

REPORT SUMMARY

| | | |
|--|--|--|
| REFERENCE NO - 14/0502 | | |
| APPLICATION PROPOSAL Erection of single storey retail unit with parking, loading bay facilities and associated works as shown on Decommissioning Report, Transport Statement, Design & Access Statement and drawing no. 193-200P3 received 28/03/14, drawing nos. 193-401P3, 402.P3 & 300P3 received 19/05/14, drawing no. A084724_TS02 Rev B received 28/05/14, Stage 1 Safety Audit received 02/06/14, drawing nos. 193-110.P4 & 100.P8 received 05/06/14, and e-mail from agent and drawing nos. A084724_TS01 Rev B & A084724_TS03 Rev C received 25/06/14. | | |
| ADDRESS Former BP Filling Station, 531, Tonbridge Road, Maidstone, Kent, ME16 9LN | | |
| RECOMMENDATION | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent. | | |
| REASON FOR REFERRAL TO COMMITTEE Councillor Black wishes to see application refused and reported to Committee. | | |
| WARD Fant Ward | PARISH COUNCIL Maidstone | |
| DECISION DUE DATE 22/08/14 | PUBLICITY EXPIRY DATE 11/07/14 | |
| RELEVANT PLANNING HISTORY: | | |

- MA/08/0352 - Erection of 6 dwellings – Approved with conditions
- MA/07/2134 – Erection of 6 dwellings – Refused

Land to rear of proposal site

- MA/12/0825 - Application to replace extant planning permission MA/08/2384 to allow further 3 years to implement development – Approved with conditions
- MA/08/2384 - Erection of 14 residential units – Approved with conditions

MAIN REPORT

1.0 Site description

- 1.01 The proposal site relates to the former BP petrol station (with a retail element) on Tonbridge Road that has been vacant for approximately 7 years. The site is within the defined urban area and is located some 115m to the north-east of the crossroads where Tonbridge Road meets Farleigh Lane and Fountain Lane. The site is relatively flat and is largely of hardstanding enclosed by temporary metal mesh fencing. Tonbridge Road is a classified 'A' road and the site does benefit from an existing vehicle access onto this highway, although this to be amended as part of

this application. There are parking restrictions on either side of the road; and there is a pedestrian safety island some 15m to the south-west of the site.

- 1.02 Elmstone Lane runs along the north-eastern boundary of the site; and the site is largely surrounded by residential properties of differing scale, design and age. The land to the rear of the site is occupied by disused commercial premises, but is subject to an extant planning approval (MA/12/0825) for 14 dwellings. Both proposals would use the same vehicle access from Tonbridge Road.
- 1.03 To the north-west of the application site is a terrace of Grade II listed dwellings (432 – 450 Tonbridge Road); and on the corners of the already mentioned crossroads, there is an Indian restaurant (currently closed), a bank and a newsagents. In terms of the wider area, and as designated by the Maidstone Borough-Wide Local Plan 2000, there is the Cherry Tree Local Centre on Tonbridge Road that is some 220m to the north-east of the site; and the Marlborough Parade Local Centre on Beverley Road that is some 500m to the west of the site.

2.0 Proposal

- 2.01 The proposed development is for the erection of a detached retail unit with associated parking. The proposed convenience store would be a single storey building with an overall footprint of 364m². 276m² of this floor area would be given over to the retail sales area with the remaining floor area being used for storage and staff accommodation.
- 2.02 Set in-line with the properties to the immediate south-west of the site, the proposed unit would have its customer entrance facing onto Tonbridge Road; and would have full length glazed elements to its north-western (front) and north-eastern elevations. The proposed unit would have a flat roof with metal coping; it would stand some 4m in height from ground level; and in terms of finishes, the building would be largely of timber cladding with silver/grey metal cladding panels on a brick plinth.
- 2.03 The proposal would provide 9 car parking spaces and 4 bicycle parking spaces, with access from Tonbridge Road; and the building is intended to achieve a minimum of Good in terms of the BREEAM standard.
- 2.04 The proposed opening hours for the unit would be 07:00-23:00 Monday – Saturday, and 07:30-22:30 Sunday and Bank Holidays. In terms of deliveries, the applicant has explained that the proposed occupier would generally receive four deliveries per day in the mornings (except Sundays), for newspapers (small van), bread and milk (rigid lorry), and general deliveries (arctic or rigid lorry). It is believed that on a Sunday there is usually only the newspaper delivery.
- 2.05 General waste collection would be during store opening hours, and managed by Biffa Waste Service's (usually collected 3 times a week); and 'special' waste collections (such as confidential and hazardous waste), are handled under different Biffa services. The collections are made by

entering the store for the bins which are residential in size, with the empties being returned in to the store. The agent has assured me that at no time would there be any bins left outside of the store on the pavement.

