

REPORT SUMMARY

REFERENCE NO - 22/01929/OUT

APPLICATION PROPOSAL

Outline Planning Permission (Access Not Reserved) - Creation of industrial estate to include employment floor space for Class E, B2, and B8 uses and associated internal access roads, landscaping, parking, and other associated works.

ADDRESS Swatlands Farm Lucks Lane Paddock Wood Tonbridge Kent TN12 6QL

RECOMMENDATION to GRANT planning permission subject to the completion of a Section 106 legal agreement and subject to conditions (please refer to section 11.0 of the report for full recommendation)

SUMMARY OF REASONS FOR RECOMMENDATION

- The proposal would result in the delivery of sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, permission should be granted, subject to all other material considerations being satisfied.
- The proposal would be in general conformity with Policy STR/SS1 of the Submission Local Plan.
- The significant economic benefits of the development are considered to outweigh the harm to the character and appearance of the countryside.
- The significant economic benefits of the development are considered to outweigh the loss of the agricultural land.
- The quantum of development proposed is considered to be appropriate for the context of the site, in line with masterplanning planning work undertaken by David Lock Associates for the Council; and would create a high quality development.
- The proposal would result in less than substantial harm to the setting of a nearby listed building and to non-designated heritage assets. However, this harm is considered to be outweighed by the public benefits set out above.
- The development would provide significant employment opportunities.
- The development would not have a detrimental impact upon the residential amenity of any neighbouring properties.
- The development would not have a detrimental impact upon highway safety.
- Adequate on-site parking would be provided to support the development.
- The proposal would not result in an unacceptable impact upon drainage and flood risk in the locality.
- The development will provide good onward pedestrian and cycle links to adjoining sites and towards Paddock Wood town centre.
- The development would not have an unacceptable impact upon wildlife and ecology.

INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):

- **A228 Whetsted Road/A228 Bransbridges Road/B2160 Maidstone Road roundabout- £16,042.74**
- **LCWIP measures: £83,892.00**
- **Bus route subsidy: £96,256.45**
- **Biodiversity net gain: £70,200.00**

- 10.160 From discussions with the Council's Environmental Officer, it is considered that the proposal is acceptable in regard to this matter subject to a condition relating to an energy reduction strategy. It is therefore considered that the proposal would not warrant refusal on such grounds.
- 10.161 As set out within the submitted Sustainability and BREEAM assessment the application has not been able to achieve sufficient credits at this stage (55.88%) on BREEAM to achieve an Excellent Score (70%) and as required by Policy EN2 of the Council's Submission Local Plan. This is largely due to the site conditions rather than the proposed development itself, the outline nature of the application and shell-only status of BREEAM assessment. However, a 'Very Good' score is proposed.
- 10.162 The Council's Environmental Officer has considered the details of the assessment and application and has not sought to object to the application. They recommend that the score is closely monitored at the detailed design stage to determine if opportunities are available for improvement. A condition is recommended to ensure that a minimum BREEAM score of 56% is achieved and shall be reviewed at reserved matters stage with a view to achieving a higher score.

Drainage and Flooding

- 10.163 Paragraph 159 of the NPPF sets out that *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'*
- 10.164 Paragraph 167 of the NPPF goes on to require that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, that where appropriate, applications should be supported by a site-specific flood-risk assessment and that development should only be allowed in areas at risk of flooding where, in the light of an assessment it can be demonstrated that:
- 'a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
 - d) any residual risk can be safely managed; and*
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*
- 10.165 Paragraph 169 requires that *'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*
- a) take account of advice from the lead local flood authority;*
 - b) have appropriate proposed minimum operational standards;*
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
 - d) where possible, provide multifunctional benefits.'*

