

Application No: Y17/0754/SH

Location of Site: H S Jackson & Son Ltd Lymbridge Green Stowting Common Ashford

Development: Erection of new B2 metal fabrication/powder coat plant building, two storey extension to existing offices and extension to existing storage building with associated areas of hardstanding and yard, external storage, groundworks, fencing and landscaping.

Applicant: H S Jackson & Son Ltd
Lymbridge Green
Stowting Common
Ashford
Kent
TN25 6BN

Agent: Mr Matthew Blythin
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN

Date Valid: 10.07.17

Expiry Date: 07.11.17

Date of Committee: 31.10.17

Officer Contact: Mrs Wendy Simpson

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| RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report. |
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1.0 THE PROPOSAL

1.1 This proposal seeks planning permission for :

- the erection of new B2 metal fabrication/powder coat plant building within the field to the rear of the site;
- the creation of an access road between the front and rear parts of the site;
- creation of turning, loading/unloading and outside storage around the new B2 building;
- fencing, bunding, land level changes, gabion retaining wall and landscape works to the rear part of the site;
- erection of a two storey extension to existing office building;
- erection of an extension to an existing storage building;
- re-organisation of the use of the outside space within the existing works;
- remodelling and landscaping of the existing access points.

- 1.2 The proposed new B2 building would be located in what is currently a field to the rear (east) of the existing works. The existing land in this area is to be relevelled by cut-and fill. The maximum land level reduction to southern side of the field is about 2.4m and maximum increase on northern side about 3.5m. Onto this new level the building will be erected with a footprint of about 120m by 60m. The building would utilise two parallel, gabled roofs with a valley between. The eaves height of the roofs would be about 6m and the ridge height about 9.5m. The external palette of materials proposed are a concrete block plinth to about 2m high and timber cladding (natural finish) on the upper part of the building. The roof would be of a non-reflective profiled metal sheeting.
- 1.3 To the northern side of this building is proposed a service yard and to the east of the building an external product storage area.
- 1.4 Planted bunding is proposed to the northern, eastern and southern sides of the building/ancillary area. Metal mesh fencing to 2m high is proposed around this part of the site and to join that around the existing works.
- 1.5 The proposed hours of operation of the new metal fabrication/powder coating plant are Monday to Sat 7am to 8pm.
- 1.6 An extension to the existing office building is proposed which would increase the building footprint from about 30.5m by 14m to about 48.5m by 14m. The additional floor space would provide open plan office space at both ground floor and first floor levels. The extension would continue the building lines and roof form of the existing office building and incorporate a hip to the roof to reflect that on the other end of the building. The proposed palette of external materials would also reflect that of the existing building – brick at the lower level and cladding at the upper level.
- 1.7 The proposed hours of operation of the additional office space have been amended from the hours original proposed (of 7am to 8pm Monday to Saturday) to between 7am and 9pm hours Monday to Fridays, 7am to 1pm Saturday and at no time on Sundays and Bank Holidays.
- 1.8 An extension to the existing storage building is proposed which would increase the building footprint from about 17.5m by 17.5m to about 47.5m by 17.5m. The additional floor space would provide internal timber storage. The extension would continue the line of the walls of the existing storage building. The roof would be of the same ridge height as that of the existing building but orientated perpendicular to the roof of the existing building. The proposed palette of external materials would also reflect that of the existing building.
- 1.9 The applicant has confirmed that the proposal will retain the 219 full-time jobs at the site which break down as follows :

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| Timber manufacturing | 46 |
| Steel manufacturing | 31 |
| Handling, stores etc | 13 |

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|------------------------------|----|
| Maintenance | 6 |
| Office | 91 |
| Drivers, FE & Auto engineers | 32 |

- 1.10 The applicant advises that the proposed package of changes are intended to ensure the long-term sustainability of the business. The proposal would result in improved efficiency of the company by both providing modern production facilities, which would in part replace inefficient working lines, and undertake processes that are currently being undertaken off the site. The proposal also involves the re-organising of the use of the existing buildings and spaces on the site. Furthermore the proposal would allow for an improved office environment for existing staff, who are currently working in very cramped conditions. The proposal would also allow for the additional undercover storage space for timber products so that materials currently being kept in dry storage off the site could be stored on site.
- 1.11 The following reports have been submitted in support of the application : 'Report on Ground Investigation' (related to contamination); Arboricultural Report; Ecological Assessment; Flood Risk Assessment and Drainage Strategy; Landscape and Visual Appraisal; Noise Impact Assessment; Transport Statement (and supplementary information); Planning Statement; Design and Access Statement.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site comprises an existing commercial site, operated by H S Jackson & Son Ltd and a field to the rear of the site, which is within the applicant's ownership and has not been in an agricultural use for some time. On site it appears that the field has recently been cleared and mounds of earth have also been placed around the edges of the site. The site falls outside of any urban area or formal settlement boundary but is located in the countryside. There are two telecommunication masts currently located in the rear part of the existing works site on otherwise undeveloped land.
- 2.2 The total site area under this application is about 7.4 hectares. The part of the site that is already commercially developed and operated by the applicant (including the area with the telecommunications masts) occupies about 5.0 hectares of the overall application site. The additional land (field) has an area therefore of about 2.4 hectares.
- 2.3 The site is located about 0.5miles west from Stone Street, at its junction with Six Mile Garage. The surrounding area is a rural with agricultural fields to the south, Hedgecock Wood to the east, a number of residential dwellings, paddocks and fields to the north and rural dwellings to the west.
- 2.4 The Local Plan designations identify that the site is located within the Kent Downs Area of Outstanding Natural Beauty and adjacent to Hedgecock Wood Woods – which is both an Ancient Semi-Natural Woodland and a Local Wildlife Area.

- 2.5 There are electricity pylons running across the site and the two previously mentioned telecommunications masts within the site. Public Rights of Way run adjacent to the southern boundary and also across a low ridge to the south of the site.
- 2.6 Part of the site is at a low risk of surface water flooding according to the Environment Agency's flood hazard maps.

3.0 RELEVANT PLANNING HISTORY

- Y17/0005/SCR - EIA Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for the proposed construction of a 7,200m² industrial building, associated hardstanding;, 275m² office extension, 525m² timber store extension, ground engineering/levelling works, 3m high landscape bund and landscape planting. (EIA not required)
- Y07/0906/SH - Installation of three roof mounted extract fans to existing metal workshop (Approved)
- Y03/1376/SH - Erection of an extension to existing fabrication building following the demolition of existing storage & workshop buildings. (Approved)
- Y03/0031/SH - Erection of an extension to existing workshop. (Approved)
- Y02/0505/SH - Erection of an extension to workshop to link two buildings. (Approved)
- Y00/1024/SH - Erection of a workshop for the manufacture of fencing products. (Approved)
- Y00/0623/SH - Erection of a workshop for the manufacture of fencing products. (Refused)
- 98/0187/SH - Extension to existing metal fence manufacturing building to accommodate robotic fabrication unit. (Approved)
- 97/0913/SH - Extension to existing metal fence manufacturing building to accommodate robotic fabrication unit (Approved)
- 97/0077/SH - Erection of a single storey fabrication building and a two storey office building (Approved)

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| 97/0547/SH | - | Retention of a bund to south west elevation. (Approved) |
| 96/0776/SH | - | Erection of a steel framed warehouse (Approved) |
| 96/0208/SH | - | Retention of a temporary building for use as office accommodation. (Approved) |
| 94/0642/SH | - | Formation of new staff parking area with associated bunding and landscaping and retention of 2.5 metres high fencing and gates. (Approved) |
| 94/0433/SH | - | Erection of a replacement workshop. (Approved) |
| 94/0127/SH | - | Erection of a replacement workshop and retention of a 2.5 metre high fence to part of perimeter of site. (Approved) |
| 92/0105/SH | - | Erection of workshop alterations to car parking area and landscaping. ac. 13.03.92. |
| 91/1059/SH | - | Erection of a workshop (renewal of permission 81/1075/SH) (Approved) |
| 86/1075/SH | - | Erection of a workshop and a gantry crane (Approved) |
| 81/1112/SH | - | Installation of additional timber impregnation plant and erection of pump house. (Approved) |

4.0 CONSULTATION RESPONSES

4.1 Stowting Parish Meeting considered this application at two separate meetings and had a series of site visits to enable residents to fully understand not only the proposed development but also the nature of operations carried out at the site. It is the view of the Parish Meeting that this application to erect a further 7,300 square metres of building, more than doubling the existing area of buildings on the site is probably the biggest and most concerning to come before the Village since the Rank/West Wood Holiday Village more than 20 years ago. According and quite rightly the village have many concerns. These are primarily focused on:-

1. Impact on the AONB. The Meeting is concerned about the effect on the AONB and concurs with the report produced by the AONB unit. If the application is granted every attempt must be made to minimise the impact of the building on the local landscape and preserve the amenity of the existing public right of way.

2. Vehicle Movements (size and number of vehicles) between the Site and the junction of Stone Street at Six Mile Garage. The site is accessed by a single track rural lane with just 4 passing places and is completely unsuited to HGV movements. Staff travel to the site largely by car, generally travelling alone. Jacksons have introduced a flexitime scheme but this sort of traffic is still heavy at the beginning and end of the day. HGVs find it difficult to pass each other on the narrow lane and there are regular occasions where the driveways of local residents are used to allow traffic to pass, causing a nuisance to those residents. A Road Traffic Survey was carried out by local residents (Appendix A) which indicates the extent of traffic accessing the site. The traffic levels recorded are in excess of those estimated by DHA Planning in their Traffic Assessment possibly because these are projected figures rather than an actual survey. They also work on the presumption that HGVs enter and leave the site loaded to their maximum capacity whereas this is not always the case
3. The Arrival out of hours of foreign HGV drivers and their lorries who are not provided with any facilities to park up or any WCs also causing a nuisance to local residents.
4. Noise pollution
5. Light pollution
6. Hours of trading
7. Water run off currently and following a further 7 acres of development.
8. Increased future productivity and development of the site.

Stowting Parish Meeting feels that it cannot support the application unless these points are addressed.

It is the view of Stowting Parish Meeting that Points 2 and 3 could be dealt with by the creation of a new access road from the Stone Street directly to the rear of the site together with the closure of the existing entrance except for emergencies. This solution would also allow for future growth of the business and any required development of the site. It is worth mentioning that if a new development of this size and this nature came to the Planning Department an access road would be a necessary part of the application.

If the existing access remains the only means of entering and leaving the site, conditions should be attached to any approval to ensure that there is no increase in the total number of vehicular trips to the site particularly in relation to HGVs and limits should be placed on the size of vehicles used.

It has been noted by local residents that existing conditions imposed during the planning process are not always complied with e.g. closing the doors of the steel fabrication shed and the playing of music. Local residents are however pleased that the noisiest parts of the operation are being moved to the rear of the site and away from local houses.

