



Mr Robert Franks
Berkeley Homes (Eastern Counties) Ltd
Berkeley House
7 Oakhill Road
Sevenoaks
Kent, TN13 1NQ

22 October 2021

PLANNING DECISION NOTICE

APPLICANT:	Mr Robert Franks
DEVELOPMENT TYPE:	Minor Dwellings
APPLICATION REFERENCE:	21/01379/FULL
PROPOSAL:	The erection of a replacement farmhouse, three additional dwellings (Plots 37-39), and the re-design of Plots 1-3 within the development for 36 dwellings approved under 18/02571/FULL (Phase 1), together with associated parking, car barns, and hard and soft landscaping work.
ADDRESS:	Turnden, Hartley Road, Cranbrook, Kent, TN17 3QX

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

Definitions

'Ecological Enabling Works' means: Ecological enabling works required for the wider development (as secured by legal agreement and approved within the 2019 planning permission 18/02571/FULL) which includes:

- ecology works - including ecological vegetation/hedgerow/tree works, clearance, management, mitigation, enhancement measures, pond creation and compensatory habitat construction, and all works under Natural England licence

'Initial Enabling Works' means: Initial infrastructure enabling and site set up works required for the development which includes:

- "Ecological Enabling Works"; and
- site establishment and temporary welfare facilities and temporary site accommodation;
- installation of construction plant;
- utilities diversions and reinforcements insofar as necessary to enable the construction of the development to commence;
- temporary drainage, power and water supply for construction;
- archaeological investigations; and
- contamination investigations

'Above Ground Works' means: Development hereby permitted above the finished floor level approved under Condition 11.

- (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:

- 29799A / 0024 P1 (Site location plan)
- 29799A / 001 P11 (Proposed Site layout) (approved in respect of area subject to the red line only)
- 29799A / 002 P8 (Boundary Treatment Plan)
- 29799A / 003 P8 (Parking Strategy)
- 29799A / 009 P4 (Floor Plans Plots 1-3)
- 29799A / 010 P4 (Plots 1-3 Roof Plans & Elevations)
- 29799A / 0011 P2 (Plots 1-3 Side Elevations)
- 29799A / 0012 P6 (Replacement Farmhouse Plans)
- 29799A / 0013 P5 (NP37 Plans & Elevations)
- 29799A / 0014 P2 (NP38 And NP39 Plans & Elevations)
- 29799A / 017 P7 (Materials Strategy)
- 29799A / 0022 P4 (Replacement Farmhouse Car Barn Plans)
- 29799A / 0023 P3 (Site Layout Plan) (approved in respect of area subject to the red line only)
- 185672-001 P2 (Catchment area plan)
- 185672-002 P2 (Drainage strategy plan)
- 7490_001D and 7490_002E (Hard landscape 1/2 and 2/2) (approved in respect of area subject to the red line defined by approved Site location plan 29799A / 0024 P1 only)
- 7490_003D and 7490_004E (Soft landscape 1/2 and 2/2) (approved in respect of area subject to the red line defined by approved Site location plan 29799A / 0024 P1 only)
- Arboricultural Impact Assessment & Preliminary Method Statement (17/03/21)
- Drainage Strategy April 2021
- Flood Risk Addendum April 2021
- Ecological Appraisal March 2021

Reason: To clarify which plans are approved.

(3) No development hereby approved (excluding 'Ecological Enabling Works' and demolition and foundation removal works) shall take place until an amended and updated version of the site specific Construction/Demolition Environmental Management Plan approved pursuant to planning permission 18/02571/FULL has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of surrounding occupiers and highway safety

(4) The development hereby approved shall be carried out in accordance with the approved details of foul drainage and the sustainable surface water drainage scheme, which shall not be varied without details being first submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure provision for foul sewage disposal. 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

- (5) No building on any phase (or within an agreed implementation schedule) 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 modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority.

The Report shall relate to both the development hereby permitted and that approved under 18/02571/FULL. It 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; topographical survey of 'as constructed' features; and 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

- (6) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of Above Ground Works detailed plans and information regarding the following aspects of the hereby approved development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approvals:
- a) Details relating to windows, window glazing and joinery (including recess depths dimensions) and dormer windows;
 - b) The storage and screening of refuse and recycling areas;
 - c) Written details including source/ manufacturer, and photographic samples of bricks, tiles and cladding materials to be used externally
 - d) Details of passive connections for EV charging points for each dwelling.

Reason: To ensure the build quality of the development

- (7) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of Above Ground Works of the Replacement Farmhouse details of eaves, ridge, junctions between material types, decorative tile work, and chimney 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 the build quality of the development

- (8) Prior to the first occupation of the development hereby approved, details (including design, height, siting, orientation and materials) of an interpretation board to be sited within the close vicinity of either the retained pond or well within the development shall be submitted to and approved in writing by the Local Planning Authority.

The content shall relate to the history of the site, including the former historic buildings and uses. It shall include a combination of written and illustrative detail, along with references to features that relate the history of the site, such as the retained well and the wider landscape. The development shall be carried out in accordance with the approved details and the interpretation board retained thereafter.

Reason: to enhance the public realm by providing details relating to the former buildings and uses within the site

- (9) Prior to the first occupation of the development hereby approved, a method statement and timetable for the restoration of the well shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and the well shall be retained in accordance with the approved plans thereafter.

