

REFERENCE NO 21/503225/OUT		
APPLICATION PROPOSAL Outline application for proposed development of site with light industrial/storage business units and associated facilities (Access being Sought).		
ADDRESS The Packhouse Queen Street Paddock Wood Kent TN12 6PJ		
RECOMMENDATION GRANT OUTLINE PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would be acceptable with regard to the Local Plan, the NPPF and all other relevant material considerations. All material considerations indicate that planning permission should be approved.		
REASON FOR REFERRAL TO COMMITTEE Yalding Parish Council has requested the application be put before the Planning Committee as it was considered that insufficient information was provided on access, parking, turning and the unloading of lorries visiting the site.		
WARD Marden And Yalding	PARISH/TOWN COUNCIL Yalding	APPLICANT Money Investments Ltd AGENT Pump House Designs
TARGET DECISION DATE 25/11/21		PUBLICITY EXPIRY DATE 27/08/21

Relevant Planning History

20/503561/FULL

Erection of 2no. detached dwellings with associated access and parking (Resubmission of 20/500786/FULL). Refused 29.01.2021 for the following reasons:

- (1) The proposal, by virtue of the design, siting, scale, bulk and appearance, would provide an urbanised form of development in a rural location that would be harmful to the character and appearance of the area and contrary to policies SP17, DM1, DM5 and DM30 of the Maidstone Local Plan (2017).*
- (2) The applicant has failed to demonstrate that the development will provide an adequate standard of residential accommodation for future occupants with regards to the impact of future flood events and the necessity for rescue and evacuation from the site by emergency services with no wider sustainability or other benefits that would outweigh this harm, contrary to policy DM1 of the Maidstone Local Plan (2017) and the National Planning Policy Framework.*
- (3) The development is located in an environmentally unsustainable rural location where future occupants would be reliant on the private motor vehicle for day to day needs, including access to goods and services, which is contrary to policies SS1 and DM5 of the Maidstone Local Plan (2017) and the National Planning Policy Framework (2019).*

20/500786/FULL

Erection of 3no. detached dwellings. (Resubmission of 19/502612/FULL) Refused 14.04.2020 for the following reasons:

- (1) The proposal, by virtue of the amount of development, building design, siting, scale, bulk and appearance would provide a highly urbanised form of development in a rural location that would be harmful to the character and appearance of the area and contrary to policies SP17, DM5 and DM30 of the Maidstone Local Plan.*
- (2) The applicant has failed to demonstrate that the development will provide an adequate standard of residential accommodation for future occupants with regards to the*

impact of future flood events and the necessity for rescue and evacuation from the site by emergency services with no wider sustainability benefits that would seek to outweigh this harm contrary to policy DM1 of the Maidstone Local Plan (2017) and the National Planning Policy Framework (2019).

(3) The development is located in an unsustainable rural location where future occupants would be reliant on the private motor vehicle for day to day needs, including access to goods and services, which is contrary to policy SS1 of the Maidstone Local Plan (2017) and the National Planning Policy Framework (2019).

17/503291/FULL

Erection of 6No lightweight commercial/industrial units.

This application was originally presented to the Planning Committee on 19th December 2017. It was deferred for the following reasons:

RESOLVED: That consideration of this application be deferred to:

- Check whether the correct certificates were served;
- Seek the views of Kent Highway Services on the implications of the potential use of HGVs to serve the site taking into account possible business growth;
- Investigate the potential for traffic calming measures on the shared access;
- Seek details of the proposed landscaping scheme including what it would comprise and where it would be planted;
- Enable the Officers to draft suggested conditions to prevent the amalgamation of the units into one enterprise and to link the hours of illumination to the hours of opening of the premises;
- Discuss with the applicant the possibility of limiting the hours of operation on Saturdays;
- Enable a representative of Kent Highway Services to be in attendance when the application is discussed.

It was subsequently made invalid with no further action taken on 15.11.2018

06/0741

An application for a certificate of lawfulness for an existing development being the use of the site for class B2/B8 use as described in application MA/06/0741/S Approved 06.2006

05/1537

Retention of class B1 (C) light industrial and B8 storage and distribution uses without compliance with condition 2 (Hours of working) and condition 3 (Close boarded fencing and internal block work) of planning permission MA/01/1868. Approved 10.11.2005

The hours of working condition (2) was altered to allow some work on the site but restrict the use of noisier machinery to more appropriate hours. Condition 3 was varied to include an acoustic fence on the southern boundary to be slightly reduced in height (from 2.1 metres to 1.8 metres). A further condition was also introduced for the incorporation of acoustic insulation in the roof to further mitigate the potential for noise and protect the amenities of neighbouring properties.