Given that Stowting is in a "dark skies" area and in an AONB it is felt that excessive lighting should be curtailed and that all lights should be switched off by 8 30pm.

The Village feels that one set of working hours should prevail across the whole site, rather than the existing range of varying hours that have been applied to each building as it has been granted consent over the years to date, Stowting Parish Meeting would suggest a universal 7am to 8pm.

The current water run-off from the site is excessive and regularly causes localised flooding. A further 7 acres of combined hardstanding and run off from the large roof area would exacerbate the problem further, unless a fully functioning drainage plan, incorporating emergency capacity, is introduced. Given that preservative chemicals are applied to the timber products the Meeting also feels there should be a pollution testing facility for testing the water run-off.

As a result of the concerns listed above Stowting Parish Meeting voted unanimously to reject the application as it stands:

- 23 against
- 0 in support
- 1 abstention

If the points noted above are addressed, possibly by way of planning conditions, Stowting Parish Meeting would feel more favourable towards the application, the village has always enjoyed a good working relationship with Jacksons and the village is appreciative that Jackson's are an important local employer. The village does however feel that at the current time the site is at full capacity.

4.2 Elmsted Parish Council

No reply

4.3 KCC Highways And Transportation

Last comments received on revised package of details :

The additional information provided in Technical Note 2, revised site plans as well as a very useful site meeting on the 21st September 2017 have all provided a far more thorough understanding of the proposals, both in terms of the changes to on-site areas/uses and the vehicle movements associated with the business.

The breakdown of lorry movements now appears more reasonable in terms of the split in size of vehicles and load capacity utilised as detailed is more rational.

With regard to the proposed extension of the office on site, based on the fact that existing office facilities are overcrowded, that the resulting floor area will still result in space per person still being slightly below national standards and that the supporting documentation explains no staff increases are intended, I am content that the office element of the proposals will not lead to an increase in site related traffic.

The redistribution of existing site storage and work areas into the proposed new fabrication facility is now better understood and changes to the existing site buildings and outside storage areas have now been more thoroughly explained.

It is accepted that the increase in timber storage on site will replace capacity currently held remotely off site; so although an increase in floor area on site is proposed for this use, the material would be delivered to site for processing with the current operation anyway, so this element of the proposal would not in its own right create an increase in vehicle movements.

The provision of a new powder coating facility with a more practical design will lead to a reduction in vehicle trips compared to the existing working practice of this being carried out off site. Although compared to the company's traffic movements as whole this reduction is only modest, 428 trips per annum which equates to 8 trips per week, it is none the less a reduction.

Through the improved processing facilities on site, items produced off site will decrease which compared with more densely loaded raw materials offers another small saving in relation to vehicle trips of 125 trips per annum which equates to two trips per week.

It is noted by the applicant that the site currently operates at 80% capacity. As demonstrated in the supporting information, this means that they have the ability to increase output and thus traffic movements within their current operation with no new planning permissions being required.

Of key importance when considering this proposal was to determine whether the planned facility would lead to an increase in vehicle movements on Lymbridge Green. Lymbridge Green already suffers from localised damage and access problems in places due to existing traffic levels, largely due to the traffic associated with Jacksons site operations.

The applicant has now demonstrated to my satisfaction that although a facility of substantial floor area is proposed, this proposal will not result result in additional traffic movements on Lymbridge Green and in fact is likely to deliver a modest reduction of 10 vehicle trips per week. I am conscious that local residents are sensitive to such large works in their area and already have concerns with regard to traffic movements related to it. In reality, as the

proposal does not exceed those traffic movements associated with their current lawful operation, I am unable to object to the proposals on the grounds of highway capacity or safety.

Taking account of the site's location on a rural unclassified road of limited width with a lack of formal passing places for HGV's, I believe that a personal condition to the applicant is required to ensure that the proposed facility is only occupied by Jacksons Fencing. Should Jacksons Fencing leave this site in the future and another business wish to operate from this location, this facility/proposal will be subject to a variation on a relevant condition should planning consent be granted. This will allow us to ensure vehicle movements are appropriate should another occupier wish to operate from the site. The applicant has informally indicated that a personal permission would be acceptable to them.

With the above issues in mind I can confirm that provided the following requirements are secured by condition, then I would raise no objection on behalf of the local highway authority:-

1. Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
2. Provision of measures to prevent the discharge of surface water onto the highway.
3. Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.
4. Provision of improved highway direction signing at the junction of Lymbridge Green / Maxted Street in accordance with details to be submitted in writing and agreed with the local planning authority.
5. The new metal fabrication / powder coating building, extension to existing offices and extension to storage building shall only be used by Jacksons Fencing unless agreed otherwise in writing by the local planning authority.

4.4 Environmental Health

Environmental Health has no objections to the granting of this planning application subject to the following conditions:

- Install earth bunding as proposed in the application. Specifications as stated on the plans.
- All mitigation outlined in the noise report ref: MRL/100/1160.1V1 section 3.10 to be adopted and implemented.

Environmental Health would also advise there to be a time restriction for opening hours. This is to prevent the new premises from operating 24hrs.

Reasons: To protect existing local residential amenities.

Environmental Health would like to be consulted on their proposed construction management plan. Particular attention should be carried out regarding dust suppression and mitigation.

4.5 Economic Development

Jacksons are a major employer locally and we would want to retain and support them.

With regards to the AONB designation I notice that the applicant hasn't mentioned one of the secondary purposes of AONBs which is to have regard to the interests of those who live and work in AONBs. To an extent this supports the case for economic development in AONBs and this proposal.

4.6 Arboriculture Manager

I can confirm that I have no objections to the proposed development. I am satisfied with the proposed landscape plans submitted in support of this application.

4.7 Kent Wildlife Trust

I have no objection, in principle, to the development. However, the development site abuts Hedgecock Wood; a block of Ancient Semi-Natural Woodland (and Local Wildlife Site SH14). Ancient Woodland is a UK Priority Habitat and is considered "irreplaceable" in the National Planning Policy Framework.

The nature and scale of development proposed for the site is such that it has the potential to give rise to significant dust, noise, light and air pollution beyond the site boundary. Each of these pollutants is included as a source of harm to Ancient Woodland in the Natural England/Forestry Commission's Standing Advice.

Where potential harm to Ancient Woodland could arise, the Standing Advice states that "if the planning authority decides to grant planning permission in

line with the National Planning Policy Framework, it should seek appropriate mitigation or compensation from the developer". The Advice recommends that "the planning authority should use planning conditions or obligations to secure these mitigation or compensation measures and subsequent ecological monitoring".

Subject to the use of planning conditions to secure their implementation, future monitoring and maintenance, I'm satisfied that the applicant's proposals to provide landscaped buffer zones (using only native species), to reinstate a ditch watercourse along the eastern boundary and to adopt a sensitive lighting strategy (as described in the Ecological Assessment report) will satisfactorily mitigate some indirect impacts. However, I remain concerned about the risk of harm from air, dust and noise pollution and object to the grant of planning permission. ("Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland", paragraph 118, NPPF 2012)

The proposal introduces a large manufacturing operation and a concentration of commercial vehicle parking and movement in very close proximity to Hedgecock Wood. Such development could give rise to considerable disturbance to wildlife and damage to the precious soils and vegetation of the Wood. I suggest that, unless and until the applicant provides convincing evidence to allay these fears or offers further effective mitigation measures, the application is in breach of paragraph 118 of the 2012 National Planning Policy Framework. It may be that this is a development that justifies a buffer zone wider than the minimum.

4.8 Natural England

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

The National Park and Access to the Countryside Act 1949

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites — no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Protected landscapes

The proposed development is for a site within or close to a nationally designated landscape namely Kent Down AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine

whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details [at at_consultations@naturalengland.org.uk](mailto:at_consultations@naturalengland.org.uk).

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process

to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

4.9 Environment Agency

This application covers several building extensions or new structures within an existing potentially contaminative use. The site report submitted only covers the footprint of the metal fabrication and finishing building. We are therefore unable to advise on the whole development as proposed.

The development in full would require a full assessment of potential contamination risk. The preliminary report for the metal fabrication building alone is acceptable for that phase of the development and we would concur with Merebrook that the conclusions from that report, for that specific phase, are acceptable.

We would advise that the development should only be allowed to commence if full land contamination conditions are imposed for the whole application boundary.

In addition we would have concerns about deep bored soakaways, so surface water drainage design will need to be formally approved by the LPA in consultation with ourselves.

The previous use of the proposed development site as presents a medium risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon a principal aquifer.

The reports submitted in support of this planning application only partially provide us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.

In light of the above, the proposed development will only be acceptable if a planning condition is included requiring the submission of a appropriate site investigation and remediation strategy, if required, carried out by a competent person in line with paragraph 121 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and 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 the 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 written consent of the local planning authority. The scheme 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 in line with paragraph 109 of the National Planning Policy Framework.

Condition

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

Reasons

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons

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

The design of infiltration SuDS may be difficult or inappropriate in this location. We therefore request that the following planning condition is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

Condition:

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

Reasons

To 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 in line with paragraph 109 of the National Planning Policy Framework.

Informative:

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. Under the Code of Practice: excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

The Position statement on the Definition of Waste: Development Industry Code of Practice on the Environment Agency pages on [GOV.UK](https://www.gov.uk)

The EA comment that the site walkover study only relates to the area for the metal fabrication part of the site and not the rest of the site in which development is also being proposed. I suggest please that this is updated at this time to cover the rest of the site too. (Split into phases of the build if necessary.)

The EA are concerned about the deep bore soakaways as part of the surface water drainage solution (and may not agree them by implication). The site is located upon a Principal Aquifer (drinking water aquifer).

4.10 Kent County Council LLFA

The planning application is supported by a Flood Risk Assessment prepared by DHA Planning (June 2017). The results of on-site infiltration testing is included within the report and demonstrate deep bore soakaways may serve as a feasible drainage solution for the new building. Extensions to existing buildings will be dealt with through the existing drainage system and given the extent of hard standing would not be accounted for as additional impermeable areas.

Kent County Council as Lead Local Flood Authority have the following comments:

- a. Evidence of solution features were found during the ground investigation. This demonstrates that care and careful consideration should be given to the investigation and determination of the final location of the deep borehole soakaway locations. Ground investigation at the appropriate location and appropriate depth should be provided to support detailed design of the deep borehole soakaways.
- b. No indication is given as to the arrangement of the existing drainage system within the site or its ultimate outfall. We accept that there is no increase in impermeable areas to the building extensions given the existing site hard standing but it would be beneficial to understand where flows may be concentrated and directed given that previously flows would have been dispersed across the site and may contribute to a more concentrated overland flow routes through the site.
- c. The areas in the vicinity of the new building will contribute to the deep bore soakaway protected by an oil interceptor. In an area of industrial use, particularly a use which may be expected to generate small amounts of loose matter, sediment, grit and other contaminants the collection of litter and

larger material prior to discharge to a below ground drainage system would be beneficial. A surface drainage system would more easily be inspected and maintained.