3.0 Policies and other considerations

- Development Plan 2000: ENV6, ENV21, ENV49, T13, R1, R3, R10
- National Planning Policy Framework
- Planning for Growth Ministerial Statement (March 2011)
- National Planning Practice Guidance
- Draft Local Plan policies: SP2, DM1, DM4, DM17, DM20

4.0 Local representations

4.01 10 neighbours have made 13 representations raising objections on grounds of;

- Highway safety/parking provision
- Unsociable behaviour and general noise and disturbance
- Proliferation of convenience stores in area
- Design
- Use site for residential development
- Impact on local businesses

4.02 A petition with approximately 270 signatures has also been submitted raising objection on the grounds of highway safety and there being a proliferation of convenience stores in the area.

5.0 Consultations

5.01 **Councillor Black:** Wishes to see the application refused and reported to Planning Committee;

"Currently there are 3 Tescos, 6 corner shops and 3 supermarkets all within a 2 mile radius. There is also residents concern about traffic congestion within the area, congestion is a problem especially on the Tonbridge Road mid morning, lunch time and in the evening. With the Hermitage Lane proposals further congestion will occur to the consternation of the local residents. For this reason I, together with Cllr's Paine and Vizzard have concerns about the unloading of large lorries just off the pavement and this will compound the problems and traffic chaos."

5.02 **KCC Highways Officer:** Raises no objections;

5.03 **Conservation Officer:** Raises no objection on heritage grounds.

5.04 **Landscape Officer:** Raises no objection on arboricultural grounds;

5.05 **Environmental Health Officer:** Raises no objections.

5.06 **Environment Agency:** Raises no objection.

6.0 Background information

- 6.01 Pre-application advice was sought by the applicant in January 2014, and I did advise the applicant to carefully consider the design of the building (in particular the two most prominent elevations), and to include with any submission a detailed analyse of the impact of the proposal on the local highway.

7.0 Principle of development

- 7.01 The NPPF seeks to encourage and support sustainable economic growth, and does state that significant weight should be placed on the need to support economic growth through the planning system. It also goes on to state that when considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

- 7.02 In terms of the MBWLP, the two main (saved) retail policies of relevance to this proposal are R1 and R3. The retail unit would not exceed 500m² of gross floor space and so policy R2 is not relevant. Saved policy R1 states that retail development would be permitted in the defined urban area provided that (in summary);

- *The proposal does not threaten the overall economic vitality and viability of established retail centres;*
- *There are no highway safety objections, adequate access and parking; and the site is easily and safely accessible by a reasonable choice of modes of transport (including by people with disabilities);*
- *There is no significant adverse impact on neighbouring land uses or residential amenity.*

- 7.03 Saved policy R3 of the MBWLP states that retail development that would undermine the vitality and viability of the town centre would not be permitted. The applicant has not submitted a detailed sequential/impact assessment with this application, measuring the impact of the proposal on Maidstone town centre's vitality and viability. However, under saved policy R2 of the MBWLP, this would only be a requirement if the proposed retail unit would exceed 500m² of gross floorspace, which this unit does not; and likewise, the NPPF does not consider an impact assessment for a retail unit of this scale is necessary.

- 7.04 The proposal is also in line with the emerging Maidstone Borough Local Plan, in that it would redevelop an appropriate brownfield site within the defined urban area; it would enhance the character of the local area; and it would help support the local economy.

- 7.05 There is policy support for A1 development of this size in this location on a brownfield site, and I am satisfied that the principle of this development is acceptable and in accordance with the Development Plan and the NPPF. However, clearly the details of the scheme must be appropriate in terms of its design and appearance; its impact on the pattern and grain of development in the surrounding area; and in terms of its impact on the amenity and vitality of the surrounding area. The remainder of this

report will assess these issues and set out why I consider the detail of the proposed development to be acceptable.

