

**Plaxtol**  
Borough Green And  
Long Mill

**9 March 2022**

**TM/22/00543/FL**

Proposal: Demolition of existing commercial buildings and open-sided agricultural building and residential redevelopment of the site, comprising a single storey detached dwelling & 3 no. detached 2-storey dwellings with associated curtilages, parking and access

Location: Dux Farm Buildings Dux Lane Plaxtol Sevenoaks Kent TN15 0RB

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**1 Description:**

- 1.1 This is a full application for the demolition of the existing commercial buildings and open-sided agricultural building and redevelopment of the site for residential development comprising of a 1 x 3 bed single storey detached dwelling, 2 x 4 bed two storey detached houses and 1 x 5 bed two storey detached dwelling.
- 1.2 The dwellings will be arranged on a north-south line, each being accessed from an access road running close to the eastern boundary of the site. The southern most dwelling will be single storey and the rest two storey. They will be traditional in design using traditional materials.
- 1.3 This application has been revised post submission. It has changed from:-
- “Demolition of existing commercial buildings and open sided agricultural building and mixed use redevelopment of the site ,comprising a single storey detached office building (Use Class E) and 4 no detached 2 storey dwellings with associated curtilages, parking and access.”
- To
- “Demolition of existing commercial buildings and open sided agricultural building and residential redevelopment of the site ,comprising 1 no single storey detached dwelling & 3 no detached 2 storey dwellings with associated curtilages ,parking and access.”
- 1.4 The original scheme of 4 detached dwellings and a commercial building had merits but on balance officers had concerns, principally about its scale and layout and indeed the business use in such an area. Negotiations took place with the applicant and a revised scheme for just 4 detached dwellings was submitted on 21 November 2022.

**2 Reason for reporting to Committee:**

- 2.1 This application has been referred to committee by a ward councillor for valid planning reasons and within the time-period set for such notifications.

### **3 The Site:**

- 3.1. The application site approximately 0.38 hectares in area is located on the north side of Dux Lane, Plaxtol. The area is principally agricultural and lies within the Kent Downs Area of Outstanding Natural Beauty (AONB) and is designated as Metropolitan Green Belt (MGB). It lies outside the Plaxtol settlement confines.
- 3.2. The site comprises of 3 former agricultural buildings – building C – a large open sided barn on the west side of the application site which currently is in agricultural use for the storage of hay, as part of this application is proposed to be demolished (but not be replaced) and which it can argued will therefore enhance the openness of the site in the AONB/MGB. The building to the north of the application site – building B has been used as a car repair workshop since 2006 and has thus become lawful through the passage of time – the applicant has provided evidence of this commercial use. Building B was also the subject of a retrospective planning application which was granted permission in 1990 for the change of use to repair and service of wire stitchers (ref 90/10411) The applicant has also provided evidence that the northern part of building A (located at the southern end of the site) – the largest has been used since 2007 as a motor vehicle workshop in association with Building B. The southern part of building A was the subject of an appeal relating to residential use of a caravan temporarily allowed for 12 months in July 2000 (ref 99/01988/FL). The Inspector's decision letter referred to storage in the barn and storage/parking of vehicles on the hardstanding areas. The applicant has also put forward the case that the building has been used since 2013 for the processing and storage of timber, an industrial process, which was referred to in the Council's refusal of the LDC for forestry purposes (14/01767/LDE). The Council does not have any substantial evidence in our planning records to dispute the applicant's claims regarding the commercial uses of these buildings (A and B).
- 3.3 Immediately to the south of the site, between it and the road is Dux Barn, a Grade II listed building whilst to the south west of Dux Barn is another Grade II listed building – Ducks Farm. To the east of the site is Kent Cottage beyond which is Shade Cottage, another grade II listed building as its neighbouring property Bourne Cottage. Wrapping around the application site to the west, north and east is agricultural land. Dux Lane is characterised mainly by 2 storey detached and semi detached dwellings fronting the road.

### **4 Planning History (relevant):**

TM/74/11865/OLD grant with conditions 25 March 1974

Sheep Housing Shed.

