

**Tonbridge  
Castle**

**13 May 2019**

**TM/19/01108/FL**

Proposal: Construction of building comprising 36 apartments including access and ground floor and undercroft parking, following demolition of existing built form on site

Location: 1 - 4 River Walk Tonbridge Kent

Go to: [Recommendation](#)

---

**1. Description:**

1.1 Determination of this application was deferred on 06 August 2020 to allow for legal services to provide the committee with a report setting out the risks involved should the recommendation of officers to grant planning permission subject to a legal agreement and conditions not be accepted, and planning permission refused on the grounds set out by the committee.

1.2 This is in line with the Council's Constitution which sets out as follows:

*"Where a Committee rejects a recommendation to approved, or is minded to refuse, an application which is recommended for approval by the Director of Planning, Housing and Environmental Health on grounds which the Director does not consider can be substantiated at appeal, the matter shall be deferred to the next meeting of the Committee to enable the Director of Central Services and Monitoring Officer to submit an independent report to the Committee on the possibility of costs being awarded against the Council. If the Director of Central Services and Monitoring Officer's report indicates that there is likely to be a significant risk of costs being awarded against the Borough Council and the Committee resolves to refuse the application that decision will be a recommendation only and the matter shall be submitted to Council for resolution."*

1.3 The August committee report and associated annexes and supplementary report can be found at Annex 1. The report of the Director of Central Services and Monitoring Officer is contained within Part 2 of the agenda. This report should be read as a whole with both of those documents.

1.4 Since the deferral, the legal agreement and unilateral undertaking securing planning obligations as detailed in the August report have been completed and signed. This is reflected at paragraph 4.1 of this report.

**2. Consultees (since 06 August 2020):**

2.1 None

**3. Determining Issues (to be read in conjunction with Annex 1 and Part 2 report):**

- 3.1 As set out above, the assessment that follows should be read in conjunction with the papers provided at Annex 1 and the Part 2 report. This is intended to supplement the assessment and advice provided within those Annexes and does not replace or supersede it in any way. The specific matters drawn on below are intended to provide further advice on matters that formed the basis of the debate on 06 August and the grounds of refusal put forward that resulted in the deferral.

Quantum and type of development:

- 3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.3 The TCAAP forms part of the adopted development plan for the purposes of determining this application. On the face of a plain reading of policy TCA11 (d), there would appear to be some direct conflict because the policy allocates the site for 6 dwellings and the current planning application proposes a total of 36 units. However, Paragraph 11, footnote 7 of the Framework is clear where a Council cannot demonstrate a five year supply of deliverable housing sites such relevant policies must be considered out-of-date. That position is qualified in that they are not to be ignored. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.
- 3.4 Furthermore, it must be recognised that the NPPF overtly seeks to promote the effective use of land in meeting the need for homes and other uses (paragraph 117), sets out that planning decisions should support development that makes efficient use of land (paragraph 122) and requires that that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important to avoid building homes at low densities (paragraph 123). These paragraphs are all reproduced in full at Annexe 1. These requirements mean that policy TCA11 (d) insofar as it specifies a quantum of development suitable for the site does not conform with the requirements of the NPPF and as such the weight to be attributed to it must be substantially diminished.
- 3.5 Furthermore, the allocation acknowledges the potential for the site to deliver commercial space at ground floor level but does not overtly require this to be provided. As such, there is no justification to resist the development on the grounds that such space is not to be provided at ground floor.

Height and massing:

- 3.6 It is appreciated that this site lies within the Conservation Area and that the two immediately adjacent sites – Waterside Lodge and 2 New Wharf Road – do not. However, that does not diminish the fact that these neighbouring developments provide the immediate context for the application site and, indeed, the setting of the Conservation Area at this point.

- 3.7 The overall ridge height of the building would stand at 14.2m. Whilst this is notably higher than the existing building to be demolished, it is completely commensurate with the heights of the buildings either side; Waterside Lodge stands at 13.1m overall and 2 New Wharf Road stands at 14.3m.

