



McCarthy and Stone Retirement Lifes
C/O Mr Ian Hann
The Planning Bureau Ltd
2 Genesis Business Park
Albert Drive
Woking
GU21 5RW

23 December 2019

PLANNING DECISION NOTICE

APPLICANT:	McCarthy and Stone Retirement Lifes
DEVELOPMENT TYPE:	Major Dwellings
APPLICATION REFERENCE:	19/01271/FULL
PROPOSAL:	Demolition of existing dwelling and erection of 43 retirement living apartments with associated communal facilities, access, parking and landscaping (resubmission of application 18/02767/FULL)
ADDRESS:	The White House, Highgate Hill, Hawkhurst, Cranbrook, Kent, TN18 4LB

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

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers SE-2550-03-AC-01A, SE-2550-03-AC-02F, SE-2550-03-AC-03C, SE-2550-03-AC-04C, SE-2550-03-AC-05D, SE-2550-03-AC-06B, SE-2550-03-AC-07C, SE-2550-03-AC-08C, SE-2550-03-AC-09C, SE-2550-03-AC-10C, SE-2550-03-AC-12D, SE-2550-03-AC-13D, 1079-KC-XX-YTREE-TPP01 Rev A (Tree Protection Plan)

SE-2550-03-LA-MCS616_Drg 01 F (landscaping)

Tree Survey, Impact Assessment and attached plans (April 2019)

Transport Statement drawings 17-337/011A (General Arrangement); 17-337/012A

(Refuse Vehicle Swept Path Analysis); 17-337/013A (Fire Tender Swept Path Analysis);

17-337/014A (Car Swept Path Analysis); and 17-337/017 (Car Park Access Long Section

1 in 15 Crossfall - Option)

Reason: To clarify which plans are approved.

(3) No works or development shall take place until a site specific Construction/Demolition Environmental Management Plan has been submitted to and been approved in writing by the local authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:

- All works and ancillary operations which are audible at the site boundary or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 07:30 hours and 18:00 hours on Mondays to Fridays, 08:30 and 13:00 hours on Saturdays and at no time on Sundays and Bank Holidays. Unless in association with an emergency or with the prior written approval of the District Planning Authority.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5228, Noise and Vibration Control on Construction and Open Sites shall be used to estimate LAeq levels and minimise noise disturbance from construction 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 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.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers and highway safety. This is a pre-commencement condition as the necessary measures will need to be provided from the start of the construction phase.

(4) Prior to the commencement of development (excluding demolition of existing buildings, ground works and the formation of the access hereby approved), a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant 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 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 interests of residential amenity

- (5) Prior to the commencement of any works or development on site (excluding demolition of existing buildings), the visibility splays shown on approved drawing PLAN 17-337/011A (within which there shall be no obstruction in excess of 0.9m in height above the carriageway edge) shall be provided at the access and the splays shall be so maintained at all times thereafter.

Reason: In the interests of highway safety. This is a pre-commencement condition as the visibility splays will need to be provided from the start of the construction phase.

- (6) Prior to first use of the access hereby approved, pedestrian visibility splays of 1.0m x 1.0m x 45 degrees (within which there shall be no obstruction in excess of 0.6m in height above the height of the adjoining highway) shall be provided within the curtilage of the site and either side of the driveway. The splays shall be so maintained at all times thereafter.

Reason: In the interests of pedestrian safety.

- (7) Prior to commencement of any works or development on site (excluding demolition of existing buildings), details of all off site works (to include restoration of the existing vehicle crossover points, including the existing crossover to the south of the proposed access) shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with approved plans prior to the first occupation of the development hereby approved.

Reason: In the interests of highway safety. This is a pre-commencement condition as the proposed works will need to be agreed with the highway authority before work starts to ensure they can be delivered as part of the proposal.

- (8) The area shown on the approved drawing number SE-2550-03-AC-02F as vehicle parking space, garages 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 first occupation of any part of the development, and 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) (England) Order 2015 (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, garaging and turning 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.

- (9) Notwithstanding the approved plans and submitted details, prior to the first occupation of any part of the development a scheme identifying the units/parking spaces which shall be allocated EV charging points shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: In the interests of promoting emission-free car use and to achieve sustainable development.

