



Quantum Group Ltd / Octopus Healthcare
Owlsnest Wood
Tonbridge Road
Pembury
Tunbridge Wells
Kent, TN2 4QN

5 May 2022

PLANNING DECISION NOTICE

APPLICANT:	Quantum Group Ltd / Octopus Healthcare
DEVELOPMENT TYPE:	Major Others
APPLICATION REFERENCE:	19/01600/FULL
PROPOSAL:	Demolition of existing residential dwelling, ancillary outbuildings, pool house and bunker to incorporate a 76 bed health and wellbeing facility to supply private nursing care and step down care to adjacent hospital with associated car parking, signalised entrance junction, landscaping and amenity space along with proposed community access of existing lake for recreational and leisure use.
ADDRESS:	Owlsnest Wood, Tonbridge Road, Pembury, Tunbridge Wells, Kent, TN2 4QN

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 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:

- Proposed Site Plan 891-202 I
- Proposed Site Plan Showing Parking Areas 891-203 A
- Care Home - Ground Floor Plan 891-301 A
- Care Home - First Floor Plan 891-302 A
- Care Home - Roof Plan 891-303 A
- Care Home - Elevations 891-304 A
- Proposed Site Sections 891-502 E
- Cycle Store & Bin Store Details 891 - 601 B
- Shelter Details 891-602
- Arboricultural Report 891-D10 B
- Transport Statement and Plan Number SK190717 P1 New Signalised junction with staggered crossing island.
- Ecological Survey and Report 891-D15
- Noise Assessment 891-D16
- Landscape and Ecology Management Plan 891-D19 A
- Travel Plan Framework 891-D20
- Woodland Management Plan 891-D21
- JB - 3126-020-P3 Section 278 GIA
- JB - 3126-021-P4 Section 278 Landownership
- JB - 3126-024-P2 Section 278 Junction Overview
- 891-D15A Owlsnest Ecological Appraisal and Phase 2 surveys
- 891-D15 Appendix Bat Mitigation strategy

Reason: To clarify which plans have been approved.

- (3) No part of the development hereby permitted shall commence until a Construction Management Plan (CMP) which shall include a programme for monitoring and review has been submitted to, and approved in writing by, the Local Planning Authority (who shall consult with Highways England). The approved CMP shall be adhered to throughout the construction phase of the development and shall include;

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures (including wheel wash) to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works and;
- shall cover parts of the construction (foundations/drainage etc) and or means of construction (crane for example) that could affect the safety or operation of the SRN.

Reason: To ensure that the A21 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of the road safety and to prevent environmental damage. This is pre-commencement to ensure that the site set up is secured at an early stage to ensure highway safety and the amenity of local residents.

- (4) Development shall not begin until 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 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.

- (5) No building 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 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 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 pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- (6) No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason To ensure development is compliant with the National Planning Policy Framework (NPPF), and ensure that infiltration drainage does not present a contamination pathway to groundwater in the underlying aquifers, which are also within Source Protection Zone 4 for a public water supply.

- (7) 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 (LPA)) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the NPPF.

- (8) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason To ensure any foundations works are carried out under the advisement of a suitable methodology informed by a risk assessment of historic contamination and potential impacts on groundwater within the underlying Principal Aquifers within SPZ4 for a public water supply.

- (9) Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and an implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To avoid pollution of the surrounding area. This is pre-commencement to ensure that suitable drainage is designed at early stage to prevent flood risk.

(10) 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: To protect future occupiers of the site. The reason these details are required prior to commencement are to prevent harm to the environment and protect the health and safety of construction workers and future occupiers.

(11) Prior to the commencement above ground works, a scheme to demonstrate that the internal noise levels within the building will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. 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 the interest of the future amenity of occupiers of the site.

(12) Prior to the commencement of development, details of the finished ground floor levels, shown in relation to the existing and proposed site levels 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.

- (13) Notwithstanding the details submitted, prior to the commencement of above ground construction works, written details including source/ manufacturer, and samples of bricks, tiles, cladding and all roofing materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

- (14) Notwithstanding the details submitted, prior to any above ground construction works, details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. This should include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The approved boundary treatments shall be completed before the first occupation of the development hereby approved and shall be permanently maintained.

Reason: In the interests of the amenity of the area.

- (15) No external lighting shall be installed until a detailed scheme of lighting has been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development of above ground works. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: To protect the rural character and appearance of the locality, neighbouring amenity, and in the interests of biodiversity.

- (16) Notwithstanding the details submitted, no development shall take place until a landscape scheme, to include hard and soft landscaping, designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide new planting with positions, size and species to be used.

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development. This is a pre-commencement condition to ensure that trees are protected at an early stage of the development.

