
Report from 6 August 2020

**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

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1. Description:

- 1.1 This application was originally due to be reported to APC1 on 20 February 2020, with a recommendation to refuse planning permission. Following publication of the agenda papers, the developer made contact with officers setting out that he considered the ground of refusal cited could be successfully overcome and requesting that he be afforded the opportunity to provide further evidence to that effect. On that basis, the application was withdrawn from the February agenda.
- 1.2 Subsequently, an Affordable Housing Statement was submitted which sets out the exceptional circumstances considered by the developer to be present that would ultimately prevent affordable housing delivery from occurring on site, for both feasibility and viability reasons. The document sets out as follows (summarised):
- Engagement has taken place with a range of Registered Providers, the conclusion being that none of those approached would take on the site. Full explanation of the liaison that has taken place has been provided within the Statement, including a detailed synopsis explaining why they would not take up units on this development;
 - Commentary provided on design issues, specifically the advantages of a single core approach in addition to the disadvantages of building layouts utilising two stair cores which would be necessary in the event affordable housing were to be provided on site;
 - Conclusion that exceptional circumstances do exist and that a commuted should be made in lieu of on or off site provision.
- 1.3 In addition, the developer has taken the opportunity to revisit certain aspects of the detailed design of the proposed building and incorporated amendments to the River frontage and south-west corner element in order to incorporate active frontages and improve the quality of the scheme overall. Specifically, the amended Design and Access Statement sets out as follows:

Live frontage to River Walk:

Active frontage to River Walk is provided by several elements of the proposed scheme. The following have already been included within the proposals:

- *Main entrance to the building is located on River Walk;*
- *Hard landscaping and public seating is provided;*
- *All flats facing the River have generous living room windows which overlook the riverside and provide natural surveillance;*
- *The ground floor of the building provides appropriate car parking for residents, which is well screened from view. Due to flooding constraints, no other use can be successfully incorporated within the development.*

The following additional features have been included in the latest proposals which contribute to the provision of active frontage and good quality public realm

- *All flats facing River Walk now have wide, glass fronted balconies which are easily accessible from living rooms and designed to be utilised as outdoor rooms. These will create a populated building frontage at a variety of times during the day. In particular the first floor balconies will have a very good sense of contact with the riverside.*
- *The distribution of materials aims to create a domestic scale by breaking the elevation into smaller elements, to create an attractive back drop to the public realm.*
- *The height of the openings to the car park has been reduced to the equivalent of a normal doorway to reduce the scale as seen from River Walk.*

Corner Bay Study

The bays have been re-designed to provide more strongly defined elements, which stand out from the main building facades and successfully turn the important corners. The following changes have been made to strengthen the design:

- *Roof pitch increased to give additional emphasis to the corner elements.*
- *The corner bay roof apexes have been raised so that they are higher than the adjacent roof ridge level.*
- *The main material of the corner bays has been changed from brick to ragstone to differentiate them from the main elevations.*
- *The reconstructed stone window surrounds have been increased in width to give more presence to the paired window elements.*

- *Moulding details have been added to the surrounds to give a more traditional appearance and greater interest to the feature bay windows.*
- *A contrasting dressed stone band with a projecting string course above has been added to define the base of the corners.*
- *Profile revised to reconstructed stone coping at third floor to provide shadow line.*
- *Metal spandrel panels added to link paired windows at 1st and 2nd floor and provide visual link with roof/wall cladding.*

1.4 A period of reconsultation has taken place in light of this additional and amended information, the results of which are summarised at Section 2 of this report.

1.5 For ease of reference, the February committee report is reproduced in full at Annex 1 and should be read in conjunction with this report. Other than the matters discussed in detailed at Section 3 below, the policy framework, and material considerations and associated assessment set out within the February report stands.

2. **Consultees (since 20 February 2020):**

2.1 Private Reps: A total of 49 further objections have been received, reiterating those previously summarised and further objecting as follows:

- Social and affordable housing should be built here;
- Trivial sum offered to offset failure to provide affordable housing on site.

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

Planning Obligations:

3.1 The statutory and policy tests concerning the need to provide planning obligations in order to meet adopted policy requirements and ensure developments are acceptable in planning terms are cited in detail within the February report and are not repeated here. The most recently submitted Affordable Housing Statement sets out a case of exceptional circumstances for providing a commuted sum in lieu of on or off-site affordable housing provision as being (summarised at Section 1 of this report).

3.2 It is my view, on this basis, that a sufficiently robust case has been advanced to meet the requirements of adopted policy CP17 of the TMBCS, when taking into account all other material planning considerations. The total amount of the commuted sum in this case is agreed at £441,000, being the value calculated on the basis of 20% provision, which was the level already accepted through preceding viability work that has taken place. Whilst I appreciate that

representations received consider this to be too little, it is the amount verified as being acceptable in this case and it will assist the Council in meeting its own evidenced need across the Borough.

