

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

24 February 2020

To: MEMBERS OF THE PLANNING AND TRANSPORTATION ADVISORY BOARD

(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Planning and Transportation Advisory Board to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 3rd March, 2020 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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To confirm as a correct record the Notes of the meeting of the Planning and Transportation Advisory Board held on 13 November 2019

Matters for Recommendation to the Cabinet

4. Local Plan Update and Timetable 13 - 20

This report provides an update on Local Plan progress since November 2019, considers the next stages in the process and recommends a revised Local Plan timetable for approval. Progress in neighbouring Authorities is also reviewed.

5. Development Management - Processes and Procedures 21 - 28

The report seeks to provide an update on Development Management following feedback from consultees on engagement processes with a view to ensuring parity.

6. Proposed Revision to the Joint Transportation Board Agreement 29 - 38

This report brings forward a revised Joint Transportation Board Agreement between this authority and Kent County Council for consideration and recommendation to Cabinet. There are no financial implications relating to the report and therefore no impact on the Medium Term Financial Strategy.

Matters submitted for Information

7. Planning Conditions 39 - 102

This report seeks to provide an update on how Development Management will seek impose planning conditions on planning permissions, through the use of a comprehensive, published compendium in the interests of good and consistent decision making. The use of the compendium as a tool for decision making purposes could have a positive financial impact on the Council as it will improve service efficiency and ensure a consistency in approaches wherever possible.

8. Urgent Items 103 - 104

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive

Matters for consideration in Private

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The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

10. Urgent Items

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr R W Dalton (Chairman)
Cllr J L Botten (Vice-Chairman)

Cllr T Bishop
Cllr M D Boughton
Cllr V M C Branson
Cllr D J Cooper
Cllr D A S Davis
Cllr M O Davis
Cllr S A Hudson

Cllr D Keers
Cllr D W King
Cllr Mrs C B Langridge
Cllr H S Rogers
Cllr N G Stapleton
Cllr M Taylor
Cllr D Thornewell

Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

PLANNING AND TRANSPORTATION ADVISORY BOARD

Wednesday, 13th November, 2019

Present: Cllr R W Dalton (Chairman), Cllr J L Botten (Vice-Chairman), Cllr V M C Branson, Cllr D J Cooper, Cllr D A S Davis, Cllr M O Davis, Cllr S A Hudson, Cllr D W King, Cllr Mrs C B Langridge, Cllr H S Rogers, Cllr N G Stapleton and Cllr M Taylor

Councillors Mrs J A Anderson, R P Betts, M A Coffin, N J Heslop, M A J Hood, D Lettington, B J Luker and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors T Bishop, M D Boughton, D Keers and D Thornewell

PE 19/22 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

PE 19/23 MINUTES

RESOLVED: That the notes of the meeting of the Planning and Transportation Advisory Board held on 2 October 2019 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

PE 19/24 REVIEW OF PLANNING APPLICATION CHARGING REGIME

The report of the Director of Planning, Housing and Environmental Health provided a review of the pre-application charging regime and set out the proposed new charges for 2020-2021. The report advised of the need to review the protocol each year to ensure the evidence base was up-to-date while the annual consideration of the charging schedule ensured that it was fairly applied and ensured proportionate recovery of costs incurred in providing pre-application advice.

RECOMMENDED: That Cabinet approve the adoption of the updated Pre-application Charging Schedule 2020/21, as set out at Annex 1 to the report, with effect from 1 April 2020. ◀

***Referred to Cabinet**

PE 19/25 PLANNING PERFORMANCE AGREEMENT PROTOCOL

Decision Notice D190085MEM

The report of the Director of Planning, Housing and Environmental Health sought approval to the adoption of a Planning Performance Agreement Protocol to provide a clear and transparent process for determining large and/or complex planning applications through the use of Planning Performance Agreements.

RECOMMENDED: That

- (1) the Planning Performance Agreement Protocol, as set out at Annex 1 to the report, be adopted; and
- (2) the Planning Performance Agreement Protocol Appendix 1: Fee Schedule, as set out at Annex 2 to the report, be adopted.

PE 19/26 SELF BUILD REGISTER UPDATE

Decision Notice D190086MEM

The report of the Director of Planning, Housing and Environmental Health provided an update on the Council's Self-Build and Custom Housebuilding Register with specific reference to the introduction of eligibility criteria, including a local connections test and a financial solvency test. The report also sought agreement to the introduction of an administration fee.

RECOMMENDED: That

- (1) the proposed eligibility criteria and financial capacity test criteria be applied to those already on the Tonbridge and Malling Self Build and Custom House Building Register and for future applicants, as set out at paragraph 1.3.4 to the report; and
- (2) an administration fee, as set out at paragraphs 1.4.1 to 1.4.3 of the report, be introduced for new applicants and an annual fee be applied to all of those on the register from 1 April 2020.

MATTERS SUBMITTED FOR INFORMATION

PE 19/27 PLANNING ENFORCEMENT UPDATE

The report of the Director of Planning, Housing and Environmental Health provided an update on matters pertaining to planning enforcement.

PE 19/28 LOCAL PLAN UPDATE

The report of the Director of Planning, Housing and Environmental Health provided an update on the Local Plan and included details of the public consultation exercise being undertaken between 4 November and 23 December following a request from the appointed Planning Inspectors.

MATTERS FOR CONSIDERATION IN PRIVATE

PE 19/29 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 8.48 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

03 March 2020

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 LOCAL PLAN UPDATE AND TIMETABLE

This report provides an update on Local Plan progress since November 2019, considers the next stages in the process and recommends a revised Local Plan timetable for approval. Progress in neighbouring Authorities is also reviewed.

1.1 Additional Consultation (November to December 2019)

1.1.1 The Inspectors requested a further round of public consultations on some of the documents published since the Local Plan was submitted to the Secretary of State in January 2019. The focus of the consultation was whether in the light of the new documents the soundness of the Local Plan had changed. The consultation ran for 7 weeks from 4th November closing on the 23rd December.

1.1.2 191 completed responses were received during the consultation period. These can be viewed on our website here: (www.tmbc.gov.uk/lppsconsult).

1.1.3 Copies of everything received, including a small number of incomplete entries, were sent to the Inspectors in January together with a summary of the main issues. We anticipate these will be taken into account when the Inspectors prepare their Matters Issues and Questions (MIQs), which will guide the discussions at the Local Plan Hearings.

1.2 Provisional Dates for the First Phase of Hearings

1.2.1 The Inspectors informed the Council of the provisional dates for the Hearings via the Programme Officer on 5th February. Subject to confirmation these will take place on 19th-21st May at the Orchards Conference Venue at East Malling Research. Details have been uploaded to the examination pages of the website:

<https://www.tmbc.gov.uk/services/planning-and-development/planning/planning-local-plans/local-plan-examination-contents/hearing-sessions>

1.3 Appointment of a new Lead Inspector

- 1.3.1 On 6th February the Planning Inspectorate informed the Council of a change of our Lead Inspector. Simon Berkeley has been replaced by Susan Crosby, who has more capacity over the coming months. Our other Inspector, Luke Fleming, is unchanged.
- 1.3.2 Susan Crosby is an experienced Local Plan Inspector who is currently examining two other Local Plans St Albans and Uttlesford. Our Programme Officer, Louise St John-Howe is also the Programme Officer for those two Local Plans and so is used to working with our new Inspector. The Planning Inspectorate have confirmed that the change of Inspector will not affect the provisional dates for the first phase of hearings, but the dates are still subject to confirmation.

1.4 Next Stages and Revised Local Plan Timetable

- 1.4.1 The MIQs will be received at least 8 weeks before the first hearing day (and potentially sooner) to allow for hearing statements to be prepared by participants and circulated by the Programme Officer. The MIQs will only relate to the matters to be discussed during the first phase of the hearing, which usually concern legal compliance, duty to cooperate and sustainability appraisal. Our Inspectors have also indicated that there may be some other matters for discussion including Green Belt.
- 1.4.2 The Inspectors will write to the Council after the close of the first hearing sessions with further advice about the remainder of the examination, which may involve the Council being asked to prepare more work.
- 1.4.3 The revised timetable going forward found at **Annex 1** and recommended for approval is therefore a best estimate based on the information we know at the current time. The revised timetable allows a reasonable estimate of time for each of the remaining key stages, but this will be subject to confirmation by the Inspectors. We will continue to work closely with the Planning Inspectorate to ensure that any unforeseen delays are minimised and that the Local Plan progresses to adoption as swiftly as possible.

1.5 Local Plan Progress in Neighbouring Authorities

- 1.5.1 Members received an update of Local Plan progress in neighbouring authorities in the Local Plan update to the Board in November. The sections below provide a refresh as of mid-February.
- 1.5.2 Sevenoaks
- 1.5.3 In November, Members were advised that the Local Plan Inspector for the Sevenoaks Local Plan had written to the Local Authority raising concerns regarding the Duty to Cooperate and recommending they withdraw the plan. The Council had responded asking her to reconsider.

- 1.5.4 The Inspector's last letter to the Council dated 13th December maintained her previous position that the plan should be withdrawn or that her report will conclude that it is unsound. The Council responded on the 3rd January maintaining its position and confirming that it would not be voluntarily withdrawing the plan. The letter also invited the Inspector to issue her report as soon as possible so they may move forward.
- 1.5.5 At the time of writing the Inspector had not issued her report. However, it is worth noting that the Leader of the Council wrote to the Secretary of State requesting a meeting to discuss the matter on the 21st January and it may be that the process is paused pending the Secretary of State's response.
- 1.5.6 The latest published Local Plan timetable, agreed in July 2018, expected the Local Plan to be adopted by September 2019, but this will clearly need to be revised.
- 1.5.7 Tunbridge Wells
- 1.5.8 The Regulation 18 consultation on the Tunbridge Wells Local Plan concluded on 15th November 2019. The Council received over 8,000 representations from over 2,000 representors, including those from T&M. The Council has acknowledged that due to the volume and range of issues raised it may take longer to fully consider them before moving the next stage of plan making.
- 1.5.9 The last iteration of the Local Plan timetable (September 2019) indicated that the Full Council would consider a report in July 2020 to approve a pre-submission version of the Local Plan for Regulation 19 consultation and submission, for consultations to take place in August/September and submission by December 2020. However, this may now be extended.
- 1.5.10 The same timetable anticipated an examination during May 2021 and adoption by December 2021, but this may now also be extended.
- 1.5.11 Maidstone
- 1.5.12 The latest Local Plan timetable for Maidstone (agreed 18.7.18) anticipates that there will be a preferred options Regulation 18 consultation during February and March this year, but an update on the website states that the timetable is being actively reviewed and that the next consultation exercise will therefore be rescheduled.
- 1.5.13 This will no doubt lead to a revised timetable in due course. The current version shows a Regulation 19 consultation this autumn, submission in March 2021 and adoption in April 2022, but this will slip.

1.5.14 Gravesham

1.5.15 The anticipated preferred options Regulation 18 consultation on the Gravesham Local Plan for January/February 2020 appears to have been delayed, but there is no update on the Council's website.

1.5.16 The published timetable (dating from October 2019) puts the plan at Regulation 19 in September/October 2020, submission in February 2021, examination in July 2021 and adoption by December 2021, but again this may be subject to delay.

