

RE: Planning Application 23/02652/FUL - Canterbury, Darby Green Road, Blackwater

Max Smith Goodey [REDACTED]

Wed 03/01/2024 16:01

To: Planning Admin <planningadmin@hart.gov.uk>

Cc: Jason O'Donnell - [REDACTED]

📎 1 attachments (207 KB)

flood risk report[233436].pdf;

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Good Afternoon,

Thank you for your recent email.

With regard to point 5 I trust this matter has now been resolved following my colleague Jason's previous email.

With regard to point 6 please see attached previously completed flood risk report for the site.

With regard to point 8 the applicant has confirmed 'there was no generator on site at any time, the pub had mains power'. I trust this confirmation and my colleague Jason's previous email now satisfies this matter.

With regard to point 9 I trust the landscape details can now be conditioned satisfying this validation point.

Should you have any queries do let me know, I trust the above now clears matters and the application can now be registered.

Kind Regards

**Max Smith-Goodey**  
Planning Manager



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From: Planning Admin <planningadmin@hart.gov.uk>

Sent: 20 December 2023 11:08

To: Jason O'Donnell - Arktec Ltd [REDACTED]

Cc: Max Smith Goodey [REDACTED]

Subject: Re: Planning Application 23/02652/FUL - Canterbury, Darby Green Road, Blackwater

Good Morning,

Many thanks for the below and the attached, please find below your amended reasons for invalidity which take into consideration the receipt of the below email and the outcome of the validation meeting:

5) Please complete the online Causal Flood Area proforma found on our website <https://www.hart.gov.uk/planning-and-building-control/planning-development/managing-flood-risk>.

Further information can be found in Hart District Council's Strategic Flood Risk Assessment. See also the Hart District Council Strategic Flood Risk Assessment at [www.hart.gov.uk/Evidence-base](http://www.hart.gov.uk/Evidence-base).

We are having issues with our webforms but I will clear this reason for invalidity once it has been received and back date the date that this is cleared to the date of its submission.

6) Please supply a flood risk assessment, the Flood Risk Assessment should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed taking climate change into account.

You can find out which flood zone you are located in on the gov.uk website at <https://flood-map-for-planning.service.gov.uk/>

For guidance about how to do a flood risk assessment please see [https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications?\\_ga=2.47807079.1913523045.1631528992-1727579226.1631528992#when-you-need-an-assessment](https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications?_ga=2.47807079.1913523045.1631528992-1727579226.1631528992#when-you-need-an-assessment)

See also Hart District Council Strategic Flood Risk Assessment which can be found at [www.hart.gov.uk/planning-policy-guidance](http://www.hart.gov.uk/planning-policy-guidance).

The Planning Team Leaders agree that this is required to validate your planning application.

8) Please supply a Land Contamination Assessment.

Brownfield sites and some Greenfield sites have the potential to be contaminated and therefore may pose a risk to current or future site occupiers, future buildings on the site and to the environment.

The level of information required as part of a land contamination assessment will vary depending on the known and/or suspected levels of contamination.

Government Policy is set out in the National Planning Policy Framework Section 15, paragraphs 170, 178-183). This can be found at [www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment](http://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment).

Guidance can also be found at [www.gov.uk/government/collections/land-contamination-technical-guidance](http://www.gov.uk/government/collections/land-contamination-technical-guidance).

The Planning Team Leaders have confirmed that I can use this statement:

We recently submitted a similar planning application (19/01376/FUL) on another site within Hart (for same applicant) which also included for new residential development on an old Public House site (very similar circumstances) and there was no such requirement for a land contamination assessment based on the understanding that such Public House sites are 'low risk' and therefore we trust for consistency with this matter.

and the answer to the below question:

Do you know if the previous use included a generator?

to clear this reason for invalidity.

Please either just answer this question within the email trail and I will upload the email trail as your Land Contamination Assessment or provide a separate document for me to upload.

9) Please supply Landscaping details, Landscaping details should include the Landscaping details and the proposals for long-term management and maintenance.

Existing trees and other vegetation should, where practicable, be retained in new developments and protected during the construction of the development.

