

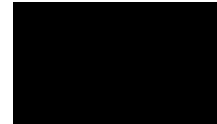


LONDON BOROUGH OF
BEXLEY

Development and Public Protection
Wyncham House
207 Longlands Road
Sidcup Kent DA15 7JH
Telephone 020 8303 7777

Head of Development Control: Mrs S M Clark

To: Tilfen Land Ltd
c/o Blue Sky Planning Ltd
Bourne House
475 Godstone Road
Caterham
Surrey
CR3 0BL



**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER
1995**

| | |
|---|--|
| GRANT OF OUTLINE PLANNING PERMISSION TO DEVELOP LAND SUBJECT TO CONDITIONS | Reference Code : 10/00063/OUTEA |
|---|--|

TAKE NOTICE that Bexley Council, the Local Planning Authority under the Town and Country Planning Acts, **HAS GRANTED OUTLINE PLANNING PERMISSION** for the development of land situated at :

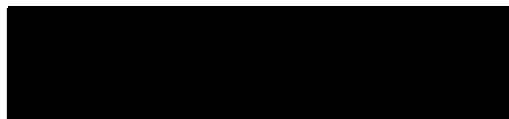
Land At The Eastern Thamesmead Industrial Estate Extension
Waldrist Way
Erith
Kent

For Outline application for the construction of B1/B8 business park in 3 phases including landscape and ecological works and details of reserved matters of design, external appearance and siting for Phase 1. (Application for an extension of the time limit for implementation on the previously approved planning reference 02/03373/OUTEA dated 25.1.2005)

Referred to in the application for Outline Planning Permission for development received on 14th January 2010,

SUBJECT TO THE CONDITIONS as attached

Date of Decision : 30th March 2012



Head of Development Control

YOUR ATTENTION IS ALSO DRAWN TO THE NOTES ATTACHED



CONDITIONS AND REASONS

- 1 Approval of the details of the landscaping of phase 1 as identified on plan A4572/105D – 'phasing', or alternative details of the siting, design external appearance of the buildings, (hereinafter called the reserved matters) of phase 1 shall be obtained from the Local Planning Authority before any development on that phase is commenced.

Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

- 2 Approval of the details of the siting, design, external appearance of the building(s), in phases 2 and 3 and the landscaping of phases 2 and 3 (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development on those phases is commenced.

Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

- 3 Application for approval of the details referred to in conditions 1 and 2 must be made not later than the expiration of ten years beginning with the date of the grant of this outline planning permission.

Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

- 4 The development to which this permission relates must be begun not later than whichever is the later of the following dates:-
- (a) The expiration of ten years from the date of the grant of this outline planning permission, or
 - (b) The expiration of three years from the final approval of the details referred to in Conditions 1 and 2 above, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

- 5 The proposed ecological mitigation works as defined in the ecological master plan in respect of each phase shall be carried out as follows:
- (a) The ecological works in phase 2 shall be completed prior to the occupation of any building within phase 2 or 3.
 - (b) The ecological works in phase 3 shall be completed prior to the occupation of any building within phase 3.

Reason: To ensure the appropriate mitigation and compensation measures identified in the Environmental Statement are provided at the appropriate time, and to ensure the development is undertaken with due regard to sensitive breeding times.

The total gross floorspace of the development hereby approved shall not exceed 63,200m². This shall be divided across the phases with a maximum floorspace in (i) phase 1 of 10,718m²; (ii) phase 2 of 21,892m²; and (iii) phase 3 of 30,590m².

Reason: To ensure the development accords with the application assessed under the Environmental information submitted in support of the application.

7 The proposed use of the development hereby approved shall be restricted as follows:

(i) Phase 1: The part of phase 1 comprising the Thames Innovation Centre (2, Veridion Way) shall only be used as an innovation centre and the remainder of phase 1 shall only be used for Class B1(a), (b) or (c) or B8 of the Town and Country Planning Use Classes Order 1987 as amended;

(ii) Phases 2 and 3: the buildings shall only be used for Class B1(a), (b) or (c), or Class B8. No more than 26, 421 sq m of the floorspace shall be occupied for uses within Class B8 of the Town and Country Planning Use Classes Order 1987 as amended.

Reason: To ensure the development accords with the application assessed under the Environmental information submitted in support of the application.

8 Any building located within 30m of the north-eastern boundary, that with Erith Marshes and land owned by Thames Water, shall be restricted to a maximum height of 10m.

Reason: To ensure the development pays appropriate regard to the open character of the Erith Marshes in the interests of the character and appearance of the locality.

