

Wrotham

Wrotham, Ightham And
Stansted

3 July 2017

TM/17/01793/FL

Proposal: Demolition of the residential bungalow and the erection of 5x B1/B8 units and a 2 storey office building with new estate road and associated parking

Location: Rosador London Road Wrotham Sevenoaks Kent TN15 7RR

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1. Description:

- 1.1 This application seeks planning permission for the demolition of the residential bungalow, erection of 5 no B1/B8 units set within two buildings, a 2 storey office building, new estate road and associated parking and landscaping.
- 1.2 The B1/B8 units are to be separated into two buildings. Unit A is to contain two B1/B8 units. It is to measure 20m wide by 15m long proposing a dual pitch roof with an eaves height of 7.5m and a total height of 9.8m. Unit B is to contain three B1/B8 unit. It is to measure 15m long by 40m wide. This unit also proposes a dual pitch roof with an eaves height of 7.5m and a total height of 9.8m. Materials for both of these buildings are to match those used on Nepicar Park adjacent.
- 1.3 The office building is to be located to the south-west corner of the site. It is to measure 15m long by 20m wide. This building proposes a mono-pitch roof with a total height of 8m.
- 1.4 In addition to the proposed buildings the scheme proposes alterations to the access on the A20. The existing access road is to be removed and a new T-junction formed further to the south. Access to the adjacent bungalow and sub-station is to be accessed via a spur from this access.
- 1.5 A scheme of hard and soft landscaping is also proposed to the remainder of the site which includes an attenuation basin.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Betts and Cllr Coffin in order to consider highway safety and whether the proposal amounts to overdevelopment of the site.

3. The Site:

- 3.1 The application site consists of a rectangular strip of land located to the east of the London Road (A20). The site contains a residential dwelling with the majority of the land considered residential curtilage. The applicant has outlined

that the land has also been used in association with a steel fabrication business however a lawful development certificate has never been sought for this use.

- 3.2 The application site is designated as Metropolitan Green Belt and lies within an Area of Outstanding Natural Beauty.
- 3.3 The Nepicar Park development lies to the north of the application site and consists of 4 large industrial buildings. Two of these sit to the south of the site with the closest some 6m from the boundary. The materials use is a mix of brick and metal cladding and roofing. They measure approximately 8m in total height.
- 3.4 Existing access to the site is gained via a shared access road which links to the A20.

4. Planning History (relevant):

TM/78/10529/FUL grant with conditions 8 December 1978

Single storey rear extension and double garage.

TM/87/10728/OUT Refuse 5 November 1987

Outline application for bungalow with access.

TM/08/01069/FL Refuse 22 May 2008

Single storey extensions incorporating garage and new roof

TM/08/02997/FL Refuse 20 November 2008

Single storey extensions incorporating garage and new roof. Resubmission following refusal of TM08/01069/FL

5. Consultees:

- 5.1 PC: Full representations provided by and on behalf of the PC are reproduced as Annexe 1 of this report in the interests of completeness and for ease of information.
- 5.2 KCC (H+T): Full representations made are reproduced at Annexe 2 to this report.
- 5.3 Environment Agency: No objection subject to suggested conditions relating to contamination, surface water and piling.
- 5.4 Environmental Protection:

Noise: The range of uses could lead to a variety of potential noise disturbances. Suggestion made that occupiers carry out a noise impact assessment of the proposed use then carry out insulation works as appropriate. Condition suggested

Hours of use: No specific information as to be provided concerning proposed hours of use. Reference made to Nepicar Park (07:00- 18:00 Mon – Fri and 08:00 – 13:00 Saturday with no working Sundays and Bank Holidays). Recommend these house apply to this proposal too.

Lighting: Suggest details of external lighting should be approved.

Contaminated Land: The site appears to have some use as vehicle storage with some small sheds and buildings. Condition recommended.

I have come across some documents relating to historic enforcement issues with this site, particularly relating to an unlicensed waste transfer site and scrap vehicle storage. Recommendation changes to include further conditions.

