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Application Number:	23/0719/FH
Location	Plot H, Mountfield Road, Land Rear Plot 15, Collins Road, New Romney
Application Description	2 no light industrial buildings to form 6 no units and wind turbine
Applicant	Mr Howard Russell
Agent	Mr James Smith
Officer Contact:	Danielle Wilkins

Recommendation

That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1. Reason for consideration by the Committee

- 1.1. The application is reported to Committee due to the Council being landowner.

2. Site and Surroundings

- 2.1 The site is the location for Phase IV of the Mountfield Road Industrial Estate and is currently greenfield agricultural land located to the south of existing industrial units on Collins Road, west of the Business Hub (Y18/0976/FH) on Mountfield Road and the New Romney Household Refuse & Recycling Centre. The southern boundary is formed by Church Lane beyond that is open countryside and the western boundary marks the edge of the settlement of New Romney.
- 2.2 Phase IV of the Mountfield Road Industrial Estate (totalling 4.36 hectares) to be developed out to provide space for existing businesses and inward investors to help compensate for the loss of jobs, currently and programmed, at the Dungeness power stations. The masterplan for the development envisages the overall site to be capable of accommodating up to 14,636m² of new floor space for employment use. It is anticipated that the wider site is capable of generating some 480 jobs over a ten-year period following the initial construction of industrial estate buildings.
- 2.3 An application for the industrial estate access road was approved at Planning Committee in April 2019 and constituted the necessary enabling works to facilitate the current application site which is to utilise the access.

2.4 A site location plan is attached to this report as **Appendix 1**.

3. Proposal

- 3.1. Full planning permission is sought for the erection of two light industrial buildings to form 6 no units. The buildings would be identical to each other and face inwards into the site. They would be 27m in length, 11m wide and 3.6m high to the eaves with shallow pitched roofs. The elevations would have plastic coated, metal cladding in goosewing grey with blue flashings, and the roof would be insulated plastic coated metal roofing.
- 3.2. There would be soft landscaping to the front of the site which would sit behind the footway. There would be 17 car parking spaces and three electric vehicle charging points. Access would be via the previously approved access road.
- 3.3. The following drawings show the proposals in detail.

