

REFERENCE NO - 19/504910/OUT

APPLICATION PROPOSAL

Outline application for the redevelopment of the former Syngenta works site to provide a new business park of up to 46,447 sqm (500,000 sq.ft.) of B1(c), B2 and B8 accommodation with associated access, parking and infrastructure works. (Access only being sought).

ADDRESS Former Syngenta Works, Hampstead Lane, Yalding, Kent

RECOMMENDATION – APPROVE WITH CONDITIONS

SUMMARY OF REASONS FOR RECOMMENDATION

- The site is allocated for redevelopment which includes employment (B use classes) under policy RMX1(4) in the Local Plan subject to a number of criteria.
- The application proposes B use classes and the proposals overwhelmingly comply with policy RMX1(4) apart from criterion 4 but this conflict does not render the development unacceptable.
- There would be a low level of harm to the landscape and so a minor conflict with policy SP17 of the Local Plan but this would be localised and the impact suitably reduced through landscaping. Importantly, the site allocation in principle allows for employment development across the site which would inevitably have some impact and thus conflict with policy SP17. The low level of harm to the landscape is acceptable based on the site being allocated for development and when balanced against the economic benefits through new jobs associated with the development.
- Part of the site falls outside the area allocated for development and upon land defined as an 'ecological mitigation area' under the Local Plan Proposals Map. Development in this area would not result in any significant landscape or visual impacts above the allocated part of the site, and there would still be the amount of land required under the site policy (13ha) to the south that would be used for ecological mitigation and enhancement.
- The application complies with all other relevant Development Plan policies.
- No objections have been raised by any consultees subject to conditions/mitigation. The proposals pass both the Sequential and Exception Flood Risk Tests and matters of flood risk and contamination are acceptable subject to mitigation which is secured by conditions.
- Permission is therefore recommended subject to conditions and a legal agreement.

REASON FOR REFERRAL TO COMMITTEE

Planning Committee resolved to grant permission for the proposed development at its meeting on 25th March 2021 but the applicant has submitted material information relating to the Sequential Flood Risk Test and so the application must be reported back to Planning Committee for a decision.

Councillor Burton originally requested the application be considered by Planning Committee for the reasons set out in the original committee report.

WARD Marden and Yalding	PARISH COUNCIL Yalding	APPLICANT Mr Nick Young (Yalding Enterprise Ltd) AGENT DHA Planning	
DECISION DUE DATE: 23/04/21	PUBLICITY EXPIRY DATE: 26/01/21	SITE VISIT DATE: 02/04/20	
PLANNING HISTORY			
Numerous planning applications dating from the 1960's relating to the former use of the site for the formulation of agrochemicals, and applications associated with the decontamination and remediation of the site after 2003.			
19/504783	Renovations and upgrade of the former Syngenta Office building to provide additional floor space, refurbished flexible office and ancillary accommodation with associated access and parking.	APPROVED	31/03/20
07/1148	Outline application for a mixed-use redevelopment comprising: Employment development B1/B8 use (up to a maximum 29,265 sqm.); Residential Development (up to a maximum 350 dwellings); small retail convenience store; recreation area for formal sports activities (to the north of Hampstead Lane); additional area of informal open space; dedicated area for nature conservation; minor re-grading of an adjoining field (to the west) to alleviate wider flooding concerns. With access to be decided at this stage and all other matters reserved for future consideration.	WITHDRAWN	25/04/08
06/1397	A consultation with Maidstone Borough Council by Kent County Council for remediation of the decommissioned Syngenta Works leaving the site contoured for future development (future development not part of application).	NO OBJECTIONS (KCC GRANTED CONSENT 15/12/06)	11/10/06
99/1355	Hazardous Substances Consent for the storage of pesticide raw materials, blending/mixing of raw materials to produce bulk agrochemical formulations, bottling and packing of formulations, and storage and distribution of finished goods.	DEEMED CONSENT VALID	06/09/99

1.0 BACKGROUND

1.01 Planning Committee resolved to grant permission for the proposed development at its meeting on 25th March 2021. Following the meeting a representation was received that considered a 'Sequential Test' (ST) relating to flood risk should have been carried out for the application. Officers carefully considered this representation and concluded that a ST was required. The applicant has submitted this and full re-consultation/notification has been carried out. The ST will be explained in more detail below but this is a material consideration and so the application must be reported back to Planning Committee for a decision.

