

MJV Design And Development Limited
C/O Alan Glover Architect
382 Lunsford Lane
Larkfield
Aylesford
ME20 6HX



10 August 2017

PLANNING DECISION NOTICE

APPLICANT:	MJV Design And Development Limited
DEVELOPMENT TYPE:	Large Maj Dwellings
APPLICATION REFERENCE:	16/507464/FULL
PROPOSAL:	Demolition of building and erection of 5 storey building for 22 flats with car parking
ADDRESS:	34C Gabriels Hill Maidstone Kent ME15 6JJ

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

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

MKPS – Working in Partnership with: Maidstone Borough Council

Please Note: All planning related correspondence for MBC should be sent to:
Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ
Email: planningsupport@midkent.gov.uk

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

- (2) Prior to commencement of works/development above damp-proof course (DPC) level, written details and samples of the materials to be used in the construction of the external surfaces of the building and hard surfacing shall be submitted to and approved in writing by the Local Planning Authority and shall include:

a) Yellow stock brick and string courses of dark red engineering bricks.

The development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a good quality appearance to the development and to protect the appearance of the conservation area.

- (3) Prior to commencement of works/development above DPC level, details in the form of large scale drawings (at scale of 1:20 or 1:50) of the windows, doors and balconies shall be submitted to and approved in writing by the local planning authority, showing recesses/reveals. The development shall thereafter be undertaken in accordance with the approved details;

Reason: To ensure a good quality appearance to the development and to protect the appearance of the conservation area.

- (4) Prior to commencement of works/development above DPC level and in accordance with drawing 164-002 received 1st November 2016, written details of a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority which shall include a long term management plan. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines and shall include:

- a) Details of planting for green roof and rain gardens;
b) Details of climbing plants.

Reason: To ensure a good quality appearance to the development and in the interests of biodiversity.

- (5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a good quality appearance to the development.

(6) No development shall take place (including demolition) until a precautionary bat mitigation statement has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Working method necessary to achieve stated objectives;
- c) Provision for bat 'rescue' if animals are encountered;
- d) Persons responsible for implementing works.

The works shall be carried out strictly in accordance with the approved details.

Reason: In the interests of biodiversity.

(7) Prior to commencement of works/development above DPC level, written details of the provision of swift and/or bat/bird bricks/boxes within the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the first occupation of the property and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: In the interests of biodiversity enhancement.

(8) The development hereby approved shall be carried out in accordance with the submitted Noise Assessment (ref: HA/FN170118/v2) and maintained as such thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure acceptable living conditions for future occupants.

(9) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To prevent harm to human health and pollution of the environment.

- (10) The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment (by Ambiental - ref: 2638) and it shall have a minimum finished floor level of 9.31m AOD;

Reason: In order to reduce the risk to occupants from flooding.

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

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with NPPF.

- (12) Prior to commencement of works/development above DPC level, details of how decentralised and renewable or low-carbon sources of energy (to include solar panels) will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

- (13) The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure an acceptable form of development.

- (14) Prior to commencement of works/development above DPC level, the proposed means of foul and surface water sewerage disposal shall be submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution prevention.

- (15) Prior to the first occupation of the development hereby approved, the bicycle storage facilities (as described in an applicant e-mail received 21/02/17), shall be provided and shall thereafter be kept available for such use unless otherwise agreed in writing by the local planning authority;

Reason: In the interests of air quality.

- (16) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: To ensure a sustainable development.

- (17) The development hereby approved shall not commence (including demolition) until a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials;

Reason: To ensure the construction of development does not result in highway safety.

- (18) The development hereby permitted shall be carried out in accordance with the following approved plans: 200-01A, 02A, 04A, 05A, 06B, 07A, 08A AND 09A received 01/11/16;

Reason: To ensure a good quality appearance to the development, to protect the appearance of the conservation area, and safeguard the residential amenity of future occupiers.

Informative(s):

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at: <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

- (2) Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".
- (3) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (4) As advised by Scotland Gas Networks, there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3m of an intermediate pressure system; and where required confirmation of the position should be by using hand dug trial holes.
- (5) The Environment Agency's 'Guide for Developers' is designed to give practical advice on the environmental issues that may affect sites and provides some examples of sites where good practice has already been applied. Some of the topics covered in the guide include, Green Roofs, using water wisely, wildlife & green space, managing waste and land affected by contamination. You can find this guide and links to further information at: <https://www.gov.uk/government/topics/planning-and-building>.
- (6) Pursuant to condition 7 it is advised that the following are suitable external/integrated bat and bird boxes:
 - Schwegler Bat Box: Type 2F;
 - Schwegler Bat Box: Type 1FF
 - Schwegler Bird Box: Type 1B;
 - Schwegler Sparrow Terrace: Type 1SP;
 - Schwegler Type 1A swift box;

The Council's approach to this application:

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

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

The applicant/agent was provided formal pre-application advice.

R. L. Jarman

**Rob Jarman
Head of Planning Services
Maidstone Borough Council**

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

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

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

Appeals to the Secretary of State

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

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

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

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

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