

<b>2.3 REFERENCE NO - 15/505910/REM</b>			
<b>APPLICATION PROPOSAL</b>			
Approval of Reserved Matters including details of access, appearance, landscaping, layout and scale for the erection of 86 dwellings pursuant to outline application SW/08/1127			
<b>ADDRESS</b> Land adj. Coleshall Farm Ferry Road Iwade Kent ME9 8QY			
<b>RECOMMENDATION</b> Approve subject to the receipt of amended drawings as referred to at 6.01 below, and the comments of Kent Highway Services.			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
Residential development of the site has been agreed in principle by outline planning permission SW/08/1127, and this proposal represents the final phase of the development already commenced on the wider site, though details are yet to be agreed for the open space adjacent to Sheppey Way. The proposal will provide 86 dwellings of a high standard of design without giving rise to any serious amenity concerns and, as such, should be approved.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Parish Council objection			
<b>WARD</b> Bobbing, Iwade & Lower Halstow	<b>PARISH/TOWN COUNCIL</b> Iwade	<b>APPLICANT</b> Persimmon Homes <b>AGENT</b> Pegasus Group	
<b>DECISION DUE DATE</b> 28/10/15	<b>PUBLICITY EXPIRY DATE</b> 28/10/15	<b>OFFICER SITE VISIT DATE</b>	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
SW/08/1127	Development of housing, employment up to 3000sqm, public open space and pavilion (up to 110sqm), with access from School Lane and Sheppey Way, including roads, cycle paths, footpaths, stream crossings, landscaping and ancillary works.	Outline permission granted.	June 2011
This application granted outline permission for development of the wider Coleshall Farm site, including the parcel of land subject to the current application. The decision notice is appended to this report.			
SW/11/1537	Approval of all reserved matters, pursuant to outline permission SW/08/1127, for erection of 187 dwellings on part of the site.	Approved	2012
Reserved matters approved for development of the first phase, at the School Lane end of the site. Members will note that construction has been underway for some months			

and progressing southeastwards from School Lane – a number of units are now completed and occupied.

SW/12/1392	Erection of a 60-bed care home with associated access, parking and landscaping.	Approved	2013
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Grant of outline permission for the erection of a two-storey care home on land adjoining the southwestern boundary of the current application site.

14/504557/REM	Reserved Matters permission including details of access, appearance, landscaping, layout and scale for the erection of 43 dwellings pursuant to outline application SW/08/1127	Approved	2015
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Reserved matters approval for the erection of 43 dwellings on land immediately to the south of the current application site.

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 Members may find it useful to first consider the history of the site. This land is part of an allocation in the Swale Borough Local Plan 2008, and a development brief for the allocation was agreed pursuant to policy AAP9. In June 2010 outline planning permission for the provision of housing, employment and public open space, with vehicle access from Sheppey Way and School Lane, on land to the southwest of Iwade village was granted under reference SW/08/1127. All matters of detail, except access, were reserved.
- 1.02 Members resolved to approve that application and the accompanying Section 106 agreement in January 2011, and the current application forms the second phase of that development which will ultimately provide in the region of 300 dwellings – the first phase is that land fronting School Lane which was granted reserved matters approval in 2012 under reference SW/11/1537, and which is nearing completion on site.
- 1.03 Subsequently, since the approval of the reserved matters, the Council has also granted planning permission for the erection of a 60-bed care home within the southernmost part of the site. Members may also recall application 14/054557, which came before them at the 8<sup>th</sup> January committee meeting, and which approved reserved matters for the erection of 43 dwellings on land to the south of this parcel.
- 1.04 The current application site sits roughly within the centre of the wider allocation, to the north of Coleshall Farm, east of the Iwade stream, and south of Mansfield Drive and Monins Road. Immediately to the east of the site is an area of land designated as public open space, which is to be provided in

the near future as development comes to a close, and the S106 accompanying SW/08/1127 requires it to be provided before 280 dwellings are occupied.

- 1.05 The land was cleared several months ago as work progressed on construction of the Spine Road and the first phase of the wider development, and it remains flat and largely featureless. Temporary Heras fencing marks the boundaries of the wider construction site with Sheppey Way, and there is little to no vegetation of note on the plot. The site is irregularly shaped and measures a maximum of approximately 160m east-west and 220m north-south.
- 1.06 As mentioned above, the site was the subject of a development brief, as required by Policy AAP9 of the adopted Local Plan 2008. That document set the parameters for development of the site, and was approved by the Local Development Framework Panel. This is discussed further in the policy section below.