9 All buildings shall be contained within the "phase building windows" identified on plan A4572/103G - Development parameters plan.

Reason: To ensure the development accords with the application assessed under the environmental information submitted in support of the application.

10 No part of the development will be used for or converted into residential accommodation.

Reason: To minimise flood risk to occupants.

11 All buildings shall include safe refuge at 4.40m AOD or above.

Reason: To ensure safe access and egress from and to the site

12 Prior to the commencement of the development a Flood Emergency Plan as referred to in the Flood Risk Assessment (January 2010) shall be submitted to and approved in writing by the Local Planning Authority. The Flood Emergency Plan shall include a recommendation that building occupiers sign up to any prevailing flood warning service provided by the Environment Agency.

Reason: To ensure safe access and egress from and to the site.

13 Development shall not begin within a phase until a surface water drainage scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for a phase shall subsequently be implemented in accordance with the approved details before the development of that phase is completed. Any scheme or details prepared and submitted pursuant to this condition shall be consistent with the mitigation measures described in the Environmental

YOUR ATTENTION IS ALSO DRAWN TO THE NOTES ATTACHED

Statement and Ecological Master Plan and will not be approved if it may have effects significantly different to those considered in the Environmental Statement.

Reason: To prevent the increased risk of flooding and to improve water quality.

- 14 Development within a phase hereby approved shall not commence until a foul drainage strategy for that phase detailing any on and/or off site drainage works for that phase have been submitted to and approved by, the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul water from a phase shall be accepted into the public system until the drainage works referred to in the relevant strategy have been completed in that phase.

Reason: The development may lead to sewerage flooding and in order to avoid adverse environmental impact upon the community.

- 15 Prior to the commencement of development within a phase hereby approved a strategy for enhancement of the ditch network within that phase including its phased implementation shall be submitted to, and approved in writing by, the Local Planning Authority. Any scheme or details prepared and submitted pursuant to this condition shall be consistent with the mitigation measures described in the Environmental Statement and Ecological Master Plan and will not be approved if it may have effects significantly different to those considered in the Environmental Statement

Reason: To conserve and enhance the ecological value and wetland character of the site.

- 16 No building in any phase shall be occupied until the detailed scheme for the enhancement of the existing ditch network within that phase as required by condition 15 has been approved and implemented to the satisfaction of the Local Planning Authority.

Reason: To conserve and enhance the ecological value and wetland character of the site.

- 17 The new ditches, wetland and ponds within a phase shall be constructed prior to the occupation of any building within that phase in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority before the development in the relevant phase commences. Any scheme or details prepared and submitted pursuant to this condition shall be consistent with the mitigation measures described in the Environmental Statement and Ecological Master Plan and will not be approved if it may have effects significantly different to those considered in the Environmental Statement

Reason: To ensure that the habitat creation enhances the conservation value of the site and provides undisturbed refuges for wildlife using this important wildlife site.

- 18 No development within a phase approved by this permission shall be commenced until a detailed scheme to protect and enhance the ecological value of that phase has been approved by the Local Planning Authority and no building within a phase shall be occupied until the approved scheme for that phase has been implemented. Any scheme or details prepared and submitted pursuant to this condition shall be consistent with the mitigation measures described in the Environmental Statement and Ecological Master Plan and will not be approved if it may have effects significantly different to those considered in the Environmental Statement

Reason: To protect and conserve the watercourses and the associated habitats.

- 19 A Buffer zone to Cross Dyke 2 being 35 metres from side to side and a buffer zone to Alders dyke being 30m from side to side shall be established in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority before the development commences. Any scheme or details prepared and submitted

YOUR ATTENTION IS ALSO DRAWN TO THE NOTES ATTACHED

pursuant to this condition shall be consistent with the mitigation measures described in the Environmental Statement and Ecological Master Plan and will not be approved if it may have effects significantly different to those considered in the Environmental Statement

Reason: To maintain the character of the watercourse and provide undisturbed refuges for wildlife using the river corridor.

- 20 There shall be no storage of materials within the buffer zones referred to in condition 19 nor within Woodland belt in the southern part of the site. These areas must be suitably marked and protected during development and there shall be no access during development within these areas. There shall be no fires, dumping or tracking of machinery within this area.

Reason: To reduce the impact of the proposed development on wildlife habitats upstream and downstream, including bankside habitats.