1.02 Planning Committee previously resolved to grant permission and so the focus for consideration in this additional report is the ST, as all other matters were considered in the original committee report and urgent update (attached at **Appendix A**) and by Members.

2.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP11, SP16, SP18, SP21, SP23, RMX1, RMX1(4), DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM21, DM23
- Kent Waste and Minerals Plan 2020
- National Planning Policy Framework (NPPF July 2021)
- Planning Practice Guidance (PPG)
- MBC Air Quality Guidance

3.0 LOCAL REPRESENTATIONS (on the Sequential Test information)

3.01 **Yalding Parish Council:** *"Yalding Parish Council has no further comments to make regarding this application other than to see the planning permission already granted fulfilled."*

3.02 **(Neighbouring) Nettlestead Parish Council:** Have re-sent a letter from March 2021 that relates to highways issues and general flood risk.

3.03 **Local Residents:** 2 representations received raising the following (summarised) points:

- Lack of 'Exception Test' from applicant.
- A reasonable number of smaller split up sites should form part of the search for alternative sites and not just a site capable of accommodating the same amount of development.
- Adjoining Boroughs (TMBC and TWBC) should form part of the search for alternative sites not just MBC which is contrary to government guidance.

3.04 Representations have been received from a Solicitors believed to be on behalf a local resident which considers there is a more suitable alternative comparable employment site available for B2/B8 uses outside flood zone 3 at 'Kingstanding Business Park, Longfield Road, Tunbridge Wells'. They consider that the area of search should not be confined to Maidstone Borough and this renders the sequential test at best incomplete and possibly invalid.

4.0 CONSULTATIONS (on the Sequential Test information)

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

4.01 Environment Agency: *"We have reviewed the Flood Risk Sequential Assessment dated June 2021 ref TS/13297, undertaken by DHA. We noticed the information available relates with details of the sequential test in regards to alternative sites. We cannot advice on this matter, as is for the local authority to consider. Therefore, we have no more comments to make."*

5.0 APPRAISAL

Sequential Test

5.01 Relevant extracts relating to the ST for flood risk from the NPPF at paragraphs 161 and 162 state that,

"All plans should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

a) applying the sequential test and then, if necessary, the exception test as set out below....

.....The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding."

5.02 The ST is basically an exercise to assess whether there are alternative available sites in areas at lower risk of flooding that could accommodate the development. The site falls within Flood Zone 3 and so sites within Flood Zones 1 and 2 would be sequentially preferable.

5.03 The Government's National Planning Practice Guidance (NPPG) expands on the NPPF and states that, *"the Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test."*

5.04 The application site is allocated for development and under the previous committee report the view was taken that through the allocation of site and the Local Plan examination process, the ST had been carried out. Upon further investigation, this was not the case and so it must be carried out under this planning application.

5.05 The NPPG then provides advice on applying the ST advising that the area of search, *"for individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the*

use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed." It advises that a pragmatic approach should be taken on the availability of alternative sites.

5.06 The applicant has carried out a ST and investigated whether there are any other reasonably available sites within Maidstone Borough. It is agreed that the Borough is an appropriate area of search because of the scale of the development. The NPPG advises that, "*For nationally or regionally important infrastructure the area of search to which the Sequential Test could be applied will be wider than the local planning authority boundary.*" The development is not of national or regional importance and provides a level of employment floorspace on a 'local' scale and so the Borough is considered to be an appropriate and reasonable area of search. For example, the Borough's gross employment land requirement under the Local Plan is for 110,031m² of floorspace and this application proposes 46,447m².

5.07 Representations do not consider the area of search should be confined to Maidstone Borough, one having identified a large employment site with outline permission, and within a draft employment allocation in Tunbridge Wells' emerging Local Plan. This is around 10km away, and reference has been made to sales details on the 'Rightmove' website. For the reasons outlined above, the area of search within Maidstone Borough is considered to be appropriate.

5.08 The applicant has assessed the following in the Borough:

- Sites of similar size i.e. circa 14ha and therefore capable accommodating circa 46,447m² of floor space.
- Other brownfield sites.
- Greenfield sites within defined settlement boundaries only.
- Sites located in flood zones 1 or 2.

5.09 This search includes allocated employment sites in the Local Plan and draft allocations in the Local Plan Review (LPR); greenfield sites within settlement confines (as greenfield sites outside settlement would not obtain planning permission); and other available brownfield sites (sites submitted as part of the most recent call for sites exercise for the LPR).