5.5 Waste Services: No objections

5.6 Private Reps: 10/10X/5R/0S + Site Notice & Press Notice - objection raised on the grounds of:

- Highway Safety - Not suitable for HGVs,
- Water drainage - will result in increased discharge downstream

Re-consultation (14.03.18)

- Loss of light (to Unit 12)
- 180 turn from Excel would be dangerous. Entrance road only designed for residential and would not be safely converted into HGV access.
- Required to mount new footpath to exit bungalow (Excel)

6. **Determining Issues:**

6.1 The application site lies within the MGB. The proposal should therefore be assessed against Policy CP3 of the TMBCS and Section 13 of the NPPF.

Green Belt:

6.2 Policy CP3 of the TMBCS sets out that national policy will be applied generally when assessing development proposals within the Green Belt. This is contained within the NPPF at Section 13. Specifically, paragraph 143 sets out that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. New buildings are

considered inappropriate development within the Green Belt other than where certain exceptions which are set out at paragraph 145 (a – g) apply.

- 6.3 The agent on behalf of the applicant considers that the proposal falls within the exceptions provided by either paragraph 145 (e) or 145 (g). Notwithstanding this assertion, they have also sought to provide a case of very special circumstances. I address each of the purported exceptions in turn below.
- 6.4 Paragraph 145 (e) of the NPPF sets out that new buildings within the Green Belt are not considered to be inappropriate development where they amount to limited infilling in villages. In this respect, the NPPF does not define a village however case law sets out that it should be considered as wider than the defined village confines designated within the Local Development Framework and can include settlements washed over by Green Belt. In this case, the site sits within a small pocket of linear development. Although located adjacent to an industrial development on one side, it is otherwise bordered by undeveloped countryside to the north-east and south-west. The development lies a considerable distance away from the settlement confines of Wrotham. Based on the physical characteristics of the site and surroundings, I do not consider that the site could be considered to be within a village for the above test to apply. Furthermore, and notwithstanding the above, the size and bulk of the units proposed compared to the adjacent bungalow to the south and the bungalow proposed to be demolished cannot be reasonably be described as limited in scale, size or amount and therefore cannot be said to be limited. The proposal would therefore would fail the tests under paragraph 145(e) and the exception provided for within the NPPF is not met.
- 6.5 Turning to the second cited exception, paragraph 145(g) of the NPPF allows for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. For the purposes of applying this exception, and having due regard to the definition of previously developed land contained within Annex 2 of the NPPF, I can confirm that the site does fall within the definition and as such the exception is capable of being applied in this instance. I note that the PC has raised particular concerns over what they describe as being intentional harm to the land through unauthorised operations over the years. It has also drawn attention to a parliamentary written statement (HLWS404) which makes intentional unauthorised development a material planning consideration which should be weighed up in the balance of decision making. In any event, the site already falls within the definition of previously developed land, even had it just been a single dwellinghouse and associated curtilage (without any question over other operations ongoing over the years). As such, it is still necessary to make an assessment as to whether the relevant exception provided for in the NPPF applies in this instance.

- 6.6 The key consideration is therefore the second limb of the exception contained within paragraph 145(g); whether the development would have a greater impact on openness than the existing development.
- 6.7 The proposal seeks to demolish a modest bungalow and associated outbuilding and replace with 2no B1/B8 buildings and an office building. The bungalow has an external footprint of 143m² with a total height to the ridge of 5.5m. The cumulative footprint of the proposed units measures 1200m² with the highest of these buildings measuring 9.5m in height. Given the scale, size and footprint of the buildings proposed and when compared to the existing development on site, there can be no doubt that the proposed development would have a greater impact on openness than the existing development in spatial and visual terms and therefore the proposal could not be considered to fall within the exception provided for by paragraph 145(g).
- 6.8 I have also given consideration as to whether any of the other exceptions provided for within the NPPF could reasonably be said to be applied to this case and I have concluded that they do not.
- 6.9 As such, the proposed development amounts to inappropriate development within the Green Belt, which is harmful by definition and which must be afforded substantial weight. Very special circumstances are required that clearly outweigh this and any other identified harm before planning permission can be granted.
- 6.10 In addition to this definitional harm the proposed development would significantly increase the built form on site as has been outlined within the previous paragraphs. Although it is noted that the site lies adjacent to a substantial development site (Nepicar Park) this increase in scale, size and amount would undoubtedly have a material impact on the openness of the Green Belt. This additional harm would also have to be clearly outweighed by very special circumstances before planning permission could be granted.
- 6.11 It is now necessary to establish whether any other (planning) harm arises from the development proposed and this is set out in the assessment that follows.

