellings would have acceptable back to back distances between the properties and the adjoining properties, which would ensure the new dwellings have a minimal adverse impact upon the adjoining properties.

The dwelling for plot 10, which occupies a corner site on the road junction between Attlee Way and Wyvern Close, has a distinctive appearance designed to provide a visual focal point for the new development.

9.06 Landscape and Arboricultural considerations

The landscaping scheme has been designed to retain as many of the existing trees on the site as possible. The two trees in the south east corner of the site, to be retained and form part of the open space, are protected by a Tree Preservation Order. These are referenced as T10 (Field Maple) and T11 (Beech). Both of these trees are considered to be of 'B' grade quality.

The retention of an area of open space in the south east corner of the site will improve the visual appearance of the development from Attlee Way in particular. This proposed open space will not be adopted by the Local Authority and, instead, be maintained privately by a management company. It is considered to meet the requirements of saved Policy C3 of the Local Plan in relation to open space provision.

In addition, plot 8 of the proposed scheme, will retain a Black Mulberry tree protected by a Tree Preservation Order and referred to as T1. Notably, a Lime tree protected by a Tree Preservation Order and graded 'C', referenced as T18, will be removed to facilitate the development.

A varied mixture of trees, shrubs and hedges and the use of native plant mix in order to increase the biodiversity potential offered within the development. The detailed scheme complies with Paragraph 109 of the NPPF through ensuring that the development will contribute to and enhance the natural and local environment and Saved Policy E1 of the Swale Borough Council Local Plan 2008.

9.07 Drainage

The site is located within Flood Zone 3a – a high risk area and the residential development is classified as a more vulnerable site. The Environment Agency is satisfied that the housing development will be satisfactorily drained and it will be designated to be safe from a flood –risk point of view. There are no objections to the discharge of condition 5 on the outline consent in respect of a sustainable surface water drainage scheme.

9.08 Land contamination

Any land contamination issues can be dealt with by the imposition of an appropriate condition.

10.0 CONCLUSION

10.01 The submitted details for the housing development are considered to be acceptable in terms of design, layout, visual impact of the development and the impact of the development upon the amenities of the occupants of the adjoining properties. The outstanding issues concerning the drainage and the highway matters have now been resolved. Particular regard has been had to Policies: E1, E19, H2, H3, T1, C1, C2, and C3 of the Swale Borough Local Plan 2008. There are no planning objections to these proposals and accordingly a recommendation of approval has been made.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

(1) Development shall be carried out in accordance with the Biodiversity Enhancement Plan (May 2014) and the updated Ecological Appraisal (May 2014) documents which have been submitted.

Reason: To ensure that the applicants have provided mitigation for important urban wildlife that may habituate the site and in accordance with Policy E11 of the Swale Borough Local Plan 2008.

(2) The finished floor level for all living accommodation shall be no lower than 6.1m AOD.

Reason: To ensure the development is not put to any unnecessary risk from flooding and in accordance with Policy E1 of the Swale Borough Local Plan 2008.

(3) The access details shown on the approved plans shall be completed to the satisfaction of the Local Planning Authority prior to the commencement of any other works authorised by this permission, the occupation of any buildings hereby approved, the use of the site being commenced and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

(4) Pedestrian visibility splays of 2.0 metres by 2.0 metres with no obstruction over 0.6 metres above the access footway level shall be provided prior to the commencement of any other development in this application and shall be subsequently maintained.

Reason: In the interests of highway safety.

(5) Further to the trees shown to be retained on Site Layout plan no. 6003/20/rev.C dated 29.05.14 and the Soft Landscape plan no. BLC140134 rev.A dated 25.05.14

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the arboricultural method statement detailed in PJC Consultancy (ref: PJC/3399/14 and drawing number PJC/3399/14/B) and approved particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the development for its permitted use.

- (6) Prior to the commencement of development hereby approved, details in the form of samples of external finishing materials to be used in the Construction of the development hereby approved shall be submitted to and Approved in writing by the Local Planning Authority and shall be Implemented in accordance with the approved details.

Reason: In the interests of visual amenity and in pursuance of policies E1 and E19 of the Swale Borough Local Plan 2008.