Employment and Mixed-Use Allocations in the Local Plan 2017

5.10 The applicant's view is that employment allocations EMP1(1-3) in the Local Plan are too small as they are 5,500m², 6,800m² and 14,500m² (total 26,800m²). Even if these sites were combined they would still only provide for just over half the proposed development and so for this reason it is agreed that they are not reasonable alternatives.

5.11 The applicant outlines that EMP1(4) (Woodcut Farm) has consent and considers it is required to accommodate employment needs in the Borough, in addition to the floorspace delivered as part of the Syngenta site. The view

being that the use of one allocated site to replace another is therefore not a viable alternative.

5.12 The Woodcut Farm allocation is for up to 49,000m² of mixed employment floorspace of which 10,000m² must be for offices (B1a & b). However, planning permission has been granted for 45,295m² leaving 35,295m² for B1c/B2/B8 uses, which would be 11,152m² below the proposed development. So, the Woodcut Farm site could accommodate three quarters of the proposed development on a sequentially preferable site.

5.13 Contrary to the applicants view, the Syngenta site is not specifically required to meet employment needs in the Local Plan as the 'industrial' and 'warehousing' employment requirements would be met on the allocated employment sites but it can obviously still provide for employment provision and the associated economic benefits. It was originally put forward to include housing but this was removed by the Local Plan Inspector and in his Report (July 2017) at paragraphs 326 and 327 he states,

"The deletion of a housing allocation is necessary for reasons of flood risk... ..The site nevertheless remains unsightly and it detracts from its surroundings. It would be desirable to find an alternative use for it if the flood risk issues can be overcome using a less sensitive form of development."

5.14 The site was allocated, as stated at paragraph 4.200 of the Local Plan, as it will have important sustainability benefits and the Local Plan outlines that the Council will support its redevelopment in the site policy, which is in large part because it is a significant unsightly brownfield site as per the Inspectors report.

5.15 The Woodcut Farm allocation could not accommodate the entire development proposal and so in terms of paragraph 162 of the NPPF, the Woodcut Farm site is not "appropriate" for the proposed Syngenta development of up to 46,447 m² (a combination of use class E(g)(iii)) and/or B2 and B8 floorspace up to 46,447m² in total). However, even if the Woodcut Farm site was large enough to accommodate the floorspace for the uses proposed by the Syngenta development and was therefore a sequentially preferable site in terms of flooding, this would be outweighed by a number of factors. The sustainability benefits (see paragraph 5.26 below) and reasons for allocating the Syngenta site would not be realised. The regeneration of the site is only likely to be achieved through the employment uses proposed as, whilst the site is identified for other uses (leisure, commuter car parking, and open space), these uses on their own would be highly unlikely to be viable to achieve redevelopment of the site. Furthermore, the current proposal would achieve the redevelopment of what the Local Plan Inspector considered was an unsightly site that detracts from its surroundings.

5.16 It is considered that the site-specific benefits of regenerating a large unsightly allocated brownfield site, are a sufficient reason to permit the proposed development, notwithstanding the Woodcut Farm allocation.

5.17 It is considered that the other mixed-use allocations in the Local Plan RMX1(1, 2, 3, 5 and 6) are not reasonable alternatives as they are allocated

for either retail uses, offices, residential, leisure, or a 'medical campus' and so not the type of development proposed.

Draft Allocations in the Emerging Local Plan Review

5.18 In terms of the emerging LPR this includes 3 new draft employment allocations in addition to Woodcut Farm (which has been discussed above) and the application site. Two of these (Ashford Road, Lenham and Dickley Court, Lenham) are proposed for 3,108m² and 188m² and are insufficient in size to accommodate the development. The other (Land Between Maidstone Road and Whetsted Road, Paddock Wood) would be large enough to accommodate a similar size development (circa 13ha) but is a greenfield site and moreover is also located in Flood Zone 3 so is not sequentially preferable.

5.19 New mixed-use draft allocations are not solely for employment by their nature (employment, retail, and residential) and are insufficient in size so are not reasonable alternatives.

Other Sites (Greenfield sites within settlements and sites submitted as part of the most recent 'call for sites' exercise for the LPR)

5.20 Greenfield sites within settlements consists of public parks/open space, play spaces, nature reserves, ancient woodland, or are too small so do not provide reasonable alternatives.

