

REFERENCE NO - 21/506792/HYBRID		
APPLICATION PROPOSAL		
<p>Hybrid Planning Application for demolition of existing building (Use Class C3) and redevelopment for a mixed commercial scheme.</p> <p>Full planning application comprising of erection of 2 no. units (Unit E2 - light industry/B8 and Unit D1 - offices/coffee shop), HGV fast charge facility, bus stop, hard and soft landscaping, and associated infrastructure.</p> <p>Outline planning application comprising of erection of 1 no. unit (Unit E1 - offices) with appearance matter reserved.</p>		
ADDRESS Land at Woodcut Farm, Ashford Road, Hollingbourne		
RECOMMENDATION – APPROVE WITH CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The development proposed within the allocated east part of the site is acceptable and complies with the requirements of site policy EMP1(4). • The development proposed within the 'Chestnuts' west part of the site, which falls outside the site allocation, results in a low level of harm to the character and appearance of the area and therefore has some conflict with policy SP17 of the Local Plan. However, the impact of the development would be localised and seen in the context of the approved allocated site surrounding it. It would represent an infill between the allocation rather than an expansion or protrusion into open countryside and there is already a development presence within this part of the site (existing dwelling). • The proposals provide necessary 'amenity facilities' for the wider site (café, HGV welfare facilities and EV charging) and an internal bus stop, and through expansion of the site into 'Chestnuts' provide for displaced office floorspace within the allocated site, in addition to providing further B8 floorspace. It is considered that the provision of amenity facilities and the associated economic benefits of the expansion outweigh the low level of harm and are material considerations that outweigh the conflict with policy SP17. • Permission is therefore recommended subject to conditions and a legal agreement. 		
REASON FOR REFERRAL TO COMMITTEE		
<ul style="list-style-type: none"> • The recommendation for approval for the western part of the site is not explicitly allowed for under the Local Plan and has some conflict with policy SP17, and so has been advertised as a departure from the Development Plan. 		
WARD North Downs	PARISH COUNCIL Hollingbourne	APPLICANT Maidstone Investment Holding Ltd AGENT Savills
CASE OFFICER: Richard Timms	VALIDATION DATE: 25/01/22	DECISION DUE DATE: 10/06/22

ADVERTISED AS A DEPARTURE: YES			
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
21/506791	Approval of Reserved Matters for Phase 2 (Appearance, Landscaping, Layout and Scale being sought) to create 7,916 sqm of flexible Use Class E(g)(iii)/B8 employment floorspace, comprising of 4 units (A1, A2, A3 and A13) on Plot A, pursuant of 20/505195.	PENDING	
21/506790	Section 73 - Application for variation of condition 9 (office or research and development use floorspace) to require at least 7,500m ² of floorspace pursuant to 20/505195	PENDING	
21/502637	Approval of Reserved Matters Phase 1 (Layout, Scale, Appearance and Landscaping) to create the development platforms across the entire site, and 23,270 sqm of flexible Use Class B1(c)/B8 employment floorspace, comprised of 7no. units on Plot A totalling 5,450 sqm (Units A3-A9) and 4no. units on Plot B totalling 17,820 sqm (Units B1-B4) pursuant of 20/505195	APPROVED	06/08/21
20/505195	Section 73 - Application for Variation of Condition 3 to allow buildings on the eastern part of the site to have a footprint up to 10,000sqm, and variation of Condition 4 to allow buildings on the western part of the site to have a footprint up to 4,800sqm, a ridge height up to 10.5m, and to remove the requirement for buildings to be orientated end-on to the M20 motorway pursuant to application 17/502331	APPROVED	11/03/21
20/505182	Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale being sought) for Phase 1 being landscaping, infrastructure work required to create development platforms across the site, and 22,884sqm of flexible Use Class B1(c)/B8 employment floorspace comprising of 7no. units on Plot A totalling 5,444sqm (Units A3- A9) and 4no. units on Plot B totalling 17,440sqm (Units B1-B4) pursuant to 17/502331	APPROVED	26/02/21
17/502331	Outline application for a mixed commercial development comprising B1(a), B1(b), B1(c) and B8 units, with a maximum floor space of 45,295 square metres (Access being sought)	APPROVED	20/07/18

1.0 DESCRIPTION OF SITE

1.01 The eastern part of the application relates to part of the approved Woodcut Farm development and employment allocation in the Local Plan on the north side of the A20 near Junction 8 of the M20. The allocation benefits from outline planning permission for office, research and development, light

industry, and warehouse uses up to 45,295m². Under the approved permission this eastern part of the site has the access into the site and an area safeguarded for office use under the legal agreement.

