

Tonbridge  
Medway

17 January 2020

TM/20/00098/FL

Proposal: Development to provide 15 industrial units for use in association with Use Class B1(c) (light industrial), B2 (general industrial) and B8 (storage and distribution) with ancillary trade counters and associated servicing, parking and landscaping

Location: Land Fronting Vale Rise At Colas Roads Ltd Vale Road Tonbridge Kent

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## 1. Description:

- 1.1 Planning permission is sought for the construction of three buildings, to be subdivided to create a total of 15no. industrial units of varying floorspaces. This is a speculative proposal intended to meet the requirements of small to medium sized enterprises and thus seeks a flexible permission for B1c/B2/B8 land use. As such, internally the units are shown with ground floor warehouses and first floor storage mezzanines, the intention being that they will be constructed as shells with the individual tenants fitting out to their specific requirements.
- 1.2 The building containing units 1 – 4 is proposed to run parallel to the boundary with Vale Road and have been designed with a mono pitched roof. The building containing units 5 – 11 is proposed to run parallel to the southern boundary of the site, to be constructed with a shallow pitched roof. The building containing units 12 – 15 is proposed to be located parallel to the western boundary, adjacent to existing commercial development. All effectively face inwards onto the single access, servicing and parking areas.
- 1.3 The buildings are proposed to be of steel-frame construction with external cladding, incorporating high level glazing and feature panels to highlight entrances and provide visual contrast to the warehouse elements.
- 1.4 The development is proposed to be accessed by vehicles via a single T-junction access point via Vale Road. This is proposed to replace the three access points that currently exist at the site; the two bell mouths located onto Vale Road either side of the Morley Road junction opposite and a third private access road. The creation of the single access point will require the relocation of marked on-street parking bays and yellow lined waiting restrictions on Vale Road itself.
- 1.5 A total of 114 car parking spaces are proposed across the site to serve the development, to be laid out through a series of courts fronting the individual units. Accessible bays are included at a ratio of one space per unit. A dual electric vehicle charging point will be provided per unit. Five motorcycle spaces are to be located close to the site entrance. The submission also indicates that a total of 71

cycle spaces will be provided to serve the development. The plans indicate that dedicated spaces will be provided within the lobbies of each unit.

- 1.6 Given the change in land levels, retaining walls are proposed along with palisade fencing. The site is mainly proposed to be hard landscaped with some soft landscaping proposed at the site edges. The retaining walls are intended to provide for the finished floor levels while retaining remediated material on the site itself; an approach which avoids removal and disposal to landfill.
- 1.7 The submission indicates that waste disposal will be the responsibility of the individual occupiers but that on-site storage will take place internally within the units themselves.
- 1.8 In support of the planning application, the following documents have been submitted. These have been referred to and discussed where applicable and necessary within the assessment that follows:
  - Design and Access Statement prepared by Ian C. King Associates Architects dated January 2020;
  - Planning Statement prepared by Savills dated January 2020;
  - Construction Environmental Management Plan prepared by Glencar Construction;
  - Flood Risk Assessment prepared by Bradbrook Consulting dated May 2020 (and drainage details subsequently submitted on 08 June 2020);
  - Air Quality Assessment prepared by TRC Companies Ltd dated December 2019;
  - Noise Impact Assessment prepared by TRC Companies Ltd dated December 2019;
  - Remediation and Verification Strategy prepared by Delta-Simons Environmental Consultants Ltd dated July 2019;
  - Framework Travel Plan prepared by Mode Transport Planning dated November 2019;
  - Transport Assessment prepared by Mode Transport Planning dated February 2020;
  - Ecological Walkover Survey prepared by prepared by Delta-Simons Environmental Consultants Ltd dated April 2019 and updated Management Plan dated June 2020;

- Energy and Sustainability Statement prepared by Cudd Bentley Consulting updated June 2020;
- 1.9 Since the original submission was made, amendments and additional information have come forward addressing matters of design, energy and sustainability, drainage and highways. It is on the basis of these amendments and additional supporting information that the following assessment and recommendation is made.

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

- 2.1 At the request of Cllr Boughton given the nature, size and location of the site and in order to consider the environmental impacts of the development.

**3. The Site:**

- 3.1 The site lies within the built confines of Tonbridge, on the junction of Vale Rise and Vale Road and has been vacant for a number of years now. Most recently, it was used on a temporary basis for open storage whilst the neighbouring car showroom was redeveloped. Presently, groundworks are being undertaken in connection with a standalone permission for the remediation of the site (see Section 4 below).
- 3.2 The site is surrounded by industrial and commercial uses which are characteristic of this part of the industrial estate including the Royal Mail depot to the south-east, Pipers business centre to the west, Morley Road units to the north and north-west and the car dealership to the north-east.
- 3.3 It is highly prominent when travelling towards Tonbridge from the south along the A26 given the change in land levels.
- 3.4 The site lies within an Area of Archaeological Potential (AAP) and the northern half of the site lies within Flood Zones 2 and 3.

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

TM/09/00235/FL	Approved	16 June 2009
Mixed use of employment comprising of B1, B2 and B8 units, trade units, self storage and car showroom with associated parking and servicing		
TM/14/01912/FL	Approved	5 August 2014
Temporary change of use to the storage and display of new and used vehicles and ancillary uses		
TM/19/01068/FL	Approved	10 October 2019

Remediation works, earthworks and installation of site hoarding

**5. Consultees:**

5.1 KCC (H+T):

*Response received on 11 February 2020:*

5.1.1 The proposal comprises 15 industrial units broadly divided into two size types; 11 at approximately 500m<sup>2</sup> per unit and 4 at approximately 1000m<sup>2</sup> per unit; plan C-355-TP-02 Rev C gives the precise areas per unit and layout. The layout has been designed for the smaller units to be served by vehicles up to 10m rigid HGV and the larger units by 16.5m articulated HGVs. I do not consider this to be an unreasonable approach.

