

# DECISION NOTICE

**Correspondence Address:**

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**Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) (England)  
Order 2015**

**Application Number:** CA//18/02408

**Location:** Land South of Joseph Wilson Industrial Estate, Millstrood Road,  
Whitstable

**Proposal:** Proposed 40 units to provide 7619 sq. metres of floor space for light industrial, general industrial, storage/distribution, builder's merchants and including a replacement retail unit, together with associated parking, servicing areas, landscaping and drainage balancing pond, following demolition of the existing unit 44.

Take notice that **Canterbury City Council**, the district planning authority under the Town and Country Planning Act 1990, has ***Granted*** your application, as described above, subject to the following conditions/reasons:

**CONDITIONS:**

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

REASON: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the submitted drawings:
  - 22668A/22 rev. P2
  - 22668A/13 rev. P2
  - 22668A/23 rev. P1
  - 22668A/16 rev. P2
  - 22668A/17 rev. P1
  - 22668A/19 rev. P1

- 22668A/20 rev. P3
- 22668A/21 rev. P2
- 22668A/14 rev. P1
- 22668A/15 rev. P1
- 22668A/11 rev. P1
- 22668A/12 rev. P2
- 0169/19/B/1B
- 22668A/18 rev. P2

**REASON:** To secure the proper development of the area.

3. No development, other than demolition, shall take place until the applicant, or their agents or successors in title, has secured the implementation of:
- archaeological field evaluation works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority; and
  - following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation, post-excavation assessment, analysis, publication or conservation in accordance with a specification and timetable 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 in accordance with policies HE11 and HE12 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

4. No work shall commence 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 Drainage Planning Report (November 2018, Issue 2,1) by Tridax Consulting 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.

Pumping should only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity. 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.

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. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

5. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to and approved in writing by the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as-built drawings; topographical survey of 'as constructed' features; and 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 165 of the National Planning Policy Framework.

6. No development shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:-

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

**REASON:** To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the

environment, in accordance policy QL12 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

7. Prior to the commencement of the use of each unit of the development hereby approved, the vehicle parking spaces to serve that unit, as shown on the submitted drawing 22558A/18 P2 shall be provided and permanently retained.

**REASON:** In the interests of highways.

8. Prior to the commencement of the use of the development hereby approved, details of a secure and covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities for each unit shall be provided prior to the first occupation of each unit the development hereby approved and permanently retained.

**REASON:** In the interests of highways.

9. Prior to the commencement of the use of each of the units hereby approved, the vehicle loading and unloading and turning facilities shown on the submitted plans as serving that unit shall be provided in full and thereafter retained.

**REASON:** In the interests of highways.

10. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be implemented and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

**REASON:** To encourage sustainable travel and in the interests of highways.

11. Prior to the occupation of the 1<sup>st</sup> unit of the development hereby approved, all works to a highway, including the widening of the Millstrood Road arms-on approach to the Millstrood Road / A2990 Thanet Way roundabout shall be completed in full as shown on Drawing No. 4811/004 rev B to an adoptable standard.

**REASON:** In the interests of highways.

12. Prior to the commencement of the development hereby approved, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include the following:

- (a) Routing of construction and delivery vehicles to/from site,
- (b) Parking and turning areas for construction and delivery vehicles and site personnel,
- (c) Timing of deliveries,
- (d) Provision of wheel washing facilities,
- (e) Temporary traffic management / signage,
- (f) showing how noise, vibration and dust from the construction process are to be managed.
- (g) Hours of work, deliveries, etc should be restricted to the following times:  
07:30-18:00 Monday to Friday



08:00-13:00 Saturday

No such work on Sundays or public holidays.

The development shall be carried out in accordance with the approved details.

**REASON:** In the interests of highways and air quality, in line with policies DBE3, T1 and QL12 of the Local Plan 2017.

13. Prior to the landscaping of the site, full details of both hard and soft landscape works, including:-
- species, size and location of new trees, shrubs, hedges and grassed areas to be planted, which shall include a significant number of evergreen trees;
  - the treatment proposed for all hard surfaced areas beyond the limits of the highway; and,
  - walls, fences, other means of enclosure proposed,

shall be submitted to and approved in writing by the local planning authority.

**REASON:** In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with policies DBE3 and LB10 of the Canterbury District Local Plan 2017.

14. 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 the last unit of the development, or in accordance with a programme of works to be agreed in writing with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives any written consent to any variation.

**REASONS:** In the interests of biodiversity of the site, in accordance with policy LB9 and LB10 of the Local Plan 2017 and Section 15 of the National Planning Policy Framework.

15. A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The landscape management plan shall be carried out as approved.

**REASON:** In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with policies DBE3 and LB10 of the Canterbury District Local Plan 2017.

16. Prior to the commencement of the development hereby approved, a detailed 'lighting design plan' for the site and site boundaries shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting plan will:
- Identify those areas/features on-site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging and commuting;
  - Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using foraging areas/commuting routes.

All external lighting to serve each unit will be installed in accordance with the specifications and locations set out in the plan prior to the occupation of that unit. The measures set out in the plan shall be maintained in accordance with the plan thereafter.

**REASONS:** In the interests of biodiversity of the site and protected species and to ensure the light spillage is minimised in the interests of the amenity of the neighbouring occupiers, in accordance with policies DBE3, LB9 and LB10 of the Local Plan 2017 and Section 15 of the National Planning Policy Framework.