5.21 For completeness, the applicant has also assessed similar sized, brownfield sites within flood zones 1 and 2 put forward under the most recent 'call for sites' exercise and judged as being potentially suitable by the Council. Of these only two sites are of a suitable size being 'Land Between Maidstone Road and Whetsted Road, Paddock Wood' which has been assessed above and 'Ringles Nursery, Headcorn'. 'Ringles Nursery' is a mix of brownfield and greenfield land with a large reservoir and 2.4ha falling in flood zone 3. The brownfield part of the site is circa 5.5ha so would not be large enough and bearing in mind the flood risk area, reservoir, and the fact that it has not been taken forward in the emerging LPR, it is not considered to be a reasonable alternative.

5.22 In conclusion, it is considered that the applicant has carried out a thorough search of sites within a suitable catchment area and that this has not revealed any appropriate alternative sequentially preferable sites for the Syngenta proposal. For these reasons, the proposals pass the ST in accordance with the Local Plan, NPPF, and NPPG.

Exception Test

5.23 National guidance outlines that the Exception Test (ET) is not necessary for employment development in flood zone 3a, however, paragraph 4.217 of the Local Plan refers to it being applied for the Syngenta site. Therefore, for completeness this will be carried out.

5.24 The ET has two parts that require development to demonstrate that:

(a) *the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*

(b) *the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall*

5.25 As outlined under the original committee report it is considered that the development and future occupants will be safe in times of flood and conditions secure finished floor levels, the flood conveyance channel, floodable voids, and flood evacuation plans to ensure this. In addition, there would be no increase in flood risk off site. The Environment Agency are also raising no objections in terms of any flood risk.

5.26 In terms of 'sustainability benefits' the three overarching objectives to sustainable development within the NPPF are environmental, economic and social objectives. The site is allocated, the Local Plan supports its redevelopment, and is a longstanding brownfield site regarded as unsightly by the Local Plan Inspector. Paragraph 4.200 of the Local Plan states that securing its reuse will have important sustainability benefits. Therefore, redevelopment of the site would provide environmental benefits through regenerating an unsightly brownfield site and there would also be benefits from new landscaping and biodiversity enhancements as outlined in the original committee report. In terms of economic benefits, clearly the proposals would provide a significant number of jobs to support the economy through the provision of around 46,000m² of floorspace. Improvements to Yalding train station would also be secured to promote more sustainable public transport use (total cost of £55,600), which is a social objective. Overall, it is considered the redevelopment of this allocated site would provide wider sustainability benefits that would outweigh any flood risk matters. Notwithstanding this, there are not any unacceptable flood risks associated with the development for the reasons outlined above.

5.27 For these reasons, the Exception Test is passed.

Other Matters

5.28 The original report states that the site is allocated for employment (B use classes) under policy RMX1(4) in the Local Plan subject to criterion. For clarity, the site is allocated for 'redevelopment' which includes employment uses rather than being solely allocated for employment. However, this does not affect any of the assessments carried out or conclusions reached.

5.29 In relation to flood risk and determining planning applications, paragraph 167 of the latest NPPF (previously 163) has added (see in bold) that development should only be allowed in areas at risk of flooding if it can be demonstrated that it is "*appropriately flood resistant and resilient **such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.***" This matter is assessed in paragraph 6.48 of the original report where it is outlined that the finished floor levels of buildings would be set 450mm above the modelled flood level and the forecourt areas and roads adjacent to the buildings would set 100mm above which will be secured by condition. Floodable voids beneath buildings are also

proposed and secured by condition. This ensures that refurbishment to any buildings will not be required, and even if some was required, it would not be significant. All other requirements of paragraph 167 have been demonstrated and would be secured through conditions and reserved matters applications.

5.30 In relation to biodiversity and determining planning applications, paragraph 180(d) of the latest NPPF (previously 175) has added (see in bold) that, "*opportunities to improve biodiversity in and around developments **should be integrated as part of their design**, especially where this can secure measurable net gains for biodiversity **or enhance public access to nature where this is appropriate.***" Previously, it used the term 'encouraged' rather than 'integrated'. As outlined at paragraphs 6.68 to 6.73 of the original report, the flood conveyance channel through the centre of the development will provide enhancement with replacement/compensatory habitats for use by GCN and reptiles, and there would also be new tree planting and landscaping around the boundaries of the site. The conveyance channel would be landscaped and with buffer habitats including new wetland areas, ponds, and grassland habitats. This is in addition to the 13ha of retained and enhanced nature conservation area to the south which has public access from the PROW. This will ensure biodiversity improvements integrated into the layout of the development and around the development.

