

REPORT SUMMARY

REFERENCE NO: 23/502119/OUT

APPLICATION PROPOSAL:

Section 73 - Application for variation of condition 21 to allow 14,000m² of floorspace to be occupied prior to the provision of the capacity improvements to the Maidstone Road/Hampstead Lane junction pursuant to 19/504910/OUT (Outline application for the redevelopment of the former Syngenta works site to provide a new business park of up to 46,447m² of B1(c), B2 and B8 accommodation with associated access, parking and infrastructure works)

ADDRESS: Former Syngenta Works, Hampstead Lane, Yalding, ME18 6HJ

RECOMMENDATION: APPROVE PERMISSION

SUMMARY OF REASONS FOR RECOMMENDATION:

- The approved 'prior to occupation' of the development trigger point for delivery of the Maidstone Road/Hampstead Lane junction works was set because the original Transport Assessment for the outline application accounted for the entire occupation of the site. Whilst the full impact of the traffic will obviously not be felt straight away, in the absence of an assessment of the impact from a lower amount of floorspace at that stage, this trigger point was appropriate.
- The applicant has now submitted new evidence in an attempt to demonstrate the impact of a lower amount of floorspace (14,000m²) without the junction works, would be acceptable.
- It has been demonstrated through this new evidence that the traffic associated with 14,000m² of floorspace would not result in a severe traffic or highway safety impact at the existing Maidstone Road/Hampstead Lane junction.
- Delivery of the junction works at this later point would sufficiently mitigate the traffic impact of this amount of floorspace and so it would not contravene policies SP23 or DM21 of the Maidstone Local Plan or the NPPF.
- KCC Highways have reviewed this new evidence and raise no objections.
- It is therefore acceptable to move the trigger for the implementation of the junction improvement to the occupation of 14,000m² of the development.

REASON FOR REFERRAL TO COMMITTEE:

Nettlestead Parish Council consider the original condition should remain and have requested the application be considered by the Planning Committee.

WARD: Marden & Yalding	PARISH COUNCIL: Yalding	APPLICANT: Mr Paul Medhurst AGENT: Braeside Developments Ltd
CASE OFFICER: Richard Timms	VALIDATION DATE: 05/05/23	DECISION DUE DATE: 20/11/23

ADVERTISED AS A DEPARTURE: No

Relevant Planning History

- 23/502118 Approval of reserved matters (scale, layout, appearance and landscaping sought) for Phase B of the development, comprising erection of 20no. commercial units with associated parking, access and landscaping, pursuant to 19/504910/OUT – APPROVED 23/08/23
- 22/504426 Approval of reserved matters of scale, layout, appearance and landscaping for Phase A being site entrance works, gatehouse building, fencing, construction of the conveyance channel, first section of distributor road, bridge over conveyance channel, and associated landscaping pursuant to 19/504910/OUT including conditions 7 and 12 – APPROVED 01/03/23
- 19/504910 Outline application for the redevelopment of the former Syngenta works site to provide a new business park of up to 46,447 sqm of B1(c), B2 and B8 accommodation with associated access, parking and infrastructure works. (access only being sought) – APPROVED 08/10/21

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application relates to part of the former 'Syngenta Works' site which comprised of major plant and buildings used for the formulation, mixing and packing of agrochemicals. Outline permission was granted in October 2021 for up to 46,447m² of industrial and warehousing floorspace with access off Hampstead Lane.
- 1.02 Reserved matters have since been approved for site entrance works, the flood mitigation conveyance channel through the centre of the site, and 20 commercial units on the northeast part within 6 buildings (7,940m²). To date site clearance and the formation of haul roads has been carried out, and construction of the conveyance channel has started. The Hazardous Substances Consent which previously existed at the site was revoked in October this year.
- 1.03 The site is designated for either employment (B use classes) or leisure use under policy RMX1(4) in the Local Plan subject to criteria.

2. PROPOSAL

- 2.01 This is a 'section 73' application to vary condition 21 of the outline permission.

Condition 21 states:

The development shall not be occupied until the following off-site highways works have been provided in full:

- a) *Capacity improvements to the Maidstone Road/Hampstead Lane junction as shown on drawing no. 14949-H-01 RevP3.*
- b) *The tactile paved crossing points as shown on drawing no. C11101 RevG.*

c) Box junction markings at the level crossing.

