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**Report from 23 January 2019**

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**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](#)

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**1. Description:**

- 1.1 The application proposes a change of use of a triangular parcel of land previously used for horse grazing to provide a car park to serve West Malling Railway Station.
- 1.2 A new vehicular access is to be provided from Lucks Hill within the western side of the road frontage. The access is to be 6m wide. A total of 204 car parking spaces are proposed, including 3 spaces allocated for disabled persons.
- 1.3 A pedestrian access link is proposed from the car park to Station Road North which will provide direct access onto Platform 2 and the footbridge over to Platform 1 and the ticket office.
- 1.4 The submitted layout plans shows the provision of lighting to the car park, a cabin for a site office/CCTV/storage in the southeast corner of the site and indicative landscaping.
- 1.5 A Planning Statement, Transport Statement and Arboricultural Report have also been submitted with the application.

**2. Reason for reporting to Committee:**

- 2.1 Due to the high level of local interest generated by the proposal.

**3. The Site:**

- 3.1 The application site is a triangular shaped parcel of land of an area of approximately 0.67ha that is situated between the national railway line to the south, Lucks Hill to the north and Station Road North to the east. The site is a grassed parcel of land with established trees along the road frontages. The land slopes up moderately from west to east, with a change in ground level of about 1.5m.
- 3.2 The railway line is raised well above the level of the site (about 3m). Station Approach South links Swan Street/Lucks Hill with West Malling Railway Station (Grade II Listed) and to the associated existing privately run car parks. To the

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north of Lucks Hill lies More Park Roman Catholic Primary School and the Catholic Church of St Thomas More.

- 3.3 The site lies outside the rural settlement of West Malling and within the countryside. The western half of the site is within an Area of Archaeological Potential (AAP) and the site sits upon a principal aquifer. The West Malling Conservation Area lies adjacent to the site to the north of Lucks Hill.
- 3.4 The speed limit of this part of Lucks Hill is 30mph. No footways exist along the southern side of Lucks Hill. There is a pedestrian footway on the northern side of Lucks Hill.

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

TM/15/00531/FL      Application Withdrawn      2 July 2015

Use of land to provide station car parking and new access

#### 5. Consultees:

5.1 PC: Objection. The following reasons have been provided:

- Development of this land would harm the rural approach to and setting of West Malling. It would represent further urbanisation of the area following the extensive development of the station car park (including the removal of many trees) and the development of two privately-operated car parks.
- This land is designated as Green Belt in the new Local Plan which has been the subject of extensive consultation. West Malling Parish Council has undertaken a survey of local views which shows overwhelming support for the extension of the Green Belt. To give permission for development on this site when the Local Plan is shortly to be submitted for Examination in Public would undermine the local planning process.
- The applicant proposes access onto a narrow and very busy road, particularly at peak times. The potential for congestion and accidents would be increased. This is of particular concern given the proximity of a school.
- No details of the proposed lighting have been provided but this is likely to add to local light pollution and could well be active all day, every day.

5.2 EA: No objection to this proposal subject to conditions relating to contamination and drainage being included in any permission granted.

5.3 KCC (H&T): The following comments have been provided:

- The transport work undertaken by RGP has been undertaken systematically. Surveys undertaken on the existing car parks have shown the entry, exit and accumulation profiles. Knowledge from on line season ticket applications have given an indication of the distribution of commuter

attraction to West Malling Station. This data has been used to make forecasts regarding the use of the proposed car park and this is considered to be a reasonable approach.

- This work has shown that peak More Park School and commuter activity do not coincide. Analysis has also forecast the number of commuter in/out car park movements during peak morning More Park School activity. This has shown that a small number of additional vehicles are expected to pass the school during this time (forecast to be 6 between 8 – 9am, see figure 4.7 in the Transport Statement). It is not considered that this level of activity could constitute a severe impact or represent a detriment to road safety. As well as the crash analysis undertaken on behalf of the applicant it is also noted from [www.crashmap.co.uk](http://www.crashmap.co.uk) that there have been no injury crashes associated with the use of the existing car parks at West Malling Station for at least the last 19 years.
- On behalf of this authority I write to confirm that subject to the following conditions I have no objection to this application: - The new access should comprise corner footways so that any pedestrian activity here has a safe place to stand rather than remaining in the mouth of the access; a dropped kerb will be required on the eastern side of Station Road North, opposite any pedestrian access point here; and provision of measures to prevent the discharge of surface water onto the highway.

