



Mr T Akinbiyi  
C/O MKA Architects LTD  
FAO: Mr J Martin  
North House  
198 High Street  
Tonbridge  
TN9 1BE

9 April 2025

## PLANNING DECISION NOTICE

---

<b>APPLICANT:</b>	<b>Mr T Akinbiyi</b>
<b>DEVELOPMENT TYPE:</b>	<b>Minor Dwellings</b>
<b>APPLICATION REFERENCE:</b>	<b>24/504082/FULL</b>
<b>PROPOSAL:</b>	<b>Erection of 3no. dwellings with associated access, parking and landscaping.</b>
<b>ADDRESS:</b>	<b>Hawthorns , Maidstone Road, Borden, Kent, ME9 7QA</b>

---

The Council hereby **GRANTS** permission/consent for the proposal referred to above subject to the following Condition(s):

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 2470-10-B, 2470-11-B, 2470-15-B, 2470-16-A. 240820-RAP-XX-XX-DR-L-4001 P03, 240820-RAAP-XX-XX-DR-L-4002 P02.

Reason: For the avoidance of doubt and in the interests of proper planning.

---

**MKPS – Working in Partnership with:** Swale Borough Council

**Please Note:** All planning related correspondence for SBC should be sent to:

Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ

Email: [planningsupport@midkent.gov.uk](mailto:planningsupport@midkent.gov.uk)

Access planning services online at: [www.swale.gov.uk](http://www.swale.gov.uk) or submit an application via [www.planningportal.co.uk](http://www.planningportal.co.uk)

- (3) No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photovoltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

Reason: In the interest of promoting energy efficiency and sustainable development.

#### Materials

- (4) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

#### Hard Landscape Works

- (5) No development beyond the construction of foundations shall take place until details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. All hard landscaping works shall be carried out in accordance with the details approved prior to the occupation of any part of the development.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (6) The soft landscape works detailed in approved drawings 240820-RAP-XX-XX-DR-L-4001 P03 and 240820-RAAP-XX-XX-DR-L-4002 P02 shall be carried out prior to the occupation of the development hereby approved. Upon completion of the approved soft landscape works, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

## Contamination

- (7) 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 reduce risk of contamination to the environment and residents.

- (8) Prior to commencement of development hereby approved (with the exception of site clearance and groundworks) details of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The details shall have regard to the Noise Assessment prepared by Lustre Consulting dated 22/11/2024 (ref: 5182\_AC\_1.0) and demonstrate that future occupants will be provided with acceptable living environments and shall be in full compliance with the BS 8233:2014.

The development shall then be implemented in strict accordance with the approved details and retained for the lifetime of the development.

Reason: To safeguard the residential amenities of the future occupants of the dwellings hereby approved.

- (9) Prior to commencement of development hereby approved (with the exception of site clearance and groundworks) details of thermal comfort measures shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and ANC. The details shall include alternative means of ventilation and air cooling and heating where necessary to demonstrate the following:

- The alternative means of ventilation and cooling will not compromise any noise protection measures
- The alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants
- The alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions

Any means of ventilation must be in accordance with documents CIBSE Guide A: 2015 Environmental Design, CIBSE TM52:2013 The limits of thermal comfort: avoiding overheating in European buildings and CIBSE TM59:2017-Design methodology for the assessment of overheating risk in homes.

The development shall then be implemented in strict accordance with the approved details and retained for the lifetime of the development.

Reason: To safeguard the residential amenities of the future occupants of the dwellings hereby approved.

#### Tree protection and Arb Method Statement

- (10) Prior to any works commencing on the site a Tree Protection Plan and Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The details shall accord with the British Standard (BS) 5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations'.

The development shall then be implemented in strict accordance with the approved details.

Reason: To safeguard the existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

#### Ecology mitigation strategy

(11) Prior to any works commencing on the site an ecological mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The ecological mitigation strategy shall include the following:

- Preliminary ecological appraisal
- Badger Survey
- Recommended species surveys
- Overview of mitigation required
- Detailed methodology to implement mitigation.
- Plans demonstrating where works will be carried out.
- Plans demonstrating where habitat creation / enhancement works will be carried out. They must correspond with the landscaping plans.
- Details of who will carry out the works.
- Timings of works.
- Interim management plan for habitat creation / enhancement works.

The strategy must be implemented as approved. If works have not commenced within 18 months of the date of the mitigation strategy, the works shall be carried out under the supervision of a suitably qualified ecologist.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

#### Landscape ecology management plan

(12) Prior to any landscaping works commencing on site a management plan for the landscaped areas (except for areas of private gardens) shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include the following:

- Aims and objectives of the plan
- Habitat Plans of the site
- Details of any constraints associated with the management
- Overview of management required
- Timetable of management works - capable of being a 5 year rolling plan.
- Details of how it will be funded.
- Details of who will carry out the works.
- Details of when the management plan will be reviewed.

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

Reason: To protect and the creation of habitats and species identified in the ecological surveys from adverse impacts during construction.

#### Enhancement Plan

- (13) Within 3 months of works commencing on site an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The ecological enhancement plan shall demonstrate how the site will enhance biodiversity through planting which will benefit pollinators, and/or native species planting and ecological enhancement features within the buildings and site. The approved details shall be implemented and thereafter retained.

Reason: In the interests of biodiversity.