- 21 No development approved by this permission shall be commenced in any parts of phases 2 or 3 until a scheme for 'green' or 'brown roofs' (including a programme for planting and maintenance) for the buildings in the relevant phase, has been approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. Any scheme or details prepared and submitted pursuant to this condition shall be consistent with the mitigation measures described in the Environmental Statement and Ecological Master Plan and will not be approved if it may have effects significantly different to those considered in the Environmental Statement.

Reason: To conserve and enhance the ecological value of the site.

- 22 Prior to the commencement of development within phase 2 a water vole protection plan for the protection and/or mitigation of damage to populations of water vole within phase 2 (a protected species under the Wildlife and Countryside Act 1981, and its associated habitat) during construction works and once the development is complete shall be submitted to and approved in writing by the Local Planning Authority. The Water Vole Protection Plan shall be carried out in accordance with a timetable for implementation as approved.

The plan shall include the following elements:

- (i) Details of how water voles will be protected during construction.
- (ii) Mitigation and compensation measures for any potential impacts on water voles.

Reason: To protect water vole and habitat within and adjacent to the development site.

- 23 1) No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.

(a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

YOUR ATTENTION IS ALSO DRAWN TO THE NOTES ATTACHED

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

2) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination should be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for approval.

3) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the remediation works have been carried out in full in accordance with the approved methodology. Details of any post remediation 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 materials have been removed from the site.

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

24 The construction of the surface water drainage system or any phase thereof shall be carried out in accordance with details submitted to, and approved in writing by, the Local Planning Authority before the development phase with which it is associated commences.

Reason: To prevent pollution of the water environment.

25 Clean uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as imported fill material.

Reason: To prevent pollution of controlled waters.

26 The development hereby permitted shall provide car parking on the site and within any phase of the development at a standard of 1 space per 100m² of gross floor area (the provision of 5% disabled spaces shall be in addition to this standard) and 1 lorry space for every 250m² gross floor area, excluding the first 250m², of each unit.

Reason: In the interests of highway safety and the free-flow of traffic.

27 Prior to the commencement of development details of traffic calming measures to be provided along the main access road for the development shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed measures will be implemented for each phase prior to the first occupation of any unit in that phase.

Reason: In the interests of highway safety

28 Prior to the commencement of development in any phase details of the sightlines and pedestrian visibility splays associated with any road junctions, parking spaces, etc, shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed

YOUR ATTENTION IS ALSO DRAWN TO THE NOTES ATTACHED

sightlines and visibility splays shall be provided prior to the occupation of any unit with which they are associated and the defined clear areas maintained at all times thereafter.

Reason: In the interests of highway safety.

- 29 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 as amended, the car parking spaces in Phase 1 shall be used for or available for the parking of cars at all times.

Reason: Development without provision of adequate facilities for the parking of motor vehicles is likely to inconvenience other road users and be detrimental to amenity.

- 30 Detailed plans and drawings with respect to the matters reserved for subsequent approval for Phases 2 and 3 shall show adequate spaces to the satisfaction of the Local Planning Authority reserved for the parking of cars and these spaces shall be used for or available for such use at all times.

Reason: Development without provision of adequate facilities for the parking of motor vehicles is likely to inconvenience other road users and be detrimental to amenity.

- 31 The use of the land for car parking shall not be commenced until the site has been laid out, surfaced and drained to the satisfaction of the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

- 32 Detailed plans and drawings with respect to the matters reserved for subsequent approval shall show adequate space to the satisfaction of the Local Planning Authority reserved for the parking, loading and unloading of commercial vehicles and this space shall be used or available for such use at all times.

Reason: To ensure that parking, loading and unloading takes place on the site and off the highway.

- 33 Prior to the commencement of development within a phase details of the proposed cycle and pedestrian facilities, including the cycleway/footway through that phase, shall be agreed in writing by the Local Planning Authority. No building shall be occupied within a phase until the identified facilities associated with that phase have been provided in accordance with the agreed details.

Reason: To ensure there is adequate and satisfactory access to the site by means other than the private car.

- 34 A landscape management plan, for each phase, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas within the phase, shall be submitted to, and approved in writing by, the Local Planning Authority before the development in the relevant phase commences. The landscape management plan shall be carried out as approved. Any scheme or details prepared and submitted pursuant to this condition shall be consistent with the mitigation measures described in the Environmental Statement and Ecological Master Plan and will not be approved if it may have effects significantly different to those considered in the Environmental Statement

Reason: To protect/conservate the natural features and character of the area.