5.4 KCC (SUDS): As the applicant has notified us that deep bore soakaways are used at the adjacent site, we would have no objection to the drainage proposal. However, we would emphasize that additional ground investigation will be required to support the use of infiltration. It is recommended that soakage tests be compliant with BRE 365, notably the requirement to fill the test pit several times. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway will have an appropriate half drain time. Should your local authority be minded to grant permission for this development, we would recommend conditions be imposed.

5.5 Natural England: No comments to make on the application.

5.6 KCC Heritage: The site of the application lies in a general area of archaeological potential associated with prehistoric or later activity. It is within c.250m of the Scheduled Monument of St Mary's Abbey complex and close to the medieval market core of West Malling itself, and there is particular potential for associated medieval and post medieval activity. In view of this archaeological potential I recommend a condition is placed on any forthcoming consent.

5.7 Historic England: No comments to make.

5.8 Kent Police: No comments received.

5.9 Network Rail: No comments received.

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5.10 Private Reps: 53+ site and press notices/0X/35R/18S. Objections raised on the following grounds:

- Highway safety concerns with the new access
- Traffic congestion and child safety concerns during school drop off and pick up times and the location of the new access opposite the school
- Drainage run-off and flooding issues along Lucks Hill and the adjacent school
- Highway safety concerns
- The raised level of the car park and CCTV will overlook the school
- The development will reduce available road parking for the school
- The existing car parks are not often at full capacity
- The rural approach to West Malling and its setting would be harmed
- The development would further urbanise the area
- The proposal would undermine the Green Belt designation in the emerging local plan
- Light pollution
- It has not been demonstrated that the additional spaces are needed
- The access is situated close to a blind corner
- The pedestrian link will not be accessible to people with disabilities
- The proposal does not encourage use of public transport
- Lucks Hill is narrow and unsuitable for further traffic growth

5.10.1 The comments in support of the scheme are summarised as follows:

- The demand for commuter parking is increasing due to the population growth of Kings Hill
- The current availability of parking spaces for commuters at the station is limited
- The car parks are regularly full
- Parking supply is not matching demand
- Hundreds of new homes are being built at Kings Hill
- There will be additional train routes to the City of London in 2019
- The car park is necessary to plan ahead for the changing environment
- The proposal would help alleviate the lack of parking in West Malling as well as benefit commuters

- The car park is located away from the centre of the town but within walking distance which would help retain its small-town charm

## 6. Determining Issues:

- 6.1 The main issues are whether the development would affect the appearance and character of the area, visual amenity of the locality or highway safety.

### Principle of the Development:

- 6.2 The site is outside of the settlement confines of West Malling and therefore in the designated countryside. Policy CP14 of the TMBCS restricts development in the countryside to specific development listed in the policy. The proposed development is not specifically cited within the policy and as such does not accord with its requirements.
- 6.3 However, this policy is not considered to be fully consistent with the revised NPPF. In particular, paragraphs 83 and 84 that support a prosperous rural economy advise that: planning policies and decisions should enable sustainable rural tourism and development of accessible local services and community facilities; and should also recognise that sites beyond existing settlements may be required to meet local business and community needs in rural areas as long as such a development is sensitive to its surroundings and does not have an unacceptable impact on the local road network. This latter requirement (paragraph 84) provides a clear intent to facilitate development in areas outside of rural settlements that would benefit the local economy and community. This is not at all reflective within the requirements of CP14 and the conflict that exists between the 2007 policy and the 2018 NPPF in this respect means that less weight must be afforded to CP14 as a result.
- 6.4 There are specific material considerations that support the scheme in terms of matters of broad principle when considering the requirements of paragraph 84 of the NPPF. The car park would cater predominantly for commuters or users of national rail services. This would benefit access to employment opportunities for local residents and in turn would provide a benefit in economic terms. It would also provide additional parking for visitors to West Malling.
- 6.5 The West Malling Railway Station is the main train station for both West Malling and Kings Hill residents. The population of Kings Hill will increase notably in the coming years with the implementation of Phase 3 (635 dwellings). The Broadwater Farm allocation in the emerging local plan is also designated to deliver a further 900 dwellings. The Station provides good links to London and it has been noted by the applicant and a number of local residents that additional services are to be provided this year.
- 6.6 At this juncture, I would acknowledge that the application site forms part of the land proposed to be included within the Green Belt extension as set out within the

draft local plan. Paragraph 50 of the NPPF states that refusal of a planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

6.7 Furthermore, paragraph 49 states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

6.8 The draft local plan is intended for submission to the Secretary of State before 24 January 2019 but will hold very limited weight at the time this application is determined because the proposed extension has not yet been tested through examination. In any event, the type and nature of development proposed by this application would not be prejudicial to the strategic objective behind wishing to include land within the Green Belt here. As such, there would be no rational justification to seek to resist the development on such grounds.