## 2.0 PROPOSAL

- 2.01 This application seeks approval of reserved matters relating to the erection of 86 dwellings on the site. Details of access, appearance, landscaping, layout and scale have been provided.
- 2.02 The development comprises 86 dwellings, including 16 two-bed houses, 40 three-bed houses, and 30 four-bed houses (as shown on the amended drawing received 25 September 2015). 18 affordable dwellings (20% of the development) are included within this total, and are a mix of two and three-bed houses.
- 2.03 The houses fronting on to the spine road will be mainly detached, and the rest of the development will feature a mixture of detached, semi-detached and small terraces. The properties are a mixture of two and two-and-a-half storeys with rooms in the roof. The submitted drawings show a mix of house types and designs similar to those built or under construction on the surrounding phases. External materials include red and yellow stock brick, render, weatherboard cladding and tile hanging, and tiled or slate roofs.
- 2.04 The proposed houses will have a maximum ridge height of 9.5m (5.7m to eaves) for the 2.5 storey units (with rooms in the roof) and 7.9m (4.8m to eaves) for the 2 storey units. The dwellings are all of a very similar scale and appearance to those approved on the adjacent site to the south, under application 14/504557.
- 2.05 All of the houses have two allocated parking spaces each, provided across garages, driveways and parking courts / shared surfaces.

## 3.0 SUMMARY INFORMATION

	Proposed
Site Area	2.1ha (5.1 acres)

Maximum Ridge Height	9.5m
Maximum Eaves Height	5.7m
Parking Spaces	186
No. of Residential Units	86 (40dph)
No. of Affordable Units	18

#### **4.0 PLANNING CONSTRAINTS**

- 4.01 The site lies within an area of potential archaeological importance (the preservation of which is covered by a condition on the outline approval), and Environment Agency Flood Zone 3 (flood zone relates to potential winter floodplain of the Iwade stream).

#### **5.0 POLICY AND OTHER CONSIDERATIONS**

##### The National Planning Policy Framework (NPPF)

- 5.01 The NPPF was adopted on 27<sup>th</sup> March 2012 and is a material consideration in determining planning applications. It offers general advice in respect to proposed development, rather than the more detailed and often site-specific guidance of the Local Plan (discussed below).
- 5.02 Local Plan policies must be assessed against the advice of the NPPF, and those with a “limited degree” of conflict can be considered to comply and thus remain a material consideration in the determination of planning applications.
- 5.03 Paragraph 46 of the NPPF requires Local Planning Authorities (LPA) to have an up-to-date five year housing supply, i.e. sufficient housing to cover demand for the next five years. Swale does not have a five-year housing supply, and thus policy H2 (noted below) is not considered to comply with the provisions of the NPPF in as much as it aims to prevent residential development outside of the built up area other than in specific circumstances.
- 5.04 However that does not have a huge bearing on the determination of the current application as outline permission has already been granted for residential development of the wider site, and this proposal seeks approval of the reserved matters.

##### National Planning Practice Guidance (NPPG)

- 5.05 The 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.

##### Swale Borough Local Plan 2008

- 5.06 The Local Plan policies listed below are considered to be in compliance with the NPPF, except for H2 in as much as the Council does not have a five-year housing supply.

- 5.07 Policy E1 seeks to ensure that all development proposals respond to the characteristics of the site's location, protect and enhance the natural and built environments, and cause no demonstrable harm to residential amenity, amongst others. Further to this policy E19 seeks to achieve high quality design on all new developments, while T3 and T4 require the provision of appropriate number of parking spaces and secure cycle storage, respectively.
- 5.08 Policy H2 supports the provision of new residential development within the defined built up area boundaries and encourages a variety of house types and sizes to make efficient use of land, and deliver a range of housing options. Furthermore, and as above, this is an allocated site (see policy AAP9 below) that benefits from outline permission having already been granted and thus the non-compliance of H2 with the NPPF is not a serious consideration in respect of this site.
- 5.09 Policy U1 seeks to ensure that all new developments are provided with the necessary service and utility connections, or that suitable financial contributions are paid towards their provision.
- 5.10 Policy U3 aims to ensure that all new development makes use of sustainable design, build and construction techniques in the interests of minimising and accounting for climate change.
- 5.11 Policy AAP9 relates specifically to the wider Coleshall Farm development site, of which the current plot forms a small part. It states:

*"An Area Action Plan is designated at Iwade, as shown on the Proposals Map. Within this area, planning policies and proposals will aim to provide the existing and new communities the services and mix of uses that ensures that the village functions as a more sustainable settlement. In addition to the development, and provision of new and improved community facilities comprising the first phase of development as outlined in the currently approved Development Brief, planning permission will be granted for development comprising:*

1. *housing, for approximately 400 additional dwellings on sites in the south-western and eastern parts of the village respectively;*
2. *expansion of the recreation ground in School Lane; and*
3. *the provision of some 3,000 square metres of employment floorspace.*

*Planning permission will not be granted for the additional 400 dwellings proposed until:*

- a. *a revised Development Brief has been approved by the Borough Council.*
- b. *It is demonstrated to the Council's satisfaction that flooding problems arising from the Iwade Stream can be resolved as part of the additional development.*

- c. *The construction of the Ridham and Kemsley employment area has commenced; and*
- d. *An assessment of the likely significant effects of development upon nearby European Sites for nature conservation and other important areas of biodiversity has been undertaken and its recommendations implemented.”*

5.12 Members will have noted above that the Development Brief for the site the subject of this application sets the parameters for the development of the site, and gives guidance on the forms of development that could be appropriate. Important issues such as the potential locations for the public open space, housing areas, and the employment area are considered, together with matters such as design quality, density of development, access, flooding and sustainability.