8.0 Design, siting and appearance

- 8.01 This brownfield site was previously in use as a petrol station, and largely given over to hardstanding, and the usual associated paraphernalia including the large canopy, free standing totem adverts and generic sales building. Whilst not unusual to see in the urban area, a petrol station does not generally enhance the character of the area. Since this time, this prominent site has been a vacant, rather untidy site for several years and in my view this proposal would improve the visual amenity of the area when compared to its previous use and current condition.
- 8.02 There is no uniform pattern of existing built development for this proposal to adversely effect, as the application site is surrounded by built development of differing scale, design and age; and the proposed building would respect and be read in context with the building line created by the terrace to the immediate south-west of the site. Moreover, the scale and height of the building is not out of keeping with the varied character of the road hereabouts. I am therefore satisfied that the proposal would not have a detrimental impact on the pattern and grain of development within the surrounding area; and I do not consider the proposed retail unit to be of an excessive scale.
- 8.03 The proposed retail unit would front onto Tonbridge Road, and would have two prominent elevations (north-western & north-eastern). In my view, the mixed palette of materials and the full length glazed panels in both elevations would break up the building and provide a good level of visual interest. Indeed, the brick plinth would put the building into context with the surrounding area; and the use of metal and timber cladding would provide a modern contrast to the building, whilst relating well with the appearance of the approved residential development to the rear of the site. The glazed panels would also help give the sense of having two active frontages, and the metal coping would provide a good finish to the flat roof. I am also satisfied that the housing for the plant equipment would be appropriate and provide some vertical emphasis to the building. To ensure a satisfactory appearance to the proposal, a pre-commencement condition for details of external materials has been duly imposed.
- 8.04 The proposed parking area would be adjacent the side of the building and therefore visible from public vantage points. This said, I am of the view that it would be no more visually harmful than a forecourt of a petrol station, and there is the opportunity to provide soft landscaping to the front of the parking area (to be ensured by way of condition), to soften and enhance the scheme. The planting area to the front of the parking area could reasonably accept 2 native trees planted within the bed, such as Hornbeam (*Carpinus betulus* 'Columnaris') and I consider it reasonable to impose this by way of condition. Indeed, this would ensure some height and interest to the planting scheme without interrupting the accepted visibility splays. To confirm that there are no protected trees

on, or immediately adjacent to this site; and there are no significant trees which would pose a constraint to the development proposal. The use of informal block paving for the parking bays and appropriately chosen boundary treatments (again to be ensured by way of condition) would also help achieve suitable scheme for this location.

- 8.05 I am therefore of the view that this is an acceptable development that would not appear out of context, cramped or visually incongruous within the setting and character of the wider area, but a cohesive development in terms of its visual integrity.

9.0 Residential amenity

- 9.01 533 Tonbridge Road would be the neighbouring property to south-western boundary of the application site. Except for the entrance door, there are no openings in this property's main flank wall to be adversely affected by this proposal. To the rear, there is a ground floor living room window, a first floor bedroom window, and a first floor bathroom window (non-habitable room) facing rearwards; and a kitchen window facing onto the shared boundary with the application site. The proposed building would be a minimum of 2.4m away from this neighbour; the southern corner of the building would dog-leg away from the shared boundary to provide further relief to the neighbouring occupants; and the two sites would be separated by a 1.8m high close boarded fence. Moreover, there are no openings along the side elevation of the proposed unit and no deliveries/refuse would be taken in and out of the site between the two buildings. The proposal, given its height, design and separation distance from 533 Tonbridge Road, would not cause a significant loss of light to any opening serving a habitable room, and neither would it appear overbearing to the occupants internally or externally.
- 9.02 527 & 529 Tonbridge Road and 2 Elmstone Lane are the nearest neighbours to the east/south-east of the proposal site. In my view, the proposal would cause no more significant levels of disturbance to the occupants of these properties than the previous use of the site as a petrol station and raise no objection here on amenity grounds.
- 9.03 To the rear of the site, there is an extant planning permission (MA/12/0825) for a residential development; and the closest building to this proposal would be two storey and consist of 2 apartments (one on each floor). This building would have no openings in its flank wall to be adversely affected by this proposal; there would be a 1.8m high close boarded fence separating the two buildings to provide acceptable levels of privacy at ground floor level; and the design, scale and orientation of the proposed building in relation to the apartment building would ensure that the retail unit would not appear overbearing on future occupants. Again, no deliveries/refuse would be taken in and out of the site between the two buildings, further ensuring the amenity of future occupants. No other residential property would be adversely harmed by this proposal.
- 9.04 The proposed retail element, putting it into context, is of a small-scale and it is not unusual to find development like this in the urban area, especially