- (10) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of development (excluding demolition of existing buildings, ground works and the formation of the access hereby approved) written and illustrative details for renewable energy technologies, water and energy conservation within the development shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

- (11) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of development (excluding demolition of existing buildings, ground works and the formation of the access hereby approved) detailed plans and information regarding the following aspects of the proposed development. The development shall be carried out in accordance with the approvals:

- a) Details relating to windows, window glazing and joinery and dormer windows;
- b) Written details including source/ manufacturer, and photographic samples of bricks, tiles, cladding materials and all other materials to be used externally
- c) The materials to be used for final surfacing of the footpaths and parking area;
- d) The positions, design, materials and type of boundary treatment;
- e) The alignment, height and materials to be used in the construction of all walls, fences or other means of enclosure;

The submitted details shall take in to account the comments on the application of Kent Police dated 29/05/19.

Reason: To ensure the build quality of the development.

- (12) The development shall be constructed in accordance with the approved levels.

Reason: To ensure the build quality of the development

(13) The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

- All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with the current edition of BS 5837, and in accordance with the approved Tree Protection Plan and Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction
- No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
- No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality

(14) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written permission or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

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

- (15) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed.

Works shall not re-commence until an appropriate remediation scheme has been submitted to and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- (16) Notwithstanding the submitted drawings and all supporting documentation, prior to the installation of any external lighting (where applicable) full details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a lighting layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The submitted lighting scheme shall be informed by an ecologist to limit the impact upon protected species from artificial light sources. The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

(17) Development (excluding demolition of existing buildings) shall not begin in any phase 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 be based upon the Indicative foul and surface water drainage layout 70042926-D-SK-002 (WSP, August 2018) 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.

(18) 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, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

(19) The development shall be carried out in accordance with the approved foul sewage disposal details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid pollution of the surrounding area.

- (20) Notwithstanding the submitted drawings and all supporting documentation, no development (excluding the formation of the access hereby approved) shall take place until a scheme for the mitigation and enhancement of biodiversity, along with the additional reptile surveys identified as necessary by the submitted ecological survey have been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall take account of any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the existing populations of protected species and to improve their habitat on the site. This is a pre-commencement condition as biodiversity matters will need to be addressed from the beginning of the construction phase.

- (21) Notwithstanding the submitted drawings and all supporting documentation, prior to the first occupation of any part of the development, details of hard and soft landscaping and a programme for carrying out the works shall be submitted to the Local Planning Authority for approval. The submitted scheme shall include details of hard landscape works, including hard surfacing materials; and details of soft landscape works, including planting plans, written specifications (including cultivation and other operations associated with the plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

The approved landscaping scheme shall be carried out fully in accordance with the approved programme. Any trees or other plants which, within a period of ten years from the completion of the development on that phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

- (22) No unit of accommodation shall be occupied at any time other than by a person aged 55 or older together with their spouse, partner or companion as appropriate; except where a person aged under 55 years is predeceased having resided within the development as a spouse, partner or companion of a person aged 55 or older, that person may continue to reside within the development.

Reason: To ensure the retention of the approved use of the site.

(23) Before the first occupation of Flats 25 & 26 hereby permitted, the following windows shall be fitted with obscure glazing, Pilkington level 3 or higher (or equivalent), be top hung only and restricted to an opening of 100 mm;

- The kitchen windows serving Flats 25 & 26.

Both the obscured glazing and the opening restriction 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 permanently retained as such.

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

(24) Notwithstanding the submitted details and plans, prior to the first occupation of Flat 26 hereby approved, details of a privacy screen to the southern side of the balcony serving Flat 26 shall be submitted to and approved in writing by the Local Planning Authority.

The details shall show the privacy screens to be a minimum of 1.8m high and constructed of either;

- Solid material, or;
- Glazing obscured to Pilkington level 3 or higher (or equivalent) which is an integral part of the manufacturing process and not a modification or addition made at a later time.

The approved privacy screens shall be installed before the first occupation of Flat 26 hereby approved, and shall be permanently retained thereafter.

Reason: In the interests of residential amenity.

(25) The room labelled 'Guest Suite' on the approved drawing SE-2550-03-AC-03C shall only be used on an ancillary basis to the development hereby approved and not as primary residential accommodation at any time.

Reason: To prevent the creation of an additional dwelling without detailed consideration of its impacts

Informatives:

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

- (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:

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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

- (4) This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affect the way in which the property may be used.
- (5) The applicant is recommended to ensure that Broadband 'fibre to the premise' (Superfast fibre optic broadband) to all buildings of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings is provided.

The Council's approach to this application:

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

- The applicant/agent was provided formal pre-application advice.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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

Stephen Baughen
Head of Planning
Tunbridge Wells Borough Council

IMPORTANT: YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

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

Appeals to the Secretary of State

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

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

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

For applications relating to Enforcement Notices:

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

Appeals must be made using a form which you can get from The Planning Inspectorate, Room 3/13, Temple Quay House , 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.

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.