



Trustee John Burbage
Benenden Almshouse Charities
Scullsgate Cottage
Hinksden Road
Benenden
Cranbrook
Kent, TN17 4LD

23 March 2021

PLANNING DECISION NOTICE

APPLICANT:	Trustee John Burbage
DEVELOPMENT TYPE:	Major Dwellings
APPLICATION REFERENCE:	19/00822/HYBRID
PROPOSAL:	Hybrid Application - Outline (Access not reserved) - (Development comprising of the erection of 13 dwellings); Full - (Erection of 12 Almshouses together with accesses, parking, landscaping and drainage)
ADDRESS:	Land Adjacent Rothermere Close, Walkhurst Road, Benenden, Cranbrook, Kent

The Council hereby **GRANTS** permission/consent for the proposal referred to above subject to the following Conditions:

'Initial Enabling Works' means: Initial infrastructure enabling and site set up works required for the development which includes:

- ecological survey or associated work;
- site establishment and temporary welfare facilities and temporary site accommodation;
- installation of construction plant;
- utilities diversions and reinforcements insofar as necessary to enable the construction of the development to commence;
- temporary drainage, power and water supply for construction;
- archaeological investigations; and
- contamination investigations
- and excludes 'Above Ground Development' and 'The New Access'

'Above Ground Development' means development within the Detailed Application area on drawing number 23240C/03B that would take place after Initial Enabling Works, construction of The New Access and construction of the dwellings up to damp course level.

'The New Access' means the New Bell-mouth entrance within the existing highway verge to be constructed under a Section 278 Highways Act Agreement

- (1) The development hereby permitted (identified as the Detailed Application area on drawing number 23240C/03B) shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act

- (2) Details of the appearance, landscaping, layout and scale (the 'reserved matters') of development relating to the area of the site that is the subject of the outline permission (identified as the Outline Application area on drawing number 23240C/03B) shall be submitted to and approved in writing by the Local Planning Authority before any development on that phase begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the Local Planning Authority no later than the expiration of three years beginning with the date of the grant of this outline permission; and the development to which this permission relates shall be begun no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To meet the requirements of Section 92 of the Town and Country Planning Act 1990 and the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

- (3) The development hereby permitted shall be carried out in accordance with the following approved plans (insofar as this relates to the Detailed Application area as identified on drawing number 23240C/03B):

23240A/01A Site Location Plan
23240C/03B Outline Application Plan
23240C/10B Proposed Site Plan
23240C/11B Proposed Coloured Site Plan
23240C/12A Proposed Site Plan Mix Plan
23240C/13A Proposed Site Plan Parking Plan
23240C/14A Proposed Site Plan Refuse Collection Plan
23240C/15A Proposed Site Plan Fire Prevention and Rescue Strategy
23240C/20A Proposed Almshouses Units 1-4
23240C/21A Proposed Almshouses Units 5-8
23240C/22 Proposed Almshouses Units 9-12
23240C/23 Proposed Bin Stores
23240C/24 Proposed Almshouses Units 5-8- Part M4(3) 1 Bed Accessible Flat
23240C/30 Proposed Site Sections (1/2)
23240C/31A Proposed Site Sections (2/2)
23240C / 100 S106 plan
EMC-2018-118-04 Rev 03 (Highway Aspects Plan within Transport Statement - Tridax, March 2019)
Attenuation Pond Section EMC-2018-118-07
Arboricultural Report March 2019 - tree protection details

Reason: To clarify which plans are approved.

- (4) The outline planning permission (identified as the Outline Application area on drawing number 23240C/03B) shall be carried out in accordance with the following approved plans:

23240A/01A (insofar as it relates to access only)
23240C/03B (insofar as it relates to access only)
23240C/10B (insofar as it relates to access only)
23240C/11B (insofar as it relates to access only)
EMC-2018-118-04 Rev 03 (Highway Aspects Plan within Transport Statement - Tridax, March 2019) (insofar as it relates to access only)

Reason: To clarify which plans have been approved

- (5) Within the area of the site that is the subject of the outline planning permission (identified as the Outline Application area on drawing number 23240C/03B) the development shall provide a maximum of 13 dwellings.

Reason: To ensure the development is delivered in accordance with details hereby approved.