along major roads in and out of Maidstone. I am of the view that the extra vehicle movements created by this small-scale development would not result in a further significantly harmful level of noise and disturbance to local residents when you consider that Tonbridge Road is a busy 'A' road generating its own noise; and that the site was previously in use as a petrol station with its own shop. I am also satisfied that the proposed opening hours of 07:00-23:00 Monday - Saturday and 07:30-22:30 Sunday and Bank Holidays (with no deliveries to be taken or dispatched outside of these hours) is reasonable and in line with other retail units of this scale in and around Maidstone. These hours will be restricted by way of condition.

10.0 Environmental health implications

- 10.01 Given that the site is a former petrol filling station located over a Principle Aquifer on Hythe formation geology, the Environment Agency does not consider the submitted information to be sufficient in order to satisfy the requirements of assessing all potential risks to controlled Waters. This together with the fact that members of the public will be working on site, I do consider it reasonable to impose the relevant land contamination conditions as recommended.
- 10.02 The plant enclosure would be sited on the roof of the building, and there is justified concern that the noise/vibrations from this and other equipment such as refrigeration units and air conditioning units could have the potential to have an adverse impact on the amenity of local residents. To ensure no significant harm is caused to the living conditions of local residents, the relevant pre-commencement condition will be duly imposed.
- 10.03 In order to prevent unacceptable light pollution, a pre-commencement condition will be imposed requesting details of any lighting to be placed or erected within the site.
- 10.04 The agent has provided details of facilities for the separate storage and disposal of waste and recycling generated on the site, as set out in paragraph 2.05 of this report, and I am satisfied that this waste management policy would ensure the well being and safety of local residents and customers.
- 10.05 After seeking advice from the Environmental Health Officer, it is not considered necessary to request further details in terms of air quality.

11.0 Highway safety implications

- 11.01 The proposal would be easily and safely accessible by a reasonable choice of modes of transport (including by people with disabilities). Indeed, the proposal site is not in an isolated location; there is a bus stop on either side of the road within close proximity to the application site; Tonbridge Road is subject to a 30mph speed limit in the vicinity of the site; and there are footways each side with a pedestrian refuge approximately 30m to the west of the site. In addition, there will be the provision of tactile paving at the existing pedestrian island to the west of the site on

Tonbridge Road (to be ensured by way of a S278 agreement); and in order to give priority to pedestrians crossing the junction at the site access a vehicle crossover is provided instead of a Bell mouth entrance. A shared surface access to the site will also be provided without a kerbed footway in order to allow sufficient space for a HGV accessing the residential site to pass a car. I would add that crash data has been sourced for the latest 3 year period and the KCC Highways Officer is satisfied that there is no remedial action required as a result of this proposal.