For most applications it will not be necessary to set out exact planting locations and schedules as part of the application. However broad indications of landscaping should be shown along with strategic landscaping.

The Planning Team Leaders have confirmed that this can be conditioned.

If you would like me to investigate this:

However, we must point out that this was not previously required on this application site for the previous application (by others) and therefore would have assumed a consistent approach by the Council on this matter.

Please provide the reference number of the planning application referred to and I will check that there are no issues with the certificate of ownership submitted with this planning application which need to be regularised.

Many Thanks

Sharon Embleton

## Planning Administration

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From: Jason O'Donnell - Arktec Ltd [REDACTED]  
Sent: 19 December 2023 17:06  
To: Planning Admin <[planningadmin@hart.gov.uk](mailto:planningadmin@hart.gov.uk)>  
Cc: Max Smith Goodey [REDACTED]  
Subject: RE: Planning Application 23/02652/FUL - Canterburys, Darby Green Road, Blackwater

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Good afternoon,

Many thanks for your email.

With regards to point 3 (red line boundary), please find attached updated location plan & site layout drawing (with new date) with the red line shown continuous (as requested).

With regards to point 5 (casual flood area proforma), please find attached email that I received from the Council yesterday confirming receipt of our completed form.

With regards to the remaining points 6 (flood risk), 8 (contamination) & 9 (landscaping), we shall await your feedback once you have discussed these items with your manager.

I am shortly heading out the office for annual leave (returning back to the office on Monday 8<sup>th</sup> January 2024), therefore I have copied in my colleague Max who will be able to assist you should you have any queries in my absence, therefore please do be sure to send any replies to his email address as well as mine – many thanks.

We look forward to hearing from you in due course.

Kind regards

Jason

**Jason O'Donnell** MCIAT  
Managing Director



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From: Planning Admin <[planningadmin@hart.gov.uk](mailto:planningadmin@hart.gov.uk)>  
Sent: 19 December 2023 10:11  
To: Jason O'Donnell - Arktec Ltd [REDACTED]  
Cc: Max Smith Goodey [REDACTED]  
Subject: Re: Planning Application 23/02652/FUL - Canterburys, Darby Green Road, Blackwater

Good Morning,

Many thanks for the below and the attached, please find below your amended reasons for invalidity expanded upon as required:

3) Please identify the extent of the site by edging the application site clearly with a red line, this should include all land necessary to carry out the proposed development including the access from the development site to the public highway.

Please ensure the red line is unbroken, dotted lines are not acceptable.

5) Please complete the online Causal Flood Area proforma found on our website <https://www.hart.gov.uk/planning-and-building-control/planning-development/managing-flood-risk>.

Further information can be found in Hart District Council's Strategic Flood Risk Assessment. See also the Hart District Council Strategic Flood Risk Assessment at [www.hart.gov.uk/Evidence-base](http://www.hart.gov.uk/Evidence-base).

We are having issues with our webforms but I will clear this reason for invalidity once it has been received and back date the date that this is cleared to the date of its submission.

6) Please supply a flood risk assessment, the Flood Risk Assessment should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed taking climate change into account.

You can find out which flood zone you are located in on the gov.uk website at <https://flood-map-for-planning.service.gov.uk/>

For guidance about how to do a flood risk assessment please see [https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications?\\_ga=2.47807079.1913523045.1631528992-1727579226.1631528992#when-you-need-an-assessment](https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications?_ga=2.47807079.1913523045.1631528992-1727579226.1631528992#when-you-need-an-assessment)

See also Hart District Council Strategic Flood Risk Assessment which can be found at [www.hart.gov.uk/planning-policy-guidance](http://www.hart.gov.uk/planning-policy-guidance).