1.5.17 Medway

1.5.18 The Medway Local Plan timetable was last updated in December and anticipates a Regulation 19 consultation this summer, submission to the Secretary of State by January 2021 and adoption by December 2021.

1.5.19 Kent County Council

1.5.20 The consultation on the proposed modifications to the Early Partial Review of the Kent Minerals and Waste Local Plan took place between 19th November 2019 and 14th January 2020. The latest timetable anticipated adoption in December 2019 so there will be some inevitable delay.

1.5.21 The London Plan

1.5.22 The process for the London Plan is different to that for other Local Plans. In December the Greater London Authority (GLA) issued an intention to publish the plan to the Secretary of State and a date for a response from the Secretary of State has been extended to 16th March. Adoption will follow this date.

1.6 Legal Implications

1.6.1 Having an up to date timetable for the preparation of the Local Plan (known as a Local Development Scheme or LDS) is a requirement set out in the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning)(England) Regulations 2012.

1.7 Financial and Value for Money Considerations

1.7.1 There are no financial or value for money considerations arising directly from this report. The Local Plan budget is regularly monitored and reviewed in the light of new information on timescales as it becomes available.

1.8 Risk Assessment

1.8.1 Failing to have an up to date development plan puts the Local Planning Authority at risk from unplanned or speculative developments.

1.9 Equality Impact Assessment

1.9.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.10 Recommendations

1.10.1 That the content of this update report be **NOTED**; and

1.10.2 The revised Local Plan timetable at **Annex 1** is **RECOMMENDED** to Cabinet for endorsement.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

contact: Ian Bailey
Planning Policy Manager

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

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Timetable for the Local Plan to form the basis of a new Local Development Scheme – (Revised March 2020)

Year	2019												2020												2021													
Stage	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D		
Submission of Local Plan to Secretary of State (23.1.19)	S																																					
Appointment of Inspectors and start of Examination phase (9.3.19)										1	C	2	C																									
First Phase Hearings (19.5.20 – 21.5.20)																H																						
Second Phase Hearings																						H																
Receipt of Inspector's Report																											R											
Consultations on any Main Modifications																																					C	C

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

03 March 2020

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 DEVELOPMENT MANAGEMENT – PROCESSES AND PROCEDURES

Summary

This report seeks to provide an update on Development Management following feedback from consultees on engagement processes, with a view to ensuring parity. The proposals in this report would, if agreed, result in some savings to support the Council's medium term financial strategy and service efficiencies.

1.1 Introduction

- 1.1.1 Following feedback from various parties to the planning process including Parish Councils, officers have taken the opportunity to review certain current processes, procedures and actions in order to improve efficiency and effectiveness. This feedback included concerns about late amendments to planning applications, the need to move to determination of applications in a timely fashion and simplifying processes to ensure that consultees can have time to consider applications and liaise where appropriate with their borough Members. This will inevitably be an ongoing process but some key aspects of our working practices have already been identified and improvements and innovation efforts are being made in order to have a demonstrable and measureable impact on the efficiency, quality and delivery of the development management function.
- 1.1.2 The national planning practice guidance sets out that once a planning application has been validated, the Local Planning Authority (the "LPA") should make a decision on the proposal **as quickly as possible**, and in any event within the statutory time limit unless a longer period is agreed in writing with the applicant. The statutory time limits are usually 13 weeks for applications for major development and 8 weeks for all other types of development (unless an application is subject to an Environmental Impact Assessment, in which case a 16 week limit applies). Members will be aware that applications which are accompanied by a Planning Performance Agreement are not subject to these timeframes and the Council has a published protocol dealing with these specifically. All local authorities are required to submit data indicating percentages of decisions that are made within these deadlines and there are

specific targets to be met. Officers continually work to ensure these targets are met each month but in a number of circumstances it is necessary to formally agree “extensions of time” with applicants to account for delays that have arisen which does not make for efficient decision making.

- 1.1.3 There are mechanisms in place in an attempt to combat delays in decision making, including the ability for applicants to appeal to the Secretary of State via his Planning Inspectorate against “non-determination” in the event that a decision is not made within the statutory time periods. Furthermore, there is provision that application fees become repayable if a decision is not made within 26 weeks of validation taking place.
- 1.1.4 This provides a clear indication that government emphasis is focused on LPAs issuing planning decisions in a timely way.
- 1.1.5 There will, of course, always be a balance to be struck between this and the fact that we are also encouraged to work in a positive manner with all stakeholders to ensure the best and most appropriate developments come forward in the interests of proper place making.
- 1.1.6 According to the National Planning Policy Framework (NPPF), the ultimate objective of any planning service is to deliver sustainable development. Beyond meeting this objective, the extent to which a Development Management service can be considered ‘good’ by customers and stakeholders is subjective, although of course the context provided above is key. The Planning Advisory Service (PAS) recognises that efficiency, quality and delivery broadly define whether a Development Management service can be considered good or not.

1.2 Public Consultation and Engagement

- 1.2.1 Members will be aware that after the Council receives a planning application, it undertakes a period of consultation where views on the proposed development can be expressed. There are statutory provisions setting out how such consultation must be undertaken (Town and Country Planning (Development Management Procedure) Order 2015 (as amended)).
- 1.2.2 The Order places a statutory duty on LPAs to publicise planning applications either
 - 1) by site display in at least one place on or near the land to which the application relates for not less than 21 days; **or**
 - 2) by serving the notice on any adjoining owner or occupier.

The application must **also** 3) be published on the Council’s website.

- 1.2.3 Presently, the Council exceeds these statutory requirements by undertaking a combination of those notification processes and whilst presently it is not intending

to implement a wholesale change this approach, there are ways to ensure it is undertaken in a proportionate and efficient manner.

- 1.2.4 In terms of engagement with Parish Councils specifically, the Council has a duty to notify them upon receipt of planning applications. There is no subsequent duty upon them to respond to that notification, or indeed, for the Council to attribute any prescribed amount of weight or significance to any representations the PC might chose to make in reaching a decision. This is an important distinction to the way case law instructs we must treat the responses of statutory consultees such as Historic England, the Environment Agency or Highways England, for example.
- 1.2.5 What the Order does make clear however is that when Parish Councils do wish to make representations, in order for them to be considered as such they must be made within 21 days of notification. Where a PC has been notified, under paragraph 8 of Schedule 1, this triggers the 21 day representation period for the PC under paragraph 25 of the Order. The Order actually states that the PC ***“must make any representations to [the LPA] within 21 days of the notification to them of the application”***.
- 1.2.6 The Order also sets out how representations received must be taken into account and the requisite period for allowing for representations to be made. In other words, that a final decision on whether or not to grant planning permission cannot be made until the expiration of the 21 day period from the notification being made. Historically however, the service has continued to accept representations after this time period up to the point of determination, although there is no statutory or constitutional basis requiring this to happen. In all respects, the planning practice guidance advises LPAs that they may, at their discretion, take into account comments that are made after the closing date (but they have no obligation to do so).
- 1.2.7 Conversely, provision is contained within the Order that allows for statutory (technical) consultees to notify the Council within the 21 day period should they consider further information is required from the applicant to enable them to make a substantive response. Habitually, this will relate to technical data and associated information. This is because they are, in fact, required to provide us with a representation when we consult them. The same ability is not expressly provided for in the case of other consultees because they are not required to respond in the same way.
- 1.2.8 There are occasions where late representations from non-statutory consultees have been received (over the prescribed period) which, in the case of decisions to be made under delegated powers causes a delay to determination or subsequent to committee reports being published.
- 1.2.9 Consideration has been given to how to avoid scenarios which cause such delays to decision making and it is considered that the way to overcome this is to propose that the Council will not accept representations on applications received

after the relevant 21 day period from any party not included in the statutory (technical) consultees definition.

- 1.2.10 This does not necessarily mean that late representations will completely cease. In the event that any are received, there will still be a need to ensure that any information they contain do not raise any fundamental matters that could leave the authority open to legal challenge or raise new, previously unconsidered, material considerations. Beyond this, any such representations received after the relevant deadline date will not be taken into account.
- 1.2.11 Similarly, officers understand that some confusion can arise when Parish Councils are effectively working to a different deadline to that of borough Members in terms of the timeframe within which to call applications in to the relevant Area Planning Committee. Operationally this is because Parishes are sent an individual notification along with the entire planning application submission in hard copy whereas the Borough Councillors are notified of the receipt of planning applications via the published weekly list (commonly referred to as "List B").
- 1.2.12 To overcome this, Parishes would now be notified via the weekly list as per the approach with borough Members and will have 21 days from then within which to make representations. As part of this, the Council will no longer be providing the Parish Councils with hard copies of all planning applications and instead they will be required to view them online through the Public Access pages on the Council's website as with other consultees.
- 1.2.13 It is appreciated that this will represent a change in the way we have approached such matters, and Parish Councils in particular will have to adapt their current practices to accommodate this change. It is therefore recognised that there will need a suitable lead in period whereby our notification letters and the website clearly set this out to avoid any misunderstanding or confusion. Similarly, officers would wish to engage with Parish Councils to establish what particular needs they might have that the Borough Council might reasonably assist with to ensure they are not disengaged from the process. As part of this, should Members agree these proposals, we intend to hold training sessions, working in partnership with KALC and the Parish Partnership Panel, to support Parish Councils in using digital tools such as the Public Access portal and My Account to keep informed of planning applications in their area. Officers would therefore be engaging with all Parish Councils over the coming weeks to establish if they require any assistance in preparing for the change to our processes and will be targeting an implementation date of 1 September 2020 with a transitional period from 1 June 2020 during which the approach will be tested and there will be discussions between planning officers and parish councils to work through any issues. In addition, Members will be offered an opportunity for a briefing session.
- 1.2.14 Moreover, it should be recognised that in addition to better alignment in notification processes arising from this change, there will be further benefits arising, not least the considerable amount of paper that will be saved (around

245,000 sheets per annum) and the financial saving in printing costs, plus associated costs attributed to physically posting the documents and use of courier services in some circumstances. In addition, the officer time saved in undertaking this task could be considered as part of the overarching aim of increased efficiency within the service. It is proposed that the c.£7,500 printing costs and associated postage costs be a saving to support the Council's Medium Term Financial Strategy.

1.3 Engagement with Developers and Applicants

- 1.3.1 Following consultation and assessment of any application, there may be occasions where schemes require amendment in order to ensure they are acceptable. However, this should be done as an agreed outcome of clear and structured negotiations where, for example, Officers have identified that an objection can be readily overcome by such an amendment.
- 1.3.2 It is always at the discretion of the LPA whether to accept amendments and then to subsequently determine if the changes need to be reconsulted upon, or if the proposed changes are so significant as to materially alter the proposal such that a new application should be submitted.
- 1.3.3 In terms of the need for re-consultation, it is up to the LPA to decide whether further publicity and consultation is necessary in the interests of fairness, and there is case law governing such matters (*R (Broad) v Rochford DC* [2019] EWHC 628 (Admin)). In deciding what further steps may be necessary we are required to consider whether, without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended.
- 1.3.4 There have been recent experiences of unsolicited amendments to planning applications being submitted without negotiations having taken place in a response to objections published or after the publication of committee reports in order, for example, to overcome particular objections raised within assessments and/or recommendations of refusal.
- 1.3.5 Whilst there is a need to positively engage with applicants and developers in order to achieve well designed, acceptable schemes, this must be balanced against the need for timely and efficient decision making in addition to ensuring fairness of information provision through public consultation, as set out above. Again, there is nothing contained within legislation or the Constitution that *requires* the Council to accept unsolicited amendments to planning applications.
- 1.3.6 In practical terms, the correct time for constructive negotiations to take place on proposed schemes is via the pre-application process, and through the use of Planning Performance Agreements where necessary. Officers will continue to stress the importance of these to applicants and developments.