1.02 The western part has a house (known as 'Chestnuts') and its large side and rear garden. The applicant has purchased this property and the house is no longer lived in. There is a car wash immediately to the west, and the wider employment allocation further west and north. To the east is the house 'White Heath'. The 'Chestnuts' site is outside the allocation and therefore falls within the 'countryside' for planning purposes. It does not have any special landscape designation but like the Woodcut Farm site it is considered to fall within the setting of the Kent Downs AONB, which is some 430m to the north.

1.03 On the wider allocation, reserved matters have been approved for around half the permitted floorspace along part of the west and the northern part of the site.

1.04 The site is outlined in red below with the pink colour showing the Woodcut Farm employment allocation and the green showing the 'Chestnuts' part of the site.



2.0 PROPOSAL

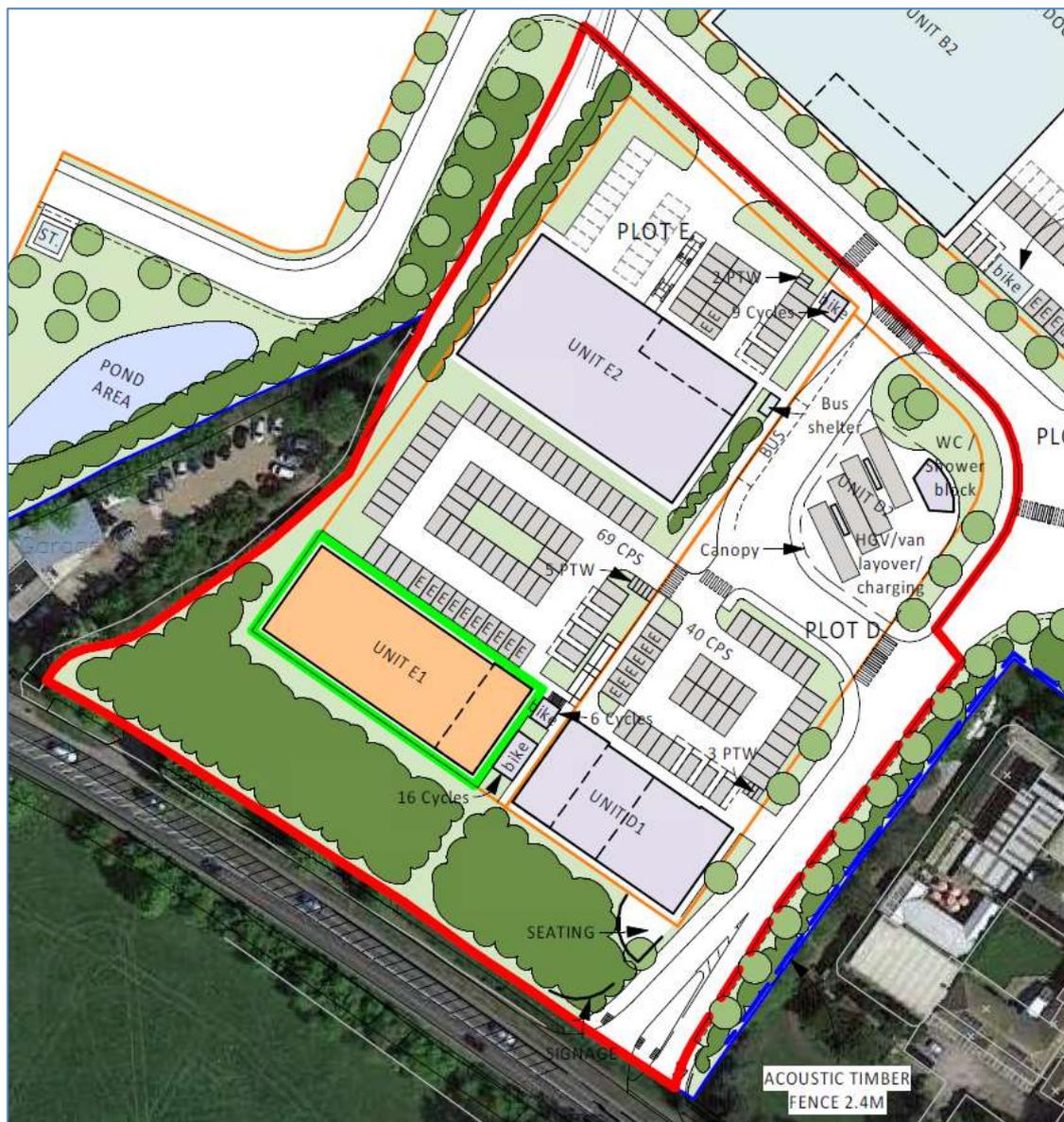
2.01 This a 'hybrid' application in that detailed full permission is sought for most of the site, and outline permission is sought for part.

