



Planning, Housing &
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Forstal Properties
c/o GBA Designs Ltd
Ms Z Horton
70 Churchill Sq
Kings Hill
Kent
ME19 4YU

Your ref Phoenix House II
Our ref TM/17/00964/FL
Contact Hilary Johnson
Direct line 01732 876235
email hilary.johnson@tmbc.gov.uk
Date 1 February 2018

APPLICATION: TM/17/00964/FL

VALIDATED: 10 May 2017

PARISH: Aylesford

This was approved in accordance with the following submitted details: Letter received 04.04.2017, Flood Risk Assessment received 04.04.2017, Planning Statement received 04.04.2017, Acoustic Assessment received 04.04.2017, Design and Access Statement received 05.04.2017, Existing Site Plan PHA/100 received 05.04.2017, Proposed Plans and Elevations PHA/110 C received 05.04.2017, Proposed Floor Plans PHA/111 B received 05.04.2017, Proposed Roof Plan PHA/112 A received 05.04.2017, Report Addendum received 12.04.2017, Other Email from Moat received 28.04.2017, Letter received 28.04.2017, Report Site investigation received 10.05.2017, Report Verification received 10.05.2017, Report Groundwater received 10.05.2017, Desk Study Assessment received 10.05.2017, Proposed Plans PHA/112A received 19.09.2017, Site Plan PHA/100 existing 19.9.17 received 19.09.2017, Topographical Survey PHA/30 received 25.09.2017, Drawing PHA/302 received 08.11.2017, Email received 08.11.2017, Report Addendum received 08.11.2017, Proposed Plans PHA/101K received 08.11.2017,

APPLICANT: Forstal Properties
c/o GBA Designs Ltd Ms Z Horton 70 Churchill Sq Kings Hill Kent ME19 4YU
PROPOSAL: Erection of 12 No. 3 storey townhouses on vacant site. 3 No. units to be affordable housing, including change of use status
LOCATION: Phoenix House Forstal Road Aylesford Kent ME20 7AU

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

TAKE NOTICE that the TONBRIDGE AND MALLING BOROUGH COUNCIL, the District Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for the proposal as specified above, subject to the compliance of the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

Director of Planning, Housing & Environmental Health: Steve Humphrey MRTPI

2. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

3. The houses hereby approved shall only be constructed at the slab levels shown on the approved plan reference PHA/112A received 8.11.2017.

Reason: To ensure a satisfactory standard of development.

4. Prior to the first occupation of the dwellings hereby approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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

5. Prior to the commencement of the development hereby approved, the applicant or their agents or successors in title, shall secure and implement:

- i. Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority and
- ii. Further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a 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.

6. Prior to the occupation of the dwellings hereby approved, details of a scheme for the storage and screening of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

7. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space on drawing number PHA/101K dated received 8.11.2017 has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

8. No building shall be occupied until the area shown on the submitted plan PHA/101K received 8.11.2017 as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, 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 this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

9. (i) Development shall not begin 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 100 year storm) can be accommodated and disposed of without increase to 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.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

10. The void space under the houses hereby approved shall be constructed as outlined in document 17_00964_FL-AMENDED_DRAWING_PROPOSED_ROOF_PLAN_AND_FLANK_ELEVATIONS-896657.pdf and with the volumes indicated in document 17_00964_FL-FLOOD_ZONE_AREAS_PLAN-906168.pdf.

Reason: In the interests of the residential amenities of the occupants of the properties.

11. Finished flood levels shall be constructed as outlined in document 17_00964_FL-AMENDED_DRAWING_TOPOGRAPHICAL_SURVEY-896655.pdf.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

12. Prior to the commencement of the development there shall be submitted to the Local Planning Authority an updated groundwater risk assessment to determine the current condition of the hydrocarbon contamination previously identified by Soiltec (Groundwater Investigation Report 23.9.2013).

Reason: In the interests of amenity, public safety and human health and in accordance the National Planning Policy Framework 2012 (paragraph 121).

