

<b>REFERENCE NUMBER:</b> 23/503788/FULL		
<b>APPLICATION PROPOSAL:</b> Erection of a drive through coffee shop and a flexible general employment building (class E(g)), including landscaping, parking and associated works.		
<b>ADDRESS:</b> Plots 6 & 7, Eclipse Park, Sittingbourne Road, Maidstone, Kent, ME14 3EN		
<b>RECOMMENDATION: APPROVE PERMISSION</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b>		
<ul style="list-style-type: none"> <li>• The proposed uses (employment and retail) are acceptable within the designated Eclipse Park economic development area under Local Plan Review policy LPRSP11(A).</li> <li>• The layout and design of the development is considered to respond positively to the character and appearance of the streetscene and local area including the suitable provision of landscaping and tree planting alongside the street in accordance with design policies within the Local Plan 2017 and the Local Plan Review.</li> <li>• There would be no harmful impacts upon residential amenity subject to conditions and there are no highways objections.</li> <li>• The proposals are considered to comply with all relevant Local Plan 2017 and Local Plan Review policies and permission is recommended subject to conditions.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b>		
<p>The recommendation is contrary to the views of Boxley Parish Council and they have requested Planning Committee consideration.</p> <p>Borough Councillor Harwood has requested the application be heard at Planning Committee should officers be minded to approve for the reason set out in the report.</p>		
<b>WARD:</b> Boxley	<b>PARISH COUNCIL:</b> Boxley	<b>APPLICANT:</b> Gallagher Properties Ltd <b>AGENT:</b> DHA Planning
<b>CASE OFFICER:</b> Richard Timms	<b>VALIDATION DATE:</b> 31/08/23	<b>DECISION DUE DATE:</b> 26/04/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

## REPORT SUMMARY

### Relevant Planning History

- 23/504061 Erection of a self-storage facility (class B8), with landscaping, parking and associated works - Refused 14/12/23
- 16/507366 Outline application for plots 6, 7 and 8 for B1 office development in relation to extant planning permission MA/13/0389 with all matters reserved for future consideration - Approved 08/09/17
- 01/0249/07 Reserved matters application for siting, design, external appearance, means of access and landscaping pursuant to outline consent MA/01/0249 ( for the erection of buildings for employment purposes within class B1 and class B2)

as renewed under MA/05/1871, seeking approval for the erection of a three-storey class B1(a) office building of 2034 square metres, the provision of 63 car parking spaces, landscaping and other external works - Approved 26/06/08

- 13/0389 Application for a new permission to replace an extant planning permission MA/10/0389 in order to extend the time limit for implementation of the outline planning permission for B1 and B2 development to include the renewal of the extant reserved matters approvals for plots 6, 7 & 8 (MA/01/0249/05, MA/01/0249/06 and MA/01/0249/07 respectively) - Approved 22/04/13
- 10/0389 An application for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation of outline permission MA/05/1871 for B1 and B2 development - Approved 04/06/10
- 05/1871 Variation of condition 1 of planning permission MA/01/0249 (outline application for erection of buildings for employment purposes - class B1 and class B2 with access and car parking to extend the time within which the development may commence and for imposition of a revised condition 1 to allow a further period in which to submit details pursuant to the outline planning - Approved 15/11/05

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 The application relates to a level parcel of land within 'Eclipse Park' on the south side of Sittingbourne Road referred to as Plots 6 and 7. There is a recently constructed care home and the Marks and Spencer car park to the north, and the 'Orida' hotel to the south. It is completely covered in hard surfacing and there is a single storey building towards the east side with parking and access also at this end.
- 1.02 The western boundary is currently defined by a temporary/moveable fence and to the west of this is a similar hard surfaced area referred to as Plot 8 where an application for a self-storage building was refused in December last year. Outside the site alongside the south boundary are a line of mature trees.
- 1.03 The site falls within the defined urban area and an 'Economic Development Area' in both the Local Plan 2017 (LP17) and Local Plan Review (LPR), which is discussed in the assessment below. The boundary of the Kent Downs National Landscape is around 230m to the north on the north side of the M20 motorway and so the site falls within its setting.
- 1.04 Previously outline permission has been granted for office uses at the site with the most recent in 2017 which expired in 2020.