1.3.7 In order to ensure effective and efficient decision making combined with the importance of their being a fairness in approach, it is considered that there needs to be a marked change in the way amendments to live planning applications are dealt with. This is summarised as follows:

- Amendments to schemes which are due to be considered by the relevant Area Planning Committee where reports have been published will not be accepted. The applicant has the choice to have the application determined by the Committee or to formally withdraw the application and resubmit on an amended basis to allow for consultation and subsequent assessment to take place.
- Amendments to schemes that amount to anything more than “*de-minimis*” changes or changes that are required to correct discrepancies or errors uncovered through officer assessment/investigation will not be accepted on any live application.
- If officers having made a full assessment of a scheme determine that amendments are required in order to make a scheme acceptable in planning terms, they will firstly consider whether the harm identified can be obviated by imposition of condition. If this is not possible, the applicant will be invited to withdraw the application within a given timeframe or their application will be recommended for refusal of planning permission.
- Negotiations on substantive amendments to schemes that will require further consultation to take place will only take place on applications where a Planning Performance Agreement in accordance with the Council’s protocol is already in place. Planning Performance Agreements will have been considered at the pre-application stage.

1.3.8 Again, it is appreciated that this will represent a change in our working practices, and if agreed, agents and developers should be advised of such a change in approach to avoid confusion. This will be done via the relevant pages of the Council’s website and via ongoing officer liaison with them, particularly as part of pre-application discussions.

1.4 Legal Implications

1.4.1 The ongoing work set out above will ensure that the practices in place will continue to meet all statutory duties and requirements.

1.5 Financial and Value for Money Considerations

1.5.1 Implementation of the processes set out above will ensure that the service continues to provide a high quality service to customers, consequently minimising the risk of potentially costly appeals against non-determination being taken forward and being required to refund application fees.

- 1.5.2 Applications can be resubmitted once free of charge if an applicant is invited to withdraw. Given that the resubmission would be on the basis of the work to date, there is an additional resource implication around managing a new consultation process, however this is not considered to be significant.

1.6 Risk Assessment

- 1.6.1 Not making the recommended changes to processes and practices may result in risks around not meeting national targets for decision making, an increase in non-determination appeals and repayment of application fees.

1.7 Policy Considerations

- 1.7.1 The recommendations align with both the emerging Climate Change Strategy and the Digital Transformation Strategy.
- 1.7.2 In seeking to look at service efficiencies, the recommendations support the Council's Savings and Transformation Strategy.

1.8 Equality Impact Assessment

- 1.8.1 No issues raised.

1.9 Recommendations

- 1.9.1 That Members **AGREE** the proposed changes to process as set out in this report, namely:
- 1) From 1 September 2020, the Council will not accept representations on applications received after the relevant 21 day period from any party not included in the statutory (technical) consultees definition (as set out at paragraph 1.2.9 of the report).
 - 2) From 1 September 2020 the Council will notify Parishes via the weekly list B and they will have 21 days from then within which to make representations. Additionally, the provision of hard copies to the Parish Councils will cease and they will be required to view them online (as set out at paragraph 1.2.12 of the report).
 - 3) The savings derived from changes to how Parish Council's will be notified, will make a contribution to support both the Savings and Transformation Strategy and Council's Medium Term Financial Strategy (as set out at paragraph 1.2.14 of the report).
 - 4) From 1 September 2020, amendments will not be accepted to planning applications other than either where the changes sought are considered to be "de-minimis", correct errors or discrepancies identified by officers or where there is a Planning Performance Agreement in place that provides for such amendments to be negotiated between the parties (as set out in paragraph 1.3.7 of the report).

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

Nil

contact: Emma Keefe
Louise Reid

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

03 March 2020

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 PROPOSED REVISION TO JOINT TRANSPORTATION BOARD AGREEMENT

Summary

This report brings forward a revised Joint Transportation Board Agreement between this authority and Kent County Council for consideration and recommendation to Cabinet. There are no financial implications relating to the report and therefore no impact on the Medium Term Financial Strategy.

1.1 Background

- 1.1.1 Joint Transportation Boards between KCC and District/Borough Councils were established in 2005 to facilitate discussion and cooperation on local highway and transportation issues. Underpinning the JTBs is a legal agreement signed by KCC and each District/Borough.
- 1.1.2 At the Tonbridge & Malling JTB meeting held on 23rd September 2019, a revised JTB Agreement was considered and it was agreed to submit the revised document to this Board and Cabinet for approval in accordance with the Council's Constitution.
- 1.1.3 In considering the revised Agreement Members of the JTB agreed that Parish/Town Council representative(s) nominated by the Area Committee of the Kent Association of Local Councils would be able to speak on any item on the agenda, and that paragraph 2.2. of the First Schedule to the proposed agreement would be amended to reflect this.
- 1.1.4 A copy of the report to the JTB on 23rd September 2019 is attached at **Annex 1**, which outlines the proposed amendments.

1.2 Revised Agreement

- 1.2.1 A copy of the revised Agreement is attached at **Annex 2**, and incorporates the amendment to paragraph 2.2. of the first Schedule.

1.3 Legal Implications

- 1.3.1 Following final approval by Cabinet, the revised Agreement will need to be signed and ratified between KCC and this authority.

1.4 Financial and Value for Money Considerations

- 1.4.1 There are no financial implications of the proposed amendments.

1.5 Risk Assessment

- 1.5.1 The Agreement has not been reviewed since 2005 when the JTB was first established. The revised Agreement sets a review period every four years or sooner.

1.6 Equality Impact Assessment

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Policy Considerations

- 1.7.1 Communications

- 1.7.2 Community

1.8 Recommendations

- 1.8.1 It is **RECOMMENDED** to **CABINET** that the revised Joint Transportation Board Agreement included at **Annex 2** to the report be **APPROVED**.

Background papers:

contact: Andy Edwards

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services

Joint Transportation Board – 23rd September 2019Joint Report of KCC's Director of Growth, Environment & Transport and
TMBC's Director of Street Scene, Leisure & Technical Services

Subject: Proposed Revision to Joint Transportation Board Agreement

Summary:

Joint Transportation Boards (JTBs) between KCC and the District/Borough Councils were established in 2005 to facilitate discussion and co-operation on local highway and transportation issues. Underpinning the JTBs is a legal agreement signed by KCC and each District/Borough. The current agreement has recently been reviewed and a revised copy is attached.

Recommendation:

The JTB is asked to note the revised Agreement which has been formally endorsed by the KCC Cabinet Member for Planning, Highways and Waste and by the TMBC Cabinet Member for Strategic Planning & Infrastructure.

1. Background

- 1.1 This report sets out for consideration, by the Joint Transportation Board, a revised JTB Agreement. The revised agreement is attached at Appendix A. Under its constitution the revised Agreement will need to be approved by the Borough Council's Planning & Transportation Advisory Board and Cabinet.
- 1.2 Joint Transportation Boards between KCC and the District/Borough Councils were established in 2005 to facilitate discussion and co-operation on local highway and transportation issues. Underpinning the JTBs is a legal agreement signed by KCC and each District/Borough.
- 1.3 The revised Agreement has been shaped by feedback from the JTB Chair (2018), the Leader of TMBC, Members of KCC's Environment and Transport Committee and Kent Secretaries.

2. Proposed changes

- 2.1 Arrangements set out in the 2005 Agreement allow for the Agreement to be revised at the instigation of the Kent and Medway Chief Executives, however there is nothing in the Agreement (or revised Agreement) that precludes amendments to individual Agreements. In the revised Agreement, the review period is set for every four years or sooner at the instigation of both parties, and amended by both parties, if necessary, as a consequence of any review.
- 2.2 The slight changes to Membership clauses at 2.1 and 2.2 are intended to clarify the membership and role of Parish/Town Council representatives.
- 2.3 Also included at paragraph 4.2 are updated arrangements to implement agenda setting meetings and in paragraph 4.7 for formal minutes of the

meeting to be sent to the KCC Cabinet Member for Planning, Transport, Highways and Waste.

- 2.4 A new section for petition discussion has been added (Section 6), however it should be noted that this section does not replace the current governance arrangements regarding petitions at KCC and TMBC.
- 2.5 The revised Agreement no longer includes the 2001 protocol for Overview and Scrutiny – Inter Authority Co-operation as it was the view of the Districts and Boroughs it was no longer necessary.
- 2.6 Other changes such as to paragraphs 3 (Chairman) and section 8.1 (Executive Action) are intended to simplify language used.

3. Financial Implications

- 3.1 There are no financial implications of the proposed amendments.

4. Legal implications

- 4.1 The revised Agreement will need to be signed and ratified between KCC and TMBC. It is therefore necessary that each Council endorses the amendments in accordance with its own governance procedures.
- 4.2 There are no additional direct legal implications from the revised Agreement.

5. Equalities and data protection implications

- 5.1 There are no equalities or data protection implications resulting from the revised Agreement.

6. Recommendation

- 6.1 The JTB is asked to consider the revised Agreement which has been formally endorsed by the KCC Cabinet Member for Planning, Highways and Waste and by the TMBC Cabinet for Planning & Infrastructure.
- 6.2 The revised Agreement, together with any comments from the JTB be reported to TMBC's forthcoming Advisory Board and Cabinet for approval.

7. Appendices

- **Appendix A:** Revised JTB Agreement

DATED (DAY/MONTH/YEAR)

KENT COUNTY COUNCIL

-and-

TONBRIDGE AND MALLING COUNCIL

**AGREEMENT ON
JOINT TRANSPORTATION BOARD**

Legal & Secretariat
Kent County Council
County Hall
Maidstone
Kent ME14 1XQ

File ref:
Fax No: 01622 694402
WP Ref:
DX No:
Tel:

THIS DEED OF AGREEMENT is made the (day) of (month) two thousand and nineteen between THE KENT COUNTY COUNCIL of County Hall Maidstone Kent ME14 1XQ of the one part (hereinafter referred to as “KCC”) and TONBRIDGE & MALLING BOROUGH COUNCIL of (Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ) (hereinafter referred to as the “TMBC”) of the other part.

In this Agreement the words and expressions contained or referred to hereunder shall have the meaning thereby ascribed to them in the Second Schedule. The clause headings do not form part of this Agreement and shall not be taken in its construction or interpretation.

WHEREAS:

1. KCC and the TMBC are local authorities as defined by Section 270(1) of the 1972 Act.
2. By virtue of Section 1(2) of the 1972 Act KCC is the local highway authority for all the highways in the County of Kent whether or not maintainable at the public expense (and which are not highways for which the Secretary of State for Transport is the highway authority) and is by enactments also the traffic authority and street works authority.
3. KCC and the TMBC have agreed to act together to continue with certain democratic arrangements previously established in relation to highway issues.
4. This Agreement reflects the intention of KCC and the TMBC to co-operate regarding highway and transportation issues in the interests of the residents of Kent and supersedes that of the current agreement.

