

Tonbridge
Medway

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TM/15/02254/FL

Proposal: Demolition of existing buildings and construction of new freestanding single storey McDonald's restaurant with associated drive thru lane, car parking, landscaping, customer order displays and canopies.

Location: Land at Cannon Lane Tonbridge Kent TN9 1PP

Applicant: McDonald's Restaurant Ltd

1. Description:

- 1.1 Planning permission is sought for the demolition of existing buildings and the construction of a new freestanding single storey McDonald's restaurant with an associated drive-thru lane, car parking, landscaping, customer order displays and canopies.
- 1.2 It is proposed to construct a car park with 58 parking spaces, including 4 disabled spaces and 2 dedicated 'grill bays' associated with the drive-thru. The proposals also include the provision for up to 22 cycles through the use of 11 cycle stands and 4 dedicated motorcycle parking bays. The car park layout is intended to operate with a one way circulation system, incorporating a drive-thru lane with customer order displays, serving hatches and leading to the 2 dedicated reserved 'grill bays'.
- 1.3 It is proposed to use the existing access road off Cannon Lane which would lead into the new restaurant/drive-thru and be retained for access to the existing industrial unit (Tonbridge Accident Repair Centre) located to the north of the application site.
- 1.4 The proposed restaurant building is a freestanding single storey unit. The building would have a gross external area of approximately 440 sq. metres, with the restaurant itself having an internal floor area of approximately 164 sq. metres. Internally, the building would be laid out with public areas (the restaurant, toilets, etc.) together with non-trading areas (including elements such as the kitchen, drive-thru booths, crew room, changing rooms, store, external store, freezer and chiller rooms). The amount of development proposed is stated within the submission to relate directly to the operational requirements of McDonald's and is the minimum necessary to deliver the proposed restaurant and drive-thru operation.
- 1.5 The restaurant has a common signage/colour palate (to meet corporate standards); however, each building is tailored for its specific setting. There will be directional signage to aid circulation within the site and a lighting strategy based upon requirements for luminance levels which maintains security, and which is to an acceptable standard for the visually impaired.

- 1.6 It is proposed that the drive-thru and restaurant will operate 24 hours per day, seven days a week. The application does detail, that on a corporate level, there is some flexibility with opening hours where specific amenity issues dictate otherwise; however, the applicant has proposed 24hr use in this case. The peak periods are cited as being typically lunchtimes, followed by evenings and breakfasts.
- 1.7 Outdoor areas will be landscaped to provide external space that includes furniture for outside dining, children's play equipment (including an outdoor climbing area), paved and tactile surfacing, together with railings to separate pedestrian and vehicle areas. Planting species will be incorporated to soften the building into its locality, whilst maintaining security and retaining views of the restaurant building.
- 1.8 The application details that servicing of the restaurant would be undertaken by a dedicated supplier, and will take place approximately 3 times per week, lasting between 15 – 45 minutes depending on the delivery required.
- 1.9 The application documents detail that drive-thru restaurants, such as that proposed here, typically employ more than 56 full and part-time staff.
- 1.10 This application follows the grant of planning permission in 2014 (reference TM/14/01635/FL) which established the principle of a restaurant/drive-thru facility at this site alongside retail warehousing. That permission remains un-implemented and extant until July 2017.
- 1.11 Separate Advertisement Consent applications (for building fascia and freestanding totem signage) for the proposed McDonald's facility are currently pending consideration. These will be subject to further discussions with the applicant and will be determined following a decision on this planning application.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr. Lancaster given the significance of the proposals and the public interest it will generate from residents close by and others in the town.

3. The Site:

- 3.1 The site comprises approximately 0.52 hectares of land located on the eastern side of Cannon Lane. Adjacent to the site to the north there are a pair of semi-detached residential dwellings (5 & 6 Cannon Lane) and the Cannon Lane/Swanmead Way Retail Park (former Homebase, Carpet Right, etc.).
- 3.2 To the south and east are industrial units (Tonbridge Accident Repair Centre, Travis Perkins, Cannon Bridge Industrial Estate) and to the west, on the opposite side of Cannon Lane, lie B&Q and Halfords, adjacent to which lies 'Blossom Bank', a new residential development. The ground floor road frontages of the 'Blossom

Assessment details (including that finished floor levels are set no lower than 21.243m AOD and mitigation measures being implemented prior to occupation); and (ii) ground contamination.