- 35 No development approved by this permission shall be commenced within a phase until a planting scheme for the land in the phase but outside the "phase building windows" identified on plan A4572/103G (Development Parameters Plan) has been approved in writing by the Local Planning Authority. The approved scheme shall be carried out in

YOUR ATTENTION IS ALSO DRAWN TO THE NOTES ATTACHED

accordance with a programme for planting and maintenance related to stages of completion of the development of the phase. Any scheme or details prepared and submitted pursuant to this condition shall be consistent with the mitigation measures described in the Environmental Statement and Ecological Master Plan and will not be approved if it may have effects significantly different to those considered in the Environmental Statement

Reason: To protect, restore or replace the natural features of importance within or adjoining the watercourse.

- 36 A strategy for servicing the whole of the site and of individual phases and/or buildings within the site shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the commencement of development. The agreed details shall be implemented prior to the first occupation of the unit or phase as appropriate with which they are associated.

Reason: In the interests of the character, appearance, accessibility, ecology and security of the site.

- 37 Audible reversing alarms shall not be operated on vehicles manoeuvring outside of any of the building envelopes between the hours of 23.00 hours and 06.00 hours the following morning.

Reason: In the interests of the amenities of occupiers of nearby properties

- 38 The rating level of the noise emitted from the site shall not exceed the existing background noise level by more than 5dB at any time at nearby residential premises. The measurement and assessment shall be made according to BS4142:1997. The measurement and assessment periods used shall be in accordance with the periods adopted in that standard.

Reason: In the interests of the amenities of occupiers of nearby properties.

- 39 The level of noise emitted from the site shall not exceed 52dB LAeq (1 hour) when measured 1 metre from the boundary of the Bexley Business Academy.

Reason: In the interests of the amenity of the occupants of the Academy.

- 40 External loudspeakers shall not be used on any part of the site without the prior written approval of the Local Planning Authority. This condition shall not apply to the use of any alarm serving the premises either for cases of emergency or for the purposes of routine testing of such alarms.

Reason: In the interests of the occupiers of nearby properties

- 41 Before development of any building is commenced a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for the external walls and roofs of the proposed building(s) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity.

- 42 Details of any external lighting (including design, appearance, lighting contour plan, etc) shall be submitted to, and approved in writing by, the Local Planning Authority before it is installed. No external lighting other than any approved scheme(s) shall be implemented.

YOUR ATTENTION IS ALSO DRAWN TO THE NOTES ATTACHED

Reason: In the interests of the character, appearance, amenity, ecology of the area.

- 43 Development of each building approved by this permission shall not be commenced unless the method of piling foundations has been submitted to, and approved in writing by, the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

Reason: The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

- 44 No development shall take place within a phase until the applicant has implemented a programme of archaeological work within that phase in accordance with a written scheme of investigation for that phase, including buried deposit modelling, which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate archaeological records can be made in respect of the site and in the interest of the heritage of the area.

- 45 Development within a phase shall not be commenced until
- a) full details of the water supply infrastructure requirements for that phase, including anticipated flow rates, and detailed site plans have been submitted to, and approved in writing by, the Local Planning Authority (in consultation with Thames Water).
 - b) Where this development forms part of a larger development, arrangements have been made to the satisfaction of the Local Planning Authority (in consultation with Thames Water) for the provision of adequate water supplies for the whole of the development.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

- 46 Notwithstanding the information previously submitted prior to the commencement of development a construction methodology to cover the following points shall be submitted to and agreed in writing by the Local Planning Authority.
- a) Proposed demolition and construction methods and techniques (including vehicle movements to and from the site).
 - b) Proposed days/hours of work;
 - c) Proposed means of minimising noise and vibration (including any piling), and compliance with BS5228;
 - d) Proposed means of minimising dust emissions etc;
 - e) Proposed construction site lighting;
 - f) Operatives parking area(s), site storage and any site building(s)

The agreed construction methodology shall be implemented during the implementation of the development works hereby approved.

Reason: To protect residential amenity, highway safety, and nature conservation during the demolition and construction stages of the development.