6.9 In taking into account the above considerations, the provision of the proposed car park on the application site meets the requirements of paragraph 84 of the NPPF and, when considering the diminished weight to be afforded to CP14 in this case, I can conclude that the development proposed is acceptable in terms of overall principle. The key matters to address in terms of the detail of the scheme therefore centre on ensuring the development is sensitive to its surroundings and do not have an unacceptable impact on the local road network (as required by paragraph 84).

*Character and Visual Amenity:*

6.10 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.

6.11 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require planning authorities to give special attention to the desirability of preserving the setting of a listed building or any features of special architectural or

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historic interest which it possesses and preserving or enhancing the character or appearance of the CA.

- 6.12 Paragraphs 193 and 194 of the NPPF advise that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.13 The new access would result in some level of intervention within the tree-lined frontage along Lucks Hill but this would not be significant, in my view. The level of the site varies by about 1.5m from west to east which is not considered to be substantial. A condition can be imposed to ensure that the level of the car park surfacing appropriately relates to existing levels.
- 6.14 The layout plan indicatively shows that 10 column mounted street lights will be installed within the car park. These are contained centrally on the site (away from boundaries). No specific lighting details or levels of lighting spill have been provided at this stage. However, the level of lighting can be assessed and controlled by condition, which could include baffles to minimise light spill and potential visual impact. It is noted that the site is located in close proximity to the railway station which already affords an existing level of lighting. Although there would be a level of visual impact from the proposed lighting of the car park, I do not consider this impact would be harmful to the character and amenity of the area given the site's close proximity to the Station, the existing vegetated screening and the ability to mitigate the amount of light spill and time that the lights are switched on.
- 6.15 The development has been designed to take account of the trees around the perimeter of the site. However, it is considered that a further arboricultural assessment is required that provides more specific details of the protection of the root system of the trees and how the works will be undertaken so as to adequately protect the trees. This can be required by condition.
- 6.16 Overall, although the development would change the appearance of the site, particularly from the approach to West Malling, given the proximity of the site to the Railway Station, the specific enclosed character of the site and retained and reinforced tree-line screening, I am satisfied that the proposal would not demonstrably harm the character of the area or visual amenity.
- 6.17 Turning specifically to the potential impact on the setting of designated heritage assets in these respects, I am mindful that the West Malling Conservation Area lies to the north of the site. However, with the reinforced existing tree-lined screening adjacent to Lucks Hill I consider that the proposal would not result in a detrimental impact upon the character and appearance of the setting of the adjacent Conservation Area.

- 6.18 The site is a significant distance away from the main Station building, which is a Grade II Listed building, and as a result the proposal would not harm the setting of this listed building.
- 6.19 Accordingly, I consider the proposed development would not demonstrably harm the character or visual amenity of the area or cause harm to the setting of the adjacent Conservation Area or the listed Station building. The proposal would therefore not conflict with Policies CP24 of the TMBCS and SQ1 of the MDE DPD or Part 12 (Achieving well-designed places) or with paragraphs 194 and 196 of the NPPF. Suitable planning conditions can be imposed to ensure the development comes forward in an acceptable manner in all these respects.

Highway Safety:

- 6.20 Paragraph 108 of the NPPF supports appropriate opportunities to promote sustainable transport modes. The proposal would support a sustainable transport mode (rail travel). Whilst it is important to encourage bus links to the station, particularly through the new developments coming forward, it is not necessarily going to be the case that all residents needing to travel by train will use bus links, even if they are in place. Therefore, it is important to provide additional dedicated parking in addition to accommodate the increase in demand.
- 6.21 Paragraph 109 of the NPPF advises that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 6.22 Paragraph 110 further advises that within this context developments should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
  - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
  - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
  - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
  - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.