2.02 Full permission is sought for two buildings (Unit E2 - light industry/B8 use and Unit D1 - offices/coffee shop) that would be two storeys. There would also be an HGV welfare building and electrical fast charge facility, bus stop, and car parking.

2.03 Outline permission sought for one building (Unit E1 - offices) with all matters being considered apart from the building's appearance that would be three storeys. This building is outlined in bright green on the plan below.

2.04 Part of the reasoning for the proposed expansion into the 'Chestnuts' site is to provide offices through Unit E1 in order to free up space for the café and HGV welfare area but also to free up land to the west of the site in the wider allocation for industrial/warehouse uses. Overall, the policy requirement for 10,000m² of office floorspace would not be reduced and just moved around. As such, there is a separate application (21/506790) which is also on this Agenda, where the applicant is seeking to amend the outline permission to essentially move around 2,500m² of the office uses into the 'Chestnuts' site subject to approval of this application. Members must make their decision on this application first and independent of the other.

2.05 The proposed layout plan is below with the outline part edged in bright green.



3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP17, SP18, SP21, SP23, EMP1, EMP1(4), ID1, DM1, DM2, DM3, DM4, DM6, DM8, DM16, DM21, DM23, DM30, DM37
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Air Quality Guidance
- Kent Downs AONB Management Plan (2021-2026)
- Maidstone Local Plan Review (Regulation 19)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** No representations received.

4.02 **Hollingbourne Parish Council:** **Do not wish to comment/object.**

5.0 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)

5.01 **Natural England:** **Raise objections** for the following (summarised) reasons:

- Consider the proposals will have a significant impact on the purposes of designation of the Kent Downs AONB.
- Raise concerns about the impact the additional buildings outside the allocation will have on the setting of the Kent Downs AONB due to the introduction of further massing and height in this area.
- Consider the proposals fail to meet the criteria for policy EMP1(4), emerging policy LPREMP1(4), and policy SP17 due the height of buildings exceeding 12m.

Despite clarification by the applicant that the buildings heights complied with the outline permission/site allocation Natural England then requested further information and/or amendments (which they hadn't requested from the outset). They are concerned that the appearance of Unit E1 is a reserved matter and made some recommendations that a bund should be provided to the front, that more landscaping could be provided on the boundaries and internally, a more sympathetic colour palette should be used, question potential reflective materials, seek further details of lighting and parking, and that the LVIA should include views more specific to the expansion of the site.

5.02 **National Highways:** **No objections** subject to a construction management plan.

5.03 **Environment Agency:** **No objections** subject to conditions.

5.04 **KCC Highways:** **No objections** subject to conditions.

5.05 **KCC SUDs: No objections** subject to conditions.

5.06 **KCC Minerals & Waste: No objections.**

5.07 **KCC Archaeology: No objection** subject to condition.

5.08 **KCC Ecology: No objections** subject to conditions and securing the off-site biodiversity net gain.

5.09 **Kent Downs AONB Unit: Raise objections** based on harm to the setting of the Kent Downs AONB.

5.10 **MBC Conservation Officer: No objections.**

5.11 **MBC Landscape Officer: No objections** in terms of tree removals and landscape impact.

5.12 **MBC Environmental Health: No objection** subject to conditions.

5.13 **Southern Water:** Further off-site capacity is required and Southern Water are in the process of planning delivery of this.

6.0 APPRAISAL

6.01 The appraisal can be split into three parts as follows –

- a) Development within the allocated part of the site is acceptable in principle so whether the proposals comply with site policy EMP1(4) and any other relevant policies.
- b) Development within the 'Chestnuts' part of the site is outside the allocation and in the 'countryside' so what is the impact and are there any reasons why permission should be granted.
- c) Issues common for both including highways and parking, ecology, residential amenity, and surface water drainage.

Development within the Allocated Part of the Site (Eastern Area)

Layout & Landscaping

6.02 The site allocation policy and outline permission both have various requirements to guide the layout and landscaping, which can be summarised as follows where relevant for this part of the site:

- Substantial internal landscaping, including tracts of planting extending into the development to achieve clear visual separation between individual buildings and parking areas.
- At least a 25m woodland shaw to the A20.
- Avenue tree planting along the access road.