## **6.0 LOCAL REPRESENTATIONS**

6.01 Iwade Parish Council object to the application for similar reasons to those set out in neighbour objections at 6.02 below. However, the scheme has been amended to take these concerns into account and the developer has been in discussions with the Parish Council to update them of changes to the layout and elevations during the course of the application. I understand that the Parish Council is now satisfied with the revised proposals, and are considering withdrawing their objection subject to receipt of additional drawings to show boundary treatment and landscaping. I await these additional drawings and will update Members at the meeting.

6.02 Eight letters of objection have been submitted by local residents, raising the following summarised concerns:

- Scale and position of proposed dwellings to the rear of existing dwellings on Monins Road and Mansfield Drive giving rise to overlooking and poor outlook;
- The layout differs from that shown to locals at the public consultation event;
- The scale and mix of property sizes is not similar to that on Monins Road;
- No single-storey dwellings are proposed, so the scheme does not cater to older people;
- No details of boundary treatments;
- No “wildlife corridor” provided;
- Parking provided adjacent to boundary with existing properties;
- Iwade has insufficient infrastructure to support the proposed dwellings;
- Not enough school places in the village; and
- Localised flooding from drainage issues.

6.03 I am also aware that local residents have approached the Ward Councillor with their concerns.

## **7.0 CONSULTATIONS**

- 7.01 The Kent County Council Drainage officer has no objection subject to comments from the Environment Agency.
- 7.02 The Environment Agency have no objections, and note that *“the proposed surface water drainage details agree with the overall approved strategy for the site.”*
- 7.03 The Lower Medway Internal Drainage Board expresses disappointment that SUDS have not been incorporated into the development, but raise no objection subject to agreement from the EA and the County Council drainage officer, as above.
- 7.04 Natural England have no comments.
- 7.05 Kent Police have no objection.
- 7.06 Southern Gas have no objection subject to the informative below, which advises the developer of precautions to be taken near to gas pipes.
- 7.07 Southern Water have no objection.
- 7.08 The County Archaeologist notes that the site lies in an area that has not yet been explored by archaeological excavations, and raises no objection subject to the imposition of a condition to secure a programme of archaeological works. This is covered by condition (9) of the outline permission.
- 7.08 The Council’s Environmental Health Manager has no objections.
- 7.09 The Council’s Housing Manager advised that additional affordable properties would be required within the development to make up for a shortfall on the previous phase. This has been rectified in the amended drawings.
- 7.10 The Council’s Climate Change Officer requests a condition to ensure the development makes use of sustainable construction methods, and that the properties incorporate features similar to those required to meet the now-defunct Code for Sustainable Homes Level 3.

**8.0 BACKGROUND PAPERS AND PLANS**

- 8.01 The application is accompanied by a full suite of drawings and supporting documents.
- 8.02 Also of relevance is application SW/08/1127, which granted outline planning permission for residential development of this site.

**9.0 APPRAISAL**

**Principle of Development**

- 9.01 Members should note that this proposal relates to approval of reserved matters pursuant to the grant of outline permission under SW/08/1127, and the principle of the development has therefore already been agreed.
- 9.02 In this regard the issues of principle raised within the objections received (as noted at 6.02 above) hold little weight in regards to determination of this proposal. The only matters that can be considered here are those of access, appearance, landscaping, layout and scale in relation to the details shown on the submitted plans.
- 9.03 General objections, as well as matters relating to site drainage, flooding, traffic and infrastructure were addressed during the course of the outline application. Therefore, whilst I note local concern on a number of these points, I do not intend to discuss them in great depth.

### **Visual Impact**

- 9.04 The proposed layout is largely acceptable in my opinion, and has been produced following pre-application discussions between officers and the applicant. A number of changes have been implemented over the pre-app scheme – and also during the course of the application – including a change in unit type / building height along the northern site boundary to reduce overlooking of existing properties; a re-working of the parking layout; and elevational changes to key units on prominent junctions.
- 9.05 The submitted layout manages to achieve a suitable number of dwellings per hectare (40) whilst also providing adequate amenity space for each property; parking above the minimum required by current adopted parking standards; and minimising the potential for overlooking between dwellings. I have no serious objections in this regard.
- 9.06 The proposed houses are of generally good design, and reflect the units constructed (or under construction) elsewhere within the village. The use of good-quality external materials, as noted at 2.03 above, will ensure that the development blends in with the character of the wider area.
- 9.07 The implementation of a landscaping buffer (along the northern boundary of the site; the spine road; and fronting onto the open space to the east) will help to minimise the visual impact of the development, and will be dealt with via the conditions set out below. Members will note that the applicant has engaged specialist landscape architects, Lloyd Bore Landscape Architects, who have drawn up a landscape master plan for this application. I also await a boundary treatment plan, as requested by the Parish Council (see 6.01 above), and will update Members on this at the meeting, but expect it to fully resolve the PC's concerns. I am inviting the possibility of additional landscape planting in the interests of visual amenity and opportunities for biodiversity.

