



PegasusLife Ltd
C/O Miss Kate Holland
Barton Willmore
The Observatory
Southfleet Road
Ebbsfleet
Kent, DA10 0DF

15 December 2017

PLANNING DECISION NOTICE

APPLICANT:	PegasusLife Ltd
DEVELOPMENT TYPE:	Major Others
APPLICATION REFERENCE:	17/00731/FULL
PROPOSAL:	Demolition of existing buildings and structures and construction of 3 new buildings comprising 89 units (29 one-bed units, 48 two-bed units and 12 two+ bed units) to provide accommodation for older people comprising of residential units, guest suite, staff accommodation, communal facilities and storage facilities; Car parking and storage for mobility scooters and cycle parking; Comprehensive landscape strategy comprising communal spaces and gardens for use by residents and provision of refuse storage; Creation of new vehicular access from Woodbury Park Road and drop-off point along St Johns Road and associated infrastructure and earthworks
ADDRESS:	Arriva Kent & Sussex Ltd, Bus Depot, 36 - 40 St Johns Road, Royal Tunbridge Wells, Kent, TN4 9NX

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

- (1) The works hereby permitted shall be begun before the expiration of three years from the date of this permission.

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:

16004_A_00_001
16004_A_00_010
16004_A_00_011
16004_A_00_012
16004_A_00_101 Rev A
16004_A_00_102 Rev A
16004_A_00_103 Rev A
16004_A_00_104 Rev A
16004_A_00_105 Rev A
16004_A_00_106 Rev A
16004_A_00_107 Rev A
16004_A_00_108 Rev A
16004_A_00_151
16004_A_00_152
16004_A_00_153
16004_A_00_154
16004_A_00_155
16004_A_00_201 Rev A
16004_A_00_202 Rev A
16004_A_00_203 Rev A
16004_A_00_204 Rev A
16004_A_00_301 Rev A
16004_A_00_302 Rev A
16004_A_00_210 Rev A
16004_A_00_401 Rev A
16004_A_00_402
L/S/001/16143/PGA01 Rev PL04
L/S/003/16143/PH02 Rev PL04
L/S/002/16143/PP03 Rev PL03
L/SE/301/16143/SE01 Rev PL02
L/DE/401/16143/D01 Rev PL02
L/DE/402/16143/D02 Rev PL02
16004_A_SK100
16026-01-009 Rev E

Reason: For the avoidance of doubt and in accordance with the requirements of the Town and Country Planning (General Permitted Development Procedure) (Amendment No.3) (England) Order 2009.

- (3) Prior to the commencement of the construction works a Construction 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 Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The plan shall include:

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

Reason: To protect the amenity of local residents and in the interests of highway safety.

- (4) No development shall commence 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: The reason these details are required prior to commencement is to prevent harm to the environment and protect the health and safety of construction workers and future occupiers.

- (5) If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To prevent pollution of controlled waters and comply with the NPPF.

- (6) Prior to the commencement of above ground construction works, details of the mechanical ventilation system to serve the residential units hereby approved and its arrangements for its maintenance shall be submitted to and approved in writing by the Local Planning Authority. The system shall be installed in accordance with the approved details and thereafter maintained in accordance with the approved details.

Reason: The reason these details are required prior to commencement are in order to protect the occupiers of the dwellings from adverse air quality conditions.

- (7) Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air condition) 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 development shall be carried out in accordance with the approved details. 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. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5 the applicants consultant should contact the Environmental Protection Team to agree a site specific target level. The equipment shall be maintained in a condition so that it does not exceed the predicted noise levels, whenever it is operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In order to protect the occupiers of the dwellings from any adverse noise.

- (8) Prior to the occupation of the buildings, a scheme to demonstrate that the internal noise levels within the residential units will conform to the levels given in Table 4 design range for rooms as specified times identified by BS 8233 2014, Guidance for Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the recommendations within the Grant Acoustics Noise assessment REF GA-2015-0012 R1 Rev 5 (dated September 2015) can be met in all respects. 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: In order to protect the residents of the building from undue impact from noise.

- (9) Prior to the commencement of above ground construction works, details of the finished ground floor levels, shown in relation to the existing and proposed site levels as well as eaves and ridge heights of neighbouring buildings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

- (10) Prior to the commencement of above ground construction works shall not commence until details of foul water sewerage disposal and a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the Technical Appraisal Report prepared by RSK (January 2016) 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 100yr storm) can be accommodated on-site and disposed of to the receiving public sewer network at a rate to be agreed with the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- (11) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i. a timetable for its implementation, and
 - ii. a management and maintenance plan for the lifetime of the development which shall include 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 the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- (12) Notwithstanding the details submitted, above ground construction works shall not take place until details of the proposed hard and soft landscaping; including boundary treatments; together with a programme for their implementation, have been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of hard landscape works, including hard surfacing materials; and details of soft landscape works, including planting plans and soil depths within the podium amenity area, tree pit details, additional tree planting north eastern corner of the central courtyard, written specifications (including cultivation and other operations associated with the management of the pleached trees on the site frontage and plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, a programme of implementation and a 5 year management plan.

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

- (13) The approved details for landscaping and boundary treatments shall be carried out in accordance with the agreed details and programme. All soft landscaping shall be carried out in the first planting and seeding season following occupation of the buildings or the completion of the development, (whichever is the earlier) or in accordance with a programme agreed with the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the appropriate British Standards or other recognised Codes of Good Practice. All new planting shall be adequately staked and tied and shall be maintained for a period of 5 years. Any trees or plants which, within this period, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as previously approved, unless the Local Planning Authority gives written consent to any variation.

