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Application No: 23/0529/FH

Location of Site: Land at the Former Silver Spring Site, Park Farm Road, Folkestone.

Development: Application for Planning Permission for the demolition of existing buildings / structures and erection of a building for use as a builder's merchants (including storage and distribution, trade counter and showroom to include ancillary retail sales ('Sui Generis'), open storage yard, provision of car parking, internal servicing / access road, landscaping, and associated infrastructure and development.

Applicant: C/O Agent

Agent: Mr Alistair Ingram of Savills

Officer Contact: Helena Payne

SUMMARY

This report considers whether planning permission should be granted for the construction of a builders' merchants (sue generis) together with associated parking and landscaping. The report assesses the principle of development and given the previous use of the site for Silver Springs warehousing, concludes that the development is acceptable. The proposal is acceptable in terms of impact on highway safety and all remaining issues pertaining to residential amenity and visual impact upon the street scene.

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. INTRODUCTION

1.1. The application is reported to Committee due to an objection raised by Folkestone Town Council.

2. SITE AND SURROUNDINGS

2.1. The application site is located on the Park Farm Industrial Estate within the urban confines of Folkestone on the northern periphery of the town, approximately 1.2 miles from the town centre. The area is commercial and industrial in nature where the immediate built environment is characterised by various commercial buildings located to the west and east sides of the main Park Farm Road.

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- 2.2. The site is located along the west side of Park Farm Road and comprises a 0.8ha plot. The site forms a proportion of the wider former Silver Springs site. The land is currently unused and the former manufacturing and storage buildings that previously occupied the site have been demolished. The site has been cleared (with the exception of a small building at 14 Barnfield Road, which would be demolished as part of this proposal) and now comprises an extensive area of hard standing.
- 2.3. Part of the site (excluding the existing building to the front of the application site) is allocated for employment use within the Local Plan, and the industrial estate includes a number of industrial/light industrial uses and small businesses. However, the northernmost part of Park Farm Industrial Estate along Park Farm Road is predominantly characterised by a number of retail warehouses such as Home Bargains and Pets at Home. Access to Folkestone Academy is also located to the south of the site (approximately 40m away), separated from the site, in the most part, by other industrial and commercial uses.



Figure 1: Aerial view of site and surroundings

- 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 demolition of existing buildings and structures and the erection of a building for the use as a builders merchants (including storage and distribution, trade counter and showroom to include ancillary retail sales, open storage yard,

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provision of car parking, internal servicing/access road, landscaping, and associated infrastructure and development.

- 3.2 The proposed building would measure approximately 8.62m high x 26.7m wide x 55m in length and would provide approximately 1,914 square metres of internal space spread over the ground and mezzanine floor level. An area to the west of the building would provide external storage space (2037 sq.m) for bricks and pallet racks (max storage height of 5m high).
- 3.3 Parking would be to the east and south of the site providing 34 spaces for staff and visitors. Access would be via two gated access points north of the site, via a new access road off Park Farm Road.