- 47 With each building related reserved matters planning application the developer will submit an energy assessment based on the proposed buildings regulated emissions and undertaken in compliance with part L2A of the Building Regulations 2006 to demonstrate that the Buildings Emission Rate (BER) for the proposed building is less than the Target Emission Rate (TER) for the proposed building by at least the percentage CO2 reduction figure applicable to the proposed building from the table below or such other percentage CO2 reduction figure as may be proposed by the developer and agreed in writing by the local planning authority. At least one tenth of the applicable percentage CO2 reduction shall be achieved by the inclusion of low and zero carbon technologies in the proposed

YOUR ATTENTION IS ALSO DRAWN TO THE NOTES ATTACHED

building. The developer will incorporate within the design, construction and fit out of the proposed building all those energy efficiency measures and low and zero carbon technologies adopted in the energy assessment.

| Building Type size (Gross External Area) | Percentage CO2 Reduction |
|---|--------------------------|
| B1 Offices 10,000 to 25,000 sqft (929 to 2,323 m2) 25,000 to 60,000 sqft (2,323 to 5,574 m2) | 49% 50% |
| B1/B8 Industrial Warehouse Sheds 5,000 sqft - 10,000 sqft (465 to 929 m2) 10,000 sqft - 25,000 sqft (929 to 2,323 m2) 25,000 sqft - 60,000sqft (2,323 to 5,574 m2) | 48% 47% 60% |

Where a proposed building type and size is not covered by the framework table the developer will submit to the Local Planning Authority with the relevant reserved matters planning application a building specific energy strategy for the Local Planning Authority's approval which follows the principles contained in the Energy Strategy for Veridion Park Phases 2 and 3 East Thamesmead dated July 2011.

Reason: To ensure the proposed development is sustainable and meets appropriate Carbon reduction levels.

INFORMATIVES :-

1 Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

2 Water Response

Thames Water recommend the following informative be attached to any planning permission: There are large water mains adjacent to and within the proposed development area at Yarnton Way. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes

3 This decision to grant planning permission has been taken:-

i) having regard to the policies and proposals in the Core Strategy (2012) and to Unitary Development Plan (2004) set out below:-

Policy CS01- Achieving sustainable development

Policy CS03 - Belvedere Geographic Region

Policy CS08 - Adapting to and mitigating the effects of climate change, including flood risk management

Policy CS12 - Bexley's future economic contribution

Policy CS13 - Access to jobs

Policy CS16 - Reducing the need to travel and the impact of travel

Policy CS17 - Green infrastructure

Policy CS18 - Biodiversity and geology

Policy CS19 - Heritage and archaeology

Policy ENV39 - Built environment - criteria for development, including strategic views

Policy E1 - Criteria for proposed industrial and commercial development

YOUR ATTENTION IS ALSO DRAWN TO THE NOTES ATTACHED

Policy E3 - Primary Employment Areas
Policy T14 - Cycle networks, routes and cycle parking facilities
Policy TAL10 - Public rights of way - diversions
Policy TS1 - Business development areas (Site A on Proposals Map)

and to the Policies in the London Plan (2011)
Policy 1.1 - Delivering the strategic vision and objectives for London
Policy 2.17 - Strategic Industrial locations
Policy 5.2 - Minimising Carbon Dioxide Emissions
Policy 5.3 - Sustainable design and Construction
Policy 5.7 - Renewable Energy
Policy 5.9 - Overheating and Cooling
Policy 5.11- Green roofs and development site environs
Policy 5.12 - Flood Risk Management
Policy 5.13 - Sustainable Drainage
Policy 6.3 - Assessing effects of development on transport capacity
Policy 6.9 - Cycling
Policy 6.10 - Walking
Policy 6.13 - Parking
Policy 6.14 - Freight

and

ii) For the following reasons:- There have been no significant or substantive changes in circumstance that have arisen in terms of policy or other material considerations since the original decision in respect of this development was taken. The impacts on the main issues originally considered have been reviewed and it has been concluded that there are no significant changes in policy or material considerations that would suggest a different decision should be taken.

The conditions and section 106 obligations have been reviewed in the light of the development and works undertaken and updated where necessary.

4 References to phase 1, phase 2 and phase 3 in the above planning conditions shall mean phase 1, phase 2 and phase 3 as identified on plan A4572/105D- 'phasing' or such other plan as may be approved in writing by the Local Planning Authority from time to time.

YOUR ATTENTION IS ALSO DRAWN TO THE NOTES ATTACHED

IMPORTANT NOTES AND STATEMENT OF YOUR RIGHTS

Planning Related Permissions

The attached decision does not, in any way, obviate the necessity of complying with any other enactment, byelaw, or other provision whatsoever, or of obtaining from the appropriate authority, any permission, consent, approval or authorisation which may be required.

Planning permission does not over-ride any restrictive covenants, or legal rights and interests, which other people (including this Council) may have over the land or property.

When planning permission is given it is normally subject to certain conditions. Failure to comply with such conditions can result in a Breach of Condition Notice (Section 187A, Town and Country Planning Act 1990) being served by the Council, against which there is no right of appeal.