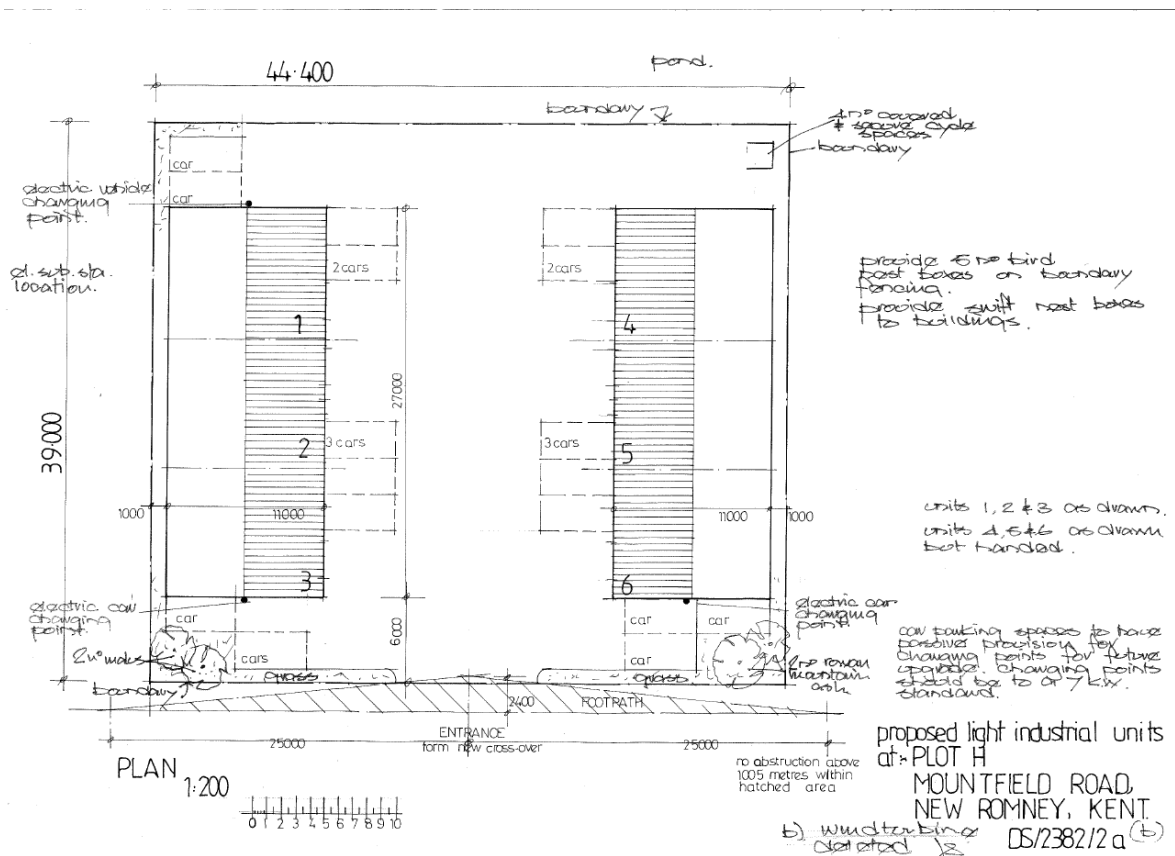


Figure 1: Proposed block plan

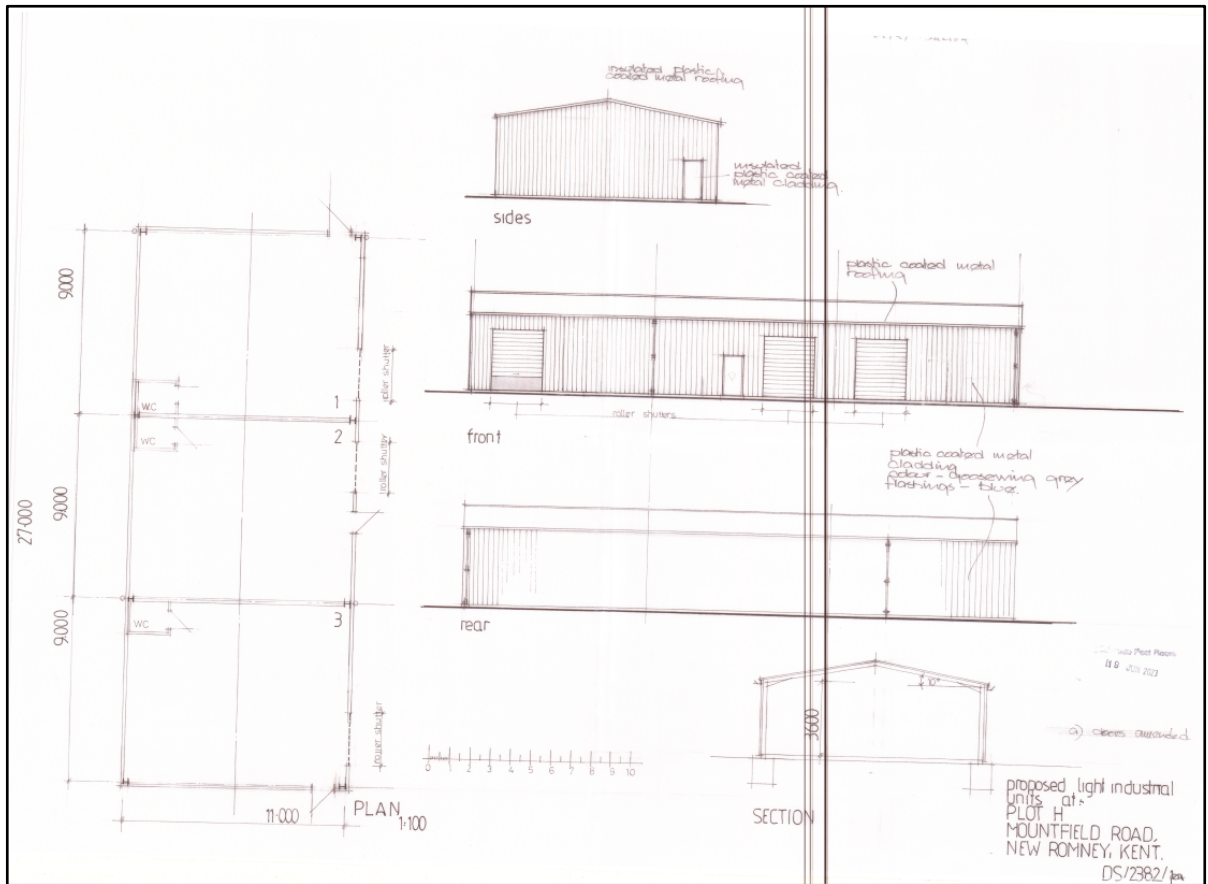


Figure 2: Proposed Elevations

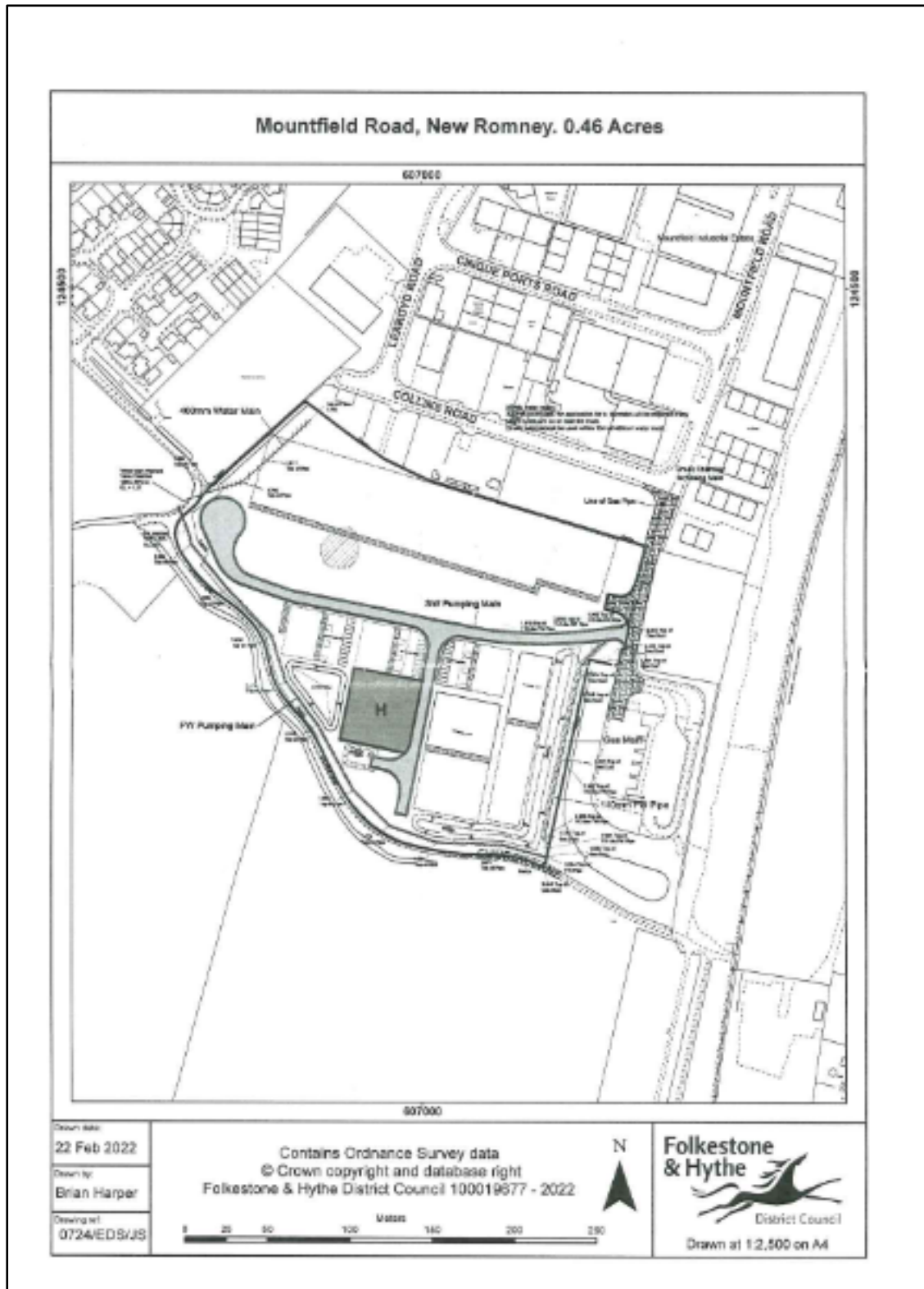


Figure 3: Location within Mountfield Industrial Estate

- 3.4. The following reports were submitted by the applicant in support of the proposals:

Archaeological Desk Based Assessment Report:

This document from the Canterbury Archaeological Trust prepared for the wider site concluded that it is unlikely that extant archaeological features or artifacts would be disturbed or destroyed by the groundworks. It recommends that no further work is necessary on this issue.

Preliminary Ecological Appraisal:

This report sets out the ecological issues on the site and concludes that there is the potential for Great Crested Newts to be adversely impacted by the development and suggested that surveys and a District Level Licensing Agreement is entered into. This has been carried out. The report concludes that subject to this and other mitigation measure that the report is acceptable on these grounds.

