



GRAHAM SIMPKIN PLANNING LTD

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GSP reference: 4089.PN
Planning Portal reference: PP-12959484
Date: 8th April 2024

Dear Sir/Madam,

RE: Non-material amendment to condition 4 in respect of trigger for submission of landscaping scheme for 23/ 03138/ MMA at Hillway, Pilgrims Way, East Otford, Sevenoaks, Kent, TN14 5RX.

The subject application seeks to make a non-material amendment to condition 4 to partially vary the requirement for details of soft and hard landscaping from within three months of the decision date, to a pre-occupation trigger. This relates to 23/03138/MMA which was approved on the 22nd of December 2023 in relation to a previous refusal of ref. no 13/01124/ FUL that was later allowed on appeal.

It is made clear by Section 96A of the Town and Country Planning Act 1990 (TCPA) that an LPA are able to makes changes to any planning permission, or any permission in principle, relating to land in their area if they are satisfied that the change is not material. Reasons behind why the change to the condition should be treated as a non-material amendment are as follows:

The development would still be considered acceptable, so long as the details of the soft and hard landscaping were submitted and approved before the first occupation of the dwelling. This is because the ability to implement an effective landscaping scheme is not compromised if it was implemented post-commencement, or in the proposed case, pre-occupation. The same outcome can be reached if the condition is a pre-occupation one as well as the likelihood that the developer of the dwelling will be committed at this stage to completing the development and/ or marketing the development to facilitate a sale or have the property occupied.

Condition 4

This condition currently reads as follows:

Within three months of the date of this decision permission, full details of hard and soft landscape works including means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:- the



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materials of paved areas and other hard surfaces;- details of soft landscape works shall include indications of all existing trees and hedgerows on the land, detail of any to be retained, together with measures for their protection in the course of development; planting plans, written specifications, schedules of plants noting species, plant sizes and proposed numbers/densities, where appropriate, and an implementation programme;- a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for implementation.

The applicant wishes to propose a change to this condition from needing to provide the full details of soft and hard landscaping within three months of the decision date to a pre-occupational trigger. The applicant recommends a change of wording from '*within three months of the date of this decision*' to '*prior to first occupation of the dwelling*'. It should read as follows:

Prior to first occupation of the dwelling hereby approved, full details of hard and soft landscape works including means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:- the materials of paved areas and other hard surfaces;- details of soft landscape works shall include indications of all existing trees and hedgerows on the land, detail of any to be retained, together with measures for their protection in the course of development; planting plans, written specifications, schedules of plants noting species, plant sizes and proposed numbers/densities, where appropriate, and an implementation programme;- a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for implementation.

We trust that sufficient detail has been supplied to enable the relevant condition to be altered. We are of course happy to provide clarification on any parts of the submission if that is considered to be necessary.

We look forward to receiving confirmation that the application has been registered and to receiving the decision in due course.

Yours sincerely,



PAUL NICHOLLS, BA(Hons) DipTP MRTPI

Company & Planning Director