6.03 The layout in this part of the site follows the approved Masterplan and policy providing a 25m landscaped buffer at the front, and an avenue of trees (lime) alongside the access road and is acceptable. Planting includes lime, oak, and pine trees along the frontage with a woodland seed mix below, and yew hedging. Landscaped shrub areas would be provided on the internal boundaries to suitably soften the parking areas and HGV charging area. The layout and landscaping are considered to be in accordance with the site policy to provide a landscaped frontage and internal planting to break views of the development, and it follows the principles of the wider Masterplan.

Building Designs & Surfaces

6.04 Unit D1 to the front would have a café to serve people working at the site on part of the ground floor with the remaining ground floor and first floor providing office floorspace. The appearance is considered to be of a high standard as it uses a quality local material (ragstone) on the entire ground floor which provides a strong base to the building and this is broken up by glazing. The first floor would be finished in grey metal panels. Good interest would be provided through the outer wings projecting to the front; recessed glazing on the ground floor; the first floor set back slightly from the ground floor; and the use of copper aluminium louvers protruding from the first floor windows. The materials and detailing would provide good interest and layering to the building and these features are rightly provided on the three most prominent elevations of the building. The roof plant would be set back from the edges of the roof and screened by metal louvres.

6.05 This building would be 8.5m in height with the roof plant extending to 10.5m and so would be below the height limit within the site policy for this part of the site (12m).

6.06 The other buildings on this part of the site would be the HGV EV charging station which is essentially a metal roof canopy similar to a petrol station with PV panels on top. It is utilitarian in appearance but would have a low impact being open and at 7m in height. Aside this would be a single storey shower/welfare block which would be finished in ragstone and metal panelling which would ensure a high quality finish.

6.07 Both Natural England and the Kent Downs AONB Unit have raised concerns regarding materials in terms of the setting of the AONB in particular referring to the café/office building and HGV station. These buildings do have more light coloured materials but they would not be so bright or reflective as to significantly stand out in long distance views from the AONB.

6.08 Surfacing would be of a decent quality with block paving for the car parking area outside the café/office building and resin bound gravel for the footways. Tarmac would be used for the main roads and concrete for the HGV charging area which is acceptable.

Development within the 'Chestnuts' part of the site (Western Area)

6.09 This part of the site is outside the employment allocation and so within the 'countryside' for Local Plan purposes. Policy SP17 states that,

"Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area."

- 6.10 Related policies in the Local Plan are policies SP21 and DM37. Policy SP21 (Economic Development) offers support for proposals for the expansion of existing economic development premises in the countryside in accordance with policy DM37. Policy DM37 can allow for the expansion of existing businesses in rural areas. This is aimed at 'existing rural businesses' that wish to expand or diversify but in the supporting text reference is made to weighing the advantages to the rural economy of job creation or an improved industrial/business facility against the potential for adverse impact on the rural environment.
- 6.11 There are no 'existing businesses' at the site but the applicant is seeking to deliver facilities that were not provided in the outline consent (café for workers, HGV layover area with fast charging and welfare block, and a bus stop), and then expand the site to provide for the displaced office floorspace approved under the allocated site. The eastern part of the site was identified for approximately 2,500m² of office floorspace and 1,034m² would still be provided here. The remainder would be provided in the 'Chestnuts' site, in addition to extra B8 floorspace to make full use of the site.
- 6.12 It is considered that the provision of café facilities for workers, the HGV layover over and welfare building are necessary for an employment site of this scale and the HGV fast charging is a positive facility in the context of improving air quality and the environment. For these reasons there is logic to providing these facilities and expanding the site to accommodate the displaced office and additional B8 floorspace in a cohesive manner. The supporting text to policy DM37 refers to 'industrial and business enterprises' in rural areas, and whilst there are no existing business on site, the proposed amenity facilities will support the overall business enterprise at the wider Woodcut Farm site and therefore all future businesses and are considered to align in part with policy DM37.