DEFINITIONS AND INTERPRETATIONS

5. In this Agreement unless the context otherwise requires the following terms shall have the following meanings:

“1972 Act”	:	the Local Government Act 1972
“Agreement”	:	these terms and conditions together the First Schedule
“Authorities”	:	the Council and KCC
“Council - local member”	:	an elected member of the Council
“JTB Members”	:	KCC - local members and TMBC - local members who have been appointed to membership of the JTB
“KCC – local member”	:	the elected member for KCC’s electoral divisions within the Council’s administrative area

COMMENCEMENT AND OPERATING TERM

6. This Agreement shall commence on the effective date on the face hereof and shall continue until terminated by either party in writing in accordance with the provisions of this Agreement.

TMBC OBLIGATIONS

7. TMBC shall establish and maintain during the currency of this Agreement the arrangements for the Joint Transportation Board as set out in the First Schedule.

KCC OBLIGATIONS

8. KCC shall establish and maintain during the currency of this Agreement the arrangements for the Joint Transportation Board as set out in the First Schedule.

MISCELLANEOUS

9. The parties acknowledge that amendments to the constitutions of KCC and/or TMBC may result in the need for consequential changes to this Agreement.
10. This Agreement shall be known as the JTB Agreement.
11. Nothing in this Agreement shall create a legal partnership between the parties and save as may be specifically provided in this Agreement neither party shall be or hold itself out as or permit itself to be held out as :-
 - a) the agent of the other; or
 - b) entitled to pledge the credit of the other; or
 - c) entitled to incur any other obligations or make any promise or representation on behalf of the other.

REVIEW

12. This Agreement shall be reviewed every four years or sooner at the instigation of both parties and amended by agreement between the parties if necessary, as a consequence of any review.
13. This Agreement may be terminated by either party on six months written notice addressed to TMBC's Chief Executive/KCC's Corporate Director responsible for Highways and Transportation.

FIRST SCHEDULE

Joint Transportation Boards

- 1.1 A Joint Transportation Board (JTB) shall be established by the Authorities.
- 1.2 Each Authority shall be responsible for its own costs incurred in the operation of the JTB.
- 1.3 The JTB shall be a non-statutory advisory forum.

Membership

- 2.1 JTB membership shall comprise all KCC - local members with an equal number of TMBC - local members appointed by the Borough Council. JTB Members will have voting rights. TMBC may appoint substitutes for its JTB Members.
- 2.2 The JTB shall agree a number of Parish/Town council representatives, not less than one and no greater than three from within TMBC's administrative area. Parish/Town council representatives shall be nominated by the area committee of the Kent Association of Local Councils or other representative body for Parish/Town Councils within the Council's administrative area if this provides a more complete representation. Substitute members may also be nominated. Such representatives will be able to speak on any item on the agenda.
- 2.3

- 2.4 Any JTB Member may request of the Chairman an item to be considered for inclusion on the JTB agenda. Any TMBC - local member may attend and speak at a meeting of the JTB but may not vote nor propose a motion or an amendment.

The Chairman of any Parish/Town Council within the administrative area of the TMBC (or a Parish/Town councillor of that Parish/Town Council nominated by him/her) may attend any meeting to speak with the permission of the Chairman on any item on the agenda of particular reference to that Parish/Town council.

Chairman

- 3.1 The Chairman and Vice Chairman shall alternate on an annual basis between a KCC local member (who is a JTB Member) and a TMBC local member (who is a JTB Member).

Meetings

- 4.1 The JTB shall generally meet four times a year on dates and at times and venues to be specified by the Borough Council in accordance with its normal constitutional arrangements in consultation with KCC.
- 4.2 Six weeks prior to each JTB meeting the Chairman, Vice-Chairman and relevant officers from the Authorities will discuss and set the agenda for the forthcoming meeting. The final decision on agenda items shall be determined by the Chairman in consultation with the Vice Chairman. Agenda items will be split between Part A (recommendations for decision by KCC), Part B (recommendations for decisions by TMBC) and 'for information' reports.

- 4.3 The quorum for a JTB meeting shall be four comprising at least two voting KCC local-members and two TMBC – local members who are also JTB Members.
- 4.4 Subject to the procedural rules in paragraphs 2, 3, 4.2 and 4.3 above taking precedence, TMBC’s procedural rules shall apply to JTB meetings as if they were TMBC committees.
- 4.5 The JTB will be clerked by an officer of TMBC. Officers of the Authorities shall be expected to attend JTB meetings to present reports.
- 4.6 The access to information principles shall be applied to the JTB as if it were a Council committee.
- 4.7 The clerk shall produce minutes of the meeting, a copy of which shall be sent to KCC.

Terms of reference

- 5.1 The role of the JTB is to advise the relevant Authority on highways and transportation works scheduled and completed. The JTB shall consider:
 - i. capital and revenue funded works programmes;
 - ii. traffic regulation orders;
 - iii. street management proposals.
- 5.2 The JTB may advise and recommend in relation to:
 - i. strategic parking and waiting restriction issues;
 - ii. petitions received in relation to parking and waiting restrictions;
 - iii. street lighting schemes on highways;
 - iv. local transport strategy.
- 5.3 The JTB shall be a forum for consultation between the Authorities on policies, plans and strategies related to highways, road traffic and public transport.
- 5.4 The JTB shall review the progress and out turn of works and business performance indicators.
- 5.5 The JTB shall receive reports on highways and transportation needs within the administrative area of TMBC.

Petition Discussions

- 6.1 Where a petition is agreed as being appropriate for discussion at the JTB, it shall be received at a meeting of the JTB. No further discussion shall take place on the petition until the next meeting of the JTB.
- 6.2 The lead petitioner shall be invited to submit a written statement of up to 500 words which should be sent to the Borough Council to arrive by 5pm one week prior to the next JTB meeting. At that meeting, the lead petitioner shall be invited to speak for no more than three minutes.

6.3 The JTB shall not debate a petition on the same decision/issue as one debated in the previous twelve months.

Overview and Scrutiny

7.1 The Authorities' Overview and Scrutiny Committees or equivalent may invite the JTB Chairman or Vice Chairman to attend their meetings to make representations, answer questions or give evidence. This is without prejudice to any ability of the Overview and Scrutiny Committees or equivalent of the Authorities to compel attendance of executive members and officers under Section 21 of the Local Government Act 2000.

Executive Action

8.1 JTB advice/views shall be submitted to the Authorities' Cabinet in accordance with the Authorities' constitutional arrangements.

EXECUTED as a DEED by KCC and TMBC the day and year first before written

THE COMMON SEAL of the KENT)
COUNTY COUNCIL was hereunto)
affixed in the presence of:-

Authorised Signatory

THE COMMON SEAL of TONBRIDGE & MALLING BOROUGH COUNCIL was hereunto)
affixed In the presence of:-

Authorised Signatory

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

03 March 2020

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 PLANNING CONDITIONS

Summary

This report seeks to provide an update on how Development Management will seek impose planning conditions on planning permissions, through the use of a comprehensive, published compendium in the interests of good and consistent decision making. The use of the compendium as a tool for decision making purposes could have a positive financial impact on the Council as it will improve service efficiency and ensure a consistency in approaches wherever possible.

1.1 Introduction

- 1.1.1 When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating identified adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

1.2 Statutory and Policy Tests

- 1.2.1 The main powers for imposing conditions are contained in sections 70, 72, 73, 73A, and Schedule 5 of the Town and Country Planning Act 1990. Powers to impose conditions on appeal are also given to the Secretaries of State or their Inspectors by sections 77, 79, 177, and Schedule 6 of the Act.
- 1.2.2 Section 70(1) (a) of the Act enables the local planning authority in granting planning permission to impose "such conditions as they think fit". This power must always be interpreted in light of material considerations such as the National Planning Policy Framework, the supporting planning practice guidance on the use of conditions, and any relevant case law.

1.2.3 In all cases, planning conditions must be fairly and reasonably related to the development proposed. Paragraph 55 of the National Planning Policy Framework (2019) makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

1.3 The Compendium

1.3.1 In order to ensure planning conditions were being used in an appropriate and consistent manner in our decision making across the Borough, an officer working group has been established, tasked with reviewing all existing model conditions used for decision making purposes and compiling a new compendium of model conditions to be used going forward. These are specifically designed to assist planning officers in dealing with applications in an efficient and consistent manner. They seek to cover most of the circumstances where conditions will be needed, but the compendium is not intended to be exhaustive. Some cases will require one or more of the standard conditions to be amended, or a completely new “non-standard” condition to be drawn up, often in conjunction with technical and statutory consultees. Some of the standard conditions require text to be inserted or deleted, depending on the particular circumstances of the case.

1.3.2 The compendium in its finalised form is attached as an Annex to this report for information and it is intended to be published on the Council’s website with a view to increasing transparency and engagement with those using the service.

1.4 Future updates

1.4.1 Given the need for conditions to meet specific tests which are prescribed in legislation and policy, it will be necessary to periodically review the published conditions to ensure ongoing compliance. It is anticipated that such a review would be required initially upon adoption of the Local Plan and the Borough Climate Change Strategy. Members will be periodically advised of this as the circumstances require.

1.5 Legal Implications

1.5.1 The ongoing work set out above will ensure that planning decisions will continue to meet all statutory duties and requirements.

1.6 Financial and Value for Money Considerations

1.6.1 N/A

1.7 Risk Assessment

1.7.1 N/A

1.8 Equality Impact Assessment

1.8.1 No issues raised.

1.9 Recommendations

1.9.1 That the contents of the report be **NOTED**.

Background papers:

contact: Emma Keefe

Annex 1: Planning Conditions Compendium

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

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Tonbridge and Malling Borough Council
Compendium of Model Conditions, Reasons and Informatives



www.tmbc.gov.uk

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DRAFT

Introduction:

When used properly, conditions can enhance the quality of development and enable development to proceed, by mitigating the adverse effects, where it would otherwise have been necessary to refuse planning permission. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable.

National guidance makes clear that this is best achieved through conditions that are tailored to tackle specific problems rather than in a standardised manner or used to impose broad unnecessary controls. There are, however, recognised benefits in developing a compendium of model conditions.

The conditions set out in this compendium are designed to assist planning officers in dealing with applications in an efficient and consistent manner. They are intended to cover most of the circumstances where conditions are needed in order to make development acceptable in planning terms but it should be recognised that they are not exhaustive. Some applications will require one or more of the conditions to be amended or alternatively completely unique conditions will be required. This will be established on a case by case basis dependant on the prevailing issues and constraints.

In all cases, planning conditions must be fairly and reasonably related to the development proposed. Paragraph 55 of the National Planning Policy Framework (2019) makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

Reasons:

Local Planning Authorities are required to give clear reasons for the imposition of each condition.

A suggested reason for each condition contained within the compendium is given. In general, the use of these will assist in ensuring that applications are dealt with in a consistent manner. However, it is important that the case officers carefully check in relation to each condition imposed that the wording is appropriate to the particular prevailing circumstances of the specific application. Generally, if the case officer experiences difficulty in formulating a clear reason for the imposition of the condition, this would suggest that in fact it is not necessary and therefore the requisite tests would not be met.