Area of Outstanding Natural Beauty (AONB):

- 6.12 Section 85 of the Countryside and Rights of Way Act 2000 requires that in exercising or performing any functions in relation to, or public bodies etc. as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- 6.13 Policy CP7 of the TMBCS sets out that development will not be proposed in the LDF, or otherwise permitted, which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty, including their

landscape, wildlife and geological interest, other than in specified exceptional circumstances.

- 6.14 Similarly, paragraph 172 of the NPPF sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. It continues that the scale and extent of development within these designated areas should be limited.
- 6.15 The application site sits within a linear form of development that has been developed on the south scarp slope of the North Downs. The applicant has undertaken a landscape and visual assessment. This assessment has categorised its findings into three results which are:
- 1) From vantage points there is potential for a slight impact but this will not result in any detriment to the overall landscape of the area;
 - 2) From close vantage points the buildings will be visible but will generally be seen in the context of the larger buildings adjacent so that the new development will not appear intrusive or out of character with the adjacent landscape;
 - 3) From the remainder of the potential viewpoints the new development will not be visible.
- 6.16 Their assessment therefore concludes that the proposed development of Rosador in the manner outlined in the planning application will not appear intrusive or out of character with the adjacent landscape.
- 6.17 I would broadly agree with the findings of the landscape and visual assessment in that distance views of the application site would be limited and those which are possible will be viewed in context with the adjacent development at Nepicar Park. A view of the development from a closer vantage point would have to be considered with backdrop of the larger scale of the development adjacent which will mitigate the harm by virtue of the size of the buildings. Impact from the view from the south would also be further mitigated by the proposed planting to the southern boundary of the site. Based on the scale and character of the development immediately adjacent to the site, I am satisfied that this proposal would sit comfortably within the landscape to a degree which would ensure the development would not be detrimental to the natural beauty and quiet enjoyment of the AONB.
- 6.18 I therefore consider that the proposed development is acceptable and meets the requirements of local and national policy and the statutory duty that applies.

Visual impacts:

- 6.19 Policies CP24 of the TMBCS and SQ1 of the MDE DPD are the most relevant design policies and require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. Development should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 6.20 Paragraph 127 of the NPPF sets out that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.21 Paragraph 130 of the NPPF outlines that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 6.22 The adopted development plan policies therefore are consistent with the requirements of the Framework in terms of requiring new development to be of a high quality.

6.23 The proposed development seeks to provide three buildings in a linear pattern located to the north of the site. The office unit would seek to replicate the buildings within Nepicar Park in terms of its style and use of materials with the other units also seeking to match the materials, however with a shallow pitch roof form. The proposed form or design of the proposed scheme would not appear out of character of the locality and would respect the character and appearance of the immediate local area. I would therefore consider the proposal would be in accordance with Policy CP24 and Policy SQ1.

Highway safety/Access:

6.24 In the interests of completeness, the full representations provided by KCC (H+T) have been appended to this report along with the representations received from a highways consultant on behalf of the Parish Council (Annexes 1 and 2). These should be read in conjunction with the assessment that follows.

6.25 Policy SQ8 of the MDE DPD sets out that;

1. Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided.
2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
3. Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.
4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
5. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.

6.26 Paragraph 108 of the NPPF sets out that; In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

6.27 Paragraph 109 of the NPPF sets out 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.

6.28 The application has been subject to a number of amendments concerning access arrangements which have been scrutinised by KCC (H+T). The representations received in this respect are reproduced in full at Annexe 2. Where necessary to do so, these provide a commentary concerning the representations made on behalf of the PC concerning highways matters. As such, I do not intend to reiterate in full how the scheme has evolved as a result of those changes but rather to summarise and discuss the scheme as it now stands in terms of acceptability.