TM/90/10411 grant with conditions 6 August 1990

Change of use to workshop for repair and service of wire stitchers

TM/99/01988/FL Refuse 10 February 2000

continued use of land for siting of caravan for residential occupation (temporary permission allowed on appeal )

TM/14/01767/LDE Refuse 14 July 2014

Lawful Development Certificate Existing: Use of part of barn and land at Dux Farm for forestry comprising storage of logs and split timber, primary processing of timber crop comprising splitting and cutting, storage and occasional use of electric wood cutting machine; storage of agricultural machinery and hay/straw

## **5 Consultees:**

- 5.1 Kent Highways Services - Further to the previous consultation during April 2022, the application quantum has changed, in that, the commercial property (Use Class E) has now been removed from the planning application. This will now change our response to the following, it would appear that this development proposal does not meet the criteria to warrant involvement from the Local Highway Authority in accordance with the current consultation protocol arrangements. However, if there are any material highway safety concerns that you consider should be brought to the attention of the Local Highway Authority, then please contact us again with your specific concerns for consideration.
- 5.2 Environmental Health – raise no objection but ask for conditions concerning contamination and informatives concerning hours of construction and bonfires.
- 5.3 Waste Services – raise no objection but provide guidance on waste provision.
- 5.4 Plaxtol Parish Council – object on the grounds that they consider this to be inappropriate development in the Green Belt, including not meeting an identified affordable housing need. They consider this to be a suburban-type development not in accordance with the NPPF and detrimental in terms of its scale with the openness of the Green Belt.
- 5.5 Three neighbouring properties were written to, a site notice and press notice were both issued. In response a total of 46 representations were made in response to the original submission and the revised scheme raising the following concerns:
  - Will create an out of keeping cul de sac, suburban style development in the Green Belt
  - Will affect views across the site
  - Mass, height, width and character out of keeping
  - Materials not in keeping – ragstone should be used
  - Traffic generation from deliveries including fuel deliveries and car movements with impacts on safety

- Artificial lighting will affect biodiversity
- No special circumstances for the proposal, conflicting with borough and County policy and the NPPF
- Conversion of buildings not happening but replacement and the site is not arguably Previously Developed Land because the commercial uses were unauthorised.
- Will deplete and/or strain further scarce local resources including water, broadband and public transport.
- Inadequate landscaping to screen the site compared with the existing hedge-screened site.
- Loss of local business activity from site with job loss for area
- Risk of flooding from greater hard surfacing
- Loss of red kites
- Risk of loss of archaeology (Roman remains nearby)
- Set an unwelcome precedent
- Construction & Demolition will pose risk to environment
- Building C (barn) must be removed

## **6 Determining Issues:**

### Principle of development

- 6.1 The proposal relates to the redevelopment of this site for the erection of 4 detached dwellings. TMBC cannot presently demonstrate a five year supply of housing and consequently, in accordance with paragraph 11 d) of the NPPF, much of the development plan is out of date for the purposes of determining applications for new housing development. The tilted balance in this case is therefore engaged and so the application should be granted permission unless it is a protected area (MGB and AONB are such areas) or by the harm caused by the application significantly outweigh its benefits.
- 6.2 Paragraph 11 d) of the NPPF sets out that planning permission should be granted unless the application of policies within the Framework that protect areas of assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.3 Footnote 7 provides a list of those policies that relate to protected areas and assets of particular importance. These include the green belt and areas of outstanding natural beauty. It must therefore firstly be established whether the proposal is acceptable in terms of green belt policy and area of outstanding natural beauty, in order to determine whether the presumption in favour of sustainable development applies.

### Green Belt planning policy

- 6.4 Policy CP3 of the Tonbridge and Malling Borough Core Strategy sets out that development in the Green Belt should be considered in accordance with national planning policies. These national planning policies are detailed in Section 13 (Protecting Green Belt land) of the NPPF (2021). Policy CP13 has the following of relevance to say on the matter of Green Belts -

National Green Belt policy will be applied generally to the west of the A228 and the settlements of Snodland, Leybourne, West Malling and Kings Hill, and to the south of Kings Hill and east of Waterringbury.

