

## REPORT SUMMARY

<b>REFERENCE NO - 23/01048/FULL</b>
<b>APPLICATION PROPOSAL</b> Demolition of a vehicle repair/car sales building (Class B2 and Sui Generis Use) and concrete hardstanding, erection of replacement self-storage unit (Class B8 use) with associated parking and landscaping
<b>ADDRESS</b> Tunbridge Wells MOT Centre North Farm Road Royal Tunbridge Wells Kent TN2 3DP
<b>RECOMMENDATION</b> To GRANT planning permission subject to conditions (please refer to section 11.0 of this report for full recommendation)
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"><li>• The proposal would result in the delivery of sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, permission should be granted, subject to all other material considerations being satisfied;</li><li>• There would be significant economic benefits arising from the development, which is within the Limits to Built Development;</li><li>• The proposal would use Previously Developed Land;</li><li>• The development would provide employment opportunities;</li><li>• The development would not have a detrimental impact upon the residential amenity of any neighbouring properties;</li><li>• The development would not have a detrimental impact upon highway safety;</li><li>• Adequate on-site parking would be provided to support the development;</li><li>• The proposal would not result in an unacceptable impact upon drainage and flood risk in the locality;</li><li>• The development can result in ecological net gain;</li><li>• The design of the scheme is considered acceptable;</li><li>• Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition.</li></ul>
<b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b> <p>The following are considered to be material to the application:</p> <p><b>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A</b></p> <p><b>Net increase in numbers of jobs: application form states reduction from four to three</b></p> <p><b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A</b></p> <p>The following are not considered to be material to the application:</p> <p><b>Estimated annual council tax benefit for Borough: N/A</b></p> <p><b>Estimated annual council tax benefit total: N/A</b></p> <p><b>Annual New Homes Bonus: N/A</b></p> <p><b>Estimated annual business rates benefits for Borough: £87,146.00</b></p>
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"><li>• The proposal comprises the creation of non-residential floor space by means of new buildings of more than 2000m<sup>2</sup> and is recommended for approval;</li></ul>

<ul style="list-style-type: none"> <li>Part of the application site includes land owned by Tunbridge Wells Borough Council (pavement at junction of North Farm Road and Chapman Way)</li> </ul>		
<b>WARD</b> Southborough & High Brooms	<b>PARISH/TOWN COUNCIL</b> Southborough Town Council	<b>APPLICANT</b> Sanderson <b>AGENT</b> Mrs Polly Canning
<b>DECISION DUE DATE</b> 26/07/23	<b>PUBLICITY EXPIRY DATE</b> 20/06/23	<b>OFFICER SITE VISIT DATE</b> Various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> <i>This application site comprises three individual separate premises and the history is broken down as follows;</i>		

**Plot 3: Shell Marketing Ltd North Farm Road Royal Tunbridge Wells Kent TN2 3DR**

75/00016	Portakabin office	Granted	27/03/75
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**Plot 2: Part site of Godfreys Yard, Baldwins Lane, Southborough (aka Part site of Q&S Car Sales)**

06/03087/FUL	New building to provide covered parking for lorries at ground floor, storage and office at first floor with vehicle repair workshop above, and associated changes to parking areas	Granted	28/12/06
94/00030/FUL	Demolition of existing sales office and erection of new sales office; erection of workshop building; new fencing and landscaping	Granted	21/06/94
85/00952/FUL	Change of use from fuel storage & distribution to scaffolding contractors depot	Granted	06/09/85

**Plot 1: Tunbridge Wells MOT Centre North Farm Road Royal Tunbridge Wells Kent TN2 3DP**

98/02114/FUL	New showroom incorporating parts dept for existing car dealership	Granted	19/04/99
93/00308/FUL	Retrospective - change of use to car sales	Granted	28/05/93
90/01105/OUT	Outline (means of access, siting and design not reserved) - Office/light industrial development (B1) and associated parking	Granted (not implemented)	28/11/90
88/01332/FUL	Single storey industrial unit with two storey offices and two small industrial units and associated parking	Granted (not implemented)	17/10/88
86/01339/FUL	Single-storey industrial unit with two-storey offices and associated parking	Granted (not implemented)	06/11/86

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The whole application site extends to 0.48 hectares and sits on the corner of North Farm Road and Chapman Way, directly adjacent to the High Brooms Industrial Estate.
- 1.02 Part of the site was most recently occupied by a car sales and vehicle repair business known as the Tunbridge Wells MOT Centre (Plot 1). Beyond this is a concrete yard used to store cars (Plot 2). At the north end is an empty fenced yard

which was formerly used as an oil distribution depot, and more recently used for vehicle storage/parking (Plot 3).

- 1.03 The car sales building is located on the North Farm Road frontage (where a small stretch of the pavement, which lies within the application site, is owned by TWBC). The sales office and two other buildings stand behind this, which were used for servicing and repairs. Together the three single storey buildings total a floorspace of approximately 363 sqm. The site is now vacant. The three areas are shown in the site photo below (source: *Planning Statement page 5*);