### **Residential Amenity**



- 9.08 The proposed units are all of a suitable internal size and benefit from adequately sized gardens (minimum 8m deep, except for plot 285 at 7m due to rear pedestrian access), and therefore I believe future occupants will have a good standard of amenity in this regard. I also note the public open space to be provided immediately to the east, and the sports pitches and playground currently under construction to the west (adjacent to School Lane).
- 9.09 Furthermore the rear-to-rear separation distances are considered to be acceptable (approximately 20m as a minimum, but generally in excess of 21m) and the development would be unlikely to give rise to any serious or mutual overlooking between properties.
- 9.10 I note significant local concern in regards to overlooking of existing properties on Mansfield Drive and Monins Road, and that some residents have approached the Ward Councillor with their objections (as at 6.03 above). The objections received have been taken on board by the developer and the plans have been altered to provide two-storey dwellings, or two-and-a-half storeys with dormer windows only to the front, along this northern edge. There will also be a minimum of 20m between existing and proposed dwellings, and a robust landscaping scheme along the site boundary is shown in the submitted landscape drawings.
- 9.11 I consider that, subject to the boundary landscaping scheme and a condition to remove PD rights for rear dormer windows / roof lights, the development would not give rise to serious overlooking or loss of privacy for existing residents and that the revised plans therefore satisfy the issues raised by local objectors.

### **Highways**

- 9.12 The submitted layout plan shows provision of 186 spaces, which is in excess of the minimum parking requirements (182 spaces) as set out in the current adopted Kent Parking Standards, and thus considered to be an acceptable level of provision, in my opinion.
- 9.13 The layout of the development is such that there will be little opportunity for on-street parking as it will obstruct traffic, which will discourage residents from parking anywhere other than in their allocated bays or car ports.
- 9.14 I await comments from Kent Highway Services and will update Members at the meeting, but do not expect there to be significant concerns.

### **Landscaping**

- 9.15 I note comments from local residents in regards to a "wildlife corridor" that was indicated on the pre-submission plans for the wider development, but has not materialised within this parcel. This element was not a specific requirement of the outline planning permission, and the development has evolved in such a way that it would now be difficult to provide a swathe of linking open space.

- 9.16 Nevertheless the development area achieves a good level of open space and habitat provision, including a large grassed area near to the Iwade stream, an area of public open space adjacent to Sheppey Way (not yet provided), roadside tree planting, native hedgerows and links to the agricultural land to the south. I consider this to be acceptable in terms of wildlife and biodiversity provision within the wider estate.

### Other Matters

- 9.17 SBLP policy H3 requires all developments of 15 dwellings or more to provide a *“proportion of the new dwellings to be made available to those unable to enter the open housing market.”* The Council’s usual requirement is 30% of the total number of dwellings; however the legal agreement of the outline permission (SW/08/1127) sets the affordable housing provision for the wider Coleshall Farm allocation at 18% in reflection of local circumstances and need.
- 9.18 The current scheme proposes 18 affordable dwellings, which equates to 20% of the development. This is in response to an under-provision on previous schemes (which was agreed by the Council due to site circumstances at the time) and brings the affordable provision across the whole allocation site to the required 18%. The Council’s Housing Manager is happy with this provision, and with the form location of the affordable units (a mixture of two and three-bed houses within the southern portion of the site).
- 9.19 I note local concern in regards to lack of infrastructure within the village, but would draw Members attention to policy AAP9 which requires the submission of a further development brief before the release of any more land at Iwade for development.

### 10.0 CONCLUSION

- 10.01 This application seeks approval of reserved matters, pursuant to outline planning permission SW/08/1127, for the erection of 86 dwellings with associated access, amenity space and landscaping, on land situated to the west of Sheppey Way and to the north of Coleshall Farm, Iwade.
- 10.02 I have considered issues of layout, design, access, residential amenity, and concerns raised by both local residents and other consultees. None, however, contain or amount to a justifiable reason for refusal in my opinion.
- 10.03 Taking the above into account, and subject to the receipt of any outstanding representations from Kent Highway Services and amended plans, I recommend that this application for reserved matters be approved.