- 6.5 The site falls into the above area of the Borough.
- 6.6 Paragraphs 147 – 150 of the NPPF relate specifically to proposals that affect the green belt. There is a presumption against development in the green belt. Paragraph 147 of the NPPF state that inappropriate development is by definition harmful to the green belt and should not be approved except in very special circumstances. This is supplemented by paragraph 148 which states that substantial weight should be given to any harm to the green belt-, and that very special circumstances will not exist unless potential harm to the green belt ,by reason of inappropriateness ,and any harm ,is clearly outweighed by other considerations.
- 6.7 Paragraph 149 of the NPPF requires the Council to regard the construction of new buildings in the green belt as inappropriate development. However, this paragraph and paragraph 150 lists a number of exceptions. One of these exceptions is criteria g) of paragraph 149 which goes on to establish that limited infilling or the partial or complete redevelopment of previously developed land can be acceptable provided it does not have a greater impact on the openness of the Green Belt than the existing development.
- 6.8 The history of the majority of the application site appears to show that the site falls within the definition of previously developed land as per annex 2 of NPPF. The applicant argues that the commercial uses being undertaken on the site are lawful given the length of time they have been in operation. Such lawfulness is not dependant in law on a Lawful Development Certificate (LDC). The uses are lawful if no enforcement action may be taken in respect of them whether an LDC has been issued under Sections 191 and 192 of the Planning Act, as is the case here. The site therefore represents previously developed land (PDL) as defined in the Annex 2 to the NPPF. The exception being the agricultural building (barn C) which falls outside the definition but is included for its demotion and no new built form is proposed in its place. The proposed development is therefore acceptable in principle in the green belt.

#### Kent Downs Area of Outstanding Natural Beauty

- 6.9 The site is in the Kent Downs Area of Outstanding Natural Beauty and as development in an area with such a designation Policy CP7 of the Core Strategy is relevant and states -

Development will not be proposed in the LDF, or otherwise permitted, which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty, including their landscape, wildlife and geological interest, other than in the exceptional circumstances of:

- (a) major development that is demonstrably in the national interest and where there are no alternative sites available or the need cannot be met in any other way; or
- (b) any other development that is essential to meet local social or economic needs.

Any such development must have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design.

- 6.10 Paragraph 176 of the NPPF also gives “ great weight to conserving and enhancing landscape and scenic beauty in AONB which have the highest status of protection in relation to these areas.”
- 6.11 The applicant argues that the proposed replacement of the large former agricultural utilitarian buildings with 4 detached dwellings would provide visual improvements to the site and its surroundings, which will therefore enhance the landscape and scenic beauty of eh AONB consistent with the aims of National Policy and the Development Plan. The Council given the circumstances of this case would agree with the applicant.

#### Local planning policy

- 6.12 The site lies within the countryside. Policy CP14 of the TMBCS seeks to restrict development in such areas. There are a number of exceptions criteria g) of which it is argued that the proposal would fall within as per this local plan policy. It should also be noted that this policy now carries reduced weight as it no longer conforms, in its entirety, with the NPPF. Notwithstanding this it is considered that the proposal complies with this policy.
- 6.13 Policy DC2 section 1.a) of the MDE DPD allows for the replacement of buildings in the countryside providing (inter alia) that it would not be materially larger than the existing building and it would be appropriate in scale and design to its setting and any neighbouring buildings to the character of the area in which it is located. As noted below the proposed replacement buildings would be materially smaller in scale and size compared to the existing buildings.
- 6.14 In addition, Policy DC2 2. relates to the replacement of non-residential buildings with residential building in the countryside. The policy notes that any such proposal will still be subject to policy CP14 and green belt policy. Again, as noted above the proposal would meet green belt policy and is therefore in accordance with this local plan policy.
- 6.15 The applicant in the revised submission has provided a comparison of the massing of the current and proposed buildings. These details show an agreeable

spacing across the site of the new dwellings, most clearly shown in the site section north – south across the site showing silhouettes of the existing and proposed development. A comparison of volumes and footprints between the existing and proposed developments shows that the existing total volume of buildings A and B is 5,413 cubic metres and the floor area is 1,110 square metres (building C is not included in these comparisons as it is in agricultural use and not being replaced), whereas the proposed 4 new dwellings would have a total volume of 2,871 cubic metres (which is a 46 % reduction) and a footprint of 549 square metres ( a reduction of 50.5%). The proposed development would therefore represent significant reductions in volume and footprint area of built form in the countryside.