Information submitted with a planning application:

Applicants and agents are encouraged to study the Council's local validation requirements and to engage fully at the pre-application stage concerning the level of information that should be submitted with a planning application. The submission of information at the application stage particularly in relation to external materials, finished ground levels, detailed landscaping schemes and means of boundary treatments (for example) can avoid the need for further details to be submitted for formal approval at a later stage and this also means that Officers and the Planning Committees are able to make a detailed and comprehensive assessment of the scheme.

Pre-commencement Conditions:

Section 100ZA(5) of the Town and Country Planning Act 1990 ("the Act") provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the case of a condition imposed on the grant of outline planning permission within the meaning of Section 92 of the 1990 Act or in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).

This is predicated on the fact that such conditions have for a long time been considered by the industry to unnecessarily delay commencement of development. This provision introduces a "remedy" to this perceived issue by providing that a pre-commencement condition must be agreed with the applicant before it is imposed.

While this gives applicants opportunity to mould draft permissions into a manageable shape from a commercial perspective it also means that more extensive discussion and negotiation may be necessary before permission can be granted and this will always take place at the earliest opportunity.

Such conditions should only be used where the local planning authority is satisfied that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

Officers will always enter into early discussions on occasions where such conditions are considered to be necessary.

Informatives:

Informatives are notes for the applicant that are included within the decision notice. They are intended to provide guidance on matters that are pertinent to the nature of the development taking place but are not binding and cannot be subject to any planning enforcement.

Standard Conditions

Standard detailed 3 years

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.

Time condition (in the case of a Section 73 permission)

The development hereby permitted shall be begun before 31/12/2020;

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

Standard Listed Building Consent 3 years

The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Standard outline 1

Approval of details of the layout and appearance of the development, access to and within the site, the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

Standard outline 2

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

Standard outline 3

No development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

Standard Conservation Area consent 3 years

The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Standard Plans Condition:

The development shall be carried out in accordance with the following plans: ^IN;

Reason: To ensure that the development is carried out in accordance with the plans and documents hereby approved.

Standard Surveys Condition:

The development shall be carried out in accordance with the recommendations contained within the following documents: ^IN;

Reason: To ensure that the development is carried out in accordance with the plans and documents hereby approved.

Phasing of development

The works comprised in ^IN; of the development hereby permitted shall not be commenced before the works comprised in ^IN; are completed.

Reason: ^IN;

Duplication

This permission shall be an alternative to ^IN; granted on ^IN; and shall not be exercised in addition thereto, or in combination therewith.

Reason: The exercise of more than one permission would result in an over intensive use of the land.

DRAFT

Advertisements

Illumination when open

The sign shall be illuminated only while the premises are open for business.

Reason: In the interests of visual amenity.

Time for illumination

The sign shall not be illuminated except between the hours of ^IN; and ^IN;.

Reason: In the interests of visual and residential amenity.

Limited illumination

The letters and logos only shall be illuminated on the fascia and the background shall be totally opaque.

Reason: In the interests of visual amenity.

Temporary advert

Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the advertisement(s) hereby granted consent shall be removed on or before ^IN; or upon the first occupation of the last of the units to which the development relates, whichever is the sooner.

Reason: The permanent retention of the sign(s) would be detrimental to the visual amenities of the locality.

Archaeology

Access for archaeologist

The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavation and record items of interest and finds. The developer will inform the Local Planning Authority of the start date of construction works on site not less than 14 days before the commencement of such works.

Reason: In the interests of archaeological research.

Archaeological programme

No groundworks shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (including a timetable for such investigation) which has been submitted by the applicant and approved by the Local Planning Authority. The works undertaken thereafter shall be in strict accordance with the details approved.

Reason: In the interests of archaeological research.

Archaeological watching brief

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. The works undertaken thereafter shall be in strict accordance with the details approved.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Unforeseen archaeology

If during construction works items or features of archaeological and historic importance are discovered, all development shall cease. It will then be necessary for the applicant, or their agents or successors in title, to secure 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 submitted to Local Planning Authority immediately on discovery of any historic item or feature for approval and works subsequently undertaken shall be in strict accordance with the approved brief.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Caravans

Temporary stationing of caravans

The use for which permission is granted shall cease, the caravan(s) shall be removed and the land shall be restored to its original condition on or before ^IN;

Reason: The permanent retention of a caravan on this site would be detrimental to the amenities of the area and contrary to planning policies for the area.

Restriction on number of caravans

The total number of caravans sited on the land at any one time shall not exceed ^IN;

Reason: In the interests of the character and visual amenities of the area.

Control of siting

No caravans shall be located on the site other than in the positions shown on the approved plan reference ^IN;

Reason: In the interests of the character and visual amenities of the area.

Touring caravan site

The use shall be used as a caravan site for holiday and tourist purposes only and not as a residential caravan site and:

(i) the caravans shall not be occupied as a person's sole, or main place of residence;

(iii) the caravan site licence holder or his/her nominated person shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, their arrival and departure dates and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: In the interests of the character and visual amenities of the area.

Restricting permitted development (touring caravans)

Notwithstanding any of the provisions of Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the site shall not be used for the accommodation of touring caravans.

Reason: In the interests of the character and visual amenities of the area.

Restricting permitted development (tents)

Notwithstanding any of the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the site shall not be used for the pitching of tents.

Reason: In the interests of the character and visual amenities of the area.

Caravan for occupation agricultural worker

The occupation of the caravan shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason: The site of the caravan is outside any area in which development would normally be permitted were it not required for occupation by a person employed locally in agriculture or forestry.

Construction and Demolition

Construction Management Plan

Prior to the commencement of the development hereby approved, arrangements for the management of any and all demolition and/or construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;
- Procedures for notifying neighbouring properties as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.
- The controls on noise and dust arising from the site with reference to current guidance.

The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of general amenity and highway safety.

Demolition according to submitted scheme

All demolition hereby approved shall take place wholly in accordance with the scheme of demolition hereby approved referenced ^IN; and received on ^IN; The approved site restoration scheme shall be implemented in its entirety within ^IN; months of the demolition.

Reason: In the interest of the protection of the visual amenity of the area.

Drainage

Sustainable urban drainage systems (SUDS)

(a) No above ground development shall begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved by the local planning authority. The detailed drainage scheme shall demonstrate that both the rate and volume of run-off leaving the site post-development will be restricted to that of the existing site, with the rate of runoff for any rainfall event agreed in advance with Southern Water and TMBC (for all storms up to, and including, the climate change adjusted 100yr critical storm).

(b) 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 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 efficiency of the drainage provisions.

No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to and approved by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including 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

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

SUDS verification report

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 for that phase, 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; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development 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 as constructed is compliant with the National Planning Policy Framework.

Ecology

As recommendations of submitted documents

The development shall be carried out in accordance with the recommendations of the ^IN; received ^IN; in particular the implementation of ^IN; and be retained and maintained thereafter.

Reason: To ensure the protection of wildlife species.

Additional surveys required

Prior to any above ground work taking place the recommendations of the ^IN; received ^IN; shall be carried out, including the additional specified surveys. Once completed the additional surveys shall be submitted to and approved by the Local Planning Authority and the works carried out in accordance with the recommendations of the surveys and retained thereafter.

Reason: To ensure the protection of wildlife species.

Additional surveys required

Prior to the commencement of the works hereby approved, including demolition or other ground works, a Preliminary Ecological Appraisal (species survey) must be undertaken by a competent ecologist to ascertain the presence of any protected species at the site. The survey must be submitted to and approved by the local planning authority. If protected species are found at the site a full habitat survey must be undertaken and any recommended mitigation measures undertaken in accordance with the approved details.

Reason: To ensure the protection of protected wildlife species.

Environmental Protection

Air pollution control

No development shall take place until full details of all measures to be taken to satisfactorily mitigate the emission of dust, odours or vapours arising from the site has been submitted to and approved by the Local Planning Authority. The approved measures shall be fully implemented before the use commences and retained in operation at all times thereafter.

Reason: To protect the environment of nearby dwellings.

Landfill gas mitigation

No development, other than demolition of any building, shall be commenced until full details of an investigation of the extent of landfill gas on the site and a scheme of measures to mitigate any incursion of landfill gas and render the site and buildings suitable for the development permitted have been submitted to and by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of any of the buildings and maintained as such at all times thereafter.

Reason: In the interests of amenity and public safety.

Control of cooking smells

The use shall not commence until full details of the ventilation system to remove cooking smells, including details of how it will be built and how it will look, have been submitted to and approved by the Local Planning Authority. The approved scheme shall be fully installed before use of the kitchen commences and shall thereafter be maintained in strict accordance with the approved details. No cooking of food shall take place unless the approved extraction system is being operated.

Reason: In the interests of the amenities of nearby properties.

Extraction systems – noise

The applicant shall submit acoustic details to the Local Planning Authority to include whole octave analysis for the proposed ventilation equipment, demonstrating that the noise from the equipment shall not exceed NR35 at the nearest noise sensitive premises/site boundary; this would include any flat above the proposed premises.

Reason: To safeguard the aural amenity of the area.

Submit Noise report

Prior to the first occupation of the development hereby approved, a noise report shall be submitted to and approved by the Local Planning Authority, setting out how the following noise levels can be achieved:

(a) for gardens and other outdoor spaces, a desirable limit of 50dB LAeq,16-hour, and a maximum upper limit of 55dB LAeq,16- hour; and

(b) internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas. These levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided

The report should also specifically detail any mitigation/attenuation measures needed to attain these noise levels which shall be fully implemented as approved and thereafter retained and maintained at all times.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby approved.

(* Figures quoted may need to be adjusted depending on the particular site)

Acoustic protection and mechanical ventilation

The development hereby permitted shall not be occupied until full details of acoustic protection and mechanical ventilation of the building have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any of the units to which it relates and shall be retained and maintained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwelling(s) hereby approved.

No external lighting

No external lighting shall be installed in connection with the development hereby approved until such details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details and maintained and retained at all times thereafter.

Reason: In the interests of visual and rural amenity.

Lighting to be screened

Any light fitting installed within the building shall be recessed or otherwise screened to limit the emission of light outside the building.

Reason: To protect the amenities of nearby dwellings.

Scheme to protect building from noise

The use hereby approved shall not commence until a scheme for protecting the proposed buildings from noise from the AIN; has been submitted to and approved by the Local Planning Authority, and all works which form part of the scheme shall be completed before any of the permitted buildings is occupied and thereafter retained at all times.

Reason: In the interests of the residential amenity of the new development.

Scheme to insulate the building against emission of sound

The use hereby approved shall not commence until a scheme for the insulation of the building against the emission of sound has been submitted to and approved by the Local Planning Authority, and the building has been insulated in accordance with the approved scheme. The scheme shall restrict noise to a maximum of db (A) at the boundaries of the site. The approved scheme shall thereafter be retained at all times.

Reason: To protect the aural environment of nearby dwellings.

Insulation of plant

Prior to the use of any plant or machinery a scheme of sound insulation shall be submitted to, and approved by, the Local Planning Authority and retained and maintained at all times thereafter.

Reason: To protect the aural environment of nearby dwellings.

Provision of interceptor

The use hereby permitted shall not be commenced, until a petrol/oil/grease interceptor has been installed so that all surface water drainage from the paved areas passes through such interceptor. It shall thereafter be retained and maintained at all times.