- (6) Within the area of the site that is the subject of the outline permission (identified as the Outline Application area on drawing number 23240C/03B) no dwelling shall be greater than two storeys with a ridge height of no more than 10m.

Reason: In the interests of protecting the visual amenities and character of the site and locality.

- (7) The existing agricultural buildings on the site that are identified by Existing Drawing 23240C/05 shall be retained.

Within the area of the site that is the subject of the outline planning permission (identified as the Outline Application area on drawing number 23240C/03B) prior to above ground construction a scheme for their refurbishment and retention as ancillary or incidental residential outbuildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the buildings thereafter retained.

Reason: To ensure the retention and re-use of historic buildings on the site

(8) No works or development shall take place until a site specific Construction/Demolition Environmental Management Plan has been submitted to and been approved in writing by the local authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:

- All works and ancillary operations which are audible at the site boundary or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 07:30 hours and 18:00 hours on Mondays to Fridays, 08:30 and 13:00 hours on Saturdays and at no time on Sundays and Bank Holidays. Unless in association with an emergency or with the prior written approval of the Local Planning Authority.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5228, Noise and Vibration Control on Construction and Open Sites shall be used to estimate LAeq levels and minimise noise disturbance from construction works.
- Measures to minimise the production of dust on the site(s).
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s).
- Design and provision of site hoardings.
- Management of traffic visiting the site(s) including temporary parking or holding areas.
- Provision of off road parking for all site operatives.
- Measures to prevent the transfer of mud and extraneous material onto the public highway.
- Measures to manage the production of waste and to maximise the re-use of materials.
- Measures to minimise the potential for pollution of groundwater and surface water.
- The location and design of site office(s) and storage compounds.
- The location of temporary vehicle access points to the site(s) during the construction works.
- The arrangements for public consultation and liaison during the construction works.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

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

Reason: In the interests of the amenities of surrounding occupiers and highway safety. This is a pre-commencement condition as the necessary measures will need to be provided from the start of the construction phase.

- (9) Prior to the commencement of any Above Ground Development hereby approved with regards to the detailed part of the scheme (identified as the Detailed Application area on drawing number 23240C/03B) a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of residential amenity

- (10) Prior to the commencement of any Above Ground Development hereby approved with regards to the outline part of the scheme (identified as the Outline Application area on drawing number 23240C/03B) a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

- (11) Prior to the commencement of any development on site (excluding Initial Enabling Works);
- The New Access hereby approved shall be constructed and brought in to use, and;
 - The visibility splays shown on approved drawing EMC-2018-118-04 Rev 03 (within which there shall be no obstruction in excess of 0.9m in height above the carriageway edge) shall be provided at The New Access.

The splays shall be so maintained at all times thereafter.

Reason: In the interests of highway safety. This is a pre-commencement condition as the visibility splays will need to be provided from the start of the construction phase.

- (12) Notwithstanding the approved plans and submitted details, prior to commencement of development on site (excluding Initial Enabling Works), details of all off-site highway works shall be submitted to and approved in writing by the Local Planning Authority. The works shall include provision of a footway with dropped kerbs to link from the site to the west to tie in with the existing footway on the north side of Walkhurst Road into the village centre (as shown on submitted plan EMC -2018-118-05 Rev 01 for indicative purposes only).

This may involve linking only to the first extension of the existing footway which may be provided under application 16/504891/FULL, providing that first extension has already been delivered to the satisfaction of the highway authority.

The agreed works shall be implemented in accordance with highway authority standards and specification prior to first occupation.

Reason: In the interests of highway and pedestrian safety. This is a pre-commencement condition as the proposed works will need to be agreed with the highway authority before work starts to ensure they can be delivered as part of the proposal.

- (13) Notwithstanding the approved plans and submitted details, the area shown on the approved site layout plan that is the subject of the detailed planning permission (identified as the Detailed Application area on drawing number 23240C/03B) as vehicle parking space and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the first occupation of any part of the development.

They shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking and turning space.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users.

- (14) Notwithstanding the approved plans and submitted details, within the area of the site that is the subject of the outline planning permission (identified as the Outline Application area on drawing number 23240C/03B), the submission of reserved matters for that phase of the development shall include details of facilities for the garaging (where appropriate), parking and turning relating to the dwellings to be constructed within that phase.