5.3 Kent Police (Crime Prevention Design Advisor): Gives general advice relating to measures to design out crime and improving community safety within new developments, specifically in relation to Secure by Design principles.

5.4 Private Reps: 15/0X/2R/1S + site notice. The main points of objection and support can be summarised as follows:

Objection

- How can a 24hr drive-thru facility be proposed in this location – in this context concerns have been raised regarding the late night use of the premises and the associated potential for anti-social behaviour and noise problems;
- There is already a significant issue with speeding along Cannon Lane, which in the middle of a quiet night can cause significant noise. The proposed 24hr use will only exacerbate this problem;
- Given the population and habits of a town like Tonbridge, questions what benefit at all, either on an environmental, financial or community basis, will a new 24hr McDonald's provide;
- Whilst there may be more retail units being built in the surrounding area, there is also an increasing residential population that must be considered (*emphasis placed on the residents of Blossom Bank*);

Support

- States that the adjoining business (Tonbridge Accident Repair Centre) is in direct contact with the applicant and have enjoyed good open dialogue with them on any potential issues. Consequently, the applicant has agreed to erect some form of protective bollards between the rear of the building (eastern elevation) and their drive-thru road. This will provide essential protection to prevent any vehicles from striking the rear of our building;
- In the circumstances, we are only too pleased to offer our full support to this application.

6. Determining Issues:

6.1 Firstly, in terms of the consideration of the relevant planning issues for this proposal, regard must be had to the extant 2014 planning permission for this site (TM/14/01635/FL). That permission, which remains un-implemented and more importantly extant until July 2017, allows for the erection of two retail warehouse units (Use Class A1) and a restaurant/café with drive-thru facility (Use Class

A3/A5) with ancillary car parking, servicing and landscaping. The principle of a drive-thru restaurant at this site has therefore already been established in land use planning terms.

- 6.2 As part of that earlier permission, the operator of the drive-thru restaurant/café was not known and therefore the approved building was a fairly generic restaurant/drive-thru building. The consented drive-thru restaurant building was shown to be two storeys in height, with a total floor area of circa 570 sq. metres. By comparison, the proposed McDonald's drive-thru/restaurant building would be single storey in height and have a smaller floor area (circa 440 sq. metres) than the previously consented drive-thru restaurant building (circa. 570 sq. metres). Unlike the earlier scheme, the site would be used solely used in connection with the McDonald's drive-thru/restaurant, as opposed to containing the two previously approved retail warehouse units (with floor areas of 890 sq. metres and 750 sq. metres respectively).
- 6.3 It is also important to note that whilst the extant permission (TM/14/01635/FL) imposed a number of planning controls on that development, it did not seek to impose any limitations on the hours of operation in which the drive thru restaurant/café could trade. At that time, and notwithstanding the 'Blossom Bank' development that was just starting to be occupied, it was concluded that, given the general industrial character of the area and factoring in the previous un-restricted industrial use of the site, there were no justified noise grounds to limit operational hours of the restaurant/drive-thru facility.
- 6.4 It is therefore imperative that these factors form important material planning considerations which have significant weight in the determination of these proposals for a McDonald's restaurant/drive-thru.
- 6.5 The principle of the loss of employment land has already been accepted through the grant of earlier planning permissions TM/12/01775/FL and TM/14/01635/FL, as has the principle of a drive-thru café/restaurant in this location. As stated above, there is no longer any retail (Use Class A1) proposed within this site and that, in floorspace terms, the size of the restaurant/drive thru has been reduced from the extant 2014 scheme.
- 6.6 On the basis of the extant consent, and concurring with the position taken in respect of that scheme, I do not consider that the proposed McDonald's drive-thru restaurant would have a material impact on the vitality or viability of the Town Centre. This would be the second McDonald's within Tonbridge and there is no indication that this proposal would result in the closure of the company's existing High Street premises (located at No. 14 High Street). Instead, this new facility would cater for a different customer base, with a strong focus on the drive-thru and 24hr service. Indeed, facilities such as this are commensurate with locations such as this given the space they occupy, meaning that they would be at odds with a

town centre location in terms of site capacity, visual appearance and highways considerations.