5.31 No other changes to the NPPF affect the original report and recommendation and for clarity paragraph numbers 108 and 109 are now 110 and 111 of the new NPPF (see paragraph 6.28 of original report).

5.32 The previous committee resolution required that the contribution of £14,344 recommended to go towards capacity improvements at the Watlington crossroads instead be put towards access improvements at Yalding Railway Station, including investigation of use for disabled access improvements, and if this was not feasible, used for other improvements to the station.

5.33 Discussions were subsequently carried out with 'Southeastern' who advised that the £14,000 would not be enough to deliver step free access to platform 2. The remaining improvements identified by 'Southeastern' are lighting in the car park (£12k); CCTV for the whole station (£20.1k); lines repainted and accessible bays in the car park (£3k); and cycle storage resurfacing (£1k). In terms of improving accessibility, it is considered that lighting; repainting of lines and accessible parking bays; and cycle storage resurfacing are most appropriate which would be a total of £16,000 which the applicant is agreeable to. The heads of terms are amended to reflect this and to include the requirement for a 'Development/Delivery Group' as agreed by Committee. All other conditions remain as the previous resolution and urgent update.

6.0 CONCLUSION

6.01 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 6.02 The site is allocated for redevelopment which includes employment (B use classes) under policy RMX1(4) in the Local Plan subject to criterion. The application proposes outline permission for B use classes and the proposals comply with the policy apart from criterion 4 but this conflict is not considered grounds to refuse permission.
- 6.03 There would be a low level of harm to the landscape and so a minor conflict with policy SP17 of the Local Plan but this would be localised and the impact suitably reduced through the landscape buffers. Importantly, the site allocation in principle allows for employment development across the site which would inevitably have some impact and thus conflict with policy SP17. The low level of harm to the landscape is acceptable based on the site being allocated for development and when balanced against the economic benefits through new jobs associated with the development.
- 6.04 Part of the site falls outside the area allocated for development and upon land defined as an 'ecological mitigation area' under the Local Plan Proposals Map. Development in this area would not result in any significant landscape or visual impacts above the allocated part of the site, and there would still be the amount of land required under the site policy (13ha) to the south that would be used for ecological mitigation and enhancement.
- 6.05 No objections have been raised by any consultees subject to conditions/mitigation. The proposals pass both the Sequential and Exception Flood Risk Tests and matters of flood risk and contamination are acceptable subject to mitigation which is secured by conditions.
- 6.06 All representations received on the application have been fully considered in reaching this recommendation.
- 6.07 It is concluded that the development is acceptable and overwhelmingly complies with policy RMX1(4) and all other relevant Development Plan policies. The minor conflict with policy SP17 and development beyond the site allocation is acceptable, and so permission is recommended subject to the legal agreement and conditions as set out below.
- 6.08 In the view of officers considering the above conclusions on the matter of the ST, despite the third-party representations, there is no material reason for the Council to come to a different conclusion to that reached in March 2021 on the wider relevant planning considerations.

7.0 RECOMMENDATION

Subject to:

The conditions set out below, and the prior completion of a legal agreement to secure the heads of terms set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

Heads of Terms

Planning Committee Report

1. £17,000 to be used towards a new shelter and seat on Platform 1 at Yalding Train Station.
2. £13,500 to be used towards a new shelter on Platform 2 at Yalding Train Station.
3. £9,100 to be used towards an LED lighting upgrade at Yalding Train Station.
4. £12,000 to be used towards new lighting in the car park at Yalding Strain Station.
5. £3,000 to be used towards repainting of lines and accessible bays in the car park at Yalding Strain Station.
6. £1,000 to be used towards resurfacing of the cycle storage area at Yalding Strain Station.
7. £2,500 Section 106 monitoring fee.
8. Requirement for the establishment of a Development/Delivery Group to discuss the reserved matters applications in order to deliver an exemplar scheme. The membership of the Group is to include the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee, Ward Members and representatives of Nettlestead and Yalding Parish Councils. Issues for the Group to focus on include transport issues in relation to access to and egress from the site in terms of staff and freight; design issues; landscaping and biodiversity; and flood attenuation/mitigation.
9. £3,300 to be used towards the setting up and running of the Development/Delivery Group.