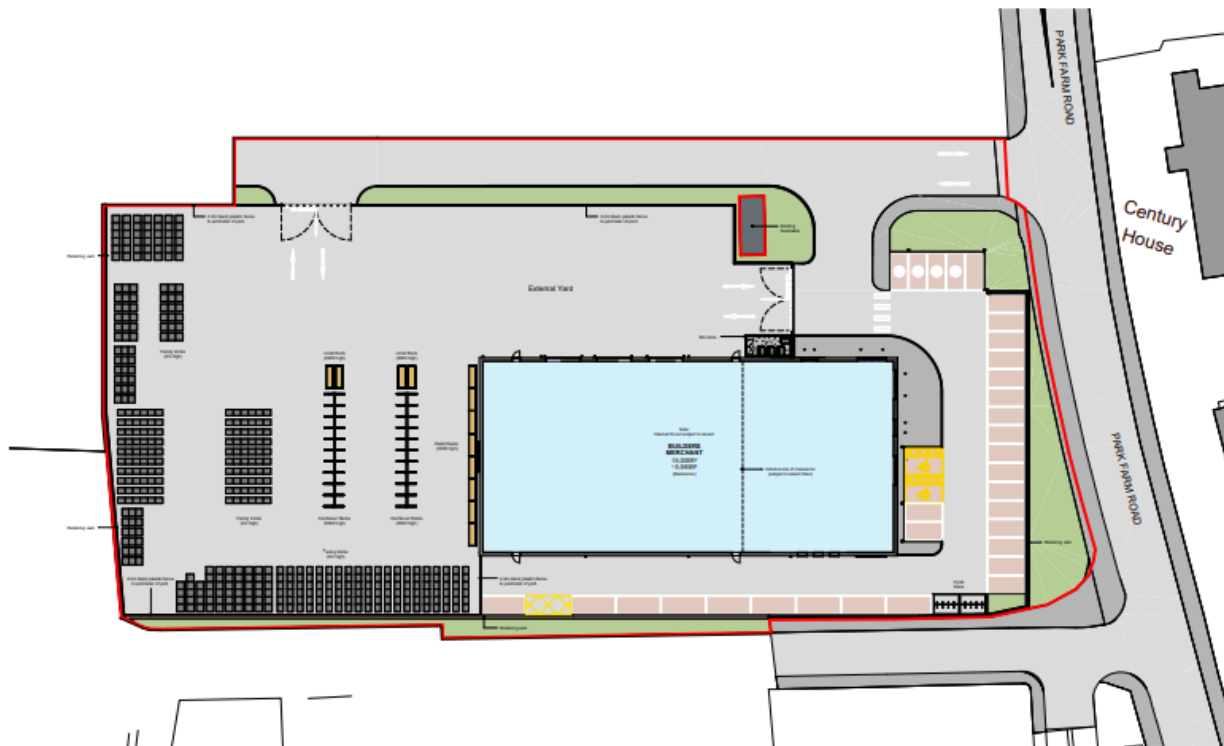


Figure 2: Proposed Site Plan

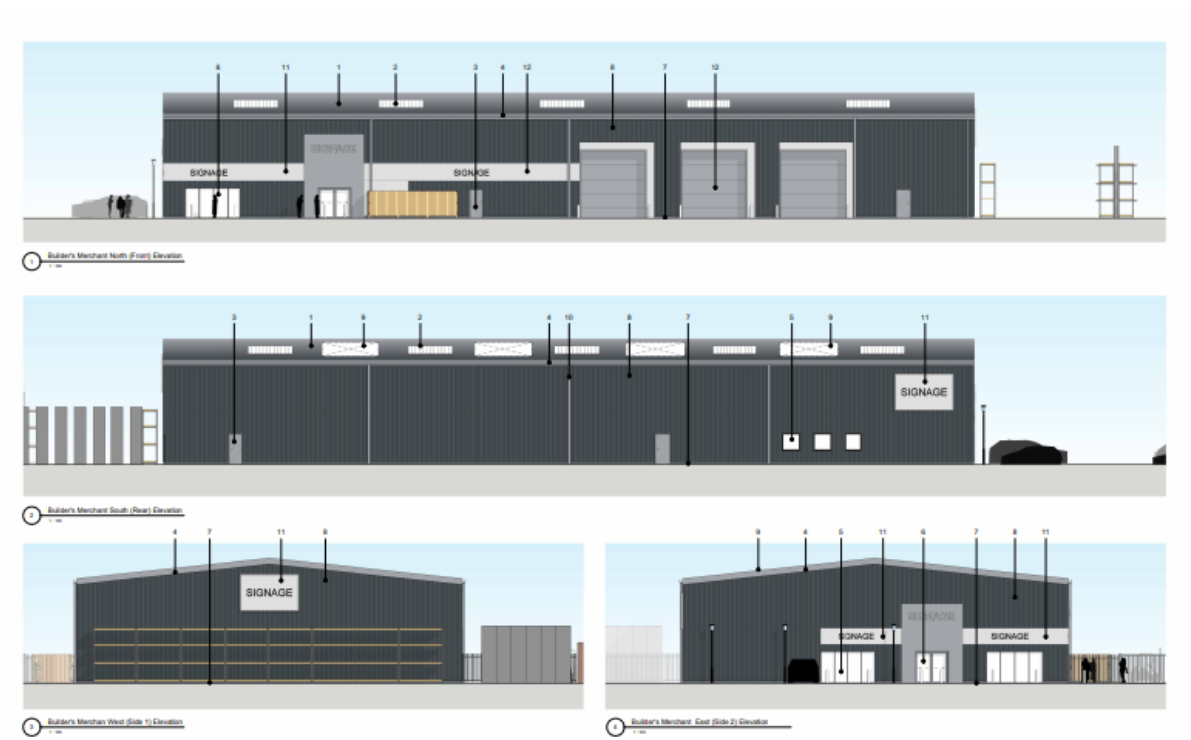


Figure 3: Elevations

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

Design & Access Statement

The Design and Access Statement discusses the key elements of the design and how this relates to the site and locality. The report states that the proposal accords with the objective to secure sustainable economic development as established by Development Plan Policy. The building has been designed to fit into their commercial park setting, it is a simple unit with pitched roof of a style commonly found in commercial/industrial settings. It further states that the application site is in an extremely accessible location, within approximately 1.2 miles from the town centre, and within easy walking distance of a number of amenities.

Planning Statement

The accompanying planning statement considers the proposed development against local and national policy. It concludes that it has been demonstrated the proposed development represents appropriate economic-led redevelopment of previously developed land, which is in accordance with the development plan and wider Park Farm Employment Area. It concludes that the development would deliver important economic benefits, including the creation of jobs. It has also concluded that the proposed development is acceptable on highways, ecological, amenity, heritage and sustainability grounds.

Phase I and Phase II Geo-Environmental Assessment

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The reports conclude that the site is generally a moderate risk in terms of contaminated land. The Phase 1 Desk Study has identified plausible contaminant linkages, which have the potential to become active as a result of the historical use of the site. The Phase II report further investigated these linkages and a series of recommendations were proposed including use of a cover system comprising clean soils and a geotextile base, appropriate health and safety precautions for ground workers and advice in the event further contaminants are found on site during construction.

Biodiversity Net Gain Feasibility Assessment

The proposed development can achieve a measurable biodiversity net gain; although the current proposals do not satisfy the trading rules due to the overall loss of grassland habitat on site and delivery of a habitat of the same distinctiveness (not higher). However, the report concludes that the inclusion of scrub/shrub habitat rather than grassland habitat is deemed more ecologically beneficial for the application site given the site's highly urbanised location and the proposed use. The development would result in a total of 0.20 habitat units and 0.63 hedgerow units. This represents a predicted increase of 101.39% in habitat units and 100% in hedgerow units within the application boundary.

Transport Statement

The Transport Statement has been prepared by Icen Projects Ltd to provide transport planning advice in relation to the commercial development proposed under this application. It states that vehicle access to the site would be retained as existing, with vehicles entering from Park Farm Road to the east of the site. A total of 34 parking spaces will be provided to the front and east of the site, a separate access to the service yard to the rear. Swept path analysis confirms that the site can be accessed by the relevant servicing and delivery vehicles, allowing them to leave the site in a forward gear. It concludes that the proposed development would not lead to significant or 'severe' impacts on the local highway network, in accordance with Paragraph 111 of the NPPF.

Framework Travel Plan

The Travel Plan concludes that opportunities to use other modes of transport, such as bicycle as opposed to a car, will be provided.