### **2. PROPOSAL**

- 2.01 Permission is sought for two separate developments/uses as follows with the layout plan shown below:
- Plot 6 (Eastern Part) - A single storey coffee shop with a drive through facility that would use the existing access to the east. Parking would be to the south with the building towards the north and an access/circulation road for the drive through.

- Plot 7 (Western Part) – A two storey building for flexible class E(g) uses within four units. The building would be sited along the south spanning the entire width with parking and a new access to the front, north.



### 3. POLICY AND OTHER CONSIDERATIONS

**Maidstone Borough Local Plan 2017:** SS1, SP1, SP21, SP21, SP23, ID1, DM1, DM2, DM3, DM6, DM8, DM16, DM21, DM23

**Maidstone Borough Local Plan Review 2024:** LPRSS1, LPRSP2, LPRSP11, LPRSP11(A), LPRSP12, LPRSP13, LPRSP14, LPRSP14(A), LPRSP15, LPRCD1, LPRTRA1, LPRTRA2, LPRTRA4, LPRINF4, LPRQD1, LPRQD2

The Maidstone Borough Local Plan Review was adopted by the Council on the 20<sup>th</sup> March 2024. The LPR polices have 'substantial' weight but not 'full' weight until the 6 week Judicial Review period following adoption has expired (ending 1<sup>st</sup> May 2024).

**Kent Waste and Minerals Plan (amended 2020):** CSW3, DM7, DM9

**The National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

**Supplementary Planning Documents:** Air Quality Guidance (2017); Public Art Guidance (2017).

### 4. LOCAL REPRESENTATIONS

4.1 **Local Residents:** 13 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Highway safety.

- Vehicles speed along Sittingbourne Road.
- Lack of parking.
- Lack of street lights.
- Parking restrictions may be needed.
- Improvements to bus services should be provided.
- Pollution for users of the care home garden.
- Seek confirmation of drive through times.
- Already coffee facilities in the vicinity and could affect competition.
- Noise, disturbance and smells to nearby houses.
- Litter.
- Flooding.
- Trees along south boundary should stay for birds.
- Should only be for commercial use and not residential.
- The retail use is not in accordance with the Local Plan.
- Retail use would provide limited employment.
- Potential for increased crime.

4.2 **Boxley Parish Council:** Raise objections and request committee if officers are minded to approve:

*"Boxley Parish Council object to this application for the following reasons:*

- 1. The drive-through element of this proposed development will add to the traffic joining Bearsted Road at a light-controlled junction already the source of serious congestion at busy times with accompanying air pollution.*
- 2. Takeaways are a known source of much littering and it is not evident how this will be eliminated.*
- 3. No further development should take place in this area until the Bearsted road improvement scheme has been completed".*

4.3 **Borough Cllr Harwood:** Requests the application is considered at committee if minded to approve with the following comments:

*"North Ward residents in the Penenden Heath area are keen to understand the planning policy position in relation to the history of this once green site. Further, there is a wish to understand how 'bad neighbour' implications of the proposed uses in terms of the inevitable heavy littering of surrounding areas, traffic generation (and linked air and noise pollution) and net zero impacts are to be addressed.*

*In design terms, there exist local concerns that the utilitarian nature of the proposals and the limited space for landscaping proposed does not reflect the campus context of the setting or situation in the foreground of the Kent Downs AONB.*

*Lastly, there is some local upset that the Bramble and other semi-natural vegetation along the application site's western boundary was strimmed to create a 'blank canvas' site - as wildlife was regularly observed using this cover. Indeed, the ecological background provided as a part of this application does not reference the latest Kent Reptile and Amphibian Group records for reptiles on the Eclipse site and environs. The proposed biodiversity mitigation appears to comprise bird and other boxes rather than habitat to provide foraging areas for wildlife.*

*Lighting and drainage proposed for this urban / rural edge site also requires especial thought if sustainability is to be evidenced."*

- 4.4 **'Locate in Kent'**: Support the application to provide commercial space and support local business growth.
- 4.5 **Kent Invicta Chamber of Commerce**: Support the application which will support the Maidstone business community and offer commercial property at junction 7 considered to be one of Maidstone's most effective locations.

