

Mr Paul Giles
C/O Mr Darren Stoneman
4 Chicago Avenue
Gillingham
Kent
ME7 2DR



19 July 2017

PLANNING DECISION NOTICE

APPLICANT:	Mr Paul Giles
DEVELOPMENT TYPE:	Large Maj Dwellings
APPLICATION REFERENCE:	16/506166/FULL
PROPOSAL:	Retrospective demolition of former Working Men's Club. Erection of 9 no. dwelling houses and 1 no. maisonette together with car ports for garaging.
ADDRESS:	Newington Working Mens Club High Street Newington Kent ME9 7JL

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

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

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

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

Reason: To minimise the impact upon local air quality.

MKPS – Working in Partnership with: Swale Borough Council

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

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

Email: planningsupport@midkent.gov.uk

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

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

A report giving:

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

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

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

- (4) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

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

Reason: In the interests of residential amenity.

- (6) (i) No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without discharging onto the highway and without increasing flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- (ii) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
- (iii) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

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

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

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

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

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

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

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

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

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

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

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

- (12) No development shall take place until a programme for the suppression of dust during the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity.

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

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

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

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

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

Reason: In the interest of enhancing biodiversity.

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

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

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

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

- (18) During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning, and parking for site personnel / operatives / visitors. Such parking shall be provided prior to the commencement of the development.

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

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

Reason: In the interests of residential amenity.

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

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

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

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

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

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

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

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

Informative(s):

- (1) **INFORMATIVE:** It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

The Council's approach to this application:

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

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

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



James Freeman
Head of Planning Services
Swale Borough Council

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF PERMISSION OR GRANT OF PERMISSION SUBJECT TO CONDITIONS

This decision does not give approval or consent that may be required under any act, bylaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990. **Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant.**

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the LPAs decision on your application, then you must do so within **28 days** of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the LPA’s decision on your application, then you must do so within **28 days** of the date of service of the enforcement notice, or within **6 months [12 weeks** in the case of a **householder** or **minor commercial** application decision] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a **Householder** application or a **Minor Commercial** application and you want to appeal the LPA’s decision, or any of the conditions imposed, then you must do so within **12 weeks** of the date of this notice.
- In all other cases, you will need to submit your appeal against the LPA’s decision, or any of the conditions imposed, within **6 months** of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.