- 1.04 The building currently occupied by the car sales and vehicle repair business (referred to as Plot 1 in the image above) has been in place for almost 30 years. Permission was initially granted in June 1994 (94/00030/FULL) for the erection of a sales office and workshop building. Planning permission was subsequently granted in April 1999 for a new showroom on the frontage of North Farm Road (98/02114/FULL). Accordingly, this part of the site is occupied by a Sui Generis use (the showroom) and a B2 use (the workshop buildings to the rear).
- 1.05 The “middle” part of the site, referred to as Plot 2 in the image above, has remained open, undeveloped and continuously occupied with the storage of vehicles for many years (the Planning Statement suggests just under 29 years). As such, this part of the site has a B8 “open” storage use.
- 1.06 The northern part of the site (Plot 3) was formerly an oil storage and distribution depot. There were seven large above-ground cylindrical storage tanks on the site, as well as two buildings and other infrastructure. These were demolished in 2016 and the sub-surface oil tanks removed. Between 2019/2020 and June 2023, the site was used unlawfully to store vehicles but is now empty. The site thus has a nil use as the previously permitted use for oil distribution has been extinguished.
- 1.07 The High Brooms Industrial Estate borders the site to the north on Chapman Way. This large industrial estate extends to 4.28 hectares and comprises a mixture of large

commercial and industrial block-built units and double height steel frame blocks. There are further industrial uses (mainly vehicle repair) to the NW (accessible from Baldwins Lane) and on the opposite side of the road to the SE. There are dwellings and flats to the south on North Farm Road.

- 1.08 Immediately adjacent to the site, to the south-west, is a recently constructed 4-storey apartment block (ref: 21/01312/FULL). The building stands 12.17 metres high – the ground floor being devoted to parking and three storeys of residential above. The building is designed with a series of three front facing gable ended sections with a gable at each flank elevation.
- 1.09 The topography of the site is such that the land slopes away as one moves NE along North Farm Road. At the highest point, next to the completed adjacent apartment block, the land stands at a height of 84m AOD. The land then falls to less than +80 AOD at the corner with Chapman Way, resulting in a level drop of over 4m across this section of North Farm Road. Levels also rise significantly to the NW, with the industrial workshops at Godfreys Yard and Camden House sitting at a much higher level.

## **2.0 PROPOSAL**

- 2.01 The application seeks permission to demolish the existing structures and construct a Class B8 warehouse building to accommodate a self-storage facility, with a reception and ancillary areas at the front of the building. The building will extend to 8,465 sqm (GIA), over three storeys (with a further lower ground floor below on part of the site).
- 2.02 The building is 54.9m at its widest, 51.9m at its deepest and 14.55m at its highest (from the top of parapet to the base on the Chapman Way elevation or 15.39m to the actual Chapman Way road level). The building will also be set back some 3.4m from the existing footway. The walls will be clad in dark grey metal cladding, with a yellow band to break up the mass of the building. Large, recessed windows will be provided on the corner of the building and two further windows will feature on the North Farm Road elevation to serve the reception and ancillary office space to the rear.
- 2.03 The proposed loading area (with room for three loading bays) will be at the front of the building, along the southern elevation. Alongside this, there will also be an internal refuse and recycling area, a bike store and the main reception area. Further staff facilities (office, WCs, staff room and showers) will be located directly to the rear of these rooms.
- 2.04 The proposal also includes the provision of 19 parking spaces, including two disabled spaces and two electric car charging spaces. There is also further provision for three loading bays. The car parking area will be accessed via the existing vehicular crossover entrance off North Farm Road, which currently serves the MOT centre. The other two existing crossovers will be closed and the dropped kerbs at both accesses will be removed. The pedestrian footway along North Farm Road will be made good.
- 2.05 In terms of boundary treatment, a new secure sliding gate, measuring 2.4m in height, will be installed to the entrance of the car park which will be attached to metal mesh fencing surrounding the car park area. A perimeter fence will also be installed to the rear of the property.
- 2.06 Soft landscaping plans have also been provided with the application, showing additional planting around the boundaries of the site and a number of new trees

to the rear of the development. Low-level planting in the form of stepped planters is also shown to the front of the development along the elevation with North Farm Road.

- 2.07 Design measures will be incorporated into the design of the building to minimise its overall environmental impact and energy use. Photovoltaic panels are proposed to be positioned on the roof of the building.

### 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area	0.48ha	0.48ha	No change
Land use(s) including floor area(s)	<i>Sui generis</i> use comprising vehicle sales, repair and storage/parking.  The former oil distribution depot has a nil use following the removal of the equipment and sub-surface infrastructure which enabled that use	Class B8 (storage and distribution)	
Car parking spaces (inc. disabled)	Approximately 100 ( <i>this includes the car storage area at Plot 2; plus former oil depot at Plot 3 which had been used for vehicle parking/storage since the cessation of the oil depot use</i> )	19	minus 81 (approximately)
Floorspace (GIA)	363 sqm	8408 sqm	+8045 sqm
Max height	8.3m	14.55m ( <i>from the top of parapet to the base on the Chapman Way elevation</i> )	+6.25m
Max eaves height	4.4m	11.7m	+7.3m

### 4.0 PLANNING CONSTRAINTS

- Inside Limits to Built Development (LBD)
- Potentially Contaminated Land
- The Southborough Pit Site of Special Scientific Interest is approximately 140m away to the NW
- The Former Auto Bavaria Site to the south is a 'non-designated heritage asset'

### 5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2021  
National Planning Practice Guidance (NPPG)

#### Site Allocations DPD (July 2016)

Policy AL/STR 1: Limits to Built Development

**Tunbridge Wells Borough Core Strategy 2010**

Core Policy 1: Delivery of Development  
Core Policy 4: Environment  
Core Policy 5: Sustainable Design and Construction  
Core Policy 7: Employment Provision  
Core Policy 10: Southborough

**Tunbridge Wells Borough Local Plan 2006**

Policy EN1: Development Control Criteria  
Policy EN8: Lighting  
Policy TP4: Access to the Road Network  
Policy TP5: Parking Provision with New Development  
Policy TP9: Cycle Parking  
Policy TP1: Major development requiring Transport Assessments and a Travel Plan  
Policy TP2: Multi-modal access for smaller-scale non-residential development