Landscape Impact

- 6.13 In terms of the impact upon the character and appearance of the area, the proposed development would see a three-storey office building (up to 12m in height) to the front and a B8 use building, 10.5m high, at the rear. These heights align with the restrictions on the allocated site (12m east of the stream). The proposed buildings would clearly have a greater impact than the existing situation but the site does feature some development being the driveway, dwelling and garage, which cover a large part of the front third of the site. Whilst not highly prominent, the dwelling does have a presence from the A20.
- 6.14 In close range views from the A20, the front building would be the most prominent due to its location but would be partly screened from the east by proposed Unit D1 and the 25m landscape buffer to the front on this 'allocated' part of the site which sits on a bund. From the west, it would be partly visible through the adjacent car wash site. A similar 25m landscape buffer with tree

planting to the front is proposed, along with tree planting along the west boundary. This would serve to significantly screen/break views of the front building when the planting is fully established from immediately in front of the site and from the west. Unit E2 is set much further back into the site and would be seen more in the context of the allocation but again tree planting along the west boundary would help to screen/soften any views.

- 6.15 In medium range views, which are mainly from Old Mill Road around 450m to the south, the buildings will be visible but will be very much seen in the context of the allocation, which will see development to either side and behind. The development would not be seen as a projection of development into the countryside but rather an 'infill' between the allocation.

Levels

- 6.16 The proposed land levels would be similar to existing on the east part, and the majority of the front of the site (+ or - 0.5m). The eastern levels and main access roads have already been approved under the allocated site and so the western part is proposed to tie in with these levels but is set just over 1m lower. Along the western edge and in the northwest corner levels would mainly be raised between 1m and 1.5m, and 2.5m in one place and retaining walls are proposed along the west edge. Some of this raising is because of existing dips in the land where outbuildings are and the slope down to the stream. The slab levels of the buildings would be lower to those approved on the wider site and so the impact would not be any greater than the approved site in terms of height. The applicant is also agreeable to lowering the levels on the west part of the site slightly further (around 0.3m) as this has the tallest building, and this is welcomed to further reduce the impact. Overall, the levels are considered to be acceptable.

Setting of the Kent Downs AONB

- 6.17 In long range views from the AONB, due to the distance and/or the effect of intervening landform and vegetation, the two buildings would not have any significantly different impact beyond the development already approved on the surrounding employment site. Much of the 'Chestnuts' site is screened by rising land and its development would not be highly visible or prominent from the AONB. The proposed landscaping would also break up the development's impact.
- 6.18 Section 85 of the Countryside and Rights of Way Act 2000 requires a relevant authority, when exercising any functions in relation to, or affecting land in, an AONB to have regard to the purpose of conserving or enhancing the natural beauty of the AONB. For the above reasons, I do not consider the proposed development of the 'Chestnuts' would harm the setting of the AONB in accordance with policy SP17 and so the setting of the AONB would be conserved.
- 6.19 Whilst the site is not within the AONB, Natural England (NE) have been consulted due to potential impacts upon its setting and to be consistent with consultations on the allocated site. They originally raised objections for the following (summarised) reasons:

- Considered the proposals will have a significant impact on the purposes of designation of the Kent Downs AONB.
- Raised concerns about the impact the additional buildings outside the allocation will have on the setting of the Kent Downs AONB due to the introduction of further massing and height in this area.
- Considered the proposals fail to meet the criteria for policy EMP1(4), emerging policy LPREMP1(4), and policy SP17 due the height of buildings exceeding 12m.

6.20 Despite clarification by the applicant that the building heights complied with the outline permission/site allocation NE then requested further information and/or amendments, which they hadn't requested from the outset. They are concerned that the appearance of Unit E1 is a reserved matter and made some recommendations that a bund should be provided to the front, that more landscaping could be provided on the boundaries and internally, a more sympathetic colour palette should be used, question potential reflective materials, seek further details of lighting and parking, and that the LVIA should include views more specific to the expansion of the site.

6.21 The applicant stated they will not be responding to NE's further consultation response or suggestions. They reviewed the comments and considered the information submitted with the application to adequately address the points raised. In my view, the applicant is entitled to make an outline application and I do not consider there is an issue with the appearance being a reserved matter, at which stage it can be fully assessed. I do not consider a bund is necessary to the front of the site and the proposed landscaping will sufficiently mitigate any impact. Assessment of the materials and colours for the café/office building are set out at paragraphs 6.04 to 6.07 and the materials and colours for Unit E2 are the same as approved on the wider site. Lighting will be controlled by condition as per the rest of the site and I do not consider amendments to the LVIA are required to properly assess the development.

6.22 Natural England were then asked for their final response on the application and advised that on the basis of no further changes being made to the application, they maintain their original objection.

6.23 I have carefully considered the views of Natural England and the Kent Downs AONB Unit but I do not agree that the proposed expansion of the site would harm the setting of the AONB for the reasons set out above.