5.1.2 The applicant has interrogated the TRICS database and obtained analysis on a broad mix of B1/B2/B8 uses from 22 (multimodal) surveyed sites to achieve total people trip rates. The applicant has then looked at the journey to work (Nomisweb) census data specific to this part of Tonbridge to obtain an expected modal distribution for trips to and from the site.

5.1.3 As might be expected for sites of this type, a study of trips rates across the day (found at the end of the TRICS data report) shows that the trip rates are flat/evenly distributed throughout the day with the peaks at 8-9am and 5-6pm only moderately higher in relation. The total vehicle movements into and out of the site at peak periods is forecast as follows:

*Morning peak period*

- Into the site: 42
- Out of the site: 21

*Evening peak period*

- Into the site: 12
- Out of the site: 33

5.1.4 These trips are quickly dispersed and diluted on the surrounding road network. Capacity testing using industry standard Transport Research Laboratory software, for a future year of 2024, has been undertaken for the site access and the Vale Road roundabout. These simulations show that the proposal does not give rise to an unacceptable impact which would require mitigation.

5.1.5 A study of injury crash history also shows that there are no crash clusters or patterns in the vicinity which this proposal might exacerbate.

5.1.6 A car parking accumulation assessment has been undertaken from the 22 TRICS database sites used. This has shown that the 114 car parking spaces proposed would be sufficient for the proposal and operate adequately. The parking proposed includes:

- Accessible/disabled bays;
- Motorcycle spaces;
- EV Charging points and
- Cycle parking

5.1.7 The access proposed requires a 20m, ~3 space bay of on-street car parking to be relocated, both to allow the access and to enable visibility from it. Relocation and removing of the on street car parking will clearly require early implementation as the access proposed relies on it.

5.1.8 I do not consider there are highway grounds, which could be sustained, to refuse this application. Therefore, no objections are raised subject to the following being addressed by planning condition:

- Prior to commencement, the applicant shall undertake procedures up to and including Chapter 4 of the County Council's Third Party Traffic Regulation Order Requests document
- The applicant shall fund stages subsequent to Chapter 4 of the County Council's Third Party Traffic Regulation Order Requests document, including implementation costs.
- The applicant shall submit a construction management plan for approval prior to commencement;
- The applicant via agreement with this authority shall implement the access proposed, provide kerb and footway continuity at the other accesses with the public highway to be stopped up/made redundant and refresh lining accordingly, prior to any occupation of the site's units.
- Provision of measures to prevent the discharge of surface water onto the highway;
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans, including accessible bays, motorcycle spaces and EV charging points prior to the use of the site commencing;
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing;

- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.

5.2 KCC (LLFA) (summarised): Following initial objections, no objections are now raised subject to the imposition of conditions.

5.3 SWS: No objection subject to the imposition of planning conditions

5.4 EA: No objection subject to the imposition of planning conditions

5.5 KCC (Heritage): No response received

5.6 NE: No comments to make

5.7 KWT: No response received

5.8 KFRS: No objections

5.9 TMBC Environmental Protection: No objections subject to conditions.

5.10 TMBC Landscape Officer: whilst soft landscaping is minimal, the proposed species are all appropriate.

5.11 Private Reps: 3+ site + press notices: 0X/1R/0S. Objection raised on grounds of loss of light due to height and layout.

## **6. Determining Issues:**

### *Principle of proposed development and relevant policy considerations:*

6.1 The site lies within the urban confines of Tonbridge, within the designated Central Area as defined by the TCAAP (but not within the area defined as the town centre). A number of policies contained within the adopted Development Plan are directly applicable and are to be considered within the context of this proposed development.

6.2 In the broadest terms, policy CP1 of the TMBCS states that development should be concentrated at the highest density compatible with the local built and natural environment mainly on previously developed land and served by sustainable modes of transport. Policy CP11 goes on to state that development should be concentrated in urban areas where there is greatest potential for the re-use of previously developed land. The policy also recognises that development in urban areas can minimise the need to travel by being located close to existing services, jobs and public transport. These policies are supported by the focus contained within the NPPF to make the best use of available brownfield land.

6.3 This site is occupied by extensive hardstanding although not with any buildings present and therefore constitutes previously developed land for the purposes of

applying the above policies. As such, the redevelopment of this site as proposed in the broadest of terms accords with policies CP1 and CP11 of the TMBCS.

- 6.4 Turning to the specific allocations relevant to the application site itself, policy TCA11 (u) of the TCAAP identifies the site as being suitable for commercial office, hotel or business use subject to the following criteria being met:
- provision of a prominent corner building, as identified on the Proposals Map, and high quality perimeter buildings to enclose the site to inward views from the north and north-east;
  - provision for any necessary junction improvements at Vale Road and Vale Rise, subject to policy TCA12;
  - measures to mitigate noise from the railway and adjoining business uses as may be required; and
  - any further decontamination that may be necessary.
- 6.5 Policy TCA12 states that proposals will be brought forward at the following junctions, and where necessary land will be safeguarded, to maximise their capacity and manage traffic flows in order to achieve greater pedestrian priority and easier bus, cycle and disabled access in the High Street.
- 6.6 In more general terms, paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. The NPPF goes on to state that this is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
- 6.7 Similarly, paragraph 82 states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 6.8 With these policies and requirements in mind, the proposal would bring back into use a long standing vacant site which has been identified for industrial/commercial use for a number of years now which is welcomed particularly when noting that planning permission was previously granted for a similar range of uses back in 2009 but that did not come forward and has since expired. Whilst the application is

speculative in nature, it will undoubtedly bring about job creation which is also welcomed on a site such as this.