01/1868

Change of use of fruit packhouse to mixed B1(c) light and B8 storage and distribution use.

Approved 15.03.2002

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site (0.24 hectares) is a parcel of previously developed land located on the west side of Queen Street, approximately 1 mile from the settlement of Paddock Wood. The site is in the designated countryside for the purposes of the Local Plan.

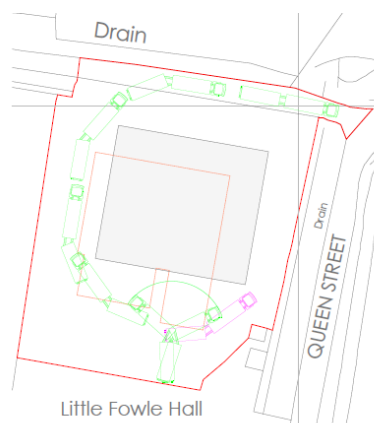
- 1.02 The site is situated within flood zones two and three, and a PROW (KM220) is located on the north-eastern corner of the application site. There are a number of established trees along the eastern boundary which are not the subject of TPOs.
- 1.03 The site is located at the northern end of a row of existing properties on the western side of Queen Street. It has a dual frontage with the western site boundary heavily landscaped, and the site entrance is located on the northern boundary with an access road which is shared with nearby residents. The eastern site boundary with the adjacent open field is also landscaped. Two storey residential properties with pitched roofs are located to the northwest and south of the application site, and rural buildings are located to the north.



- 1.04 The previous building on the site (a former agricultural packhouse) was converted to Class B1 (light industrial) and B8 (storage and distribution) uses under application reference numbers MA/01/1868 and MA/05/1537. The building was demolished following a fire in 2016.
- 1.05 In 2016, the building was destroyed by a fire. It was subsequently demolished and the site is largely clear with hardstanding across it. Landscaping is present on the eastern, southern and western boundaries, and a hoarding has been erected on the northern boundary.
- 1.06 Although now demolished, significant weight is still derived from previous lawful uses which relate to mixed B1 (Light Industrial), B2 (Industrial) and B8 (Storage and Distribution) uses. The scheme now proposed seeks to accommodate the same type of commercial use in the proposed lightweight industrial and commercial building.

2 **PROPOSAL**

- 2.01 The proposal seeks outline planning permission for the proposed development of the site with light industrial/storage business units and associated facilities with 'access' to be considered at this stage. (Matters of appearance, landscaping, layout and scale are reserved for future consideration.)
- 2.02 It is noted that a previous, much larger application for six commercial/business units (referenced 17/503291/FULL) was deferred from committee on 19.12.2017 as the ownership certificate was incorrect, further input from KCC Highways was requested, landscaping was considered insufficient, and hours of illumination and hours of operation required clarification. The application was similar in size and floor area to the original building on the site than was burned down.



Deferred application 17/503291/FULL (shaded) with dotted outline of original building



Current application

- 2.03 The previous building measured 27 metres in width and 24 metres in depth (648 square metres), with each individual unit measuring 6 metres in width and 12 metres in depth. The overall height measured 4.7 metres to the eaves and 7 metres to the apex of the pitched roof.
- 2.04 On the submitted drawings referenced 6245/21/2, the footprint of the development proposal is shown to be 345 square metres (30 metres in width and 11.5 metres in depth). As the application is outline, the plans and elevations have been submitted for illustrative purposes only.
- 2.05 As can be seen on the two site plans above, the previous application was much larger in size, with a lorry access circumnavigating the site and the building sitting centrally within it. In contrast, the current application building would be situated to the west of the site with a carparking and turning area to the east and parking bays to the north and south. The proposed development would result in a smaller building with landscaped areas and screening on the east, south and west boundaries of the site, however, the amount of hard landscaping should be reduced in order to improve drainage on the site. The landscaping element of the reserved matters will set out the details surrounding both hard and soft landscaping on the site in order to take this into account.