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

- (14) Prior to the commencement of above ground construction works a scheme for the enhancement of biodiversity has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall include a programme of implementation and monitoring. The scheme shall be implemented in accordance with the approved details and programme, and shall be permanently maintained.

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

- (15) Prior to the occupation of the development hereby approved, details of external lighting shall be submitted to, and approved in writing by the Local Planning Authority. These shall include a layout plan with beam characteristics and a schedule of light equipment proposed. 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 any variation.

Reason: To protect the appearance of the area and neighbouring residents from light pollution.

- (16) Prior to the commencement of above ground construction works, written details and photographs of the materials to be used externally, above foundation level, shall be submitted to the Local Planning Authority and samples of these details shall be made available on site. Furthermore, a sample brick panel 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 details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the characteristics of the locality.

- (17) Prior to the occupation of the development, details and drawings of fenestration profiles and colour, balconies, rainwater goods, large-scale plans and cross sections to show window recession depths, copings and balustrades shall be submitted to, and approved by, the Local Planning Authority in writing, and 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.

- (18) The areas shown on the approved site layout plan as vehicle parking and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the buildings they serve are occupied, and shall be retained unallocated for the use of the occupiers of, and visitors to, the development in accordance with the details approved in the preceding planning condition, 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 vehicular access to this reserved parking space.

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.

- (19) 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 from new occupiers, including:
1. Maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, 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, cycling organisations and the Council
 5. Information on public transport season tickets and offers
 6. Information on the health, financial and environmental benefits of sustainable travel

Reason: To promote the use of sustainable transport and reduce reliance on the private car.

- (20) Prior to the occupation of any of the units on the site, the proposed bicycle storage facilities to serve the units shall be provided and made available for use. The bicycle storage facilities shall thereafter be retained unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests encouraging alternative modes of transport.

- (21) Prior to the occupation of any of the units on the site the proposed refuse storage facilities to serve the units shall be provided and made available for use. The refuse storage facilities shall thereafter be retained unless agreed otherwise in writing by the Local Planning Authority.

Reason: To facilitate the collection of refuse, preserve visual amenity, reduce the occurrence of pests and in the interests of highway safety.

- (22) No unit of accommodation shall be occupied at any time other than by a person aged 60 or older together with their spouse, partner or companion as appropriate, except that where a person aged at least 60 years is predeceased having resided within the development as a spouse, partner or companion, that person may continue to reside within the development.

Reason: The application was assessed on this basis, and accordingly mitigation for impact on education and youth recreation facilities was not considered necessary.

- (23) Prior to the erection of the building(s) hereby approved, written and illustrative details of the number, type and location of charge points shall be provided in accordance with the authorities guidance note on 'Provision of Electric Vehicle Charging Points for New Development'.

All charging systems shall be maintained and kept in good working order as specified by the manufacturer. Where charging facilities are shared, any provision of infrastructure shall also include arrangements for the future operation and maintenance of the facility. Faults shall be identified and rectified in accordance with manufacturer's requirements and failures of EV charging systems shall be rectified within 5 working days to guarantee EV charging stations remain available for use at all times.

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

- (24) Prior to the first use of the premises hereby permitted, the secondary windows facing north within the north facing side elevation and the secondary windows facing south within the south facing side elevation of building B shall be fitted with glass that has been obscured in the manufacturing process to Pilkington level 3 or higher (or equivalent) and shall be non-opening up to a maximum height of 1.7m above internal floor level. 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.

- (25) Prior to the first use of the premises hereby permitted, details of the means to obscure glaze primary windows located within the central recesses in the northern and southern elevations of Building B shall be submitted to, and approved in writing by the Local Planning Authority. These shall include details of the height and extent to which the windows shall be obscured, the method of obscuring (e.g. etching), and the Pilkington level which the obscuring shall be undertaken to (Pilkington level 3 or higher (or equivalent) is expected) and the height to which the windows will be obscure glazed. 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 be installed in accordance with the approved details, and thereafter shall be retained as such.

Reason: In the interests of protecting the residential amenities of adjacent dwellings.

- (26) Prior to the occupation of the development, a delivery and drop-off management strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include details for the management of service vehicles visiting the site for collection and delivery of goods from the access hereby approved from Woodbury Park Road only (including signage positions). The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to ensure large vehicles do not stop/park within the highway.

- (27) Prior to the commencement of the development, full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority.
- Full details illustrating the proposed gating, pedestrian access arrangements, pedestrian visibility splays and access visibility splays for the Woodbury Park Road access hereby permitted.
 - Details of visibility splays and pedestrian visibility splays for the drop-off/pick-up on St Johns Road.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to ensure suitable access and visibility. Such details are fundamental to the application and are therefore required prior to its commencement.

- (28) Prior to commencement of the development, details of the off site works to include reinstatement of the footways together and removal/re-siting of on street parking bays/lamp column, shall be submitted to and approved in writing by the Local Planning Authority following consultation with the Highway Authority. The agreed scheme shall be implemented in accordance with the approved details and in accordance with highway authority standards and specification.

Reason: To provide suitable repairs to the highway in the interests of highway safety. Such details are fundamental to the application and are therefore required prior to its commencement.

- (29) The development hereby permitted shall be constructed in accordance with the specifications, technologies and methods as outlined within the Sustainable Design and Energy Assessment submitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of sustainable construction.

Informatives:

- (1) The developer should advise future residents that they will not be eligible for on street parking permits within this area and that parking provision within the application site should be used instead.
- (2) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.
- (3) 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 <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land> 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.
- (4) As the development involves demolition and / or construction broad compliance with the Mid Kent Environmental Code of Development Practice is expected.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 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, appearing to read 'S. Baughen', with a stylized flourish at the end.

Stephen Baughen
Building Control and Development Manager
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.

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.