- 6.9 I am mindful that mention is made within the submission that some of the units may require trade counters dependent on the individual end users and in certain circumstances this is not unacceptable. Given the speculative nature of the application, these are not indicated on the submitted floor plans, rather it would be for the tenants to bring these forward as might be necessary. Whilst I appreciate that many B-class uses legitimately require trade counters as part of their business models, there can be a propensity for such counters to incrementally expand over time consequently changing the primary use of units to A1 (retail) rather than true industrial uses. This site is considered to be “out of town” for the purposes of applying NPPF policy with respect to retail uses, paragraphs 85 – 90 (inclusive refer) and such the incremental move towards A1 uses by virtue of trade counters being established and subsequently expanded in this way would not be acceptable. It would not be appropriate to seek to limit such an element to an arbitrary proportion of the overall floorspace of the development or individual unit but rather to seek to control this by requiring the individual end users to submit details to the Council for approval in the event they wish to include such an element. This would afford an appropriate level of control over the uses ensuring that they could not become unacceptable A1 uses surreptitiously. The submitted Planning Statement acknowledges that a similar control was imposed on the previous (now lapsed) planning permission for this site and that a more reasonable form of control would be to restrict the amount of floor space that could be dedicated to trade counters within each unit. My view remains that this would be arbitrary and not suitably afford control over such operations.

Visual impact, design and landscaping:

- 6.10 In addition to the requirements of the policies already cited above insofar as they relate to quality of development, policy TCA1 of the TCAAP requires that development within the central area of Tonbridge satisfies a tranche of requirements, including providing a well-designed, animated frontage adjoining all streets and public spaces. It also requires that the design of a new development, including scale, layout, orientation, external appearance and materials suitably respects the character of the area in which it is situated. Additionally, the TCAAP outlines specific “site design components” for a number of key sites allocated for development. In respect of this site, the TCAAP identifies that a single vehicular access be provided off Vale Road, a prominent corner building be included at the northern end of the site closest to the Vale Road/Vale Rise roundabout and that active frontages are included along both highway boundaries.
- 6.11 More generally, TMBCS policy CP24 sets out the general criteria for all new development including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the

MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:

- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
- the distinctive setting of and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.

6.12 A key material consideration which supports the development plan in these respects is the need to always seek high quality design. 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.

6.13 The PPG recognises that achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. Good design responds in a practical and creative way to both the function and identity of a place.

6.14 The site occupies a prominent position when entering Tonbridge from the south and from the north-east. The buildings within the vicinity range in height but broadly speaking are of a height, bulk and mass commensurate to a commercial/industrial area and the buildings proposed to occupy this site are reflective of that too.

- 6.15 The nature of the uses proposed and the need for the buildings to suitably accommodate the uses in a manner that means they are attractive to prospective tenants means that there are limited opportunities to create active frontages in a manner that might have been originally intended by the adopted policy. Crucially, the layout of the development has ensured that the boundaries onto the public realm and highway are framed by the buildings which is important as it creates a strong frontage and allows for the parking and servicing areas to be set behind the buildings themselves and therefore screened from wider view. The alternative arrangement most likely being areas of servicing and parking set immediately adjacent to the roadside and buildings further back into the site which would, in my view, be less appropriate in visual terms particularly in the longer term when uses become established and the potential arises for proliferation of associated paraphernalia in highly visible locations. Notwithstanding this, it will be important to ensure that open storage of material is controlled in an appropriate manner and this can be achieved through the imposition of planning conditions.
- 6.16 In this case, the design focus has clearly been around a need for the buildings to adhere to a certain format in order to ensure they meet the needs of the market for which they are intended. What follows from that, is a need to ensure that the external treatment of the building is handled in a way that does not cause visual harm when viewed against the policies set out above.
- 6.17 In this respect, officers have worked with the developer over the course of the application to ensure improvements to the articulation and materials to be used across the three buildings wherever possible, to create some variation and distinction across them particularly on the public facing elevations whilst recognising these opportunities are limited when dealing with industrial buildings. The use of appropriate, high quality materials can make a valuable contribution to the quality of a building and in this case, specific attention has been given to the palette of materials as a way of ensuring that a suitable amount of visual variation and relief can be incorporated into the building given that there are less opportunities in providing this through its actual form given the intended use and the inherent limitations therein. The use of glazing and feature external cladding provides such distinction and contributes to the visual quality of the buildings whilst recognising the industrial setting.
- 6.18 I am aware that reference is made within the TCAAP allocation to the provision of a “landmark building” on this site. The TCAAP did not however indicate what form this might take or why it might be particularly important to include such a feature within this site specifically although it can be assumed it was based on the fact the site has a certain status as you approach the town as an “entrance”. In general terms, whilst this might be immediately associated with the provision of a particularly tall or contemporary building, the plain English meaning could be interpreted as simply being a prominent building of some sort that serves a guide or providing a distinguishing feature marking a site or location. This interpretation sits squarely with the more general rhetoric contained within the TCAAP which

sets out that proposals coming forward within the Central Area should be punctuated by “landmarks” in key locations allowing people to easily and comfortably find their way around the town (paragraph 7.1.1). Equally, it is important to acknowledge that the layout and form of the buildings within the site ensures the Vale Road corner is respected as an important approach. I consider that this will adequately be achieved through the design characteristics of the building. In any event, I note that the 2008 scheme made no such provision and the decision to grant permission at that point was at the inception of the TCAAP. Some 12 years on, regard should be had to the fact that the site has remained vacant and what might have ideally been envisaged in urban design terms has not come to fruition. Notwithstanding this, the building design overall is acceptable when taking into account the preceding assessment.

