



Mr Spencer Littlechild  
C/O Mr Julian Mamlok  
Dgjp Architecture Ltd  
Cockmount Studio  
Jonas Lane  
Wadhurst  
East Sussex, TN5 6UJ

12 June 2018

## PLANNING DECISION NOTICE

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<b>APPLICANT:</b>	<b>Mr Spencer Littlechild</b>
<b>DEVELOPMENT TYPE:</b>	<b>Minor Dwellings</b>
<b>APPLICATION REFERENCE:</b>	<b>17/04302/FULL</b>
<b>PROPOSAL:</b>	<b>Demolition of existing bungalow and construction of two detached three-storey houses together with associated external works</b>
<b>ADDRESS:</b>	<b>Thistle Dous, Sandhurst Road, Royal Tunbridge Wells, Kent, TN2 3JU</b>

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

- (1) The development hereby permitted 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 2004.

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

Drawing number 3766-GA01  
Drawing Number 3766-GA02  
Drawing number 3766-GA03  
Drawing number 3766-GA04  
Drawing number 3766-GA05  
Drawing number 3766-GA06A  
Drawing number 3766-GA07  
Drawing number 3766-GA08  
Drawing number 3766-GA09  
Woodland Management Plan

Reason: To clarify which plans are approved.

- (3) Written details including source/ manufacturer, and photographic samples of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction work is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity

- (4) No above-ground construction work shall take place until boundary treatment details have been submitted to and approved in writing by the Local Planning Authority. This shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected and shall include details of retaining walls.

The boundary treatment shall be completed before the development hereby approved is first occupied in accordance with the approved details and shall be permanently maintained.

Reason: In the interests of visual amenity and to ensure an acceptable standard of design

- (5) Notwithstanding the submitted details, the area shown on the approved drawings as access, 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 first occupation of the development hereby approved. It 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 space.

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

- (6) The development hereby approved shall be constructed at the levels shown on the approved plans unless planning permission is granted for alternative levels of construction by the Local Planning Authority.

Reason: To ensure a satisfactory appearance on completion of the development

- (7) Other than as shown on the approved plans, the flat roofed areas hereby approved shall not be used as a veranda, balcony, roof garden or similar amenity area. Furthermore, no balustrades, railings or other means of enclosure shall be erected and access to this flat roof area shall be restricted solely for the purpose of future maintenance of the dwelling and for no other purpose.

Reason: In the interest of residential amenity of adjoining occupiers.

- (8) Prior to the first occupation of the development hereby approved, the 1.8m high privacy screens shown to be obscure glazed shall be installed in accordance with the approved plans and permanently retained thereafter. The obscure glazing shall be of Pilkington level 3 or higher (or equivalent), shall be an integral part of the manufacturing process and not a modification or addition made at a later time.

Reason: In the interests of residential amenity.

- (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no windows, or similar openings shall be constructed in the first or second floor of the side elevations of the dwellings other than as hereby approved without the prior written planning permission of the Local Planning Authority.

Reason: In the interests of the amenity of occupants of the adjoining property

- (10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015, no development shall be carried out within Classes A, B and E of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without planning permission being granted by the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality

- (11) A landscaping scheme for the part of the site outside the Ancient Woodland area (which shall include retention of existing planting) shall be submitted to and approved in writing by the Local Planning Authority before the development is first occupied.

Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the first occupation 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 the amenity of the area

- (12) Notwithstanding the submitted documents and plans, additional detail regarding numbers and sizes of trees to be planted in the protected area of Ancient Woodland (the enclosed area marked as 'protected woodland' as shown on approved drawing 3766-GA03) and a planting timetable shall be submitted to and approved in writing by the Local Planning Authority before the development is first occupied. Thereafter, the approved tree planting scheme shall be carried out fully in accordance with the approved timetable.

Reason: in the interests of the management of the Ancient Woodland

- (13) Notwithstanding the submitted details, no development shall take place until an Arboricultural Method Statement (AMS) and details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the Local Planning Authority. The AMS shall include details of Arboriculture supervision, works within the RPA including ground protection, foundations, and replacement of hard surfacing, and how materials/plant would access the site without damaging trees on site. The tree protection details shall include an updated drawing showing the tree protection fencing more clearly than the submitted drawing.

The approved development shall then be carried out in accordance with the approved details and 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:

- (a) 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
- (b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
- (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- (d) 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;
- (e) 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.
- (f) 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. 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 timing of the provision of tree protection measures before any development commences is fundamental to the scheme.

- (14) All existing hedges and 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.

- (15) No development shall take place until a scheme for the mitigation and enhancement of biodiversity has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall take account of any protected species that have been identified on the site and shall have regard to the enhancement of biodiversity generally. It shall also include the additional evening bat emergence survey recommended in para 6.2 of the submitted Extended Phase 1 Habitat Survey, bat Building Survey and Ancient Woodland Management and Enhancement Plan dated December 2017.

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 the existing populations of protected species and to improve their habitat on the site. This is a pre-commencement condition as biodiversity matters will need to be addressed from the beginning of the construction phase.

- (16) No external lighting shown on the submitted plans shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority beforehand. This 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 approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written permission to any variation.

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

- (17) Notwithstanding any other submitted drawings, the residential curtilage of the dwellings hereby approved shall exclude the enclosed area marked as 'protected woodland' as shown on approved drawing 3766-GA03.

Reason: In the interests of protecting the character and amenities of the locality and in the interests of good woodland management

- (18) Notwithstanding the submitted details, no development shall commence until a Construction/Demolition Environmental Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include:
- An indicative programme for carrying out the works;
  - Measures to minimise the production of dust on the site;
  - 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)
  - Details of the site access during construction;
  - Management of traffic visiting the site including parking provision for site operatives;
  - Details of vehicular routes to and from the site, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, booking system, signage and wheel wash facilities);
  - The arrangements for public consultation and liaison during the construction works;
  - Details of emergency contact numbers during the construction phase.

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

Reason: To protect the amenity of local residents and in the interests of highway safety. This is a pre-commencement condition as the measures will need to apply from the commencement of the first operations on site.

- (19) The development shall be carried out and maintained thereafter in strict accordance with the approved woodland management plan and the planting details approved under condition 12, neither of which shall be varied without details being first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area.

#### Informatives:

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <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.

- (2) As the development involves demolition and / or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.
- (3) Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

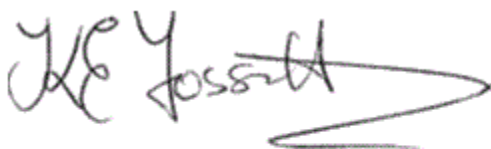
The Council's approach to this application:

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

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

- The applicant/agent was 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.



**Karen Fossett**  
**Head of Planning Services**  
**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](http://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.