Our validation checklist sets out when this is required as follows:

<p><b>Flood Risk Assessment</b></p> <p>Where required</p> <p>a) Development in flood zone 2 or 3                  b) Developments of more than 1hectare(ha) in flood zone 1.                  c) Less than 1ha in flood zone 1 for development to a more vulnerable class (e.g. commercial to residential) where they could be affected by sources flooding other than rivers.                  d) In an area within flood zone 1 which has critical drainage problems as notified by the environment agency.</p>	<p>The Risk Assessment should;</p> <ul style="list-style-type: none"> <li>Identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed taking climate change into account.</li> </ul> <p>You can <a href="#">find out which flood zone you are located in on the gov.uk website</a>.</p> <p><a href="#">Technical Guidance</a> to the National Planning Policy Framework provides guidance about how to write a flood risk assessment and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere.</p> <p>See also policy NBE5 of the Hart Local Plan (Strategy and Sites) 2032 and <a href="#">Hart District Council Strategic Flood Risk Assessment</a>.</p>
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I have requested a flood risk assessment as the western boundary falls within flood zones 2 and 3.

As such I will take this item to my validation meeting to gain advice on how to proceed.

8) Please supply a Land Contamination Assessment.

Brownfield sites and some Greenfield sites have the potential to be contaminated and therefore may pose a risk to current or future site occupiers, future buildings on the site and to the environment.

The level of information required as part of a land contamination assessment will vary depending on the known and/or suspected levels of contamination.

Government Policy is set out in the National Planning Policy Framework Section 15, paragraphs 170, 178-183). This can be found at [www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment](http://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment).

Guidance can also be found at [www.gov.uk/government/collections/land-contamination-technical-guidance](http://www.gov.uk/government/collections/land-contamination-technical-guidance).

Our validation checklist sets out when this is required as follows:

<p><b>Land Contamination Assessment</b></p> <p>a) Any development, but not including changes of use where no material physical alteration is proposed, that comprises housing likely to be used by families with children, where the land is not currently or last used for such a use; or</p> <p>b) Any site, excluding householder development, situated within 250 metres of a former landfill site, and</p> <p>c) Any site where contamination is known to exist; or</p> <p>d) Any site where contamination is likely due to existing or previous uses.</p>	<p><b>Information required</b></p> <p>Brownfield sites and some Greenfield sites have the potential to be contaminated and therefore may pose a risk to current or future site occupiers, future buildings on the site and to the environment.</p> <p>A contaminated land assessment may be required but the level of information required as part of a land contamination assessment will vary depending on the known and/ or suspected levels of contamination. Government Policy is set out in the <a href="#">National Planning Policy Framework</a> (Section 15, paragraphs 170, 178-183).</p> <p><a href="#">Please see for guidance.</a></p> <p>See also saved policy GEN 1 of the Hart District Local plan (Replacement) 1996-2006 and NBE6 &amp; NBE11 of the Hart Local Plan (Strategy and Sites) 2032.</p>
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I have requested a land contamination assessment as the planning application is for development that comprises housing likely to be used by families with children where the land is not currently or last used for such a use.

As such I will take this item to my validation meeting to gain advice on how to proceed.

9) Please supply Landscaping details, Landscaping details should include the Landscaping details and the proposals for long-term management and maintenance.

Existing trees and other vegetation should, where practicable, be retained in new developments and protected during the construction of the development.

For most applications it will not be necessary to set out exact planting locations and schedules as part of the application. However broad indications of landscaping should be shown along with strategic landscaping.

Our validation checklist sets out when this is required as follows:

<p><b>Landscaping details</b></p> <p><b>When required</b></p> <p>a)Major developments</p> <p>b)New residential or minor commercial development within a Conservation Area*</p> <p>*excluding changes of use where no material physical alterations are proposed</p>	<p><b>Information required</b></p> <ul style="list-style-type: none"> <li>• Landscaping details</li> <li>• Proposals for long-term management and maintenance</li> </ul> <p>Existing trees and other vegetation should, where practicable, be retained in new developments and protected during the construction of the development.</p> <p>For most applications it will not be necessary to set out exact planting locations and schedules as part of the application. However broad indications of landscaping should be shown along with strategic landscaping.</p> <p>See also saved Policy GEN1of the Hart District Local Plan (Replacement 1996-2006 – Saved Policies and Policy NBE2 of the Hart Local Plan (Strategy and Sites) 2032</p>
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I have requested landscaping details as this planning application is for new residential development within a Conservation Area.

As such I will take this item to my validation meeting to gain advice on how to proceed.