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

2.02 The applicant is proposing to change the trigger point for providing the improvements to the Maidstone Road/Hampstead Lane (MR/HL) junction under part (a) to allow occupation of 14,000m² of floorspace. The trigger for the delivery of parts (b) and (c) would not change.

2.03 Whilst not relevant to the determination or merits of the application, the applicant has explained the change is proposed as an oil pipeline runs under the existing carriageway by the junction. There is no requirement to relocate the pipeline but protection is needed and agreement on the precise measures required for this are ongoing with 'Exolum' and this will add to the timeframe to deliver the junction works.

3. **POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan 2017: SS1, SP11, SP16, SP18, SP21, SP23, RMX1, RMX1(4), DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM21, DM23

Kent Waste and Minerals Plan (amended 2020)

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Local Plan Review (Regulation 22): LPRSS1, LPRSP7(D), LPRSP11, LPRSP11(B), LPRSP12, LPRSP13, LPRTRA2, LPRSAEmp1

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound have been put out to public consultation so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time.

4. **LOCAL REPRESENTATIONS**

4.01 **Local Residents:** 1 representation received raising the following (summarised) points:

- Assuming businesses on the site will require fast broadband infrastructure could this be extended to Little Venice as a sign of goodwill to neighbours.

4.02 **Yalding Parish Council:** Does not wish to make any comments.

4.03 **(Neighbouring) Nettlestead Parish Council:** Would want to see the condition originally imposed stay and the application reported to Planning Committee.

5. **CONSULTATIONS**

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where considered necessary)

KCC Highways and Transportation

5.01 No objections.

Network Rail

5.02 No objections.

Tunbridge Wells Borough Council

5.03 No objections.

6 APPRAISAL

6.01 The key issues are:

- The Reason for Condition 21
- The Traffic and Highway Safety Impact from the Occupation of 14,000m² of Floorspace

Reason for Condition 21

6.02 The reason for the condition is stated as being, *"In the interest of pedestrian and highway safety and mitigating traffic impacts."*

6.03 The committee report for the original outline application states,

"Maidstone Road/Hampstead Lane Junction

The applicant's Transport Assessment (TA) capacity assessments indicate that this junction to the west of the site will operate well within capacity during the AM peak in 2025. In the PM peak it will still be within theoretical capacity at 99% but queues would increase on Maidstone Road from the south as right turning vehicles into Hampstead Lane would block through movements.

The applicant considers that because this junction is important to the operations of the site (it being the sole route for HGVs routing to and from the site), mitigation is appropriate and has proposed a junction improvement introducing a right turn lane on Maidstone Road. This has been subject to an independent safety audit with all raised issues addressed. KCC Highways consider that the junction improvement would adequately mitigate the development and is necessary and raise no objection in terms of safety.

There is no set point at which mitigation of a junction is necessary but based on the impact taking one arm of the junction just under capacity (99%); this arm being the main access for HGVs to the site; and KCC highways advice; the mitigation is considered to be necessary, directly relevant to the

development, and reasonable and so a condition securing the improvement will be attached.

It is also noted that the Council's Infrastructure Development Plan 2020 identifies improvements at the Maidstone Road/Hampstead Lane junction as necessary to support the site allocation."

6.04 The junction improvement was therefore required primarily to mitigate the traffic impact of the development.

6.05 In terms of the trigger for delivery of the junction works (prior to occupation), this was set because the original Transport Assessment for the outline application accounted for the entire occupation of the site. Whilst the full impact of the traffic will obviously not be felt straight away, in the absence of an assessment of the impact from a lower amount of floorspace at that stage, this trigger point was appropriate.

6.06 The applicant has now submitted new evidence in an attempt to demonstrate the impact of 14,000m² of floorspace without the junction works, would be acceptable.

Traffic and Highway Safety Impact from the Occupation of 14,000m² of Floorspace

6.07 The applicant has provided an assessment of the impact of up to 14,000m² of floorspace at the MR/HL junction modelled in 2027 (as agreed with KCC Highways) when this level of occupation is predicted to occur. This is new evidence that was not before the Council under the original application.

6.08 The evidence forecasts that only the Maidstone Road arm in the PM peak would be near to theoretical capacity at 96% with the queue increasing from 14 to 19 vehicles and an additional 8 seconds of delay. The remaining arms would be well within capacity. It is considered that this level of impact is not objectionable or 'severe'.

