



www.tmbc.gov.uk

Planning, Housing &
Environmental Health

Mr Andrew Wells
Andrew Wells Planning & Design
Hollywood House
76 Hollywood Lane
Wainscott
Rochester
ME3 8AR

Our ref: TM/23/01372/FL
Email: planning.applications@tmbc.gov.uk
Date: 24-Jan-2024

Location: Russetings and Lytlewood, Riding Lane, Hildenborough, Tonbridge, TN11 9LR

Proposal: Demolition of two existing bungalows and associated outbuildings and erection of 3 replacement dwellings with associated access and amenity areas

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order
2015**

TAKE NOTICE that the TONBRIDGE AND MALLING BOROUGH COUNCIL, the District Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for the proposal as specified above, subject to compliance with the following conditions:

1. The development 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.

2. No development shall take place above slab level until details of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3. The development shall be carried out in accordance with the following approved plans/documents:

- Proposed Site Plan PL 671 01 REV A, received 04.08.2023
- Proposed Plans and Elevations PL 671 02, received 27.06.2023
- Proposed Plans and Elevations PL 671 03, received 27.06.2023
- Proposed Plans and Elevations PL 671 04, received 27.06.2023
- Proposed Plans and Elevations PL 671 05, received 27.06.2023
- Site Location Plan PL 671 10, received 27.06.2023

Development Management

Gibson Building, Gibson Drive, Kings Hill, West Malling, ME19 4LZ

www.tmbc.gov.uk

planning.applications@tmbc.gov.uk

- Design and Access Statement, received 27.06.2023
- Preliminary Ecological Appraisal, received 27.06.2023
- Arboricultural Report, received 27.06.2023
- Bat and Mitigation Survey, received 26.07.2023
- Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate, received 11.08.2023

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

4. No development shall take place above slab level until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation.

5. A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species/cultivar, planting heights, densities and positions of any soft landscaping, as well as details of the materials to be used to driveways, footpaths and any other hardsurfaced areas and details of boundary treatments, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced above slab level.

All work comprised in the approved scheme of soft landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any approved hardsurfacing and boundary treatments shall be constructed prior to first occupation of any dwelling.

Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development.

6. No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as shown in Appendices D and E of the Arboricultural Survey, Constraints and Impact Assessment,

produced by Ben Larkham Associates and dated 21st June 2023 has been erected around existing trees on site shown to be retained. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

7. Prior to works commencing (including site clearance), evidence that the full Great Crested Newt District Level Licence conservation payment has been made to Natural England and a copy of the licence issued, will be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that undue harm does not occur to protected species and that the development provides a biodiversity net gain and enhances the site in ecological terms in accordance with Policy NE3 of the Managing Development and the Environment DPD (2010) and to accord with the National Planning Policy Framework (2023).

8. From commencement of works (including site clearance), all mitigation will be carried out in accordance with the details contained in section 4 of the Preliminary Ecological Appraisal, KB Ecology, dated 22nd June 2023 and in accordance with the Bat Survey and Mitigation Strategy, by KB Ecology, 20th July 2023, unless additional/alternative measures are required by Natural England. A granted Natural England bat mitigation licence must be in place prior to carrying out any works that could affect the bat roost(s) on-site.

Reason: To ensure that undue harm does not occur to protected species and that the development provides a biodiversity net gain and enhances the site in ecological terms in accordance with Policy NE3 of the Managing Development and the Environment DPD (2010) and to accord with the National Planning Policy Framework (2023).

9. Prior to completion, and subsequent to the issue of the bat licence, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. Measures shall be based on the recommendations within section 4.10 of the Preliminary Ecological Appraisal, KB Ecology, dated 22nd June 2023. With regards to the Bat Survey and Mitigation Strategy, by KB Ecology, 20th July 2023, should Natural England require less mitigation than that detailed within the submitted report, then all remaining measures will be included as enhancements. The approved measures will be implemented and retained thereafter.

Reason: To ensure that undue harm does not occur to protected species and that the development provides a biodiversity net gain and enhances the site in ecological terms in accordance with Policy NE3 of the Managing Development and the Environment DPD (2010) and to accord with the National Planning Policy Framework (2023).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order)

no development shall be carried out within Classes A, AA, B or E of Part 1 of Schedule 2 of that Order.