6.23 The applicant has submitted a Transport Statement prepared by RGP. The report concludes that the existing station car parks experience very high parking demand which will increase further over the coming years through improvements to rail services and additional demand for rail travel locally and nationally. It goes on to note the following:

- the existing car parks are regularly operating in excess of 95% capacity;
- the local highway network would not be subject to any road safety issues;
- the car park would not generate a significant level of traffic and the majority of the vehicle movements associated with the development would occur outside of peak hours; the operational profiles of the proposal and the adjacent school would complement each other; and
- appropriate access to and from the site from Lucks hill can be provided.

6.24 I note the large number of concerns raised in respect to the impact that vehicles travelling along Lucks Hill at morning school drop off and afternoon pick up times could have upon road and pedestrian safety.

6.25 KCC H&T (local highway authority) has advised that the surveys undertaken on the existing car parks by the applicant's transport consultants have shown the entry, exit and accumulation profiles. Also, knowledge from on line season ticket applications have given an indication of the distribution of commuter attraction to West Malling Station and that this data has been used to make forecasts regarding the use of the proposed car park which is a reasonable approach. Importantly, it shows that peak More Park School and commuter activity do not coincide. In terms of the commuter in/out car park movements during peak morning time for the More Park School, the analysis shows that only a small number of additional vehicles are expected to pass the school during this time.

6.26 In light of the above analysis, the local highway authority has concluded that the forecast level of activity would not constitute a severe impact or represent a detriment to road safety. They have also been noted that there have been no injury crashes associated with the use of the existing car parks at West Malling Station for at least the last 19 years.

6.27 I understand that the applicant has considered the use of part of the car park by parents to drop off/pick up children from the adjacent primary school but has concluded that this would not be possible. Given the preceding analysis of how movements connected to the school transpire relative to those by commuters, this cannot be considered to be a determining factor. In any event, the impact of the proposed development on highway safety in the area needs to be assessed on its own merit. In this regards, the local highway authority has no objection.

6.28 In light of this, I am satisfied that the development would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. It would therefore not conflict with Policy SQ8 of the MDE DPD or paragraphs 109 and 110 of the NPPF.

Other technical matters:

6.29 In terms of land contamination, the EA has advised that the proposed development site is located near areas which could be sources of contamination i.e. railway line to the south. There is a risk of contamination that could be mobilised during construction to pollute controlled waters. The proposed development is located upon the Hythe beds and Sandgate beds which are designated as a Principal aquifer and Secondary aquifer A respectively, therefore groundwater is sensitive in this location. A condition to protect groundwater has therefore been suggested.

6.30 As surface water is to be disposed of via soakaways and the submitted drawings are not sufficiently detailed to adequately show what pollution prevention methods will be included in the proposed drainage strategy, the EA has suggested a further condition to control infiltration of surface water into the ground.

6.31 Similarly, KCC SUDS (lead local flood authority) have advised that they have no objection to the drainage proposal which is for the use of deep bore soakaways. However, they have advised that additional ground investigation will be required to support the use of infiltration and as a result conditions have been suggested that require a detailed SUDS scheme to be submitted for approval.

6.32 I am therefore satisfied that, with the suggested conditions, the development would accord with paragraphs 170 and 178 of the NPPF.

6.33 Some concern has been raised relating to potential overlooking of the school from the application site due to the site being at a raised level. However, the level of the site is not considered to be substantially above that of the highway; the retained tree-line would provide intervening screening (which will also be reinforced) and the nature of the use would not give rise to such a concern in my view.

6.34 Local concern has been raised in relation to surface water drainage and its potential to impact on localised flooding in the area (including the adjacent school). However, the lead local flood authority is satisfied that with the implementation of a detailed SUDS scheme that this would not be a concern.

Planning Balance and Overall Conclusions:

6.35 Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that any application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 6.36 The proposal would not comply with CP14 of the TMBCS but less weight should be given to this policy as it is inconsistent with the requirements of the NPPF at paragraph 84, which seeks to promote development needed to meet local business and community needs in rural areas. The proposed development would wholly accord with the requirements of the NPPF in this respect.
- 6.37 The site is also considered to have unique physical characteristics that would support the proposal. The site is located directly adjacent to the railway line and very close to the northern pedestrian access to the Station (Platform 2). It is also partially enclosed/contained by the raised railway line which is situated about 3m above the level of the site; and bordered on the other two sides by roads. There is also a good level of tree-lined screening to the road frontages.
- 6.38 I therefore conclude that, subject to the imposition of suitable conditions, the development is acceptable in all respects and the following recommendation is put forward:

## **7. Recommendation:**

- 7.1 **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.

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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.

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**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: Mark Fewster