External Lighting Impact Assessment

The Lighting Impact Assessment seeks to demonstrate that sufficient low-level lighting illuminance to the car park and other pedestrian areas would be provided without causing excessive light spill. The proposal includes for downward angled luminaires. The external lighting calculations provided within the Report shows that obtrusive light spill to neighbouring buildings would not exceed those set out within ILP guidelines.

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Heritage Statement

The submitted Heritage statement covers archaeological and built heritage considerations. The site includes no built heritage assets, designated or non-designated, and there are no known archaeological sites located within the site. The site is not within the setting of any built heritage asset and the scale and nature of the works proposed means that there is unlikely to be any archaeological potential. The Statement concludes that the works meet the requirements of the NPPF and local planning policies and provides sufficient information for the LPA. The works will have no impact on the historic environment.

Flood Risk Assessment & Drainage Strategy

The Strategy has been produced in accordance with current best practice and recommendations and guidance set out in the NPPF and Local Planning Policy. The Strategy concludes that development site sits within Flood Zone 1, and area with a low probability of flooding from rivers and sea. It also concludes that the site is at a low risk of surface water flooding and that the works would not result in an increase in peak flow of foul water. It concludes that the site can be drained satisfactorily and that details of drainage systems should be the subject of conditions.

Landscape & Visual Appraisal

The Appraisal concludes that the site has a high capacity to accommodate the proposed development without causing long-term adverse impacts on landscape and visual resources. Temporary and short-term effects are predicted for the construction phase.

Noise Impact Assessment

The Noise Impact Assessment has been produced by Savills. The results of the assessment show that daytime operation of the proposed builder's merchants would result in sound levels below the background sound level at the nearest noise sensitive receptor (Folkestone Academy) and residential dwellings on Downs Road. Noise impacts and effects associated with the use of the builders' merchants would be avoided. Cumulative noise impacts associated with operations on site are not of concern. The proposal would be compliant with both National and Local Planning policy.

Air Quality Assessment

The report concludes that the development is unlikely to have a significant impact on the Site or existing receptors adjacent to routes to the site.

BREEAM Pre-Assessment & Strategy

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The BREEAM assessment has been carried out by Carbon Consult Ltd. The report considers a route to BREEAM certification for the project and provides an indication of scoring and opportunities for achieving BREEAM 'Very Good'.

Energy & Sustainability Statement

This document concludes that the scheme would achieve 10% renewable energy, which would be achieved through the use of solar panels and heat pumps.

Ecological Impact Assessment

The proposal is considered a low impact project. Ecological features of the site include Schedule 9 invasive plants, common and widespread invertebrate, nesting birds and foraging bats. Hedgehogs are also assumed present. Appropriate mitigation and enhancement measures are proposed within the report, including removal of invasive species, post development landscaping to encourage invertebrates and foraging bats and works taking place outside the bird nesting season.

4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the wider allocated site is as follows:

22/1363/FH/SCR	EIA Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in respect of the proposed development of the former Silver Springs Site.	Not	EIA Development
22/1347/FH	Hybrid application for Full Planning for demolition of existing buildings, structures, erection of retail units, café/ restaurant with 'drive-thru' facility (Class E), provision of car parking/landscaping/internal access road & service yard, alterations to site access & highways layout (Park Farm Rd) & associated works & infrastructure; & Outline Planning (all matters reserved) for demolition of existing buildings, structures, erection of employment floorspace (Classes B2, B8, E(g)(ii) & E(g)(iii)), including provision of car parking, internal access, landscaping & associated works & infrastructure.	Pending	

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Y18/1576/FH	Redevelopment of the site to provide a hotel (Use Class C1) together with a new vehicular and pedestrian access from Park Farm Road, parking, servicing and all hard and soft landscaping	Refused.
Y18/1264/FH	Variation of conditions 2 (Approved Drawings); 11 (Bus Stops); and 12 (Shared Footway) of planning permission Y18/0066/SH (Redevelopment of the site to provide a hotel (4,979 sqm GIA) (Use Class C1), restaurant and cafe floorspace (847 sqm GIA) (Use Class A3) and two 'drive through' units (total 451 sqm GIA) together with a new vehicular and pedestrian access from Park Farm Road, parking, servicing and all hard and soft landscaping) to enable the restaurants (A3) to be removed from the hotel building as well revisions to the footprint, external appearance and siting of the approved buildings, and alterations to the car parking, vehicular circulation, pedestrian access and landscaping.	Approved with Conditions.
Y18/1043/FH	Variation of conditions 2 (Drawings), 11 (Bus Stops) and 12 (Shared Footway) of planning permission Y18/0066/SH for the redevelopment of the site to provide a hotel (4,979 sqm GIA) (Use Class C1), restaurant and cafe floorspace (847 sqm GIA) (Use Class A3) and two 'drive through' units (total 451 sqm GIA) together with a new vehicular and pedestrian access from Park Farm Road, parking, servicing and all hard and soft landscaping. The alterations are to enable the restaurants (A3) to be removed from the hotel building as well revisions to the footprint, external appearance and siting of the approved buildings, and alterations to the car parking, vehicular circulation, pedestrian access and landscaping.	Approved with Conditions.