- 6.19 Given the prominence of the site and how it is viewed from certain vantage points, particularly from the higher ground from the south, it is important to control rooftop plant and equipment. Affording no such control could give rise to a proliferation of installations to serve the individual units in a manner that could give rise to visual harm. This can be adequately controlled by the imposition of planning condition. The scheme does include the provision of solar panels but these are designed in such a way to ensure they are properly visually integrated into the form of the roofspaces rather than appearing as an “add-on”. There are clearly other benefits arising from the incorporation of solar panels which are discussed in more detail elsewhere in this report.
- 6.20 I am aware that there is limited soft landscaping proposed across the site and takes the form of tree planting in plant beds, framing the edges of the site and the three buildings where possible to do so. Given the nature of the use and when viewed within the context of the wider locality, the level of soft planting proposed is acceptable. In my view, it is far more appropriate when dealing with a site such as this to ensure high quality hard landscaping that will last in the long term and be suitably reflective of the use. It would, for example, not be appropriate to seek to include larger areas of planting within the central portion of the site particularly given that these are the areas given over to the parking and servicing areas and should be laid to hardstanding.
- 6.21 The MDE DPD recognises that if not properly controlled, insensitive artificial lighting can cause harm to residential amenity, the built environment and the sky at night. Equally, good quality lighting can make a valuable contribution to the design, efficiency, ambience and sense of place. Any external lighting has the potential to make either a positive or negative contribution to the local environment. I would suggest that in order to ensure that the impact is wholly positive, full details of any external lighting to be installed to serve the units once operational be submitted by requirement of condition if approval is given. I am of the view that rather than this taking place incrementally to serve the individual units, a consolidated scheme should come forward pursuant to such a condition.

*Impact on neighbouring amenity:*

- 6.22 Paragraph 180 (a) of the NPPF requires planning decisions to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.
- 6.23 The submission is accompanied by a Noise Impact Assessment. The site clearly lies within an industrial setting, with the nearest residential properties located some 55m away to the south, on the opposite side of the railway line. The assessment includes reference to the impact of the development on these receptors during both the construction and operational phases of the development and included noise modelling to aid the assessment of noise from HGV use. It notes that layout of the development affords significant shielding from noise towards the receptors to the south which the assessment concludes will result in an acceptable aural environment to those nearest neighbours.
- 6.24 Additionally, the application is accompanied by a detailed Construction Management Plan which sets out a range of measures to be implemented throughout this phase. This includes details concerning site working hours, lighting measures, adherence to the Consideration Construction Scheme, minimisation of noise, nuisance, dust and vibration and delivery of materials. These measures are considered to be thorough and wholly acceptable in addressing impacts arising from construction.
- 6.25 In terms of amenity more generally, the existing building with the most direct relationship with the proposed development is to the immediate west of the application site (Pipers Electrical Centre). The building itself is two-storeys and set long ways within its plot, with a vehicular access running between it and the shared boundary line leading to a large parking area to the rear. There are first floor windows facing towards the application site but also windows facing in a westerly direction into an established yard area. I appreciate that the current occupier of this building has enjoyed a relationship with an undeveloped site for some time now and that the development proposed would change that relationship and the outlook from the neighbouring premises. However, given that this is a commercial building within a predominately industrial setting, I do not consider that the relationship as proposed would cause unacceptable harm that would justify a refusal of permission.
- 6.26 Finally, I note that policy TCA11(u) also expressly references the need to incorporate measures to mitigate noise from the railway and adjoining business uses as may be required (in order to secure a suitable level of amenity to the users/occupiers of the resultant development). TCA11 (u) envisaged a range of potential land uses for this site, including a hotel. The submitted noise report understandably focuses on the noise impacts arising from the development at construction and operational phases. Given the type of use coming forward, there

is no overt requirement to go further and require measures to protect the amenities of the end users, in the same way that might be required for alternative uses such as a hotel.

*Highway capacity, safety and parking provision:*

6.27 Policy CP2 of the TMBCS states that new development that is likely to generate a significant number of trips should:

- (a) be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres;
- (b) minimise the need to travel through the implementation of Travel Plans and the provision or retention of local services and facilities;
- (c) either provide or make use of, and if necessary enhance, a choice of transport modes, including public transport, cycling and walking;
- (d) be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated;
- (e) provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area; and,
- (f) ensure accessibility for all, including elderly people, people with disabilities and others with restricted mobility.

6.28 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.

6.29 This is consistent with the relevant policies of the Framework which state as follows.

6.30 Paragraph 102 of the NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

6.31 Paragraph 108 states 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.

6.32 Paragraph 109 of the NPPF states 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. Paragraph 110 goes on to state that within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – 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.