Reason: In the interests of the visual amenities of the site and local area and to preserve the openness of the Metropolitan Green Belt in accordance with Policy CP3 of the Core Strategy (2007) and paragraphs 152-154 of the National Planning Policy Framework (2023).

11. No dwelling shall be occupied until the areas shown as driveways and parking on the submitted drawing PL/671/01 Rev A have been provided, surfaced and drained. Thereafter these areas shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to these parking spaces.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on street parking.

12. No development shall commence above slab level until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

13. No development shall commence above slab level until details of cycle storage to be provided to each plot have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and shall be completed prior to occupation of any dwelling.

Reason: To encourage sustainable modes of transport and ensure that provision is made for the storage of bicycles in light of permitted development rights being removed.

14. No development shall commence on site (excluding site demolition or clearance works) until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of pollution prevention and to ensure that the site is adequately served by drainage provision.

15. The windows at first floor level in the north-eastern elevation of Plots 1 and 3; and the windows at first floor level in the south-western elevation of Plot 2 shall be obscure glazed and non-opening unless the parts of the windows that can be opened are located at least 1.7m above the finished floor level.

Reason: To ensure that overlooking does not occur between dwellings forming the development and to preserve the amenity of the adjoining property.

16. No development hereby permitted shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include details of:
- a) parking for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) measures to prevent the deposit of materials on the highway
 - f) on-site turning for construction vehicles
 - g) routing of construction and delivery vehicles to / from site
 - h) sheeted loads for construction and delivery vehicles to / from the site

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

Reason: To ensure that construction vehicles can be accommodated on site and do not pose a risk to highway safety.

Informatives:

1. The applicant/developer should be aware that this decision is subject to a legal agreement.
2. To avoid undue disturbance to neighbours, during the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.
3. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. The applicant is therefore advised to prohibit fires on site during the development stage of this project.
4. You are also advised that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 relating to the protection of species and habitats. The applicant is recommended to seek further advice from the Natural England, Temple Quay House, 2 The Square, Bristol, BS1 6EB.
5. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
6. The proposed development is within a road which does not have a formal street numbering and, if built, the new property/ies will require new name(s), which are required

to be approved by the Borough Council, and post codes. To discuss suitable house names you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

7. If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.
8. Applicants should be aware that in the event of planning permission being granted, the Fire & Rescue Service would require the access routes, hardstanding and turning facilities onsite to meet the requirements of Approved Document B, Volume 1:2019, Table 13.1.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

9. Your attention is drawn to Appendix 1 of the Ecology Officer's comments which provides some generic (non-exhaustive) information regarding the most common enhancements we see proposed. To provide a view regarding the potential ecological benefits or risks of any project, in line with relevant legislation and planning policy, we require sufficient detail to be submitted. Without sufficient detail we are unable to provide an opinion regarding the suitability of any proposed measures. Suitable detail may include the provision of information such as:
 - The proposed target species;
 - Make and model of any boxes;
 - Location information such as height, aspect, surrounding habitat;
 - Detailed planting schedules; and
 - Relevant management necessary to ensure the habitat is suitable for the target species.

In reaching this decision, the Local Planning Authority has had appropriate regard to the provisions of paragraph 38 of the National Planning Policy Framework 2021.

James Bailey
Head of Planning

NOTE REGARDING PLANNING CONDITIONS

Please note that if conditions are attached to this permission, some of them may require the submission, pursuant to Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, of details for the formal approval of the Local Planning Authority prior to the development commencing. The Borough Council may consider it appropriate to carry out consultations and other procedures prior to giving a formal decision on these matters and it is unlikely that this will take less than 4 weeks. This should be taken into account when programming

the implementation of the permission. Any development that takes place in breach of such conditions is likely to be regarded as unlawful.

THIS IS NOT A BUILDING REGULATION APPROVAL

It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations, where required, and any other necessary approval, have been obtained, and that the details shown on the plans hereby approved agree in every respect with those approved under such legislation.

IMPORTANT: Your attention is drawn to the Notes attached.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- 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, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's 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 appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- In all other cases if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State 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 Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission 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.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).
-