- 6.16 It is therefore considered that the proposals would comply with Policy DC2 of the MDE DPD.
- 6.17 The proposed development would result in significant gains in terms of openness and this is combined with a more agreeable design for the buildings in terms of materials and form and an opportunity to repopulate the site with greenery through a landscaping scheme.
- 6.18 On balance, it is thus considered that the principle of the development, i.e. of a residential redevelopment of land that may be considered previously developed land but which is also unsightly and not serving a clear benefit in terms of the Green Belt and AONB designations, given the policy and 5 year housing land supply issues is felt to be acceptable, subject to design, standard of accommodation, impact on residential amenity and highways and parking issues.

#### Design

- 6.19 The proposed features and form of the new dwellings would be traditional but not pastiche and considered to pay sufficient regard to the immediate vernacular which is one of mainly 2 storey dwellings with traditional forms, scale and materials including tile, brick, render, timber, pitched-ridged roofs, with modest curtilages providing front and/or at least rear gardens.
- 6.20 The proposal will sit to the north of a Grade II listed building, Dux Barn. The proposed southernmost unit takes some account of Dux Barn by not being ostentatious in scale or form and using traditional materials. The new 2 storey houses too, given the variety of buildings in the surrounding area are acceptable in choice of materials and features. The separation distance of the development from the Barn is felt in combination with the design of the development to overcome any issues about impact.
- 6.21 In terms of the siting there is a concern raised by objectors that this is backland development in a settlement area characterised by ribbon, road-fronting/hugging development. The broader Plaxtol area, including the village envelope does include development away from the road although even there it is a preponderance towards development fronting the roads.

6.22 The Dux Lane area is characterised by housing, modest in scale and 2 storey which fronts the road. The development site in contrast begins behind the road frontage and then advances into the undeveloped hinterland. The current development has a justification for encroaching on the Green Belt due to its agricultural origins which is an appropriate use in the Green Belt. The new development thus has no precedent in the current use. If simply considered in spatial terms, then it is clear that this is backland, as it has no road frontage and its linear arrangement reinforces this backland interpretation. Notwithstanding that, the development nonetheless has taken into account the need for openness in the Green Belt with the reduction in built form across the site compared to the existing and so on balance is considered to be acceptable in terms of its impact on the character of Dux Lane as well as the Green Belt and Kent Downs Area of Outstanding Natural Beauty.

#### Highways and parking

- 6.23 The proposal will make use of the site's existing access onto Dux Lane. Given the scale of the development the concerns raised by objectors to the scheme are not felt valid in terms of the ability of the access and Dux Lane itself to cope with the traffic generated by the development.
- 6.24 The quantity of parking spaces, their size, siting and manoeuvring arrangements within the development are all felt to be acceptable, noting that the provision of 2 spaces per dwelling is in accordance with Council's parking standards as set out in The Kent Design Interim Guidance Note 3: Residential Parking Standards.
- 6.25 A Transport Statement has been submitted in support of the application and concludes that the proposal will not have a severe impact on the highway and no significant safety issues which would give grounds for highway related objections to the proposals. It should also be noted that Kent Highways note that the development does not meet the current consultation protocol arrangements and therefore make no comments on the development scheme.
- 6.26 Details have not been provided regarding cycle storage. However, such details can be controlled by condition, the proposal would thus accord with Policy CP2 of the TMBCS, Policies DC1 and SQ1 of the MDEDPD and paragraph 111 of the NPPF thereby encouraging sustainable travel methods.

#### Standard of accommodation

- 6.27 The houses if assessed against the National Technical Housing Standards all generally have adequate room sizes in terms of floor area, room width, ceiling heights and in terms of Gross Internal Floor Area (GIA) – Plot E is 207 sq.m for a 2 storey 5 bed 8 person dwelling, Plot D -200 sqm for a 2 storey 4 bed 7 person, Plot C 170sq.m for a 4 bed 8 person 2 storey house and in terms of Plot A a GIA of 114 sq.m for single storey 3 bed 6 person dwelling although 2 of the bedrooms are slightly small. The total GIAs for all the proposed dwellings would all exceed the National Standards. It should be noted that the Council does not have up to date adopted housing spatial standards of its own. The dwellings all have usable garden space. Each dwelling will have adequate aspect and where outlook or



privacy could be affected by the proximity of another house, the layout of the development reflects that the houses have been orientated to present only a few modest openings to the neighbour. It is therefore considered that the proposed development would provide an acceptable level of accommodation.

Impact on neighbour amenity.