## 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)*

- 5.01 **Environment Agency**: No comments to make.
- 5.02 **National Highways**: No objections subject to a condition requiring a construction management plan.
- 5.03 **KCC Highways and Transportation**: No objections subject to conditions re. a construction management plan; EV charging; securing parking/turning areas and the access points.
- 5.04 **KCC Flood and Water Management**: No objections subject to conditions securing surface water drainage.
- 5.05 **KCC Ecological Advice Service**: No objections.
- 5.06 **MBC Landscape**: No objections subject to conditions re. tree works and protection.
- 5.07 **Environmental Health**: No objections subject to conditions re. noise.
- 5.08 **Southern Water**: Advise they can provide foul sewage disposal to service the development.
- 5.09 **Kent Police**: Recommend various measure to reduce crime.

## 6. APPRAISAL

6.01 The key issues are:

- Policy Context & Assessment
- Retail Use and Sequential Test
- Impact on the Character and Appearance of the Area & Design
- Impact on the Kent Downs National Landscape
- Residential Amenity
- Highways
- Biodiversity
- Other Matters including Drainage and Representations

### **Policy Context & Assessment**

6.02 The site is located with a designated economic area specifically identified for the former B1 use class (now class E(g)) which includes offices, research and development and light industry under Local Plan 2017 (LP17) policy SP22. Criteria 6 states that the redevelopment of premises and the infilling of vacant sites for 'business uses' will be permitted. So whilst this designation is specifically for

B1/E(g) use class, policy SP22 can allow the development of vacant sites for 'business uses'.

- 6.03 The proposed use on Plot 7 is for E(g) within the units which can allow for offices, research and development or light industry and so complies with policy SP22.
- 6.04 The proposed drive through coffee shop on Plot 6 is a retail use and is not in accordance with policy SP21. Under the Local Plan Review (LPR) the site remains within an economic development area and "primarily for office employment use (class E(g))". However, under policy LPRSP11(A) the Eclipse Park designation now allows for any class E uses so has opened out to allow uses such as retail, financial and professional services, indoor sport or recreation, medical or health services, and children's nurseries.
- 6.05 As the LPR is based on more up to date evidence, has been adopted by the Council, and has 'substantial' weight it is considered that the proposed uses for employment and retail are both acceptable.

### **Retail Use and Sequential Test**

- 6.06 The retail element is defined as a 'Main Town Centre Use' under the NPPF which also includes offices. LP17 policy DM16, and LPR policy LPRCD1 and National policy/guidance generally requires a sequential assessment for such proposals that are 'out of centre' as is the case here.
- 6.07 However, paragraph 91 of the NPPF states (my highlight in bold) that,  
*"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre **nor in accordance with an up-to-date plan.**"*
- 6.08 The adopted LPR allows for office and retail uses at Eclipse Park and as the proposals are in accordance with an up-to-date Local Plan a sequential assessment is not required.
- 6.09 There is no requirement for a retail impact assessment because the coffee shop is below the threshold of 400m<sup>2</sup>.

### **Impact on the Character and Appearance of the Area & Design**

- 6.10 LP17 policy DM1 and LPR policy LPRSP15 require proposals to create 'high quality design' and set out criterion to assess this by. Criteria 2 for both policies requires development to respond positively to, and where possible enhance the character of the area with particular regard being paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage.
- 6.11 The local area features a mix of both uses and building designs/sizes. To the north is a new three storey care home of fairly traditional design with mainly brick facades below a pitched roof with some modern elements like metal work gables. To the northeast is the modern 'Marks and Spencer' store which is mainly two storeys with high quality materials including glass rainscreen cladding and ragstone. To the east is a four storey office building of contemporary appearance with brickwork and glazing known as 'Towergate House'. To the southeast is the 'Next' store which is a four storey building with a mix of brick cladding and glazing.
- 6.12 In terms of the streetscene, a characteristic near the site is the set back of buildings from the main road and landscaping alongside it. 'Towergate House' is set back from the pavement by between 27m to 36m with landscaped areas abutting the