- 11.02 There are parking restrictions each side of Tonbridge Road outside the site and opposite the site ('No Waiting at Any Time'); and the proposal would include the creation of a loading bay outside the site on the public highway (to be ensured by way of a S278 agreement), as there would not be sufficient space within the site for delivery vehicles to turn round. The Highways Officer is concerned that parking will occur in the lay-by when deliveries are being made, potentially leading to congestion and safety problems along Tonbridge Road. As such, the applicant is expected to obtain an appropriate Traffic Regulation Order (TRO) in that area for daytime loading restrictions on the carriageway. The Council's Parking Services have commented that unlawful parking in the lay-by could be enforced against, but that there is still the potential for cars to park in the lay-by when Enforcement Officers are not in the vicinity. In my view, the majority of drivers obey the rules of the road and it is unreasonable to refuse this application on a small minority of people that may break the law when wanting to visit this retail unit. The Highways Officer has also raised no objection on this issue.
- 11.03 In terms of the timing and frequency of deliveries, it is estimated that up to 6 deliveries could occur per day; comprising one depot delivery (rigid delivery vehicle); up to three bread deliveries (rigid delivery vehicle); one milk delivery (rigid delivery vehicle); and one newspapers and magazines delivery (panel/box van). In addition, it is thought that one weekly cigarettes delivery would take place (rigid delivery vehicle). Whilst the exact timings of the deliveries are not known at this stage, it is anticipated that the majority of deliveries would take place in the morning with subsequent daily deliveries taking place later in the day. The final delivery schedule would be dependent on the final operator at the site. Whilst I have no objection to the predicted level and type of daily delivery, to ensure in reality that the number and level of deliveries to the site are acceptable in highway safety terms, I consider it reasonable to impose a pre-commencement condition asking for a site-specific 'Servicing Management Plan' that would include a detailed delivery schedule.
- 11.04 The proposal would provide 9 off-road parking spaces for motor vehicles; and the duration of the parking for this proposal is not likely to be for a full hour but more likely to be in the region of 15 minutes duration. The applicant has therefore provided a parking accumulation survey for 15 minute intervals in order to check the adequacy of the parking provision. This is based on the outcome of a TRICS assessment in accordance with industry-standard best practice, and the Highways Officer has accepted the validity of the data shown. The figures show that on weekdays

between the times of 11:00-11:15 and 15:15-17:00, the parking accumulation for A1 food retail is 10-11, but for all other times it is a maximum of 9. Submitted figures taken on a Saturday indicate that the parking accumulation would not exceed 9 at any time. As set-out, there may be certain times when the demand for parking spaces is in excess of availability. However, this is in no way likely to be the majority of the time, and in my view it would not result in a highway safety concern, especially when there is unrestricted on-street parking available within close proximity to the site (less than 20m away to the north-east of the site along Tonbridge Road).

- 11.05 Furthermore, the traffic generation for the proposed food store has been estimated using TRICs and compared to that which would be generated by the petrol filling station (previous use). The results indicate that the food store would generate 88 car trips (2-way) during the weekday peak period and this would be an increase of 11 trips over that generated by the petrol filling station. The Highways Officer is satisfied that this is not considered to be a significant increase over an hour, and raises no further objection in this respect. In addition, information has been received about the estimated number of traffic movements likely to be generated by the residential development (MA/12/0825) yet to be built to the rear of the site that will use the same access from Tonbridge Road. I am satisfied that the proposed access, serving both the residential development and the houses behind would not be over intensively used, and the Highways Officer has also raised no objection to this use. I am of the view that the proposal would not result in significant further pressure on the highway, given the small-scale nature of the store and because the majority of visits to the store would be linked or pass-by trips and local trips on foot.
- 11.06 The applicant has demonstrated acceptable visibility splays at the site access junction onto Tonbridge Road (2.4m x 43m); and from the store car park to the south, towards the access to the extant residential development approved under MA/12/0825 (2.4m x 50m). A condition will be imposed to ensure their provision and maintenance prior to the use of the site commencing.
- 11.07 The proposed development would provide 4 bicycle parking spaces within the site which is in line with the minimum requirements set out in the Kent & Medway Vehicle Parking Standards (1 space per 200m²). This provision will be ensured by way of an appropriate condition.
- 11.08 To enable the delivery bay to be provided, the existing footway would be diverted into what is currently the applicants land and this would then be adopted to become publicly maintainable highway. KCC Highways would not wish to adopt a footway with an overhanging canopy as proposed, and so this feature of the building has been removed.
- 11.09 The applicant has completed and submitted a stage 1 safety audit on the proposed access, lay-by and pedestrian facilities, and the Highways Officer has raised no further issues with this information.

- 11.10 The proposed access and parking/turning areas will be complete before the commencement of the proposed use, ensured by the relevant condition.
- 11.11 With everything considered, I am of the view that the proposal would be in line with Development Plan policy and the NPPF, in that there would be adequate access and parking, and raise no highway safety objections.