6.09 KCC Highways have reviewed this new evidence and raise no objections stating:

"As requested by KCC Highways the applicant has undertaken a revised capacity assessment with a future year of 2027. KCC Highways consider that this offers a more realistic basis for assessment, given how it reflects a slower build out rate. Whereas the Transport Assessment (TA) that supported the outline planning permission accounted for the entire occupation of the site, the updated assessment accounts for 14,000 square meters being occupied, prior to the required highway works coming forward.

The results of the applicant's assessment confirm in the future year the Maidstone Road arm of the junction will exceed practical capacity, with an anticipated queue of 14 vehicles in the PM peak period. Conditions are further worsened at the junction following the occupation of 14,000 square meters of the development, with the queue increasing from 14 to 19 vehicles and an additional 8 seconds of delay. It is the applicant's view that this worsening is

marginal, when compared to the baseline situation, and as such the impact of the development could not be considered 'severe.'

KCC Highways maintain the view that where possible infrastructure improvements should be provided in advance of development coming forward, to allow the timely delivery of mitigation. However, the applicant's evidence demonstrates that the impact of the would be limited; particularly, given how the even without the highway works the development is only predicted to be over capacity in one peak period. As such is not considered that a congestion-based objection would be sustainable in this instance.

In addition, the applicant has checked the personal injury collision (PIC) record for the junction to confirm if there are any inherent safety issues that would necessitate the works coming forward in accordance with the current planning condition. This confirm that no collisions have occurred in the latest 5-year period for which data is available. As such, there is no evidence to indicate that the delivery of the highway works at a later stage in the development would adversely impact upon overall levels of highway safety."

6.10 Policy DM21 of the Local Plan states that the development proposals must,

"Demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual impacts, including where necessary an exploration of delivering mitigation measures ahead of the development being occupied."

6.11 In terms of highway safety, as can be seen from KCC Highways advice above, the applicant has again checked the personal injury collision (PIC) record for the junction and they advise there is no evidence to indicate that the delivery of the highway works at a later stage in the development would adversely impact upon overall levels of highway safety.

6.12 For the above reasons, the applicant has demonstrated the trips generated from up to 14,000m² of floorspace would not result in a 'severe' traffic impact or any highway safety issues and so it is considered acceptable to vary the trigger for delivery of the MR/HL junction to 14,000m² of floorspace. Delivery at this point would then sufficiently mitigate the traffic impact of this amount of development and so it would not contravene policies SP23 or DM21 of the Local Plan or the NPPF.

PUBLIC SECTOR EQUALITY DUTY

6.13 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.

7 CONCLUSION

7.01 The approved 'prior to occupation of the development' trigger point for delivery of the MR/HL junction works was set because the original Transport Assessment for the outline application accounted for the entire occupation of the site. Whilst the full impact of the traffic will obviously not be felt straight away, in the absence of an assessment of the impact from a lower amount of floorspace at that stage, this trigger point was appropriate.

- 7.02 The applicant has now submitted new evidence in an attempt to demonstrate the impact of a lower amount of floorspace (14,000m²) without the junction works would be acceptable.
- 7.03 It has been demonstrated through this new evidence that the traffic associated with this level of floorspace would not result in a severe traffic or highway safety impact at the existing MR/HL junction. Delivery of the junction works at this later point would sufficiently mitigate the traffic impact of this amount of floorspace and so it would not contravene policies SP23 or DM21 of the Maidstone Local Plan or the NPPF.
- 7.04 This new evidence has been fully considered by the Highways Authority who raise no objections.
- 7.05 It is therefore considered acceptable to vary the trigger for delivery of the MR/HL junction to 14,000m² of floorspace and the new condition would read as follows:

The development shall not be occupied until the following off-site highways works have been provided in full:

a) The tactile paved crossing points as shown on drawing no. C11101 RevG.

b) Box junction markings at the level crossing.

The following off-site highways works shall be provided no later than the occupation of 14,000m² of floorspace. The development shall not be occupied beyond this point until these off-site highways works have been provided:

c) Capacity improvements to the Maidstone Road/Hampstead Lane junction as shown on drawing no. 14949-H-01 RevP3.

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

- 7.06 An approval will create a new planning permission and so all conditions must be re-attached. These are set out below where some refer to details already approved. The section 106 legal agreement relating to the original permission has a clause (9.3) which ties it to any new permission so there is no requirement for a new legal agreement.