Conditions

Time Limit

1. No phase of the development hereby approved shall commence until approval of the following reserved matters has been obtained in writing from the local planning authority for that phase:
 - a) Scale
 - b) Layout
 - c) Appearance
 - d) Landscaping

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of five years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

Access

2. The access points hereby permitted shall be carried out in accordance with drawing no. C11101 RevG including installation of the height barriers which shall be retained thereafter, and the visibility splays kept free of obstruction above a height of 1 metre. The eastern access shall only be used as an entrance to the site and the western access shall only be used as an exit except in times of emergency.

Reason: In the interests of highway safety.

Parameters/Compliance

3. The layout details submitted pursuant to condition 1 shall show no built form upon the areas defined as 'proposed new and enhancement planting zones', 'existing tree buffers', 'ecology zone', and 'conveyance route' as shown on the approved Constraints Plan (Drawing No.4092/SK04b).

Reason: To ensure the development accords with the site allocation policy, protects and enhances biodiversity, and provides a high-quality design.

4. The details of appearance submitted pursuant to condition 1 shall include:
 - a) Non-reflective materials and sensitive colouring.
 - b) Active frontages on prominent buildings.
 - c) The use of materials and articulation to break up the massing of buildings.
 - d) The use of vernacular materials including ragstone on either buildings or in boundary treatments.
 - e) High quality surfacing materials.

Reason: To ensure a high-quality appearance to the development.

5. The layout and appearance details submitted pursuant to condition 1 shall be designed to minimise the impact of any noise to nearby residential properties and shall demonstrate how they achieve that.

Reason: In the interest of residential amenity.

6. The landscape details submitted pursuant to condition 1 shall provide the following:
 - New native tree and shrub planting within the 'proposed new and enhancement planting zones', and 'existing tree buffers' around the boundaries of the site as shown on the approved Constraints Plan (Drawing No.4092/SK04b).
 - Native tree and shrub planting within the development areas to soften buildings and parking areas.

Reason: To ensure the development accords with the site allocation policy and to provide an appropriate setting.

7. The details submitted pursuant to condition 1 shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by JBA Consulting, (Final Report dated September 2019 including the Model report dated August 2019) and include the following mitigation measures:
- a) Finished floor levels of any commercial buildings shall be set no lower than 13.70mAOD.
 - b) Provision of the flood conveyance channel including details and final levels.
 - c) Floodable voids beneath buildings.

Reason: To reduce the risk of flooding to the proposed development and off-site.

Pre-Commencement

8. No development shall take place until a detailed ecological mitigation and enhancement strategy for the 13ha of land to the south of the site has been submitted to and approved in writing by the Local Planning Authority which shall include the following:
- a) Updated phase 1 survey.
 - b) Updated specific species surveys (if the current surveys are no longer valid).
 - c) Overview of mitigation to be implemented.
 - d) Detailed methodology to implement mitigation.
 - e) Maps identifying the receptor site and areas for the creation of new ponds designed specifically for GCN and reptiles.
 - f) Details for the creation and enhancement of wildlife corridors and hibernacula.
 - g) Details of interim management required until the site-wide management plan is implemented.
 - h) Details of on-going monitoring.
 - i) Timings of proposed works commensurate with any construction works.
 - j) Details of long-term management.

The strategy must be implemented as approved.

Reason: In the interest of biodiversity protection and enhancement.

9. No development shall take place until a Construction Management Plan and Code of Construction Practice has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- a) An indicative programme for carrying out the works.

- b) Measures to minimise the production of dust on the site(s).
- c) Measures to minimise the noise (including vibration) generated by the construction process.
- d) Measures to minimise light intrusion from the site(s).
- e) Management of traffic visiting the site(s) including temporary parking or holding areas.
- f) Provision of off-road parking for all site operatives.

Reason: In view of the scale of the development and in the interests of highway safety and local amenity.

10. No development, except for site preparation works, shall take place until a phasing plan for the whole site (development and landscaping) has been submitted to the Local Planning Authority and agreed in writing. The approved phasing plan shall be followed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a suitable development of the site.

11. No development, except for site preparation works, shall take place until a monitoring and maintenance plan in respect of groundwater and the PRB gate sampling points, including a timetable of monitoring and submission of reports has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any on-going contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the NPPF.