6.33 Paragraph 111 then sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

6.34 KCC (H+T) have made detailed representations in connection with this planning application concluding that the development would not give rise to an unacceptable highway impact in terms of capacity and safety and as such no mitigation is required to the local highway network to account for the traffic generation arising from the scheme. Members will note from the preceding discussion that policy TCA11 of the TCAAP requires that development of this site must incorporate provision for any necessary junction improvements at Vale Road and Vale Rise, subject to policy TCA12. On this basis, no such improvements are considered necessary to make this development in planning terms.

6.35 Similarly, the amount of car parking, access and on-site turning arrangements are all considered to be acceptable to serve the uses proposed.

6.36 Another focus of the KCC representations is on the technical arrangements of the new access onto Vale Road in order to serve the development and the works to the highway that will be required to facilitate provision of this access, including the relocation of on-road parking bays and yellow lines. These matters can be secured by planning condition and would also need to be subject to separate agreement between the developer and the Highways Authority.

6.37 It is accepted that the development is speculative in nature, which makes it immediately more difficult to compile a comprehensive and effective Travel Plan that would be fit for purpose for all future occupiers. Notwithstanding this, the

application is accompanied by a Framework Travel Plan which is intended to inform Travel Plan Statements which would be expected to be prepared by the individual occupiers. Additionally, each of the units will be served by electric vehicle charging points. Incorporation of these measures are acceptable in meeting the requirements set out above.

- 6.38 These factors combined, the technical representations made by KCC and the measures that can be secured by condition mean that no additional mitigation is required on the local highway network, in at the junction of Vale Road and Vale Rise (see policy TCA11 (u)) and the development accords with the relevant adopted policies and NPPF requirements.

*Flooding and drainage:*

- 6.39 Paragraph 6.2.29 of the TMBCS recognises that some redevelopment sites within the built-up areas, including in the central area of Tonbridge, are likely to be identified for redevelopment, or will come forward as windfalls, within areas which are at medium to high risk of flooding, such as this. In these cases, the TMBCS sets out that the economic, social, environmental and regeneration benefits of redevelopment have to be weighed, as part of the PPS25 sequential test (since replaced by the NPPF and the associated technical guidance), against the actual risk of flooding. In these locations it states that the aim should be, in consultation with the EA, to minimise and manage any flood risk in the detailed design of such developments. In association with this, policy CP10 states that within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk, where this is possible and compatible with other policies aimed at achieving a sustainable pattern of development. Development which is acceptable (in terms of PPS25) or otherwise exceptionally justified within areas at risk of flooding must:

- (a) be subject to a flood risk assessment; and
- (b) include an appropriately safe means of escape above flood levels anticipated during the lifetime of the development; and
- (c) be designed and controlled to mitigate the effects of flooding on the site and the potential impact of the development on flooding elsewhere in the floodplain.

- 6.40 The NPPF and associated technical guidance has replaced PPS25 as cited in the policy above.
- 6.41 The overall objective of the NPPF is to steer development towards areas of lowest flood risk. NPPF policy aims to ensure flood risks have been taken into account and appropriate measures put in place to ensure that:
- The development is safe;

- Where possible, the flood risk overall is reduced;
- Increased flood risk does not occur elsewhere; and
- Appropriate mitigation measures are employed to deal with these effects and risks

6.42 Paragraph 163 and footnote 50 of the NPPF outlines that a site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems; and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding

6.43 The EA Flood Map shows the site to be located partially within Flood Zone 3, 2 and 1; however, the site benefits from flood defence structures. The NPPF considers the vulnerability of different forms of development to flooding; and classifies the proposed development as ‘Less Vulnerable’.

6.44 The submitted FRA sets out that the proposal is for the removal of the existing hardstanding and construction of new warehouses and associated infrastructure. The finished floor levels of the proposed buildings are proposed to set above the maximum flood levels on site and therefore suitable to ensure no internal flooding. The proposed development layout and levels are designed to minimise impact on flood zone, where feasible, and provide flood compensation volume more than the required volume for 1 in 100 year event. The proposed flood compensation is level for level and provides more than the required volume of 15.72m<sup>3</sup> to 44.62m<sup>3</sup> in a 1 in 100 year event to provide a betterment in the 1 in 100 year design flood level (Appendix G of the submitted FRA). The details of the proposed development have been discussed and respective flood compensation volume and finished floor levels have been agreed with the EA (Appendix H of the submitted FRA). Therefore, the risk of flooding from fluvial and tidal sources would remain as low and the development can be considered acceptable in this respect subject to the imposition of conditions.

6.45 Paragraph 165 of the NPPF goes on to state 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
- d) where possible, provide multifunctional benefits.

6.46 Again, the FRA sets out in some detail the drainage strategy from the site, which is quite appropriate and this is reflected by the representations made by the EA and KCC (LLFA) in these respects. Ultimately, the conclusions reached are that the development can be undertaken in an acceptable manner subject to the imposition of appropriate conditions which have been reflected in the recommendation. Most recently, the applicant has sought to address the additional surface water drainage details KCC has requested to be addressed by condition given the impetus to ensure the development can come forward in a timely manner without multiple pre-commencement conditions placing an additional burden going forward. The details have been shared with KCC on that basis and any further comments will be reported to APC1 as a supplementary matter. For the time being, the conditions as requested by KCC in their representations have been carried forward in the recommendation.