**Supplementary Planning Documents:**

Renewable Energy SPD (2007 and update January 2014) and 2019 Energy Policy  
Position Statement  
Noise and Vibration SPD  
Contaminated Land SPD

**Other documents:**

KCC Supplementary Planning Guidance SPG 4 - Kent Vehicle Parking Standards  
July 2006

**Tunbridge Wells Borough Submission Local Plan 2020-2038**

Policy STR1: The Development Strategy  
Policy STR2: Place Shaping and Design  
Policy STR3: Brownfield Land  
Policy STR4: Ensuring Comprehensive Development  
Policy STR5: Infrastructure and Connectivity  
Policy STR6: Transport and Parking  
Policy STR7: Climate Change  
Policy STR8: Conserving and Enhancing the Natural, Built, and Historic Environment  
Policy STR/RTW1: The Strategy for Royal Tunbridge Wells  
Policy EN1: Sustainable Design  
Policy EN2: Sustainable Design Standards  
Policy EN3: Climate Change Mitigation and Adaptation  
Policy EN8: Outdoor Lighting and Dark Skies  
Policy EN9: Biodiversity Net Gain  
Policy EN12: Trees, Woodland, Hedges, and Development  
Policy EN14: Green, Grey, and Blue Infrastructure  
Policy EN16: Landscape within the Built Environment  
Policy EN21: Air Quality  
Policy EN24: Water Supply, Quality, and Conservation  
Policy EN26: Sustainable Drainage  
Policy EN27: Noise  
Policy EN28: Land Contamination  
Policy ED2: Retention of Existing Employment Sites and Buildings  
Policy ED3: Digital Communications and Fibre to the Premise  
Policy TP1: Transport Assessments, Travel Plans, and Mitigation  
Policy TP3: Parking Standards

## **6.0 LOCAL REPRESENTATIONS**

- 6.01 The application was publicised by way of site notice in April 2023. It was also advertised in a local newspaper.
- 6.02 No comments have been received in response.

## **7.0 CONSULTATIONS**

### **Southborough Town Council**

- 7.01 **(06/06/23)** - this application should be granted

### **Environment Agency**

- 7.02 **(16/05/23)** – proposed development acceptable, subject to conditions

### **Southern Water**

- 7.03 **(26/05/23)** - Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
- 7.04 The submitted document demonstrates limiting surface water flow to existing contributing flows to the surface water network. This discharge can be permitted, if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. The applicant will be required to provide a CCTV survey showing the existing connection points, pipe sizes, gradients confirming the proposed flow will be no greater than the existing contributing flows.
- 7.05 The submitted drainage details indicate SuDS to be maintained within private ownership and maintenance. Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.
- 7.06 The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide adequate protection to basements from the risk of flooding. *(Officer note: rest of response is standard advice regarding SuDS systems and sewer construction)*
- 7.07 **Environmental Protection**  
**(03/05/23)** - MAIN POINTS CONSIDERED: Noise, land contamination, air quality
- 7.08 Air Quality: The application is supported by an air quality assessment which demonstrates that its operational phase will not impact local air quality. The development also includes air source heat pumps and solar panels. The report recommends a mitigation strategy to minimise dust generation during the demolition/construction phase which should be implemented in full.
- 7.09 Land contamination: The application is supported by a phase I assessment which concludes that an intrusive investigation should be completed.
- 7.10 Noise: The application is supported by an acoustic assessment which has used library data for the anticipated noise sources from the development. This indicates that assuming the library data is correct there should be no impact on the closest noise sensitive receptors.

- 7.11 **RECOMMENDATIONS:** No objection subject to conditions (land contamination; noise)

**KCC Highways**

- 7.12 **(05/06/23)** - Further to comments dated 15th May 2023, confirm that provided the following requirements are secured by condition or planning obligation, would raise no further objection on behalf of Kent County Council (KCC) highway authority:
- Cycle and vehicle parking provision including electric vehicle charging facilities, and then footway on North Farm Road, will be provided in line with the plan 3940-DMWR-A-PL-006 Rev A.
  - The site access junction will not be amended to a bellmouth design with pedestrian crossing but will continue to exist as a typical vehicle crossover.
  - A Travel Plan (TP) is implemented at the site in line with the requirements set out in the RPS and KCC correspondence. The development shall not be brought into use until this TP has been approved in writing by the Local Planning Authority.
- 7.13 This response follows the receipt of additional information from RPS on behalf of the applicant, set out in a response note dated 26th May 2023. RPS confirm that:
- 'There is no intention to create a new junction with a bell mouth / radii and pedestrian crossing dropped kerbs'.
  - In addition to 2 active provision electric vehicle charging bays, 'The applicant will commit to provide 10% passive electric vehicle spaces, which are provided with electrical connection and can be converted to full electric vehicle spaces in the future, if required'.
  - The parking bay sizes meet policy requirements and are suitable for the end user.
  - 'The width of the cycle access door has been increased to 2m' and the 'full Travel Plan
  - will be updated to include a commitment to monitor the use of the cycle parking'.
  - 'The footway width along the site frontage has amended to ensure it is above 1.8m'.
  - Regarding the key issue of vehicle storage/parking displacement associated with the Accelerate car dealers who currently use the site for vehicle storage, the applicant has confirmed that vehicles associated with the car dealers will be removed from the site by end of August 2023. Accelerate car dealers will store vehicles on their sites, on the eastern side of North Farm Road, and downsize their operations accordingly to reflect the reduced land available for vehicle storage.
- 7.14 In relation to point 5 of the response note dated 26th May, the applicant has clarified that the 'land adjacent to the application site' is a site registered as land at North Farm Road, on the eastern side of North Farm Road. While there are concerns that these sites on the eastern side of North Farm Road are potentially insufficient in size to accommodate vehicles that could be displaced by the development, leading to Accelerate car dealers parking their vehicles (or staff vehicles) on nearby unrestricted highway or on other occupiers' land, this would become an issue of parking enforcement and management, not a planning issue.
- 7.15 RPS highlight that Accelerate car dealers would not park their vehicles on-street due to road tax reasons. It is accepted that this reduces the likelihood of these concerns and that sufficient investigation into vehicle storage and potential parking displacement of the development has been provided.