	Width (m)	Depth (m)	Eaves (m)	Ridge (m)
Original building	26	24	5	9.2
Previous application 17/503291/FULL	27	24	4.7	7
Current proposal	30	11.5	4.1	6.1

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 SP17, SP21, DM1, DM3, DM5, DM8, DM23 and DM30

Kent Minerals and Waste Local Plan 2013-30 as amended by Early Partial Review (2020) N/A

Supplementary Planning Documents: Maidstone Landscape Character Assessment

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Following recent approval by members, the Council's Reg 19 Local Plan is out to public consultation. This document is a material planning consideration, however

at this time individual policies are not apportioned much weight. At the end of the consultation period, the weight to be attached to individual policies will be adjusted upwards or downwards depending on whether objections have been received. The current programme involves submission to the Planning Inspectorate in Spring 2022.

LOCAL REPRESENTATIONS

Local Residents:

- 3.01 3 representations received from local residents raising the following (summarised) issues
- Increase in traffic
 - Inappropriate development for this area
 - Access does not belong to the applicant
 - A precedent has been established for housing developments to be located within commercial sites.
 - This site is more suitable for residential development
- 3.02 Issues relating to personal preferences for the use of the site are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

4. CONSULTATIONS

(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)

Yalding Parish Council

- 4.01 Objection Insufficient information on access, parking, turning and unloading of lorries visiting the site.

KCC Ecology

- 4.02 No objection. The proposed development has limited potential to result in ecological impacts. This view has been taken due to the hardstanding nature of the site which would appear to feature limited ecological interest. Conditions relating to biodiversity enhancement and external lighting details are requested, along with a breeding bird informative.

Environment Agency

- 4.03 No objection but recommend that consideration is given to the following issues. Adequacy of rescue or evacuation arrangements, details and adequacy of an emergency plan, provision of, and adequacy of a temporary refuge, details and calculations relating to the structural stability of buildings during a flood. Informative relating to contamination of surface water.

MBC Conservation Officer

- 4.04 No objection. The site is not within a conservation area and the nearest listed building is too far distant to be affected by this proposal. The houses immediately adjacent are Victorian but do not have sufficient historical value to be classed as Non Designated Heritage Assets and therefore there are no objections to the application from a heritage point of view.

Southern Water

- 4.05 No objection but a SuDS condition is required. Informatives relating to licenses required.

Mid Kent Environmental Services

- 4.06 No objection subject to conditions relating to contamination, noise levels, hours of operation, opening hours, EV charging points, external lighting details and an

informative relating to the use of the Mid Kent Environmental Code of Development Practice.

KCC Highways

- 4.07 No objection subject to conditions relating to a construction management plan, provision and retention of cycle and parking spaces, and the provision of electric vehicle charging points. An informative was also requested relating to highways owned land.

KCC Public Rights of Way officer

- 4.08 No objection Request informative that PROW KM220 must be kept open to the public at all times.

5. APPRAISAL

Main Issues

- 5.01 The key issues for consideration relate to:

- Sustainability
- Visual impact
- Flood issues
- Residential amenity
- Highways impact
- Biodiversity

Sustainability

- 5.02 Policy SS1 (spatial strategy) of the adopted Maidstone Borough Local Plan states that the Maidstone urban area will be the principal focus for development with the secondary focus being rural service centres. The policy also allows for some development within designated larger villages. Policy SS1 seeks to protect and enhance the character of the countryside outside of settlements in the hierarchy, small scale employment opportunities will be permitted at appropriate locations to support the rural economy.

- 5.03 At rural sites which are often not well connected in terms of public transport access to the workforce and the main road network, the aims of achieving sustainable development objectives can be undermined if businesses expand to a degree where a significant number of additional vehicle movements occur. As such, consideration must be given as to whether the intensification of use is so great so as to become unsustainable.

- 5.04 In this case, the previous use of the application site was a mix of B1 (Light Industrial), B2 (Industrial) and B8 (Storage and Distribution) uses and the re-development of the site would accommodate light industrial (B1) and storage (B8) uses. In addition, the floor area of the proposed development is shown on the illustrative drawings to be considerably less than that of the original building (which was a similar size to the previously withdrawn application). The size of the development proposal can be secured when determining the reserved matters on layout and scale. KCC Highways has commented that the impact of the development proposal would not be severe and, as such, it is considered to be acceptable in planning policy terms.

Visual Amenity

- 5.05 SP17 sets out that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area. Policy DM1 seeks to respect the topography and respond to the location of the site, sensitively incorporating natural features such as trees, hedges and ponds worthy of retention within it. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to the local landscape character around the site

boundaries should be used as a positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area.