If you would like me to investigate this:

However, we must point out that this was not previously required on this application site for the previous application (by others) and therefore would have assumed a consistent approach by the Council on this matter.

Please provide the reference number of the planning application referred to and I will check that there are no issues with the certificate of ownership submitted with this planning application which need to be regularised.

Many Thanks

Sharon Embleton

**Planning Administration**

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From: Jason O'Donnell - Arktec Ltd [REDACTED]  
Sent: 18 December 2023 14:03  
To: Planning Admin <[planningadmin@hart.gov.uk](mailto:planningadmin@hart.gov.uk)>  
Cc: Max Smith Goodey [REDACTED]  
Subject: Planning Application 23/02652/FUL - Canterbury, Darby Green Road, Blackwater

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Good afternoon,

Further to your recent letter ([attached for reference](#)) regarding validation queries for the above planning application submission, we have pleasure in confirming the following:

1. We can confirm that we are happy for you to change the application description, however it should be noted that our previous proposed description was not necessarily incorrect or incomplete as suggested, yet simply differently worded to your interpretation.
2. Please find attached 'updated' application form (serving notice). However, we must point out that this was not previously required on this application site for the previous application (by others) and therefore would have assumed a consistent approach by the Council on this matter.
3. Please find attached 'updated' drawing numbers P23-03-200 (location plan) and P23-03-S-201 (site layout), now showing the amended red line boundary (including access). Please note that these drawings have simply been given a new date within the drawing title so please do be sure to supersede the previous versions.
4. Parking provision is clearly noted '1.1, 1.2 etc' on our previously submitted site layout drawing and also confirmed within our D&A statement (section 4.8). It should also be noted that the proposed cycle storage details are also confirmed within this section of the D&A, and also confirmed within the previously submitted drawing number P23-03-S-240 (attached again for ease) which we assumed has been overlooked.
5. I can confirm that we have completed the online Casual Flood Area Proforma form on your Council website, and received confirmation that this has been completed therefore we trust that this matter is now dealt with.
6. It is not considered for a Flood Risk Assessment to be required for this application site, as the application site falls within 'flood zone 1' an area that is considered 'low probability' of flooding. This is clearly backed up by the previous 'Case Officers Report' on the previous planning history for the site which clearly notes that the application site falls within flood zone 1.
7. Please find attached 'updated' Design and Access Statement ([including Heritage Statement](#)). Please note that this statement has simply been given a new date within the cover page so please do be sure to supersede the previous version.
8. It is not considered for this site to require a land contamination assessment. We recently submitted a similar planning application (19/01376/FUL) on another site within Hart (for same applicant) which also included for new residential development on an old Public House site (very similar circumstances) and there was no such requirement for a land contamination assessment based on the understanding that such Public House sites are 'low risk' and therefore we trust for consistency with this matter.
9. Schematic landscaping proposals are clearly shown on our previously submitted site layout drawing and also confirmed within our D&A statement (section 4.10). It should be noted that this level of landscaping details is considered acceptable for planning application purposes, and in the event more detailed landscaping details are required then we would of course expect this to be 'conditioned' by way of a planning condition as part of any planning consent, as per the usual process.
10. We can confirm that the applicant will be happy to enter into a unilateral undertaking during the course of the application process in order to secure the Council's SANG (standard). It should be noted that this was previously noted within our previously submitted Design and Access Statement (section 4.16), and again we assume to be overlooked.

It should be noted that we applied for a pre-application advice service for these proposals back on 20<sup>th</sup> March 2023, and due to excessive delays by the Council the applicant subsequently withdrew the pre-application enquiry on 2<sup>nd</sup> August 2023, and therefore the applicant would be extremely disappointed and frustrated should this application registration be delayed any further.

I trust that you find the enclosed in order, and we look forward to receiving confirmation of the applications registration at your earliest opportunity – many thanks.

Please can you be sure to copy in my colleague Max ([Max.Smith-Goodey@arktec.co.uk](mailto:Max.Smith-Goodey@arktec.co.uk)) to any future correspondence relating to this application – many thanks.

Any queries then please do let me know.

Kind regards

Jason

Jason O'Donnell MCIAT  
Managing Director



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