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Y18/0066/FH	Redevelopment of the site to provide a hotel (4,979 sqm GIA) (Use Class C1), restaurant and cafe floorspace (847 sqm GIA) (Use Class A3) and two 'drive through' units (total 451 sqm GIA) together with a new vehicular and pedestrian access from Park Farm Road, parking, servicing and all hard and soft landscaping.	Approved with Conditions.
Y18/0054/NMA	Nonmaterial amendment to planning application Y18/0066/SH. Amendments to enable the removal of the single storey rear element of the hotel/ restaurant building, removal of the top floor glazing on the hotel, provision of plant enclosure, removal of the entrance canopy and minor changes to the car park layout	Approved.
Y18/0043/NMA	Non material amendment to planning application Y18/0066/SH. Amendments to enable minor changes to the footprint and elevations of drive through Units A and B, rotating the Unit B building 90 degrees and associated changes to car parking layout, landscaping and internal vehicular circulation. Minor changes to the car park layout with landscaping updated and repositioning of the pedestrian access to park farm road.	Approved.
Y13/0022/SH	Outline application (matters relating to access only) for the development of up to 10,684 sqm of retail Class A1 comparison floorspace (9890 sqm) and 189 sqm of restaurant/hot food takeaway Class A3/A5 floor space, together with associated car parking, landscaping and new vehicular and pedestrian access of Park Farm Road.	Refused.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Folkestone Town Council – Object, raising the following concerns:

- Harm to highway safety due to increase in traffic this would cause to an already busy area where schools are located and there is already another Builder's merchants. This would also have an impact on local businesses and a negative impact on the AONB.

Kent County Council Ecology – Raise no objection subject to conditions covering lighting and a construction management plan.

Environment Agency – No comments received to date.

Environmental Health – No comments received to date.

Kent County Council LLFA – No objection in principle, subject to conditions.

Kent County Council Highways and Transportation – No objections subject to conditions.

Kent County Council Archaeology – No objection subject to conditions.

Kent Downs AONB Unit – No objection.

Arboriculture Officer – No objection.

Natural England – No comments received to date.

Contamination Officer – No objection subject to standard land contamination conditions.

Local Residents Comments

5.2 93 neighbours directly consulted. 4 letters of objection and 1 letter of support have been received.

5.3 I have read all of the letters received. The key issues are summarised below:

Objections

- Would result in the loss of the existing joinery business.
- Competition with existing businesses [**CPO comment – competition with existing uses elsewhere is not a material planning considerations**]

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- The proposal would result in unacceptable pressure on existing high volumes of traffic.
- Not making use of the derelict wider site.

Support

- The proposal will encourage activity on an area of vacant land and bring it back into use.
- Create jobs and support economic growth.
- The proposal will increase desirability of the site and wider area.

5.5 **Ward Member**

5.6 No Response

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

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

6. RELEVANT PLANNING POLICY

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

6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

Policy HB1 - Quality Places Through Design

Policy T1 - Street Hierarchy and Site Layout

Policy T2 - Parking Standards

Policy T5 - Cycle Parking

Policy NE2 – Biodiversity

Policy NE3 - Protecting the District's Landscapes and Countryside

Policy NE5 – Light Pollution

Policy E2 – Existing Employment Sites

Policy CC1 – Reducing Carbon Emissions

Policy RL8 – Development outside Town, District & Local Centres

Policy RL11 – Former Silver Springs Site, Park Farm

Policy RL11 States:

The former Silver Spring site, Park Farm, as defined on the Policies Map, is allocated for mixed-use development comprising up to 10,000sqm of office space (B1),

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3,100sqm of non-food retail (A1) with supporting leisure (D2), restaurants and café (A3) uses and a hotel (C1).

Mixed-use (non-residential) development proposals will be supported where:

1. There is a comprehensive approach to the development of the site so that any individual elements would not prejudice the development of the whole site;
2. The existing access, or any new suitable accesses can be established, onto Park Farm Road is to the satisfaction and approval of the Local Highway Authority;
3. Any required off-site highway improvements are delivered to the satisfaction and approval of the Local Highway Authority;
4. It promotes and encourages the use of sustainable transport, including improvements to footpaths, cycle facilities and routes in accordance with the district's Cycle Strategy, and provides a bus stop(s);
5. Appropriate and proportionate contributions, through a Section 106 agreement, are made towards providing improved bus services;
6. There is a high quality of design that responds to the site's location within the setting of the AONB, paying particular regards to materiality, massing and roofscape;
7. Any potential contamination from former uses is investigated, assessed and if appropriate, mitigated as part of the development;
8. An impact assessment is provided, outlining what impact any proposed retail and leisure use would have on the vitality and viability of Folkestone Town Centre and other centres, in accordance with Policy RL8 and the NPPF; and
9. The archaeological potential of the land is properly considered and appropriate archaeological mitigation measures are put in place.

Core Strategy Review (2022)

Policy SS1 – District Spatial Strategy

Policy SS2 – Housing and Economy Strategy

Policy SS3 - Place-Shaping and Sustainable Settlements Strategy

Policy SS4 - Priority Centres of Activity Strategy

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

Supplementary Planning Guidance/Documents

Kent Downs AONB Management Plan:

MMP2 – AONB is a material consideration in plan making and decisions. LPA's should give high priority to the aims, vision, principles and actions within the Management Plan.

SD8 – Ensure proposals do not negatively impact the distinctive landform, character, characteristics, and qualities of the AONB and its setting.

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.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraph 110 – Considering development proposals.

Paragraph 126 – Achieving well-designed places.

Paragraph 174 – Conserving and enhancing the natural environment.

National Design Guide October 2019

7. APPRAISAL

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

- a) Background
- b) Principle of development
- c) Visual amenity and impact on the setting of the AONB
- d) Residential amenity
- e) Highway safety
- f) Ecology
- g) Archaeology
- h) Flooding and Drainage
- i) Contamination
- j) Other issues

a) Background

7.2 The application proposal relates to the southernmost section of the wider former Silver Springs site. An application is currently being considered under reference 22/1347/FH for the development of the remainder of the site (as detailed within the Planning History section above). The proposal here is separate from the adjacent proposal.

b) Principle of development

7.3 The site forms approximately one eighth (12.5%) of the former Silver Springs site, which is allocated under Policy RL11 of the PPLP for a mixed-use development, to

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include B1 Office space, alongside retail (A1) and Leisure uses (D2) (now all under Use Class E following the Use Class Order amendment 2021).