Alterations to Approved Plans

If for any reason you need to change the approved plans you should consult the Planning Department to see if any further permission is necessary. You are advised that amendments are not normally acceptable without the fresh submission of another application except for very minor changes.

Building Control

Please note that an application for approval under Planning Control is separate from that required under the Building Act and Regulations. If you want to erect a new building, extend or alter, put an existing building to a different use, or alter a controlled service or fitting, you will probably require approval under the Building Act. Additionally, any work associated with your proposal which involves alteration to the above, or below ground drainage system will probably also need to be included in the application to the Building Control Division.

Most new building works have to be checked to make sure that the buildings will be safe and habitable - that is structurally sound with adequate drainage, ventilation and protection against damp, cold, fire and noise. Access facilities for disabled people and energy conservation are also important considerations. These are safeguards for the protection of the health and safety of the general public now and in the future.

Provision for Disabled Persons

Where certain planning permissions are granted applicants are particularly reminded of additional responsibilities placed upon them, with regard to provisions for the benefit of the disabled, by virtue of the Chronically Sick and Disabled Persons Act 1970 together with the "British Standard Code of Practice for Access of the Disabled to Buildings".

Where the proposal relates to:-

- (i) a building or premises to which the public are to be admitted (whether on payment or otherwise), then attention is drawn to sections 4 and 7 of that Act.
- (ii) offices, shops, factories or railway related premises, then attention is drawn to sections 7 and 8A of that Act.
- (iii) educational establishments including higher and further education, then attention is drawn to sections 7 and 8 of that Act and to Design Note 18 "Access for Disabled People to Educational Buildings" (Published on behalf of the Secretary of State in 1984).

DEVELOPMENT CONTROL AND BUILDING CONTROL
LONDON BOROUGH OF BEXLEY
WYNCHAM HOUSE
207 LONGLANDS ROAD
SIDCUP, KENT, DA15 7JH

Appeal Procedures:

1. Planning Permission Refusals on Domestic Dwellings

Any applicant who is aggrieved by a refusal of permission relating to a proposal on a domestic dwelling may appeal to the Secretary of State for the Communities and Local Government WITHIN TWELVE WEEKS of the date of the decision notice. The Householder Appeal Service came into operation on the 6th April 2009

2. Other types of Planning Permission and Listed Building and Conservation Area Consents

Any applicant who is aggrieved by a refusal of a consent or permission, or the imposition of conditions may appeal to the Secretary of State for the Communities and Local Government WITHIN SIX MONTHS of the date of the decision notice.

The legal provisions are set out in Section 78 of the Town and Country Planning Act, 1990 (as amended by Section 17 of the Planning and Compensation Act 1991). There are provisions for serving a purchase notice on the Council if, following a decision, the land or building becomes what is legally termed "incapable of reasonably beneficial use" in its existing state. These provisions are set out in Part V1 of the Town and Country Planning Act, 1990 but are complicated and you would be advised to seek professional advice.

3. Advertisement Applications

All advertisements are subject to the standard conditions which are shown on the decision. You may appeal WITHIN EIGHT WEEKS of the date of the decision notice, to the Secretary of State, Department of the Communities and Local Government, in accordance with Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007.

Appeals for 1, 2 and 3 above must be made on forms available from:-

The Planning Inspectorate
Customer Support Team
Room 3/05 Kite Wing, Temple Quay House,
2 The Square, Temple Quay, Bristol, BS1 6PN
Telephone 0117 372 6372
Email: enquiries@pins.gsi.gov.uk
WEBSITE <http://www.planningportal.gov.uk/planning/appeals>

4. Trees

The applicant's rights of appeal against the decision of the Council in respect of works to trees covered by a Tree Preservation Order, are set out in the Town and Country Planning (Trees) (Amendment) (England) Regulations, 2008. An appeal must be lodged with the Planning Inspectorate WITHIN 28 DAYS of receipt of this notice.

Appeal forms for 4 above only, are available from:-

Environment Team, The Planning Inspectorate
Room 4/04 Kite Wing, Temple Quay House
2 The Square, Temple Quay, Bristol BS1 6PN
Telephone 0117 372 8192
Or they can be found on the Planning Portal website at:
<http://www.planningportal.gov.uk/planning/appeals/otherappealscasework/treepreservation>

Please Note

In all cases the Secretary of State for the Communities and Local Government has power to allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State for the Communities and Local Government is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could have been so granted otherwise than subject to the statutory requirements to the provisions of the development order and to any directions given under the order.