



Invicta Self And Custom Build Ltd  
Two Frogs Barn  
The Street  
Stourmouth  
Canterbury  
CT3 1HY

11 March 2021

## PLANNING DECISION NOTICE

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<b>APPLICANT:</b>	<b>Invicta Self And Custom Build Ltd</b>
<b>DEVELOPMENT TYPE:</b>	<b>Major Dwellings</b>
<b>APPLICATION REFERENCE:</b>	<b>19/03625/OUT</b>
<b>PROPOSAL:</b>	<b>Outline (Access not reserved) - Erection of up to 18 residential dwellings with associated highways, landscaping and open space infrastructure</b>
<b>ADDRESS:</b>	<b>Land At Common Road, Sissinghurst, Cranbrook, Kent</b>

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

- (1) Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing no later than the expiration of 3 years from the date of this permission. The development shall be carried out in accordance with the approved details.

Reason: To comply with the provisions of the Town and Country Planning (General Management) Order 2015 and Section 92 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 begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters.

Reason: To comply with the provisions of the Town and Country Planning (General Management) Order 2015 and Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- (3) The development shall be carried out in accordance with following approved plans (insofar as the details shown relate to the access to the development):

Common Road - Potential Ditch Location  
Common Road Stage 1 RSA Revised Final  
684-211E - Proposed Access showing Visibility Splays  
684-222A - Visibility Splays to the North  
684-223A - Visibility Splays to the South  
684-212C - Swept Path Entrance from South  
684-213C - Swept Path Entrance from North  
684-218A - Swept Path Exit to North  
684-219A - Swept Path Exit to South  
684/214B - Swept Path Internal Bend  
684/215B - Swept Path Turning  
684/217 - Proposed Access Showing Forward Visibility  
Stage 1 Road Safety Audit  
3528\_105\_A - Landscape Strategy Plan

Reason: To clarify which plans have been approved as part of this application.

- (4) Prior to commencement of any development on site the visibility splays as shown on the approved plans 684-222B and 684-223B to be provided and maintained. The splays shall thereafter be maintained.

Reason: These works are required prior to the commencement of the development, in the interests of highway safety.

- (5) Prior to the commencement of the development, a Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Construction and Environmental Management Plan and BS:5228 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 Plan shall include:

- Measures to minimise the production of dust on the site.
- Measures to minimise the noise (including vibration) generated by the construction process.
- Details of areas for materials storage.
- Details of parking during construction.
- Management of traffic visiting the site, including parking provision for site operatives including an undertaking that HGVs must not reverse into or out of the site unless under the supervision of a banksman.
- Measures to prevent the transfer of mud and extraneous material onto the public highway.

Reason: This information is required prior to the commencement of the development, in order to protect the amenity of local residents and in the interests of highway safety.

- (6) Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: This information is required prior to the commencement of the development to ensure adequate means of foul and surface water disposal.

- (7) Development shall not begin in any phase 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 principles contained within the Surface Water Management Strategy Report by RMB Consultants (December 2019) 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.

- (8) 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 and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of 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.

- (9) Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii. further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable 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.

- (10) Prior to commencement of works on site, detail of off- site works to include provision of a 1.8m wide footway and any accommodating works to the south of the site to link with the access to the school and existing footway to the west of Common Road as shown on plan 648-211F for indicative purposes only to be submitted for approval. The approved scheme shall be implemented in accordance with highway authority standards and specifications prior to first occupation of the development hereby approved.

Reason: These works are required prior to the commencement of the development, in the interests of highway safety.

- (11) Prior to the commencement of any above ground works hereby approved, 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 - 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: To ensure adequate living conditions.

- (12) No external lighting shall be installed until a detailed scheme of lighting has been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interest of wildlife, visual and residential amenity.

- (13) Details pursuant to Condition 1 shall include details 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; 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. The submitted scheme shall demonstrate that the ecological enhancement and mitigation proposals are incorporated fully within the submitted landscaping scheme. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with an implementation programme approved by the Local Planning Authority.