- 10.166 Policy EN18 of the Local Plan relates to flood risk and seeks to avoid increased flood risks from developments and that developments incorporate practicable and effective flood protection and mitigation measures that would be maintained for the lifetime of the development along with practicable and effective measures would be included as part of the development proposals to prevent the increased risk of flooding elsewhere.
- 10.167 Policy EN25 of the Submission Local Plan comments within the preamble that it is essential that new development across the borough does not increase flood risk, either on site or elsewhere and provides adequate drainage provision so that flood risk is managed effectively. The policy itself sets out that *'Proposals for new development should contribute to an overall flood risk reduction, and development will only be permitted where it would not be at an unacceptable risk of flooding on the site itself, and there would be no increase to flood risk elsewhere...'* Policy EN26 relating to sustainable drainage sets out that *'All development applications should include adequate drainage provision. Drainage should be considered as an integral part of the development design process, with Sustainable Drainage Systems (SuDS) utilised unless where demonstrated to be inappropriate...'*
- 10.168 The site falls within Environment Agency Flood Zone 2, while the north-western boundary as well as the majority of the eastern, south-eastern, and southern part of the site is also within Flood Zone 3. The site also lies within a Strategic Flood Risk Area. In accordance with the guidance within the NPPG the proposal represents less vulnerable development and therefore is acceptable in principle within such zones as identified by the Environment Agency's comments.
- 10.169 In regard to drainage the proposal is to discharge surface water into the tributary to the River Teise through a below ground gravity network, with on-site attenuation prior to outfall. Five attenuation tanks are proposed across the site, which are shown to be largely located adjacent to the proposed units and within the parking areas along with two flood compensation attenuation areas shown to be situated adjacent to Unit 5 towards the south-east of the site. Foul flows are proposed to outfall to the public foul sewer located on Maidstone Road to the south-west of the site.
- 10.170 The applicant has been in discussion with KCC Flood and Water Management and the Environment Agency (EA) during the application process and has submitted additional supporting evidence.
- 10.171 The EA has highlighted that development that encroaches on rivers can have a potentially severe impact on their ecological value and that networks of undeveloped buffer zones might also help wildlife adapt to climate change and help restore watercourses to a more natural state as required by the river basin management plan. The EA has considered the development to be acceptable subject to a condition requiring a scheme to protect an 8m buffer zone around the watercourse. A condition has therefore been attached.
- 10.172 The EA has raised no objection to the development in relation to flood risk. They have considered that the application is for less vulnerable, commercial use and is appropriate within this location. The EA has recommended a condition in regard to flood risk and mitigation and this has been attached.
- 10.173 KCC Flood and Water Management has commented that further information will be required at the reserved matters stage when the design and layout is fixed. It has recommended conditions in regard to surface water drainage for all rainfall durations and intensities, a detailed sustainable surface water drainage scheme and a

verification report. Such conditions have been attached and agreed with the applicant. With the above in mind the scheme is acceptable in terms of surface water drainage.

10.174 In terms of foul water, the views of Southern Water has been sought in this respect. The comments received highlight that network reinforcement will be required to accommodate the development. Southern Water request a condition securing that the occupation of the development is aligned with the delivery of the Southern Water reinforcement works. This condition is considered to meet the conditions tests and would be imposed. The Council is working closely with Southern Water regarding the growth proposed around Paddock Wood, including land in east Capel, to ensure the infrastructure is planned for and provided during its next Business Plan, AMP 8. Discussions will remain ongoing in this regard.

10.175 Based upon the above the development is considered acceptable in regard to this matter, subject to conditions.

Ecology

10.176 Paragraph 174 of the NPPF sets out that decisions should contribute to and enhance the natural and local environment including by minimising impacts on and providing net gains for biodiversity. Paragraph 179 seeks to enhance biodiversity and promote the conservation, restoration, and enhancement of priority habitats, ecological networks and recovery of protected species and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 180 of the NPPF comments that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

10.177 Core Policy 4 of the Council's Core Strategy sets out that the borough's built and natural environments are rich in biodiversity. The policy seeks to avoid net loss of biodiversity and geodiversity across the borough as a whole and that opportunities for biodiversity enhancements will be identified and pursued by the creation, protection, enhancement, extension and management of green corridors and through the development of green infrastructure networks in urban and rural areas to improve connectivity between habitats.

10.178 Criterion 5 of Policy EN1 of the Local Plan requires developments to not have a significant adverse effect on any features of nature conservation importance which could not be prevented by conditions or agreements. Policy EN9 of the Council's Submission Local Plan seeks for developments to provide net gain.

10.179 A number of ecological assessments and surveys have been submitted to accompany the application and from discussions with the Council's Landscape and Biodiversity Officer the findings are largely considered to be acceptable. It is considered that the negative effects in terms of ecology are in the overall balance acceptable, and the positive effects are recognised.

10.180 The ecological strategy is tied in with the Landscape strategy and is considered to be appropriate. It retains key habitats at the site and provides for their enhancement. Full details of the proposals can be secured by condition, will be the subject of a reserved matters application(s) and all landscape areas are covered by a Landscape Ecological Management Plan which is to be secured through a condition.