- d. Detailed design should also demonstrate that the design accommodates the 1 in 100 year storm with a 20% allowance for climate change and that an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%. This analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes. This will tie into existing designing for exceedance principles.
- e. The applicant should be made aware that the referenced KCC "Soakaway Design Guide 2000" is a superseded document.

Notwithstanding the comments above we have no objection in principle to the drainage proposals presented.

Should you authority be minded to grant planning permission for these proposals, we would recommend the following conditions are attached:

Condition

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

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Condition

No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter

managed and maintained in accordance with the approved details. Those details shall include:

- a) a timetable for its implementation, and
- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason:

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

Condition:

Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

4.11 Southern Water

The applicant has not stated details of means of disposal of foul drainage from the site. There is no public foul sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul sewage disposal.

The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities of each party for the implementation of the SUD scheme Specify a timetable for implementation
Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.

4.12 East Kent Area Office PROW and Access Service

It is brought to the attention of the applicant that the proposal seeks to enclose part of PROW HE15, which is incorrectly shown on the submission documents.

4.13 Merebrook

I write further to your request to review the following document:

- *Report on Ground Investigation — Land to east of Jacksons Fencing, Stowting Common* by Evans and Langford LLP (ref: 14148) for HS Jackson & Son (Fencing) Ltd dated 30 April 2017.

The document has been submitted in support of an application for planning consent for construction of new B2 metal fabrication/powder coat plant building, two storey extension to existing offices and extension to existing storage building with associated areas of hardstanding and yard, external storage, groundworks, fencing and landscaping. However the report only relates to a subset of the site, namely the extension of the fencing site to the east where the new metal fabrication / powder coating plant building is proposed. The other elements of the application are situated within the current industrial site boundary. The document has been reviewed in the context of Shepway's standard land contamination planning condition which is split into five sections as set out below:

1. Desk Study and Conceptual Model.
2. Intrusive Site Investigation and Risk Assessment;
3. Remedial Strategy and Verification Plan;
4. Verification Report; and

5. Contamination Discovery Strategy.

The condition should be implemented in a phased manner; with each phase only required should a potential risk be identified by the preceding phase. Information has been submitted with regard to parts 1 and 2 of the condition.

The report sets out the findings of a site walkover, site history, geo-environmental setting, current site status and sets out a conceptual model and risk assessment. Intrusive investigations undertaken for geotechnical and contamination assessment purposes are also presented in the report with comparison of contaminant concentrations against risk-based screening levels protective of health in a commercial/industrial setting.

Merebrook consider the report to be generally of a suitable scope and standard, although it is noted that the lab testing highlights inappropriate sample containers and long hold times prior to analysis. No significant field evidence of contamination was noted and laboratory testing did not identify any significant contamination in the context of the development proposals. No remediation is required.

No information has been provided with regard to the proposed construction of offices and extensions within the current Jacksons yard. It would be appropriate for a watching brief to be applied during groundworks in these areas to document the absence of any gross contamination. Should any contamination be identified during the works, then appropriate assessment should be made by a suitably qualified environmental consultant.

In summary, the requirements of parts 1 and 2 of the standard condition have been met for the extension of the fencing site to the east where the new metal fabrication / powder coating plant building is proposed. No remediation is required in this area, so parts 3 and 4 of the condition have also been satisfied. No information has been presented regarding the proposed construction of offices and extensions within the current Jacksons yard. Further information is required for these aspects of the development. Given the limited sensitivity of the proposed land use, it may be sufficient that commitment to a watching brief is secured during the groundworks in these areas. Any contamination identified during the watching brief should be assessed by a suitably qualified environmental consultant.

4.14 KCC Ecology

No objection in principle subject to conditions securing the implementation of ecological enhancements and a lighting design strategy.

Protected Species

The extended area has been cleared and as such there is limited potential for protected species. The proposals for woodland buffers and wildflower measures will compensate for lost habitats.

Ancient Woodland

To minimise impacts on Ancient Woodland, Natural England Standing Advice advises leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland. From consulting with the landscape plans these measures have been included.

Local Wildlife Site

The development site is located adjacent to Lyminge Forest Local Wildlife Site. Following the mitigation measures provided for the aforementioned ancient woodland we are satisfied that there will be no detrimental impacts to the local wildlife site.

Lighting

The development has the potential to have negative effects on the adjacent ancient woodland, local wildlife site as well as foraging/commuting bats. We advise that the Bat Conservation Trust's 'Bats and Lighting UK' guidance is adhered to in the lighting design and these measures are secured as a planning condition.

Enhancements

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird net boxes. We advise that measures to enhance biodiversity are secured as a planning condition.

4.15 Kent Downs AONB Unit

Thank you for consulting the Kent Downs AONB Unit on the above application. The following comments are from the Kent Downs AONB Unit and as such are at an officer level and do not necessarily represent the comments of the whole AONB partnership. The legal context of our response and list of AONB guidance is set out as Appendix 1 below.

The AONB Unit has no comments to make on the proposed extensions to the existing office and storage building that form part of the application proposals; the following comments are in respect of the proposed steel fabrication building element of the application only.

National planning policy

The application site lies within the Kent Downs AONB. The application therefore needs to be tested against the purpose of the designation, to conserve and enhance the natural beauty and the way that this purpose is represented in national and local policy. The scale of the proposed new steel fabrication building is such that it is considered to constitute major development, as accepted in the Planning Statement submitted in support of the application. As such the application needs to be assessed against

both paragraphs 115 and 116 of the NPPF. Paragraph 115 of the NPPF confirms that AONBs, along with National Parks are conferred the highest status of landscape protection and that great weight should be given to conserving their landscape and scenic beauty. Paragraph 116 states that planning permission should be refused for major developments in AONBs, except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Both these requirements must be met. Paragraph 116 identifies three criterion against which assessment of major developments should be considered; the need for the development, the impact on the landscape and the scope for developing outside of the designated area. It is necessary for all three criterion to be addressed.

The balancing exercise under paragraph 116 is not an ordinary one, but a weighted one in which the presumption in favour of development has been removed (because major development in AONBs should normally be refused) and one to which the approach set out at paragraph 115 also applies.

The Kent Downs AONB Unit is concerned that the exceptional circumstances that would justify the release of this land for the proposed development within the AONB, a nationally important landscape resource, have not been demonstrated. Assessing the proposal against each of the criteria set out in para 116 turn, we offer the following comments:

Need for the development:

It is advised in the application submission that the new fabrication building is required to allow space for steel fabrication, assembly and coating which will contribute to a more effective working site, improving the efficiency of the site and its long term sustainability. It is advised that without this investment and the improved efficiencies it would provide, the company may not remain competitive in the long term. While there are clearly benefits in having a steel fabrication facility on site, we do not consider that this represents either a national need nor is it demonstrated how the exceptional circumstances test set out in the NPPF is met. It is the view of the AONB Unit that no justifiable need has been demonstrated for a development of this nature and scale in a rural location on a greenfield site within the AONB, that would be in direct conflict with both the NPPF and development plan policies and that steel fabrication would be more appropriately located in a more urban environment.

Scope for Development Elsewhere:

It is advised in the Planning Statement that accompanies the application that there are clear advantages to remaining on the site to ensure the workforce remains unaffected and the business continues to benefit from past investments made and to ensure business disruption is minimised. It is advised that a wholesale site move would be prohibitive financially, requiring an upfront investment of £10m and that a move is not an 'option the company can reasonably pursue when a suitable alternative solution using land currently in their ownership, has been identified'.

No financial information is supplied to support these assertions however, nor any assessment of alternative sites and the arguments put forward are considered to fall somewhat short of the stringent assessment requirement in the second bullet point of para 116 of the NPPF. The purpose of the requirement for consideration for scope for development elsewhere was set out in the High Court judgment of *Wealden District Council v Secretary of State for the Communities and Local Government & Anor* (2016) EWHC 247 (Admin) (17 February 2016), attached as appendix 2. This relates to a housing proposal in the High Weald AONB.

'Its purpose is to ascertain whether an alternative site may be available so as to avoid development in the AONB. It requires other available sites in the area to be assessed, on their merits, as possible alternative locations for the proposed development'.

The judgment also outlines the importance of consideration of alternative sites in respect of assessment against paragraph 116 of the NPPF. In quashing the Inspector's decision Mr Justice Lang stated:

"Unfortunately the Inspector did not adequately investigate or assess whether the Steel Cross development could be located at an alternative site, either in Crowborough or the wider district, and so he did not properly apply NPPF 116, nor did he take into account all relevant considerations, as required in public law decision-making. I consider that this was a significant failure, given the high level of protection afforded to AONBs under national planning policy. In my view, it would not be appropriate for me to exercise my discretion not to quash the decision on this ground since, on the evidence, it is possible that a suitable alternative site might be identified, which could alter the overall judgment made on whether the presumption against development ought properly to be rebutted in respect of this development."

Detrimental effect on the landscape:

The AONB Unit does not concur with the conclusion of the LVIA submitted in support of the application that there will be no significant impact, with the impacts on landscape character considered to be underplayed.

The site lies within the East Kent Downs Character Area as identified in the Landscape Assessment of the Kent Downs AONB, carried out by the Countryside Commission which classifies the AONB into 13 distinct character areas. The East Kent Downs is further broken down into three local character areas and the site lies within the Petham local character area. Overall landscape objectives for this character area include maintaining existing woodland cover, increasing the proportion of deciduous woodlands where possible and restoring the hedgerow network. In the Petham local character area guidelines include managing the existing woodland, preventing scrub from overwhelming existing species rich chalk grasslands, replanting or restoring remnant hedges and preserving the scale of the small scattered settlements.

Until sometime between 2003 and 2006, the site of the proposed new metal fabrication building appears to have comprised arable farmland, cultivated in conjunction with the adjacent field to the south. By 2006 it appears that the site had been encompassed into the Jacksons Fencing site and a fence introduced along the southern boundary. It remained undeveloped and relatively unused however with scrub being allowed to develop and the site appears to have only been cleared of vegetation in the last few years.

The Kent Downs AONB Unit agrees that the inter-visibility of the site with the wider landscape is relatively limited as a result of topography and vegetation and that this generally limits the visibility of the site and we generally concur with the findings of the LVIA in respect of visual impacts. We do not however agree with the sensitivities assigned to several of the viewpoints, in particular those on Public Rights of Way, which given their location within the AONB, a nationally protected landscape, we feel should be classified as high.

