



Elysian Residences on behalf of  
C/O Mr Nathan Hall  
DP9 Ltd  
Dp9 Planning Consultants  
100 Pall Mall  
London  
SW1Y 5NQ

12 September 2019

## PLANNING DECISION NOTICE

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<b>APPLICANT:</b>	<b>Elysian Residences on behalf of</b>
<b>DEVELOPMENT TYPE:</b>	<b>Major Others</b>
<b>APPLICATION REFERENCE:</b>	<b>19/01869/FULL</b>
<b>PROPOSAL:</b>	<b>Minor material amendment to 17/02262/FULL (mixed use development comprising retail uses, restaurants, cinema, 108 dwellings, car and cycle parking, highway works, public realm improvements, realignment of Public Right of Way WBX17 and extinguishment of Public Right of Way WBX18). Amendments include: Reduction in retail/restaurant floorspace; removal of office accommodation; external and internal alterations including new glazed links, changes to fenestration/doors, extensions to residential blocks; changes to height of building (no higher than tallest element previously approved); reduction in height of cinema and relocation of entrance to ground floor; alterations to parking, delivery, servicing and access arrangements; and alterations to the public realm and landscaped areas.</b>
<b>ADDRESS:</b>	<b>Former ABC Cinema Site, Mount Pleasant Road, Royal Tunbridge Wells, Kent, TN1 1PN</b>

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

- (1) The works hereby permitted shall be begun before 2nd February 2021.

Reason: In pursuance 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:

- P1-100: Basement Floor Plan
- P1-101: Lower Ground Floor Plan
- P1-102: Ground Floor Plan
- P1-103: First Floor Plan
- P1-104: Second Floor Plan
- P1-105: Third Floor Plan
- P1-106: Fourth Floor Plan
- P1-107: Fifth Floor Plan
- P1-108: Sixth Floor Plan
- P1-109: Seventh Floor Plan
- P1-110: Roof Plan
- P2-300: Sections AA & BB
- P2-301: Sections CC & DD
- P2-302: Sections EE & FF
- P2-303: Sections GG & HH
- P2-304: Sections JJ & KK
- P2-305: Sections LL & MM
- P3-200: North Elevation - Block A
- P3-201: South Elevation - Block A
- P3-202: East Elevation 1 of 2 - Blocks A & B
- P3-203: East Elevation 2 of 2 - Blocks B & Cinema
- P3-204: West Elevation - Blocks A & B
- P3-205: South Elevation - Block C
- P3-206: East Elevation - Block C
- P3-207: West Elevation - Block C
- P3-208: North Elevation - Block C
- P3-209: West Elevation - Block D
- P3-210: East Elevation - Block D
- P3-211: North Elevation - Block D
- P3-212: South Elevation - Block D & Cinema
- P4-401: Façade Bay Study - Mount Pleasant Road - Residential Units
- P4-406: Façade Bay Study - Mount Pleasant Road - Cinema
- P4-400: Façade Bay Study - Mount Pleasant Road - Retail
- P4-403: Façade Bay Study - Church Road: Block A

Reason: To clarify which plans are approved.

- (3) Prior to the commencement of construction works, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Plan and BS:5228 Code of Practice for Noise Vibration Control on

Construction and Open Sites 2009 (as amended) (or any subsequent revision), unless otherwise agreed in writing by the Local Planning Authority.

The Plan shall include:

- (i) An indicative programme for carrying out the works, including the sequence of construction
- (ii) Measures to minimise the production of dust on the site
- (iii) Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and, where appropriate, the use of noise mitigation barriers
- (iv) Measures or offsetting schemes to reduce transport related air pollution from the development during construction
- (v) Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site
- (vi) Management of traffic visiting the site including temporary parking or holding areas
- (vii) Provision of off road parking for all site operatives
- (viii) Measures to prevent the transfer of mud and extraneous material onto the public highway
- (ix) Measures to manage the production of waste
- (x) Measures to minimise the potential for pollution of groundwater and surface water
- (xi) The location and design of site office(s) and storage compounds
- (xii) The location of temporary vehicle access points to the site during the construction works
- (xiii) The arrangements for public consultation and liaison during the construction works
- (xiv) The routing of construction vehicles between the site and the trunk road network

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

- (4) The residential accommodation within the development hereby approved shall be used only as specialist accommodation for older people with the principal and primary occupation limited to at least one person aged 65 years of age or older, and any spouse, common or civil law partner or other companion of that person residing within the accommodation at the time of that person's death (or ceasing to reside at the accommodation due to infirmity).