17. During the construction period (including site clearance), all precautionary measures as detailed in Section 5.7 of the Preliminary Ecological Appraisal (LaDellWood October 2018) shall be implemented in full and adhered to.

**REASONS:** In the interests of biodiversity of the site, in accordance with policy LB9 and LB10 of the Local Plan 2017 and Section 15 of the National Planning Policy Framework.

18. Prior to the commencement of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority. This will include recommendations as detailed in section 5.2 of the Preliminary Ecological Appraisal (LaDellWood October 2018). The approved details will be implemented prior to the first occupation of each unit in the development hereby approved and thereafter retained.

**REASONS:** In the interests of biodiversity of the site, in accordance with policy LB9 and LB10 of the Local Plan 2017 and Section 15 of the National Planning Policy Framework.

19. The development hereby approved shall not operate during the period 19:00 pm - 07:00 am on any day with the exception of the yard to the north of building identified as Plot 2 on the drawing 22668A/18 rev. P2, which shall not operate during the period of 19:00 pm - 8:00 am.

**REASON:** In the interest of and to protect the amenity of the neighbouring residential properties, in the light of the submitted Noise Impact Assessment assessing the daytime noise only, and in accordance with policy DBE3 and QL12 of the Local Plan 2017.

20. The mitigation measures as set out in paragraph 3.14 of the Noise Impact Assessment (MRL/100/1177.2v.1 October 2019) shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

**REASON:** To protect the amenities of nearby residential properties, in line with policy DBE3 and QL12 of the Local Plan 2017 and the National Planning Policy Framework.

21. No change of use, whether approved by Classes O, P, PA and T of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the local planning authority.



**REASON:** To protect the employment land and wider economic strategy for the District, in accordance with policy EMP4 of the Canterbury District Local Plan 2017.

22. Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837:2012 using the following protective fence specification:-

- Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority.

Such tree protection measures shall remain throughout the period of construction.

The protective fencing shall be erected before the works hereby approved or any site clearance work commences and shall thereafter be maintained until the development has been completed.

At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area.

Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point.

There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the protective fenced area.

Ground levels within the protective fenced area shall not be raised or lowered in relation to the existing ground level.

No trenches for underground services shall be commenced within the protective fenced area or within 5m of hedgerows shown to be retained without the prior written consent of the local planning authority.

**REASON:** In the interests of the visual amenities of the area and to adequately integrate the development into the environment, in accordance with policies DBE3 and LB10 of the Canterbury District Local Plan 2017.

23. Prior to the commencement of the development hereby approved, a Sustainability Statement including a Sustainability Strategy and a demonstration that 'Very Good' BREEAM Standards will be achieved on this site, shall be submitted to and be approved in writing by the Local Planning Authority. The statement and strategy shall demonstrate how the proposal will respond to the objectives of sustainable development and shall have regard to the measures outlined in table D1 of the Local Plan 2017, to include standard mitigation measures such as:

- 10 % of all parking spaces shall be equipped in Electric Vehicle charging points;
- photovoltaic solar panels (if feasible).

**REASON:** To ensure sustainable development and to mitigate the impact of the proposal on air quality in the surrounding area, in accordance with policies DBE1, CC2, QL11 and QL12 of the Local Plan 2017.

#### INFORMATIVES:

1. It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

2. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

A formal application to requisition water infrastructure is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

3. Lighting can be detrimental to foraging and commuting bats. The Bat Conservation Trust's Bats and Lighting in the UK guidance should be adhered to in the lighting design to minimise impact the proposed development will have on any foraging or commuting bats.

Demolition and vegetation clearance should take place outside of the bird nesting season, otherwise it should be preceded by an inspection of the site by a suitably qualified ecologist.

4. The applicant is advised to seek the input of the Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that all efforts are made to incorporate the principles of Designing out Crime (A Kent Design Guide for Developers Designers and Planners) into the high quality design of any proposal.

This application relates only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

The application was processed having regard to the National Planning Policy Framework, which requires that where there are potential solutions to problems arising in relation to



dealing with planning applications, the council will work with the applicant in a positive and proactive manner to seek solutions to those problems.

NOTES TO APPLICANT: None



Stevie Andrews  
Authorised Signatory of the Council  
Date of issue: 16<sup>th</sup> December 2019

### Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeal Type	Timescale
Householder application	Within 12 weeks of the date of the notice
Minor commercial application	Within 12 weeks of the date of the notice
Express consent for the display of an advertisement	Within 8 weeks of the date of receipt of the notice
Tree Preservation Orders	Within 28 days of the date of the notice
Planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice	Within 28 days of the date of the notice
If an enforcement notice is served relating to the same or substantially the same land and development as in your application.	Within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier
All others	Within 6 months of the date of the notice

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

### IMPORTANT NOTES

Notification of permission under the Planning Acts does NOT convey consent under The Building Regulations

1. The development to which the attached planning permission relates may also require a separate approval under the Building Regulations.

2. If the planning permission refers to amended plans, any necessary Building Regulations approval should also cover those amendments.

3. If the development involves any demolition work, notice of this this may be required under the Building Act 1984.

Advice on each of the above is available from STG Building Control Partnership on 01634 331133 or by email [building@stgbc.org.uk](mailto:building@stgbc.org.uk)