The proposed development would however in our view, result in a significant impact on landscape character, contrary to the conclusions of the LVIA. The works comprise the clearance of vegetation, a substantial change to landform as a result of the lowering of land levels, the formation of landscape bunds which are an unnatural feature in the landscape, the creation of a substantial area of hardstanding in addition to the erection of a building of a scale entirely out of keeping with surrounding buildings and the rural location. The proposals would also expand the activities at the current site out into the countryside and result in an urbanizing, industrial process taking place in what is currently undeveloped countryside in the Kent Downs AONB. We therefore do not agree with the predicted landscape effects on the Petham East Kent Downs LCA within which the site is located that there would be a low magnitude of change. (We note that the Table 10.a erroneously includes two references to the Stowting: Postling Vale LCA we presume the second one should be the Petham, East Kent Downs LCA).

In addition to assessing detrimental effect on the landscape, paragraph 116 of the NPPF also includes consideration of the extent to which the effect on the environment could be moderated. The proposed mitigation put forward in respect of the proposed new building is generally considered appropriate should the principle of the development be found to be acceptable. The LVIA recognises however that a residual adverse effect remains with the exposed site entrance and the Kent Downs AONB Unit agrees with this conclusion. Should Shepway District Council be minded to approve the application we consider it imperative that improvements are made to the two entrances which are currently a detractor to the rural lane, in order to help meet the third criterion of paragraph 116. We would welcome the opportunity to meet with the applicant and/or officers of the Council to discuss a suitable scheme for improving the entrance to the site, and consider that this should include, but not necessarily be restricted to:

- Removal of the metal storage container outside the entrance gates at the easternmost entrance to the site and provision of indigenous planting in this location.

- Improvement to the concrete/tarmac area in front of the storage container -replace with gravel rolled tarmac if this is required as hardstanding, otherwise this should be soft landscaped.
- Refinement and amalgamation of existing signage at both entrances.
- Removal of external storage areas and storage frameworks at both entrances to locations further within the site/within buildings and replacement with tree planting;
- Altering the colour of the gates at the western most entrance to a more recessive colour, such as black or green.

It is also considered imperative that the existing blue fence along the southern boundary of the site is replaced, as recommended in the LVIA. Should the application be approved, we would welcome the opportunity to further input with regards proposed materials and landscaping of the new building.

Local Planning policy

It is considered that the proposal would be contrary to several policies in Shepway's Core Strategy 2013, in particular policy CSD4 which states that 'planning decisions will have close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning consideration'.

Also of relevance are policies SS1, SS2 and SS3 of the Core Strategy, all of which seek to direct development to urban areas/town centres/sustainable settlements, so as to protect the open countryside and the Kent Downs AONB.

Saved policy CO1 of Shepway's 2006 Local Plan is also applicable. This advises that the countryside will be protected for its own sake. It is advised that development will be permitted where specified criteria are met, which include the need for development to require a countryside location and be sympathetic in scale and appearance to their setting.

Kent Downs AONB Management Plan

In addition to being contrary to policies in the NPPF seeking to protect AONB landscapes and local plan policies seeking to protect the character of the countryside and landscape, the proposal would also be contrary to policies in the Kent Downs AONB Management Plan 2014 to 2019. The Management Plan has been adopted by all local planning authorities in the Kent Downs, including Shepway District Council.

The national Planning Policy Guidance confirms that Management Plans can be a material consideration in planning decisions and this view is confirmed in previous appeal decisions, including APP/U2235/W/15/3131945, Land west of Ham Lane, Lenham, Maidstone, where at para 48 of the Inspectorate's decision letter it is confirmed that "the Kent Downs AONB Management Plan April 2014 (the Management Plan) is also a further significant material consideration".

The following policies from the Management Plan are considered to be of particular relevance to the application:

SD1 The need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within the statutory and other appropriate planning and development strategies and development control decisions.

SD2 The local character, qualities and distinctiveness of the Kent Downs AONB will be conserved and enhanced in the design, scale, setting and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements which are adopted as components of the AONB management Plan.

SD3 - New development or changes to land use will be opposed where they disregard or run counter to the primary purpose of the Kent Downs AONB.

SD7 - To retain and improve tranquillity, including the experience of dark skies at night, careful design and the use of new technologies should be used. New developments and highways infrastructure which negatively impact on the local tranquillity of the Kent Downs AONB will be opposed unless they can be satisfactorily mitigated.

SD8 - Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated."

LLCI - The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.

AEU12 - Sustainable solutions to problems of rural traffic will be supported, particularly in rural settlements or where there is a conflict with landscape quality or walkers, cyclists and horse riders.

The Kent Downs AONB Management Plan can be downloaded at:

<http://www.kentdowns.org.uk/guidance-management-and-advice/management-plan>

Other matters

Public Rights of Way:

With regards impacts on Public Rights of Way, we disagree with the statement that no PROWs exist with the site; it is stated that the footpath HE151 lies adjacent to the south of the site however our view is that the official route of this path lies just within the southern part of the site and

then returns northwards within the site, parallel to the eastern boundary - see attached map, attached as Appendix 3, which shows that while the route of this PROW has previously been diverted, it nevertheless remains within the application site. Access to the diverted route has been blocked by the erection of the weld mesh fence along the southern boundary of the site. This needs to be rectified and either access allowed or the route formally diverted. This could also explain why the path through Hedgecock Woods has no obvious route as access to it from the eastern side is prohibited by the fencing that appears to have been erected by the applicant.

Lighting :

The proposal would also result in lighting be taken outside of the area currently illuminated into open countryside. The AONB Unit is concerned about potential impact of the proposed lighting on the Kent Downs AONB. Policy SD7 of the Kent Downs Management Plan seeks to retain and improve tranquility in the AONB, including the experience of dark skies at night and advises that careful design and use of new technologies should be used. Insufficient information has been submitted with the application to fully assess the impact of the proposed lighting in this rural location and no assessment of the potential impact of lighting is provided in the LVIA.

Impact on rural road network:

It is advised that the proposal will increase efficiencies but not increase employment on the site or associated car or lorry movements. The AONB Unit considers it highly important that vehicular movements are not increased; the premises are accessed via a rural lane which is single width with passing places and is highly unsuited to HGV vehicle movements or high numbers of vehicular trips. Should Shepway District Council be minded to approve the application, we consider it imperative that conditions are attached to ensure that both the total number of vehicular trips to the site and the number of HGV trips do not exceed those at the moment. We would also request that permission is made personal to the applicant, as offered in the Planning Statement, should the application be approved.

Conclusion

The application site lies within the Kent Downs AONB, a nationally protected landscape and comprises open countryside that lies outside of any recognised settlement boundary. The AONB Unit disagrees with the conclusion of the LVIA that the effects of the development on the character of the open countryside and Kent Downs AONB will not be significant or harmful. The introduction of a steel fabrication building, hard standing, external storage and the associated industrial activities would, in our view, result in significant harm to the intrinsic rural character of the area and detract from the natural appearance and beauty of the AONB.

As such, it is considered that the proposal would weaken and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty. Accordingly the proposal is considered to be in conflict with the NPPF, in particular paragraph 115 which provide that great

weight should be given to conserving landscape and scenic beauty in AONBs.

We are also of the view that as submitted, the application is contrary to para 116 of the NPPF which states that major development should not be permitted except in exceptional circumstances and where public interest can be demonstrated; it is the view of the Kent Downs AONB Unit that the stringent tests set out at paragraph 116 of the NPPF have not been met. Insufficient information has been submitted to substantiate claims regarding the need for the development as well as the cost of and scope for developing elsewhere outside of the AONB, as required by the NPPF and the application fails to adequately deal with the detrimental impact on the landscape. The Kent Downs AONB Unit would welcome the opportunity to discuss how the detrimental effect of the site on the AONB landscape could be moderated with the applicant/officers of the Council.

The application is also felt to be contrary to policy CSD4 of Shepway's Core Strategy as well as to challenge policies SD1, 5D2, 5D3, 5D7, SD8 and LLC1 of the Kent Downs AONB Management Plan.

The Kent Downs AONB Unit therefore objects to the application.

4.16 Urban Design/Landscape Officer

Impact on AONB

The extensions to the office building and timber store are contained within the existing compound and will be constructed to match the existing buildings. These are considered to be acceptable; no further comments will be made on them.

The new metal fabrication and powder coating unit is a large structure. Whilst it is proposed to be built on land that is higher than the rest of the site it will be set down within the landscape, which will make it less obtrusive. It is also screened by the existing works and adjacent woodland, without mitigation measures it would be most visible from the north and south. The design of the building incorporates measures that will help to lessen the impact; a double ridged roof minimises the height and timber cladding on the upper sections of the walls will help to soften the appearance of the building. The finished roof covering is very important; reflective and light surface finishes increase the prominence of large buildings in the countryside. The colour is important; it does not appear to be specified within the documentation. Confirmation of the nature of the roofing materials and the extent of the timber cladding is required.

In addition to the design measures substantial thought has been given to the landscaping around the metal fabrication unit to ensure that as much of it as possible will be screened from view.

The most notably feature of this detail is the planted earth bund that surrounds the proposed building, which is shown to be planted with a mix of native woodland species. This should in time produce a substantial amount

of cover that will obscure the building. The Landscape and Visual Impact Assessment demonstrates that the southern boundary is most sensitive from a visual perspective. Representative sections of the bunding and vegetation are shown below; each boundary has its own treatment in accordance with the screening requirements.

The Landscape and Visual Impact Assessment for the proposed development is considered to be sound. The methodology complies with the guidelines for Landscape and Visual Impact Assessment (3rd Edition) which is widely recognised as a definitive text on this subject. It describes the nature of the project, the existing conditions, evaluates what the impact of the proposed development will be on the existing conditions and provides a scheme of mitigation measures to minimise adverse impacts.

The report is divided into two sections. The first examines landscape character identifying a range of key landscape elements /characteristics. These are then assessed to predict the significance / importance of impacts ensuing from the development.

The study also refers to existing relevant landscape character assessments and assesses those established under the landscape Character Assessment of Kent that was written by Kent County Council in 2004 predicting the impacts of the development in relation to the characteristics of both the Postling Vale and the East Kent Downs Landscape Character Assessment

The visual assessment was carried out from a range of near, middle and far points that were established around the site. These were then evaluated in terms of the impact of the development on recognised visual receptors.

The visual survey demonstrates that the site and the new development is most visible from the existing entrance and the southern boundary. The design of the building and proposed mitigation measures will significantly reduce the impact of the new building, with the growth of the proposed vegetation it is highly likely that much of the building will be obscured.

Conclusion

The impact of the proposed extensions to the office building and store would be negligible. The extension to the store would improve the appearance of the site, reducing the amount of materials/ products that are currently stored outside.