### 11.0 RECOMMENDATION – GRANT

Subject to the receipt of suitable amended plans, the comments of Kent Highway Services, and the following conditions:

- (1) Prior to the commencement of development, 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.

Reasons: In the interest of visual amenity.

- (2) No development shall take place until details have been submitted to, and approved in writing by the Local Planning Authority, which set out what measures will be taken to ensure that the development incorporates sustainable construction techniques such as rainwater harvesting, water conservation, energy efficiency and, where appropriate, the use of local building materials; and provisions for the production of renewable energy such as wind power, or solar thermal or solar photo voltaic installations. Upon approval, the details shall be incorporated into the development as approved.

Reasons: In the interest of promoting energy efficiency and sustainable development.

- (3) Notwithstanding any details agreed under the outline permission reference SW/08/1127, no development shall take place until a Construction method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period, and shall provide for:

- (i) wheel washing facilities;
- (ii) temporary measures to control silt / mud run-off during construction; and
- (iii) permanent measures to control silt / mud run-off post construction.

- (4) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

Reasons: In the interests of residential amenity.

- (5) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the north-facing first floor walls or roof slopes of the dwellings numbered 239 to 248 (inclusive) on drawing 14.048/100 Rev. L unless agreed in writing with the Local Planning Authority.

Reasons: To minimise opportunities for overlooking of adjoining properties and to safeguard the privacy of their occupiers.

- (6) No development shall take place other than in accordance with drawings 14.048/100L, 101, 102E, 300, 301, 302, 303, 304, 305, 306A, 307, 308, 309, 310, 311A, 312, 313A, 400G, 401G, 402G and 900B.

Reasons: For the avoidance of doubt.

## INFORMATIVES

1. You will note the pressure of Low/Medium/Intermediate Pressure gas main in the proximity to your site. There should be no mechanical excavations taking place above or within 0.5m of the low pressure system; 0.5m of the medium pressure system; and 3m of the intermediate pressure system. You should, where required, confirm the position of mains using hand dug trial holes.

For safety reasons, safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (direct labour or contractors) working for you on or near gas plant. In addition please follow the advice in our gas safety booklet.

2. This decision notice should be read alongside the outline planning permission SW/08/1127 and, in particular, the conditions to which that permission is subject.

### **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.

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**

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TOWN AND COUNTRY PLANNING ACT 1990

Application SW/08/1127

CASE NO. 23404

X

**NOTIFICATION OF GRANT OF OUTLINE PERMISSION TO DEVELOP LAND**

**TO:** Hillreed Homes Ltd  
 C/o Mr Martin Page  
 DHA Planning  
 Eclipse House  
 Eclipse Park  
 Sittingbourne  
 Kent ME14 3EN

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:

Land adjacent Coleshall Farm, Sheppey Way/School Lane, Iwade, Kent, ME9 8QY

and being Development of housing, employment up to 3000sqm, public open space and pavilion (up to 110sqm), with access from School Lane and Sheppey Way, including roads, cycle paths, footpaths, stream crossings, landscaping and ancillary works

referred to in your application for permission for development accepted as valid on the 16<sup>th</sup> October 2008 and as clarified by information received on 5 March 2009, 25 June 2009, 20 July 2009, 27 July 2009, 29 July 2009, 3 August 2009 and 5 August 2009 and as amended by plans received 20 July 2009

SUBJECT TO THE CONDITIONS specified hereunder:

- (1) For each phase of the development, details relating to the layout, scale and appearance of the proposed building(s), the access thereto (for those parts of the layout where access details are not hereby approved) and the landscaping shall be submitted to and approved by the Local Planning Authority before any development is commenced on that phase.

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

- (2) The applications for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of five 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.

**FOR FURTHER CONDITIONS AND GROUNDS – PLEASE SEE ATTACHED SHEET**

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

avn 2.14 07.01.10

- 1 -



INVESTORS  
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**APPENDIX A**

UKP SCANNED

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TOWN AND COUNTRY PLANNING ACT 1990

Application SW/08/1127  
CASE NO. 23404

Conditions & Grounds (Contd)

- (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.

- (4) The landscaping details that are agreed pursuant to condition (1), in respect of each phase of the development hereby approved - which shall include a land survey in accordance with British Standard 5837: 2005 'Trees in Relation to Construction – Recommendations' with indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development and a programme for the approved scheme's implementation and long-term management, shall be carried out prior to the occupation of any part of that phase of the development or in accordance with a 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 E19 and E1 of the Swale Borough Local Plan 2008.

- (5) Landscaping details shall be submitted, pursuant to condition (1), for all those areas of the site not within a phase of the residential or commercial development within 12 months of the date of this permission – or such other timetable as may be agreed in writing by the Local Planning Authority – and the agreed landscaping shall be implemented in full before the first occupation of any of the dwellings hereby approved - or at such other time as may be agreed in writing by the Local Planning Authority.

