



Memoria Ltd
C/O Genesis Town Planning
FAO Mrs Claire Coles
26 Chapel Street
Chichester
West Sussex
PO19 1DL

28 September 2023

PLANNING DECISION NOTICE

APPLICANT:	Memoria Ltd
DEVELOPMENT TYPE:	N/A
APPLICATION REFERENCE:	22/505852/SUB
PROPOSAL:	Submission of Details Pursuant to condition 14 (Surface Water Drainage Scheme) of Application 22/501787/FULL .
ADDRESS:	Land Off, Staple Street, Hernhill, Kent, ME13 9HY

The Council hereby **REFUSES** the detail(s) reserved by the Condition(s) as listed above for the following Reason(s):

- (1) In the absence of certainty over the current condition/operation of the land drain under Staple Street and through wider field ditch network, the drainage details fail to demonstrate that the development would not lead to flooding at the Staple Road junction and nearby pond. Furthermore, in the absence of modelling of flows discharged from the roadside swale into the pond the application fails to demonstrate that the greenfield rate will not be surpassed. The proposals fail to demonstrate that the drainage strategy would not cause or exacerbate flooding within and around the site and as such is contrary to Policy DM 21 of the Bearing Fruits 2031 - The Swale Borough Local Plan Adopted (2017).

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.co.uk

Informative(s):

(1) Plans and details:

65204882-SWE-ZZ-XX-DR-C-0100 Rev C02; 65204882-SWE-ZZ-XX-DR-C-0101 Rev C03; 65204882-SWE-ZZ-XX-DR-C-0102 Rev C01; 65204882-SWE-ZZ-XX-DR-C-0200 Rev C01; 65204882-SWE-ZZ-XX-DR-C-0201 Rev C01; : 65204822-SWE-XX-XX-T-C-0002; 65204882-SWE-XX-XX-T-C-0003; 65204882-SWE-XX-XX-T-C-0004; 65204882-SWE-XX-XX-T-C-0005.

1. Ahead of any resubmission you are advised to continue to liaise with the Kent County Council Flood and Water Management team suds@kent.gov.uk to reach a solution which could then form part of the resubmission (which would need to be made in relation to condition 14 of decision ref: 22/501787/FULL)

The Council's approach to the application

In accordance with paragraph 38 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 creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this case no pre-application advice was sought and it is not always possible to support proposals which conflict with the Development Plan.



Emma Wiggins
Director of Regeneration & Neighbourhoods

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

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

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse consent 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.

- 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 LPA's decision on your application, then you must do so within **28 days** of the date of this notice.
- If an advert discontinuance notice is served relating to the same or substantially the same land and proposal as in your application and if you want to appeal against the LPA's decision on your application and the discontinuance notice, then you must do so **before the date the advert discontinuance notice comes into effect**.
- In all other cases, you will need to submit your appeal against the LPA's decision, or any of the conditions imposed, within **8 weeks** of the date of this notice.

Appeals must be made using a form which you can get from the SoS 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.