



Planning, Housing &
Environmental Health

Development Control
Gibson Building, Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ

Telephone 01732 844522
Web Site <http://www.tmbc.gov.uk>
email planning.applications@tmbc.gov.uk

Shepherd Neame Ltd
c/o Milliken & Co. Chartered Surveyors
Mr Simon Milliken
1A The Pantiles
London Road
Tunbridge Wells
Kent
TN2 5TD

Your ref Cock Horse PH Car Park Site
Our ref TM/20/00404/FL
Contact Adem Mehmet
Direct line 01732 876284
email adem.mehmet@tmbc.gov.uk
Date 13 July 2020

APPLICATION: TM/20/00404/FL

VALIDATED: 19 February 2020

PARISH: Hildenborough

This was approved in accordance with the following submitted details: Ecological Assessment received 03.03.2020, Other Heritage Statement received 03.03.2020, Site Plan P51 Proposed received 19.02.2020, Proposed Plans and Elevations P52 received 19.02.2020, Proposed Plans and Elevations P53 Refuse and Cycle Store received 19.02.2020, Location Plan P50 received 19.02.2020, Ecological Assessment received 19.02.2020, Design and Access Statement received 19.02.2020, Planning Statement SM/1 received 19.02.2020, Location Plan 01 A received 01.05.2020, Location Plan P 50 received 01.05.2020, Site Plan P 51 A Proposed received 01.05.2020, Noise Assessment received 11.06.2020,

APPLICANT: Shepherd Neame Ltd
c/o Milliken & Co. Chartered Surveyors Mr Simon Milliken 1A The Pantiles London Road
Tunbridge Wells Kent TN2 5TD

PROPOSAL: Erection of 3 bedroom house (Class C3: Residential Use), plus car parking, access and hard & soft landscaping works

LOCATION: The Cock Horse Inn London Road Hildenborough Tonbridge Kent TN11 8NH

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

TAKE NOTICE that the TONBRIDGE AND MALLING BOROUGH COUNCIL, the District Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for the proposal as specified above, subject to the compliance of the following conditions:

1. The development 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.

2. No above ground development shall take place until details of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3. The dwelling hereby approved shall not be occupied until the area shown on the submitted layout for vehicle parking has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards.

4. Before the development hereby approved is occupied a detailed scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interests of visual amenity.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, B, C or D, of Part 1; of Schedule 2 of that Order.

Reason: To prevent overdevelopment of the site and preserve the character of the area and the adjacent non-designated heritage asset.

6. No development shall commence until further surveys and any required mitigation measures in accordance with the recommendations in the submitted Ecology Survey dated February 2020 reference 8647.EcoAs.vf have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in strict accordance with their recommendations and all required mitigation measures.

Reason: to ensure the development proceeds with regard to protected species and provides a net gain to biodiversity.

7. Before the development hereby approved is occupied full details of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The details should consider the levels cited in BS8233:2014 and how these will be achieved, namely:

1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,16-hour, and a maximum upper limit of 55dB LAeq,16-hour; and
2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

Reason: To safeguard future occupants from unacceptable noise impacts.

8. (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

In reaching this decision, the Local Planning Authority has had appropriate regard to the provisions of paragraph 38 of the National Planning Policy Framework 2019.

Louise Reid

Head of Planning

NOTE REGARDING PLANNING CONDITIONS

Please note that if conditions are attached to this permission, some of them may require the submission, pursuant to Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, of details for the formal approval of the Local Planning Authority prior to the development commencing. The Borough Council may consider it appropriate to carry out consultations and other procedures prior to giving a formal decision on these matters and it is unlikely that this will take less than 4 weeks. This should be taken into account when programming the implementation of the permission. Any development that takes place in breach of such conditions is likely to be regarded as unlawful.

THIS IS NOT A BUILDING REGULATION APPROVAL

It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations, where required, and any other necessary approval, have been obtained, and that the details shown on the plans hereby approved agree in every respect with those approved under such legislation.

IMPORTANT: Your attention is drawn to the Notes attached.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- 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, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.*
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- In all other cases if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State 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 Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).