

Reference number: 15/510179

Paragraph 8.32 of the Committee report should refer to up to 65 dwellings rather than 60 dwellings.

Additional Consultee responses

Environment Agency (25 July 2016)

No objection to the proposed development but recommend that additional conditions and informatives be included in any permission granted. In summary these relate to the following :

Conditions

- Contamination, including remediation strategy, verification report and dealing with previously unidentified contamination.
- No drainage system for infiltration of surface water into the ground shall be provided until it has been demonstrated that there is no risk to controlled waters.

Informatives

- Foul sewage
- Infiltration drainage
- Waste to be taken off site
- Guide for developers

Officers response

Matters relating to contamination are dealt with in Conditions 11 and 12 of the Committee Report and at Section 11.0. These conditions are considered to suitably address the Environment Agency comments.

An additional condition is proposed to deal with infiltration, this is set out below.

The informatives suggested are to be added to those set out in the Committee report and are set out in detail below.

Kent Highways (25 July 2016)

“Thank you for obtaining further information regarding this application. I note that it is intended that the on-site access roads will remain private and that any potential parking by commuters will be enforced by a private management company. I am also grateful for the cross section provided along the length of the car ramp access. It is noted that this ramp will entail gradients exceeding the standards required in Kent Design (1:15 max) where there is proposed to be 3m of ramp at a gradient of 1:12 and 4m of ramp at a gradient of 1:6 (incidentally these gradients are shown correctly on the plan but incorrectly transposed on the long section).”

Whilst the roads are not intended for adoption it is considered that effective management of the roads both for enforcement and maintenance is required, including at appropriate times gritting of the access ramp to ensure that access to the parking areas is continued. The overall ramp length is ~ 25m and the installation of salt bins may be helpful.

On behalf of the highway authority I write to confirm that I have no objection to this application. The proposed development generates fewer trips than would be permitted, without planning permission, from the existing site uses. Should this application be approved I would recommend that the essence of the following conditions are included in any approval notice.

- 1. Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.*
- 2. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.*
- 3. Provision of measures to prevent the discharge of surface water onto the highway.*
- 4. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.*
- 5. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.*
- 6. 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”.*

Officers response

Points 1, 2 and 4 are addressed in Condition (21) as set out in Section 11.0 of the committee report.

Point 5 is addressed in Condition (2) as set out in Section 11.0 of the committee report.

It is proposed to amend Condition (2) to include reference to vehicle loading/unloading and turning facilities to address point 6.

To address point 3, it is proposed to amend condition (20) to include reference to prevent the discharge of surface water onto the highway.

Condition (19) is proposed to be amended to include details of road maintenance to ensure that access is available into the site at all times.

Additional comments received from Cllr Harwood

“I am a little concerned that the proposed conditions for the residential application at 5 Tonbridge Road are not as detailed or expansive as is usual for outlines.

For example, at paragraph 8.51 on page 92 of the Committee report there is reference to the detailed points I raised in relation to landscaping and a statement that “It is considered that these requests would be acceptable and could be dealt with by condition in order to improve the site in terms of landscaping and ecological potential”. However, this does not appear to be the case e.g. no condition re. swift bricks, no specific specification in relation to continuing the phased introduction of ‘air pollution scrubbing’ lime trees along Tonbridge Road etc.

Further, standing conditions which we normally attach to residential applications, such as renewable energy generation and ensuring gaps under boundary fencing to facilitate ecological networks, are not referenced.

From a design perspective I also suggest that greater detail on the approach we will demand in terms of design approach to the proposed apartment and house elevations and materials when a detailed scheme comes forward is strongly advisable on such a key gateway into the town centre”.

Officers comments

The provision of swift bricks is set out in Condition 5 of the Committee report at Section 11.0. Renewable energy is dealt with by Condition 9, together with condition 17 relating to EV charging points.

Matters relating to air pollution are addressed in conditions 14-16. It is proposed that a reference to air pollution scrubbing lime trees is including as part of condition 16 relating to a scheme to offset emissions.

To facilitate ecological networks it is proposed to amend Condition (6) to ensure gaps under boundary treatment. It is also proposed to add an additional condition to provide on-site ecological enhancements.

With regard to the detailed design, there are a number of approaches that could be taken by the developer on this site. The surrounding street scene presents a mix of materials, vernacular and design. So not to unnecessarily influence the design as set out in Section 7 of the NPPF, it is not considered that prescriptive design solutions should be included within the conditions. However it is considered that the development should promote or reinforce local distinctiveness and should ensure high quality design. An informative is therefore suggested to advise the applicants to engage in pre-application advice and the establishment of a development delivery group to discuss the detailed scheme prior to submission of reserved matters, to include Ward Members and an invitation to the Planning Committee chairman and political group spokesmen.