*Ground conditions and land contamination:*

6.47 Paragraph 178 of the NPPF states 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.

6.48 Paragraph 179 makes clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner

6.49 Planning permission has already been granted for remediation works across the site under planning reference TM/19/01068/FL and those works have commenced on site. This permission allows for the excavation of contaminated soil and/or soil stabilisation using pumped sumps to extract contaminated ground water. The water is to be treated on site and the excavations will be backfilled with clean material. Subject to the development occurring in accordance with the approved remediation verification statement, it will comply with the requirements of the NPPF and this is supported by the representations made by the EA.

6.50 It should be noted that it is intended to incorporate the retention of remediated material on site which will form the platforms for the new development. This

approach is consistent with the Waste Management Plan for England which seeks to avoid off-site disposal of waste.

- 6.51 In these respects, the development is acceptable subject to the imposition of conditions.

*Air quality:*

- 6.52 Policy SQ4 of the MDE DPD only allows for development where the proposed land use does not result in a significant deterioration in air quality, does not result in the creation of a new Air Quality Management Area (AQMA), is not sited close to an existing harmful source of air pollution or impact on designated sites of nature conservation. The key issue in this respect for this development being to ensure that the development proposed in totality does not give rise to a deterioration in air quality.

- 6.53 The submission is accompanied by an Air Quality Assessment that addresses both construction and operational phases of the development. It is considered that during the construction phase, the risk of dust soiling and impact on human health has been assessed as "Medium-High". As such, mitigation measures are proposed to address these and these have been carried forward in the Construction Management Plan. These are accepted as appropriate and, again, should be secured by planning condition.

- 6.54 The Council's Environmental Protection Team, having scrutinised the submission have made representations setting out that the measures should be implemented during the construction phase in order to make the development acceptable. This can be suitably ensured by planning condition.

- 6.55 Otherwise, the assessment concludes that there would be a negligible impact on air quality arising from vehicle emissions once the site is operational. This is as a result of the location of the site itself (and distance from the nearest designated AQMA) and modelling of associated traffic movements used an air dispersion model.

*Ecology and biodiversity:*

- 6.56 Policy NE3 of the MDE DPD addresses impact of development on biodiversity, requiring that any impacts arising from development on biodiversity or the value of wildlife habitats be mitigated appropriately through planning conditions. More generally, paragraph 109 of the NPPF recognises that the planning system should contribute to and enhance the natural and local environment through a number of means and more specifically at paragraph 118 by requiring that when determining planning applications, LPAs aim to conserve and enhance biodiversity by applying a number of principles including mitigation of impacts where harm from a development is identified.

- 6.57 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.
- 6.58 The submitted Ecological Impact Assessment provides an assessment of the site and its immediate surroundings in order to establish any habitats of principle importance and the presence of any protected species. This has been subsequently supplemented by an Ecological Enhancement Plan (June 2020). Given the current condition of the site, it is not considered that there are any habitats of principle importance within the site or adjacent to it and as such no indication provided within the assessment that protected species would be impacted by the proposed development other than features being present that could be used by bats for roosting and foraging. The report concludes that the only additional survey or mitigation work required is in respect of bats where a suggestion is made to ensure lighting is kept to a minimum.
- 6.59 The Ecological Enhancement Plan references that the landscaping scheme for the site provides for some increased habitat provision on the site (albeit the above assessment acknowledges the opportunities for this to take place are limited), which is appropriate. In addition, bat boxes are proposed within the site itself. These measures taken together mean that the development accords with the relevant adopted policies and relevant NPPF paragraphs.

*Archaeological considerations:*

- 6.60 The majority of the site lies in an area of archaeological potential (AAP) for prehistoric and Roman remains. The application includes an Archaeological Report which provides a reasonable summary and on this basis the application is acceptable in this regard subject to an archaeological watching brief. This can be ensured by planning condition and again will avoid any harm arising in this regard.

*Renewable energy and sustainability considerations:*

- 6.61 Firstly, whilst I note that the adopted TMBCS and MDE DPD do contain policies in this respect, these are predicated on the South East Plan (revoked and no longer part of the development plan for some years now). As such, they cannot be said to be up to date for decision makings purposes now.
- 6.62 The NPPF is a material planning consideration and at paragraph 148 it states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

6.63 It goes on to state at paragraph 153 that in determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

6.64 The Council's draft Climate Change Strategy is not adopted for Development Management and decision making purposes. Members will be aware that all planning applications must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this case, the key material consideration is the NPPF. Once the draft Climate Change Strategy is adopted by the Council (in corporate terms rather than expressly for Development Management purposes), it will be a material consideration carrying some weight.

6.65 Nevertheless, with the thrust of the NPPF in mind, officers have taken the opportunity during the course of the application to test the sustainability measures proposed within this development which has resulted in an updated Energy and Sustainability Statement.

6.66 As set out earlier in this report, solar panels are proposed to be incorporated within the design. These, combined with passive design measures (the layout of the buildings and the utilisation of roof lights for example) provide for a reduction in emissions and energy consumption savings. Officers did request that the applicant investigate whether additional opportunities might be available, in particular whether green roofs could be incorporated into the scheme. The additional information sets out why it is considered this would not be the most suitable approach in this instance, including the fact that the insulating qualities of green roofs diminish if they are not kept watered (watering required for green roofs in periods of no rainfall result in the unnecessary use of a natural resource). Furthermore, a conventional building with an enhanced level of insulation and air tightness will not be subject to these effects and the insulating effect is greater and more consistent. In addition, the conventional design allows the installation of roof lights providing increased daylight and reducing the reliance of occupiers on artificial lighting.