Reason: Levels of vehicle and cycle parking for the development have been reduced as a result of the demographic.

- (5) During the demolition and construction phases, no works of demolition or construction shall take place other than within the hours Monday to Friday 08.00 to 18.00 hours, Saturday 08.00 to 13.00 hours and not at all Sundays or Bank Holidays.

Reason: To prevent disturbance to nearby residential properties.

- (6) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site 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), if remediation is deemed necessary following 1) and 2) above. 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.

The scheme shall thereafter be implemented as approved.

Reason: To prevent pollution of controlled waters and to comply with the National Planning Policy Framework. Such details are fundamental to the application and are therefore required prior to its commencement.

- (7) Prior to the first occupation of the development and upon completion of any remediation works undertaken pursuant to Condition 6, Part 3, a Closure Report shall be submitted to and approved in writing by the Local Planning Authority. The Closure Report shall include full verification details as set out in Condition 6, Part 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 written consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason: To prevent pollution of controlled waters and to comply with the National Planning Policy Framework. Such details are fundamental to the application and are therefore required prior to its commencement.

- (8) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: This information is required prior to the commencement of the development, to ensure that features of archaeological interest are properly examined and recorded.

- (9) The development shall be undertaken in accordance with the details of levels indicated on the approved plans.

Reason: To ensure a satisfactory appearance on completion of the development.

- (10) The retail/restaurant units hereby approved, shall be used for A1 (retail) or A3 (restaurant/café) use only, or a mix thereof, as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to these Classes in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure the development is delivered in accordance with the details hereby approved.

- (11) Prior to the first occupation/use of any residential or non-residential unit, details of any plant (including ventilation, refrigeration, air source heat pumps and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general this is expected to be 5dB below the existing measured background noise level LA90,T, determined as 52 dB LA90, 16hr daytime and 36 dB LA90, 8hr night-time from RPS report ref JAE9058-REPT-01-R4, unless an alternative target level has been agreed in writing by the Local Planning Authority. (In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5, the applicant's consultant should contact the Environmental Protection Team to agree a site specific target level). The development shall be carried out in accordance with the approved details.

Reason: To protect residential amenity.

- (12) Prior to the commencement of above ground works, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in relevant outdoor 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 assessment shall also specifically include noise from the adjacent licensed premises and from commercial premises included in the development itself particularly the outside seating areas. The assessment of these elements should not be restricted to use of the BS:8233 methodology, as it is not suitable for this purpose. 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 protect residential amenity.

- (13) The ceiling and floor that separates any residential and commercial unit shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels. The weighted standardized difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 10140; 2011 Acoustics- Measurement of sound insulation in buildings and of building elements- Part 4: Field measurements of airborne sound insulation between rooms.

Reason: To protect residential amenity.

- (14) Prior to the first operation of any unit to be used for A3 purposes, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

Reason: To protect the amenity of nearby properties from fumes and odours.

- (15) Prior to the commencement of the development (with the exception of Enabling Works), a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the Drainage Strategy Addendum, prepared by WSP dated 1 July 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.

- (16) 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 in writing 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 risk from the 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.

- (17) Prior to the commencement of the development (with the exception of Enabling Works), a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To avoid unacceptable additional use of existing drainage infrastructure and to avoid pollution of the surrounding area. Such details are fundamental to the application and are therefore required prior to its commencement.

- (18) Prior to the first occupation of the development, a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce transport related air pollution when in occupation, shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of air quality and residential amenity.

- (19) The tree works associated with this development shall be undertaken in accordance with the submitted Arboricultural Report (Hal Appleyard, July 2017) or any variation thereof as approved in writing by the Local Planning Authority, which details the works to be undertaken with regard to the retained trees, and in accordance with the principles set out in the current edition of BS:5837 and other current best practice guidance, and proposals for arboricultural supervision of such works.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

- (20) The approved development shall be carried out in such a manner as to avoid damage to the existing trees (including their root systems) that are 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 BS:5837, and in accordance with the approved Tree Protection Plan and Arboricultural Report (Hal Appleyard, July 2017), to the satisfaction of the Local Planning Authority (or any variation thereof as approved in writing by 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 Areas of the trees or 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: To protect existing trees and enhance the appearance and character of the site and locality.