- 6.7 With these factors in mind, I consider that the principle of this development in this location remains acceptable, the only aspects having changed in terms of the principle considerations being the omission of the retail warehouse units and the fact that we now know the intended end user of the unit, which I must stress is not a material planning consideration in the determination of this case.
- 6.8 TMBCS Policy CP24 sets out the general criteria for all new development, including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by MDE DPD Policy SQ1 which requires that all new development proposals should protect, conserve and where possible enhance:
- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity; and
 - the distinctive setting of and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 6.9 The design of the proposed McDonald's restaurant/drive-thru building is typical of similar franchise buildings elsewhere, both nationally and internationally. That said, the specific details of the scheme, such as parking and access layouts, together with hard and soft landscaping, have been designed to integrate the proposals into the local surroundings. I am of the view that the proposed development would integrate well into the site and wider Cannon Lane street-scene, being set back within the site and oriented to be end-on to Cannon Lane. It would also be a relatively low-level (single storey) building, extending to a maximum roof height (including roof detailing) of approximately 5.8 metres.
- 6.10 Externally, the proposed building would be clad with a mix of natural stone tiles, wood effect panels/cladding and aluminium finishes sitting above a low-level dark grey engineering brick plinth. The proposed roof would include a mix of 'folded' aluminium panels and walnut wood coloured aluminium louvre panels; these roof details are intended to hide all external plant (air conditioning units, extraction equipment, etc.) that would be located on the flat roof area. These proposed external materials are considered acceptable for this site.
- 6.11 The scale and height of the single storey building would not give rise to any unacceptable harm to surrounding land uses, including the closest residential dwellings (at No's 5 & 6 Cannon Lane) and those located on the opposite side of Cannon Lane within the 'Blossom Bank' development. There are therefore no objections to the proposed development in terms of visual impact within the wider street-scene.

- 6.12 The application is accompanied by a Noise Technical Note (effectively an addendum to the original Acoustic Assessment prepared in support of the earlier 2014 application). This Technical Note considers the difference between the previously approved scheme and that now proposed, advising that the conclusions drawn within the previous acoustic report concerning car park noise, deliveries and drive-thru noise are still considered to be valid. The earlier Assessment demonstrated that noise from the previous development would not exceed NR35 at the nearest adjacent residential properties (No's 5 & 6 Cannon Lane) and at a secondary receptor (the nearest apartments fronting Cannon Lane within the Blossom Bank development). Subject to the same operational controls being imposed by condition, namely restricting deliveries to between 06:00 and 22:00 hours and limiting any plant/equipment to that detailed within the submitted information, I am satisfied that there would be no justifiable noise grounds to resist this development.
- 6.13 Furthermore, Members will note that concerns have been expressed from a number of local residents regarding the proposed 24hr operation of the McDonald's restaurant/drive-thru facility. As stated in paragraph 6.3 above, the extant permission for a drive-thru facility at this site does not place any operational restrictions on the times when the premises can trade and therefore there is an unfettered permission for a very similar facility which could be implemented at any point until July 2017. As stated above, this is a relevant material consideration and must be afforded significant weight as part of the determination of these latest proposals. Furthermore, it should be recognised that the recently opened Subway store, which occupies one of the units forming the entrance to Blossom Bank itself, also has an unfettered permission in terms of opening hours. I understand that this store currently operates between the hours of 7am and 10pm Monday – Saturday and between 10am and 6pm on Sundays but the key consideration is that it *could* operate on a 24 hour basis without any control from the Council. This must also be afforded some weight in the consideration of this case, as should the fact that a number of the industrial units in the immediate locality are not governed by any restrictive conditions concerning hours of operation.
- 6.14 Having considered these proposals in acoustic terms I remain of the view that there are no justifiable noise grounds to resist this development. That conclusion, together with the presence of the extant consent, leads to me to the position that it would neither be reasonable nor justified to now seek to impose hours of operation controls on the restaurant/drive-thru facility as part of this application.
- 6.15 With that in mind, and taking into account other related concerns from local residents in relation to the potential for anti-social behaviour and the advice received from the Kent Police Crime Prevention Design Advisor, I have sought further assurance from the applicant in this respect. The applicant has submitted a Management and Crime Prevention Statement detailing how McDonald's as a global company takes this matter very seriously. Specifically, this Statement

