



Woldingham Homes
C/O Mr William Hall
Broadlands Planning Ltd
21 Grecian Road
Tunbridge Wells
Kent, TN1 1TG

11 October 2019

PLANNING DECISION NOTICE

APPLICANT:	Woldingham Homes
DEVELOPMENT TYPE:	Major Dwellings
APPLICATION REFERENCE:	18/01876/FULL
PROPOSAL:	Residential redevelopment to accommodate 13 homes, in 3 blocks comprising 2 no. 2 bed houses, 4 no. 3 bed houses, 3 no. 2 bed maisonettes, 2 no. 3 bed maisonettes, 1 no. 2 bed flat, 1 no. 3 bed flat, with parking and retained access to Silverdale Road
ADDRESS:	123 Silverdale Road, Royal Tunbridge Wells, Kent, TN4 9HX

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

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

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

(2) The development hereby permitted shall be carried out in accordance with the following approved plans:

- 3615-LLB-ZZ-XX-DR-L-004 Rev P02 – Tree Protection Plan
- 3615-LLB-ZZ-XX-DR-L-0003 Rev P03 – Tree Survey Drawing

- A788 - PL - 101 Rev D – Proposed Site Plan;
- A788 - PL - 102 Rev D – Proposed Site Plan/Ground Floor Plan;
- A788 - PL - 110 Rev E – Proposed Ground Floor Block A;
- A788 - PL - 111 Rev F – Proposed First Floor Plan Block A;
- A788 - PL - 112 Rev E – Proposed Second Floor Plan Block A;
- A788 - PL - 113 Rev D – Proposed Site Plan;
- A788 - PL - 114 Rev C – Proposed Ground and First Floor Plans Rev C Block B;
- A788 - PL - 115 Rev C – Proposed Second Floor and Roof Plans Block B;
- A788 - PL - 116 Rev A – Proposed Floor Plans Block C;
- A788 - PL - 117 Rev A – Proposed Site Plan and Revised Parking Layout;
- A788 - PL - 118 Rev B – Proposed Vehicle Crossover;
- A788 - PL - 119 Rev B – Proposed Vehicle Crossover;
- A788 - PL - 130 Rev D – Proposed South Elevation Block A;
- A788 - PL - 131 Rev C – Proposed North Elevation Block A;
- A788 - PL - 132 Rev D – Proposed East and West Elevations Block A;
- A788 - PL - 133 Rev B – Proposed Elevations Block B;
- A788 - PL - 134 Rev B – Proposed Elevations Block C;
- A788 - PL - 125 Rev D – Proposed Silverdale Road Elevations;
- A788 - PL - 103 A – Constraints Plan with 11.4m Refuse Vehicle Tracking;
- A788 - PL - 0118 Rev B – Proposed Vehicle Crossover;
- A788 - PL - 0119 Rev B – Proposed Vehicle Crossover.

Reason: For the avoidance of doubt and in accordance with the requirements of the Town and Country Planning (General Permitted Development Procedure) (Amendment No.3) (England) Order 2009.

- (3) Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the 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);
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(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 and delivery vehicles to and from the site;
- Measures (including wheel wash) 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;
- Routing of construction and delivery vehicles;
- Timing of deliveries;
- Temporary traffic management/signage.

Reason: To protect the amenity of local residents and in the interests of highway safety. This is pre-commencement to ensure that the site set up is secured at an early stage to ensure highway safety and the amenity of local residents.

- (4) Notwithstanding the details submitted, prior to the commencement of above ground construction works, written details including source/ manufacturer, and samples of bricks, tiles, cladding and all roofing materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

- (5) Prior to commencement of above ground construction works, 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 and the development shall be carried out in accordance with the approved details:
- Details (including section drawings) relating to materials to be used in the construction of all walls, fences or other means of enclosure;
 - Details for the storage and screening of refuse;
 - Details of cycle storage and;
 - Details of external lighting.

Reason: To ensure the built quality of the development.

- (6) Prior to commencement of development, details of the existing and proposed ground levels, and finished slab levels for the dwellings, shown in relation to neighbouring buildings, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity. This is a pre-commencement condition to ensure a satisfactory appearance to the development is secured at an early stage of development.

- (7) No development shall begin until detailed arrangements for the diversion of the existing surface water culvert have been submitted to and approved in writing by the local planning authority. The details shall demonstrate no loss of hydraulic capacity within the surface water culvert and also include the arrangements for any temporary works during construction. The culvert works shall then be implemented in accordance with the approved details.

Reason: 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.

- (8) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk, Foul and Surface Water Drainage Assessment (November 2018) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. 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.

- (9) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework (July 2018).

(10) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- All previous uses;
- Potential contaminants associated with those uses;
- A conceptual model of the site indicating sources, pathways and receptors;
- Potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: These details are required prior to the commencement of development 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.