pavement which vary between 2m to 10m in depth. The M&S building comes closer to the roundabout but there are no buildings to the north of the application site where the car park is set back by between 3.5 to 9.5m with landscaping areas and ragstone walling. The care home is set back by around 23m with a landscaped garden area of around 18m in depth to the front and space to the car park of around 4m to 5.5m again with ragstone walling and railings. The roundabout itself is attractively landscaped and contributes positively to this character. The local streetscene is generally attractive with space for landscaping and good quality boundary treatments opposite the site.

#### *Drive Through Coffee Shop*

- 6.13 The layout plans have been amended since submission at the request of officers to achieve a greater set back of the building and increased landscaping alongside the road to compliment the local area. This has resulted in the space for landscaping increasing from a mainly 3-4m strip to 5-6m width along the east boundary and a much greater area in the northwest corner up to 15m in depth. The building has also been realigned so it is set further back into the site.
- 6.14 Detailed landscaping plans have been provided which show 12 trees alongside the road, and native hedge/shrub planting. It is considered the layout is acceptable and the increased space for landscaping now means the proposals respond positively to the character of the local area in accordance with the LP17 and LPR.
- 6.15 In terms of the building, this is a standard design for the applicant's drive through shops but this has also been amended to include further ragstone elements to reflect the local vernacular and this material is prominent in the Eclipse Park area. Articulation is provided with projecting elements and through the different materials and whilst it could not be said to be a high quality building, it would be an appropriate design which would not harm the character or appearance of the local area in accordance with the LP17 and LPR.

#### *Employment Development*

- 6.16 In terms of the layout, this has also been amended to provide increased landscaping alongside the road from around 3.5m in depth to 5.5m which is acceptable. The building itself is set well back from the road by around 30m.
- 6.17 In terms of the building, this would be relatively large with a footprint of 90m x 26m and height of 9.3m. However, the massing is broken up with a staggered façade to the front with 4m projections on the western units. The front elevations are broken up by a recessed main section with glazing, metal cladding, ragstone columns and an aluminium timber effect cladding 'frame'. The use of sloped roofs also breaks up the mass and provides some interest. The exposed side elevations have been amended at the request of officers to include glazing and ragstone to provide interest. The building is considered to be an appropriate design that would not harm the character or appearance of the local area in accordance with the LP17 and LPR.

#### **Impact upon the Kent Downs National Landscape (KDNL)**

- 6.18 In distant views from the KDNL, if the employment building was seen from any vantage points, it would be in the context of surrounding development and as it is not significant in size with its mass broken up, it would not be prominent or cause any harm and nor would it interrupt views towards the KDNL. The drive through building is single storey and would have no impact upon the KDNL and would only be seen in localised views.

### **Residential Amenity**

- 6.19 The nearest dwellings are 74m to the northwest of the employment building and the care home is 65m to the north and at this distance it would have no harmful impacts upon privacy, light or outlook.
- 6.20 In terms of noise and disturbance, the proposed use of the employment buildings is class E(g) (offices, R&D, or light industry) which by their nature are appropriate in a residential area. The drive through facility is not an inherently noisy use in itself apart from amplified speakers for ordering.
- 6.21 A noise assessment has been submitted which considers noise and disturbance would be more from plant/equipment and deliveries/customers coming and going. Conditions could ensure suitable details of plant and equipment.
- 6.22 In terms of comings and goings, the proposed hours of use are 5am to 11pm all week for both uses and seeking 24 hour deliveries. I consider movements (deliveries and customers) as early as 5am and late as 11pm for the drive through and from amplified speakers would result in harm to local amenity and in particular residents of the care home. It is considered hours of use/deliveries of 6am to 10pm for the drive through are appropriate. For the employment uses, comings and goings would be far less frequent in terms of staff so 5am to 11pm is acceptable.
- 6.23 As the coffee shop only heats up food rather than any cooking, smells and odours would not harm residential amenity and I note Environmental Health raise no objections.