12. No development shall take place on any phase of development, except for site preparation works, until details of the proposed slab levels of the buildings and roads together with the existing site levels relating to that phase have been submitted to and approved in writing by the Local Planning Authority, and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development.

13. No development shall take place on any phase of development, except for site preparation works, until a detailed sustainable surface water drainage scheme site has been submitted to and approved in writing by the local planning authority for that phase. The detailed drainage scheme 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.

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.

14. No development shall take place on any phase of development, except for site preparation works, until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority for that phase. This strategy will include the following components:
 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 and 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.

The scheme shall be implemented as approved and any changes to these components require the written consent of the LPA.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework (NPPF).

Pre-Slab Level

15. No development above slab level of any phase shall take place until a scheme of noise mitigation measures specifically in relation to delivery, loading and unloading has been submitted to and approved by the local planning authority for that phase. The scheme shall be designed to mitigate against the potential impact specified by a realistic assessment. The scheme shall include a noise management plan which shall include but not be limited to the following:
- a) Delivery locations.
 - b) Measures to prevent vehicle idling.
 - c) Measures to minimise the use of reversing beepers.
 - d) Measures relating to the lowering of lorry tail lift flaps.
 - e) The use of plastic or rubber wheels for trolleys.
 - f) Measures to control the behaviour of operatives on site.
 - g) Complaint contact and recording details.
 - h) A review period for the noise mitigation and management measures.

The acoustic assessment approved in the outline planning application shall be revisited as the detailed application progresses to ensure that it remains valid and mitigation is incorporated into the design of the facility. Once approved the mitigation scheme shall be retained and maintained to the satisfaction of the local planning authority.

Reason: In the interest of residential amenity.

16. No development above slab level of any phase shall take place until specific air quality mitigation measures, which shall include the type and location of electric vehicle charging infrastructure within parking areas, lorry trailer plug-ins, and cycle parking, have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details.

Reason: In the interests of limiting impacts upon air quality.

17. Within 3 months of the completion of the flood conveyance channel, a habitat creation plan for the 'ecology zone' as shown on the approved Constraints Plan (Drawing No.4092/SK04b) shall be submitted to and approved in writing by the Local Planning Authority, which shall include the following:
- a) Map showing the habitats to be created.
 - b) Methodology to create and establish the habitats.
 - c) Timetable to create the habitats.
 - d) Details of who will be carrying out the works.
 - e) Details of how the habitats will be protected during construction.

The habitat creation plan must be implemented as approved.

Reason: In the interest of biodiversity enhancement.

18. Within 3 months of the completion of the flood conveyance channel, a long-term site-wide management plan for both the 'ecology zone' and for the 13ha

of land to the south of the site shall be submitted to and approved in writing by the Local Planning Authority, which shall include the following:

- a) Map showing area to be managed.
- b) Overview of management to be implemented including aims and objectives.
- c) Detailed management timetable to meet the aims and objectives.
- d) Monitoring & review programme.
- e) Details of who will be implementing management.

The habitat creation plan must be implemented as approved.

Reason: In the interest of biodiversity protection and enhancement.

Pre-Occupation

19. The development shall not be occupied until a final 'Delivery & Route Management Strategy' with the aims of deterring and reducing the potential for any large HGV movements through Yalding village centre and to manage long vehicles exiting the site in the interest of safety at the nearby level crossing has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority and Network Rail. It shall include details of the following:

- a) A review of the 'black lorry' industrial estate signs on the A228 (to encourage vehicles to use the Maidstone Road), the B2162 (to keep heavy goods vehicles on the A21/A228), and Hunton Road/Pattenden Lane (to keep vehicles on the A229), to ensure that any large HGV movements through Yalding village centre are reduced/deterred and appropriate routes are signposted including any proposed changes to the signs.
- b) Appropriate 'no HGV access' signs to the south and east of Yalding village centre to ensure that any large HGV movements through Yalding village centre are reduced/deterred and appropriate routes are signposted.
- c) Site Access Signage - to direct all heavy goods vehicles westbound onto the Maidstone Road.
- d) Site Access Signage – clearly stating 'no right turn for HGV's' exiting the site.
- e) Measures to manage long vehicles exiting the site in the interest of safety at the nearby level crossing.

Reason: In the interests of highway safety and congestion.