**(15/05/23)**



- 7.16 The proposals are for the construction of an 8,765sqm B8 self-storage warehousing facility on the site of an existing MOT centre and adjacent lots currently used for car parking. The applicant has engaged with KCC Highways in pre-application discussions and these have been used to inform the scheme and the Transport Statement (TS) submitted to the planning portal.
- 7.17 This review concludes that there is outstanding information relating to parking displacement that must be provided by the applicant before a recommendation for approval or refusal can be provided. A summary of the additional information is presented at the end of this response.
- 7.18 As described in the TS, the site is well-located for access to the rail and services available at High Brooms Station, located within walking distance of the site via a continuous (albeit deficient in some places) footway. This will enable staff and visitors to access the site without use of a private car.
- 7.19 Access to the proposed development is proposed to be taken from the existing vehicle access to the MOT centre on the site. The TS has investigated local traffic incidents and concludes no significant issues with the operation of the site access.
- 7.20 The TS sets out that 'The two existing vehicle crossovers that serve plots 2 and 3 will be closed. The dropped kerbs at both accesses will be removed and a conventional footway kerb will be provided'. However there are three existing vehicle crossovers serving plots 2 and 3 (the plots without the MOT centre), as one of the plots has a separate egress. The scheme plans indicate that the entire length of the footway is included within the red line boundary, so it is expected that as part of the proposals, all three of these dropped kerbs will be removed and made into a conventional footway through a S278 as part of the proposals.
- 7.21 The access to the existing MOT centre is retained as part of the proposals, however the scheme plans indicate that the footways either side of the access are improved and kerbs introduced. The preferable arrangement at this access would be to retain a vehicle crossover form rather than introducing a minor-arm crossing, however if a minor-arm crossing is implemented, it is essential that dropped kerbs and tactile paving are provided for pedestrians.
- 7.22 It is known that the adjacent site to the southwest has planning consent for a residential development (ref. 21/01312/FULL), which would improve the footway alongside its length, reinstating the kerb, and linking to the improved footway of the application site.
- 7.23 Visibility splays and tracking drawings of vehicles accessing the site and using the parking and loading bays are provided in the TS appendices. While tracking for the largest vehicle (an 11m removals van) would require two other loading bays to be empty, given that this site would be managed by a single firm, this is not considered to be an issue. The visibility splays provided are sufficient.
- 7.24 Trip generation has been discussed with KCC during the pre-application process, and the method has not been altered in the TS. The change in traffic attraction from the existing and proposed use at the site is minimal and is acceptable.
- 7.25 Vehicle parking levels have also been discussed with KCC, and the proposed quantum of parking is acceptable. The parking level is not based on KCC standards, however the standards would indicate a much greater level of parking requirement than would be necessary at a self-storage facility. On the basis that a specific

consent for self-storage B8 is being sought, rather than consent for general B8, it is acceptable to KCC for there to be a departure from standards. The proposed level of parking is roughly in-line with parking at two other self-storage facilities in northeast Tunbridge Wells.

- 7.26 2 active electric vehicle (EV) charging bays are proposed, out of a total of 19 car parking bays. It is not indicated if any passive EV charging bays are proposed, however KCC would typically expect a minimum of 10% active EV bays and a minimum of 10% passive EV bays.
- 7.27 Government building regulations 'Infrastructure for the charging of electric vehicles – Approved Document S' for a non-dwelling development such as these proposals also requires a minimum of 20% provision (active or passive, with a minimum of 1 bay active). The proposals should therefore include 2 further passive EV bays.
- 7.28 Vehicle parking includes provision for larger vehicles, for disabled parking and for electric vehicle charging. The indicated levels are all accepted. It is unclear if the bays meet the KCC requirements of 2.5m x 5m for standard bays, with 0.2m clearance to adjacent obstacles such as walls. Cycle parking is proposed to be provided internally, with space available for 8 cycles. This is well below the standards, however given the expected use of the site, this provision is likely to be sufficient. The Travel Plan does not include monitoring the use of the cycle parking, however this can be included as part of the surveys to be undertaken as part of the Travel Plan. The Travel Plan should include a mechanism that monitors cycle parking and ensures additional cycle parking is introduced if there is a demand. Access to the cycle store is also proposed to be provided by a normal width door – it is recommended that double doors or a wide door (ideally above 2m wide) is employed for the cycle store in order to enable easy access. Covered secure parking should also be provided external to the building for short-stay visitors.
- 7.29 The Design and Access Statement indicates that a number of areas were agreed with KCC during pre-application discussions, however written evidence to all these matters is not provided. KCC is confident in the agreement on trip generation and vehicle parking provision however the discussions do not appear to have conclusively resolved the access arrangements, S106 contributions, or cycle parking levels.
- 7.30 The site comprises three plots – one of which features an MOT centre, and two of which are currently used as storage/parking for vehicles. It is unclear exactly who is using these other two plots, but it appears that they are used by the MOT centre, and by the used car and van sellers Accelerate Cars & Commercial located on the opposite side of North Farm Road.
- 7.31 Once the MOT centre is removed from the site, the parking demand associated with the MOT centre would be removed – however storage of vehicles for the car and van sellers will still be required. Regardless of whether or not Accelerate have permission to use this land, removing this current arrangement would lead to displacing a significant level of long-term parking onto other locations in the local area, likely including the public highway.
- 7.32 The applicant is required to demonstrate that the development proposals will not cause a parking displacement of the existing vehicles on the site onto the local highway. It would be helpful to also understand exactly what the existing parking on the site is associated with, in order to understand any other potential knock-on effects of removing this parking.

