

**West Malling**  
West Malling And  
Leybourne

**7 November 2018**

**TM/18/02642/FL**

Proposal: Use of land to provide station car parking and new access  
Location: Land West Of Station Road North West Malling Kent  
Go to: [Recommendation](#)

---

**1. Description:**

- 1.1 The determination of this planning application was deferred from APC2 on 23 January 2019 in order for Members to undertake a site inspection to assess the specific characteristics of the site and its surrounding context. The Members' Site Inspection took place on 13 February 2019.
- 1.2 A copy of my original report to the Committee is annexed in full for ease of information.
- 1.3 Since the Members' Site Inspection took place, the applicant has taken the opportunity to amend the scheme by relocating the proposed vehicular access to serve the car park via Station Road North rather than Lucks Hill as originally proposed. This has necessitated the submission of amended plans which have been consulted on alongside the submission of an amended arboricultural report. It is on this basis that the assessment and determination of the scheme must now take place and this is reflected in the further assessment that follows.

**2. Consultees (since 23 January):**

- 2.1 PC: Comments awaited.
- 2.2 KCC (H+T): No objections
- 2.3 Private Reps: Three additional letters of support have been received which advise that there is a need now and in the future for parking at the station for commuters. One further letter of objection on grounds of highway safety along Lucks Hill.

**3. Determining Issues:**

*Members' Site Inspection:*

- 3.1 At the arranged Site Inspection, Members were able to view the general locational characteristics of the site as well as the position of the (originally) proposed access relative to other existing access points along Lucks Hill and to More Park School.
- 3.2 Members also were able to walk along Lucks Hill and up Station Road North to where it connects to the station platform. This enabled Members to view the boundary of the site with Station Road North meaning that they have an

appreciation and understanding of the characteristics of this part of the site (where the access is now proposed to be located).

- 3.3 At the Site Inspection, Members were able to note the position and relationship of the site relative to the edge of the village and the adjacent Conservation Area. It is well accepted that external lighting can make a positive or negative contribution to the quality of any development. Whilst it is equally accepted that this site has a relationship to the existing station car parks which are lit by columns throughout (which were also noted at the site inspection), it also shares a clear relationship with the more rural setting of the entrance to West Malling and the adjacent Conservation Area. This means that the nature and extent of the lighting to serve this development will be crucial to its acceptability. The submitted plans provide an indicative layout of where lighting might be positioned within the site but this can be controlled via planning condition. The details of all lighting would need to be the subject of formal approval by the Council and careful regard will be had to the acceptability of any such scheme.

*Amended access arrangements:*

- 3.4 Whilst KCC (H+T) did not object to the access as originally proposed via Lucks Hill within the context of the express tests set out within the NPPF, the applicant has taken the opportunity to reflect on localised concerns in this respect given the number of accesses along this part of the highway and the proximity of the school in particular. Vehicular access is now proposed to be taken from Station Road North at a point close to the junction with Lucks Hill. Similarly, KCC has not objected to this revised arrangement but has made some additional representations and recommended matters that should be addressed by planning condition in the event that the Planning Committee grants permission.
- 3.5 A pedestrian link further along Station Road North remains as originally proposed to provide connection between the application site and the railway station platform.

*Impact on trees and amended arboricultural report:*

- 3.6 The submitted arboricultural report indicates that the vehicular and pedestrian accesses onto Station Road North can be provided with minimal boundary tree loss, with only a multi-stemmed sycamore shown to be removed to facilitate the access. Equally, it should be recognised that planning conditions can be imposed to seek to reinforce the site boundaries through comprehensive landscaping and bolstering hedge planting to improve visual appearance. This is reflected within the conditions as recommended.
- 3.7 I can also confirm that the applicant has advised that the application site extends up to the edge of the highway along Station Road North and therefore the trees contained within the verge do fall within the scope of the application and would be bound by any conditions imposed.

Conclusions:

3.8 I remain of the view that, subject to the imposition of a tranche of planning conditions to ensure the development comes forward in a satisfactory manner particularly in terms of surface materials, external lighting, landscaping and drainage, the development is acceptable in terms of local and national planning policy. As such, the following recommendation is put forward.