- (17) All planting, seeding or turfing comprised in the approved details of the landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development which ever is sooner and any trees or plants (including trees and plants shown to be retained which within a period of 5 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 gives written consent to any variation.

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.

- (18) Prior to commencement of development, an updated bat survey together with a scheme of avoidance, mitigation and enhancement, for notable and protected species in accordance with the recommendations set out in the "Ecological Walkover Survey" (Peach Ecology June 2017) 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 and be retained as such thereafter.

Reason: To ensure the protection and necessary mitigation of protected species.

- (19) A landscape and ecological management plan (LEMP) following the principles set out in British Standard 42020:2013 Biodiversity — Code of practice for planning and development shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development.

The content of the LEMP shall include as a minimum the following:

- a) Each woodland compartment should be separately described and have its own objectives and rotation/schedule of works
- b) The management plan would be in conformity with Forestry Commission guidance for woodlands
- c) Monitoring should be split into tree works/safety and separately ecology
- d) Ecology monitoring should be split into specific monitoring tasks and timescales carried out by those with relevant experience/qualification. e.g. any survey of bat boxes would normally be by a licensed bat worker whereas the pond may be monitored for invasive plants and fish every three years by a general ecologist.
- e) The monitoring should include a process of possible revision where objectives are not met and monitoring reports should be made available to the Council on request. Any changes to the management plan will need the approval of the Council. Monitoring should be annually years 1 to 3 and thereafter every 3 years.
- f) Felling should only be in accordance with management plan or as approved under an Forestry Commission woodland grant scheme. Where additional tree works or felling is required as a matter of health and safety the Council should receive prior notification and be asked to approve the works.
- g) The management and access arrangements for the site should include provision for County Recorder groups to access the site for the purpose of species recording.
- h) There should be provision within the first three years for community engagement tasks/events (including staff and residents) on wildlife conservation to raise awareness.
- i) There should be explicit reference to how funding will be provided funding and a named company and post holder responsible for implementing the management plan.

The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of ecology, the landscape and scenic beauty of the area

- (20) Notwithstanding the submitted arboricultural report and assessment, no development shall take place until a site-specific Arboricultural Method Statement (AMS) in accordance with British Standard BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority.

The AMS shall incorporate the following:

- a schedule of tree works;
- an updated tree protection plan including, if appropriate, demolition/construction phases;
- specific measures to protect retained trees during demolition, removal of abandoned vehicles, level changes and installation of new surfacing, including footpaths, and utilities;
- specifications for the protective fencing, temporary ground protection and permanent cellular storage system(s) to be used; and
- a schedule of arboricultural supervision, including the contact details of the arboriculturist to be appointed by the developer or their agents to oversee tree protection on the site, the frequency of visits and the reporting of findings.

Following a pre-commencement site meeting between the main contractor, appointed arboriculturist and Local Planning Authority tree officer, the AMS shall be issued as a working document, including the schedule of supervision agreed by all parties.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990, and to safeguard existing trees to be retained and mitigate impacts from demolition and construction which could lead to their early loss. This is a pre-commencement condition to ensure the early protection of trees on the site, important to landscape and visual amenity.

- (21) The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, by observing the following:
- a) No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers, trunk protection and/or ground protection, except to carry out pre-commencement operations approved in writing by the Local Planning Authority. These measures shall be maintained until all equipment and surplus materials have been removed from the site.
 - b) No alterations shall be made to the siting of barriers or other tree protection, nor ground levels changed, nor excavations made within these areas without the prior written consent of the Local Planning Authority.
 - c) Nothing shall be stored or placed, nor fires lit, within any of the protected areas.
 - d) All construction activities, tree protection, access facilitation pruning and pre-emptive root pruning shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan, unless the Local Planning Authority gives written consent to variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990, and to safeguard existing trees to be retained and mitigate impacts from demolition and construction which could lead to their early loss.

- (22) Prior to the occupation of the development hereby approved, details of the provision of at least 2 'fast charge' electric vehicle-charging points, including a timescale for their provision, shall be submitted to, and approved in writing by, the Local Planning Authority. The charging point shall be provided in accordance with the approved details and in accordance with the agreed timescale and retained thereafter.

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

- (23) The area shown on the approved parking plan 891-203 Rev A 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 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) (England) Order 2015 as amended (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to 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.

- (24) No part of the above ground construction works of the development hereby permitted shall commence until details of the boundary treatment adjacent to the A21 trunk road boundary have been submitted to and approved in writing by the Local Planning Authority (who shall consult with Highways England). The approved boundary treatment shall thereafter be constructed prior to first occupation in accordance with the approved plans, and maintained in perpetuity.

Reason: To ensure that the A21 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage. This is a pre-commencement condition to ensure satisfactory details are submitted at an appropriate stage to ensure highway safety.