6.67 Additionally, it is acknowledged that green roofs provide some storage capacity to reduce rainwater run-off. However, this would carry with it a significant volume of material in suspension and the drainage would need to be designed to ensure that material does not come out of suspension too early to prevent clogging of the drainage network. While increased planting impacts on carbon dioxide in the atmosphere, this ignores the processes and adaptations required to install the

roof. Significant increases would be required to the steel frame of the buildings which in turn increase the load on foundations requiring larger bases and additional excavation.

6.68 Whilst it was appropriate to require the applicant to investigate further opportunities, it is important to recognise that there are design credentials and technologies embedded into the design and construction of the buildings which is entirely appropriate and there is no adopted policy basis upon which we can rely to require the developer to do more. As such, it accords with the requirements of the NPPF in these respects.

6.69 Furthermore, a detailed Waste Management Plan sets out that specified targets and actions be incorporated into the construction phase of the development, as follows:

- Avoid the creation of waste in the first place;
- Re-use waste that is created as much as possible;
- Allow left over waste to be recycled elsewhere as much as possible, minimising the waste that ends up in a landfill
- 99% construction waste will be diverted from the landfill
- At least 95% of construction waste will be recycled
- 99% of arisings from the enabling process will be reused.

6.70 Again, this is all entirely appropriate and can be taken forward by condition.

Overall conclusions:

6.71 I conclude that the development proposed accords with the relevant policies concerned with matters of principle, it would bring back into use a long-standing vacant site and create job opportunities within the Borough. Similarly, and in all respects, the quality of the development is acceptable and meets the policy requirements and furthermore the technical and environmental impacts would not be harmful and can be suitably mitigated by planning conditions where necessary. I therefore recommend as follows:

**7. Recommendation:**

7.1 **Grant planning permission** in accordance with the following submitted details:  
Site Plan C-355-TP-02 D dated 02.06.2020, Proposed Plans and Elevations C-355-TP-04 B dated 02.06.2020, Transport Assessment Parts 1-4 dated 07.02.2020, Sections 19-046/420P1 dated 17.01.2020, Proposed Floor Plans C-355-TP-03-A dated 17.01.2020, Proposed Floor Plans C-355-TP-05-A dated 17.01.2020, Proposed Plans and Elevations C-355-TP-06 dated 17.01.2020,

Proposed Floor Plans C-355-TP-07-A dated 17.01.2020, Proposed Plans and Elevations C-355-TP-08 dated 17.01.2020, Ecological Assessment 18-1740.03 dated 17.01.2020, Planning Statement 20.01.14 R CC dated 17.01.2020, Materials Schedule External dated 17.01.2020, Management Plan dated 17.01.2020, Design and Access Statement C-355-3.1 dated 17.01.2020, Other Remediation Strategy dated 17.01.2020, Travel Plan dated 17.01.2020, Air Quality Assessment dated 17.01.2020, Noise Assessment dated 17.01.2020, Landscape Layout 802.10.02 dated 17.01.2020, Planting Plan 802.19.01 SHEET 1 OF 2 dated 17.01.2020, Planting Plan 802.29.01 SHEET 2 OF 2 dated 17.01.2020, Location Plan C-355-TP-01 dated 17.01.2020, Flood Risk Assessment 19-046R-003 REV2 dated 06.05.2020, Other construction management plan dated 11.05.2020, Sustainability Report 5505-08.06.20 dated 08.06.2020, Other Additional ecology measures dated 08.06.2020, Drainage Statement Maintenance dated 08.06.2020, Other Flood volume calculations dated 08.06.2020, Other Network calculations dated 08.06.2020, Other Outflow calculations dated 08.06.2020, Drainage Layout 19-046D\_300T1 dated 08.06.2020, 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 take place in strict accordance with the following plans and drawings:

Site Plan C-355-TP-02 D dated 02.06.2020, Proposed Plans and Elevations C-355-TP-04 B dated 02.06.2020, Sections 19-046/420P1 dated 17.01.2020, Proposed Floor Plans C-355-TP-03-A dated 17.01.2020, Proposed Floor Plans C-355-TP-05-A dated 17.01.2020, Proposed Plans and Elevations C-355-TP-06 dated 17.01.2020, Proposed Floor Plans C-355-TP-07-A dated 17.01.2020, Proposed Plans and Elevations C-355-TP-08 dated 17.01.2020, Materials Schedule External dated 17.01.2020, Landscape Layout 802.10.02 dated 17.01.2020, Planting Plan 802.19.01 SHEET 1 OF 2 dated 17.01.2020, Planting Plan 802.29.01 SHEET 2 OF 2 dated 17.01.2020, Location Plan C-355-TP-01 dated 17.01.2020,

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

- 3 The units hereby approved shall be used solely for B1(c), B2 or B8 purposes and for no other purpose (including any other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: In order that the development complies with the adopted Development Plan

- 4 All materials used externally shall accord with the approved plans and associated schedule of external materials.

Reason: In the interests of visual amenity.

- 5 The development hereby approved shall be constructed at the level indicated on the approved drawings

Reason: To accord with the terms of the application and to protect the amenities of the area and to prevent flood risk

- 6 Prior to first use of the development hereby approved, the existing vehicular accesses to the site shall be closed permanently.

Reason: To ensure the safe and free flow of traffic

- 7 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

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

- 8 The use hereby permitted shall not be commenced, nor the building(s) occupied, until the area shown on the approved plan number C-355-TP-02 Rev. D; vehicle parking, loading and off-loading and turning space to serve the associated use or building has been surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

Reason: To ensure that adequate parking is provided, and maintained and retained.