Grounds: In order to ensure that the site is properly landscaped and in the interests of visual amenity, pursuant to Policies E1, E10 and E11 of the Swale Borough Local Plan 2008

- (6) Upon completion of the approved landscaping scheme for each phase of the development, 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.

**FOR FURTHER CONDITIONS AND GROUNDS – PLEASE SEE ATTACHED SHEET**

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INVESTORS  
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**APPENDIX A**

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TOWN AND COUNTRY PLANNING ACT 1990

Application SW/08/1127

CASE NO. 23404

Conditions & Grounds (Contd)

Grounds: In the interests of the visual amenities of the area in pursuance of Policies E19 and E1 of the Swale Borough Local Plan 2008.

- (7) Before any part of the development hereby approved is first occupied, public street-lighting columns within that phase of the development shall be fitted with the wiring necessary to accommodate the "Hawkeye" surveillance system at the time of their installation, in locations agreed in writing with 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

- (8) In respect of the employment part of the development hereby approved, no external lighting shall be erected unless the written approval of the Local Planning Authority has been given for it.

Grounds: In the interests of the character and appearance of the area and in pursuance of Policy E1 of the Swale Borough Local Plan 2008

- (9) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:
  - (i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Grounds: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record, in pursuance of policies E1 and E16 of the Swale Borough Local Plan 2008.

**FOR FURTHER CONDITIONS AND GROUNDS – PLEASE SEE ATTACHED SHEET**

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TOWN AND COUNTRY PLANNING ACT 1990

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Conditions & Grounds (Contd)

- (10) Surface water drainage shall take the form of a SUDS system unless otherwise agreed in writing by the Local Planning Authority, and no development shall take place until details, showing a comprehensive surface water drainage strategy - incorporating the SUDS measures set out at paragraph 7.1.8 of the Flood Risk Assessment and Surface Water Drainage Strategy prepared by PBA Associates and dated October 2008 (reference 21187/001) – or such other measures subsequently agreed with the Environment Agency for the entire site and demonstrating that runoff rates will not exceed the existing runoff rate from the undeveloped site, have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be implemented in full before the first occupation of any of the buildings hereby approved.

Grounds: In the interests of ensuring the sustainable management of surface water runoff, and in pursuance of Policies E1, and AAP9 of the Swale Borough Local Plan 2008

- (11) The development hereby approved shall be carried out in strict accordance with the approved Flood Risk Assessment prepared by PBA Associates and dated October 2008 (reference 21187/001), unless otherwise agreed in writing by the Local Planning Authority.

Grounds: In the interests of minimising flood risk, both to the development hereby approved and existing development in the vicinity, and in pursuance of Policies E1 and AAP9 of the Swale Borough Local Plan 2008

- (12) The details submitted pursuant to condition (1) shall, for each phase of the development hereby approved, demonstrate how measures to enhance biodiversity, building upon the suggestions in the 'Planning Statement' (October 2008) will form an integral part of the development. The agreed measures shall then be implemented in full before any of the development on that phase is first occupied, unless an alternative timetable has been agreed in writing by the Local Planning Authority.

Grounds: In the interests of encouraging biodiversity and in pursuance of Policy E11 of the Swale Borough Local Plan 2008 and the guidance in PPS9 – 'Biodiversity and Geological Conservation' (2005).

FOR FURTHER CONDITIONS AND GROUNDS – PLEASE SEE ATTACHED SHEET

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Conditions & Grounds (Contd)

- (13) The dwellings hereby approved shall achieve at least a Level 3 rating under the Code for Sustainable Homes and the commercial buildings shall achieve at least a BREAAAM 'good' rating. For each plot of the development, certification shall be provided at the pre-development stage and at the completion stage demonstrating that the required rating has been achieved.

Grounds: In the interests of minimising the environmental impact of the development, and in pursuance of Policy E1 of the Swale Borough Local Plan 2008 and the guidance in the Supplement to PPS1 on Climate Change.

- (14) The details submitted pursuant to condition (1) shall, for each phase of the development, show building layouts and individual buildings designed to minimise the carbon footprint and the implications of the development in terms of water use.

Grounds: In order to minimise the environmental impact, and in pursuance of Policies E1 and E21 of the Swale Borough Local Plan 2008, and the guidance in the Supplement to PPS1 on Climate Change.

- (15) The development hereby approved, and the detail submitted pursuant to condition (1), shall accord with the principles set out in the Development Brief – 'Iwade South-west Sector, July 2009', unless otherwise agreed in writing by the Local Planning Authority.

Grounds: In the interests of delivering a well-planned development, and in pursuance of AAP9 of the Swale Borough Local Plan 2008

- (16) The details submitted pursuant to condition (1) shall, for the employment (commercial area) component of the development, show the buildings set back from the southern site boundary by a minimum of five metres.