details the main measures that McDonald's employ to avoid instances of crime and anti-social behaviour within its estates:

- external lighting is provided to increase the safety and security of the restaurant;
- CCTV is provided, both for security and to monitor the drive-thru lane. A central unit records all internal and external footage, acting as a deterrent against crime and anti-social behaviour;
- building design, layout and landscaping is designed with natural security and surveillance in mind;
- management and crew members receive on-going training, including training on Conflict Resolution to ensure that any potential disturbances can be dealt with quickly and effectively and in a controlled manner. Furthermore, details of numerous training awards are detailed, showing McDonald's corporate commitments to staff development; and
- a 'StaffSafe' system is used nationally throughout all restaurants. This system can be used whenever outside assistance is required (e.g. from the Police in the event of disorder) and links directly to the CCTV system so that video footage is recorded and can be shared with the Police as necessary.

6.16 Taking these measures into mind, and on the basis of the conclusions drawn regarding noise, I remain firmly of the view that there are no justifiable grounds to limit proposed operation of the restaurant/drive-thru in this location. I am also satisfied that the intended use of the premises, particularly during late-night periods (i.e. between the hours of midnight and 6am) are unlikely to give rise to substantive complaints of late-night crime, anti-social behaviour or noise.

6.17 In terms of the potential for odour nuisance arising from the restaurant/drive-thru facility, and in accordance with the extant permission, an odour risk assessment in accordance with Annexe C of the DEFRA guidance should be submitted. I am satisfied that this is technically achievable and as such this matter can be adequately addressed by planning condition.

6.18 In terms of potential ground contamination, the application is accompanied by a Geo-environmental summary report that identifies earlier geotechnical and geo-environmental ground investigations undertaken by Jonas Associated Ltd in connection with the earlier 2014 consent. The submitted survey report identifies that there are potential contaminant linkages associated with the site which require further assessment and investigation, and on this basis further ground investigation works are recommended. The need for further contaminated land assessment has been requested by the Environment Agency and the Council's own Contaminated Land Advisor and I am satisfied that this matter can be adequately addressed by planning conditions.

- 6.19 In respect of highway matters, KCC (Highways and Transportation) has confirmed that they have no objections to the scheme subject to the highway improvement works (as previously agreed as part of the extant permission) coming forward before the development is occupied. The previously agreed highway improvement works are shown on the proposed site layout plan and are intended to be subject to a Section 278 Agreement with the Highway Authority. A planning condition can be imposed to ensure that the new restaurant/drive-thru facility cannot open before these highway improvement works are completed.
- 6.20 Furthermore, it is noted that the proposed scheme now represents a material reduction in built floorspace within the site (both in terms of a smaller restaurant/drive-thru facility and the removal of the two previously approved retail warehouse units). On this basis, I am satisfied that there would be an overall reduced impact arising from this development on the surrounding highway network, compared with the extant 2014 scheme. I am therefore of the view that these proposals would not contribute to severe levels of new traffic on the highway network at peak times, and that, accordingly, there are no grounds for refusal on highway impact.
- 6.21 KCC (Highways and Transportation) has requested that a condition be imposed to require all deliveries to be undertaken off the public highway. This matter can be adequately be secured by planning condition, as was the case with the 2014 permission.
- 6.22 In terms of air quality considerations, I have concluded that the proposed scheme now represents a material reduction in floorspace within the site (over and above the extant scheme), and that there would be an associated reduced number of movements on the highway. Furthermore, whilst an outside eating area and children's play space are proposed within the site, these would be located some 55-60m from the Cannon Lane highway at the front of the building. On this basis, I am satisfied that these proposals would not give rise to any air quality concerns.
- 6.23 The application site lies predominantly within Flood Zone 2. The application is accompanied by a Flood Risk Addendum Report (which refers back to the initial FRA undertaken as part of the 2014 application), concluding that flood mitigation measures, including the building being set at a floor level 300mm above the 1 in 100 year flood levels (plus climate change) and the provision of mitigation measures including primary access routes through areas within Flood Zone 2 are necessary. These measures can be adequately secured by planning condition and the EA has confirmed that it has no objection to these proposals on this basis.
- 6.24 In conclusion, I would reiterate that this application represents an alternative development to the earlier 2014 consent which remains extant until July 2017. The principle of a restaurant/drive-thru facility in this location has already been established in land use planning terms through the grant of that permission, and as part of that consent there are no restrictions on when that restaurant/drive-thru