### **Highways**

- 6.24 KCC Highways raise no objections to the proposed access points for both sites and following additional information/clarification being submitted, no objections to the traffic impact of the developments. The applicant's evidence demonstrates that around 90% of trips to the drive through facility would be part of an existing (mainly commuter) journey and would not result in a significant number of new trips on the highway network or impact on nearby junctions. The nearest junction being the A249/Eclipse Park signalised junction would remain well within its design capacity. National Highways raise no objections in terms of Junction 7 of the M20.
- 6.25 In terms of parking, 25 spaces are proposed for the coffee shop. Kent County Council Supplementary Planning Guidance Note 4 (SPG4) from 2006, are the standards used by the LPA for non-residential uses and they state that 'hot food takeaways' should be provided with a maximum of 1 space per 8m<sup>2</sup> for customers and 1 space per 2 staff, and 'restaurants' 1 per 6m<sup>2</sup> and the same for staff. The floorspace is 167m<sup>2</sup> so the provision of 25 spaces is around the maximum level required (27 spaces) and KCC Highway raise no objections.
- 6.26 The employment uses would have 38 spaces and the standards state a maximum of 1 space per 25m<sup>2</sup> for offices and 1 per 35m<sup>2</sup> for light industry. Taking a middle point equates to 64 spaces. This is a maximum and the site does have public transport access with covered bus stops nearby away on Bearsted Road and cycle parking is also proposed and can be secured by condition. On balance, this provision is considered to be acceptable and no objections are raised by KCC Highways.
- 6.27 Both National Highways and KCC Highways request a construction management plan but this is not considered to be necessary as this is not a development of significant scale.

- 6.28 The proposals are considered to be in accordance with policies SP23, DM21 and DM23 of the LP17 and policies LPRSP12, LPRTRA2 and LPRTRA4 of the LPR.

### **Biodiversity**

- 6.29 An ecological walkover study has been provided and KCC Ecology advise that,

*"The submitted information has detailed that the footprint of the proposed development is predominately hard standing with a dense hedgerow adjacent to the southern boundary. We are satisfied that there is no requirement for ecological surveys to be carried out as part of this application. As a result of reviewing satellite photos it appears that this site has been largely bare ground for at least 10 years."*

- 6.30 On this basis there would be no harmful impact on protected species.

- 6.31 In terms of biodiversity net gain (BNG) the appellant has not provided a BNG assessment but is not required to do so as the application was submitted in advance of it becoming mandatory and the LPR policy only requires BNG (20%) on residential development. Notwithstanding this, based on there being little vegetation at the site it is considered the proposed landscaping would provide some net gains for biodiversity.

### **Other Matters including Drainage, Litter, Trees and Representations**

#### *Drainage*

- 6.32 Surface water drainage would be dealt with through cellular storage tank soakaways with porous paving. KCC Flood and Water Management have reviewed the proposals and raise no objections in principle subject to conditions.

#### *Litter*

- 6.33 The drive through facility is likely to create litter but this is not a ground for refusal as it relates to people's behaviour but proportional conditions to require bins on-site and a litter management plan for the nearby area on the public highway will be secured.

#### *Trees*

- 6.34 No trees are present on site but there is a group to the south boundary which are proposed to be crown lifted with lateral reduction to facilitate the development. The applicant's report also states a cyclical management regime could be required to ensure future removal pressure is mitigated. Therefore, the Landscape Officer recommends details are provided regarding the maintenance regime which will be secured by condition. A small incursion into the root protection area of these trees would occur due to some of the car parking but the Landscape Officer agrees this would cause negligible harm. Potential ground retaining measures as part of constructing these parking bays and the site's services have not been finalised and so a condition is attached for these details.

- 6.35 Matters raised and not considered in the report include the need for the development and affecting competition, air pollution, lack of streetlights, and crime. The issue of whether there is a need for the development or impacts on competition are not material considerations. An air quality assessment has been submitted which concludes there would be an insignificant effect on local air quality which Environmental Health have reviewed and raise no objections. There are streetlights in the vicinity which residents suggest are not working but these could be repaired,

and this is a matter for the landowner. Any potential crime because of the development is not grounds to refuse permission.