- 7.4 The preamble to the Policy (para 11.69), states that the site should be redeveloped for a mix of uses and whilst reference is made to the need to provide good quality business accommodation, it also states that other uses *could be* (my emphasis) included such as retail, restaurants, assembly and leisure and a hotel. The focus of the policy is therefore to secure the provision of high-quality office accommodation. The policy, taken with this supporting text, sets out that the site should accommodate up to 10,000sqm of office space, and the remainder of the uses listed in the policy are ceilings for those particular uses, rather than setting specific floorspaces for the uses to be accommodated on the wider allocated site.
- 7.5 The proposal is for a builders' merchant, which is a sui generis use which does not fall within any of the uses that are referenced in the policy. It would however generate employment, creating approximately 25 full time jobs, plus jobs during construction. Whilst the proposal would represent a minor departure from the policy, for a small proportion of the allocation, it is not an inappropriate location for this type of use, given other similar uses in the vicinity, and as such, it is considered to be acceptable – subject to not compromising the overall objectives of RL11.
- 7.6 Policy RL11 has a number of criteria that need to be addressed in the determination of an application, as stated in the Policy section above. The first criteria is that there should be a comprehensive approach to the development of the site. As stated above in paragraph 7.2, there is a current planning application on the adjoining site, which together with this site, forms the total allocation under Policy RL11. As the allocation is coming forward as two separate planning applications, it is necessary to consider whether or not the grant of planning permission for this proposal would prejudice the redevelopment of the whole site in a comprehensive manner.
- 7.7 This site is at the southern edge of the allocated site, adjacent to Barnfield Road. It uses an existing access off Park Farm Road, and it could accommodate its own parking, storage requirements and landscaping on site. It is likely that the existing access would be incorporated into any comprehensive redevelopment of the allocated site, so that would have naturally divided this part of the site off from the remainder, leaving the remainder of the site to be developed, using that access. Furthermore, the development of this small portion of the allocated site, which forms an awkward portion of the wider allocation, would not preclude the remainder of the site coming forward as per the allocation for predominantly office accommodation. As such, it is considered that the proposal would not prejudice the comprehensive redevelopment of the allocation in totality.
- 7.8 Turning to the highway requirements of the policy, a suitable access is proposed and is acceptable to Kent Highways, and they do not require any off-site highways improvements in connection with the proposed use. The proposed access runs in a logical location and could be utilised to access the remaining portion of the allocation. Highways considerations are discussed in more detail under the relevant section below, however the proposed development would encourage the use of sustainable modes of transport, including cycle parking facilities in line with Policy RL11. There is already a cycle route and adequate bus service within the Park Farm Industrial estate, and in this case the need for further contributions towards improved facilities in this regard is not considered necessary.

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- 7.9 In terms of the impact of the proposed use on the vitality and viability of the town centre, builders merchants are not generally considered to be town centre uses, more fitting to edge of town industrial estate locations such as this, and as such, the impact is considered to be minimal.
- 7.10 Other criteria in the policy, including archaeology, design and contamination are dealt with below and are considered acceptable with outstanding matters being dealt with by condition. As a matter of principle however, it is considered that whilst the proposal represents a minor departure from the policy allocation, it is not materially harmful to the overall objectives of the policy and the development plan as a whole.

c) Visual Amenity and Impact on the setting of the AONB

- 7.11 Policy HB1 says, amongst other things, that planning permission will be granted where the proposal makes a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings and land uses, particularly with regard to layout, scale, proportions, massing, form, density, materiality and mix of uses so as to ensure all proposals create places of character. The policy allocation for the site also seeks a high quality of design that responds to the setting of the AONB.
- 7.12 The proposed development would be visible from a number of vantage points around Folkestone, the highway network and the AONB to the north of the site. Current views of the estate are not attractive when viewed from the AONB, M20 or the surrounding area. The application site itself is primarily vacant land (with the exception of the building to be demolished) which has become overgrown with vegetation and as such the proposal provides the opportunity to introduce positive change through the construction of this new industrial unit. The proposed development would be viewed from vantage points, including the AONB against the backdrop of the existing Industrial Estate and viewed within the same setting as the previous Silver Spring warehousing on the site pre-2013. Therefore, it is not considered that the development of a new builders' merchants, to occupy a proportion of the former silver springs site, would have a detrimental impact on the setting of the AONB subject to the external appearance being of a suitable quality with appropriate materials.
- 7.12 The proposal seeks a simple layout of development with the proposed building addressing Park Farm Road. An external yard area is proposed to the rear of the site, including racks for bricks, wood and other bulky building materials. It is not uncommon for external storage to be provided for this type of use and in this location, it is not considered to be visually harmful to the street scene and wider AONB. However, restrictions are recommended to be imposed on the storage height of materials so as not to result in visual harm.
- 7.13 The main building would create an active frontage along Park Farm Road, which would be assisted through the use of fenestration details to this frontage elevation. Pedestrian doors and full-length windows are incorporated onto this elevation, which faces onto Park Farm Road (see fig.3 above) therefore the scheme would relate positively to the street scene and visual appearance of the area. The proposal overall relates well to the adjacent proposed development currently under consideration.