facility can operate. Having assessed these proposals for a McDonald's, I am satisfied that there are no planning grounds to resist the proposed facility on this site, neither are there justifiable noise or amenity grounds to impose opening restrictions beyond the proposed 24hr operation. I am also satisfied that all other relevant planning considerations have been discussed above and can adequately be addressed by the imposition of appropriately worded planning conditions.

6.25 I am, therefore, of the opinion that this proposal is acceptable subject to the planning conditions listed below.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Email received 09.09.2015, Block Plan 6522-PL-102 D received 09.09.2015, Site Layout 6522-PL-104 C received 09.09.2015, Floor Plan 6522-PL-106 A received 09.09.2015, Site Layout 6522-PL-108 D received 09.09.2015, Site Layout 6522-PL-122 C received 09.09.2015, Other MANAGEMENT AND CRIME PREVENTION received 13.10.2015, Email received 18.08.2015, Desk Study Assessment GEO ENVIRONMENTAL Desk Study received 18.08.2015, Letter AECOM LANDSCAPE ADVICE received 09.07.2015, Planning Statement PLANWARE LTD July 2015, Version 1 received 09.07.2015, Design and Access Statement PLANWARE LTD July 2015, Version 2 received 09.07.2015, Transport Statement ADL/RG/2838/14A May 2015 received 09.07.2015, Details Buton furniture received 09.07.2015, Acoustic Assessment ADDENDUM 60338675 received 09.07.2015, Environmental Survey TECHNICAL NOTE 60338675 received 09.07.2015, Flood Risk Assessment TECHNICAL NOTE ADDENDUM 60338675 received 09.07.2015, Elevations patio fencing received 09.07.2015, Details climbing equipment received 09.07.2015, Photograph Cod and Canopy received 09.07.2015, Drawing COD DT canopy received 09.07.2015, Details fencing received 09.07.2015, Location Plan 6522-AL-001 REV C received 09.07.2015, Existing Site Layout 6522-AL-103 A received 09.07.2015, Elevations 6522-PL-105 A and section received 09.07.2015, subject to:

Conditions:

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. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

3. 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 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: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

4. No development above ground level shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment for the site and the traffic island. 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, unless the Authority gives written consent to any variation. 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: To ensure that the development does not harm the visual amenities of the site.

5. No development above ground level shall take place until details of the existing and proposed levels of the site including the finished floor levels of the building to be erected shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: In the interests of visual amenity and to reduce the risk and impact of flooding on the proposed development.

6. All plant, machinery and equipment (including ventilation, refrigeration and air conditioning systems) to be used pursuant to this permission shall be so installed, maintained and operated in accordance with the detailed specification set out in the Addendum to Acoustic Report (Reference LA/1364/02aR/ML, dated 15 June 2015) so as to prevent the transmission of noise and vibration into any neighbouring premises. Any replacement or additional plant, machinery or equipment subsequently installed should be substantively similar to those detailed in the approved specification unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the aural environment of nearby dwellings.