**4. Recommendation:**

4.1 **Grant Planning Permission** in accordance with the following submitted details: Planning Statement dated 07.11.2018, Arboricultural Survey dated 07.11.2018, Transport Statement dated 07.11.2018, Proposed Layout 2014/2159/001 D dated 07.11.2018, Location Plan dated 16.11.2018, subject to the following conditions:

**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 The development hereby approved shall not take place until a plan showing the proposed finished ground levels of the site in relation to the existing ground levels of the site and adjoining land has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

3 Notwithstanding the submitted Arboricultural Report (Duramen), no development shall take place until a further arboricultural assessment has been submitted to and approved by the Local Planning Authority that shows detailed root protection zones of the trees and provides specific recommendations for the works that adequately protect the trees on the site. The development shall be carried out in strict accordance with the approved arboricultural assessment.

Reason: To ensure that the development does not harm the health of the trees on the site or the visual amenity of the locality.

4 The development hereby approved shall not take place until there has been submitted to and approved by the Local Planning Authority a scheme of surface materials for the car park. The development shall be carried out in accordance with the approved details and retained at all times thereafter.

Reason: In the interests of visual amenity.

- 5 The use of the car park hereby approved shall not take place until a scheme of lighting and details of CCTV security for the development have been submitted to and approved by the Local Planning Authority, and the works shall be carried out in strict accordance with the approved details and retained and maintained thereafter.

Reason: To reduce potential harm to the visual amenity of the locality.

- 6 The development hereby approved shall not take place until a scheme of landscaping and boundary treatment has been submitted to and approved by the Local Planning Authority. This shall include tree plantings within the parking area and reinforcement of the boundaries with native evergreen plantings. 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.

Reason: To protect and enhance the appearance and character of the site and locality.

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

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

- 8 Prior to the commencement of the use hereby approved, details of the pedestrian link between the car park and Station Road North (including sections) and the provision of corner footways to the new access shall be submitted to and approved by the Local Planning Authority. The development shall not be brought into use until the pedestrian link and corner footways to the new access have been fully implemented and they shall be retained and maintained at all times thereafter.

Reason: In the interests of pedestrian safety and the visual amenity of the site and area.

- 9 Prior to the commencement of the use hereby approved, details of the office/storage cabin and pay and display machines to be provided on the site shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of pedestrian safety and the visual amenity of the site and area.

- 10 The development shall not be brought into use until the areas shown on the submitted layout as turning and vehicle parking space have been provided, surfaced and drained to prevent the discharge of surface water onto the highway. Thereafter those areas shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved turning and parking space.

Reason: Development without adequate vehicle turning and parking provision is likely to lead to hazardous on-street parking.

- 11 Prior to commencement of development, the applicant, or their agents or successors in title, will secure 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.

- 12 Development shall not begin in any phase 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 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 [within the curtilage of the site] 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. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 13 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and 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.

- 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 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.

Reasons: 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.

- 15 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: 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.

**Informatives:**

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 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.

- 3 The following points should be considered wherever soakaways are proposed at a site:
- Appropriate pollution control methods (such as trapped gullies/interceptors or swale & infiltration basin systems) should be used for drainage from access roads, made ground, hardstandings and car parking areas to reduce the risk of hydrocarbons from entering groundwater.
  - Only clean uncontaminated water should drain to the proposed soakaway. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures).
  - No soakaway should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
  - There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaway and the water table.
- 4 A series of shallow soakaways are preferable to deep bored systems, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
- 5 The applicant is advised to follow EA guidance – The Environment Agency’s approach to groundwater protection. This is a report that highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. This can be found at:  
<https://www.gov.uk/government/publications/groundwater-protection-position-statements>
- 6 You are advised that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 relating to the protection of species and habitats. The applicant is recommended to seek further advice from Natural England, The Countryside Management Centre, Coldharbour Farm, Wye, Ashford, Kent, TN25 5DB.
- 7 With regard to works within the limits of the highway, the applicant is asked to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181.

Contact: Emma Keefe