Grounds: In the interests of visual amenity, and in pursuance of Policies E1, E19 and AAP9 of the Swale Borough Local Plan 2008

- (17) No construction access for the development hereby permitted shall be taken from School Lane other than for the purposes of completing the permitted improvement of the lane and its frontage, formation of new accesses on the lane, the construction of a maximum of 30 dwellings and associated landscaping works. Other than this, all construction access shall be from the Sheppey Way, in the form of the two access points shown on drawing number 293/01.

**FOR FURTHER CONDITIONS AND GROUNDS – PLEASE SEE ATTACHED SHEET**

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Conditions & Grounds (Contd)

Grounds: In the interests of highway safety and residential amenity, and in pursuance of Policies E1, T1, T2 and AAP9 of the Swale Borough Local Plan 2008

- (18) Prior to the commencement of the 30<sup>th</sup> dwelling on the development, details of all bridges proposed on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the agreed details.

Grounds: The use of clear-spanning bridges will maintain the river corridor and allow the movement of both the river and associated wildlife, and in pursuance of Policies E1 and AAP9 of the Swale Borough Local Plan 2008

- (19) Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway, or other front area (such as a public open space) without the consent in writing of the Local Planning Authority.

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

- (20) Adequate underground ducts shall be installed before any of the buildings hereby permitted are occupied to enable telephone data and electrical services to be connected to any premises within the application site without resource to the erection of distribution poles and overhead lines, and notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 no distribution pole or overhead line shall be erected other than with the express consent of the Local Planning Authority.

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

**FOR FURTHER CONDITIONS AND GROUNDS – PLEASE SEE ATTACHED SHEET**

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Conditions & Grounds (Contd)

- (21) The details submitted pursuant to condition (1) above shall show adequate land, reserved for the parking or garaging of cars (in accordance with the currently adopted Kent County Council Vehicle Parking Standards) which land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not shall be carried out on such land (other than the erection of a private garage or garages) or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Grounds: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity and in pursuance of policies E1 and T3 of the Swale Borough Local Plan 2008.

- (22) The details submitted pursuant to condition (1), in respect of the commercial area, above shall show adequate land reserved for the parking of vehicles (in accordance, where appropriate, with the currently adopted Kent County Council Vehicle parking standards for the particular development proposed) and for the loading and off-loading of commercial vehicles, and upon approval of the details no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved space; such land and access thereto shall be provided prior to the occupation of the building hereby permitted and shall be used for or be available for use for the parking, loading and off-loading of vehicles at all times when the premises are in use.

Grounds: The development, without the provision of parking, loading and off-loading space, would be detrimental to amenity and likely to lead to inconvenience and danger to road users by virtue of vehicles parked on the public highway amenity and in pursuance of policies E1 and T3 of the Swale Borough Local Plan 2008

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Conditions & Grounds (Contd)

- (23) 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, access, carriageway gradients, drive gradients, car parking, street furniture and bus stop locations 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 that the roads are constructed and laid out in a satisfactory manner, and in pursuance of policies E1 of the Swale Borough Local Plan 2008.

- (24) During construction of the development adequate space shall be provided on site, in a position (s) previously agreed by the Local Planning Authority to enable all employees and contractors vehicles to park, load and off load and turn within the site.

Grounds: In the interests of highway safety and convenience in accordance with Policy E1 of the Swale Borough Local Plan 2008.

- (25) Adequate precautions shall be taken during the period of construction to prevent the deposit of mud and/or other debris on the public highway. In accordance with details (including wheel washing equipment to be sited at the Sheppey Way and School Lane exit / access points) submitted to and approved by the Local Planning Authority before development commences.

Grounds: In the interests of highway safety and convenience in accordance with Policy E1 of the Swale Borough Local Plan 2008.

- (26) Before any work is commenced on site a Method Statement showing the phasing of the development - and explaining the arrangements and timing for the provision of the spine road - shall be submitted to and approved in writing by the District Planning Authority and the development shall not proceed otherwise than in accordance with the approved programme.

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Conditions & Grounds (Contd)

Grounds: In the interests of highway safety and convenience in accordance with Policy E1 and T1 of the Swale Borough Local Plan 2008.

- (27) The access details shown on the approved plans shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of any building authorised by this permission, the occupation of any buildings hereby approved, and the use of the site being commenced.

Grounds: In the interests of highway safety and convenience in accordance with Policy E1 and T1 of the Swale Borough Local Plan 2008.

- (28) No impact pile driving shall take place on the site, except with 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

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

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

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

- (30) 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 by the Local Planning Authority. The measures shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority

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

**FOR FURTHER CONDITIONS AND GROUNDS – PLEASE SEE ATTACHED SHEET**

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Conditions & Grounds (Contd)

- (31) The employment (commercial area) element of the development hereby approved shall be used for office, industrial or research and development purposes falling within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), and for no other purposes.