7. No delivery vehicles shall arrive, depart, be loaded or unloaded within the application site outside the hours of 06:00 to 22:00 unless otherwise agreed in writing by the Local Planning Authority.

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

8. The use of the restaurant/drive-thru building hereby approved shall not commence until full details of a ventilation scheme for the removal and treatment of cooking odours has been submitted to and approved in writing by the Local Planning Authority. The scheme shall draw reference to the requirements and recommendations of the DEFRA 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. The acoustic details shall include full spectrum octave analysis for the proposed ventilation equipment. This must demonstrate that the noise from the equipment will not exceed NR35 at the nearest noise sensitive premises - this to include the flat above. The odour details shall include a risk assessment for odour as detailed in Annex C of the DEFRA guidance. The approved scheme shall be fully installed before use of the kitchen commences and shall thereafter be maintained in strict accordance with the approved details. No cooking of food shall take place unless the approved extraction system is being operated.

Reason: To mitigate the impact of any associated emissions in accordance with paragraph 122 of the National Planning Policy Framework 2012.

9. The restaurant/drive-thru building hereby permitted shall not be occupied until such time that the highway improvements detailed at Appendix 5.2 (Highway Layout and Visibility Splays) of the Transport Statement prepared by ADL Traffic Engineering Ltd (Reference ADL/RG/2838/14A, dated May 2015) have been completed.

Reason: In the interests of highway safety.

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

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

11. Provision shall be made on the site, at all times for vehicle loading, off-loading and turning.

Reason: To ensure that delivery vehicles can be parked or manoeuvred off the highway in order to maintain the safe and free flow of traffic.

12. No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:

(a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and

receptors and any potentially unacceptable risks arising from contamination at the site;

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

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

13. Following completion of the approved remediation method statement, 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 and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

14. 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 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.

Reason: In the interests of amenity and public safety and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

15. The development hereby approved shall be carried out in accordance with the Flood Risk Assessment Addendum – Updated Site Layout prepared by AECOM, Reference 60338675 dated 16 June 2015.

Reason: To reduce the risk and impact of flooding on the proposed development.

16. No built development shall take place until details of surface water drainage have been submitted to and approved by the Local Planning Authority. If it is proposed to dispose of any surface water by infiltration into the ground, the submitted details shall include full details of measures to be taken to protect groundwater from pollution. The development shall be carried out in strict accordance with the approved details. No infiltration of surface water drainage into the ground shall take place other than in accordance with such details as have been approved.

Reason: In order to prevent pollution of ground water in accordance with Policy CC3 of the Managing Development and the Environment DPD 2010.

Informatives:

1. With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmhc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.
2. The development involves demolition and owing to the likelihood of the roof containing or being constructed of asbestos the applicant is advised to contact the Health and Safety Executive for advice. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.
3. The applicant is reminded that land contamination risk assessment is a step by step process. During the course of the risk assessment process set out in the above condition(s) it may become clear that no further work is necessary to address land contamination risks. Where this is agreed to be the case the condition(s) may be discharged by the Local Planning Authority without all the steps specified having been completed or submitted for formal approval. In all cases, written confirmation should be obtained from the Local Planning Authority confirming that the requirements of the condition(s) have been met. The Local Planning Authority would like to take the opportunity to remind the applicant that it is their responsibility to ensure the site is safe and suitable for its end use.
4. The applicant is reminded that a suitably qualified and competent person shall fulfil the requirements of the condition(s) pertaining to contaminated land remediation. In seeking to discharge the condition(s) pertaining to contaminated land remediation,

the applicant is advised that all studies and assessments submitted must be carried out by a competent person and conform to CLR11: Model Procedures for the Management of Land Contamination (DEFRA 2004).

5. Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.
6. Regarding the application of Food Hygiene Regulations under the Food Act 1984, the applicant is advised to contact the Environmental Protection Team, Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ. Tel: (01732) 844522.
7. 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 write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Julian Moat