- 5.06 DM30 sets out that development including the type, siting, materials and design, mass and scale of buildings, and activity should maintain, or where possible enhance, local distinctiveness including landscape features, and any impacts on the appearance and character of the landscape should be appropriately mitigated. In terms of built development, any new buildings proposed should be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.
- 5.07 The application site is located within the Beltring Grasslands landscape character which is in very good condition with high sensitivity and with guidelines to conserve. The site has some landscaping around the perimeter, and the footprint of the units would be around half that of the original footprint.
- 5.08 The illustrative drawings show a smaller building than was previously on the site, with an eaves height of 4.1 metres and a ridge height of 6.1 metres. This would be more modest in comparison with the original building which had an eaves height of 5 metres and a ridge height on 9.2 metres. The more modest size would be more compatible with the neighbouring two storey properties, and a condition would be introduced to restrict the height of the proposed building thereby ensuring that any potential impact on the character of the rural area would be minimised.
- 5.09 Mature landscaping is located around the eastern, southern and western boundaries of the site. This would help to mitigate the development proposal. A large proportion of the site contains hard standing. With this in mind, a condition relating to tree protection and an arboricultural method statement within root protection areas will assist in their protection during the re-development of the site.
- 5.10 The landscaping details will be dealt with as a reserved matter. A comprehensive hard and soft landscape scheme that would be designed in accordance with the Maidstone Landscape Character Guidance would be required.

Flood issues

- 5.11 Policy DM1 advises that inappropriate new development should be avoided in areas at risk of flooding.
- 5.12 The application site is within flood zones 2 and 3 and, for this reason, a flood risk assessment is submitted with the application. Some information was available in terms of finished floor levels and flood mitigation, and this was considered acceptable by the Environment Agency. However, the information did not include safe access and egress for employees in the event of a flood, along with evacuation arrangements, an emergency plan and details of a temporary refuge. In addition, details and calculations relating to the structural stability of buildings during a flood would also need to be included. With this in mind, a condition would be required for the submission of these details.

Residential amenity

- 5.13 Policy DM1 encourages new development to respect the amenities of neighbouring properties by ensuring that dwellings are not exposed to excessive noise, vibration, odour, air pollution, activity or vehicular movements, or visual intrusion. The proposals should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 5.14 The nearest neighbouring property (Little Fowle Hall Cottage) is 10.5 metres to the southern boundary of the site. Little Fowle Hall Farm is located 16 metres from the

northern boundary of the application site. A 11 metre landscape buffer would be provided from the proposed building to the Cottage and a 5 metre separation buffer and the access track would separate the development proposal from the Farm. For these reasons, the proposed development would be largely obscured by vegetation, and any amenity issues relating to over-bearance and over-shadowing would be minimised in this regard.

- 5.15 In terms of noise and disturbance, Environmental Services commented that noise from vehicles and machinery on and off the site may affect the surrounding residents and, for this reason, have recommended restrictions on the use of machinery as well as opening hours of the building. Although the building would be more modest in size and the traffic is likely to be lighter than the original application, I also consider it appropriate to add a further condition for the installation of acoustic fencing, to protect the amenities of neighbouring properties. I note that similar conditions were set out on the previously approved planning application referenced 05/1537.
- 5.16 All other neighbours would be a sufficient distance for any impact in terms of amenity to be minimised.

Highways impact

- 5.17 Local Plan policy DM1 sets out that new development should provide adequate vehicular and cycle parking to meet adopted council standards, and policy DM23 encourages good access routes through the site with electric charging points incorporated into the development proposals.
- 5.18 SPG4 recommends 1 space per 25 square metres for B1 use and 1 goods vehicle space per 300 square metres and 1 car parking space per 110 square metres for B8 uses. The proposal is considered to meet these minimum requirements.
- 5.19 KCC Highways raised no objection to the development proposal subject to conditions relating to the submission of a construction management plan, the provision and retention of cycle and parking spaces and the provision of electric vehicle charging points. An informative was also requested relating to highways owned land.
- 5.20 Whilst neighbours have objected to the application due to highways impacts, the 60% reduction between the original building footprint and the currently proposed building would substantially reduce any impact relating to traffic.