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

- (32) The details submitted pursuant to condition (1) shall, in respect of the employment (commercial area) of the development hereby approved, show an acoustic fence enclosing the northern and western boundaries with the adjacent housing parcels. Full details of the acoustic fence, to include the precise location, height and specification, shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented in full before the construction of the employment (commercial area) is commenced, and shall be retained in perpetuity.

Grounds: In the interests of residential amenity, and in pursuance of Policy E1 and AAP9 of the Swale Borough Local Plan 2008.

- (33) Particulate/odour/fume extraction and filtration shall be provided to any areas where paint spraying takes place, details of which shall be submitted to and approved by the Local Planning Authority and installed before any such activities take place.

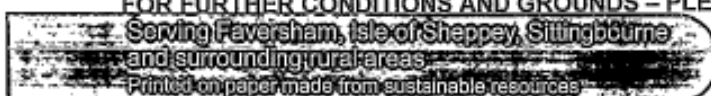
Grounds: In the interests of residential amenity, and in pursuance of Policy E1 of the Swale Borough Local Plan 2008.

- (34) No outside working or storage shall take place on the Commercial Area of the site without the express permission, in writing, 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.

- (35) No air conditioning, ventilation or refrigeration equipment shall be installed within the Commercial Area element of the development until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority.

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Conditions & Grounds (Contd)

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

- (36) Access doors (and fire escape doors) to the buildings within the Commercial Area shall be kept closed at all times except for the explicit purpose of access to and egress from the premises.

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

- (37) If, during construction of the development, contamination not previously identified is found to be present on site, then details of how this unsuspected contamination shall be dealt with shall be submitted to and approved by the Local Planning Authority before progression of the affected phase of the development.

Grounds: To ensure that the development complies with the approved details in the interests of protection of the environment and in accordance with Policy E1 of the Swale Local Plan 2008.

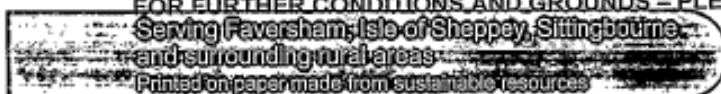
- (38) Construction of any building authorised by this permission shall not commence until details of the proposed means of foul sewage disposal have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the agreed details.

Grounds: In the interests of ensuring adequate provision for the disposal of foul sewage, and in pursuance of Policy E1 of the Swale Borough Local Plan 2008

- (39) Construction of any building authorised by this permission shall not commence until details of the proposed water infrastructure plans have been submitted to and approved by the Local Planning Authority.

Grounds: In the interests of ensuring adequate arrangements for the supply of water to the development, and in pursuance of Policy E1 of the Swale Borough Local Plan 2008

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Conditions & Grounds (Contd)

- (40) None of the dwellings hereby approved shall be occupied until the Local Planning Authority is satisfied, and has confirmed this in writing, that the necessary water infrastructure capacity is available to adequately service the development.

Grounds: In the interests of ensuring adequate arrangements for the supply of water to the development, and in pursuance of Policy E1 of the Swale Borough Local Plan 2008

- (41) All trees to be retained must be protected by barriers and or ground protection, as recommended in Clause 7 and as shown in figure 2 of British Standard 5837: 2005 'Trees in relation to construction – Recommendations' before any equipment, machinery or materials are brought onto the site and before any construction or stripping of soil commences; and shall be maintained intact until all machinery, equipment and surplus materials have been removed from the site. No alterations or variations to the approved works or tree protection measures shall be carried out without the prior written approval of the Local Planning Authority.

Grounds: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance of the development, and in pursuance of Policy E10 of the Swale Borough Local Plan 2008.

- (42) No development shall take place until:
- a) a site investigation has been carried out to determine the nature and extent of any lizard population within the site
  - b) a written report of the site investigation has been prepared by a competent person. The report shall include the investigation results and details of a scheme to ensure the long-term health and well being of any lizard population within the site. The report shall be submitted to and approved by the Local Planning Authority
  - c) the development shall then be implemented in accordance with the approved scheme

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Conditions & Grounds (Contd)

Grounds: In order to safeguard protected species that may be present within to the site and in pursuance of PPS9 and Policies E1 and E11 of the Swale Borough Local Plan 2008.

- (43) The details submitted pursuant to condition (1) above shall show permeable surfacing to all roads (other than those to be adopted), drives and other areas of hardstanding, unless otherwise agreed in writing by the Local Planning Authority.

Grounds: In the interests of minimising the amount and rate of surface water runoff from the site, and in pursuance of 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 the following policies: AAP9, E1, E3, E4, E9, E10, E11, E14, E16, E19, H2, H3, H5, T1, T2, T3, T4 and T5 of the Swale Borough Local Plan 2008.

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

Dated: 06<sup>th</sup> June 2011

on behalf of James Freeman  
 Head of Development Services

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

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