4. Relevant Planning History

- 4.1. The site has a long planning history, the following are the most recent applications.
- 4.2. Y10/0696/SH – Development for 4,500m² business (Class B1) general industrial (Class B2) and storage/distribution (Class B8) including associated access and parking. Approved subject to conditions.
- 4.3. Y15/0636/SH – Erection of a single storey building for the production of craft items together with ancillary trade counter. Approved subject to conditions.
- 4.4. Y16/0099/SH – Erection of a light industrial/storage building with access and parking. Approved subject to conditions.
- 4.5. Y18/0976/FH – Erection of a business hub building, together with associated access and parking. Approved subject to conditions.
- 4.6. Y19/0302/FH - Formation of new vehicular access to serve the future employment site at Mountfield Road, New Romney, on land located to the west of Mountfield Road, south of Collins Road and the north of Church Lane - Mountfield Road Phase IV. Approved subject to conditions. Approved subject to conditions.
- 4.7. 20/1172/FH – Erection of 2 storey building, access road and associated parking. Proposed use for classes B1 (light industry) and B2 (general industrial). Building is subdivided into 16 units for let, with 8 units on each floor. Approved subject to conditions.
- 4.8. 22/0671/FH – Construction of parking and storage area. Approved subject to conditions.

5. Consultation

Ward Members: Councillor Paul Thomas and Councillor David Wimble and are the ward members for New Romney Ward and Councillor Paul Thomas is a member of the Planning & Licensing Committee.

5.1 The key consultation responses are summarised below.

Consultees

New Romney Town Council: No objection subject to KCC Highway conditions being met.

KCC Highways & Transportation: No objections subject to conditions.

KCC Ecology: No objections subject to conditions.

Environmental Health: No objections.

Southern Water: requires a formal application for a connection to be made.