6.29 The scheme as now proposed seeks to provide a new T-junction with the A20 with a spur to allow access for the adjacent neighbour and substation. The technical note dated December 2018 outlined the need for works to the highway network, including the extension of a ghost right direction lane which was informed by the survey data undertaken. Following further concerns raised regarding the proximity of the spur to the junction and speed data the applicant has provided an updated technical note dated 24 April 2019 which includes a PICADY analysis, comment on validity of speed data, site opening times, an updated Road Safety Audit and designer's comments. No significant changes are proposed to the proposed access which simply sought to clarify the points raised.

6.30 When viewed in conjunction with the relevant technical notes and safety audits as discussed in detail at Annexe 2 to this report KCC (H+T) have concluded that the scheme now accords with the requirements of the NPPF and that no objections are raised subject to the imposition of conditions. These conditions include submission of a construction management plan, provision of measures to prevent discharge of surface water onto the highway, provision and permanent retention of parking, loading/unloading and cycle provision. In addition to the completion and maintenance of the access shown on the submitted plans prior to use of the site commencing including cutting back of vegetation, creation of a right turning lane as shown on the general arrangement drawing and closure of the current access to the west and creation of footways.

6.31 I note that the PC has opted not to engage Peter Brett Associates in providing comments on the scheme in its final form, although the PC have themselves made representations setting out that "*common sense informs Wrotham Parish*

Council that the safety of several accesses onto the A20 so close to the M20 junction, each used by multiple business units, is an undesirable outcome in terms of Highway Safety. In particular the site access mixes adjacent residential and Electricity Sub Station use that is tangential to the direction of the business units use. This is certainly a sub-optimal solution and a better way forward could be found in a holistic approach to the A20 development in this area that rationalised a planned access and egress to the whole commercial development area.” There is therefore no evidenced final position on behalf of the PC contradicting the position set out by KCC (H+T) on the basis of the final scheme to now be determined.

- 6.32 It is acknowledged that the supporting information in relation to the creation of the new access to serve the development has been provided in a piecemeal manner. However each issue raised by the Highways Authority and the PC’s consultants have now been addressed by the applicant rendering the scheme acceptable in planning terms subject to the imposition of conditions.

Contamination:

- 6.33 Paragraph 178 of the NPPF requires that planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

- 6.34 The application site has been subject to a number of uses over the years. The applicant asserts that business has been undertaken on the land for the last 15 years which they consider lawful, however this is yet to be substantiated. It is also understood that part of the site may have been used as an unauthorised waste transfer station. Whilst it has not been established if the site is contaminated the Borough Council’s Scientific (contaminated land) officer has suggested that a series of contamination conditions are imposed to address any contamination identified. The Environment Agency has also requested contamination conditions due to allocation of the site within a Source Protection Zone 2. This is reflected in the recommendation that follows in order to ensure the development is acceptable in these respects.

Surface Water/Drainage:

6.35 Paragraph 165 of the NPPF sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and) where possible, provide multifunctional benefits.

6.36 The scheme of landscaping proposed as part of the application includes the restoration of the land to the rear and also includes the provision of an attenuation basin to assist with surface water drainage. The Local Flood Authority has been formally consulted and notes the intention of the applicant; however based on the limited information, consider greater clarity on the proposed scheme would be required. They set out that they would ordinarily recommend that an application is not determined until an appropriate surface water drainage strategy has been provided for consultation but, notwithstanding the above, think the site could accommodate a workable drainage scheme and therefore raise no objection at this stage. They have included a set of conditions they would recommend be included if the LPA were minded to grant planning permission. If Members are minded to approve then it is considered surface water drainage can be addressed by way of condition.

Very Special circumstances:

6.37 The NPPF requires that all harm identified in this case must be clearly outweighed by very special circumstances before planning permission can be granted.