Reason: To prevent pollution of surface and underground water courses.

Music

The use hereby permitted shall not commence until details of any proposed music or public address system is submitted to and approval by the Local Planning Authority. The music or public address system shall be used only in accordance with those approved details.

Reason: To protect the aural amenity of the area.

Equestrian

Disposal of waste

Prior to the commencement of the use of the stables hereby approved, details of the means of disposal of manure, bedding or any other waste shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to the use commencing and thereafter retained in accordance with the approved details.

Reason: To prevent nuisance to neighbours by virtue of smell, vermin and flies.

Stables private

The stables hereby approved shall be used solely for private stabling of horses owned by the owner/occupier of the application site and not for commercial stabling or in connection with a riding school/livery.

Reason: Commercial use could harm significantly the amenities of the locality and the free and safe flow of traffic on local highways.

Highways and Parking

Vision splays on plan

The access shall not be used until the area of land within the vision splays shown on the approved plans has been reduced in level as necessary and cleared of any obstruction exceeding a height of 1.05 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.

Reason: To ensure the safe and free flow of traffic.

Reduce height enclosure

The access shall not be used until the frontage ^IN; has been lowered to a height not exceeding 1.05 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.

Reason: To ensure the safe and free flow of traffic.

Maintenance of sight line

No obstruction to vision exceeding 1.05 metres in height shall be placed to the ^IN; of a line from ^IN; to ^IN; as shown on the plan referenced ^IN; and received on ^IN;

Reason: To ensure the safe and free flow of traffic.

Advance sight line

No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall commence until the area of land within the vision splays shown on the approved plan referenced ^IN; received ^IN; have been reduced in level as necessary and cleared of any obstruction exceeding a height of 1.05 metres above the level of the nearest part of the carriageway and be so retained thereafter.

Reason: To ensure the safe and free flow of traffic.

Before occupation close access

The building(s) hereby permitted shall not be occupied until the existing vehicular access to ^IN; has been closed permanently.

Reason: To ensure the safe and free flow of traffic.

Before use close access

The use hereby permitted shall not be commenced until the existing vehicular access to ^IN; has been closed permanently.

Reason: To ensure the safe and free flow of traffic.

Access to be constructed

No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

Slope of access

The access drive shall be constructed no steeper than ^IN; metres from the edge of the highway and no steeper ^IN; on any other part.

Reason: To ensure the safe and free flow of traffic.

Turning space provision

The use of the access shall not be commenced until turning facilities have been provided within the curtilage of the site and these facilities shall be retained thereafter free from any obstruction.

Reason: In order that a vehicle may enter and leave the site in a forward direction to ensure the safe and free flow of traffic.

Gates set back

Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated and ensure the free flow of traffic.

Submit junction detail

No development shall commence until details of the junction between the proposed service road and the highway have been submitted to, and approved by the Local Planning Authority. The building shall not be occupied, or the use commenced until that junction has been constructed in accordance with the approved details and retained thereafter

Reason: To ensure the safe and free flow of traffic.

Pedestrian vision splays

The access shall not be used until vision splays of 2m x 2m x 45° between the driveway and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter.

Reason: In the interests of highway safety.

Travel Plan

Prior to the commencement of the use hereby approved, a Travel Plan must be submitted to and approved by the Local Planning Authority. The Travel Plan must include details of:

- (a) A comprehensive survey of all users of the development;
- (b) Details of local resident involvement in the adoption and implementation of the Travel Plan;
- (c) Targets set in the Plan to reduce car journeys to the site
- d) Details of how the Travel Plan will be regularly monitored and amended must be submitted, and all relevant reports designed to monitor the effectiveness of the Travel Plan must be submitted to, and approved by the Local Planning Authority.

Reason: In the interests of local amenity and highway safety.

Parking outline buildings

The details submitted in pursuance of Condition ^IN; shall show land, reserved for parking. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter, 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 the reserved vehicle parking area.

Reason: To ensure that adequate parking is provided, maintained and retained.

Parking space provision

The use hereby permitted shall not be commenced, nor the building(s) occupied, until the area shown on the submitted layout referenced ^IN; as vehicle parking space to serve the associated use or building has been provided, surfaced and drained. Thereafter it 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 or re-enacting

that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure that adequate parking is provided, and maintained and retained.

Vehicle parking loading

The use hereby permitted shall not be commenced, nor the building(s) occupied, until the area shown on the approved plan number ^IN; vehicle parking, loading and off-loading and turning space to serve the associated use or building has been surfaced and drained. Thereafter it 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 or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

Reason: To ensure that adequate parking is provided, and maintained and retained.

Submit details of car park

The use hereby permitted shall not be commenced, nor the building(s) occupied, until details of the surfacing and draining of the vehicle parking area to serve the associated use or building have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details before the parking area is brought into use and shall be so retained at all times thereafter.

Reason: To ensure a finish to the parking area consistent with the character and appearance of the locality.

Area to garage a vehicle

The garage(s) shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards.

Provision of turning area

The use hereby permitted shall not be commenced, nor the building(s) occupied, until the area shown on the submitted layout referenced ^IN; as the vehicle turning area shall be provided, surfaced and drained before the building it serves is occupied. Thereafter it 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 this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

Car Charging Points details to be submitted

No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall be carried out until details of the proposed car charging points have been submitted to, and approved by the Local Planning Authority. The charging points shall be installed prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with national objectives.

Car Charging Points as approved details

Prior to the first occupation of the development hereby approved, car charging points shall be installed in accordance with the approved plans referenced ^IN; and shall thereafter be maintained and retained in accordance with the approved details.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with national objectives.

Cycle Storage Submit details (flats)

No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall be carried out until details of secure cycle storage to serve the development have been submitted to and approved by the Local Planning Authority. The cycle storage shall be installed prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

Reason: To ensure that cycle bays are provided and maintained in accordance with adopted standards

Cycle Storage comply with submitted details

Prior to the first occupation of the development hereby approved, the secure cycle storage as shown on the approved drawings referenced ^IN; and shall thereafter be maintained and retained in accordance with the approved details.

Reason: To ensure that cycle bays are provided and maintained in accordance with the Council's adopted standards

Housing Developments

Remove existing dwelling

Prior to the first occupation of the dwelling hereby approved, the existing dwelling as shown on drawing number ^IN; shall be demolished and all arisings therefrom shall be removed from the site.

Reason: To prevent the erection of an additional dwelling in an area where it would not normally be permitted.

Floor levels in accordance with plans

The development hereby approved shall be constructed at the level indicated on the drawing referenced ^IN;

Reason: To accord with the terms of the application and to protect the amenities of the area

Floor levels submit details

No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a plan showing the proposed finished floor levels, eaves and ridge levels of the dwellings and finished ground levels in relation to the existing ground levels of the site and adjoining land has been submitted to and approved by the local planning authority.

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

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

Slab levels

No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of slab levels have been submitted to and approved by the Local Planning Authority and the works shall be carried out in strict accordance with those details.

Reason: To ensure the scale of the development is compatible with the character of the site and its surroundings.

Slab levels and roof heights

No development, other than the removal of hardstanding, ground investigations or site survey works, shall take place until a plan showing both the existing and proposed finished floor, eaves and ridge height levels has been submitted to, and

approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

Slab levels and cross sections

No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of slab levels have been submitted to and approved by the Local Planning Authority. The details to include a scaled cross section showing the proposed development in relation to the adjacent buildings. The works shall then be carried out in strict accordance with those details.

Reason: To ensure the scale of the development is compatible with the character of the site and its surroundings.

Boundary Treatment

No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works shall take place until details of the proposed boundary treatment have been submitted to and approved by the Local Planning Authority. The boundary treatment shall be installed in accordance with the approved details prior to the first occupation of the approved development and retained at all times thereafter.

Reason: To accord with the terms of the application and to protect the visual amenity of the area

Refuse storage facilities

The use shall not be commenced, nor the premises occupied 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.

Public private open space play area

The area shown on the approved plan as play / open space shall be laid out and made available for use within ^1N; of the completion of (Phase ^1N; of) the development.

Reason: To ensure the availability of ^1N; for the recreational needs of the residents.

Industrial/Commercial

Floorspace Limitation

Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), the layout of the development shall not be varied by means of sub-division or amalgamation of any units, nor by the insertion of additional floors at any time

Reason: To enable the Local Planning Authority to assess the impact of such variation on parking and vehicle circulation in the interests of safe and free flow of traffic.

Restriction on Vehicle Movements

No vehicles shall arrive, depart, be loaded or unloaded within the application site outside the hours of ^IN; Mondays to Fridays, ^IN; to ^IN; Saturdays, or at any time on Sundays or Public and Bank Holidays

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

Storage Distribution Only

The building hereby permitted shall be used for storage or distribution purposes only and shall not be used for retail sales or for the collection of goods by customers.

Reason: To avoid an over intensive use of the property in the interests of residential amenity and the safe and free flow of traffic.

Open Storage (i)

No materials, plant or other equipment of any description shall be kept or stored in the open.

Reason: To avoid obstruction of vehicle parking/manoeuvring areas and to ensure the character and appearance of the development and the locality is not significantly harmed.

Control of open storage (ii)

There shall be no open storage of materials, plant or equipment outside the area(s) shown for such use on the approved plans, and the height of open storage shall not exceed ^IN; metres.

Reason: To avoid obstruction of vehicle parking/manoeuvring areas and to ensure the character and appearance of the development and the locality is not significantly harmed.

No external apparatus

No fans, louvers, ducts, meter boxes or other similar apparatus shall be installed externally.

Reason: To maintain the quality of the development.

Management of refuse

The use shall not be commenced until details of how waste is to be stored on site, and how materials for recycling will be stored separately, have been submitted to, and approved by the Local Planning Authority. The development must be carried out in accordance with those details and , clearly mark the stores and make them available at all times to everyone using the premises. The approved scheme shall be retained at all time thereafter.

Reason: In the interests of residential amenity and public health.

Sale of cars restriction

No vehicles shall be displayed for sale on the site other than on the area shown on the approved plan for this purpose.

Reason: The display of vehicles beyond this area is likely to give rise to an over intensive development of the site to the detriment of the safe and free flow of traffic, and residential and visual amenity.

Sale of farm goods only

No retail sales shall take place from the premises, other than goods produced on the agricultural holding of which the premises form part and those produced on any other land cultivated by the applicant.

Reason: The Local Planning Authority would not normally approve retail uses on sites detached from shopping centres but is prepared to make an exception in these special agricultural circumstances.

Telecommunication equipment removal

If at any time the mast is no longer required for telecommunications purposes it shall be removed as soon as is reasonably practical and the land restored to its former condition.

Reason: In the interests of the visual amenities of the area.

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Listed Buildings

Joinery details

Notwithstanding the submitted drawings and all supporting documentation prior to commencement of those areas of work referred to below, the following details shall be submitted to and approved by the Local Planning Authority, full detail sections and elevations to a scale of 1:5 or 1:2 of all new joinery, including but not restricted to all new windows, doors, porches, door surrounds, shutters, staircases, panelling, skirtings, dado rails, picture rails etc. In addition, sections of glazing bars and mouldings shall be to a scale of 1:1 or 1:2. Details of finishes shall also be included. The works shall then be completed and retained in accordance with these approved details.