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- 7.14 The scale of the development proposed is considered to be appropriate for the site in the context of the neighbouring buildings and therefore would not result in a visually prominent feature in views to and from the town. The proposal is comparable to many of the surrounding developments on the Park Farm Industrial Estate.
- 7.15 The proposed building (as illustrated above in figure 3) would be of a utilitarian design with steel cladding (vertical trapezoidal wall cladding in grey) and shallow pitched roof form. The materials proposed are not considered to be of a suitable quality, and a condition is suggested, should permission be granted, to secure a higher standard. It is worth noting that no objection has been raised by the AONB Unit with regard to these proposals. The vehicle access and parking area would also be upgraded and full details of the hard landscaping, including materials to be used, will be required by condition to any forthcoming planning permission, should Members be minded to approve.
- 7.16 Security lighting is also proposed, which would include external lighting on all facades of the building, generally adjacent to emergency exits. Lighting within the parking area and surrounding the building would be via column mounted downwards directional amenity lighting. The lighting detail is considered to be acceptable, and their locations appropriate. Discussed in more detail under the Ecology sub-heading below, the downward direction of all lighting, including the time lock fixtures (where they would only be activated during active times) means that the visual impact of lighting on the wider site, street scene and views from the AONB would be negligible, and not beyond the level of light intrusion considered acceptable for this industrial location.
- 7.17 Soft Landscaping is proposed between visitor parking and Park Farm Road, in addition to along the access road itself and along the southern boundary of the site. A 2.4m high black paladin fence is also proposed. It is considered that a weld mesh fence in black or green would be more appropriate, together with more extensive landscaping. Amended details are awaited and Members will be updated at the Meeting.
- 7.18 A retaining wall is identified along the west and south boundary of the site, this is as a result of land level changes within the site. This is considered to be acceptable, however details of the retaining wall, including cross sectional drawings demonstrating how these will be constructed, will be required by condition.
- 7.19 Given the above, the development is in accordance with planning policies which seek to ensure that development makes a positive contribution to its setting, including PPLP Policies HB1, NR3 and RL11 and the Kent Downs AONB Management Plan, specifically policies MMP2 & SD8.

d) Residential Amenity

- 7.20 Policy HB1 of the Local Plan seeks to ensure that new development does not lead to an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area, taking account of loss of privacy, loss of light, noise and poor outlook. There are no immediate residential neighbouring properties to the development site (with the exception of one) which would be negatively affected by the proposals.
- 7.21 Given the location of one residential neighbour to the south of the site (albeit separated by industrial land by approximately 40m), and the school use to the south and southwest, it is considered reasonable and necessary to control operational and

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delivery hours, in line with other uses within the immediate area. This would be Monday – Saturday from 06:30hrs – 19:00hrs and Sunday and bank holidays from 08:00hrs – 17:00 hrs. Deliveries slightly earlier. Construction working hours will also be controlled by way of an appropriately worded condition.

7.22 The use of the site as a Builders Merchants is considered appropriate in this commercial area.

e) Highway Safety

7.23 Kent Highways has advised that the traffic movements associated with the proposal are not of a scale that causes concern in relation to their impact on the wider highway network and could not be considered severe in nature. It is noted that the wider Silver Springs site is allocated for development of a mixed nature, where the impact on the highway network would be far greater than the builders merchants alone, which only occupies a small section of the wider site. Use of the existing access onto Park Farm Road is acceptable, it is of sufficient size and has adequate visibility splays onto the highway. The proposal includes for the widening of the footway at the site frontage, which is welcomed and supported by Kent Highways.

7.24 KCC Highways has advised that the access strategy for the site is sensible in maintaining two access gates to the north of the site, with large delivery vehicles being kept separate from the customer access and parking area.

7.25 The applicant seeks to utilise the existing access (within their ownership) to provide off street visitor parking which would be set behind the roadside landscaped areas. A total of 34 parking spaces are proposed, which includes 2 disabled parking bays and 4 E.V charging point bays. KCC Highways has raised no objection to the proposed parking provision on site.

7.26 Disabled parking is provided to an acceptable standard, as are the number of electric charging points. 10 cycle parking spaces are included on the submitted layout plan which is acceptable to KCC Highways and Transportation. Details of the proposed cycle storage has been provided with the application. This is shown to be located along the southeastern boundary of the site, within the visitor and staff car parking area and forms a simple rack design which is considered acceptable. It would provide cycle parking for 8 bicycles. A condition ensuring their provision will however be imposed as part of any planning approval.

7.27 Vehicle tracking has also been provided to demonstrate that service and emergency vehicles can access the site safely, turn and exit in a forward gear.

7.28 Policy RL11 advises that a mixed-use development would be acceptable where appropriate and proportionate contributions are sought through a s.106 agreement towards providing an improved bus service along Park Farm Road. However, KCC Highways has not objected to the development and has advised that it would not be appropriate to seek a bus service contribution for a builders merchant the customers of which are largely tradesmen and some members of the public, who are unlikely to travel to the site by bus. . The proposed staffing numbers for such a site as a whole are low by floor area and in terms of cost, the amount sought would not be proportional to the size and type of development. Improvements to the bus stop infrastructure along Park Farm Road would be required as part of the development proposed for the wider

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allocated site, as office accommodation would be likely to generate a significantly greater requirement for public transport provision.. It is therefore not considered necessary or appropriate in this regard to seek a contribution towards an improved bus service.

- 7.29 Conditions are recommended to be imposed which would control ancillary uses within the building and prevent any increase in floorspace as the result of an extended or additional mezzanine floor. These conditions are considered necessary to ensure that the Council retains control over the character of the use and the scale of floorspace of the building that might require additional off street parking or which might trigger the requirement for contributions to bus service improvements.
- 7.30 KCC Highways and Transportation recommends imposing conditions in respect of parking facilities, wheel washing (to prevent mud being deposited onto the highway during construction), retention of vehicle loading and unloading, and parking facilities and the retention of the visibility splays to the front of the site. Subject to these conditions being imposed, it is therefore considered that the proposal would not result in harm to highway safety. The proposal is considered acceptable in line with Policies T1, T2, T5 & RL11 of the PPLP.