Biodiversity

- 6.21 Local Plan policy DM3 states: '*...developers will ensure new development protects and enhances the natural environment by incorporating measures where appropriate to...Avoid damage to and inappropriate development considered likely to have significant direct or indirect adverse effects...'*. The NPPF states "Planning...decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity...".
- 5.21 I note the large section of hard standing currently on the site which would provide limited potential for wildlife. However, the introduction of ecological enhancements will be included in the conditions in order to provide a net gain in terms of biodiversity.
- 5.22 Policy DM 8 advises that external lighting will be permitted where it can be demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed. Lighting can be detrimental to roosting, foraging and commuting bats. A planning condition is recommended stating that any lighting the

site is in accordance with details that have been submitted to and approved in writing with the lighting to meet the Bat Conservation Trust and the Institution of Lighting Professionals guidelines for this type of location.

Other Matters

- 5.23 Although Southern Water and Environmental Services had no objection to the planning application, conditions relating to the following were requested: a SuDs scheme, contamination, noise levels, hours of operation, opening hours, EV charging points, external lighting details and an informative relating to the use of the Mid Kent Environmental Code of Development Practice.
- 5.24 In addition, the height and design of the buildings would be assessed as part of the reserved matters application, but a condition will also be added to restrict the height of the development to no more than two storeys or 7.0 metres to the ridge. I also note objections to the previous application related to the incorrectly filled forms which did not serve notice on the owners of the access, albeit the applicant has set out that they do have right of way on it.
- 5.25 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

PUBLIC SECTOR EQUALITY DUTY

- 5.26 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

6. CONCLUSION

- 6.01 Historically, the site contained a much larger building which was destroyed in a fire. The replacement building which is shown on the illustrative drawings to be significantly smaller than the original one, and the landscaping around the perimeter of the site, would help to screen it from public vantage points. This landscaping would be further enhanced by the details submitted with the reserved matters application.
- 6.02 The height and size of the building would be dealt with at reserved matters relating to scale and layout. Its resultant size would result in an improved relationship with the surrounding two storey dwellings, thus reducing any adverse impact of the character of the surrounding rural area.
- 6.03 Restrictive conditions relating to the operation of machinery on the site, and the incorporation of acoustic fencing on the southern boundary would assist in reducing any potential noise and disturbance to the neighbouring properties.
- 6.04 On balance, the proposal would be acceptable with regard to the Local Plan, the NPPF and all other relevant material considerations. There are no overriding material considerations to indicate a refusal of planning permission and the recommendation is to approve planning permission.

7. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby approved shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:

(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 three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

- 2) With regards to the matters of access, the development hereby permitted shall be carried out in accordance with the following approved plans:
01 May 2021 21019 RP-D-2100-S4 P01 Flood Risk Assessment and Drainage Strategy.
27 May 2021 21019 RP-D-2100 FRA, Appendices
10 Jun 2021 Application Form
10 Jun 2021 6245-21-LBP Location Block Plan
10 Jun 2021 6245/21/1 Proposed Block Plan
Reason: For the avoidance of doubt.
- 3) The details submitted pursuant to condition 1 shall show all built development on the submitted plan with no buildings over a total height of 7 metres on the application site.
Reason: To ensure a satisfactory appearance to the development in its context.
- 4) The development hereby approved shall not 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 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 within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. Furthermore, the hardstanding space for the manoeuvring/parking of vehicles should also be permeable.
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. This information is required pre commencement as any construction work would reduce the range of drainage options available.
- 5) The development hereby approved shall not commence until the applicant submits a 'Flood Emergency Plan' to the Local Planning Authority. The Plan shall address measures that will be put in place in the event of flooding to ensure the safety of site residents and measures to allow the free flow of flood waters within the site. Once approved, the 'Plan' shall be made capable of implementation and adhered to during the life of this permission. Reason: The site lies within a flood risk area and such measures are necessary in the interests of public safety and the control of flood water.
- 6) The development hereby approved shall not commence until details of the a) the existing site levels and b) the proposed slab levels of the building 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.
- 7) The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained

must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 8) The development hereby approved shall not commence until an Arboricultural Method Statement detailing hard surfaces within the root protection areas of trees in accordance with the principles set out in the current edition of BS 5837 and other current best practice guidance has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 9) The development hereby approved shall not commence until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the local planning authority:

a) 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.

b) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS 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 consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

- 10) A contamination closure report shall be submitted to the Local Planning Authority prior to first occupation of the building. The closure report shall include full details as set out in condition 9, including details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean as part of the closure report. Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

- 11) The development hereby approved shall not commence above slab level until details (manufacturer name, product name, and photographs) of the external facing materials to be used for the building hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development.