Any trees or 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 the interests of visual amenity and biodiversity grounds

- (14) Details pursuant to Condition 1 shall include facilities for the parking and turning of vehicles. The works shall be carried out in accordance with the approved plans and completed prior to the first occupation of the dwellings they serve. The parking and turning areas shall thereafter 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 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: To ensure the provision and retention of adequate off-street parking and turning facilities for vehicles in the interests of highway safety.

- (15) Details pursuant to Condition 1 shall include details of proposed renewable energy technologies in order to meet the requirements of the Development Plan. The works shall be carried out in accordance with the approved details, prior to the first occupation of the dwelling in which it relates.

Reason: In the interests of sustainable development.

- (16) Notwithstanding the submitted details, prior to development commencing, a scheme for biodiversity mitigation and enhancement, which seeks to provide an overall net gain for biodiversity in accordance with both local and national policy and guidance shall be 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 include details of management of all communal areas and landscape features. 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: This is a pre-commencement condition to ensure the protection and necessary mitigation of protected species and to seek biodiversity net gain.

- (17) The details submitted in pursuance of Condition 1 shall include details of refuse storage and screening. The development shall be carried out in accordance with the approved details and be made ready for use prior to first occupation of the dwelling in which it relates and thereafter retained.

Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

- (18) The details submitted in pursuance of Condition 1 shall include details of existing and proposed levels, site survey and cross-sections to include relationship with adjacent properties. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development on the site.

- (19) No development shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the Local Planning Authority. All trees to be retained must be protected by barriers and/or ground protection.

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 to ensure protection and retention of trees important to the character of the area.

- (20) 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:

- (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 current edition of BS 5837, and in accordance with the approved Tree Protection Plan and the approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. 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.

- (21) 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 agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity.

- (22) Prior to the commencement of above ground works, details of boundary treatments (including walls, fences and railings) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings they relate to are first occupied and in accordance with a timetable previously agreed in writing with the Local Planning Authority. The approved details shall be implemented in full and shall be permanently maintained thereafter.

Reason: To ensure a satisfactory appearance for the development in the interests of visual amenity and to secure a reasonable degree of privacy for occupiers of the proposed dwellings.



- (23) 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 approved in writing by the Local Planning Authority prior to the commencement of above ground construction of the development.

The content of the LEMP shall include the following, as a minimum:

- 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 organisation 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) A scheme of community engagement geared towards raising awareness of landscape and biodiversity issues, active volunteering and social cohesion operated by a experienced provider approved by the Council such as Kent Wildlife Trust or Kent High Weald Partnership.
- i) 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: In the interests of ecology, the landscape and scenic beauty of the area.

- (24) Prior to the occupation of any of the units hereby approved, details of the provision of electric vehicle charging points, including a timescale for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The charging points 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 that meets the needs of current and future generations.

- (25) Prior to the commencement of above ground construction works, written and illustrative details for energy and water conservation 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.

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

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) Planning permission does not convey any approval for works within the highway for which you will be required to enter into a S. 278 Agreement under the Highways Act 1980 with KCC as local highway authority. You are advised to contact the Agreements Team telephone: 03000 418181 in order to progress this matter.
- (3) No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.
- (4) As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.
- (5) The public right of way should remain open and available at all times. However if it is necessary to temporarily close the footpath during the development, the applicants should contact KCC Public Rights Of Way team.
- (6) 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](http://www.southernwater.co.uk).

- (7) In the current of absence of any national or local policy on net gain, as part of the future reserved matters application or any site preparation works the applicant is expected to demonstrated a minimum 10% net gain in biodiversity is achieved.
- (8) The following initiatives should be implemented part of any development to limit the use of cars and promote more sustainable travel options;
- secure cycle storage can be provided for all dwellings;
  - information on cycle routes, public footpaths, and local bus and rail services will form part of any home buyer's welcome pack;
  - broadband internet connections can facilitate home working; and
  - where possible, dwellings with garages should be equipped with domestic electrical sockets so as to facilitate the charging of electric vehicles.

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 application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.



**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](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.