The new metal fabrication and powder coating unit is a large structure in highly valued countryside, which alone would be highly likely to be unacceptable. However in the context of the existing operational site, much of the 'harm' already exists. The carefully considered design and mitigation measures will minimise the impact of this building.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 17.10.2017

5.2 Site Notice. Expiry date 09.08.2017

5.3 Press Notice. Expiry date 17.08.2017

6.0 REPRESENTATIONS

6.1 15 letters/emails received (some further letters from same objector) objecting on the following grounds:

- Major and inappropriate development in small rural hamlet;
- Noise disturbance to neighbours from traffic movements, lorries, fork lift trucks, staff cars;
- Noise to neighbours from process and outside storage/stacking;
- Stowting Lane inappropriate for commercial traffic – including lots of lorries;
- Traffic in Stowting Lane blocking access for emergency vehicles;
- Concerns in respect to flooding;
- Concern in respect to increased traffic movements and pedestrian safety;
- Air Pollution concerns to neighbours from vehicles related to site;
- There are no exceptional circumstances to sufficiently allow for the proposal within the AONB;
- Erosion of the natural Beauty of the AONB;
- Lorry noise out of operational hours waiting for site to open;
- The proposed building is out of scale with everything else on the site;
- Increase in light pollution within the AONB;
- The traffic levels recorded by neighbours are greater than those estimated by the planning agent;
- The arrival of lorries out of hours is an issue for neighbours causing noise and nuisance;
- Hours of trading proposed are a concern;
- Increased future productivity is a concern;
- Pollution concern with water runoff;
- The traffic movements proposed do not account for future expansion in trade following the improved operations.

6.2 1 letter of support for the following reasons :

- The existing traffic to the Jackson site is not an issue and the traffic levels will not increase;
- The proposed expansion is a good thing economically for the area.

7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

7.2 The following policies of the Shepway District Local Plan Review apply:

SD1, BE1, BE8, U3, U4, U10a, U15, TR11, TR12, CO1, CO4, CO11.

7.3 The following policies of the Shepway Local Plan Core Strategy apply:

DSD, SS1, SS2, SS3, SS5, CSD3, CSD4, CSD5

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework : particularly paragraphs 9, 11, 14, 17, 18, 19, 21, 28, 32, 34, 36, 56, 61, 109, 115, 118, 120, 121, 123.

National Planning Policy Guidance

Kent Downs AONB Management Plan (adopted 16th April 2014).

8.0 APPRAISAL

Relevant Material Planning Considerations

8.1 The following matters are considered to be material to the consideration of this planning application:

- Principle
- Design/ Impact on the character of the area and AONB
- Neighbour Amenities
- Highways and Parking
- Impact on the Ancient Woodland
- Ecology
- Contamination
- Drainage and Flood Risk
- Local Finance Consideration

Principle

8.2 The NPPF 'core principles' seeks to proactively drive and support economic development that is sustainable and addresses business needs of the area. The NPPF also supports the creation of a strong rural economy (para 28), including development that respects the character of the countryside and supports communities and visitors, tourism and leisure activities. The NPPF also states that the planning system should operate to encourage not impede economic growth and that significant weight should be placed on the need to support economic growth through the planning system.

8.3 Policy SS2 of the Shepway Core Strategy relates to '*Housing and Economic Growth Strategy*' and states that '*...business activity and the provision of jobs*

will be facilitated through.....concerted efforts to deliver rural regeneration (especially in the south and west of Shepway).'

- 8.4 In this case the existing premises currently house a successful business which has been on the site for about 70 years and provides a large number of jobs (219 full time jobs) to local people.
- 8.5 National Policy and the Core Strategy support the principle of development which provides for needs of businesses. Specific to rural areas there is support for the implementation of well-designed new buildings in facilitating the prosperity of rural businesses. In the North Downs Character Area, which lies in the Kent Downs AONB, it is also appreciated that this national designation has the effect of limiting economic development opportunities in this part of the district.
- 8.6 In principle the proposed development is considered to present an opportunity to secure long-term employment and local expenditure in this part of the District.
- 8.7 However, it has already been noted that the application site falls outside of any settlement boundaries and as well as being located in the open countryside it is also located in the Kent Downs Area of Outstanding Natural Beauty and the North Downs Special Landscape Area. The protection of valued and designated landscapes is made explicit in paragraphs 109 and 115 of the NPPF, with biodiversity conservation set out in paragraph 118.
- 8.8 Paragraph 115 of the NPPF notes that, *“great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”* Core Strategy Policy CSD4 states that *“planning decisions will have close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning considerations.”* Therefore notwithstanding the support in principle for the needs of the rural business, assessment of the impact on the Kent Downs AONB needs also to be assessed. (Later in report.)
- 8.9 In relation to designated areas, of which AONB's are one type listed, paragraph 116 of the NPPF specifies that *‘planning permission should be refused for major developments in such areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest.’* The paragraph then continues in respect to considerations of such applications.
- 8.10 However, there is no clear definition in policy or guidance of what constitutes ‘major development’ in the AONB for the purposes of paragraph 116 of the NPPF and whilst the Kent Downs AONB is minded that *‘the scale of the proposed new steel fabrication building is such that it is considered to constitute major development’* this is not agreed by planning officers. The Government’s National Planning Policy Guidance document states:

“Planning permission should be refused for major development in a National Park, the Broads or an Area of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated to be in the public interest. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The Framework is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable.”

- 8.11 Appeal decisions show that whether a development proposal is judged ‘major’ will depend on local circumstances and is not simply a matter of scale and numbers.
- 8.12 In *Mr & Mrs Thorpe-Smith v North Devon District Council* the Planning Inspector explained that *“my view of the word ‘context’ as set out in the NPPG relates simply to the factual nature of the size and scale of the development compared to that in its vicinity....It does not mean the effect of the development on the AONB.”*
- 8.13 In respect to the ‘local circumstances’ therefore, the proposal is for extensions to an existing large scale operation within the AONB, bringing off-site aspects of the works on-site and allowing for modern, efficient methods of production. It is not introducing a new works into the AONB of an industrial nature where none was previously existing. Neither is the proposed new development to operate in a different ownership and/or operation than the existing works.
- 8.14 In terms of ‘context’ and the ‘*size and scale of the development compared to that in its vicinity*’, the total site area is about 7.4 hectares. The part of the site that is already commercially developed and operated by Jacksons Fencing (including the area with the telecommunications masts) occupies about 5.0 hectares of the overall application site. The additional land (field) has an area therefore of about 2.4 hectares.
- 8.15 In respect to the proposed extensions of the to the office and storage buildings these works are within the existing built envelope of the site and are not considered of themselves to constitute major development of the purposes of Para 116 of the NPPF.
- 8.16 In respect to the development within the field to the rear, the additional 2.4 hectares area is clearly subservient to the area of the existing works site. Of this 2.4 hectare addition about 0.9 hectares of the space will be given over to bunding and landscaping. Whilst it is accepted that the proposed new building itself is a significantly larger building when compared to existing buildings within the site, the limited size of the existing buildings are in part impeding efficient working. The larger scale of the proposed new B2 building than existing buildings on the site, in and of itself, is not considered to be so great for the development to be considered under paragraph 116 of the NPPF, given that it would be operated as part of what is already an

existing, sizeable industrial works in this area.

- 8.17 In conclusion therefore, on the basis of the above criteria, the proposal in question and the context, officers conclude that the proposal should not be treated as 'major development' for the purposes of paragraph 116 of the NPPF. However, whilst in principle policy would support economic development within the rural area, the proposal must still be considered under paragraph 115 of the NPPF and the planning policies referred to above in relation to visual impact, design, amenities, traffic, environmental impacts and so on.

Design/ Impact on the character of the area and AONB

- 8.18 The protection of valued and designated landscapes is made explicit in paragraphs 109 and 115 of the NPPF. Paragraph 115 of the NPPF notes that, *"great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty."* Core Strategy Policy CSD4 states that *"planning decisions will have close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning considerations."* Policy CO1 seeks to protect the countryside for its own sake and policy CO4 requires the protection or enhancement of the natural beauty of Special Landscape Areas. The NPPF and saved local plan policy BE1 requires new development to be of 'high quality' in terms of the appearance and having regard to the impact on the street scene, the character of the area and also the functionality and layout of the development design. Paragraphs 57 and 58 refer to high quality and inclusive design that is visually attractive as a result of good architecture and appropriate landscaping.
- 8.19 The applicant has submitted a 'Landscape and Visual Impact Assessment' in support of the submission and its impact on the AONB and surrounding countryside.
- 8.20 Firstly in terms of the design of the two building extensions, the proportions and materials palette reflects the original buildings to which they will be attached and as such these extensions are considered to be acceptable as proposed.
- 8.21 The design of the building to the rear seeks to minimise the scale of the building by the use of dual parallel roofs, keeping eaves and ridge heights as low as possible whilst still allowing sufficient headroom from the equipment and its operation inside the building. The palette of external materials proposed has been mindful that the site is within the open countryside. As such the upper parts of the external walls will be timber clad and a non-reflective metal sheet roofing used. Whilst the building will eventually be mostly screened from views outside of the site (public rights of way and adjacent sites) by trees and vegetation, in the early years it will be more visible from outside the site and the use of timber cladding will help to

protect the visual amenity of the countryside and AONB within which the site is located. The scale and appearance of the building will be similar to forms of large scale farming activity buildings (for example barns on apple farms in Kent or at the former Stonegate Chicken Farm), and as such buildings of this size and appearance are not unknown within either the rural area of the AONB. However the careful use of both materials and tree planting can help to assimilate the buildings appearance into the landscape and soften, filter and screen views of the building(s) from outside the site.