*Summary*

7.33 KCC Highways have reviewed the proposals and require further detail on one matter before a recommendation for approval can be provided. This matter is:

- Details on the likely displacement of the existing parking on the site, potentially including mitigation to prevent any increase in on-street parking in the area.
- KCC would also recommend that the proposals are amended to reflect:
- A 1.8m wide footway along the site frontage, with pedestrian priority over vehicles at the site access,
- Confirmation of 2.5m x 5m parking bays in the site car park, with 0.2m clearance to walls,
- Widened doors to the cycle store, covered secure external short-stay parking, and a mechanism in the Travel Plan for increasing cycle parking provision on-site

**KCC Flood & Water Management**

7.34 (09/05/23) - Kent County Council as Lead Local Flood Authority have the Flood Risk Assessment & Drainage Strategy report prepared by MJM Consulting Engineers (21/03/2023) and understand that surface water from the development will be discharged to the Southern Water surface water sewer along North Farm Road. Discharge rates will be restricted to the respective 1-, 30- and 100-year greenfield rates (2.1 l/s, 5.67 l/s, 7.87 l/s). An underground attenuation tank will provide 203.1 m<sup>3</sup> of storage and a bypass separator and catchpits will provide pollution mitigation. Have no objection in principle to these proposals and would advise the following for the detailed design stage:

1. Would expect to see the drainage system modelled using FeH 2013 rainfall data in any appropriate modelling or simulation software. Where FeH 2013 data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of KCC's latest drainage and planning policy statement (November 2019).

2. As of the 10th of May 2022, the Environment Agency's climate change allowances have been updated. As part of this update, revisions have been made to the 'Peak Rainfall Intensity Allowances' that are used in applying climate change percentages to new drainage schemes.

The LLFA would now seek the 'upper end' allowance is designed for both the 30 (3.3%) and 100 (1%) year storm scenarios, resulting in a 35% and a 45% uplift respectively at this location. The latest information on the allowances and map can be found at the following link:

<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

3. Also note that an area of 0.45 ha was used within the greenfield calculations, whereas an area of 0.347 ha was used within the MicroDrainage modelling. As such would request clarification to be provided as to why these areas differ from the greenfield to run off calculations or for the calculations be adjusted accordingly. The areas utilised to calculate the Greenfield run off rate should be used within the hydraulic analysis. If evidence can be provided that none of the surface water from the various 'green areas' will enter the positively drained network, then this would be acceptable but would still expect for this area to be removed from the greenfield run off calculations.

7.35 Should the Local Planning Authority be minded to grant planning permission for the

proposed development, the LLFA request conditions to be attached.

**Kent Police**

- 7.36 **(05/05/23)** - A meeting was held with the applicant on 01/02/2023 and the points below were discussed. Kent Police recommend that the applicant applies for an SBD award, which is free of cost, to show official commitment to crime prevention and community safety. This would ensure that the Designing Out Crime Team can continue to provide our support and guidance until the development is complete.
- 7.37 Recommendations regarding: Perimeter security, alarms, access control, car park, cycle/bin storage, hostile vehicle mitigation, lighting, CCTV, doorsets and windows, mail delivery, landscaping and solar panels.

**TWBC Landscape & Biodiversity Officer**

- 7.38 **(02/05/23)** - have checked the Ecology report and BNG assessment and am in general agreement with the conclusions including the statement that the scheme will deliver a biodiversity Net Gain.

**8.0 APPLICANT'S SUPPORTING COMMENTS** *(taken from Part 7 of Planning Statement)*

- 8.01 There is significant policy support for a proposal of this nature. The NPPF is clear that the planning system should do everything it can to support economic growth and in this case the development will bring significant investment and will provide direct and indirect employment opportunities into the area (on-site during construction and in operation and off-site supporting a multitude of local businesses).
- 8.02 As well as economic benefits, the development would deliver a raft of social and environmental benefits to the area which include:
- The significant visual enhancement of the area providing an attractive, high-quality environment at an important transitional area next to the industrial estate;
  - Making the most efficient use of the land and remediating the land;
  - Providing significant highway safety benefits by consolidation the vehicular access points into one;
  - Improving pedestrian permeability along the site frontage;
  - Significantly improving biodiversity enhancement;
  - Removing an underperforming outdated building with a highly energy efficient one;
  - Setting exemplary standards for the environmental performance of the building by seeking to achieve an 'Excellent' BREEAM rating; and
  - Reducing flood risk by ensuring that the development is designed to meet modern standards and providing an attenuation tank to restrict surface water run off rates.
- 8.03 An assessment of the proposed development demonstrates that the proposed self-storage use is acceptable in terms of land-use, sustainability, neighbouring amenity, accessibility, landscaping, design, flood risk, air quality, ecology, contamination and noise.
- 8.04 In these circumstances, it is considered the development accords with planning policy at the national and local level.