*Interaction with the public realm at River Walk:*

- 3.8 There are no specific, adopted policies that seek to prevent overshadowing of public spaces by new development in the same way that policies are in place to protect the amenities of existing residential properties in respect of daylight and sunlight. As such, there is no sound basis on which the proposed development could be resisted on grounds that River Walk itself would be overshadowed by this building. Moreover, the detailed design of the building by virtue of the siting of the main entrance, inclusion of balconies, open boundary treatments, planting and seating will all serve to encourage pedestrian activity within the public realm. This would be further enhanced, in accordance with policy TCA10, through the contribution towards public realm enhancements, secured by legal agreement.
- 3.9 Notwithstanding the absence of any specific development plan policies pertaining to wind impacts, the proposed development would not, in my judgement, create any microclimate that might give rise to wind tunnelling effects. Generally speaking, such effects only have the potential to be prevalent in the case of a series of much taller buildings which are all in close proximity to each other. To give Members some context in this respect, the City of London has formally adopted a new set of guidance aimed at limiting the impact of new high-rise development on pedestrians and cyclists at street level. As a result, computational fluid dynamics (CFD) simulations or wind-tunnel testing are required for proposals of between 25m and 50m in height, or where the proposal is double the height of surrounding buildings. Both kinds of testing are required for buildings up to four times the average height of surrounding structures – or for proposals between 50m and 100m.
- 3.10 It is accepted that slick roofs and sloped metal can cause ice and snow build up to slide and hit building elements or areas under a roof or wall, both of which can pose a real danger to surrounding people and property. Approved Document A of the Building Regulations addresses the structural properties of buildings to ensure safety in all respects. As such, within the context of this application it is necessary to assess the acceptability of the materials proposed to be utilised here in terms of their appearance only when having regard to the planning conditions as recommended.
- 3.11 Balconies have been incorporated into the design of the building to create visual variation, which is appropriate in these circumstances. It is accepted that once occupied these balconies may be used for a variety of purposes that could result in them diminishing the quality of the appearance of the building over time. To ensure this does not happen, I would suggest that a restriction on the use of the

balconies to prevent specified activities could be encapsulated within the legal agreement. This has been reflected in the recommendation that follows.

*Impact on Conservation Area and setting of listed buildings:*

3.12 The tests for decision making in respect of designated heritage assets are set out at paragraphs 189 to 196 of the NPPF. They are not to be confused with the tests setting out when a new Conservation Area should be designated. Paragraphs 192, 193, 195 and 196 are set out in full below:

*192: In determining applications, local planning authorities should take account of:*

*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness.*

*193: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*195: Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

*a) the nature of the heritage asset prevents all reasonable uses of the site; and*

*b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

*c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

*196: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

- 3.13 The detailed analysis regarding the impact on designated heritage assets is also contained at Annex 1 and is not repeated here, other than to reiterate the clear conclusions at paragraphs 6.12 and 6.13 as follows:

*“Having considered all of these factors, it is considered that the proposal will preserve the character and appearance of the Conservation Area and sustain the significance of the Conservation Area and the setting of the listed structures, as no important views will be impeded upon, and it is not necessary to keep the site open, given the long term change in character from the industrial use illustrated in 19th century maps. The openness will also be maintained by River Walk, and the boundary treatment and landscaping will improve the current appearance. It is unfortunate that the design of the proposed building does not take the opportunity to better reflect the historic character of the site as a wharf area as this could also have been considered an enhancement, and there are some awkward elements to the composition of the building as proposed. However, overall the gable ends of the façade and the proposed complementary palette of materials should assist with the building blending in with the appearance of the CA, subject to appropriate conditions that would ensure high quality materials are used.*

*On this basis, it can be concluded that **no harm** will be caused to the significance of the listed structures of the castle, or the Conservation Area as a result of the proposed development. There is therefore no need to undertake the second part of the tests set out at paragraph 196 of the NPPF.”*

Technical matters:

- 3.14 The application site does not lie within a designated AQMA and the proposed development would not create a new AQMA in the town. As such, whilst matters surrounding air quality remain an important consideration, the development proposed in this instance is acceptable in this respect and there is no foundation in adopted policy to resist the scheme on such grounds.
- 3.15 Paragraph 182 of the NPPF sets out that planning policies and decisions should ensure that new development can be integrated successfully with existing businesses and community facilities. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant (described by the NPPF as being the “agent of change”) should be required to provide suitable mitigation before the development has been completed. The application submits that suitable mitigation will be integrated into the construction of the building.
- 3.16 I appreciate that Members were concerned that, in the event planning permission was granted, new residents of the flats could raise complaints about noise and disturbance arising from long established businesses within the town centre. With the above NPPF requirement in mind, clarification has been sought from the

Environmental Protection team regarding how they would approach any such complaints in the future. They have advised that in making an assessment of statutory nuisance a degree of consideration would be given to the environment within which the noise existed.

*Presumption in favour of sustainable development and overall planning balance:*

3.17 In applying the presumption in favour of sustainable development, it is necessary to establish whether the grant of planning permission in this case would give rise to any adverse impacts that would significantly and demonstrably outweigh the benefit arising from the provision of 36 residential units on a brownfield site in a highly sustainable, urban location carries significant weight and there are other benefits to be derived from the development coming forward now that the remaining necessary obligations are coming forward in a manner that can be deemed to be acceptable. In applying the presumption of sustainable development as required by paragraph 11 (d) (ii), it is my conclusion that there are no significant and demonstrable adverse impacts arising from the development that would outweigh the wider benefits of the scheme when assessed against the policies contained within the Framework as a whole.