- 3.3 Alongside this, the submitted information now seeks to provide for a policy compliant amount of £76,151 towards improvements to the public realm within the vicinity of the development. The finalised legal agreement will enshrine that this contribution will be put towards improvements and linkages through this part of the town and the new medical centre, where a contribution of £16,100 has already been secured for associated works to the public realm along the footpath to the north up to the Avebury Avenue bridge, in accordance with policy TCA10. The broader intention being that these developments, combined with others coming through the system within the locality, will be combined to ensure a cohesive, well designed improvement can come forward.
- 3.4 KCC through its representations requested contributions towards secondary schools and libraries in accordance with its own projections for further demand based on the additional demand arising from the development. These contributions were required at £21,609 towards the expansion of Judd School and a total of £1,728.57 towards book stock at Tonbridge Library. The latest information submitted by the developer includes this provision and KCC are actively involved in finalising the legal agreement to secure these contributions.
- 3.5 The Section 106 legal agreement which will set out the precise nature of the obligations placed on all three parties (the developer, Borough and County Councils) is in a substantively finalised form subject to all parties agreeing finer drafting details.

Design and appearance:

- 3.6 As set out in Section 1 of this report, the developer has taken the opportunity to make amendments to the design of the building since February. These are minor, aesthetic changes from that previously assessed within the previous report and the conclusions drawn in that respect stand. I would however highlight the importance of ensuring the palette of materials proposed here (which in principle are considered acceptable) should be subject to further, more detailed assessment in the event that planning permission is granted.
- 3.7 The use of appropriate, high quality materials can make a valuable contribution to the quality of a building. In this case, specific attention has been given to the palette of materials as a way of ensuring that a suitable amount of visual variation and relief can be incorporated into the building whilst maintaining an appropriate amount of cohesion. I consider that the materials to be utilised could contribute greatly to the overall quality of the building on this basis. Ensuring this will, inevitably, be down to the precise nature of the finish of the materials, bonds and joints between materials and building junctures. The execution of this finish can be properly addressed through planning condition and I would suggest that this could

be secured through a requirement that sample panels be provided on site for formal approval to ensure the precise nature of this detail is controlled.

- 3.8 Similarly, whilst the nature of the landscaping around the edges of the building is acceptable in an urban environment such as this, quality will be key and landscaping conditions should seek to adequately control the detail of the scheme, including the precise location, size and species of all new planting, particularly between the building and the public realm. I would also suggest that it would be appropriate and necessary for the landscaping scheme to require specimens which are appropriately mature and commensurate with the location be planted in order that future occupants of the flats would not be compelled to seek to remove or reduce their height in future years to increase light to windows or preserve views thus having a consequence on the visual quality of the site in the longer term. Again, this can adequately be secured by planning condition.

Other considerations:

- 3.9 Members will be aware that since February an application proposing the redevelopment of the Poundland site immediately to the south of 1 – 4 River Walk has been submitted for consideration. The assessment in connection with that application will be reported to APC1 in due course but for the purposes of considering *this* application, it is important to recognise that the proposed development at Poundland is not committed and therefore there is no requirement to assess relative impacts between the two schemes at this stage. Conversely, in the event that planning permission is granted for the redevelopment of 1 – 4 River Walk, there will subsequently be a need for the assessment of the Poundland scheme to have regard to the impacts on this development.

Benefits:

- 3.10 Given the above considerations, it is necessary now to re-establish the presence of any benefits of the scheme given the presumption in favour of sustainable development (paragraph 11(d) (ii) of the NPPF). There remain benefits arising from the provision of 36 residential flats (for market sale) and the contribution they would make to the five year housing land supply position, in a sustainable urban location. Similarly, benefits would be derived from the provision of a commuted sum towards much needed affordable housing within the Borough. The scheme would bring about an opportunity to bring forward meaningful public realm enhancements within the immediate vicinity and contribute positively to improved linkages and an enhanced urban environment within this part of the town centre, a long standing aspiration in policy terms. There would also be limited further benefits arising in economic terms arising from construction (through short term employment gains) and in the longer term through expenditure arising from the increased population but again these would be only limited in nature.
- 3.11 As set out in my previous report, the improvements to drainage across the site and opportunities for ecological enhancement amount to nothing more than seeking to

ensure the development is acceptable in planning terms in respect of the relevant policies governing such matters. As such, they cannot be seen as a tangible benefit arising.

Conclusions and overall planning balance:

- 3.12 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 now 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.
- 3.13 On this basis, the previous ground of refusal set out in the February papers has, in my view, been successfully overcome and all other matters remain as per the previous assessment. The proposed development is, now, acceptable in all respects subject to the legal agreement being finalised in strict accordance with the obligations set out above and a tranche of conditions formulated to ensure the development comes forward in a high quality manner. This is reflected in the recommendation that now follows:

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 subject to the following:

- The applicant entering into a planning obligation with the Borough Council to provide financial contributions towards affordable housing and public realm/open space enhancements;
- The applicant entering into a planning obligation with the County Council to provide contributions towards secondary education and library book stock

It is expected that the legal agreement will be completed by the time of the Planning Committee taking place. If this is not the case, it should be completed within 6 weeks of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 17 September 2020, a report back to the Area 1 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

- 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.

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- 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 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. 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

SUPPLEMENTARY REPORTS

AREA 1 PLANNING COMMITTEEDATED 6 August 2020

**Tonbridge
Castle**

TM/19/01108/FL

**Construction of building comprising 36 apartments including access and ground floor and undercroft parking, following demolition of existing built form on site at
1 - 4 River Walk Tonbridge**

Private Reps: 3 additional letters of objection received raising no new issues beyond those addressed in the main report

RECOMMENDATION REMAINS UNCHANGED