Public/Neighbour Consultation

5.2 No representations have been received.

5.3 Responses are available in full on the planning file on the Council's website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. Planning Policy

6.1 The Development Plan comprises the Core Strategy Review (2022) and the Places and Policies Local Plan (2020).

6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

HB1	Quality Places Through Design
HB2	Cohesive Design
T1	Site Access
T2	Parking Standards
T5	Cycle Parking

- NE2 Biodiversity
- E1 New Employment Allocations
- E2 Existing Employment Sites

Core Strategy Local Plan (2022)

- SS1 District Spatial Strategy
- SS3 Place-Shaping & Sustainable Settlements Strategy
- SS4 Priority Centres of Activity
- CSD4 Green Infrastructure of Natural Networks, Open Spaces and Recreation
- CSD8 New Romney Strategy

6.3 The following are also material considerations to the determination of this application.

Government Advice

National Planning Policy Framework (NPPF) 2023

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph:

- 11 Presumption in favour of sustainable development
- 47 Applications determined in accordance with the development plan
- 60 Delivering a sufficient supply of homes
- 85 Building a strong, competitive economy
- 115 Highway safety
- 123 Making effective use of land
- 127 Making effective use of land – positive approach
- 131 Achieving well-designed and beautiful places
- 135 Achieving well-designed and beautiful places
- 180 Conserving and enhancing the natural environment

National Planning Policy Guidance (NPPG)

7. Appraisal

7.1 In light of the above the main issues for consideration are:

- a) Is the principle of development acceptable?
- b) Is the visual impact of the development acceptable?
- c) Would the proposal harm residential amenity?
- d) Would the proposals result in harm to highway safety?
- e) What are the ecological considerations associated with the proposal?
- f) Drainage, surface water and contamination considerations.

a) Is the principle of development acceptable?

7.2 Policy E1 of the PPLP states that planning permission for business uses will be granted on new employment opportunity sites. The policy sets out that permissible uses are restricted to Use Classes B1, B2 and B8, and states that development of the Phase IV land is allocated for 9,010sqm of floorspace of which the current application site forms a part. As the proposed development facilitates the future development of Phase IV, it is considered that the proposal complies with the permissible uses set out within the policy. Therefore, it is considered that the proposed use is in accordance with policy E1 and is therefore acceptable in principle.

b) Is the visual impact of the development acceptable?

7.3 The application site is not located within any designated landscape areas and is situated on land that is allocated for business use. The proposal is considered to be typical of industrial buildings that would commonly be found on employment sites in terms of its design and visual appearance and it is also considered to be of an appropriate size for its location.

7.4 The area of soft landscaping to the front of the site should assist in softening the impact of the development. It is considered that subject to conditions requesting details of materials to be submitted to the LPA before being used on the development and further details of landscaping to ensure any biodiversity gains can be maximised, the proposal is considered to be acceptable on these grounds.

7.5 It is considered that the application would meet the criteria of policy HB1 of the PPLP.

c) Would the proposal would harm residential amenity?

- 7.6 The site is surrounded by other industrial uses and would be far enough away from residential dwellings not to give rise to any loss of amenity. In terms of the impact on adjoining uses, while this phase of the wider allocation has not yet been built out, it is considered that the proposal would not prejudice any other plots coming forward on the site. There are therefore no objections on these grounds.
- 7.7 Overall, there would be no detrimental impact upon residential amenity in accordance with PPLP policy HB1 and NPPF paragraph 135.

d) Would the proposal result in harm to highway safety?

- 7.8 KCC Highways & Transportation have reviewed the revised proposals and have raised no objections subject to conditions on a construction management plan, surface water, retention of parking spaces and turning space, cycle parking and visibility splays. It is considered that the submitted details are acceptable and successfully demonstrate that the proposal would not harm highway safety or convenience subject to the conditions requested by KCC.
- 7.9 Given that the site is allocated in the PPLP and that this proposal is entirely in accordance with that allocation, the scheme is considered to be compliant with PPLP policies T1, T2 and T5.

e) What are the ecological considerations associated with this proposal?