- 8.22 In this case significant bunding and a landscaping scheme for the rear part of the site has been developed and proposed, informed by the applicant's Landscape and Visual Impact Assessment work. The visual assessment was carried out from a range of near, middle and far points that were established around the site. These were then evaluated in terms of the impact of the development on recognised visual receptors. The assessment demonstrates that the southern boundary is most sensitive from a visual perspective with one public right of way running along the southern boundary and the second at an intermediate distance to the southern boundary at a higher ground level. The Kent Downs AONB unit also highlights the sensitivity of views from these local view points to the south of the site. Whilst not agreeing the level of sensitivity of the views from the south with the classification of those views allocated within the LVIA, the AONB unit does state that *'the proposed mitigation put forward in respect to the new building is generally considered appropriate should the principle of the development be found to be acceptable'*. In addition to views from the south the proposed development will also be visible from the existing site entrance. Following representation from the AONB unit the applicant has now devised and submitted a scheme for the remodelling and visual improvement of the two existing site entrances points, which are discussed further below. Therefore it is considered that, subject to control of the materials, landscaping, ground levels and bunding, the harm that would otherwise occur to the visual amenity of this highly valued countryside by the works in the extended site area can be adequately mitigated. With the growth of the proposed vegetation it is highly likely that much of the building will be obscured over time.
- 8.23 In addition to the buildings the proposal involves other development, such as the changing of land levels and installation of internal roads, hardsurface and external storage space, bunds, fencing and works to the site entrances. Some of this development is of a utilitarian appearance by its nature but the proposed bunding and landscaping scheme seeks to minimise and screen these aspects of the development, fencing can be powder coated to an appropriate colour and the impact of these aspects on the visual amenity of the area can be minimised. These matters can be controlled by planning condition.
- 8.24 In respect to the remodelling of the site entrances the applicant has responded to many of the points raised in this respect by the Kent Downs AONB Unit. At the northern entrance, to the western side of the entrance it is proposed to: remove an existing shipping container (which is outside of the boundary fencing); remove the existing concrete hardstanding; reduce

the surface level of this area so it is level with the adjacent highway carriageway; the area is then to be soft landscaped (rough grass and native tree and hedge planting) behind a 0.6m high retaining wall; and, the area outside the planted zone tarmaced as a continuation of the highway carriageway. To the eastern side of the entrance the entrance width is to be reduced by about 5m which will allow for additional native planting and replacement fencing and gates. These works will also amend the public access to the site just inside the entrance point.

- 8.25 In respect to the reworking of the southern entrance the proposed remodelling includes: existing storage/racking will be removed; a pedestrian gate and decking; the existing gate and fencing painted black; raised kerb allowing for grass verge seeding and native hedge planting; all existing signage removed (two new signs are indicated to be erected one on either side of the entrance); new road signage directing lorries to turn right.
- 8.26 In visual terms this works will significantly enhance the appearance of the site entrances within the streetscene and the AONB. The implementation of these schemes can be controlled by planning condition.
- 8.27 Therefore, subject to the use of relevant planning conditions it is considered that the proposed works are acceptable in terms of their design and visual impact of the streetscene, countryside and the Kent Downs AONB and Special Landscape Area.

Neighbouring Amenities

- 8.28 Policy SD1 of the Shepway Local Plan Review and paragraph 17 of the NPPF require that consideration should be given to the residential amenities of both neighbouring properties.

Noise and Disturbance

- 8.29 A Noise Impact Assessment report has been submitted in support of the application. Noise pollution is a matter of concern raised by the Parish Meeting. Noise level surveys have been undertaken in respect to the existing Timber Mill Workshop, Timber Manufacturing Workshop, Small Timber Jointing Workshop and Metal Fabrication Workshop through the period of 8.57am to 6pm whilst timber or metal was being cut/treated. The report does note that *'It was noted during the measurements of ambient noise at the site boundary, the dominant noise source was from the general activities from the open yard, forklift trucks, staff voices, etc and building services plant serving the existing metal fabrication workshop.'* (point 2.13)
- 8.30 It is noted at point 3.5 that *'the open yard area adjacent to the residential site boundary will be used for timber product storage rather than metal products and so any impact from material being moved around the yard should be reduced to some degree.'* Although forklift noise and staff noise will remain it notes.

- 8.31 In terms of the new use (timber manufacturing) of the existing metal fabrication building, the report concludes this will represent a 9dB betterment in terms of working noise at the residential boundary to the north. They further advise that any new plant installed internally will be restricted to noise emissions are below 45dB when assessed from the residential site boundary. (This is one of the recommendations listed in the report conclusions.)
- 8.32 In respect to the new metal fabrication building, even with doors in the northern elevation open (worst case scenario), and not accounting for the bund, the report concludes that the noise emanating from the works will fall below existing background noise levels. (The existing background noise level accounts for existing workings in the current metal fabrication building.)
- 8.33 As such the proposed operations within the proposed metal fabrication building would be less than that of the existing level for these operations. The Environmental Protection Officer is satisfied that this will afford an acceptable environment for neighbours, subject to the recommendations as set out in the Noise Impact Assessment report (point 3.10) and the use of conditions to restrict hours of operation.

Hours of Operation

- 8.34 The current authorised hours of operation for the existing site operations are the subject of various historic planning permissions. Stowting Parish Meeting have asked that a single set of operational hours are imposed across the whole site, but this is beyond the scope of this application, which can only address the development being applied for. In respect to storage building to be extended (Building E) the original building and associated outside storage area was granted planning permission under reference 96/0776/SH. This building/outside space is controlled by a number of conditions including that:
- “4. *The premises shall be used for ancillary storage purposes only and for no other purpose, including any other purpose in Class B8 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.*”
- “5. *Any loading, unloading or other activities associated with the warehouse shall only be carried out between the hours of 6.30am and 9pm weekdays, 6.30am and 5.30pm Saturdays and not at all on Sundays.*”
- 8.35 Under the current proposal, in terms of condition 4 of the 1996 planning permission, the extension to the store will meet with the requirements of this condition.
- 8.36 In terms of the hours of operation, the extended store will in part cover the external storage area under that 1996 planning permission but the extended store and the remainder of the outside storage area must operate within the controlling hours of the 1996 planning permission. This can be further

secured by planning condition. (The only route to reconsider the hours of operation for this building and associated outside area would be through a variation of condition application to the 1996 planning permission. Alternatively, if a Lawful Development Certificate concluded that an alternative set of operational hours were lawful, those hours would be the controlling times. Neither such form of application has been submitted or granted so the 1996 planning permission conditions prevail.)

8.37 In terms of the extension to the office building, the existing office building was granted planning permission under 97/0077/SH and subject to the following condition:

“13. The hours of use of the office premises shall be limited to hours between 0800 and 1800 Monday to Saturday and at no time on Sundays or Bank holidays other than for meetings, urgent work, maintenance and cleaning. Outside the specified hours the windows on the north east elevation shall be kept closed when the building is occupied.”

8.38 The existing office building is also subject to a condition restricting its use to *‘in association with HS Jackson and Son (Fencing) Ltd...’*

8.39 As such the extension to the office building would need to be operate the same permitted hours as the 1997 planning permission as no other, overriding hours of operation have been established. This can be controlled by planning condition.

8.40 In respect to the proposed new metal fabrication/powder coating building the applicant requests operational hours of Monday to Saturday 7am to 8pm, no working on Sundays or public holidays. This is seen to be longer working hours than allowed for the existing metal fabrication building (under planning permission 97/0913/SH hours are restricted to *“between 0730 – 1800 hours Monday to Saturday and at no time on Sundays or Bank Holidays. No collections from, or deliveries to, the building shall take place outside the hours of 0700 – 2100 Monday to Friday, 0700-1730 Saturday and at no time on Sundays or Bank Holidays”*. The proposed building is to be constructed with a greater level of acoustic protection than the existing building and is further away from neighbours and as such no objection is raised to these operational hours for within the new building.

8.41 Externally around this proposed new B2 building is to be fabricated good storage (palettes on racks) and space for the loading and unloading of vehicles. Currently all loading and unloading takes place in the yard areas around the site, including around the existing metal fabrication building adjacent to neighbours' property, Oak Tree Farm. In relation to the historic planning permissions on the site the wording of the conditions used only restrict deliveries to buildings and not to outside yards/areas. (The exception to this is the timber storage building E which does have restrictions related to its ancillary outside storage area.) Therefore currently the work space around the existing metal fabrication building operates outside of the hours of the condition detailed above and also makes deliveries outside of the hours of the condition detailed above.

- 8.42 The applicant has advised officers that the general working practice on the site is 'yard operation' is generally 8am-10pm (albeit normally 8pm) Monday-Friday, 8-6 Saturday and 7-12 Sunday (On Sundays it is advised that the working is typically no more than 6 workers on site, ready for a Monday dispatch. Sunday workings typically fall between 7am-12pm but very occasionally outside of these hours if required to finish the task.) Deliveries to the site are 8.00am to 5.30 Monday to Friday only. (The applicant advised that the deliveries are scheduled and companies are told the hours in which they can deliver, which start at 8.00am, however the gates are open from 6.30am.) Outgoing deliveries from the site do leave the site very early in the morning depending of where they are to go (at times as early as 3am) and are rarely back later than 5.30pm.
- 8.43 Therefore, whilst the applicant proposes the operational hours of the proposed B2 building to be Monday to Saturday 7am to 8pm, no working on Sundays or public holidays, following further discussion in respect to the space outside the building, the applicant requests working in the area outside of this building (stacking, loading, unloading etc) be allowed 8.00am to 10.00pm Monday-Friday, 8.00am to 6.00pm Saturday and 7.00am to 12.00 midday Sunday. Times for deliveries to the area outside the building be 8.00am to 5.30pm Monday to Friday but deliveries from this part of the site be allowed 24/7.
- 8.44 This matter needs to be carefully balanced. The existing planning permissions covering most of the existing site mostly do not control the activities and deliveries to and from outside spaces - the exception being the timber storage area around Building E. However this is not considered to be the normal situation for industrial sites with residential property in close proximity. The applicant's Noise Impact Assessment submitted in support of this application only carried out noise surveys between the hours of 8am and 6pm, and not into evening working times, and noted that *"during the measurements of ambient noise at the site boundary, the dominant noise source was from the general activities from the open yard, forklift trucks, staff voices, etc and building services plant serving the existing metal fabrication workshop."* (point 2.13) Whilst it is appreciated that the location of the yard, associated with the proposed new B2 building, is further from neighbours the use of restrictive hours conditions in respect to the activities within the open space outside the building and in terms of deliveries to and collections from the outside space (as well as the building) is warranted to protect neighbours living conditions.
- 8.45 In terms of the use of the activities in outside space these are likely to include the movement of forklifts, stacking and picking of goods on palettes, movements of lorries for loading, and loading activities. The applicant has requested hours for these activities of 8.00am to 10.00pm Monday-Friday, 8.00am to 6.00pm Saturday and 7.00am to 12.00 midday Sunday. In terms of deliveries leaving the site the conditions that have been attached to historic planning permissions all intended to restrict deliveries leaving the site to between the hours of 7am to 9pm to protect neighbours' living conditions, but unfortunately poor wording of conditions failed to capture all deliveries. Notwithstanding therefore that deliveries do leave the existing site outside of these hours that is not a reason to allow the extended site area to be unrestricted in terms of lorries leaving that part of the site and therefore officers

consider that deliveries from this part of the site are restricted so that no shipment/deliveries from the new building and its surrounding yard/area shall take place outside of the hours of 7am to 9pm Monday to Friday, 7am to 6pm on Saturday and no deliveries/shipments shall take place on Bank or Public Holidays.

- 8.46 Subject to suitably worded conditions no objection is raised to the impact of the proposal on neighbours' living conditions in terms of noise and disturbance.

Dust

- 8.47 In terms of measures for the control of dust during the construction period for the rear part of the site and the extensions, this can form part of a Construction Environmental Management Plan, which can be secured by planning condition.