Such facilities shall be provided in accordance with the approved details before the buildings they serve are occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 as amended, shall be carried out on that area of land so shown or in such a position as to preclude the use of these facilities for their intended purpose.

Reason: To ensure the provision and retention of adequate off-street parking, turning and servicing facilities for vehicles in the interests of highway safety. Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users.

- (15) Prior to the commencement of any Above Ground Development hereby approved with regards to the detailed planning permission (identified as the Detailed Application area on drawing number 23240C/03B) details of the provision of electric vehicle-charging points, including a timescale for their provision and a plan identifying the units/parking spaces which shall be allocated the charging points shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: In the interests of promoting emission-free car use and to achieve sustainable development.

- (16) Notwithstanding the approved plans and submitted details, within the area of the site subject to the outline planning permission (identified as the Outline Application area on drawing number 23240C/03B), the submission of reserved matters for that phase of the development shall include details of the provision of electric vehicle-charging points, along with a timescale for their provision and a plan identifying the units/parking spaces which shall be allocated the charging points.

Such facilities shall be provided in accordance with the approved details before the buildings they serve are occupied and retained thereafter.

Reason: In the interests of promoting emission-free car use and to achieve sustainable development.

- (17) Notwithstanding the approved plans and submitted details, prior to the commencement of any Above Ground Development hereby approved with regards to the detailed planning permission (identified as the Detailed Application area on drawing number 23240C/03B) written and illustrative details for renewable energy technologies/energy conservation measures to be used on that phase shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development which meets the needs of current and future generations.

- (18) Notwithstanding the approved plans and submitted details, within the area of the site that is the subject of the outline permission (identified as the Outline Application area on drawing number 23240C/03B), the submission of reserved matters for that phase of the development shall include written and illustrative details for renewable energy technologies/energy conservation measures to be used on that phase. shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. Such facilities shall be provided in accordance with the approved details before the buildings they serve are occupied and retained thereafter.

Reason: To ensure a satisfactory standard of development which meets the needs of current and future generations.

- (19) Prior to the commencement of any works hereby approved in relation to the areas below with regards to the detailed planning permission (identified as the Detailed Application area on drawing number 23240C/03B) detailed plans and information regarding the following aspects of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details:
- a) Details relating to windows, window glazing and joinery and dormer windows;
 - b) Written details including source/ manufacturer, and photographic samples of bricks, tiles, cladding materials and all other materials to be used externally
 - c) The layout, position and widths of all proposed roads, footpaths, and parking areas (including the method of delineation between the road and the footpath) and the means of connecting to the existing highway, the materials to be used for final surfacing of the roads, footpaths and parking forecourts, and any street furniture, including seating;
 - d) The positions, design, materials and type of boundary treatment;
 - e) The storage and screening of refuse and recycling areas;
 - f) Details of cycle storage;
 - g) The alignment, height and materials to be used in the construction of all walls, fences or other means of enclosure, including parking forecourt gates;
 - h) Details of highway design, including kerbs, dropped kerbs, gulleys, utility trenches, bollards, signs and lighting columns (if applicable);
 - i) Details showing how dedicated and continuous footway routes will be demarked; The submitted details shall also demonstrably take in to account the comments on the application of Kent Police dated 24/04/19.

Reason: To ensure the build quality of the development. This is a pre-commencement condition as some of the matters relate to operations undertaken at an early stage of the construction phase.

- (20) Within the area of the site that is the subject of the outline planning permission (identified as the Outline Application area on drawing number 23240C/03B) the submission of reserved matters for that phase of the development shall include detailed plans and information regarding the following aspects of the proposed development:
- a) Details relating to windows, window glazing and joinery and dormer windows;
 - b) Written details including source/ manufacturer, and photographic samples of bricks, tiles, cladding materials and all other materials to be used externally
 - c) The layout, position and widths of all proposed roads, footpaths, and parking areas (including the method of delineation between the road and the footpath) and the means of connecting to the existing highway, the materials to be used for final surfacing of the roads, footpaths and parking forecourts, and any street furniture, including seating;
 - d) The positions, design, materials and type of boundary treatment;
 - e) The storage and screening of refuse and recycling areas;
 - f) Details of cycle storage;
 - g) The alignment, height and materials to be used in the construction of all walls, fences or other means of enclosure, including parking forecourt gates;
 - h) Details of highway design, including kerbs, dropped kerbs, gulleys, utility trenches, bollards, signs and lighting columns (if applicable);
 - i) Details showing how dedicated and continuous footway routes will be demarked;

The submitted details shall also demonstrably take in to account the comments on the application of Kent Police dated 24/04/19.