f) Ecology

- 7.31 No evidence was found on site regarding roosting bats and the County Ecologist has advised that they are satisfied that no further survey work is required. A Schedule 9 invasive species is noted to have been found within the wider Silver Springs site (rather than within the application site itself) however, if found on site, KCC Ecology has advised that it should be disposed of safely and compliantly.
- 7.32 It is of note that a lighting plan has been submitted, which demonstrates that the lighting has been carefully designed to minimise light spill outside of the site boundary. Further, all external lighting to the site would be controlled by time locks and photocells so that they are only activated during active times when dark and will be switched off as a pre-determined time. The site would not be operational 24 hours a day and there will be periods of time when there will be minimal to no light spill from the site at all. Notwithstanding this, a lighting condition will be imposed requiring the lighting to only be used when the building is operational. If security lighting is required, it will be required to be fitted with motion sensors so as to minimise any potential harm to habitat as a result of light spill.
- 7.33 Whilst bats were not present on site some invasive species were found within the blue line boundary (not the development site itself). However, if these are found on site or discovered once construction works commence, they will need to be disposed of safely. A construction Management Plan condition will be imposed to ensure that this happens.
- 7.34 Native species are proposed for much of the landscaping which will support biodiversity. Conditions are recommended to be imposed in this respect.

g) Archaeology

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7.35 The site lies within an area of multi-period archaeological potential including for evidence of modern industrial heritage. Potential below-ground archaeological remains may include those related to former brick work buildings. Although past recent development is likely to have had some below-ground impact, the proposed development still has the potential to impact on any surviving remains and therefore KCC Archaeology have requested that a condition be attached to any permission granted seeking the implementation of an archaeological watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed and items of interest and finds are recorded. Subject to such a condition being imposed, it is considered that the development is acceptable.

h) Flooding and Drainage

7.36 A detailed Flood Risk Assessment and Drainage Strategy has been submitted in support of the application, although it should be noted that the application site is not within an area at risk of flooding. The supporting documents advise that surface water would discharge to the surface water sewer at a restricted rate of 32.2 l/s for all events up to and including climate change adjusted 100 year event (representing a 50% reduction in discharge rates from the existing 2 year rainfall event). Attenuation will be provided by bioretention planters and attenuation tanks and a proprietary treatment unit will be utilised.

7.37 Kent County Council as lead Local Flood Authority has raised no objection in principle to these proposals but has highlighted that the 50% reduction demonstrated here would be viewed as the minimum acceptable reduction and runoff rates from the development should be as close to the greenfield runoff rate from the development as reasonably practicable for the same rainfall event. They also say that there may be the opportunity for the provision of further attenuation feature and as such we would expect for the applicant to have considered further reductions of discharge rates and, should greenfield rates not be achieved, a statement provided clarifying the reasons for this. This can be provided as part of the detailed design.

7.38 In light of the above, and in consideration of Kent Highways consideration of preventing the discharge of surface water onto the highway, a condition will be imposed requesting the submission of a detailed surface water drainage scheme for the site.

i) Contamination

7.39 The application has been supported by a detailed Desk Study and geo-environmental (phase 1, 2 and 3) reports. The Council's Environmental Health Officer has advised that the supporting information is satisfactory in demonstrating the level of contamination found and the remedial strategy in dealing with it. However, in the event of an approval, conditions should be imposed requiring a detailed verification report addressing the clean cover in soft landscaped areas. In addition, a further condition will be necessary covering what is required in the event that contaminants not previously identified be found during construction.

7.40 The proposed development is considered acceptable in this regard.

Other Matters

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- 7.41 An existing sub-station is located to the north of the site and is excluded from the application, being unaffected by the proposed development.
- 7.42 Concern has been raised via representation of the planning application regarding the loss of a joinery business, which currently occupies the building earmarked for demolition as part of this proposal (currently fronting Park Farm Road and accessed from Barnfield Road to the south) and which does not sit within the land allocation covered by Policy RL11. However, in granting planning permission for the proposed builders merchants, the site would continue to be used for employment purposes, which would accord with the provisions of PPLP Policies E2 and RL11. The proposal is also supported by NPPF Paragraphs 81-83, which seek to create the conditions in which businesses can invest and expand to address the specific locational requirement of different sectors.

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.
- 7.15 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This application is not liable for the CIL charge as it does not fall within a chargeable category.

Human Rights

- 7.16 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

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7.17 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.

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

The development is considered acceptable under the provisions set out within the Development Plan, including PPLP Policy RL11.

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.

8. CONCLUSION

8.1 It is considered that the demolition of existing buildings / structures and erection of a building for use as a builder's merchants, including storage and distribution, trade counter and showroom to include ancillary retail sales ('Sui Generis'), open storage yard, provision of car parking, internal servicing / access road, landscaping, and associated infrastructure and development is acceptable for the reasons set out above.

8.2 It is considered that the development would not detrimentally impact upon the character of the area, street scene or setting of the AONB and there would be no detrimental impact upon the amenity of adjoining uses, or detrimental impact upon the highway. The proposal would bring a proportion of the allocated former Silver Springs site back into use within the Park Farm Industrial Estate, as well as the associated employment benefits associated with the use proposed, which is supported.

8.3 As such it is considered that the proposal accords with the Development Plan and is consistent with the requirements of the National Planning Policy Framework.

9. BACKGROUND DOCUMENTS

9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

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.

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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 & 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 and documents:

- 21448-0355 Rev P-01 – Elevations, received 24 July 2023
- 21448-0354 Rev P-01 – Roof Plan, received 24 July 2023
- 21448-0351 Rev P-02 – Proposed Site Plan, received 24 July 2023
- 01.1 Rev C – Swept Path Analysis, received 5 June 2023
- 21448-0252 Rev P-00 – Ground Floor Plan, received 3 April 2023
- 21448-0357 Rev P-00 – Sections, received 3 April 2023
- Location Plan, received 3 April 2023
- 6241-LLB-XX-XX-DR-L-0001 Rev P04 – Landscape Masterplan, received 3 April 2023
- 21448-0356 Rev P-00 – Mezzanine Floor Plan, received 3 April 2023
- 1949-4000 – Proposed Lighting Layout, received 3 April 2023

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) Notwithstanding the detail contained in the approved plans, no work above ground floor slab level on the construction of the building (excluding site preparation, excavation and enabling works) shall take place until details of the materials to be used in the construction of the external surfaces of that 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.