(11) Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

- (12) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

- (13) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or other foundation designs using penetrative methods can mobilise contaminants within the made ground, which could migrate to pollute the Secondary aquifer A beneath the site.

- (14) The area shown on drawing number A788 - PL - 117 Rev A Proposed Site plan and Revised parking Layout as vehicle parking space, garages 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 use is commenced or the premises occupied, and shall be retained for the use of the occupiers of the development in accordance with the details approved, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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 space.

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

- (15) Prior to commencement of above ground works, the vehicular and pedestrian visibility splays shall have been installed, in accordance with:
- A788 - PL - 117 Rev A Proposed Site plan and Revised parking Layout;
 - A788 - PL - 0118 Rev B Proposed vehicle cross over, and;
 - A788 - PL - 0119 Rev B Proposed vehicle cross over; and kept free of obstructions over 0.6m above carriageway levels within the splays.

The visibility splays shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of highway safety.

- (16) The access and parking area hereby approved, shall be surfaced with in a bound material with adequate drainage within the curtilage of the site to ensure no surface water drains over the public highway. A bound surface shall be used for the first 5 metres of the access from the edge of the highway.

Reason: In the interests of highway safety.

- (17) Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

Reason: In the interests of highway safety.

- (18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended, no development shall be carried out within Classes A, B, E of Part 1, Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

Reason: In the interests of visual amenity.

- (19) Prior to the occupation of any of the units hereby approved, details of the provision of at least 1 'fast charge' electric vehicle-charging point, including a timescale for its provision, shall be submitted to, and approved in writing by, the Local Planning Authority. The charging point shall be provided in accordance with the approved details and in accordance with an agreed timescale and retained thereafter.

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

- (20) Prior to commencement of above ground works, a scheme of mitigation measures for the control of air quality, to include Low Nox boilers, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the building.

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

- (21) Prior to the commencement of above ground construction works, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority, and shall take into account the recommendations of the Preliminary Ecological Appraisal dated 21/10/2015 and Bat report 21/10/2015. The approved scheme shall take account of any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future.

- (22) Notwithstanding the details submitted ,prior to commencement of above ground construction works, a landscaping scheme, hard and soft, for the site (which may include entirely new planting, retention of existing planting or a combination of both but must make provision for the inclusion of some mature specimens) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to protect and enhance visual amenity and biodiversity. This is a pre-commencement condition, to ensure that enhanced landscaping is secured in perpetuity, and in the interests of visual amenity.

- (23) No development shall take place until an Arboricultural method statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should cover Arboricultural supervision, construction of drives and works within the root protection areas (RPA's). The works shall be carried out in accordance with the approved details.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development. This is pre-commencement to ensure that suitable methods are in place to ensure the development does not result in harm to trees on the site.

- (24) The development shall be carried out in full accordance with the approved Tree Protection Plan, 3615-LLB-ZZ-XX-DR-L-004 Rev P02 - Tree Protection Plan and Arboricultural Impact Assessment dated 05/06/2018, hereby approved. Tree protection measures identified shall be installed prior to commencement of development.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development. This is pre-commencement to ensure that suitable methods are in place to ensure the development does not result in harm to trees on the site.

- (25) Before the first occupation of the building hereby permitted the windows(s) on the second floor of the North elevation of Block A, the southern elevation of Block B, along with roof lights to the east elevation at second floor level on Block B, and the north east elevation on Block C, and shown to be of obscure glazing, shall be fitted with glass that has been obscured in the manufacturing process to Pilkington level 3 or higher and shall be non-opening up to a maximum height of 1.7m above internal floor level. Both the obscured glazing and the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be retained as such.

Reason: In the interests of protecting the residential amenities of adjacent dwellings.

- (26) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2015 (or any Order revoking and re-enacting that Order), no windows, or similar openings shall be Inserted in the first floor of the north east elevation of Block C, other than as hereby approved.

Reason: In the interests of protecting the residential amenities of adjacent dwellings.

Informatives:

- (1) Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".
- (2) Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, diversion works and outfall structures). Please contact flood@kent.gov.uk for further information.
- (3) "A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".
- (4) The developer is advised to review the comments of the Environment Agency, Southern Water and KCC Lead Flood Authority, when preparing detailed foul and surface water drainage strategies.
- (5) Your attention is drawn to the Mid Kent Environmental Code of Development Practice, the terms of which should be met in carrying out the development.
- (6) This development is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990.
- (7) Kent County Council 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. 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. For advice please contact broadband@kent.gov.uk

- (8) The applicant's attention is drawn to the comments of Southern Gas Networks, and the need to ensure safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" are used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.
- (9) The applicant, agents, or successors in title, are encouraged to undertake discussion with external bodies such as Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety. CPDA Team are; Kent Police Headquarters, CPDA Team, Sutton Road, Maidstone ME15 9BZ.
- (10) 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.
- (11) 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>
- (12) 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 Council's approach to this application:

In accordance with the 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:

- Revisions were sought, and received, and the application was determined without further delay.

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.