6.24 Overall, the impact of the development would be localised and seen in the context of the approved development surrounding it. It would represent an infill between the allocation rather than an expansion or protrusion into open countryside and there is some development already at the site. It would however increase visible development at the 'Chestnuts' site and cause some harm but for the above reasons it is considered that this would be a low-level of harm to the character and appearance of the countryside. This nonetheless represents some conflict with policy SP17 as this states that development should not cause any harm.

Economic Benefits

- 6.25 There is some conflict with policy SP17 so it needs to be considered whether there are any material considerations to warrant a decision that is not strictly in accordance with this policy. The applicant refers to the NPPF's support for economic growth, productivity, and flexibility; considers there is an increased need for industrial and logistics development than is being provided for in the Local Plan Review; and points to the economic benefits.
- 6.26 The Council does not consider there is a 'deficiency in employment floorspace case' for expansion into the 'Chestnuts' site but there will be economic benefits associated with the new/additional uses beyond the outline permission, (café and new B8 industrial building). The applicant estimates that these will generate additional employment during the construction and operational stages including an uplift of 157 additional construction jobs, and 204 additional operational jobs. They predict this increased economic activity would generate an estimated net additional Gross Value Added (GVA) of £16.8 million from on-site jobs on top of the wider economic contribution at the Woodcut Farm site.
- 6.27 In view of the proposals providing appropriate amenity facilities for the wider site in addition to further B8 floorspace with associated economic benefits, it is considered that these benefits outweigh the low level of harm and are material considerations that outweigh the conflict with policy SP17.

Layout, Landscaping, and Design

- 6.28 This part of the site would provide the same 25m buffer to the front of the site with existing trees and hedging along the frontage retained and new native tree planting. Buildings and parking areas would be set back from the boundaries of the site with trees and landscaping along the west boundary and within the development areas to break up buildings and surfacing.
- 6.29 The office building is in outline so no details of its appearance are provided but this should follow the café/office building style and quality and conditions will guide/ensure this is the case. The rear building follows the same design approach as other industrial buildings already approved at the site and so is acceptable.

Other Matters

Highways

- 6.30 KCC Highways have raised no issues with the road layout, access arrangements or parking. Despite being positive about moving the bus stop into the site prior to submission of the application, the bus operator 'Stagecoach' is now questioning the suitability of the access. KCC Highways have raised no objections to buses accessing the site in terms of the suitability and safety of the approved access. The applicant is still negotiating with the bus company and is maintaining the bus stop within the site to futureproof the development. Should agreement not be reached with the bus

company, the bus stops and crossing facilities would be provided on the A20 as already approved and a condition secures one or the other.

Ecology

- 6.31 The ecological information submitted has indicated that dormouse, breeding birds, reptiles, and bats are present or likely to be present at the site. KCC Ecology are generally satisfied with the details of mitigation to avoid impacts on the protected/notable species subject to a detailed ecological mitigation strategy being provided by way of condition. On site enhancements in addition to the proposed landscaping are proposed in the form of bird and bat bricks/boxes, and I consider habitat piles and retention of cordwood should also be provided and these can be secured by condition.
- 6.32 The application is proposing to secure biodiversity net gain (BNG) and a strategy has been submitted. BNG is measured using 'habitat', 'hedgerow', and 'river' units. The report concludes that the proposals will exceed a 10% BNG threshold for hedgerow units and river units on site. In order to reach a 10% threshold for habitat units, habitat enhancement will need to be delivered off site. This will be through a financial contribution of £36,000 to deliver habitat creation and restoration at a site known as 'Campfield' to the north of Boughton Monchelsea and owned by the Boughton Monchelsea Amenity Trust Estate (BMAT). This has been worked up with the Kent Wildlife Trust and will be delivered by them with BMAT through the creation and restoration of broadleaved woodland, mixed scrub and other neutral grassland habitat. There will be a 30 year management plan and the financial contribution has been justified. KCC Ecology have reviewed the details and advise these measures are sufficient to demonstrate that the proposed development can achieve the anticipated 10% BNG. This will be secured by a legal agreement.
- 6.33 Quantified BNG of at least 10% is not a requirement of development in advance of secondary legislation from the Environment Act 2021 (expected in 2023) so this is a positive aspect of the proposals.

Surface Water Drainage

- 6.34 This will be dealt with through a system of attenuation with a restricted discharge into the adjacent water course as per the wider site and no objections are raised by KCC LLFA subject to conditions.

Energy Strategy

- 6.35 Air source heat pumps, PV panels, and battery storage are proposed as part of the energy strategy as per the wider site and this can be secured by condition.