12.0 Impact on vitality and viability of area

- 12.01 As previously explained, a detailed sequential/impact assessment that measures the impact of the proposal on Maidstone town centre's vitality and viability is not required because the retail unit would not exceed 500m² of gross floorspace (as stated in policy R2 of the MBWLP). This is in accordance with the NPPF.
- 12.02 Saved policy R1 of the MBWLP states that retail development will normally be permitted in the defined urban area provided that the proposal would not threaten the overall economic vitality and viability of established retail centres.
- 12.03 The Cherry Tree Local Centre on Tonbridge Road has an estate agent, fish and chip shop, a public house, Premier food and wine store, newsagent, chemist, florist, dry cleaners, hairdressers and dentist; and Marlborough Parade Local Centre on Beverley Road has a Nisa Local, funeral director, hairdresser and florist. In addition, there is a newsagent at the Tonbridge Road/Fountain Lane crossroads; and 2 Tesco Express stores (one some 640m to the east of the site on Tonbridge Road, and one some 800m to the north of the site on Hermitage Lane). I do not consider this to be an over proliferation of A1 premises in an area that is densely populated and this site did previously have a retail element when it was a petrol station. Putting it into context, this is not a large retail development but a local convenience store sized unit that is intending to largely serve the surrounding residential area. Given the scale and nature of the proposal it would certainly not have an adverse impact on Maidstone town centre; and in my view would be of an appropriate scale for its location.
- 12.04 The proposed retail unit would provide a certain level of competition to the closest Local Centres and other convenience stores mentioned. However, I am of the view that this is not a significant enough concern to outweigh the overall benefits of the proposed development, and do not consider it justified to refuse the application on these grounds.
- 12.05 As explained in the previous sections of this report, I am satisfied that there would be adequate access and parking for the retail unit; the site would be easily and safely accessible by a reasonable choice of modes of transport; and that it would not have a significant adverse impact on neighbouring land uses or residential amenity.

- 12.06 For the reasons given, I am therefore satisfied that this proposed development would not threaten the overall economic vitality and viability of Maidstone town centre or other surrounding businesses.

13.0 Other considerations

- 13.01 The site is already largely given over to hardstanding; it is not within a Flood Zone, as designated by the Environment Agency; and it is not within close proximity of any noticeable watercourse. I am therefore satisfied that this development would not be prejudicial to flood flow, storage capacity and drainage within the area anymore than the site is as existing.
- 13.02 Except for the use of native species within the landscape scheme, no ecological enhancements have been incorporated in to this development. However, I am of the view that there is limited ecological interest on the site as it stands, and given the relatively small scale of the proposal and the single storey nature of the building, there is little scope for further enhancements. I therefore consider it unreasonable to request further details.
- 13.03 I am satisfied that the proposal would not have a detrimental impact upon the setting and character of the Grade II listed row of properties to the north-west of the application site.
- 13.04 Any issues concerning land ownership and rights of way are not material planning considerations but a civil matter between the interested parties.

14.0 Conclusion

- 14.01 The objections raised by Councillor Black and the local residents have been addressed in the main body of this report. However, I would like to add that I can only consider the proposal submitted and not potential alternative uses for the site.
- 14.02 I consider that this proposed development would not cause any demonstrable harm to the character, appearance or vitality of the area, and would not significantly harm the amenities of existing residents. It is therefore considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant; and recommend conditional approval of the application on this basis.

RECOMMENDATION – GRANT Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence until, written details and samples of the following materials which shall be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority;

- i) brick plinth;
- ii) timber cladding;
- iii) metal cladding panels;
- iv) metal coping;
- v) timber cladding louvres for roof top plant equipment.

The development shall be constructed using the approved materials and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development.

3. The development shall not commence until details of the proposed materials to be used in the hardsurfacing within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details;

Reason: To ensure that the development positively responds to the character and appearance of the locality and to ensure highway safety.

4. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

5. The retail premises hereby permitted shall only open to customers within the following times: 07:00-23:00 Monday - Saturday, and 07:30-22:30 Sunday and Bank Holidays, and no deliveries shall be taken or dispatched outside of these hours;

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

6. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping using indigenous species which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' and include a programme for the approved scheme's implementation, maintenance and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following;

- i) Details of the species, size, density and location of all new planting within the site;
- ii) 2 nursery standard Hornbeam (*Carpinus betulus* 'Columnaris') trees planted within the planting bed to the front of the site.

Reason: In the interests of visual amenity and biodiversity.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development.