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

Reason: To ensure the build quality of the development.

- (21) Notwithstanding the approved plans and submitted details, within the area of the site that is the subject of the outline planning permission (identified as the Outline Application area on drawing number 23240C/03B), the submission of reserved matters for that phase of the development shall include details of existing and proposed levels. The development shall be constructed in accordance with the approved levels and shall not be varied without details being first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the build quality of the development

- (22) Prior to the commencement of development (excluding Initial Enabling Works) hereby approved within the area of the site subject to the detailed planning permission (identified as the Detailed Application area on drawing number 23240C/03B) details of existing and proposed levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved levels and shall not be varied without details being first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the build quality of the development. This is a pre-commencement condition as the site levels will need to be determined prior to the commencement of the development phase.

- (23) Prior to the commencement of any development hereby approved subject to the detailed planning permission (identified as the Detailed Application area on drawing number 23240C/03B) a method statement detailing hard surfaces within the root protection areas of trees in accordance with the principles set out in the current edition of BS 5837 and other current best practice guidance shall be submitted to and approved in writing by the local planning authority.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development. This is a pre-commencement condition as the measures will be required to be in place from the commencement of the development phase.

- (24) Notwithstanding the approved plans and submitted details, within the area of the site subject to the outline planning permission (identified as the Outline Application area on drawing number 23240C/03B), the submission of reserved matters for that phase of the development shall include details a method statement detailing hard surfaces within the root protection areas of trees in accordance with the principles set out in the current edition of BS 5837 and other current best practice guidance shall be submitted to and approved in writing by the local planning authority.

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

- (25) The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

- All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with the approved Tree Protection Plan and Arboricultural Method Statement. Such tree protection measures shall remain throughout the period of construction;
- No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
- No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation 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.
- No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality

- (26) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written permission or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of protecting the visual amenities and character of the site and locality.

- (27) Notwithstanding the submitted details, a Landscape and Ecological Management Plan (LEMP) following the principles set out in British Standard 42020:2013 Biodiversity — Code of Practice for planning and development shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of above ground construction of the development.

The LEMP shall apply to all areas as identified within Figure 5 (Landscape Components) on page 14 of the submitted document 'Landscape & Ecological Management Plan' (Iceni Ecology Ltd. and Louise Hooper Landscape Architect, April 2020).

The content of the LEMP shall accordance with Council guidance and include the following:

- a) Description and evaluation of the landscape and ecological features to be managed and note any features or areas covered by other management agreements or prescriptions e.g. play areas or drainage schemes.
- b) Ecological trends and constraints on site and wider environmental issues that might influence management and in particular consider the likely effects of climate change.
- c) Landscape and ecological aims and objectives of the management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions for each identified habitat and feature covered.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period) with recommendations for periodic review.
- g) Details of the body or organization responsible for implementation of the plan and the resources both financial and personnel by which the LEMP will be implemented. This shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured post development with the management body(ies) responsible for its delivery.
- h) Ongoing monitoring and remedial measures including regular review by accredited professionals including setting out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning landscape and biodiversity objectives of the originally approved scheme.

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

Reason: To ensure the development delivers ecological net gain in accordance with the requirements of the National Planning Policy Framework, to ensure the development meets the statutory requirement to conserve and enhance the High Weald Area of Outstanding Natural Beauty and to assimilate the development in to the wider landscape.

- (28) Notwithstanding the submitted plans and documents, prior to development commencing (excluding Initial Enabling Works), a scheme for the mitigation and enhancement of ecology and biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall take account any protected species that have been identified on the site, and shall demonstrate how the scheme will achieve biodiversity net gain as required by the National Planning Policy Framework.

It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance existing species and habitat on the site in the future. This is a pre-commencement condition as the measures will be required to be in place from the commencement of the development phase.