Residential Amenity

- 6.36 Development of the 'Chestnuts' site would not have any additional impact upon the amenity of the dwelling 'White Heath' to the east beyond the permitted site, or any other residential properties in the wider area in accordance with policy DM1. Plant and extraction details have been provided

for the café and Environmental Health raise no objections in terms of noise or disturbance.

Sequential Test

6.37 As the quantum of office floorspace is not exceeding that allowed under the wider site allocation in the Local Plan there is no requirement for a sequential test.

Legal Agreement

6.38 A legal agreement is required to ensure the same safeguards as for the allocated site namely, that the office floorspace is 'serviced' prior to the occupation of any other units on this application site or the allocated site, and that it is safeguarded for office use until April 2026 or a Local Plan Review. It would also secure the BNG requirements.

7.0 CONCLUSION

7.01 The development proposed within the allocated east part of the site is acceptable and complies with the site policy requirements.

7.02 The development proposed within the 'Chestnuts' west part of the site, which falls outside the site allocation, results in a low level of harm to the character and appearance of the area and therefore has some conflict with policy SP17 of the Local Plan. However, the impact of the development would be localised and seen in the context of the approved allocated site surrounding it. It would represent an infill between the allocation rather than an expansion or protrusion into open countryside and there is some development already within this part of the site (existing dwelling).

7.03 The proposals provide necessary 'amenity facilities' for the wider site (café, HGV welfare facilities and EV charging) and an internal bus stop, and through expansion of the site provide for displaced office floorspace, in addition to providing further B8 floorspace. It is considered that the provision of amenity facilities and the associated economic benefits of the expansion outweigh the low level of harm and are material considerations that outweigh the conflict with policy SP17.

7.04 Permission is therefore recommended subject to conditions and a legal agreement.

8.0 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:

1. Securing that the office floorspace (3,643m²) is at least provided with necessary services including drainage and electrical power supply prior to the occupation of any other units on allocated site EMP1(4).
2. Securing that the office floorspace (3,643m²) is safeguarded for that use and not used for any other uses until April 2026, or if allocated for other uses through a Local Plan Review (whichever is the earlier).
3. Securing a financial contribution of £36,000 to be used to deliver off-site habitat creation and restoration to achieve at least 10% biodiversity net gain including on-going management for at least 30 years.

Conditions:

Time Limit (Full Permission)

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Time Limit (Outline Permission)

2. The outline element of 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) Appearance

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 either before the expiration of three 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.

3. The details of appearance submitted pursuant to condition 2 shall show a building not exceeding 12m in height and follow the principles of approved Unit D1 including the use of ragstone, glazing, and coloured aluminium detailing.

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

Approved Plans & Details

4. The development hereby permitted shall be carried out in accordance with the plans as shown on the Drawing List dated 9th May 2022, excluding drawing nos. B20139-PPL-CHES-DR-C-0600 P03, B20139-PPL-CHES-DR-C-0610 P03, B20139-PPL-CHES-DR-C-0611 P03, and B20139-PPL-CHES-DR-C-0620 P03 (levels plans).

Reason: To clarify which plans have been approved, to ensure a high-quality development, and to protect residential amenity.

5. The development shall be carried out in accordance with the landscaping details as shown on drawing nos. 5501-LLB-EE-E1-DR-L-0001 P06, 5501-LLB-EE-E2-DR-L-0001 P06, 5501-LLB-ED-E1-DR-L-0001 P09, and 5501-LLB-ED-E2-DR-L-0001 P09.

Reason: To ensure a high-quality development and sufficient softening and screening of the development.

6. The development shall be carried out in accordance with the hard surfaces as shown on drawing no. 11417 PL 202 and maintained thereafter.

Reason: To ensure a high-quality development.

7. The development shall be carried out in accordance with external building materials as shown on the approved plans and documents, including the use of ragstone on buildings and in walling.

Reason: To ensure a high-quality development.

8. The development shall be carried out in accordance with Tree Protection Plan drawing no. 5501-LLB-XX-XX-DR-Ab-0014 P03.

Reason: To ensure retained trees are protected.

9. The approved details of the vehicle and cycle parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

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

10. The construction of the development shall be carried out in accordance with the Construction Environmental Management Plan approved under application 20/505159/SUB.

Reason: In the interests of biodiversity.

11. The approved details of the access to the site as shown on drawing no. PL_4.3 RevB approved under application 20/505195/OUT shall be completed prior to the occupation of the site and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

Pre-commencement

12. Notwithstanding the levels plans submitted under this application, no development shall take place until amended plans showing a reduction in the slab levels for the buildings on the western part of the site from those shown on the levels plans by between 0.25m and 0.35m, have been submitted to an approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To minimise the impact of the development.

