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**Report from 2 July 2014**

As a result the recommendation below supports the grant of permission, subject to suitable conditions.

**Recommendation:**

**Grant Planning Permission** in accordance with the following submitted details: Elevations 3999-003 C dated 01.11.2011, Floor Plan 3999-004 A dated 01.11.2011, Topographical Survey dated 05.07.2012, Topographical Survey dated 23.07.2012, Site Plan 3999-002 E dated 05.07.2012, Letter dated 01.11.2011, Letter dated 18.06.2012, Letter dated 05.07.2012, Letter dated 23.07.2012, Design and Access Statement dated 01.11.2011, Transport Assessment Final dated 01.11.2011, Planning Statement dated 18.06.2012, Environmental Statement dated 18.06.2012, Habitat Survey Report dated 18.06.2012, Letter dated 20.01.2014, Certificate B dated 05.02.2014, Location Plan dated 20.01.2014, Road Safety Audit dated 20.01.2014, Survey Reptile dated 20.01.2014, Tree Report dated 20.01.2014, Topographical Survey dated 05.07.2012, Topographical Survey dated 23.07.2012, Letter dated 20.09.2012, Drawing 614034/SK05 Rev A dated 06.03.2014, subject to:

**Conditions**

- 1 Approval of details of the landscaping of the site, (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.  
  
Reason: No such approval has been given.
- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
  
Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.
- 3 No new development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.  
  
Reason: To ensure that features of archaeological interest are properly examined and recorded.
- 4 If during the development, contamination not previously identified is found to be present on site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

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Reason: To ensure any contamination encountered during construction works on site is properly investigated and in necessary remediated in accordance with the National Planning Policy Framework aims for sustainable development. The site lies within a location where groundwater is vulnerable to pollution, due to the presence of a principal aquifer beneath the site and the location within Source Protection Zone 3 for local public water abstractions.

- 5 Prior to the commencement of the development, a detailed reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. This strategy should include measures for reptile relocation from the site prior to development. All work shall then progress in accordance with the agreed mitigation strategy, unless otherwise approved in writing beforehand with the Local Planning Authority.

Reason: In order to ensure that the reptiles found on site are adequately protected.

- 6 No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied and,

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

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

Reason: In the interests of amenity and public safety.

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- 7 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 8 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
  - (b) No fires shall be lit within the spread of the branches of the trees.
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
  - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
  - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
  - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

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

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

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

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

- 11 The business shall not be carried on outside the hours of 06.00 to 22.00 Mondays to Fridays and 8.00 to 13.00 Saturdays, with no working on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

- 12 There shall be no open storage of materials, plant or equipment outside the area(s) shown for such use on the approved plans, and the height of open storage shall not exceed 2 metres.

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

- 13 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space 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 1995 (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: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

**Informatives:**

- 1 Prior to occupation, the applicant is required to enter into a Section 278 agreement with the Highway Authority in order to achieve the necessary associated off-site highway works.
- 2 No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact the Public Rights of Way officer before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then the Public Rights of Way office at Kent County Council will deal on the basis that:
  - The applicant pays for the administration costs
  - The duration of the closure is kept to a minimum

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- Alternative routes will be provided for the duration of the closure
- A minimum of 6 weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in the future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

The successful making and confirmation of an order should not be assumed.

- 3 The exact position of foul sewers must be determined on site by the applicant before the layout of the proposed development is finalised.
- 4 No new soakaways should be located within 5 metres of a public sewer.
- 5 No excavation/development or new tree planting should be located within 3 metres of either side of the centreline of the foul rising main and foul sewer.
- 6 All existing infrastructure should be protected during the course of construction works.
- 7 Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access, before any further works commence on site. The applicant is advised to discuss this matter further with Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel: 01962 858688).
- 8 A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo James Street, 39A Southgate Street, Winchester, SO53 9EH (Tel: 01962 858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- 9 The applicant should contact 03708 506506 or consult the Environment Agency website to establish whether a consent will be required. [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)
- 10 The developer is advised to:-
  - i) follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination;
  - ii) Refer to the Environment Agency Guiding principles for land contamination for the type of information that is required in order to assess risks to other receptors such as human health.
  - iii) Refer to the website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

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- 11 Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access), so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.
- 12 Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres), or any type of oil on site, it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.
- 13 If a protected species is encountered during the course of the development, then works should cease and advice sought from an ecological consultant.
- 14 The applicant is advised that the mammal hole on the southern boundary of the original reptile survey area be monitored in conjunction with the reptile mitigation strategy to establish whether it is being used by badgers.
- 15 The applicant is strongly advised to contact the Environmental Protection Team at the Local Authority to determine what changes will be needed with regard to the Environmental Permit, which the current site is subject to, issued by the Environmental Protection Team under Regulation 13 of the Environmental Permitting Regulations 2010 (as amended).
- 16 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours; on Saturday 08:00 to 13:00 hours, with no work on Sundays or Public/Bank Holidays.
- 17 Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is thus recommended that bonfires not be had at the site.
- 18 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.

Contact: Holly Pitcher