- 12) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one integrated method into the design and appearance of the building structure to provide wildlife niches such as swift bricks, bat tubes or bee bricks, and additionally through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to the use of the building and all features shall be maintained permanently thereafter.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- 13) No part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good' has been submitted to and acknowledged in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources.

- 14) The development hereby approved shall not commence above slab level until details of foul sewage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details before the first occupation of any building hereby approved and maintained as such thereafter.

Reason: To ensure adequate foul sewage and surface water disposal arrangements.

- 15) Prior to the first use of the buildings hereby approved, landscaping shall be in place on the site that is in accordance with a landscape scheme that has previously been submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The scheme shall

a) show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed,

b) include a planting specification, implementation details and a [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).

c) provide details of screening, including trees and hedging, around the perimeter of the site to mitigate for the development and to enhance the locality.

d) Provide details of an acoustic wall for the southern boundary, to be retained for the lifespan of the building.

Reason: In the interests of landscape, visual impact and amenity of the area, neighbour amenity and to ensure a satisfactory appearance to the development.

- 16) All approved landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants

which, within five years from the first use of the buildings die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 17) Prior to the first use of the buildings hereby approved, a minimum of 6 operational electric vehicle charging points for low-emission plug-in vehicles shall be installed and ready for the use of the new occupant with the electric vehicle charging point thereafter retained and maintained operational as such for that purpose.

Reason: To promote to promote sustainable travel choices and the reduction of CO2 emissions through use of low emissions vehicles.

- 18) Prior to the first use of the buildings hereby approved, facilities for the (a) screening of refuse bins and (b) collection of refuse bins, shall be in place that is in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained thereafter.

Reason: In the interests of amenity and the street scene.

- 19) Notwithstanding the information submitted, prior to the first occupation of the development, parking spaces and a sufficient turning area to enable vehicles to enter and leave the site in forward gear shall be in place in accordance with details that shall be submitted to and approved in writing by the local planning authority. The parking and turning area will be retained for these purposes thereafter.

Reason: Development without adequate parking/garage provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 20) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors and the sensitive landscape location. In addition, it will show the type and locations of external lighting, as well as expected light spill in lux levels, demonstrating that areas to be lit will not disturb bat activity and would accord with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity, landscape and biodiversity.

- 21) The building hereby approved shall be used for B1(Light Industrial) and B8 (Storage and Distribution) uses only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).

Reason: Unrestricted use of the building or land would cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.

- 22) No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land outside of the building outlined on the approved plan.

Reason: To safeguard the character and appearance of the surrounding area.

- 23) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142:2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be as low as can be possible. In general, this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5, the applicant's consultant should contact the Environmental Protection Team to agree a site specific target level.
Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.
- 24) No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times (08:00 - 18:00) Mondays to Fridays and 08:00 - 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of residential amenity.
- 25) The premises shall not be open other than between the hours of 07:00 - 18:00 Monday to Friday; and 08:00 - 18:00 on Saturday and closed on Sunday and Bank Holidays.
Reason: In the interests of residential amenity.
- 26) HGV access or egress from the site shall only take place between the hours of 08:00-1800hrs Monday to Friday, and 0800-1300hrs on Saturdays and not at any other time.
Reason: in the interests of amenity.
- 27) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142:2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general, this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5 the applicant's consultant should contact the Environmental Protection Team to agree a site specific target level.
Reason: In the interests of residential amenity.

INFORMATIVES

- 1) The applicant is reminded that all necessary highway approvals and consents should be obtained prior to the commencement of development and that the limits of highway boundary should be clearly established in order to avoid any enforcement action being taken by the Highway Authority.
Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
The applicant must also ensure that the details shown on the approved plans agree with those approved under such legislation and common law and they should contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 2) The granting of planning permission confers no other permission or consent on the applicant. No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. Should any temporary closures be required six weeks notice will be required to deal with the application.

The Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

The successful making and confirmation of an order should not be assumed.

- 3) Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Any sewer found during construction works will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

- 4) It is recommended that the requirements of the National Planning Policy Framework and National Planning Policy Guidance (NPPG) are followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. This should be in addition to the risk to human health which should be considered by the Local Authority's environmental health department.
- 5) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defense against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.
- 6) The applicant is reminded that, as the development involves construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.

Case Officer: Jocelyn Miller