- 9 No external lighting shall be installed in connection with the development hereby approved until such details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details and maintained and retained at all times thereafter

Reason: In the interests of visual and rural amenity.

- 10 No materials, plant or other equipment of any description shall be kept or stored in the open.

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.

- 11 Prior to the commencement of the use of any individual unit hereby approved, details of any associated trade counter to be incorporated into that unit shall be submitted to and approved by the Local Planning Authority. The details shall include floor plans showing the location and floorspace of the trade counter relative to the overall unit and an associated statement explaining how the trade counter would operate relative to the overall unit. The unit shall thereafter be operated in strict accordance with the approved details.

Reason: To prevent the development being used for A1 retail purposes contrary to the requirements of the National Planning Policy Framework 2019 given that the site occupies an out of town location.

- 12 No fans, louvers, ducts, meter boxes, plant or other similar apparatus shall be installed externally at any point on the buildings other than as hereby approved.

Reason: To maintain the quality of the development and the interests of amenity.

- 13 Prior to the first occupation of the development hereby approved, car charging points shall be installed in accordance with the approved plans referenced C-355-TP-02 Rev. D; and shall thereafter be maintained and retained in accordance with the approved details.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with national objectives.

- 14 The development hereby approved shall be undertaken in strict accordance with the measures and recommendations set out in the Construction Management Plan prepared by Glencar Construction

Reason: In the interests of amenity and highway safety.

- 15 The development hereby approved shall be undertaken in strict accordance with the measures and recommendations set out in the Noise Impact Assessment prepared by TRC Companies Ltd dated December 2019

Reason: In the interests of amenity.

- 16 The development hereby approved shall be undertaken in strict accordance with the measures and recommendations set out in the Flood Risk Assessment prepared by Bradbrook Consulting dated May 2020

Reason: In the interests of flood prevention.

- 17 The development hereby approved shall be undertaken in strict accordance with the measures and recommendations set out in the Remediation and Verification Strategy prepared by Delta-Simons Environmental Consultants Ltd dated July 2019

Reason: In the interests of pollution prevention.

- 18 The development hereby approved shall be undertaken in strict accordance with the measures and recommendations set out in the Air Quality Assessment prepared by TRC Companies Ltd dated December 2019

Reason: In the interests of amenity.

- 19 The development hereby approved shall be undertaken in strict accordance with the measures and recommendations set out in the Ecological Walkover Survey prepared by Delta-Simons Environmental Consultants Ltd dated April 2019 and updated Ecological Management Plan dated June 2020;

Reason: In order to protect and enhance biodiversity across the site.

- 20 The scheme of hard and soft landscaping and boundary treatments, including the retaining walls shown on the approved plans referenced C-355-TP-02 Rev. D, 802.10.02, 802.29.01 and 802.19.01 shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. 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.

Reason: In the interests of visual amenity

- 21 The development hereby approved shall be undertaken in strict accordance with the measures and recommendations set out in the Transport Assessment and Travel Plan Framework prepared by Mode Transport Planning.

Reason: In the interests of highway safety and to encourage sustainable modes of travel to and from the development.

- 22 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

Reason: 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.

- 23 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.

Reason: 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

- 24 Prior to any piling works (if required) a Piling Risk Assessment shall be submitted to, and approved in writing by the Local Planning Authority. The Piling Risk Assessment shall be written in accordance with the Environment Agency guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73". The development shall be carried out in accordance with the approved details.

Reason: 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.

- 25 (a) No above ground development shall begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved by the local planning authority. The detailed drainage scheme shall demonstrate that both the rate and volume of run-off leaving the site post-development will be restricted to that of the existing site, with the rate of runoff for any rainfall event agreed in advance with Southern Water and TMBC (for all storms up to, and including, the climate change adjusted 100yr critical storm).

(b) 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 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:

- i) a timetable for its implementation, and
- ii) 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 the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions.

- 26 No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is

submitted to and approved by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including 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

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

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.

- 27 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 for that phase, 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; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

- 28 Following completion of the approved remediation strategy, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation

scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved. Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health

- 29 A monitoring and maintenance scheme to include monitoring the long term effectiveness of the approved remediation strategy and the provision of regular reports on the same must be prepared for the submission to the Local Planning Authority for information purposes.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority for information purposes.

Reason: In the interests of amenity, public safety and human health.

- 30 If during construction works items or features of archaeological and historic importance are discovered, all development shall cease. It will then be necessary for the applicant, or their agents or successors in title, to secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be submitted to Local Planning Authority immediately on discovery of any historic item or feature for approval and works subsequently undertaken shall be in strict accordance with the approved brief.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

**Informatics:**

- 1 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

- 2 Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

- 3 Contaminated soil that is (or must be) 'disposed of as waste. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, in line with British Standard BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
- 4 If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with the Environmental Agency as a hazardous waste producer. Please refer to the hazardous waste pages on gov.uk (i.e. (<https://www.gov.uk/dispose-hazardous-waste/producers-and-holders>) for more information.
- 5 The Environment Agency recommends that developers should refer to: The Position statement on the Definition of Waste: Development Industry Code of Practice and;

The Environmental regulations page on www.gov.uk. Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991,
- Hazardous Waste (England and Wales) Regulations 2005,
- Environmental Permitting (England and Wales) Regulations 2010,
- The Waste (England and Wales) Regulations 2011.

- 6 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](mailto:addresses@tmbc.gov.uk). To avoid difficulties, for first occupiers, you are advised

## Area 1 Planning Committee

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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: Emma Keefe