**9.0 BACKGROUND PAPERS AND PLANS**

- 9.01 Application form  
Planning Statement  
CGI views 1 &2

Design and Access Statement (DMWR Architecture);  
Transport Statement (RPS);  
Travel Plan (RPS);  
Preliminary Ecological Appraisal (The Ecology Partnership);  
Biodiversity Net-Gain Summary (The Ecology Partnership);  
Preliminary Ground Contamination Risk Assessment (Delta Simons);  
Flood Risk Assessment and Drainage Strategy (MJM);  
BREEAM Pre-Assessment (SRE);  
Energy and Sustainability Report (SRE);  
Air Quality Report (RF Environmental Ltd);  
Noise Impact Assessment (RF Environmental Ltd);  
Daylight Sunlight Assessment (Joel Michaels Reynolds Surveyors);  
Landscape Plan (Allen Scott Landscape Architecture)  
3940-DMWR-A-PL-001 Site Location Plan  
3940-DMWR-A-PL-002 Existing Block Plan  
3940-DMWR-A-PL-003 Existing Street Elevations  
3940-DMWR-A-PL-004 Existing Site Sections  
3940-DMWR-A-PL-005 Existing Elevations  
Response to KCC Highways (RPS, 26 May 2023) and covering e-mail

## 10.0 APPRAISAL

- 10.01 The site is within the LBD where there is a presumption in favour of new development such as this. The main issues are therefore considered to be design and visual impact, residential amenity, highways/parking, flooding/drainage matters, ecology, air quality/land contamination and other relevant matters.

### **Principle of Development**

- 10.02 The site lies within the LBD in a sustainable location, close to a bus route and rail links on a historically industrial/commercial site. It is considered to meet all three criteria in CP7 (3) which seeks to safeguard employment use areas and buildings if they are;
- Well located to main roads and public transport networks;
  - Capable of providing, through redevelopment, good quality modern accommodation attractive to the market
  - Capable of meeting a range of employment uses to support the local economy
- 10.03 The size and shape of the site allows its redevelopment to provide good quality, modern accommodation. In principle it is capable of a range of employment uses, although the proximity to residential uses would probably rule out a significant intensification of B2 general industrial uses.
- 10.04 The proposal also maintains employment floorspace in accordance with CP7 (1), and meets CP7 (4)'s requirement to permit '*employment development on sites not specifically identified for that purpose, or on mixed use sites, in accordance with Core Policy 1: Delivery of Development and if there is no significant adverse impact on residential amenity, local character or highway capacity and/or safety, contrary to other Development Plan policies*'. Furthermore, it meets Core Policy 10, which deals with development in Southborough also states that existing employment floorspace will be maintained and new or redevelopment employment floorspace will be encouraged within the Key Employment Area and elsewhere in Southborough as appropriate.

- 10.05 NPPF Para 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.
- 10.06 The proposed redevelopment makes better, more efficient use of the site, which comprises three dated buildings, one of which is purpose built for vehicle sales. The site is Previously Developed Land as defined by the NPPF Annex. The proposal is likely to increase employment opportunities on the site in modern facilities suitable for modern business needs.
- 10.07 The proposal also meets the NPPF aims and objectives for employment development and thus the principle of the development is considered to be satisfied.

**Design and visual impact/non-designated heritage asset**

- 10.08 Although this is for new development within an existing industrial site, design and layout are still key issues. NPPF Para 130 states that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 10.09 Para 134 states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Conversely, significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
  - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*
- 10.10 LP Policy EN1 states at criteria (3), (4), (6) and (7);
- 3 The design of the proposal, encompassing scale, layout and orientation of buildings, site coverage by buildings, external appearance, roofscape, materials and landscaping, would respect the context of the site and take account of the efficient use of energy;*

- 4 The proposal would not result in the loss of significant buildings, related spaces, trees, shrubs, hedges, or other features important to the character of the built up area or landscape;*
- 6 The design, layout and landscaping of all development should take account of the security of people and property and incorporate measures to reduce or eliminate crime; and*
- 7 The design of public spaces and pedestrian routes to all new development proposals should provide safe and easy access for people with disabilities and people with particular access requirements.*

- 10.11 Core Policy 4: Environment; seeks amongst other things to conserve and enhance the locally distinctive sense of place and character. Core Policy 5: Sustainable Design and Construction identifies that the Council will apply and encourage sustainable design and construction principles and best practice. Developments will also be required to create safe, accessible, legible and adaptable environments plus conserve and enhance the public realm.
- 10.12 The site is a prominent one adjacent to the highway. The site is something of a transition point between the largely residential area to the south of Baldwins Lane on Welbeck Avenue, North Farm Road and The Close (plus the new flats on the adjacent site) and the industrial and commercial uses based around the High Brooms Industrial Park and the higher ground to the west off Baldwins Lane. There is also a range of older, smaller-scale car repair workshops opposite the site.
- 10.13 The buildings on the site are of no merit and date from the 1980s / 1990s. The site is almost completely hard surfaced in either concrete or asphalt and there is virtually no greenery, save for some shrubs in the centre of the site. The former oil distribution depot is surrounded by high chain link fencing. The whole site is now empty and appears both dated and dilapidated.
- 10.14 Given the context of large, industrial scale buildings to the north; the height of the adjacent residential building to the immediate south; and the north-south drop in levels both along North Farm Road and to the west, the height, bulk and massing of the new unit is considered acceptable. The design / appearance is sympathetic to the context of the site including its levels/topography - the ridge levels of the building step down from the 12m high flats to the immediate south (which are in higher ground).
- 10.15 The front facing gable design arrangement of the roof, the vertical divides at regular intervals and the presentation to North Farm Road is considered to respond to and reflect the profile and rhythm established by the adjacent residential building, together with the row of semi-detached gable fronted houses further south of the site. Large recessed windows on the corner of Chapman Way and North Farm Road add visual interest to the building and helps create a gateway feature to the High Brooms industrial estate. The appearance is ultimately of a modern industrial style; materials can be secured by condition.
- 10.16 A set of landscaping drawings has been submitted which shows a combination of tree and shrub planting around the site. This can be secured by condition. This will add green infrastructure to a site currently devoid of it and enable both biodiversity net gain and a more attractive appearance. KCC Highways also raise no objection to the size/arrangement of the parking/turning areas.
- 10.17 A condition has been added to secure the details sought by Kent Police.