- 8.48 Once operational all manufacturing and finishing processes across the site, including in the new B2 building, shall take place inside buildings. Externally there will be only storage of some materials and finished products on made surfaces and on palletes. Although there will be associated vehicle movements by fork lift truck and road vehicles around the site this will also be on made surfaces and is not anticipated to create significant levels of dust.

Sunlight and Daylight

- 8.49 In terms of daylight and sunlight impacts to neighbours the proposed buildings are all to be a significant distance from the site boundaries such that no overshadowing of adjacent properties or loss of daylight to the rooms of neighbouring dwellings will result from this application. (Tree landscaping will result in some additional overshadowing of areas immediately adjoining the site but will not be of an extent or duration that would warrant the refusal of the application.)

Privacy

- 8.50 It is at the northern side of the site that the ground levels are to be raised to accommodate the internal access road and development to the rear of the site. There is already a clear view from the field (to be developed) into paddock land to the northern side. However there will be no view back into Oak Tree Farm as there is an existing tree planting belt between the paddock and that Oak Tree Farm which screen views into that property from the rear part of the application site, even at the higher level – and the application proposal itself proposed tree planting along the boundaries of the field which will also stop views between the application site and Oak Tree Farm.

- 8.51 Overall therefore, subject to suitably worded planning conditions there is no objection to the impact of the proposal on neighbours' amenities.

Highways/Parking

- 8.52 Policy TR11 relates to the impact of new development on the highway network. Paragraph 32 of the National Planning Policy Framework states, in part, that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*
- 8.53 The site is located about 0.5 miles west from Stone Street, at its junction with Six Mile Garage. The existing road from Stone Street to the site is a single track rural road with a number of passing areas. It is accepted that this is not an ideal road to serve a large industrial site but the business is longstanding and as such only the impact of the development on the highway network, over and above any existing situation, can be considered at this time. (Planning policy and legislation does not allow for the use of planning controls to address pre-existing issues in an area in the consideration of a planning application.)
- 8.54 Of key importance when considering this proposal is to understand whether there would result any increase in vehicle movements on the Lymbridge Green road network. In respect to the number of traffic movements associated with the proposal the applicant has supplied additional information and plans to allow a more thorough understanding of the changes to on-site areas/uses and the vehicle movements associated with the business.
- 8.55 The County Highway and Transportation Officer takes into account that the increase in timber storage on site will replace capacity currently held remotely off site and that the extension to the timber storage building would not in its own right create an increase in vehicle movements. Likewise neither would the extension to the office unit.
- 8.56 The provision of a new powder coating facility will lead to a small reduction (8 trips per week) in vehicle trips compared to the existing working practice, with this being carried out off site. Furthermore, through the improved processing facilities on site, the number of items produced off site and then bought onto site will decrease and will result in a small saving of 125 vehicle trips per annum, which equates to two trips per week.
- 8.57 As it has been demonstrated, following considerable interrogation in respect to traffic movements that the proposal will not result in additional traffic movements on Lymbridge Green. The County Highway and Transportation officer does not object to the proposal on the grounds of highway capacity or safety. The officer does however recommend the use of a personal planning permission for the new B2 unit so that should Jacksons Fencing leave the site in the future, and another business wish to operate from this location, this would require a planning application to vary the 'personal' planning condition and would allow for scrutiny of the impact of vehicle movements of any new operation on the road network.
- 8.58 In respect to the alterations to the two access points to the site the County Highways and Transportation Officers do not make any specific comments

but require conditions that visibility spays are maintained and no runoff onto the highway occurs.

- 8.59 Policy TR12 of the Shepway Local Plan Review relates to car parking levels to serve new development. Currently the site provides 183 staff parking spaces, 10 bike spaces, 5 visitor spaces, and a further 20+ public parking spaces in the 'Jakstore' car park. In this case six staff parking spaces are to be lost due to the extension to the office building. The intention of the proposal is to future-proof the viability of the business and no increase in 219 staff numbers operating from the site are intended. As an overall number the loss of six parking spaces is a small number and it is not expected that staff parking will overspill from the site as a result. Already the company operates some smart parking arrangements on the site and these could be reviewed and extended if necessary should saturation occur.
- 8.60 Subject therefore to suitably worded planning conditions no objections are raised in respect to highways or parking matters.

Impact on Ancient Woodland

- 8.61 The NPPF at paragraph 117 seeks to conserve and enhance biodiversity in part by refusing planning permission which would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland (unless the need for, and benefits of, the development in that location clearly outweigh the loss).
- 8.62 The application proposal seeks to develop close to Hedgecock Woods, which is both an Ancient Semi-Natural Woodland and a Local Wildlife Area. The woods are to the east of the development site and the proposal includes a 15m landscaped buffer between the built development and the ancient woodland. None of trees within Hedgecock Woods are to be lost under the current proposal. The Council's Arboriculture Manager advises that he has no objections to the proposal in respect to the impact on retained and adjacent trees.
- 8.63 Natural England, in conjunction with the Forestry Commission Ancient Woodland have produced standing advice in respect to the protection of ancient woodland from development. In part this advice states that "leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree (depending on the size of development, a minimum buffer should be at least 15 metres)".
- 8.64 In this case, whilst the Local Wildlife Trust suggests that a buffer of greater than 15m should be employed for this development but the Council's Ecology consultants are minded that the 15m buffer is an appropriate buffer zone to minimise impacts on Ancient Woodland. (The reasons for these comments will be discussed further in the 'Ecology' section of this report.)

8.65 The Natural England/Woodland Trust standing advice uses an example of a 15m buffer between an ancient woodland and proposed commercial development, which is generally used as a 'marker' for new commercial development adjacent to ancient woodland. In this case all of the manufacturing and finishing processes will take place inside the new building. Externally will be traffic movement (lorries and forklift trucks) on suitably finished hardsurface, loading and unloading activities and the storage of finished products (which are on palettes). These outside activities are not considered to be so extraordinary or harmful as to warrant a buffer zone of a greater distance than the 15m example within the Natural England/Woodland Trust standing advice. The ongoing protection of the buffer zone area, the planting of the buffer area (as per the landscape scheme), control of external lighting and control of hours of operation are all factors that will minimise impacts on the Ancient Woodland. (The hours of illumination of external lighting will need to account for the working times discussed earlier in this report but will ensure that after 9pm there will be no illumination of the countryside and AONB from the extended site area, which is a concern raised by both the Parish Meeting and the Kent Downs AONB unit.)

Ecology

8.66 The NPPF seeks to minimise impacts on biodiversity and provide net gains in biodiversity where possible, with biodiversity conservation set out in paragraph 118. Saved policy CO11 of the Shepway Local Plan Review states that permission will not be given for development which would endanger plant or animal life to habitat protected under law or if it causes the loss or damage to habitat and landscape features of importance to nature conservation. (This is unless the need for the development outweighs the nature conservation considerations and mitigation measures are undertaken to fully compensate for remaining adverse effects.)

8.67 In this case the applicant has submitted an Ecological Assessment, in relation to the rear section of the site, with the application. The site is adjacent to Hedgecock Wood to the east (also known as Lyminge Forest) and adjoining the southern boundary is farmland managed under the Higher Level Stewardship Scheme (agri-environment scheme).

8.68 The Council's Ecological consultant is minded that subject to the implementation of mitigation measures provided for the aforementioned ancient woodland (buffer, planting, control of external lighting, deadwood habitat piles, bat/bird boxes, reinstatement of known wildlife migration routes) there will be no detrimental impacts to the local wildlife site and ecological enhancement will occur.

8.69 Within the site itself the habitat was not found to be suitable for any protected species under the Wildlife and Countryside Act 1981 nor for nesting birds.

8.70 Therefore subject to suitably worded planning conditions securing the implementation of ecological enhancements and a lighting design strategy no

objection is raised to the proposal in respect to the impact on the adjacent Ancient Woodland, Local Wildlife site or ecological interests of the area.

Contamination

- 8.71 Policy U4 of the local plan states that development will not be permitted if it would lead to unacceptable risk to the quality or potential yield of the surface or ground water resources or lead to an unacceptable risk of pollution. Policy U10a requires investigation to establish the nature and extent of contamination of development land. The NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).
- 8.72 In respect to land contamination the applicant has submitted a 'Report on Ground Investigation'. The Council's land contamination consultant advises that the report relates only to the redevelopment of the additional part of the site (to the rear) and not in relation to the existing building extensions.
- 8.73 In relation to the rear part of the site they conclude that report to be generally of a suitable scope and standard. No significant field evidence of contamination was noted and laboratory testing did not identify any significant contamination in the context of the development proposals. They agree that no remediation of this part of the site is required but a condition is required in respect to assessment/potential mitigation should unexpected contamination be found during the construction works.
- 8.74 No information has been presented regarding the proposed construction of building extensions within the current Jacksons yard. Further information is required for these aspects of the development. Given the limited sensitivity of the proposed land use, in this case it would be appropriate to secure a watching brief during the groundworks for the extensions by planning conditions. Should any contamination be identified during works, it should then be assessed by a suitably qualified environmental consultant and can be controlled by a condition to require such assessment and potentially mitigation.
- 8.75 In respect to the potential for the contamination of the principal aquifer, by a deep-bore drainage system (proposed as part of the surface water drainage strategy for the site), the Environment Agency has highlighted this potential and without full details this system may not be acceptable. As such the EA objected to the proposal without further details being submitted. However, in a further email to the applicant (copied to the LPA case officer by the EA) the EA confirm that the principle of the use of deep bore soakaways is acceptable and use of a planning condition is acceptable in this case to demonstrate that contaminants will not enter the groundwater, and that the risk to groundwater is understood.

8.76 As such subject to suitably worded planning conditions, including that and that a sealed cesspit is to be used for foul drainage of the new B2 building, no objection is raised in respect to the matter of contamination as a result of the proposed development.

Drainage and Flood risk

8.77 In this case the applicant has confirmed that foul drainage for the proposed new B2 building will need to be to a sealed cesspit. This can be controlled by planning condition. The extension to the office building is intended to provide a better working environment for exiting staff and no revision to the existing foul drainage is required.

8.78 In terms of surface water drainage the applicant has been submitted a 'Flood Risk Assessment/Drainage Strategy' for the additional, rear part of the site. The Local Lead Flood Authority suggest a number of conditions be used on any planning permission in relation to: a detailed sustainable surface water drainage scheme for the site; details of the implementation, maintenance and management of the sustainable drainage scheme; that where infiltration is to be used to manage the surface water, it will only be allowed within those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters and/or ground stability. Subject to such conditions no objection is raised in respect to flood risk. Subject to these, the application is considered to be acceptable in this respect.

Local Finance Consideration

8.79 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy is not liable on new commercial floorspace in the area other than new retail space. As such the proposal is not subject to the CIL levy.