20. The development shall not be occupied until a final site-wide 'Delivery Management Strategy' with the aim of minimising any noise and disturbance during night-time hours has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising any impacts of noise to nearby residential properties.

21. The development shall not be occupied until the following off-site highways works have been provided in full:
 - a) Capacity improvements to the Maidstone Road/Hampstead Lane junction as shown on drawing no. 14949-H-01 RevP3.
 - b) The tactile paved crossing points as shown on drawing no. C11101 RevG.
 - c) Box junction markings at the level crossing.

Reason: In the interest of pedestrian and highway safety and mitigating traffic impacts.

22. The development shall not be occupied until site-wide Travel Plan for the development which follows the principles of the Framework Travel Plan 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 put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: To promote sustainable transport use.

23. The development shall not be occupied until the extant hazardous substances consent at the application site has been formally revoked.

Reason: In the interests of protecting human health.

24. 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 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.

25. No phase of the development shall be occupied until a verification report demonstrating the completion of works set out in the approved contamination remediation strategy and the effectiveness of the remediation for that phase 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.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF.

26. No building on any phase of the development hereby permitted shall be occupied until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used have been submitted to and approved in writing by the Local Planning Authority for that phase. The development shall be carried out in accordance with the approved details. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity

27. No building on any phase of the development hereby permitted shall be occupied until details of measures to deal with the emission of dust, odours or vapours arising from the building/use has been submitted to and approved in writing by the Local Planning Authority for that phase. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first use of the premises and shall be operated and retained in compliance with the approved scheme.

Reason: In the interests of residential amenity

28. No phase of development shall be occupied until a detailed lighting plan has been submitted to and approved in writing for that phase, which shall demonstrate it has been designed to minimise impact on biodiversity and is meeting the lighting principles set out in the Technical Briefing Note; Aspect Ecology; November 2019. The lighting plan must be implemented as approved.

Reason: In the interest of biodiversity protection.

29. No phase of the development involving operational buildings/uses shall be occupied until details of flood evacuation plans have been submitted to and approved in writing for that phase. The development shall be carried out in accordance with the approved details.

Reason: In the interests of safety.

Restrictions

30. If, during development of any phase, contamination not previously identified is found to be present at the site then no further development of that phase

(unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the NPPF.

31. No new infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority in consultation with the Environment Agency. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF.

32. Foundation designs using deep penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority in consultation with the Environment Agency, which may be given for those parts of the site where it has been demonstrated by a foundation risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF.

33. No lighting should be used within the flood conveyance/open space corridor or vegetated boundary buffers, which shall form light exclusion zones or 'dark corridors' to allow nocturnal/crepuscular fauna to move around the site.

Reason: In the interests of biodiversity protection.

34. The details submitted pursuant to condition 1 shall not exceed the following floorspace limits:

B1(c)/Class E(g)(iii) or B2 – no more than 19,943m² combined
B8 uses – 26,504m²

Reason: To comply with the floorspace amounts assessed under the application.

35. All buildings shall achieve a Very Good BREEAM UK New Construction 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM UK New Construction 2014 rating has been achieved within 6 months of the first occupation of any building.

Reason: To ensure a sustainable and energy efficient form of development.

36. Any buildings and associated land shall only be used for B1(c)/Class E(g)(iii), B2 or B8 uses and for no other purpose (including any other purpose under Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) or permitted under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)) or any statutory instrument revoking and re-enacting those Orders with or without modification;

Reason: To comply with the floorspace types assessed under the application and as other Class E uses may not be suitable at the site.

37. The development hereby permitted shall be carried out in accordance with drawing no. C11101 RevG (Site Entrance) and 4092/P100 (Site Location Plan).

Reason: For the purposes of clarity.

38. For the purposes of the above conditions, 'Site Preparation Works' means the following:

Demolition – Which means removal of Headwalls, Bunds, Culverts, Substation, Water Channels and the Eastern Fire Lagoon Structure.

Site Clearance – Which means removal of vegetation excluding that within the 'proposed new and enhancement planting zones', and 'existing tree buffers' around the boundaries of the site as shown on the approved Constraints Plan (Drawing No.4092/SK04b).

Formation of Haul Roads – Which means the laying of mats to run lorries and construction traffic over.

Safety Works – Which means the erection or enhancement of security fencing, hoarding, CCTV poles and any other HSE matters.

Reason: For the purposes of clarity