8. The development hereby permitted shall not be commenced until the vehicle visibility splays, as shown on drawing nos. A084724_TS01 Rev B & A084724_TS03 Rev C (received 25/06/14) have been provided with no obstructions to visibility over the height of 600mm above carriageway level within the splays. The visibility splays shall thereafter be maintained free of obstruction at all times;

Reason: In the interests of highway safety.

9. No part of the retail use shall be occupied or brought into use until alterations to the site frontage to provide space for deliveries to provide daytime loading restrictions on the carriageway that enable deliveries to be made to the site have been provided;

Reason: In the interests of highway safety and pedestrian safety.

10. The development shall not commence until a site-specific 'Servicing Management Plan' that includes a detailed delivery schedule has been submitted to and approved in writing by the Local Planning Authority;

Reason: In the interests of highway safety.

11. A shared surface access to the site shall be provided without a kerbed footway before the commencement of the use hereby permitted and shall be maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: In the interests of highway safety.

12. Unless otherwise agreed in writing by the Local Planning Authority no development permitted by this permission shall commence until such time as an agreement under Section 278 of the Highways Act 1980 has been

completed with respect to the following highway works: a) Alteration to the site frontage to provide space for deliveries; and b) the provision of tactile paving at the existing pedestrian island to the west of the site on Tonbridge Road. No part of the development hereby permitted shall be occupied until such time as the above mentioned highway works are complete;

Reason: In the interests of highway safety.

13. The approved details of the access and parking and turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

14. The development shall not commence until:

1. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

3. Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the

works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: To prevent harm to human health and pollution of the environment.

15. 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 the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority;

Reason: To protect harm to health.

16. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved;

Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

17. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details;

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

18. The development shall not commence until details of a scheme of foul and surface water drainage for the site have been submitted to an

approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure adequate drainage arrangements.

19. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways;

Reason: To prevent pollution of the water environment.

20. No development shall take place until a description of noise/vibration generating activities has been submitted to and approved by the local planning authority, so as to minimise the transmission of such noise/vibration emanating from the installation. The information should include all plant machinery and equipment to be used by reason of the granting of this permission, and operating procedures and maintenance programs for all pieces of plant machinery which accord with the manufacturers' instructions;

Reason: In the interest of residential amenity.

21. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

22. No open storage of waste and bins shall take place on the land at any time;

Reason: In the interest of the health and safety of local residents and customers.

23. Before the development hereby permitted is first occupied the development hereby approved must provide 4 bicycle parking spaces and permanently retain this number of spaces unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interest of sustainability.

24. The retail building hereby permitted shall achieve a minimum BREEAM New Construction rating of at least Good. No part of the building shall be occupied until a final certificate has been issued for it certifying that a BREEAM New Construction rating of at least Good has been achieved;

Reason: To ensure a sustainable and energy efficient form of development.

25. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- o all previous uses
- o potential contaminants associated with those uses
- o a conceptual model of the site indicating sources, pathways and receptors
- o potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: For the protection of Controlled Waters and to comply with NPPF as the site is located over a Principle Aquifer and the full history of potential contaminative uses has not been provided.

26. 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 the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority;

Reason: There is always the potential for unexpected contamination to be identified during development groundworks.

27. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved;

Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use in order to protect groundwater.

28. Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details;

Reason: To protect groundwater.

29. The development hereby permitted shall be carried out in accordance with the following approved plans: 193-200P3 received 28/03/14, 193-300P3, 402.P3 & 401P3 received 19/05/14, and 193-100.P8 received 05/06/14;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

- (1) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.
- (2) Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.
- (3) Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours

on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

- (4) Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- (5) Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- (6) The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
 - o Duty of Care Regulations 1991
 - o Hazardous Waste (England and Wales) Regulations 2005
 - o Environmental Permitting (England and Wales) Regulations 2010
 - o The Waste (England and Wales) Regulations 2011
- (7) Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund (which may require further planning permission from the local planning authority). The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.
- (8) 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. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site. Applicants should contact Kent County Council - Highways and Transportation (web:

www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

- (9) Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
- o Duty of Care Regulations 1991
 - o Hazardous Waste (England and Wales) Regulations 2005
 - o Environmental Permitting (England and Wales) Regulations 2010
 - o The Waste (England and Wales) Regulations 2011
- (10) Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Case Officer: Kathryn Altieri

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.