- (21) Prior to the commencement of above ground works, final written details and/or samples as appropriate of any materials to be used externally (including walls, balustrades and balconies, window frames, doors, rainwater goods) shall be submitted to and approved in writing by the Local Planning Authority. A sample brick panel relating to each part of the building shall be constructed on site, measuring at least 1m x 1m showing joint size, mortar finish, and colour and type of brick, and the approved panel shall remain on site until the work on these buildings has been completed. The development shall be carried out in accordance with the approved materials unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, this condition does not apply to the part of the building containing the cinema, which is the subject of a separate condition.

Reason: To safeguard the characteristics of the locality.

- (22) Prior to the commencement of above ground works for the cinema building, details of the materials to be used for the cladding of the cinema elevations, including the design of any patterns to be incorporated within the cladding material, and any associated lighting, 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the characteristics of the locality.

- (23) Prior to the commencement of above ground works, details and drawings of the following matters shall be submitted to and approved in writing by the Local Planning Authority:

- large-scale constructional cross sections of key parts of each building block to show window frames and dressings (lintels, sills etc), doors and doorways, depths of recession between structural elements and infill panels, copings, windows, balustrades and balconies, external services and plant.

The development shall be constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the Conservation Area.

- (24) Prior to the commencement of above ground works, details of the proposed hard and soft landscaping and boundary treatments, together with a programme for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The hard landscape proposals shall including hard surfacing/paving materials, street furniture and seating. The soft landscaping details shall include schedules of plants (noting species, plant sizes and proposed numbers/densities), details of planting medium depths, written specifications, a programme of implementation and a 5 year management plan. A detailed specification for the construction details of the green/brown roofs shall also be provided, including full details of substrate and growing medium, provision of drainage and irrigation,



species list and method of cultivation. The landscaping shall be installed/carried out and thereafter maintained in accordance with the agreed details and programme.

Reason: To ensure a satisfactory external appearance to the development, to enhance biodiversity and in the interests of surface water management.

- (25) Prior to first occupation of any part of the building hereby approved, details of the water feature, including a timescale for its provision and arrangements for maintenance shall be submitted to and approved in writing by the Local Planning Authority. The water feature shall be provided in accordance with the approved details and in accordance with the agreed timescale and thereafter retained and maintained in accordance with the approved details.

Reason: To safeguard the characteristics of the locality.

- (26) Prior to the first occupation of the development hereby approved, a scheme for the enhancement of biodiversity (including provision of bird and bat boxes and living roofs), and a programme of implementation and monitoring shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and programme and shall be retained thereafter.

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

- (27) 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. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (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 interests of visual and residential amenity.

- (28) The development shall be carried out in accordance with the energy conservation measures as specified in the Energy Report, or in accordance with any alternative measures that have been agreed in writing by the Local Planning Authority, prior to the commencement of development.

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

- (29) Prior to the commencement of above ground works, final details of the location and appearance of the proposed photovoltaic panels and air source heat pumps, 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, unless otherwise agreed in writing by the Local Planning Authority.

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

- (30) Prior to the commencement of above ground works, written and illustrative details for water conservation within the development, 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, unless otherwise agreed in writing by the Local Planning Authority.

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

- (31) The development hereby approved shall achieve a minimum BREEAM rating of Very Good. The development shall not begin operation until a final BREEAM certificate has been issued certifying that Very Good rating has been achieved. This certificate should be submitted to and approved in writing by the Local Planning Authority prior to the first operation of the development hereby approved.

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

- (32) The parking spaces 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 (General Permitted Development) 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 the use of such facilities.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users.

- (33) The approved Delivery and Servicing Plan shall be implemented upon first occupation of the development and remain operative thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure an acceptable pedestrian environment.

- (34) Prior to above ground works, details of the location and specification of electric vehicle-charging points to serve the residential parking spaces, 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, unless otherwise agreed in writing by the Local Planning Authority.