8 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions with delegated authority to the Head of Development Management to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

CONDITIONS:

1. The development shall be carried out in accordance with the following reserved

matters details:

- a) Reserved matters of scale, layout, appearance, and landscaping for Phase A being site entrance works, gatehouse building, fencing, construction of the conveyance channel, first section of distributor road, bridge over conveyance channel, and associated landscaping approved under application 22/504426/REM or any subsequent variation to that permission.
- b) Reserved matters of scale, layout, appearance, and landscaping for Phase B of the development comprising erection of 20no. commercial units with associated parking, access and landscaping approved under application 23/502118/REM or any subsequent variation to that permission.

Any phase shall be begun either before 8th October 2026, 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: For purposes of clarity and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 2. No phase of the development hereby approved beyond those listed under condition 1 shall commence until approval of the following reserved matters has been obtained in writing from the local planning authority for that phase:

- a) Scale b) Layout c) Appearance d) Landscaping

Application for approval of the reserved matters shall be made to the local planning authority before 8th October 2026.

The development hereby permitted shall be begun either before 8th October 2026, 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 access points hereby permitted shall be carried out in accordance with drawing no. C11101 RevG including installation of the height barriers which shall be retained thereafter, and the visibility splays kept free of obstruction above a height of 1 metre. The eastern access shall only be used as an entrance to the site and the western access shall only be used as an exit except in times of emergency.

Reason: In the interests of highway safety.

- 4. The layout details submitted pursuant to condition 2 shall show no built form upon the areas defined as 'proposed new and enhancement planting zones', 'existing tree buffers', 'ecology zone', and 'conveyance route' as shown on the approved Constraints Plan (Drawing No.4092/SK04b).

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

- 5. The details of appearance submitted pursuant to condition 2 shall include:

- a) Non-reflective materials and sensitive colouring.
- b) Active frontages on prominent buildings.
- c) The use of materials and articulation to break up the massing of buildings.
- d) The use of vernacular materials including ragstone on either buildings or in boundary treatments.
- e) High quality surfacing materials.

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

6. The layout and appearance details submitted pursuant to condition 2 shall be designed to minimise the impact of any noise to nearby residential properties and shall demonstrate how they achieve that.

Reason: In the interest of residential amenity.

7. The landscape details submitted pursuant to condition 2 shall provide the following:

- a) New native tree and shrub planting within the 'proposed new and enhancement planting zones', and 'existing tree buffers' around the boundaries of the site as shown on the approved Constraints Plan (Drawing No.4092/SK04b).
- b) Native tree and shrub planting within the development areas to soften buildings and parking areas.

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

8. The details submitted pursuant to condition 2 shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by JBA Consulting, (Final Report dated September 2019 including the Model report dated August 2019) and include the following mitigation measures:

- a) Finished floor levels of any commercial buildings shall be set no lower than 13.70mAOD.
- b) Provision of the flood conveyance channel including details and final levels.
- c) Floodable voids beneath buildings.
- d) Details of flood resilient trunking of utilities.

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

9. The development shall be carried out in accordance with the detailed ecological mitigation and enhancement strategy for the 13ha of land to the south of the site approved under application 22/502161/SUB.

Reason: In the interest of biodiversity protection and enhancement.

10. The development shall be carried out in accordance with the Construction Management Plan and Code of Construction Practice approved under application 22/501299/SUB unless otherwise agreed in writing with the Local Planning Authority.

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

11. The development shall be carried out in accordance with Phasing Plan approved under application 22/501299/SUB unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a suitable development of the site.

12. The development shall be carried out in accordance with the monitoring and maintenance plan in respect of groundwater and the PRB gate sampling points, and the timetable of monitoring approved under applications 22/501299/SUB and 23/501314/SUB.

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

13. The development shall be carried on in accordance with the development levels approved under application 22/501299/SUB for Phases A and B. No development shall take place on any further phase of development, except for site preparation works, until details of the proposed slab levels of the buildings and roads together with the existing site levels relating to that phase have been submitted to and approved in writing by the Local Planning Authority, and the development shall be completed strictly in accordance with the approved levels.

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

14. The development shall be carried on in accordance with the detailed sustainable surface water drainage scheme approved under application 22/501820/SUB.

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. The development shall be carried on in accordance with the contamination risk assessment, site investigation scheme, and remediation measures approved under applications 22/501820/SUB and 23/501195/SUB. No occupation shall take place until a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the approved remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

16. No development above slab level of any phase shall take place until a scheme of noise mitigation measures specifically in relation to delivery, loading and unloading has been submitted to and approved by the local planning authority for that phase. The scheme shall be designed to mitigate against the potential impact specified by a realistic assessment. The scheme shall include a noise management plan which shall include but not be limited to the following:

- a) Delivery locations.
- b) Measures to prevent vehicle idling.
- c) Measures to minimise the use of reversing beepers.
- d) Measures relating to the lowering of lorry tail lift flaps.
- e) The use of plastic or rubber wheels for trolleys.
- f) Measures to control the behaviour of operatives on site.
- g) Complaint contact and recording details.
- h) A review period for the noise mitigation and management measures.