- 10.18 There would be no impact on the non-designated heritage asset to the SW (the former High Brooms Brickworks offices) given the distance from the application site and the block of flats that lies in between.

**Residential amenity**

- 10.18 As stated earlier there are residential areas to the south along with the adjacent new block of nine flats. Given the significantly lower land level of the site and the distance to the nearest residential areas, there would be no impact from overlooking, loss of light or outlook towards any dwelling.
- 10.19 The Mid Kent EP team have recommended a condition relating to noise levels. It is noted that there is a condition on the residential development to the south which seeks to mitigate the impacts of external noise. There are few controls on the current industrial and commercial uses both on the site and on the opposite side of the road.
- 10.20 The self-storage use is not an inherently noisy one and there are noisier existing commercial uses around the site, alongside noise from the busy highway outside and the Tonbridge-Hastings railway line to the east. Whilst there will be access to the site at night time, this is not something the EP team have raised issue with.

**Highways/parking**

- 10.21 KCC Highways do not raise objections in terms of the traffic generated by the development nor to matters of safety on the public highway. The proposed self-storage facility is predicted to result in a net increase of 11 total trips in the morning peak hour, 15 total trips in the evening peak hour, and 150 daily total movements in total. Broken down, the facility is predicted to generate 1 additional trip approximately every 5 minutes during the morning peak hour and every 4 minutes in the evening peak. The overall increase of 150 daily movements will be spread throughout the entire day.
- 10.22 In addition, the figures for the existing use only account for the MOT centre and vehicle repair garage - it excludes the car storage located in the central plot. Car storage is not contained with the TRICS database and it is not possible to specifically account for this use. However, the car storage areas are known to generate additional movements throughout the working day. Therefore, the net increase of daily traffic movements from the proposed self storage facility is likely to be less than the figures given above.
- 10.23 It is proposed the self-storage facility is served by 19 car parking spaces (including 2 disabled bays) and 3 loading bays. The overall provision is for 22 parking spaces. The agent states there are approximately 100 parking spaces on site however this figure is considered to be something of an overestimation. It largely relates to the use of the central section for vehicle storage, where the vehicles are not temporarily 'parked' but stored on a longer term basis. It also includes the (now discontinued) unlawful use of the former oil depot for vehicle parking/storage. The actual parking areas for the vehicle sales/workshop buildings only represent a small proportion of the site and these were designed for a different land use. Again KCC are satisfied with this level of provision and the parking/turning/loading areas can be secured by condition, as can cycle storage facility plus the Travel Plan.

**Flooding and drainage**

- 10.24 NPPF Para 166 states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Para 168 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The site lies outside of the



Flood Zone 2/3 and is not considered to be at risk of flooding. The site is at a low risk of fluvial flooding, and a low risk of surface and reservoir water flooding.

- 10.25 The EA have recommended various conditions relating to foundation design; Southern Water and KCC (the latter as Lead Local Flood Authority) have also recommended conditions relating to drainage and implementation of a SUDS system.

**Land contamination and air quality**

- 10.26 The site is classed as potentially contaminated land owing to its former uses. The EA and the Mid Kent Environmental Protection team have recommended land contamination conditions. The Mid Kent Environmental Protection team have not recommended further work is necessary on air quality; a compliance condition will be added with regards to meeting the requirements of the air quality report.

**Ecology and biodiversity**

- 10.27 The application includes a Preliminary Ecological Assessment. The site was assessed as being of generally low value to wildlife within the local vicinity; nesting birds and reptiles may pose a constraint to works but this is addressed by the mitigation measures within the PEA, which can be secured by condition. The Landscape & Biodiversity Officer raises no objection to the proposals.
- 10.28 Biodiversity Net Gain is likely to be achieved from the landscaping proposals, given the site ecologically barren and is mostly comprised of artificial surfaces / buildings. It should be noted that the BNG assessment does not capture other methods of ecological enhancement such as the inclusion of bat and bird boxes (which are shown to be provided on the landscaping plans). A full scheme of biodiversity enhancement can be secured by condition.
- 10.29 The Southborough Pit Site of Special Scientific Interest to the perimeter of High Brooms Industrial Park is a geological feature some 140m away from the application site. It can only be affected by development within the designated area, which is not the case here.

**11.0 RECOMMENDATION – GRANT** Subject to the following conditions:

*Three-year implementation*

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

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

*Approved plans*

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

PL-001	Site Location Plan
PL-006 Rev A	Proposed site plan
PL-007 Rev A	Proposed Lower & Upper Ground Floor
PL-008	Proposed First, Second and Roof G.A plans
PL-009	Proposed North and West Elevations
PL-010 Rev A	Proposed South & East Elevations
PL-011	Proposed Street Elevations
PL-012	Proposed Site Sections

PL-013 Proposed Topography  
Air Quality Report (RF Environmental Ltd) 15/03/23  
Travel Plan Version 03b (RPS, 21 March 2023)  
Preliminary Ecological Appraisal (Ecology Partnership, March 2023) – biodiversity mitigation measures (para 4.6 – 4.10).

Reason: To clarify which plans have been approved.