Human Rights

8.80 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any

interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

- 8.81 This application is reported to Committee as Stowting Parish Meeting object to the application in respect to a number of matters and the Head of Planning believes it raises issues that should be considered by the committee.

9.0 SUMMARY

- 9.1 Overall planning seeks to balance matters in respect to the impact of development on the countryside and AONB, securing local employment, impacts on amenities and on the environment. In this case the proposal is an extension to a longstanding existing works, and is intended to secure long-term employment (219 full-time jobs) and local expenditure in this part of the District. The proposal is not considered to equate to 'major development' for the purposes of paragraph 116 of the NPPF, however its impact on the natural beauty and setting of the Kent Downs AONB, the Special Landscape Area and the countryside are key matters in the consideration of the application. It is concluded that the impact of the proposed development is only acceptable in terms of visual amenity subject to a careful use of materials, bunding, generous landscaping and remedial works to the front of the site.
- 9.2 In terms of the impact of the proposed development on the highway network it has been adequately demonstrated that increased traffic movements or hazardous conditions will not arise as a result of the proposal and the use of a personalised planning permission for the new B2 building, restricted hours of operation and control of the new building construction and operation will mean neighbours' amenities are not harmed.
- 9.3 Subject to suitably worded planning conditions the proposal is considered to be acceptable in respect to matters of the impact on the Local Wildlife Site and ancient woodland adjacent adjacent to the site. In respect to the potential for land and groundwater contamination and flood risk, the development is only acceptable subject to satisfactory drainage design, compliance with conditions and undertaking appropriate mitigation measures.
- 9.4 In conclusion, subject to the use of suitably worded planning conditions, the proposal on balance is considered to accord with saved policies of the Shepway Local Plan Review, Shepway Core Strategy and the National Planning Policy Framework and relevant guidance.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions:

1. The development must be begun within three years of the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: 16.134.01 Rev P (site location plan), 16.134.07 Rev P5 (proposed site layout), 16.134.10 Rev P2 (proposed building/area uses), 16.134.102 Rev P1 (proposed office floorplan), 16.134.103 Rev P1 (proposed office elevation), 16.134.201 Rev P2 (proposed warehouse floorplan and elevations), 16.134.11 Rev P3 (proposed B2 building layout plan), 16.134.12 Rev P5 (proposed B2 building elevation), 16.134.06 Rev P5 (proposed site sections) MHS174.16-G01 Rev D (Landscape Strategy drawing), MHS174.16-A30 Rev C (Landscape boundary sections), SK03-06.09.2017 Rev D (southern site entrance), SK02-06.09.2017 Rev D (northern site entrance)

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.

3. 1. In respect to new building works hereby approved within Area A, as shown on drawing 16.134.10 rev P2, prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- A survey of the extent, scale and nature of contamination

- An assessment of the potential risks to:
- Human health
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Ground waters and surface waters,
- Ecological systems,
- An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

3. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

4. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme 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 details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

5. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To protect the environment and human health against contamination and pollution, in accordance with saved Local Plan Review policies SD1 and U10a and paragraph 109 of the National Planning Policy Framework.

4. Notwithstanding the report 'Flood Risk Assessment' (dha environment, CS/12093, dated May 2017) no development shall commence in respect to Area B development, as shown on drawing 16.134.10 rev P2, or the internal access road to, until a detailed sustainable surface water drainage scheme for this part of the site and access road has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

5. No development shall commence until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority which shall agree in part :

- a. Routing of construction and delivery vehicles to / from site
- b. Parking and turning areas for construction and delivery vehicles and site personnel
- c. Timing of deliveries
- d. Provision of wheel washing facilities
- e. Temporary traffic management / signage
- f. Dust suppression and mitigation
- g. Hours of Working

Reason: In the interests of public amenity and highway safety.

6. Prior to the commencement of the development (including ground clearance, ground works, servicing works) hereby permitted in Area B, as shown on drawing 16.113.10 rev P2, tree protection measures shall be installed and maintained in place for the duration of construction and in accordance with the report 'Tree Survey/Arboricultural Impact Assessment/Tree Protection Specification' (Sylvan Arb, ref: SA/1287/17, dated 15 June 2017).

Reason: To protect the adjacent Ancient Woodland and Local wildlife site interests.

7. Prior to the first use of development hereby approved within Area B, as shown on drawing 16.134.10 rev P2, ecological enhancements shall be completed in accordance with the 'Recommendations' section of the report 'Ecological Assessment' (JFA Environmental Planning, ref KEN 2067 dated December 2016) and revised landscape drawing (which incorporates wildlife corridor route). Thereafter these shall be maintained in situ.

Reason: To enhance biodiversity opportunities on the site.

8. No work on the construction of the class B2 building(s) hereby approved, as shown within Area B on drawing 16.134.10 rev P2, above foundation/slab level until samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

9. Prior to the first use of development hereby approved within Area B, as shown on drawing 16.134.10 rev P2, the land bunding and landscape scheme as shown on landscape drawings MHS174.16-G01 rev D and MHS174.16-A30 rev C and site layout drawing 16.134.07 Rev P5 shall be completed, unless an alternative timing for planting is agreed with the Local Planning Authority. If within a period of two years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective) another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to protect and enhance the natural beauty of the Kent Downs AONB in which the site is located.

10. Prior to the first use of the class B2 use building hereby permitted (shown in Area B on drawing 16.134.10 rev P2) the remodelling schemes for the two existing access point from/to the public highway shall be completed in accordance with drawings SK02-06.09.2017 Rev D and SK03-06.09.2017 Rev D with the addition of drainage to prevent the discharge of surface water onto the highway. The planting within the vision splays, shall be maintained at no higher than over 0.9 metres above carriageway level. The entrance areas shall be maintained as such thereafter.

Reason: To enhance the appearance of the site within the Kent Downs AONB and discourage traffic from turning left out of the site.

11. The class B2 use building hereby approved, as shown in area B on drawing 16.134.10 rev P2, shall not be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a) a timetable for its implementation, and
- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

12. Prior to the occupation of the class B2 use building within Area B, the associated outside open storage, vehicle parking/turning/loading/unloading area, as shown on drawing 16.134.10 Rev P2, together with the internal access road to this area, shall be completed, including drainage and surfacing. Thereafter the associated outdoor space and internal access road shall be maintained in a useable state for occupiers/users of the premises at all times.

Reason: To prevent interference with the free flow of traffic along the highway and to safeguard the amenities of adjoining areas.

13. In respect to Area B, as shown on drawing 16.134.10 rev P2, and the internal access road to this area, no external lighting shall be installed on the land or buildings without the prior submission to and approval of details by the Local Planning Authority. The installation of any external lights shall only be in accordance with the approved details.

Reason: In order to reduce light pollution and protect local wildlife.

14. The 2m high mesh fencing hereby approved on the southern and eastern boundaries of the site, as shown on landscape drawing MHS174.16-G01 rev D, shall be powder coated either dark brown or dark green (a single consistent colour and not a mixture) prior to installation and maintained as such thereafter.

Reason: To protect the visual amenity of the countryside and Kent Downs AONB in which the site is located.

15. In respect to the class B2 use building hereby approved, within Area B as shown on drawing 16.134.10 rev P2, no operations or other work shall take place within the building other than between the hours of 0700 hours and 2000 hours Monday to Saturday. There shall be no working within the building on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of nearby residents.

16. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

17. In respect to the associated land outside of the class B2 use building, within Area B as shown on drawing 16.134.10 rev P2, no vehicle movements or work shall take place other than between the hours of 0800 and 2100 hours Monday to Friday, 0800 and 1800 hours Saturday and 0800 and 1300 hours midday Sunday. There shall be no working within this area on Bank or Public Holidays.

Reasons: To protect existing local residential amenities and the character of the countryside and Kent Downs AONB from night-time illumination.

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

Reasons: To 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.

19. The new B2 metal fabrication building hereby approved shall be constructed and operated in full accordance with design measures at point 3.10 of the Noise Impact Assessment (MRL Acoustics, MRL/100/1160.1v1 dated March 2017).

Reasons: To protect existing local residential amenities.

20. The hours of use of extension to the office building (building J) hereby approved shall be limited to hours between 0800 and 1800 Monday to Saturday and at no time on Sundays or public holidays other than for meetings, urgent work, maintenance and cleaning. Outside the specified hours the windows on the north east elevation shall be kept closed when the building is occupied.

Reasons: To protect existing local residential amenities.

21. Any loading, unloading or other activities associated with the extension to the warehouse building (Building E) hereby approved shall only

be carried out between the hours of 6.30am and 9.00pm weekdays, 6.30am and 5.30pm Saturdays and not at all on Sundays or public holidays.

Reasons: To protect existing local residential amenities.

22. Foul drainage for the class B2 use building hereby approved, within Area B as shown on drawing 16.134.10 rev P2, shall be to a sealed cesspit only.

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.

23. The materials to be used in the construction of the external surfaces of the extensions to buildings E and J hereby permitted shall match those used in the existing buildings respectively.

Reason: To ensure that the external appearance of the works when completed do not detract from the appearance of the building or the appearance of the area generally.

24. In respect to Area B, as shown on drawing 16.134.10 rev P2, following the submission of 'Report on Ground Investigation' (Evans and Langford LLP, 14148X, dated April 2017) in the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To protect the environment and human health against contamination and pollution.

25. No deliveries to Area B, as shown on drawing 16.134.10 rev P2 (building and land), shall take place outside of the hours of 0700 to 2000 hours Monday to Friday, 0700 to 1700 hours on Saturday and at no time on Sunday, public or bank holidays. No shipment/deliveries from Area B shall take place outside of the hours of 7am to 9pm Monday to Friday, 7am to 6pm Saturday and no deliveries/shipments shall take place on Bank or Public Holidays.

Reasons: To protect existing local residential amenities and the character of the countryside and Kent Downs AONB from night-time illumination.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within Part 3 of Schedule 2 to the said Order shall be

carried out without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over future development.

27. The extension to the warehouse (building E) hereby approved shall be used for ancillary storage purposes only and for no other purpose, including any other purpose in Class B8 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

Reason: To enable the Local Planning Authority to retain control over future development.

28. The Class B2 use building and land within Area B as shown on drawing 16.134.10 rev P2 together with the new building extensions hereby permitted within Area A, as shown on drawing 16.134.10 rev P2, shall only be used in association with HS Jackson and Son (Fencing) Ltd.

Reason: In granting permission the Local Planning Authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over any subsequent use in the event of changes to operations on the site to allow for the Local Planning Authority to ensure vehicle movements are appropriate should another occupier operate from the whole or part of the site.

Y17/0754/SH
H S Jackson and Son Ltd
Lymbridge Green
Stowting Common



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