Informative:

Planning permission does not convey any approval for works within the highway for which a statutory licence must be obtained. 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 the highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. 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 the 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 application was 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: Decision notice for SW/10/1456

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Application SW/10/1456

✕

CASE NO. 24203

NOTIFICATION OF GRANT OF OUTLINE PERMISSION TO DEVELOP LAND

TO: Kent County Council Property Group
C/o Miss Miriam Vaux
URS/Scott Wilson
6-8 Greencoat Place
LONDON SW1P 1PL

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

St Thomas School Site, Attlee Way, Sittingbourne, Kent, ME10 4NL

and being Outline application with all matters reserved except access for 20 houses

referred to in your application for permission for development accepted as valid on the 8th December 2010 and with additional and addendum statements received 10th and 16th December 2010 and 14th January 2011

SUBJECT TO THE CONDITIONS specified hereunder:

Planning

(1) The development hereby approved shall be carried out in accordance with the approved drawings for this application:

Drainage Statement; Transport Statement; OS Plan and Indicative Layout Drawing SK 100907-01 received 8 November 2010.

Planning Statement; and Flood Risk Statement received 10 November 2010.
Design and Access Statement; Draft Heads of Terms received 16 November 2010.
Ecology Statement and addendum to Planning Statement received 14 January 2011

Grounds: For the avoidance of doubt and in the interests of proper planning

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

avn 2.4 03.02.11

For further conditions and grounds – see attached sheet



APPENDIX A

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Application SW/10/1456

CASE NO. 24203

- (2) Details relating to the layout, scale and appearance of the proposed buildings, and the landscaping of the site (herein referred to as "reserved matters") shall be submitted to and approved by the Local Planning Authority before any development is commenced not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Grounds: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (3) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved

Grounds: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Pre-commencement

- (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 watching brief in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Grounds: To ensure that features of archaeological interest are properly examined and recorded and in accordance with Policy E16 of the Swale Borough Local Plan 2008.

- (5) The details submitted pursuant to Condition (2) shall show full details of the Sustainable Urban Drainage System and an assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented in accordance with the approved details, and retained in perpetuity.

Grounds: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and in pursuance of Policy E1 of the Swale Borough Local Plan 2008.

For further conditions and grounds – see attached sheet

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Application: SW/10/1256
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- (6) The details submitted pursuant to condition (2) shall show a pre-assessment report setting out how the development shall achieve Level 4 (or equivalent rating) of the Code for Sustainable Homes as set out in the submitted design and access statement and energy strategy. Development shall be carried out in accordance with these approved details and a post-construction certificate demonstrating that at least a Level 4 rating has been achieved shall be submitted to the Local Planning Authority before those dwellings hereby approved are occupied.

Grounds: In order to ensure the scheme is constructed to sustainable design and construction methods which reduces carbon emissions and energy and natural resources usage, and is in accordance with Policy E1 of the Swale Borough Local Plan 2008.

- (7) The details submitted pursuant to Condition (2) shall show how the development will incorporate measures and a management plan that promotes biodiversity and wildlife on the site. Development shall be carried out in accordance with those details.

Grounds: To ensure the development encourages urban wildlife and in accordance with the provisions of the NPPF and Policy E11 of the Swale Borough Local Plan 2008.

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

Grounds: To ensure the development minimises dust and noise to surrounding residential properties during construction and in accordance with Policy E1 of the Swale Borough Local Plan 2008.

- (9) Prior to the works commencing on site details of the parking for site personnel operatives/visitors shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Grounds: To ensure construction of the development does not prejudice conditions of highway safety in accordance with Policy T1 of the Swale Borough Local Plan 2008.

For further conditions and grounds – see attached sheet

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CASE NO. 24203

- (10) 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 installed prior to, and during construction of the development hereby approved, details of which must first be submitted to and approved in writing by the Local Planning Authority.

Grounds: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety and in pursuance of Policies E1 and T1 of the Swale Borough Local Plan 2008.

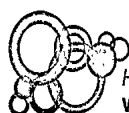
- (11) The details submitted pursuant Condition (2) shall include an Arboricultural Survey in accordance with Table 1 of British Standard 5837: 2005 'Trees in Relation to Construction – Recommendations' with the provision of a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on the site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres. In addition any tree or hedge on neighbouring or nearby ground to the site that is to have an effect upon or be affected by the proposal must be shown, together with measures for their protection in the course of the development that is to include an Arboricultural Impact Assessment (AIA), a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS)

Grounds: To ensure existing trees, which are considered to strongly contribute to the character of the area, adequately surveyed and in accordance with Policies E1 and E10 of the Swale Borough Local Plan 2008.

- (12) The details submitted pursuant condition (2) shall show details of the public street-lighting columns within the development to be submitted to and approved in writing by the Local Planning Authority. Details shall also include which columns if any shall incorporate the "Hawkeye" surveillance system at the time of their installation. Development shall be carried out in accordance with the approved details and thereafter retained unless otherwise agreed to in writing by the Local Planning Authority.

Grounds: In the interests of public amenity and safety and in pursuance of Policy E1 of the Swale Borough Local Plan 2008.