Reason: To ensure items of historic merit are retained

- (10) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of Above Ground Works written and illustrative details for renewable energy technologies, water and energy conservation 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

- (11) Notwithstanding the submitted drawings and all supporting documentation, no development (excluding 'Ecological Enabling Works' and demolition and foundation removal works) shall take place until details of existing and proposed levels of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The approved development shall be constructed in accordance with the approved levels and shall not be varied without details being first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the build quality of the development

(12) 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:

- 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
- No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
- No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- 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 except as agreed in writing by the Local Planning Authority.;
- 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.
- 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

(13) 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 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.

- (14) The approved hard and soft landscaping scheme (7490_001 and 7490_002 - Hard landscape 1/2 and 2/2; 7490_003 004 - Soft landscape 1/2 and 2/2) shall be carried out fully within 12 months of the completion of the development, unless otherwise agreed in writing by the Local Planning Authority, or otherwise superseded by the requirements of Condition 15. 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 approved scheme of landscaping shall where located outside of individual plots, be managed in accordance with the provisions required by the Landscape & Ecological Management Plan (LEMP) secured by planning permission 18/02571/FULL, where appropriate.

Reason: In order to protect and enhance the amenity of the area

- (15) If planning permission is not granted pursuant to application 20/00815/FULL (or if there is no suitable alternative adjacent development in place) prior to the occupation of the last remaining dwelling details of a revised hard and soft landscaping scheme to remove cross overs and development providing residential access to the proposed adjacent development, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the last remaining dwelling, and shall be carried out fully within 12 months of the date of approval of those details. This scheme shall include any necessary amendments to the approved site layout plans.

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 approved scheme of landscaping shall where located outside of individual plots, be managed in accordance with the provisions required by the Landscape & Ecological Management Plan (LEMP) secured by planning permission 18/02571/FULL, where applicable.

Reason: In order to protect and enhance the amenity of the area

- (16) The development hereby permitted shall be carried out in accordance with the details of fencing and other hard boundary treatment hereby approved on drawing 29799A / 002 P8, unless alternative details are submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the build quality of the development and to protect the character of the countryside.

- (17) The development hereby permitted (excluding Ecological Enabling Works) shall not be commenced within Plots 1, NP37, NP38, NP39 and the Replacement Farmhouse, until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 - 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure that risks from land contamination 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 can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- (18) Notwithstanding the submitted drawings and all supporting documentation, prior to the installation of any external lighting (where applicable) full details shall be submitted to and approved in writing by the Local Planning Authority. Details 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 consent to the variation.

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

- (19) Notwithstanding the submitted drawings and all supporting documentation, the area shown on the approved drawing 29799A / 003 P8 as vehicle parking and/or parking within car barns and areas provided for turning shall be paved and drained in accordance with the approved hard landscaping plans before the first occupation of that dwelling.

The above details shall be retained for the use of the occupiers of, and visitors to, the premises for parking and turning, and no permanent development, whether or not permitted by 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 or in such a position as to preclude their use for parking and turning.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to such activities inconvenient to other road users

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

Reason: In the interests of protecting amenity and the character of the countryside and AONB.

- (21) a) Works associated to the demolition and clearance of the chimney of Turnden Farmhouse shall be carried out in strict accordance with Appendix C of the CTP Structural Inspection and Discussion on Heritage Issues Report dated 1 April 2021, including foundation recording and site investigation works.

b) Prior to the commencement of works associated to the Replacement Farmhouse (excluding demolition and clearance) an updated report shall be submitted to and approved in writing by the Local Planning Authority, and thereafter submitted to the County Archive as a record of the investigation works.

The recording work shall be undertaken by a competent person or historic building professional.

Reason: To ensure items of historic merit are properly recorded

- (22) Prior to the commencement of the development hereby approved within Plots 1, NP37, NP38, NP39 and the Replacement Farmhouse (excluding Ecological Enabling Works), a scheme of implementation of a phased programme of archaeological work in accordance with a written specification and timetable shall be submitted to and approved by the Local Planning Authority. The development within that area shall be carried out in accordance with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded

- (23) Notwithstanding the submitted drawings and all supporting documentation, prior to development commencing, a scheme of ecological mitigation and enhancement in accordance with Sections 5 and 6 of the Turnden Farmstead Ecological Appraisal shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall take account of the mitigation and enhancement measures contained in Sections 5 and 6 of the Turnden Farmstead Ecological Appraisal and shall include details of management of all communal areas and landscape features. It shall be implemented and managed in accordance with the approved proposals within unless otherwise agreed in writing by the Local Planning Authority.

The approved ecological and enhancement scheme shall, where located outside of individual plots, be managed in accordance with the provisions required by the Landscape & Ecological Management Plan (LEMP) secured by planning permission 18/02571/FULL, where applicable.

Reason: This is a pre-commencement condition to ensure the protection and necessary mitigation of protected species and to seek biodiversity net gain

Informative(s):

- (1) 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. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (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 foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: www.developerservices.southernwater.co.uk and read their New Connections Charging Arrangements documents which are available on their website via the following link:
www.southernwater.co.uk/developing-building/connection-charging-arrangements

- (4) 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.

The applicant is advised that they will need to enter into an agreement with the highway authority under S278 of the Highways Act 1980 for works to the access. As the development is to remain private the developer should also Serve Notice under S.31 of the Highways Act 1980 declaring that the streets are to be privately maintainable in perpetuity.

- (5) This development is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990.

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.

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 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>