6.38 In this respect, the applicant has sought to provide a case of very special circumstances which is formed of 8 points, summarised below:

1. Adjacent a major development site impact on amenity by overlooking, and overshadowing, overwhelm the bungalow of Rosador such that it is not considered to any longer represent an acceptable residential environment.
2. Design of Nepicar Park amended to facilitate an extension on to the land at Rosador.
3. The slightly reduced scale compared to the adjacent site and additional landscaping will provide screening which is completely absent from the development at Nepicar Park.

4. The new development will create additional employment and business space within the Borough that will off-set recent losses of employment floorspace to residential uses.
 5. The proposed development will not harm the natural beauty and quiet enjoyment of the AONB as confirmed in the Landscape Assessment
 6. The proposed development will result in a significant improvement to the appearance of Rosador and will enhance the amenity of the adjoining property at Excel.
 7. The proposed development will provide for some improvement to the access arrangements onto the A20 serving Rosador and other properties having access from this secondary road.
 8. It makes good use of an outstanding transport location adjacent to the motorway junction.
- 6.39 Members will be aware that a case of very special circumstances can be formed of standalone circumstance or a combination of circumstances which when taken cumulatively would outweigh the harm identified above.
- 6.40 The argument put forward by the applicant in the main relates to the impact of the adjacent Nepicar Park on the amenity of the occupiers of the application site. Nepicar Park was approved under TM/14/03571/FL with subsequent amendments approved under TM/15/02033/FL. The impacts of the proposal were considered acceptable in all respects when assessed against the prevailing policy at the time of those applications which would include landscape harm and impact on amenity. The desire for the applicant to mitigate this relationship is therefore not considered material and could not form a very special circumstance.
- 6.41 Any purported visual “benefits” including landscaping scheme simply amounts to compliance with policies seeking high quality new built development and therefore cannot be considered to be a very special circumstance.
- 6.42 In light of the above, I consider that the only matter put forward by the applicant that is capable of amounting to a very special circumstance in this case centres on the provision of employment use and the contribution towards employment land supply.
- 6.43 Kent Properties Market provides an annual overview on the property market within Kent. Their most recent report [The Annual Guide to Investment and Development in Kent 2018] references buoyant activity in industrial and distribution performance within Kent as a whole, partially for smaller units.

- 6.44 On a more local level Members will be aware that as part of the evidence base for the ongoing local planning process TMBC commissioned an Update on Employment Land Needs in Tonbridge and Malling published in November 2017. This document assessed the employment need within the Borough and concluded that there was an insufficient supply of industrial land Borough wide, particularly B8 land, to meet its objectively assessed need over the period 2011 to 2031. Of particular note within this report is a suggested undersupply of employment land within the Medway Gap (rural/other), which the application site lies within, due to the lack of any allocations coming forward within this area.
- 6.45 The location of the application site relative to the M26 and M20 would also suggest a highly desirable and sustainable location for this form of employment development. We are aware of the desirability for this form of development within this area through the sale of the units within the adjacent Nepicar Park, where all 15 units were sold/let prior to completion of the development in September 2016. The latest report by Kent Properties Market would suggest the market situation has not changed since that time. The application scheme would seek to provide B1/B8 units on an unallocated site. This provision would go towards addressing the identified undersupply in B1/B2/B8 units set out within the Local Plan evidence base. The application would go towards addressing this undersupply, in a desirable and sustainable location, which would in my view amount to a very special circumstance which clearly outweighs the harm to the Green Belt.

Conclusions:

- 6.46 Rosador lies within the Green Belt and outside any employment or major development site allocation. The proposed works to re-develop the site to provide the B1/B8 units as proposed would be inappropriate within the Green Belt and would result in material harm to the openness of the Green Belt and therefore requires a case of very special circumstances to justify the proposed development. As per the requirements of the NPPF this case will have to outweigh both the harm resulting in the inappropriate development as well as the identified harm to openness. The provision of much needed employment development in a suitable location such as this amounts to a very special circumstance which outweighs the identified harm.
- 6.47 The impact of the development on the local highway network and the potential highway safety implications of the development have been thoroughly technically assessed through the various reports provided as part of this application. The scheme in its final form is considered to be acceptable, subject to the imposition of suitable conditions, by KCC (H+T).