*External materials*

- (3) Notwithstanding the details submitted with the application and the approved plans, prior to the commencement of above ground construction upon the development hereby approved, written details including source/ manufacturer, of external finishing materials including hard landscaping and surfacing shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out using the approved materials unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to achieve good standard of design

*Restrictions in use*

- (4) The development hereby approved shall not be used other than for Class B8 purposes (storage only, without any distribution element) and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

Reason: The development, including the parking, turning and cycle storage requirements has been specifically designed as a 'self-storage' facility. In the interests of the amenity of the locality and highway safety.

*Refuse and Cycle storage*

- (5) The approved bicycle and refuse storage facilities shown on the approved plans shall be completed and made available for use prior to first occupation of the development hereby approved and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety. In the interests of visual amenity and to facilitate waste collection.

*Travel Plan*

- (6) The approved Travel Plan measures shall be implemented within three months of the first occupation of the buildings hereby permitted and thereafter maintained.

Reason: In order to realise a sustainable pattern of development in the area

*EV charging points and footway*

- (7) The Electric Vehicle (EV) charging points, the pedestrian footway on North Farm Road and all other off-site highways works and all other off-site highways works deemed necessary by Kent County Council (including alterations relating to the closure of existing vehicular accesses) shall be provided (having been first agreed in writing with Kent County Council beforehand) before first occupation of the development hereby approved.

All EV chargers provided within the development shall be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection).

Reason: in the interests of pedestrian safety and to encourage the use of emission-free vehicles

*Parking/turning/loading space*

- (8) The area shown on the plans as vehicle parking, loading, off-loading and turning space, shall be surfaced and drained in accordance with details approved pursuant to condition 3 before the premises are first occupied. It shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting the Order), shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to such activities inconvenient to other road users

*Renewable energy*

- (9) Notwithstanding the details submitted with the application and the approved plans, prior to the commencement of above ground construction upon the development hereby approved, written and illustrative details for renewable energy technologies within the development shall be submitted to, and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details prior to the first occupation of the development and thereafter be retained.

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

*Landscape implementation*

- (10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the building; and any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

*Biodiversity mitigation and enhancement*

- (11) The development shall be carried out in strict accordance with the recommendations regarding ecological mitigation within the approved document Preliminary Ecological Appraisal (Ecology Partnership, March 2023) at paragraphs 4.6 – 4.10 regarding nesting birds, reptiles and Japanese Knotweed).

Prior to the first occupation of the development hereby approved, details of ecological enhancements (in accordance with the recommendations within the above document at paragraphs 4.11 – 4.14 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved measures which shall be retained thereafter.

Reason: To protect the existing populations of protected species and to improve their habitat on the site.

*Noise*

- (12) In accordance with the report submitted by RF Environmental reference RFE-0485-23-01-02 The rating level of noise emitted from the proposed plant and equipment, and vehicle movements to be installed or used on the site (determined using the guidance of the current version of BS 4142 for rating and assessing industrial and commercial sound) shall be low as reasonably possible. In general, this is expected to be 5dB below the existing measured background noise level LA90, T.

In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5dB the applicant's consultant shall contact the Environmental Protection Team to agree a site specific target level.

The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant no new plant shall be used without the written planning permission of the local planning authority.

Reason: In the interests of the residential amenity of nearby occupiers

*Air quality compliance*

- (13) The development shall be carried out in accordance with the recommendations of the approved Air Quality Report (RF Environmental Ltd) dated 15/03/23 unless otherwise approved in writing by the Local Planning Authority.

Reason: To mitigate impacts on air quality from the construction phase

*Restriction on internal floorspace*

- (14) For the avoidance of doubt and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no additional internal floor space shall be created within the development hereby approved without the express written planning permission of the Local Planning Authority.

Reason: In order to protect the amenities of the locality and because additional floorspace could affect the quantum of on-site vehicular parking required to serve the development, which is based upon the floor area indicated on the planning application submitted only. Any further floor space has the potential to affect parking provision, which would require further consideration in the interests of highway safety and management.

*Levels*

- (15) The development shall be carried out in accordance with the approved levels details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance on completion of the development.

*Secured by Design*

- (16) Prior to the commencement of development hereby approved (excluding demolition work and construction of footings/foundations), a scheme which references the comments of Kent Police pursuant to the Secured by Design initiative (dated 5 May 2023) and which demonstrates, as far as practicable, how those measures will be incorporated into the new development shall be submitted to and approved in writing

by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of good design and the creation of development where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

*Sustainable Surface Water Drainage Scheme*

- (17) Development (excluding demolition of the existing buildings) shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment & Drainage Strategy report prepared by MJM Consulting Engineers (21/03/2023) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

*Surface Water Drainage System Verification Report*

- (18) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be brought into use until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

*Land contamination*

- (19) No development approved by this planning permission (excluding demolition of the existing buildings) shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

- (20) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

*Foundation design*

- (21) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written planning permission of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

## INFORMATIVES

- 1) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting

workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

- 2) As the development involves demolition and / or construction, compliance with the Mid Kent Environmental Code of Development Practice is expected.
- 3) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read Southern Water's New Connections Services Charging Arrangements documents which is available to read on their website via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>
- 4) Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance> . Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

- 5) Piling can result in risks to groundwater quality by mobilising contamination when boring through unknown material and bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document *"Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73"*.
- 6) Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.
- 7) Waste to be Taken Off-Site  
Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with the Environment Agency as a hazardous waste producer.

- 8) Re-use of Materials  
The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
  - excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
  - treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA



- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The waste management page on GOV.UK

Case Officer: Richard Hazelgrove

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.