13. No above ground development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

(a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site

management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

14. Following completion of the approved remediation method strategy, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. Where it is identified that further remediation works are necessary, details and a timetable of these works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

15. If, during development, contaminated land 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 a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: In the interests of amenity and public safety and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

16. Prior to the occupation of the dwellings hereby approved, details of the Acoustically Screened Mechanical Ventilation with glazing specifications to ensure a suitable internal noise climate with windows closed and open, shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby approved.

17. Prior to the development hereby approved commencing, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. Such a plan shall include: the routing of construction and delivery vehicles to/from the site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities, temporary traffic management/signage. Such details as are agreed shall be carried out concurrently with the development and for the duration of the construction.

Reason: To ensure the safe and free flow of traffic.

18. Provision shall be made on the site, at all times for vehicles loading, off-loading and turning.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in order to maintain the safe and free flow of traffic.

19. Prior to the development hereby approved commencing, details of the measures to prevent the discharge of surface water on to the highway shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In the interests of highway safety.

20. A bound surface shall be created for the first 5 metres of the access from the edge of the highway.

Reason: In the interests of highway safety.

21. Prior to the use of the site commencing, visibility splays shown on the submitted plan shall be provided and maintained with no obstructions over 0.6 metres above carriageway level.

Reason: In the interests of highway safety.

Informatives:

1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.

2 During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours-18:30 hours, Saturday 08:00 to 13:00 hours, with no such work on Sundays or Public Holidays.

3 The use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is recommended that bonfires are not held at the site.

4 The grant of planning permission confers no other permission or consent on the applicant. No works should be undertaken on a Public Right of Way without the express consent of the Highways Authority. You are advised to contact the KCC Public Rights of Way & Access Service in cases of doubt.

5 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 country 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:
<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

6 You are advised to contact KCC Public Rights of Way in relation to any plans to formally dedicate a pedestrian access route through the site.

7 You are advised to contact KCC Public Rights of Way in relation to any works to the pedestrian route from Forstal Road or to the towpath.

8 The grant of planning permission confers no other permission or consent on the applicant. No works should be undertaken on a Public Right of Way without the express consent of the Highways Authority. You are advised to contact the KCC Public Rights of Way & Access Service in cases of doubt.

9 You are advised that the new public footpath to the frontage of the site should be a minimum width of 1.8 metres in order to meet KCC Highway standards. You will need to obtain permission for the works via a section 278 letter of agreement from KCC Highways and Transportation.

In reaching this decision, the Local Planning Authority has had appropriate regard to the provisions of paragraphs 186 - 187 of the National Planning Policy Framework 2012.



Steve Humphrey
Director of Planning, Housing & Environmental Health

NOTE REGARDING PLANNING CONDITIONS

Please note that if conditions are attached to this permission, some of them may require the submission, pursuant to Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, of details for the formal approval of the Local Planning Authority prior to the development commencing. The Borough Council may consider it appropriate to carry out consultations and other procedures prior to giving a formal decision on these matters and it is unlikely that this will take less than 4 weeks. This should be taken into account when programming the implementation of the permission. Any development that takes place in breach of such conditions is likely to be regarded as unlawful.

THIS IS NOT A BUILDING REGULATION APPROVAL

It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations, where required, and any other necessary approval, have been obtained, and that the details shown on the plans hereby approved agree in every respect with those approved under such legislation.

IMPORTANT: Your attention is drawn to the Notes attached.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months (12 weeks in the case of proposals relating to shopfronts) of the date of this notice, using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- 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 you want to appeal against your local planning authority's 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 your local planning authority's decision on your application then you must do so within:

28 days of the date of service of the enforcement notice or six months in the case of a householder appeal of the date of this notice, whichever period expires earlier.
- In the event of an appeal being lodged one copy of the completed appeal form should be forwarded to the Chief Solicitor of the Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ.
- The Secretary of State can allow a longer period for giving notice of an appeal but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Borough Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

General Notes

- Your attention is drawn to the provisions of Section 76 of the Town and Country Planning Act 1990 relating to the need to provide adequate access and other facilities for the disabled.
- Section 53 of the County of Kent Act 1981 applies to an application for the erection/extension of a building.

This requires that adequate access for the fire brigade is provided for buildings. In view of these provisions, **YOU ARE ADVISED TO CONSULT THE KENT FIRE BRIGADE** at an early stage.