6.48 In light of the above considerations, I consider that, on balance, planning permission be granted subject to conditions and as such the following recommendation is put forward.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Road Safety Audit received 06.08.2018, Report road safety audit received 27.02.2018, Proposed Plans and Elevations 2297 05A Proposed Unit A received 27.06.2017, Block Plan 2297 03 Existing received 27.06.2017, Proposed Plans and Elevations 2297 09A Proposed Office received 27.06.2017, Perspective view 2297 10A received 27.06.2017, Topographical Survey 2297 13 received 27.06.2017, Existing Plans 2297 15 received 27.06.2017, Existing Elevations 2297 16 received 27.06.2017, Existing Elevations 2297 17 received 27.06.2017, Site Plan 2297 01A received 27.06.2017, Assessment Landscape & Visual received 27.06.2017, Transport Statement received 27.06.2017, Plan Transport Statement received 27.06.2017, Proposed Floor Plans 2297 06A received 03.01.2018, Letter received 03.01.2018, Design and Access Statement received 03.01.2018, Block Plan 2297 04B received 03.01.2018, Proposed Roof Plan 2297 07B received 03.01.2018, Proposed Elevations 2297 08A received 03.01.2018, Proposed Plans 2297 14A received 03.01.2018, Location Plan 2297 02 received 08.02.2019, Block Plan 2297 04 proposed received 08.02.2019, Drainage Layout 2297 11 received 08.02.2019, Landscaping 2297 12 received 08.02.2019, Proposed Plans 2297 14 Isometric received 08.02.2019, Transport Statement technical note received 15.01.2019, Letter received 15.01.2019, Drawing 619054 MLM ZZ XX DR TP 0001 received 15.01.2019, Block Plan 2297 04 C received 17.01.2019, 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. 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 proposal for landscaping shown on the landscaping and biodiversity plan drawing no 2297 12 B shall be implemented by the end of the first planting season following occupation of the first unit or completion of the tree buildings, whichever is sooner. Any trees or plants which within 10 years of planting are

removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

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

4. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall maximise the use of sustainable drainage techniques to dispose of surface water, and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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.

5. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - a) a timetable for its implementation, and
 - b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

6. Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved

verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

7. 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 is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

8. 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 is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

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

Reasons: To protect controlled waters, including groundwater and to comply with the National Planning Policy Framework.

10. Prior to the commencement of the first use hereby approved the all access road, highway infrastructure features, turning and parking areas shown on drawings no 619054-MLM-ZZ-XX-DR-TP-001 and Proposed Block plan drawing 2292 04 rev C shall be provided and where appropriate 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 and 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 access arrangements and accommodation for the parking and turning of vehicles is likely to lead to hazardous on-street parking and adverse impact on road safety.

11. Prior to the commencement of any groundworks a contoured site plan showing the ground levels and finished floor levels of the units proposed to be constructed shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

12. Prior to the commencement of the use hereby approved, a scheme of external lighting shall be submitted to and approved by the Local Planning Authority. Any subsequent variations shall be agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenity of the rural landscape.

13. No materials, plant or other equipment of any description shall be kept or stored (in relation to the commercial uses) in the open other than in areas as may be approved in writing beforehand by the Local Planning Authority.

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

14. There shall be no operation of the businesses falling within Class B1(c) and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) nor use of the site by any related commercial traffic outside the hours of 06.00 to 22.00 Mondays to Fridays and 06.00 to 16.00 on Saturdays with no working/use by commercial traffic on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

15. There shall be no operation of the businesses falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) nor use of the site by any related commercial traffic outside the hours of 06.00 to 19.00 Mondays to Fridays and 08.00 to 16.00 on Saturdays with no working/use by commercial traffic on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

16. Prior to the occupation of the first unit a Noise impact assessment should be submitted to and approved by the Local Planning Authority. Any mitigation measures suggested within this report shall be implemented prior to the occupation of the unit/building they relate.

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

Informative:

1. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked 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: Paul Batchelor