#### Lighting

- (14) No external lighting shall be installed on site until a Lighting Design Strategy has been submitted to and approved in writing by the Local Planning Authority. The Lighting Design Strategy shall follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals. The details shall include a site plan showing the location and types of lighting and details of light spill to mitigate the impact on biodiversity and clearly demonstrated that areas to be lit will not disturb bats. The details shall also indicate that all external lighting will be downward facing and controlled by motion sensors.

All external lighting shall be installed in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interests of protecting nocturnal species.

#### Parking

- (15) Prior to the occupation of the dwellings hereby approved, the access road, turning head and vehicle parking spaces shown on the Site Layout Plan (drawing number: 2470/10/B) shall be completed and permanently retained for lifetime of the development.

Reason: In the interests of providing sufficient parking for residents and visitors and in the interest of highway safety.

## EVCPs

- (16) Prior to the occupation of the dwellings hereby approved, the Electric Vehicle charging points, as shown on the Site Layout Plan (drawing number: 2470/10/B) shall be installed and permanently retained for lifetime of the development. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a minimum 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:  
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list> .

Reason: In the interests of promoting sustainable transport methods and carbon reduction.

## Cycle Parking

- (17) Prior to the occupation of the dwellings hereby approved, the cycle parking facilities shown on the Site Layout Plan (drawing number: 2470/10/B) shall be provided and permanently retained for lifetime of the development.

Reason: In the interests of promoting sustainable transport methods and carbon reduction.

## Visibility Splays

- (18) Prior to the occupation of any dwellings hereby approved, the visibility splays shown on the Site Layout Plan (drawing number: 2470/10/B) shall be provided and permanently retained for lifetime of the development. The visibility splays shall have no obstructions over 1.05 metres above carriageway level within the splays, or 0.6 metres where a footway crosses the access.

Reason: In the interests of highway safety.

## Refuse Stores

- (19) Prior to the occupation of the dwellings hereby approved, the refuse storage facilities, as shown on the Site Layout Plan (drawing number: 2470/10/B) shall be provided and permanently retained for lifetime of the development.

Reason: In the interest of visual amenity and to facilitate efficient servicing of the development.

## Foul Drainage

- (20) No development shall commence until a strategy to deal with foul water drainage is submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

## Water Consumption

- (21) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and dwellings shall not be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

## Informative(s):

- (1) Foul Drainage

No details have been provided on foul drainage. Disposal of foul effluent to the sewer network should be the first choice for this development. The EA require full justification why a site is not proposing to connect to the foul sewer. The location of this site within a SPZ1 means certain activities, including the disposal of foul effluent to the environment, will require a permit. The granting of planning permission does not guarantee a discharge permit will be granted. If proposals include the discharge of effluent to the environment, it is recommended the applicant obtains pre-planning enquiries with the EA's permitting team to ensure a discharge permit could be granted at this location.

Any foul drainage discharges to the environment in this area may require an Environmental Permit, unless it meets the General Binding Rules for small sewage discharges:

Small sewage discharges in England: general binding rules - GOV.UK ([www.gov.uk](http://www.gov.uk))  
Discharges to surface water and groundwater: environmental permits - GOV.UK ([www.gov.uk](http://www.gov.uk))

If a permit is required, the applicant should submit sufficient information to show that a permit could be achieved for this design of foul drainage in this locality. Discharges are not normally allowed in an SPZ1 or direct to groundwater in areas of shallow water tables. Discharges to ground via any other method than a British Standard drainage field (e.g. a soakaway or borehole) will require a permit. Foul proposals may have to involve modern sealed cesspools with regular emptying of sludge and effluents.



- (2) As the development involves demolition and / or construction, I recommend that the applicant be supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected. This can be found at: <https://tunbridgewells.gov.uk/environmental-codeof-development-practice>

## **Biodiversity Net Gain**

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the “biodiversity gain condition” which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan,

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at :

<https://www.legislation.gov.uk/ukxi/2024/47/contents/made>

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan is Swale Borough Council.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. More information can be found here -

<https://www.gov.uk/guidance/irreplaceable-habitats>

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

If this permission which has been granted has the effect of requiring or permitting the development to proceed in phases, then Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

Further information on the application of BNG to both Section 73 applications and phased developments can be found here - <https://www.gov.uk/guidance/biodiversity-net-gain>.

Advice about how to prepare a Biodiversity Gain Plan and a template can be found at [Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](#)

The Biodiversity Gain Plan should be submitted as an ‘application for approval of details reserved by condition following grant of planning permission’ via the Planning Portal and separate to any discharge application for any other conditions set out above.

**The Council's approach to this application:**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The applicant/agent was advised of minor changes required to the application and these were agreed.

If your decision includes conditions that need to be discharged, please be advised that there is a separate application process to discharge them which includes a fee. For more information on this please visit [https://www.planningportal.co.uk/info/200126/applications/60/consent\\_types/12](https://www.planningportal.co.uk/info/200126/applications/60/consent_types/12) and to submit an application for approval of details (discharge conditions) please use this link <https://www.planningportal.co.uk/applications>



Emma Wiggins  
Director of Regeneration & Neighbourhoods

**Please be advised that irrespective of whether your proposal requires planning permission or not, it may still require Building Regulation Approval. For more information on this please visit our website**  
<https://www.swale.gov.uk/building-control>

**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 can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority ( [planningappeals@midkent.gov.uk](mailto:planningappeals@midkent.gov.uk) ) and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

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.