3.18 My conclusions therefore remain as those set out in my previous report; that planning permission should be granted for this development subject to the applicant entering into a legal agreement securing certain provisions and restrictions and a range of planning conditions to ensure the development comes forward in a high quality fashion.

**4. Recommendation:**

4.1 **Grant planning permission** in accordance with the following submitted details: Landscaping IJ166-01 A Soft dated 25.10.2019, Proposed Elevations 18322-P105C dated 06.05.2020, Site Layout 18322-P101J dated 06.05.2020, Site Layout 18322-P102E dated 06.05.2020, Elevations 18322-C104D dated 06.05.2020, Artist's Impression 18322-C107 dated 06.05.2020, Artist's Impression 18322-C108 dated 06.05.2020, Artist's Impression 18322-C109 dated 06.05.2020, Proposed Floor Plans 18322-P110B dated 06.05.2020, Proposed Floor Plans 18322-P111B dated 06.05.2020, Proposed Floor Plans 18322-P112C dated 06.05.2020, Proposed Floor Plans 18322-P113C dated 06.05.2020, Materials Schedule 18322-C106 dated 06.05.2020, Design and Access Statement 18322 dated 06.05.2020, Statement Affordable housing dated 20.04.2020, Design and Access Statement 18322-PART 1 dated 06.05.2020, Design and Access Statement 18322-PART 2 dated 06.05.2020, Travel Plan dated 19.07.2019, Desk Study Assessment dated 03.06.2019, Transport Statement dated 19.07.2019, Other Travel Welcome Pack dated 19.07.2019, Site Survey 18322 - S102 dated 13.05.2019, Location Plan 18322 - S101 dated 13.05.2019, Statement Archaeology & Heritage dated 13.05.2019, Assessment Daylight & Sunlight dated 13.05.2019, Ecological Assessment

dated 13.05.2019, Flood Risk Assessment dated 13.05.2019, Planning Statement dated 13.05.2019, Arboricultural Assessment dated 13.05.2019 Section 106 legal agreement dated 28.09.2020, Unilateral Undertaking dated 6.08.2020 subject to 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.

- 2 The development hereby approved shall take place in strict accordance with the following plans and drawings:

Landscaping IJ166-01 A Soft dated 25.10.2019, Proposed Elevations 18322-P105C dated 06.05.2020, Site Layout 18322-P101J dated 06.05.2020, Site Layout 18322-P102E dated 06.05.2020, Elevations 18322-C104D dated 06.05.2020, Proposed Floor Plans 18322-P110B dated 06.05.2020, Proposed Floor Plans 18322-P111B dated 06.05.2020, Proposed Floor Plans 18322-P112C dated 06.05.2020, Proposed Floor Plans 18322-P113C dated 06.05.2020, Materials Schedule 18322-C106 dated 06.05.2020, Site Survey 18322 - S102 dated 13.05.2019, Location Plan 18322 - S101 dated 13.05.2019,

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

- 3 Prior to the commencement of the development hereby approved, arrangements for the management of all demolition and construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the demolition and construction works will be limited to and measures to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of general amenity and highway safety.

- 4 Prior to the commencement of development a demolition method statement shall be submitted to and approved by the Local Planning Authority (including but not limited to a strategy for storing demolition waste on site and how it will be disposed of) and the demolition works thereafter undertaken will be in strict accordance with the approved details.

Reason: In order to prevent any harmful impact on the flood plain during construction of the development and in the interests of general amenity and highway safety.

- 5 No above ground development shall take place until sample panels have been constructed on site demonstrating (where applicable) the colour, texture, bond, pointing, and fixtures of all brickwork, cladding and external treatments of the building and approved by the Local Planning Authority. The sample panels shall be retained on site until the details have been approved by the Local Planning Authority and the development undertaken in strict accordance with the approved details.

Reason: In the interests of visual amenity and to ensure the quality of the development that takes place.

- 6 No above ground development shall take place until full detailed plans and sections of all proposed windows and balconies at a scale of 1:20 together with details of proposed finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: In the interests of visual amenity and to ensure the quality of the development that takes place.

- 7 No external lighting shall be installed in connection with the building until such details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: In the interests of visual amenity and biodiversity.

- 8 The use of the development hereby approved shall not commence until the areas shown on the approved layout as vehicle parking and turning areas have been provided, surfaced and drained. Thereafter these areas 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 these areas.

Reason: In the interests of highway safety.

- 9 Before the development hereby approved is occupied, details of the installation of car charging points shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed in accordance with the approved details and maintained and retained at all times thereafter.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with paragraph 110(e) of the National Planning Policy Framework 2019.