- (29) Prior to the first occupation of the development hereby approved with regards to the detailed planning permission (identified as the Detailed Application area on drawing number 23240C/03B) details of hard and soft landscaping and a programme for carrying out the works shall be submitted to the Local Planning Authority for approval.

The submitted scheme shall include details of hard landscape works, including hard surfacing materials; street furniture and details of soft landscape works, including planting plans, written specifications (including cultivation and other operations associated with the plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: In order to protect and enhance the amenity of the area.

- (30) Notwithstanding the approved plans and submitted details, within the area of the site subject to the outline planning permission (identified as the Outline Application area on drawing number 23240C/03B), the submission of reserved matters for that phase of the development shall include of hard and soft landscaping and a programme for carrying out the works.

The submitted scheme shall include details of hard landscape works, including hard surfacing materials; street furniture and details of soft landscape works, including planting plans, written specifications (including cultivation and other operations associated with the plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: In order to protect and enhance the amenity of the area.

- (31) The landscaping scheme approved for each phase of development on any part of the site shall be carried out fully within 12 months of the completion of the development on that phase. Any trees or other plants which, within a period of ten years from the completion of the development on that phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to protect and enhance the amenity of the area.

- (32) 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- (33) Notwithstanding the submitted drawings and all supporting documentation, prior to the installation of any external lighting (where applicable) full details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a lighting layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The submitted lighting scheme shall be informed by an ecologist to limit the impact upon protected species from artificial light sources. The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and wildlife/local residents from light pollution

- (34) Notwithstanding the approved plans, development shall not begin (excluding Initial Enabling Works) until a detailed sustainable surface water drainage scheme for that phase has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Drainage Impact and Flood Risk Assessment dated March 2019 undertaken by Tridax Associates and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change climate change adjusted critical 100 year storm) can be accommodated and disposed of without increasing flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development (or within an agreed implementation schedule).

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. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- (35) No building hereby permitted in either phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- (36) Foul water drainage shall be directed to the main sewer (as described in S3.0 of the submitted Drainage Impact and Flood Risk Assessment dated March 2019 undertaken by Tridax Associates) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid pollution of the surrounding area.

- (37) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification 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. This is a pre-commencement condition as the measures will be required to be in place from the commencement of the development phase.

- (38) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Classes A, B, C, D, E or F of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order) without prior permission from the Local Planning Authority.

Reason: In the interests of protecting amenity and the character of the countryside and AONB.

Informatives:

- (1) As the development involves demolition and / or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.
- (2) 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. Please read Southern Water's New Connections Services Charging Arrangements documents which is available to read on their website via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>

- (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>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

The applicant is advised that they will need to enter into an agreement with the highway authority under S278 of the Highways Act 1980 for works to the access. As the development is to remain private the developer should also Serve Notice under S.31 of the Highways Act 1980 declaring that the streets are to be privately maintainable in perpetuity.

- (4) Planning permission does not convey any approval for works within the highway or verge for which the applicant will be required to enter into a S.278 Agreement under The Highways Act 1980. Please contact Kent County Council - Highways and Transportation - Agreements Team 03000 41 41 41. The Agreement Engineer for the area can be reached at James.pronger@kent.gov.uk
- (5) This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affect the way in which the property may be used.
- (6) Kent County Council (KCC) recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. KCC understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk

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 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 advised of minor changes required to the application and these were agreed.
- The applicant/agent was provided formal pre-application advice.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

A handwritten signature in black ink, appearing to read 'S. Baughen', with a stylized flourish at the end.

Stephen Baughen
Head of Planning
Tunbridge Wells Borough Council

IMPORTANT: YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

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

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 the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 or Control of Advertisements Regulations 1989.

Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant for the following:

- If this is a decision to refuse planning permission for a Householder application or a Minor Commercial application and you want to appeal the 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 decision, or any of the conditions imposed, within 6 months of the date of this notice.

For applications relating to Enforcement Notices:

- 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 decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is subsequently served and relates to the same or substantially the same land and development and if you want to appeal against the 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.

Appeals must be made using a form which you can get from The Planning Inspectorate, Room 3/13, 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 advertisement consent 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.