



Mr Simon Curling
C/O Lee Evans Partnership LLP
St Johns Lane
Canterbury
Kent, CT1 2QQ

16 September 2022

PLANNING DECISION NOTICE

APPLICANT:	Mr Simon Curling
DEVELOPMENT TYPE:	Minor Dwellings
APPLICATION REFERENCE:	22/01964/FULL
PROPOSAL:	Demolition of existing buildings and erection of four two-storey residential dwellings (two detached and two semi-detached)
ADDRESS:	8-9 Amberleaze Drive, Pembury, Tunbridge Wells, Kent, TN2 4HF

The Council hereby **GRANTS** permission/consent for the proposal referred to above subject to the following Condition(s):

- (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 No: 08719-A-L-(00)-X-0103 A - Proposed Site Layout Plan

Drawing No: 08719-A-L-(00)-X-0111 A - Plots 1 & 4 (Proposed Plans)

Drawing No: 08719-A-L-(00)-X-0112 A - Plots 1 & 4 (Proposed Elevations)

Drawing No: 08719-A-L-(00)-X-0113 A - Plots 2 - 3 (Proposed Plans and Elevations)

Reason: To clarify which plans have been approved.

- (3) Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

- (4) Before the first occupation of the dwellings hereby permitted, the first floor bathroom and en-suite windows on all four dwellings shall be fitted with glass that has been obscured to Pilkington level 3 or higher (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. 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.

- (5) Before any building is occupied, details for the storage and screening of refuse 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 facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

- (6) Notwithstanding the details submitted, no development shall take place until details of tree protection in accordance with British Standard BS 5837:2012 have been submitted to and approved in writing by the Local Planning Authority. These details shall be set out in a standalone Arboricultural Method Statement (AMS) and scaleable Tree Protection Plan (TPP) or, where appropriate, a combined AMS/TPP or set of statements and plans.

The approved AMS and TPP shall be provided to the site foreman prior to commencement of development, and all contractors on site shall be made aware of the specified tree protection measures.

The AMS and TPP shall cover all trees to be retained which could be impacted by the development, and shall include specific measures to protect these trees through all phases of the development, including measures for:

- the location of site facilities and materials storage;
- demolition of existing structures/hard surfaces;
- changes in ground levels, including the location of construction spoil;
- excavation, including for drainage and other services;
- installation of new hard surfaces; and
- preparatory works for new landscaping

where these may encroach into root protection areas and/or present canopy spreads.

All demolition and construction activities shall be carried out in accordance with the approved AMS and TPP, unless otherwise agreed in writing by the Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990, to safeguard existing trees to be retained, mitigate impacts from development which could lead to their early loss and protect the public amenity and character of the local area.

- (7) Prior to development commencing, a scheme for the enhancement of biodiversity on the site shall have 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 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.

- (8) The hereby approved works shall be carried out in accordance with the recommendations of the submitted ecological appraisal.

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

- (9) No development shall take place until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority along with details of boundary treatments. The scheme shall show all existing trees, hedges and blocks of landscaping on and immediately adjacent to, the site, including highway trees and land and shall indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained, provide details of onsite replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation and a 5-year management plan. The landscape scheme shall specifically address the need to provide additional tree planting at the site. The approved scheme shall be implemented in accordance with the programme of implementation.

Reason: These details are required pre-commencement to ensure a satisfactory setting and external appearance to the development. This information is required before the development commences with the programme of implementation.

- (10) The approved landscaping/tree planting scheme shall be carried out fully during the first planting season (October to February) following practical completion of the development hereby approved.

Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In order to ensure a satisfactory setting and external appearance to the development.

- (11) Prior to the first occupation of the development hereby permitted, details of the external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority. External lighting shall be installed in accordance with the approved details, and no further external lighting shall be installed at any subsequent time without details having first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of protecting the character and amenities of the locality.

- (12) No building shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid unacceptable additional use of existing drainage infrastructure and to avoid pollution of the surrounding area.

- (13) The areas shown on the approved plans as vehicle parking/turning space, shall be provided, surfaced, and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the dwellings hereby permitted are first occupied. 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 (Generally 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 the reserved parking spaces.

Reason: In the interest of visual amenity and development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and highway safety issues.

- (14) Prior to the erection of the building(s) hereby approved, written and illustrative details for renewable energy technologies within the 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.

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

- (15) Prior to the first occupation of the development 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.

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

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

- (17) 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 inserted other than as hereby approved without the prior written planning permission of the Local Planning Authority.

Reason: In the interests of visual amenity and preserving the sites locality.

- (18) Prior to any above ground works taking place, details of the proposed slab level of the dwellings hereby approved, shown in relation to a fixed point in the road in Amberleaze Drive shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out at the approved levels.

Reason: In the interest of visual and residential amenity.

Informative(s):

- (1) As the development involves demolition and / or construction, it is recommended that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Compliance with this document is expected.
- (2) Attention is drawn to Approved Document E Building Regulations 2010 Resistance to the Passage of Sound as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.
- (3) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.
- (4) Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (5) 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.
- (6) It is the responsibility of the landowner/developer to ensure, before the development hereby approved is commenced, that all necessary licenses required from Natural England are obtained.
- (7) Waste and recycling bins are required to be purchased from TWBC prior to the properties being sold or occupied.
- (8) Street Naming: Once work begins on site please apply for Street Naming & Numbering at <https://tunbridgewells.gov.uk/planning/support-services/street-naming-and-numbering> - Applying early to officially register new addresses will prevent delays with Council, utility, postal and emergency services.

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.



Carlos Hone
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 to the Planning Inspectorate and further details can be found at <https://www.planningportal.co.uk/info/200207/appeals>.

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.

SGN Advisory note

There are a number of risks created by built over gas mains and services; these are:

1. Pipework loading – pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
2. Gas entry into buildings – pipework proximity increases risk of gas entry in buildings.
3. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.
4. Occupier safety – lack or no fire resistance of pipework, fittings, or meter installation.
5. Means of escape could be impeded by an enclosed meter.

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. Check your proposals against the information held at <https://www.linerearchbeforeudig.co.uk/> to assess any risk associated with your development **and**
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

<https://www.sgn.co.uk/damage-prevention>

Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work

Further information can also be found here:

<https://www.sgn.co.uk/help-and-advice/diggingsafely>