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

Listed Building protect existing internal features

Existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades shall not be disturbed. These features must be properly protected during work on site.

Reason: To protect the historic fabric of the Listed Building.

Listed Building protect existing external features

No development shall take place until protective barriers have been erected, in a manner to be formally approved by the Local Planning Authority, about [insert name of feature]; the barriers shall be retained for the duration of construction works and no works shall take place within the area inside that fencing at any time.

Reason: To protect the building during demolition and/or construction.

Land Contamination

Contamination 1 no phasing

No development, other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall be commenced until the following have been submitted to and approved by the Local Planning Authority:

(a) a contamination land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building (s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of details pursuant to this condition.

Reason: In the interests of amenity and public safety and human health

Contamination 2 no phasing

No development, other than demolition of any building, removal of hardstanding, or ground investigations works, until the following have been submitted to and approved by the Local Planning Authority:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health

Contamination 3 no phasing

Following completion of the approved remediation strategy, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health

Contamination 4 no phasing

A monitoring and maintenance scheme to include monitoring the long term effectiveness of the approved remediation strategy and the provision of regular reports on the same must be prepared for the submission to the Local Planning Authority for information purposes.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority for information purposes.

Reason: In the interests of amenity, public safety and human health.

Contamination 1 phased development

No development of any phase of the development (or part thereof), other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall be commenced until the following have been submitted to and approved by the Local Planning Authority

(a) a contaminated land desktop study identifying all previous site uses (for that phase), potential contaminants associated with those uses including a survey of the

condition of any existing building(s) within that phase (or part thereof), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health.

Contamination 2 phased development

No development of any phase of the development (or part thereof) other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

(a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the particular phase of development (or part thereof) will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the particular phase of development (or part thereof) cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of each phase of the development (or part thereof) the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme of works.

Reason: In the interests of amenity, public safety and human health.

Contamination 3 phased development

Following completion of the approved remediation method statement for each phase of the development (or part thereof), and prior to the first occupation of the relevant phase a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place within any phase of the development (or part thereof) such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health.

Unforeseen contamination

(a) If during development, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

Land fill sites details

No development shall take place until a scheme showing foundations and land fill gas protection has been submitted to and approved by the Local Planning Authority. The approved scheme shall be completed in its entirety prior to the first occupation of the development hereby approved and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order to protect the occupants of the dwelling against the ingress of methane gas into the dwelling.

Landscaping and Trees

Landscaping outline

The details submitted pursuant to Condition 1 shall be accompanied by a scheme of hard and soft landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

Landscaping detailed

The scheme of hard and soft landscaping and boundary treatment shown on the approved plans referenced ^IN shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

Submit landscaping scheme

Prior to the first occupation of the development hereby approved a scheme of hard and soft landscaping and boundary treatment shall be submitted to and approved by the Local Planning authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interests of visual amenity.

Landscaping scheme to be implemented by

The proposal for landscaping shown on the submitted layout plan referenced ^IN; shall be implemented by ^IN: Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

Protect existing trees

The development hereby approved shall be carried out in such a manner that all trees are protected in accordance with the recommendations within BS 5837 – Trees in relation to design, demolition and construction.

Reason: In the interests of good horticultural practice.

Replacement of protected tree

Replacement specimens of ^IN; shall be planted during the first planting season following removal of the trees hereby permitted, in the position shown on the drawing referenced ^IN;

Reason: To reinstate the character and appearance of the site and locality.

Plant in dormant season

All bare root stock planting shall be carried out during the period of 1st November to the immediately following 31st March.

Reason: In the interests of good horticultural practice.

Protection of new trees

All trees planted shall be protected (particularly against stock and rabbits) immediately upon planting and such protection shall be retained at all times for 10 years thereafter.

Reason: In the interests of good forestry and amenity.

Cutting of coppice

Coppice and/or underwood shall be properly cut to within 300mm of ground level with the cuts so sloping outwards as to prevent any moisture from falling towards the centre of the stool and rotting it.

Reason: In the interests of good forestry and amenity.

Removal of brush wood

All brush wood shall be properly cleared away from site after cutting, within 2 months of the completion of the operations hereby permitted.

Reason: In the interests of good forestry and amenity.

Work to preserved trees

All work shall be carried out to the standards set in BS 5837 (or EU equivalent).

Reason: In the interests of good arboricultural practice and the amenity of the area.

Coppice regeneration

Subsequent to the implementation of any of the approved coppicing works the remaining tree stumps shall not be removed, wilfully damaged or destroyed unless a period of one year has elapsed since the coppicing and the stumps have not regenerated at all in which case replacement trees (only for those which have failed to regenerate) shall be planted in the next available planting season in accordance with details to be formally approved by the Local Planning Authority.

Reason: To retain and enhance the character of the locality and in the interests of good forestry.

Notice to be given

Prior to the implementation of the works hereby approved, the applicant shall give at least five working days' notice in writing to the Local Planning Authority in order that the precise extent of the approved works can be agreed and identified on site before their commencement.

Reason: In order that the extent of the approved works is clearly identified in the interests of good forestry and amenity.

Materials

Details of materials

No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place 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: In the interests of visual amenity.

Materials to be as plans

All materials used externally shall accord with the approved plans, referenced ^IN;

Reason: In the interests of visual amenity.

Specific brickwork bond

The external brickwork shall be constructed to show a bond to match the existing brickwork.

Reason: In the interests of visual amenity.

Panel of brickwork

Before relevant works commence a 1 metre by 1 metre sample panel of brickwork has been constructed on site, incorporating any associated stone detailing (for example quoining), brick bond, mortar depth, colouring and pointing finish, notified for inspection to, along with submission of photographs and written details of the mortar mix and of any supplementary bricks (source, manufacturer, name) and approved by the Local Planning Authority. The sample panel shall thereafter be retained on site for the duration of the works. The development shall be constructed in accordance with the approved brick panel.

Reason: To ensure the quality of the development.

Operating Limitations

Limited period development

The building hereby permitted shall be removed and the land restored to its former condition on or before ^IN;.

Reason: ^IN;

Limited period use

The use hereby permitted shall be discontinued and the land restored to its former condition on or before ^IN;

Reason: ^IN;

Limited to individual person

This consent shall enure only for the benefit of ^IN; and it shall not enure for the benefit of the land or any other person or persons for the time being having an interest therein.

Reason: ^IN;

Limited to named person

The use hereby permitted shall be carried on only by ^IN;

Reason: ^IN;

Service occupancy

The occupancy shall be restricted to an immediate relative or employee of the occupier of ^IN;

Reason: ^IN;

Use restricted to that applied for

The premises shall be used for ^IN; and for no other purpose (including any other purpose in Class ^IN; of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: ^IN;

Residential Extensions

No windows in elevation

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 windows or similar openings shall be constructed in the elevation(s) of the building other than as hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy.

No windows in roof

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the building.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the amenity and privacy.

Use of flat roof of extension for balcony

The roof of the extension shall not be used as a terrace or balcony for sitting out or for any other purpose, except as a means of escape in an emergency.

Reason: To safeguard neighbouring amenity.

Hardstanding

The proposed hardstanding shall be constructed of porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse/site.

Reason: Development of hardstanding without the suitable disposal of surface water is likely to lead to unacceptable surface water run-off onto land outside the ownership of the applicant.

Annexes/outbuildings

The outbuilding hereby permitted shall be used only for purposes incidental to the enjoyment of the related dwellinghouse and no trade or business shall be carried out therefrom.

Reason: To safeguard the amenities and interests of the occupants of other property in this residential area.

Annexes/outbuildings

The extension/building hereby permitted shall be occupied only in conjunction with the original dwellinghouse known as [SPECIFY] as a single dwellinghouse and shall not be used, let or sold at any time as a separate unit of living accommodation.

Reason: To safeguard the character and amenities of the locality

Restriction on permitted development

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 Class ^IN; of Part ^IN; of Schedule 2 of that Order.

Reason: ^IN;

Obscure glass

The window on the ^IN; elevation shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be completed before the extension is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

Garage for domestic use

The garage shall not be used for any other purpose than the accommodation of private vehicles or for a purpose incidental to the enjoyment of the related dwellinghouse and no trade or business shall be carried on therefrom.

Reason: To safeguard the amenities and interests of the occupants of other property in this residential area.

Outbuilding for domestic use

The workshop shall be used only for purposes incidental to the enjoyment of the related dwellinghouse and no trade or business shall be carried out therefrom.

Reason: To safeguard the amenities and interests of the occupants of other property in this residential area.

Satellite dishes removal

If at any time the satellite antenna hereby permitted ceases to be required for the reception or transmission of microwave radio energy it shall be removed as soon as reasonably practical.

Reason: In the interests of visual amenity.

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INFORMATIVES

Addresses

Existing street new numbers

The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited 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.

New street names and numbers required

The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are invited 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.

Construction and Demolition

Asbestos – demolition

The development involves demolition and, owing to the likelihood of the buildings containing or being constructed of asbestos, the applicant should contact the Health and Safety Executive for advice. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.

Asbestos – demolition

There is the possibility of asbestos containing materials being present in the structure. Before commencing any work the applicant must organise an asbestos survey to be undertaken by a competent person. More information regarding the necessary precautions which must be implemented for the duration of the demolition can be found at <http://www.hse.gov.uk/asbestos/>.

Asbestos - garage

The application includes the demolition of a domestic garage. If the garage/property was built before or refurbished before 2000 there is the possibility of asbestos containing materials being present in the structure. Before commencing any works, the applicant is advised to seek further advice to ensure the necessary precautions are implemented for the duration of the demolition. More information can be found <http://www.hse.gov.uk/asbestos/> and <http://www.hse.gov.uk/asbestos/faq.htm#domestic-properties>

Demolition - crushers

In the event that crushers are to be used in the demolition phase of the development, the applicant should be aware that they require a permit to operate in accordance with the provisions of the Environmental Permitting Regulations 2010 (as amended). The applicant is reminded to ensure all of the conditions within the Permit are complied with, if they intend to bring a crusher on site.

Drainage and Water

Minor residential, annex, swimming pool

The applicant is reminded of the need to comply with the Water Supply (Water Fittings) Regulations 1999 for any extension or alteration of the water system on the site. Please advise the relevant statutory water undertaker of the works to be undertaken by completing a Notification of Proposed Works for the Granting of Consent before undertaking works.

Public sewer

The applicant should be aware of the possible existence of a public sewer within the site.

Surface water

Surface water must not be allowed to run off the site onto the public highway or any other land outside the ownership of the applicant. Any additional hardstanding must be constructed using porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Environmental Protection

Hours of working

In the interests of good neighbourliness the hours of construction, including deliveries, should be restricted to Monday to Friday 07.30 - 18.30 hours, Saturday 08.00 - 13.00 with no work undertaken on Sundays or Public/Bank Holidays.

In the interests of good neighbourliness all vehicles and machinery associated with construction should be parked within the site and not on the public highway in such a manner as to create an obstruction.

Food hygiene regulations

Regarding the application of Food Hygiene Regulations under the Food Act 1984, the applicant is advised to email foodandsafety@tmbc.gov.uk

Emission control advice

For guidance regarding the measures to be taken to deal with the emission of dust odours or vapours, the applicant is advised to email environmental.protection@tmbc.gov.uk

Noise control advice

For guidance on noise control schemes, the applicant is advised to email environmental.protection@tmbc.gov.uk.