- 4) No development shall take place until a verification report demonstrating completion of the works set out in the approved remediation scheme (Appendix I of the Phase II Geo-Environmental Assessment) 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

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and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this 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 development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

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

- 6) 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 be based upon the Flood Risk Assessment and Drainage Strategy prepared by Considine (27/02/23) and 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 without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.
- Measures to prevent the discharge of surface water onto the highway.

The drainage scheme shall be implemented in accordance with the approved details.

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.

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- 7) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be brought into use until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 169 of the National Planning Policy Framework.

- 8) Notwithstanding the detail contained within the approved plans, 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, hard surfacing materials, and an implementation programme.

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

- 9) All hard and soft landscape works shall be carried out in accordance with the approved details under condition 8 above. 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 and thereafter maintained.

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

- 10) 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.

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

- 11) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed, and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 12) No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Plan shall provide for:

- (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; and
- (e) Temporary traffic management / signage.
- (f) Management of invasive species on site, including details of disposal.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

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

- 13) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours
Saturdays 0730 – 1300 hours

unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 14) Prior to first use of the site commencing, the vehicle parking spaces shown on the submitted plans shall first be provided and retained as such thereafter.

Reason: In the interests of highway safety.

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15) Prior to the first occupation of any unit(s) hereby permitted, the vehicle loading/unloading and turning facilities shown on the submitted plan no.21448-0351 Rev P02 shall be provided and retained as such thereafter.

Reason: In the interests of highway safety and convenience.

16) Prior to first use of the site commencing, the cycle parking facilities shown on the submitted plans shall first be provided and retained on site thereafter.

Reason: In the interests of highway safety

17) Prior to first use of the site commencing, the visibility splays shown on the submitted plans shall be provided, with no obstructions over 1.05 metres above carriageway level within the splays and retained as such thereafter.

Reason: In the interests of highway safety.

18) The building hereby approved shall be constructed to BREEAM 'Very Good' Standard or an equivalent standard and prior to the first use of the building written documentary evidence shall be submitted demonstrating the building will achieve Very Good where technically feasible and viable.

Reason: In the interest of promoting energy efficiency and sustainable development.

19) No development beyond the construction of foundations shall take place until details demonstrating the development as a whole will reduce carbon emissions by a minimum of 10 percent above the Target Emission Rate, as defined in the Building Regulation for England approved document L1A: Conservation of Fuel and Power in Dwellings, (or any document which supersedes or updates that document) have been submitted to and approved in writing by the Local Planning Authority. Upon approval the measures shall be implemented as agreed and thereafter retained and maintained in perpetuity.

Reason: To support the transition to a low carbon future through the use of on-site renewable and low-carbon energy technologies.

20) No development shall take place until details in the form of proposed and existing cross-sectional drawings through the site have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: In order to secure a record of existing site levels in order to ensure a satisfactory form of development having regard to the topographical nature of the site.

21) No development shall take place until details of the proposed retaining walls have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

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Reason: In the interests of visual amenity.

- 22) All external lighting shall be installed in accordance with the specifications and locations set out in approved Lighting Impact Assessment Report and drawing no. 1949-4000 – Proposed Lighting Layout and shall be maintained thereafter in accordance with the strategy. External lighting shall conform to a minimum standard of BS5489-1:2020.

Reason: In the interest of minimising light pollution and potential harm to the setting of the AONB

- 23) All external lighting shall be switched off outside of operational and opening hours of the premises.

Reason: In the interests of minimising light pollution and potential harm to the setting of the AONB.

- 24) The premises hereby permitted shall not be open to customers except between the following times:

Monday - Saturday:	06:30hrs – 19:00hrs
Sunday & Bank Holidays:	08:00hrs – 17:00 hrs

Reason: In the interests of residential amenity.

- 25) Delivery times shall be limited to between the following times:

Monday - Saturday:	05:30hrs – 19:00hrs
Sunday & Bank Holidays:	10:00hrs – 16:00hrs

Reason: In the interests of residential amenity.

- 26) The storage of materials/stock within the external yard area hereby approved shall be in accordance with the location(s) shown on the approved plans. The storage of bricks shall not exceed 4 metres in height. The Lintel Rack shall not exceed 4 metres in height and Cantilever rack shall not exceed 5 metres in height.

Reason: In the interests of visual amenity.

- 27) Not more than 12% of the net floorspace of the building shall be used for ancillary retail purposes, including retail sales and showroom.

Reason: In the interests of highway safety and convenience.

- 28) Notwithstanding Section 55 of the Town and Country Planning Act 1990 (as amended) no additional floor space in the form of a mezzanine floor (beyond the

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mezzanine floor shown on the approved plans) shall be provided within the building hereby approved.

Reason: In the interests of highway safety and convenience.

29) The bin store as identified on the approved plans shall be provided before first use of the development hereby approved, and thereafter retained in perpetuity.

Reason: In the interest of amenity

Informatives:

- a) Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

- b) The Applicant is advised that any external signage may require separate advertisement consent and the advice of the LPA should be sought in this regard.
- c) The applicant is advised that, notwithstanding the detail contained within the application form dated 30 March 2023, the development is considered to constitute a sui generis use.
- d) With regard to lighting on site, it is advised that lighting avoids upward light spill and illumination throughout the entire night to avoid impacts on nocturnal wildlife.