



Mr Gary Jarvis  
C/O Martin Hull  
Kember Loudon Williams Ltd  
Ridgers Barn  
Bunny Lane  
Eridge  
Nr Tunbridge Wells  
TN3 9HA

13 January 2021

## PLANNING DECISION NOTICE

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<b>APPLICANT:</b>	<b>Mr Gary Jarvis</b>
<b>DEVELOPMENT TYPE:</b>	<b>Major Dwellings</b>
<b>APPLICATION REFERENCE:</b>	<b>20/03281/FULL</b>
<b>PROPOSAL:</b>	<b>Variation of Condition 3 (Approved Plans); Condition 4 (Details) of 19/01801/OUT - Alterations to site layout and submission of a design guide.</b>
<b>ADDRESS:</b>	<b>Land North Of, 56 Culverden Down, Royal Tunbridge Wells, Kent, TN4 9SG</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 scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences on each individual plot and the development shall be carried out as approved. The submitted details shall have regards to the Design Guide 2020 and Plot Passports.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) 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) Application for approval of the Reserved Matters for each individual plot shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) 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 hereby permitted shall be carried out in accordance with the following approved plans: 100-696(P)012A, 1718-05A, Road section drawing, Details of Terram Geocell product, Design Guide (December 2020) (insofar as the details shown relate to the access and layout of the development).

Reason: To clarify which plans are approved.

- (4) Notwithstanding the submitted details, prior to the commencement of any above-ground development, two enhancement strategies in the following terms (and associated implementation timetables) shall be submitted to and approved in writing by the Local Planning Authority:
- A scheme of ecological enhancements for birds and bats (to include bird and bat boxes on/in the dwellings such as Sparrow Terrace boxes and bat tubes);
  - A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens. The submission shall include a landscaping scheme comprising structural planting and hard landscaping for areas outside individual plots.

The landscape management plan and schedule shall set clear objectives for the areas and features proposed for the landscape and ecological mitigation and for such areas to be management in accordance with that plan for the lifetime of the development. It shall also include provision for restoration of areas from which trees have been removed and which are currently used for storage of various materials within the Ancient Woodland buffer zone.

The strategies shall also follow the recommendations of the submitted documents:

- Extended Phase 1 Habitat Surveys dated March 2011 and December 2017
- Ecological Impact Assessment dated November 2018
- Letter from Grassroots Ecology dated 22/08/18 and 19/09/18
- Protected Species Report dated December 2017

All works shall then proceed in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

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

- (5) Development shall not begin until a detailed sustainable surface water drainage scheme for the whole site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme 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 within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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.

- (6) No building hereby permitted on any plot shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:
- A description of the drainage system and its key components
  - An as-built general arrangement plan with the location of drainage measures and critical features clearly marked
  - An approximate timetable for the implementation of the drainage system
  - Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
  - Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- (7) No building on any plot (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 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; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development 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 as constructed is compliant with the National Planning Policy Framework.

- (8) Notwithstanding the submitted drawings and other details, no development shall take place until an Arboricultural method statement (AMS) and a Tree Protection Plan (TPP) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the Local Planning Authority. The AMS shall cover arboriculture supervision, works within the Root Protection Areas of trees (including creation/upgrading of roadways and no-dig zones where applicable) and the construction phasing of the works. The TPP shall be updated and scaleable from the drawings submitted with the application.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990. This is a pre-commencement condition to protect and enhance the appearance and character of the site and locality

- (9) 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 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

- (10) 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 occupation of the development. This scheme shall be informed by an ecologist, 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: To protect the existing population of protected species and to limit light pollution

- (11) The reserved matters relating to each plot shall have regards to the approved design guide, and plot passport unless otherwise agreed in writing. The design shall include details of the following:
- i) Photographic samples of all external materials specified in the approved plans for each plot;
  - ii) Details relating to materials to be used in the construction of all walls, gates and other means of enclosure including alignment, height and depth where applicable within each plot;
  - iii) Details for the storage and screening of refuse for each plot.
  - iv) Photographic samples of all surfacing materials to be used within each plot.
  - v) On-plot soft landscaping. The landscaping works shall be carried out in accordance with an implementation programme approved 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 permission to any variation.

The development shall be carried out in accordance with the details to be approved pursuant to condition 1.

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

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

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

- (13) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of any above ground construction works and alterations to the existing land levels on a particular plot, details of the slab level of the dwelling on that particular plot relative to the existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with those details.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of development upon completion.

Informatives:

- (1) A formal application for connection to the public sewerage system is required in order to service this 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).
- (2) As the development involves demolition and / or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.
- (3) Southern Water requires a formal application for a connection to the public sewer. The applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Their New Connections Services Charging Arrangements documents are available to read on their website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

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.
- 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.

A handwritten signature in black ink, consisting of a large 'S' followed by a stylized, cursive 'B' and a horizontal line extending to the right.

**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.