For further conditions and grounds – see attached sheet



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Instruction Conditions

- (13) Development shall be carried out in accordance with the approved recommendations set out in the submitted ecology statement by URS/Scott Wilson who have undertaken surveys and suggest mitigation for the protection of wildlife on the site.

Grounds: To ensure that the applicants have provided mitigation for important urban wildlife that may habituate the site and in accordance with Policy E11 of the Swale Borough Local Plan 2008.

- (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.

Grounds: In the interests of residential amenity and in pursuance of Policy E1 of the Swale Borough Local Plan 2008.

- (15) Construction activity in association with the development herein approved shall only take place between the hours of Monday to Friday 0730 to 1900 hours and Saturdays 0730 to 1300 and no works shall take place outside of these times including any Sunday or Bank or national holidays.

Grounds: In the interests of residential amenity and in pursuance of Policy E1 of the Swale Borough Local Plan 2008.

- (16) If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained a written approval from the Local Planning Authority details of how this contamination shall be dealt with.

Grounds: To ensure the development does not prejudice flood risk and water quality and in accordance with Policy E1 of the of the Swale Borough Local Plan 2008

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CASE NO. 24203

- (17) During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning on the site, details of which must first be submitted to and approved in writing by the Local Planning Authority.

Grounds: To ensure construction of the development does not prejudice conditions of highway safety in accordance with Policy T1 of the Swale Borough Local Plan 2008.

- (18) All hard and soft landscape works approved pursuant to condition (2) shall be carried out in accordance with the approved reserved matter. 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.

Grounds: In the interests of the visual amenities of the area and in pursuance of policies E1 of the Swale Borough Local Plan 2008.

- (19) Upon completion of the approved landscaping scheme, pursuant to condition (2), 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.

Grounds: In the interests of the visual amenities of the area and in pursuance of policies E1 of the Swale Borough Local Plan 2008.

- (20) The details submitted in pursuance of Condition (2) shall show adequate land reserved for parking in accordance with the Approved County Parking Standards and, upon approval of the details this area shall be provided, surfaced and drained before any building is occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, 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 the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Grounds: To ensure the development adequately provides for off-road vehicle parking and in accordance with Policies E1 and T3 of the Swale Borough Local Plan 2008.

For further conditions and grounds – see attached sheet

APPENDIX A

UKP SCANNED

Swale House, East Street,
Sittingbourne, Kent ME10 3HT
DX59900 Sittingbourne 2
Phone: 01795 417850
Fax: 01795 417141
www.swale.gov.uk



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Application SW/10/1456

CASE NO. 24203

- (21) No dwelling shall be occupied until space has been laid out within the site in accordance with the details to be submitted to and approved in writing by the Local Planning Authority for cycles to be parked, in accordance with Kent County Council's adopted parking standards.

Grounds: To ensure the development adequately provides for cycle parking and in accordance with Policies E1 and T4 of the Swale Borough Local Plan 2008.

- (22) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Grounds: To ensure the development adequately provides for highway surfaces and structures within a reasoned timescale and in accordance with Policies E1 and T1 of the Swale Borough Local Plan 2008.

- (23) 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.

Grounds: To ensure the development adequately provides for highway surfaces and structures within a reasoned timescale and in accordance with Policies E1 and T1 of the Swale Borough Local Plan 2008.

For further conditions and grounds – see attached sheet

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- (24) No development shall commence on site until a scheme detailing flood damage prevention measures has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details.

Grounds: To ensure the development is not put to any unnecessary risk from flooding and in accordance with Policy E1 of the Swale Borough Local Plan 2008.

- (25) The finish floor level for all living accommodation shall be no lower than 6.4m AOD.

Grounds: To ensure the development is not put to any unnecessary risk from flooding and in accordance with Policy E1 of the Swale Borough Local Plan 2008.

- (26) No infiltration or 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 of controlled waters.

Grounds: To ensure the development does not result in pollutant waters soaking into the ground in an area of a Groundwater Protection Zone and in accordance with Policy E1 of the Swale Borough Local Plan 2008.

- (27) Details pursuant to Condition (2) shall show Wyvern Close retained as a cul-de-sac to restrict vehicular access to the development hereby approved.

Grounds: In the interests of residential amenity and in accordance with Policy E1 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 Policies: E1; E19; H2; H3; T1; C1; C2; and C3 of the Swale Borough Local Plan 2008.

For further information – see attached sheet



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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; having a duty planner 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 Council has worked with the applicant to achieve this positive outcome.

PLEASE ALSO NOTE THAT THERE IS AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 RELATING TO THIS DEVELOPMENT

03rd May 2013
Dated:

James Freeman
Head of Development Services