- 10 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a plan showing the proposed finished floor levels, eaves and ridge levels of the building and finished ground levels in relation to the existing ground levels of the site and adjoining land has been submitted to and approved by the local planning authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- 11 The use of the development hereby approved shall not commence until the vehicular accesses and routes within the site and any associated engineering operations have been constructed in accordance with plan numbers 18322 P101 Rev. J and 18322 P110 Rev. B

Reason: In the interests of highway safety.

- 12 The measures for implementation and monitoring arrangements as set out in the Travel Plan prepared by Origin, dated July 2019 hereby approved shall be fully adhered to.

Reason: In the interests of the proper management of traffic and highway safety and in order to encourage more sustainable modes of transport to/from the site by staff and visitors.

- 13 The use of the development hereby approved shall not commence until the 36 cycle parking spaces as shown on plan numbers 18322 P101 Rev. J and 18322 P110 Rev. B have been provided on site in accordance with the approved plan. Thereafter, the installed cycle parking facilities shall be retained at all times for the life of the development hereby permitted.

Reason: In order to encourage more sustainable modes of transport to/from the site by staff and visitors.

- 14 The use of the development hereby approved shall not commence until the area shown on plan numbers 18322 P101 Rev. J and 18322 P110 Rev. B to be reserved for the provision of refuse facilities has been provided on site in accordance with the approved plan. Thereafter, the installed facilities shall be retained at all times for the life of the development hereby permitted.

Reason: In the interests of general amenity.

- 15 The existing trees and shrubs shown on the approved plan (Drawing IJ166-001 Rev. A) other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of five years.

Reason: In order to protect the appearance and character of the site and locality.

- 16 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the appearance and character of the site and locality.

- 17 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a full scheme of hard and soft landscaping along the River Walk frontage of the site has been submitted to and approved by the Local Planning Authority. The scheme shall include full details of the species and size of all new tree and shrub planting proposed along the frontage. All planting, seeding and turfing comprised in the

approved scheme for the River Walk 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. 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.

In all other respects, the scheme of hard and soft landscaping and boundary treatment shown on plan number IJ166-001 Rev. A shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

- 18 The development hereby approved shall be undertaken in strict accordance with the Recommendations set out in the Preliminary Ecological Appraisal prepared by Chris Blanford Associates dated April 2019.

Reason: In the interests of conserving biodiversity.

- 19 The development hereby approved shall be undertaken in strict accordance with the Recommendations set out in the Flood Risk Assessment and Drainage Strategy prepared by Herrington Consulting Limited dated May 2019.

Reason: In the interests of flood prevention.

- 20 No above ground development shall take place until a detailed sustainable surface water drainage strategy has been submitted to and approved by the Local Planning Authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment by Herrington Consulting Limited (May 2019, Issue 2) and 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 (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters;
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including

any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

- 21 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 22 The development hereby permitted shall not be first occupied or first brought into use until details of a Flood Management and Flood Evacuation Plan including means of safe access and egress to/from the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved Flood Evacuation Plan shall be implemented as approved at all times for the life of the development hereby permitted.

Reason: To ensure safety in times of flood.

- 23 The use of the building hereby approved shall not commence until works for the disposal of foul and surface water drainage have been provided on the site to serve the development, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of pollution prevention.

- 24 No development shall be commenced other than as required as part of any site investigation works until a remediation strategy to address the risks associated with contamination of the site has been submitted to and approved by the Local

Planning Authority. The strategy must include:

- 1) A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected including those off-site.
- 3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of pollution prevention.

- 25 The use of the building hereby approved shall not commence until a verification report demonstrating the completion of the remediation strategy and its effectiveness has been submitted to and approved by the Local Planning Authority. The report shall include results of sampling and monitoring undertaken in accordance with the approved verification plan.

Reason: In the interests of pollution prevention.

- 26 If, during development work, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted 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 protection of the environment and harm to human health.

- 27 No infiltration of surface water drainage into the ground shall take place without a scheme having first been submitted to and approved by the approval of the Local Planning Authority. Any such works shall be undertaken in strict accordance with

the scheme approved.

Reason: In the interests of pollution prevention.

- 28 Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled waters, including ground water.

**Informatives:**

- 1 With regard to the demolition and construction phases of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on [pollution.control@tmhc.gov.uk](mailto:pollution.control@tmhc.gov.uk) in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.
- 2 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.
- 3 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

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

- 4 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbc.gov.uk](mailto:addresses@tmbc.gov.uk). To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 5 The applicant is strongly encouraged to consider opportunities for incorporating renewable energy technologies into the approved development wherever possible and for measures to support biodiversity within the construction of the buildings.

Contact: Emma Keefe