- 7.10 The submitted Preliminary Ecological Assessment and surveys have confirmed that the site has the potential for Great Crested Newts to be present. In response to this, the applicants have provided a district level licensing agreement with Natural England to address this issue. KCC Ecology have confirmed this is acceptable and subject to conditions, the proposal would not give rise to any harm to ecology and diversity.
- 7.11 It is also considered that there are opportunities for biodiversity improvements on site which can also be secured by condition. Subject to these, it is considered that the application is acceptable on these grounds.

f) Drainage, surface water and contamination considerations

- 7.12 While details have not been submitted to address these issues at this stage, , it is considered that matters can be satisfactorily addressed by suitable worded conditions. Subject to these, the application is considered to be acceptable on these grounds.

Environmental Impact Assessment

- 7.13 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local Finance Considerations

- 7.14 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 (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. There is no CIL requirement for this development.

Human Rights

- 7.15 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.

Public Sector Equality Duty

7.16 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

7.17 It is considered that the application proposals would not conflict with objectives of the Duty.

Working with the applicant

7.18 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner. In this instance the proposal was considered acceptable following the receipt of additional information from the applicant.

8. CONCLUSION

8.1. The proposal is for industrial buildings on an allocated industrial site. It is not considered that the proposed development would give rise to any issues that would affect the public highway, ecology, residential amenity, drainage, or contamination that would warrant the proposal being refused. The scheme is also considered to be appropriately designed given its location. It is considered that the proposal would result in a sustainable development, in line with adopted policy and is recommended for approval.

9. BACKGROUND DOCUMENTS

9.1. All papers referred to in this report including the consultation responses set out at Section 5.0 are background documents for the purposes of the Local

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Government Act 1972 (as amended), are published on the Folkestone & Hythe District Council (www.folkestone-hythe.gov.uk).

10. RECOMMENDATIONS

That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

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

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings: DS/2382/1a and DS/2382/2b.

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Places and Policies Local Plan.

3. The parking and turning areas shown on the submitted plan shall be provided and made available prior to the first use of the development hereby approved, shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto.

Reason: In the interests of highway safety and convenience.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking and turning of vehicles of site operatives, construction vehicles and visitors.
- ii. loading and unloading of plant and materials, including timing of deliveries.

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- iii. storage of plant and materials used in constructing the development.
- iv. routing of construction and delivery vehicles to / from the site.
- v. wheel washing facilities.
- vi. measures to control the emission of dust and dirt during construction.
- vii. temporary traffic management / signage.

Reason: In the interests of the amenities of the area and highway safety and convenience.

5. No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

6. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure (including boundary treatment), hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

8. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

9. A detailed plan(s) showing how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority.

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This will include native and wildlife-friendly planting, durable bat and/or bird boxes aimed at species of conservation concern. The approved measures will be implemented prior to occupation of the development hereby approved and be retained thereafter.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

10. Prior to the works hereby permitted commencing (including site clearance), evidence that the full Great Crested Newt District Level Licence conservation payment has been made and the licence issued, will be submitted to, and approved in writing by, the local planning authority.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

- 11.(A) No development shall take place until a desk top study has been 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.

(B) If the 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:

- (i) A survey of the extent, scale and nature of contamination;
(ii) 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,
- Archaeological sites and ancient monuments; and

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- (iii) 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).

(C) If investigation and risk assessment shows that remediation is necessary, no development shall take place until 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 has been submitted to and approved in writing by the Local Planning Authority. 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.

(D) No development shall take place until a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation has been 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.

(E) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. 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 ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the

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development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

12. No development beyond the construction of foundations shall take place until full details of the method of disposal of foul and surface waters have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to prevent pollution of water supplies.

13. Details showing the provision and permanent retention of 4 secure, covered cycle parking spaces shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to occupation and be retained as such thereafter.

Reason: To provide sustainable forms of transportation.

14. The visibility splays as shown on the submitted plan (T-2023-073-01) with no obstructions over 0.9 metres above carriageway level within the splays, shall be provided prior to the access hereby permitted being brought into use.

Reason: To protect highway safety and convenience.