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

Reason: In the interest of residential amenity.

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

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

18. The habitat creation plan for the 'ecology zone' as shown on the approved Constraints Plan (Drawing No.4092/SK04b) and as approved under application 23/501271/SUB shall be implemented as approved.

Reason: In the interest of biodiversity enhancement.

19. Within 3 months of the completion of the flood conveyance channel, a long-term site wide management plan for both the 'ecology zone' and for the 13ha of land to the south of the site shall be submitted to and approved in writing by the Local Planning Authority, which shall include the following:

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

The habitat creation plan must be implemented as approved.

Reason: In the interest of biodiversity protection and enhancement.

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

a) A review of the 'black lorry' industrial estate signs on the A228 (to encourage vehicles to use the Maidstone Road), the B2162 (to keep heavy goods vehicles on the A21/A228), and Hunton Road/Pattenden Lane (to keep vehicles on the A229), to ensure that any large HGV movements through Yalding village centre are reduced/deterred and appropriate routes are signposted including any proposed changes to the signs.

b) Appropriate 'no HGV access' signs to the south and east of Yalding village centre to ensure that any large HGV movements through Yalding village centre are reduced/deterred and appropriate routes are signposted.

c) Site Access Signage - to direct all heavy goods vehicles westbound onto the Maidstone Road.

d) Site Access Signage - clearly stating 'no right turn for HGV's' exiting the site.

e) Measures to manage long vehicles exiting the site in the interest of safety at the nearby level crossing.

Reason: In the interests of highway safety and congestion.

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

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

22. The development shall not be occupied until the following off-site highways works have been provided in full:

a) The tactile paved crossing points as shown on drawing no. C11101 RevG.

b) Box junction markings at the level crossing.

The following off-site highways works shall be provided no later than the occupation of 14,000m² of floorspace. The development shall not be occupied beyond this point until these off-site highways works have been provided:

c) Capacity improvements to the Maidstone Road/Hampstead Lane junction as shown on drawing no. 14949-H-01 RevP3.

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

23. The development shall be carried out in accordance with the Travel Plan approved under application 23/500870/SUB.

Reason: To promote sustainable transport use.

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

25. No phase of the development shall be occupied until a verification report demonstrating the completion of works set out in the approved contamination remediation strategy and the effectiveness of the remediation for that phase has been submitted to and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

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

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

Reason: In the interests of residential amenity

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

prior to the first use of the premises and shall be operated and retained in compliance with the approved scheme.

Reason: In the interests of residential amenity.

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

Reason: In the interest of biodiversity protection.

29. The development shall be operated in accordance with the flood evacuation plan approved under application 23/500870/SUB.

Reason: In the interests of safety.

30. If, during development of any phase, contamination not previously identified is found to be present at the site then no further development of that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

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

31. The development shall be carried out in accordance with the surface water drainage infiltration details approved under application 22/501820/SUB. No further infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority in consultation with the Environment Agency.

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

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

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

33. No lighting should be used within the flood conveyance/open space corridor or

vegetated boundary buffers, which shall form light exclusion zones or 'dark corridors' to allow nocturnal/crepuscular fauna to move around the site.

Reason: In the interests of biodiversity protection.

34. The details submitted pursuant to condition 2 shall not exceed the following floorspace limits:

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

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

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

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

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

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

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

Reason: For the purposes of clarity.

38. The development shall be carried out in accordance with the on-site foul drainage details approved under application 22/501820/SUB.

Reason: To ensure that the development does not result in unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework (NPPF).

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

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

Site Clearance - Which means removal of vegetation excluding that within the 'proposed new and enhancement planting zones', and 'existing tree buffers'

around the boundaries of the site as shown on the approved Constraints Plan (Drawing No.4092/SK04b).

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

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

Reason: For the purposes of clarity.

Informative:

The applicant shall liaise with Network Rail to seek that the new lighting to be provided in the car park at Yalding Railway Station through S106 funding shall be environmentally sensitive so that it does not harmfully impact on neighbours and biodiversity.