- (25) No surface water shall be permitted to run off from development hereby permitted on to the Strategic Road Network or in to any drainage system connected to the Strategic Road Network. No drainage connections from the development hereby permitted may be made to any Strategic Road Network drainage systems.

Reason: To ensure that the A21 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage.

- (26) Prior to commencement of any works on site details of the off-site highway works shown on plans 3126 SK190717 P1, 024 P2, 021 P4, and 020 P3 for indicative purposes only shall be submitted for approval, following consultation with the Highway Authority. The off-site works shall include provision of a signalled junction to provide access to the site and to include works to the existing signals at the main hospital entrance and to include high friction surfacing as required by the highway authority, together with any accommodating works. The approved works shall be implemented to highway authority standards and specification prior to commencement of any works on site .

Reason: To ensure highway safety, pedestrian and vehicular. The reason these details are required prior to commencement are to ensure the safety of future occupiers and nearby users are given early consideration.

- (27) Prior to the first occupation of the development/commencement of the use, the existing vehicular access to Tonbridge Road shall be permanently closed in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- (28) Prior to the erection of the building(s) hereby approved, written and illustrative details for energy conservation within the development shall be submitted to and approved in writing by the Local Planning Authority. A BREEAM rating of 'Excellent' including a 25% reduction in carbon emissions shall be demonstrated and achieved. The energy conservation measures shall be installed and fully operational prior to the first occupation/use of the development hereby approved.

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

- (29) Prior to the erection of the building(s) hereby approved, written details for water conservation within the development, shall be submitted to and approved in writing by the Local Planning Authority. The water conservation measures shall be installed prior to the first occupation/use of the development hereby approved.

Reason: In the interests of water conservation.

- (30) 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: To ensure that features of archaeological interest are properly examined and recorded. This is a pre-commencement condition to ensure that any items of interest and finds are recorded at an early stage of stage development.

- (31) Prior to the commencement of development, full details of the proposed pedestrian entrance off Tonbridge Road, shall be submitted to and approved in writing by the Local Planning Authority, including method of installation, position, design and materials. The approved pedestrian entrance shall be installed prior to first occupation of the building and thereafter maintained in perpetuity.

Reason: In the interests of visual amenity and the landscape of the area. This is a pre-commencement condition to ensure early protection of trees and landscaping on the site, important to visual amenity.

Informative(s):

- (1) With respect to any proposals for piling through made ground, we would refer you to our guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" (NGWCL Centre Project NC/99/73). We suggest that approval of piling methodology is further discussed with us when the guidance has been utilised to design appropriate piling regimes at the site.
- (2) The CMP shall cover those parts of the permitted development whereby the construction itself (foundations/ drainage etc) and/or the means of construction (cranage etc) could affect the safety or operation of the SRN.
- (3) For reasons of safety, liability and maintenance, all noise fences, screening and other structures must be erected within the permitted development site, and far enough within the site to enable maintenance to take place without encroachment onto highway land. Likewise, any soft landscaping should be designed and maintained to ensure that there is no liability accruing to Highways England, nor any need for maintenance to require encroachment onto highway land.
- (4) The applicant is advised to install more electric charging points and/or ensure that the infrastructure is in place to install more points to meet the likely changes in demand.
- (5) The applicant is advised to ensure that the well shown within the grounds is capped before the site is open to the public.
- (6) Planning permission does not convey any approval for works to the public highway for which the developer will be required to enter into a S.278 Agreement with the highway authority . Applicants should contact James Pronger Development Agreements Project Manager Kent County Council (James.pronger@kent.gov.uk or telephone 03000 418181) in order to progress the agreement.

- (7) 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.

- (8) As the development involves demolition and / or construction, it is recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.
- (9) This development is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990.
- (10) Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk for further advice regarding disposal of foul water flows.

The Council's approach to this application:

In accordance with the 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 application was approved without delay.
- The applicant/agent was advised of minor changes required to the application and these were agreed.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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

Stephen Baughen
Head of Planning
Tunbridge Wells Borough Council

IMPORTANT: YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF CONSENT OR GRANT OF CONSENT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 or Control of Advertisements Regulations 1989.

Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant for the following:

- If this is a decision to refuse planning permission for a Householder application or a Minor Commercial application and you want to appeal the decision, or any of the conditions imposed, then you must do so within 12 weeks of the date of this notice.
- In all other cases, you will need to submit your appeal against the decision, or any of the conditions imposed, within 6 months of the date of this notice.

For applications relating to Enforcement Notices:

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is subsequently served and relates to the same or substantially the same land and development and if you want to appeal against the decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder or minor commercial application decision] of the date of this notice, whichever period expires earlier.

Appeals must be made 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>