Proposed changes to conditions outlined at Section 11.0 (changes in bold)

Amend condition 2 to include provision of on-site . This shall now read :

*The details submitted in pursuance of Condition 1 shall show adequate land, reserved for parking or garaging, **loading, off-loading and turning space** to meet the needs of the development. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to this reserved parking area.*

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity.

Amend condition 6 to include the provision of gaps to allow for ecological networks :

*Prior to the development reaching damp proof course level, details of all fencing, walling, railings and other boundary treatments that **shall include provision of***

gaps under boundary fencing to facilitate ecological networks, have been submitted to and approved in writing by the Local Planning Authority, approved details shall be in place prior to first occupation of the relevant residential unit and maintained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development, to safeguard the enjoyment of their properties by existing and prospective occupiers **and to facilitate local ecological networks**.*

Amend condition 16 to include the provision of air pollution scrubbing lime trees :

*Prior to the commencement of development a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development to reduce transport related air pollution from the development both during the construction phase and when in occupation. The scheme should be submitted to and approved by the Local Planning Authority with the approved scheme implemented in full prior to first occupation of the development and maintained as such thereafter. [The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy - using the planning system to reduce transport emissions January 2010.] **The measures shall include the phased introduction of air pollution scrubbing lime trees along Tonbridge Road.***

Reason: To ensure that the development does not exacerbate poor air quality and provide mitigation. Details are required prior to commencement to ensure that adequate compliance and implement methods can be provided.

Amend condition 19 to include details of maintenance of the private road, this shall read :

*Prior to first occupation details shall be submitted to the Local Planning Authority of a scheme for parking enforcement measures within the development **and maintenance measures for the internal road (which shall include the provision of salt bins)**. These measures shall be carried out in accordance with the approved measures prior to first occupation and maintained as such thereafter.*

Reason: To prevent misuse of the site for commuter parking and ensure access to the site to reduce the potential for overspill of vehicles onto the highway.

Amend condition 20 to include provision to prevent the discharge of surface water onto the highway :

*Prior to the commencement of development a sustainable surface water drainage scheme, shall have been submitted to and approved in writing by the local planning authority. The surface water scheme should be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015) **and shall prevent the discharge of surface water onto the highway**. The scheme should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site. The scheme shall be implemented in accordance with the approved details prior to first occupation and maintained as such thereafter.*

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system.

Proposed additional conditions

The details pursuant to Condition 20 shall demonstrate that drainage systems would not allow the infiltration of surface water drainage into the ground. The development shall be carried out in accordance with the approved details.

Reasons: Infiltration through land contamination has the potential to impact on groundwater quality and unacceptable risk to controlled waters. The application form states that surface water will be disposed of via SuDs (which may include infiltration) and mains sewer.

Prior to development commencing, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings by means such as swift bricks, bat tube or bricks and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals prior to occupation and shall be maintained in perpetuity.

Reason : To protect and enhance existing species and habitat on the site in the future and ensure that the enhancement methods can be successfully implemented prior. During or post development. This information is required prior to commencement as any site works have the potential to harm any protected species that may be present.

Additional informatives

- The Environment Agency advises that foul sewage must connect to mains. If no foul sewer is available, the Environment Agency advise the applicant to refer to their Pollution Prevention Guidelines (PPG) 4: Treatment and Disposal of Sewage which can be found at: <https://www.gov.uk/permits-you-need-for-septic-tanks>

The Environment Agency advises that the granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will be granted where the risk to the environment is acceptable. Applicants must assess the environmental impact of their proposal to demonstrate an acceptable environmental outcome at the site.

- The Environment Agency advises that the following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:
- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.
- No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.
- A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
- The Environment Agency advises that contaminated soil is, and must be disposed of, as waste. The handling, transport, treatment and disposal of contaminated soil is 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
 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization 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.
- The Environment Agency advise that if the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with the Environment Agency as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.
- The Environment Agency Guide for Developers is designed to give practical advice on the environmental issues that may affect sites and provides some examples of sites where good practice has already been applied. Some of the topics covered in the guide include, Green Roofs, using water wisely, wildlife & green space, managing waste and land affected by contamination. You can find this guide and links to further information at: <https://www.gov.uk/government/publications/planning-a-guide-for-developers>
- The applicant is advised that prior to the submission of a reserved matters scheme, pre-application advice should be sought and a development delivery group established to discuss the detailed scheme, The development delivery group shall include Ward Members with an invitation to the Planning Committee chairman and political group spokesmen.

Recommendation : Grant planning permission as set out in Section 11.0 of the report subject to the amendments set out above.