- 6.28 To the south of the southern-most dwelling is Dux Barn. This is the nearest dwelling off-site and it presents its rear elevation to the front of the single storey dwelling at Plot A. The separation distance between the two is 20m approximately – a distance that should in conjunction with a garage at Dux Barn and a boundary feature between the two dwellings prevent any significant outlook and overlooking issues. A boundary treatment planning condition will help to reinforce this. The orientation and separation distance between them will help to ensure no harmful amenity issues for this neighbour.
- 6.29 To the east Kent Cottage will be over 50m distant and so no outlook, overshadowing or privacy issues should arise between the nearest dwellings on the site and this neighbour.

Heritage

- 6.30 The significance of the designated heritage assets relevant to the proposed development is appraised in the supporting Heritage Statement, which accompanies the application. This recognises that the current buildings have a large visual impact on the setting of the listed buildings of the farmhouse and barn and considers that the significance of effect by the proposed development is considered to be “neutral” given the set back nature of the design from the road. The Heritage Statement concludes that the adjacent heritage assets will not be affected by the proposed development which retain their historical and aesthetic qualities with the new development producing “no harm” on their settings or significance of these assets in accordance with paragraph 202 of NPPF.

Ecology

- 6.31 The application is supported by a Preliminary Ecological Appraisal which makes various recommendations to improve the biodiversity of the site, including native species planting of hedges and trees throughout the development, installation of bird boxes on the proposed dwellings or retained trees. It concludes that there are no ecological reasons to prevent the development and no conflict with the development plan and NPPF in this regard.

Climate change

- 6.32 Paragraph 153 of the NPPF requires Development Plans to take a proactive approach to mitigating and adapting to climate change. It encourages new development to avoid an increase in vulnerability to the range of impacts associated with climate change. Where there are proposals in vulnerable areas care is to be taken to mitigate and consider green infrastructure. In addition,

proposals should help to reduce greenhouse gas emissions and increase the use of renewable and low carbon energy.

- 6.33 The Government has adopted the Future Homes and Building Standards in line with its commitment to achieve net zero emissions by 2050. This seeks to reduce CO2 emissions from new homes by 75 – 80 % from 2021 standards and new homes will need to be “zero carbon ready”, meaning that no further retrofit work will be necessary to enable them to become zero – carbon homes. The first stage of this transition towards the decarbonisation of buildings came into force on 15 June 2022 via a suite of revised Building Regulations, which require that CO2 emissions from new build home must be 30% lower than under previous standards. The efficiency levels now required would encourage/require the installation of zero- carbon technology and levels of energy efficient, which would exceed what the Council previously required under planning policy. Thus, no conditions or informatives are recommended in relation to the incorporation of zero carbon technologies.
- 6.34 The amended Building Regulations under Approved Document S also require that new developments must include spaces with access to electrical vehicle charging points equal to the number of new dwellings and that cable routes/ infrastructure should be provided to other parking spaces. Where charging points would have previously been secured by condition, this is no longer reasonably required.

#### Other Material Planning Considerations

- 6.35 The Housing Delivery Test January 2022 records that TMBC delivered 63% of the total number of homes required by the Government and there is thus a presumption in favour of sustainable development.
- 6.36 The shortfall in the supply of housing is a material consideration that weighs in favour of the development. The development will deliver 4 new houses, as a small but useful contribution to housing land supply as a windfall. Windfall developments are a key component of housing land supply. This is a significant benefit.

#### Other Issues

- 6.37 This site is not subject to any archaeological designations so therefore no archaeological study is necessary. The demolition of existing open sided agricultural building C can be conditioned to be removed and the land restored to its previous use as agricultural land, as this will help to improve openness. Most of the matters relating to drainage on site will be considered by Building Regulations but also will be addressed through an appropriate planning condition.

#### Conclusion

- 6.38 Due to the Council’s lack of a 5 year housing land supply the tilted balance is engaged in this case. As the site is affected by both greenbelt and AONB the

proposal is assessed against paragraph 11 d (i) of the NPPF, the conclusion being that the impact of the proposed development to both greenbelt and AONB would not cause a level of harm that would provide a clear reason to refuse the proposal.

Following this it is necessary to apply consideration under paragraph 11 d (ii) of the NPPF, and whether any potential adverse impacts significantly and demonstrably outweigh the benefits of the proposal when assessed against the rest of the NPPF policies.