13. No development shall take place until a detailed Ecological Mitigation Strategy has been submitted to and approved in writing by the local planning authority. The Strategy must include the following:

- a) Updated Preliminary Ecological Appraisal.
- b) Any recommended updated species surveys.
- c) Overview of mitigation required.
- d) Detailed methodology to implement mitigation.
- e) Timings of works.
- f) Plans showing the habitats to be lost, retained, and established.

The Strategy must be implemented as approved.

Reason: To ensure mitigation to protected species and in the interest of biodiversity.

14. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy dated December 2021 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

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.

15. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological building recording and landscaped garden survey in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

16. No development shall take place until the applicant, or their agents or successors in title, has secured:

(i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority.

Following approval of (i) no development above slab level shall take place until the following has been submitted to and approved by the Local Planning Authority:

(ii) further archaeological investigation, recording and reporting, if determined necessary by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;

(iii) programme of post excavation assessment and publication if determined necessary by the results of (i) or (ii).

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

Pre-Slab Level

17. No development of each building above slab level shall take place until a sample panel of the ragstone for the buildings and walls has been constructed for inspection on site and has been approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a high-quality design and finish.

18. No development above the slab level of Unit D1 shall take place until written details and images of the metal panelling and aluminium louvres have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a high-quality design and finish.

19. No development beyond slab level of each building shall take place until full details of the energy measures (heat pumps, PV panels, and battery storage) have been submitted to and approved in writing by the local planning authority. The approved details shall be provided prior to occupation of any buildings and maintained thereafter.

Reason: To secure the proposed energy strategy measures.

20. No development beyond slab level shall take place until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter. The boundary treatments shall follow the principles within the Design & Access Statement and include the use of ragstone walling along the site entrance.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing occupiers.

21. No development beyond slab level of each building shall take place until details of any external lighting has been submitted to and approved in writing by the local planning authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area and biodiversity.

22. No development beyond slab level shall take place until details of the provision and location of on-site ecological enhancements which shall include bird and bat bricks/boxes, habitat piles and retention of cordwood, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interests of biodiversity.

Pre-Occupation

23. No building shall be occupied until the car EV charging points (active and passive) as detailed at Section 9 of the Energy and Sustainability Report

prepared by Hannan Associates and as shown on the approved site plan have been installed and made available for use. The charging points shall be maintained thereafter.

Reason: To reduce impacts upon air quality.

24. No building shall be occupied until the final details of the HGV EV charging points (active and passive) have been submitted to and approved in writing by the local planning authority. These details shall include four 150kW speed HGV EV Chargers unless it can be demonstrated that this speed cannot be supported by the electricity utility infrastructure, in which case passive duct infrastructure shall be installed to future proof for this speed. Otherwise the submitted details shall provide for HGV charging of at least 22kW speed. The approved charging points details shall be installed prior to the occupation of any buildings and maintained thereafter.

Reason: To reduce impacts upon air quality.

25. No building shall be occupied until the arrangements for bus access at the site (internal bus stop or bus stops on the A20 including crossing facilities as previously approved) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the occupation of any buildings and retained thereafter.

Reason: To clarify the bus arrangements.

26. No occupation shall take place of Unit D1 until details of the seating area to the south of this Unit has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the seating area does not compromise the design quality and entrance to the site.

27. No building shall be occupied until the off-site footway/cycleway enhancements approved under application 21/502690/SUB have been carried out in full.

Reason: In the interests of highway safety and to promote sustainability.

Compliance/Restrictions

28. If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged (if necessary) until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of:

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To protect human health.

29. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season (October to February) following the occupation of any buildings. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of that phase or from planting of the wider site boundary planting, 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: To ensure a satisfactory setting and external appearance to the development.

30. 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 each building.

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

31. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

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

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

33. No open storage of plant, materials, products, good for sale or hire or waste shall take place on the site.

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

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extensions to any buildings shall be carried out without the permission of the Local Planning Authority;

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

35. The approved buildings shall only be used as follows and for no other purpose (including any other purpose in Class E of the Schedule to 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) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders with or without modification):

Unit E1: At least 2,608m² floorspace for Class E(g)(i) use

Unit E2: Class E(g)(iii) and/or B8 use

Unit D1: At least 1,035m² floorspace for Class E(g)(i) use

Reason: To comply with the site allocation policy and in order to deliver the specific types of employment the site was allocated for.