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

- (35) Prior to the first occupation of the development, full details of cycle storage facilities to serve the dwellings and retail/commercial use (including the provision of Wiesbaden bicycle stands) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided on site prior to the first occupation of any part of the development and thereafter retained.

Reason: To ensure the provision and retention of adequate parking facilities for bicycles, in the interests of promoting sustainable transport modes.

(36) A Residents' Welcome Pack shall be made available to all new residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes, including the following:

- 1) Maps showing the site in relation to walking/cycle routes, cycle stands, local bus stops/services, and rail stations.
- 2) Approximate time it takes to walk or cycle to various local facilities.
- 3) Site specific public transport information including up to date public transport timetables.
- 4) Links to relevant local websites with travel information, such as public transport operator information and cycling organisations.
- 5) Details of Car Club scheme.
- 6) Information on public transport season tickets and offers.
- 7) Information on specific incentives including "Walk to Work" or "Cycle to Work" initiatives.
- 8) Information on the health, financial and environmental benefits of sustainable travel.

Reason: In the interests of sustainable development.

(37) Prior to the first occupation of any dwelling or commercial unit hereby approved, refuse storage facilities to serve that dwelling or commercial unit shall be provided in accordance with the submitted refuse storage details and such facilities shall thereafter be retained.

Reason: To ensure the provision and retention of adequate refuse storage facilities.

(38) The Travel Plan shall be monitored on a six monthly basis, for a period of two years following first occupation of the residential units hereby approved. If it is shown that the number of cycle parking spaces is insufficient and the number of car parking spaces is in excess of what is required, this shall be addressed by reducing car parking and increasing cycle parking, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate provision of cycle and car parking on site.

(39) Prior to the commencement of above ground works, final details of the off site highway works subject of a Section 278 Agreement and as shown generally referred to below, and a programme for their implementation, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The works shall be completed in accordance with the agreed timescale.

- Minor kerb alignment to Church Road site access radii
- Minor kerb alignment on Mount Pleasant Road/Lonsdale Gardens junction to protect listed pillars and provision of bollards
- Bicycle stand provision on public highway on Church Road
- Making good pavements on Church Road and Mount Pleasant Road

Reason: In the interests of highway safety and to ensure an acceptable pedestrian environment.

## INFORMATIVES

- 1) The applicant's attention is drawn to the Mid Kent Environmental Code of Development Practice, the terms of which should be met in carrying out the development.
- 2) This consent needs to be read in conjunction with the extant Section 106 planning obligation dated 2 February 2018, the Walkway Agreement dated 6 September 2018 and the Stopping Up and Diversion Order dated 13 March 2018.
- 3) As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts Asset Protection Kent [AssetProtectionKent@networkrail.co.uk](mailto:AssetProtectionKent@networkrail.co.uk) prior to any works commencing on site. More information can also be obtained from Network Rail's website at [www.networkrail.co.uk/asp/1538.aspx](http://www.networkrail.co.uk/asp/1538.aspx).
- 4) Southern Water advise that should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- 5) The applicant is required to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure or to connect to the public sewerage system in order to service this development.
- 6) Southern Water advise that land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors; no land drainage or ground water should enter the public sewers network; and wastewater grease traps should be provided on the kitchen waste pipes or drains installed and maintained by the owner or operator of the premises.
- 7) Kent Highways advise that 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 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.
- 8) Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access

to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. For advice on how to proceed with providing access to superfast broadband please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk)

- 9) No works considered necessary for associated realignment of vehicular access surfacing that affect the Grade II listed lamp standards at the junction of Mount Pleasant and Clanricarde Gardens shall be carried out until a listed building consent application is submitted and approved.
- 10) The applicant is advised that the residential units hereby permitted would not be eligible for any on-street parking permits. Prospective purchasers should be made aware of this to avoid any misunderstanding.
- 11) Advertisement consent will be required from the Local Planning Authority for any advertisements displayed on the site (including those associated with the approved retail, restaurant, cinema uses etc.)

#### **The Council's approach to this application:**

In accordance with paragraph 38 of the National Planning Policy Framework, 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 acceptable as submitted and no further assistance was required.
- The application was approved without delay.
- 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.



**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.