It is considered that the principle of the proposed development i.e. of a residential development on Previously Developed Land but which is currently underutilised, unsightly and not serving a clear benefit in terms of the Green Belt and AONB designations, given the policy steer and 5 year housing land supply shortfall is considered to be an acceptable development.

In light of the above therefore the proposal would conserve and enhance the AONB and would not significantly impact on the openness of this part of the Green Belt . No adverse harm has been identified and as such, the tilted balance set out in paragraph 11 (d) of the NPPF is engaged. It is considered that there are no adverse impacts that cannot be suitably addressed by condition . The benefits of the scheme include the provision of 4 additional dwellings and the removal of the existing large unsightly buildings. The officer recommendation is therefore to grant planning permission subject to the conditions set out below.

## **7 Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Existing Plans 6903-PD-01 Building A dated 09.03.2022, Existing Elevations 6903-PD-02 Building A dated 09.03.2022, Existing Plans and Elevations 6903-PD-03 Building B dated 09.03.2022, Existing Plans 6903-PD-04 Building C dated 09.03.2022, Existing Elevations 6903-PD-05 Building C dated 09.03.2022, Existing Plans and Elevations 6903-PD-06 Container \_ Outbuilding dated 09.03.2022, Sections 6903-PD-11 dated 09.03.2022, Topographical Survey S19/7026/02 dated 09.03.2022, Location Plan 6903-PD-10 dated 09.03.2022, Planning Statement dated 09.03.2022, Drainage Statement dated 09.03.2022, Technical Specification dated 09.03.2022, Design and Access Statement Rev A dated 09.03.2022, Report APPENDIX B dated 09.03.2022, Report DESK STUDY & APPENDIX A dated 09.03.2022, Heritage Statement dated 09.03.2022, Ecological Assessment dated 09.03.2022, Proposed Plans and Elevations 6903-PD-15 Rev A dated 21.11.2022, Proposed Plans and Elevations 6903-PD-17 Rev A dated 21.11.2022, Proposed Plans and Elevations 6903-PD-18 Rev A dated 21.11.2022, Proposed Plans and Elevations 6903-PD-19 Rev A dated 21.11.2022, Site Layout 6903 PD 10 Rev B dated 21.11.2022, Section 6903 PD 11 Rev B dated 21.11.2022, and email dated 09 June 2023 providing Dux Farm Summary of evidence

## **Conditions / Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed "This was approved in accordance with the following submitted details.

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

3. 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 properties identified as likely to be affected as to the ongoing timetabling of works, the nature of the works and their likely 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.

4. 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

5. 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

6. The dwellings hereby permitted shall not be first occupied, until the area shown on the submitted layout referenced 6903 PD 10 REV B as vehicle parking space to serve the associated dwelling 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.

7. 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

8. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works shall take place until details of all proposed boundary treatments have been submitted to and approved by the Local Planning Authority. The boundary treatments 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 visual and residential amenities

9. 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.

10. 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.

11. The development shall be carried out in accordance with the recommendations of the Preliminary Ecological Report received 09.03.2022 and be retained and maintained thereafter.

Reason: To ensure the protection of wildlife species.

12. 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.

13. Before first occupation of the site, the Barn (Barn C) in the far south-western corner of the site shall be demolished and the ground made good and used for agricultural uses thereafter.

Reason: In the interests of visual amenity and preserving the openness of the Green Belt.

14. No external lighting shall be installed in connection with the development hereby permitted until such details have been submitted to and approved in writing by the Local Planning Authority. The details should demonstrate that the scheme will not disturb bat activity. All external lighting shall be installed in strict accordance with the approved details and maintained and retained at all times thereafter. No further external lighting shall be installed.

Reason: In the interests of the visual and rural amenity, the landscape quality of the Area of Outstanding Natural Beauty and to prevent harm to protected species.

15. 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 extension, enlargement ,alteration or provision within the curtilage of each of the dwellinghouse as provided within Schedule 2, Part 1, classes A, B and E other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the openness of the Green Belt and the scenic beauty of the Area of Outstanding Natural Beauty and for this reason would want to control any future development.

## **Informatives**

1. 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](mailto: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.
2. 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.

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.

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.

Contact: Andy Jeffers