Clean air ducts

The applicant is advised to note the provisions of the Clean Air Acts, 1956 and 1968 with regard to the installation of furnaces, the height of chimneys and the arrestment of grit and dust. Advice regarding this matter may be obtained by emailing environmental.protection@tmbc.gov.uk.

Advice on waste disposal for animals

For guidance relating to the disposal of waste matter arising from the keeping of animals, the applicant is advised to contact environmental.protection@tmbc.gov.uk

Artificial lighting

The issues of illumination needs to be examined by a competent person to ensure that light does not penetrate into other premises and that not more than an adequate level of illumination is used for the designed purpose.

Artificial lighting

Artificial light can be considered under the Statutory Nuisances regime contained within the Environmental Protection Act 1990. It is thus in the applicants best interests to ensure that any lighting does not affect any nearby neighbours.

Garage conversions

As you are proposing to convert a garage/workshop to living accommodation you are advised to incorporate an impermeable vapour membrane within the floor slab of the development to act as a barrier against any oils or chemical that could have been used or stored there. Any services entering/leaving the structure should either be located above the vapour impermeable membrane or be sealed with appropriate top hat and tape to current guidelines.

Proximity of landfill sites

Waste disposal operations may have taken place on or adjacent to the application site. Accordingly prospective developers are advised to undertake investigations in order to assess the condition of the site both in respect of possible contamination and stability.

Soil contamination

With regard to the Environmental Health issues raised in the above conditions, the applicant is advised to seek advice from environmental.protection@tmbc.gov.uk

Step by step contamination risk assessment

The applicant is reminded that land contamination risk assessment is a step by step process. During the course of the risk assessment process set out in the above condition(s) it may become clear that no further work is necessary to address land contamination risks. Where this is agreed to be the case the condition(s) may be discharged by the Local Planning Authority without all the steps specified having been completed or submitted for formal approval. In all cases, written confirmation should be obtained from the Local Planning Authority confirming that the requirements of the condition(s) have been met. The Local Planning Authority would like to take the opportunity to remind the applicant that it is their responsibility to ensure the site is safe and suitable for its end use.

Remediation – no liability

The Local Planning Authority will not accept any liability for remediation works.

This decision notice advises the applicant that the information provided is sufficient in meeting the terms of the planning condition in question. The Local Planning

Authority would like to take the opportunity to remind the applicant that it is their responsibility to ensure the site is safe and suitable for its end use.

Remediation – qualified person

The applicant is reminded that a suitably qualified and competent person shall fulfil the requirements of the condition(s) pertaining to contaminated land remediation.

Vapour impermeable membrane

Prior to the commencement of the development, consideration should be given to the incorporation of a vapour impermeable membrane within the floor slab of the development to act as a barrier against any oils or chemical that could have been used or stored there. Any services entering/leaving the structure should either be located above the vapour impermeable membrane or be sealed with appropriated top hat and tape to current guidelines.

Studies and assessments – comp person

In seeking to discharge the condition(s) pertaining to contaminated land remediation, the applicant is advised that all studies and assessments submitted must be carried out by a competent person and conform to CLR11: Model Procedures for the Management of Land Contamination (DEFRA 2004).

Bonfires

The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents. It is thus recommended that no bonfires are lit at the site.

Refuse

Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.

Applicants/agents should consult a local Designing Out Crime Officer or qualified specialist to help design out opportunity for crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict.

Permitted Process

The applicant should be advised to contact the Environmental Protection team at the Council to determine if a Permit under Regulation 13 of the Environmental Permitting Regulations 2016 (as amended) is required for this process. Any person operating a Prescribed Process without such a Permit is liable to prosecution.

Renewable energy

The applicant is strongly encouraged to consider opportunities for incorporating renewable energy technologies and measures to support biodiversity into the approved development.

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Gas Pipeline

The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard.

Scotia Gas Data

The applicant/ agent/ developer is strongly advised to contact the pipeline operator prior to any works being undertaken pursuant to the permission granted/ confirmed by this notice. Address is: Southern Gas Networks Plc, SGN Plant Location Team, 95 Kilbirnie Street, Glasgow, G5 8JD Tel: 01414 184093 OR 0845 0703497 Search online at: www.linesearchbeforeyoudig.co.uk

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Highways

Works in highway agency

With regard to works within the limits of the highway, the applicant is asked to consult, Kent County Council Highways and Transportation, Aylesford Highways Depot, St Michaels Close, Aylesford Tel: 03000 418181.

Crossing agency area

With regard to the construction of the pavement crossing, the applicant is asked to consult, Kent County Council Highways and Transportation, Aylesford Highways Depot, St Michaels Close, Aylesford Tel: 03000 418181.

Highway consents

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.

Highway legislation

The applicant must also ensure that the details shown on the approved plans agree in every respect 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.

Highway land

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>

Cycle storage

Kent County Council Highways and Transportation recommend the provision and retention of a secure and covered cycle parking facility.

Bound surface

The surface for the first 5m of the access from the edge of the highway should be a bound surface to prevent overspill onto the public highway.

Gates

Any gates must open away from the highway and be set back a minimum of 5m from the edge of the carriageway to ensure vehicles waiting to access the site do not create congestion on the public highway.

Surface water

Surface water must not be allowed to run off the site onto the public highway or any other land outside the ownership of the applicant. Any additional hardstanding must be constructed using porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

PROW

The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact the Kent County Council Public Rights of Way and Access Service before commencing any works that may affect the Public Right of Way. This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Landscaping and Trees

Replanting of trees covered by TPO

You are advised that under the terms of Section 206 of the Town and Country Planning Act 1990, where a tree which is subject to a Tree Preservation Order is removed in the circumstances which are relevant to this case, it is the duty of the owner to plant another tree of an appropriate size and species at the same place as soon as reasonably possible. If you require advice on any of the matters raised by these requirements then you should contact the Council's Landscape Officer via planning.applications@tmbc.gov.uk

Replanting of trees in CAs

You are advised that under the terms of Section 213 of the Town and Country Planning Act 1990, where a tree which is within a Conservation Area is removed in the circumstances which are relevant to this case, it is the duty of the owner to plant another tree of an appropriate size and species at the same place as soon as reasonably possible. If you require advice on any of the matters raised by these requirements then you should contact the Council's Landscape Officer via planning.applications@tmbc.gov.uk

New tree covered by TPO

The applicant is reminded that the replacement tree is covered by the Tree Preservation Order in the same way that the original tree was, and that the consent of the Local Planning Authority will therefore be required for any works to it.

Native planting

The Borough Council believes that there is an opportunity to create areas of native planting in this development. Plants for such areas should not only be of native species but also of local provenance. The use of plants of non-local provenance could harm the environment by introducing genetically alien material and reducing the variety and viability of other wildlife that the particular plant supports.

Licences

Pet animal licence

Regarding the requirement for a licence under the Pet Animals Act 1951, the applicant is advised to contact.environmental.protection@tmbc.gov.uk

Caravan site licence

Regarding the requirements for a site licence under the Caravan Sites and Control of Development Act 1960, the applicant is advised to contact housing.services@tmbc.gov.uk

Dog breeding licence

Regarding the requirements for a licence under the Breeding of Dogs Act 1973, the applicant is advised to contact environmental.protection@tmbc.gov.uk

Riding establishment licence

Regarding the requirements for a licence under the Riding Establishments Acts, the applicant is advised to contact environmental.protection@tmbc.gov.uk

Animal boarding licence

Regarding the requirements for a licence under the Animal Boarding Establishments Act 1963, the applicant is advised to contact environmental.protection@tmbc.gov.uk

Bats

The applicant is reminded that a European Protection Species Mitigation Licence with regard to bats is required before work commences on site

Protected species

The applicant is reminded of the necessity to comply with the relevant legislation regarding protected species.

Drainage limitations

The applicant is advised that the site is considered unsuitable for sewage disposal systems other than a sealed cesspool or a biological system producing effluent suitable for discharge to a watercourse, for which a licence may be required from the Environment Agency

Advice on landfill sites

Attention is drawn to the fact that the site on which this development is proposed is a former land fill site and in formulating the detailed construction design, specific consideration will need to be given to the issues of both ground stability and the presence of land fill gas. Technical advice on these matters may be obtained through the Council's Building Control department building.control@sevenoaks.gov.uk

Sprinkler systems

The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.

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Other Legislation

Wildlife countryside act

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 via enquiries@naturalengland.org.uk

Diversion of PROW

The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact Kent County Council Public Rights of Way and Access Service before commencing any work on site as the Public Right of Way needs to be diverted.

No works to the PROW

The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact the Kent County Council Public Rights of Way and Access Service before commencing any works that may affect the Public Right of Way. This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Land outside ownership

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.

Private right of way

The granting of this permission does not purport to convey any legal right to block or impede any private right of way which may cross the application site without any consent which may be required from the beneficiaries of that right of way.

Party wall act

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.

Need for AT consent

Please be aware that alterations to the shop frontage and signage are likely to require advertisement consent. Further guidance on can be found via www.planningportal.gov.uk

Designing out crime

Applicants/agents should consult a local Designing Out Crime Officer or qualified specialist to help design out opportunity for crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict.

Building control

The applicant is encouraged to discuss the proposed internal layout with the Council's Building Control Team building.control@sevenoaks.gov.uk prior to undertaking the development.

Permitted Development

Large residential PA not required or granted

You are reminded that in carrying out this development you will need to comply with all of the limitations and conditions specified within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015.

Office to residential PA not required

You are also reminded that in order to benefit from this class of permitted development the use of the building within Use Class C3 (dwellinghouses) must be completed within 3 years of the date of this notice.

Agr bldg. to resid PA not req or granted You are reminded that the following provisions apply:

- (a) The change of use of the building to a dwellinghouse (Use Class C3) must be completed within 3 years of the date of this notice;
- (b) The building operations specified within this submission must be completed within 3 years of the date of this notice.

Agricultural to flexible PA not required or granted

You are reminded that in order to benefit from this class of permitted development the flexible use(s) of the building must begin within 3 years of the date of this notice unless:

Where planning permission has been granted separately in respect of associated operational development in connection with the new flexible use of this building within 3 years of the date of this notice, the flexible use must be begun within 3 years of the date of that planning permission.

Shop to residential PA not required or granted

You are also reminded that in order to benefit from this class of permitted development, the following provisions also apply:

- (a) The change of use of the building to a dwellinghouse (Use Class C3) must be completed within 3 years of the date of this notice;
- (b) The building operations specified within this submission must be completed within 3 years of the date of this notice.

Part 4 Class D (permitted development)

Flexible change of use of up to 150 sq m floorspace of premises used as Class A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4

(drinking establishments), A5 (hot food takeaways), B1 (business), D1 (non-residential institutions) and D2 (assembly and leisure) can be changed to a use falling within Class A1 (shops), Class A2, (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business).

If at any time during this 2 year period a further change of use falling within one of the other uses comprising the flexible period is proposed you are reminded that you must notify Tonbridge & Malling Borough Council in the same manner as previously. This notification must be made before any such change of use begins.

The use of these premises must revert back to its previous lawful use at the end of the 2 year period of flexible use.

DRAFT

Agenda Item 8

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 9

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 10

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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