- 6.36 In line with policy LPRQD1 a BREEAM 'Very Good' rating will be secured for the buildings and 10% on-site renewable energy generation.

PUBLIC SECTOR EQUALITY DUTY

- 6.37 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.

**Community Infrastructure Levy**

- 6.38 The proposed retail 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.

**7. CONCLUSION**

- 7.01 The proposed uses (employment and retail) are acceptable within the Eclipse Park economic development area under Local Plan Review policy LPRSP11(A).
- 7.02 The layout and design of the development is considered to respond positively to the character and appearance of the streetscene and local area including the suitable provision of landscaping and tree planting alongside the street.
- 7.03 There would be no harmful impacts upon residential amenity subject to conditions and there are no highways objections.
- 7.04 The proposals are considered to comply with all relevant Local Plan 2017 and Local Plan Review policies and permission is recommended subject to conditions.

**EIA Screening**

EIA Development	Yes
Comments	<p>Whilst the employment proposal falls within Schedule 2 (10a) of the Regulations and exceeds the applicable threshold of 0.5 hectares, the NPPG acknowledges that only a "very small proportion" of Schedule 2 projects will require an EIA.</p> <p>The site is within 230m of a 'sensitive area' defined under the EIA Regulations being the Kent Downs National Landscape (KDNL), however, the development would not cause any harm to the KDNL or its setting for the reasons set out in the report.</p> <p>The development is not complex in nature or of a scale such that any impacts upon natural resources, waste, pollution, human health, water resources, biodiversity, landscape/visual, heritage, highways, or the environment would be of a magnitude to result in significant environmental effects. Potential impacts are considered to be localised with the scope for mitigation.</p> <p>Therefore the characteristics, scale, or location of the development and</p>

	its potential impacts are not likely to give rise to significant effects on the environment and thus an EIA is not required.
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## 8. RECOMMENDATION

### **GRANT PLANNING PERMISSION subject to the following conditions**

with delegated powers to the Head of Planning and Development 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**

#### *Time Limit (Full Permission)*

1. 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.

#### *Approved Plans & Compliance*

2. The development hereby permitted shall be carried out in accordance with the following drawings:

4104 P001 RevE	(Site Location Plan)
4104 P003 RevE	(Proposed Site Plan)
4104 P101 RevC	(Plot 6 Elevations)
4104 P101 RevD	(Plot 6 Floor Plans)
4104 P103 RevD	(Plot 7 Floor Plans)
4104 P104 RevD	(Plot 7 Elevations)
0665/24/B/1A	(Landscape Planting Plan)

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

3. The approved vehicle parking and turning areas shall be completed before the commencement of the use of the land or buildings to which they relate 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.

4. The development of any phase shall be carried out in accordance with the approved landscaping scheme relating to that phase as shown on drawing no. 0665/24/B/1A.

No development above slab level for any phase shall take place until a long-term management plan and timetable for implementation of the approved landscaping for that phase has been submitted to and approved in writing by the local planning authority. The landscaping shall be carried out in accordance with the approved details.

The approved landscaping shall be retained for at least 5 years following its implementation and shall be managed and retained strictly in accordance with the approved details.

Any approved seeding or turfing which fails to establish or any trees or plants which, before a period of 5 years from the completion of the development has expired, die or become so seriously damaged or diseased that their 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. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

Reason: To ensure an appropriate appearance and setting to the development.

5. The development shall be carried out in accordance with the approved Arboricultural Method Statement (dated 05/10/22) including the tree protection plan and measures.

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

#### *Pre-commencement*

6. No development shall take place in any phase until a detailed sustainable surface water drainage scheme for that phase 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 21st August 2023 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 within the curtilage of the site without increase to flood risk on or off-site.

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

- a) That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- b) 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.

7. No development for any phase shall take place until details of the proposed finished floor levels of the buildings, all ground levels of the development, and existing site levels for that phase shown at 0.5m contour intervals have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved details.

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

8. No development for any phase shall take place until the following details for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved details.

- (a) An on-going management regime for works to any overhanging trees to the south of the site.
- (b) Details of any ground retaining measures as part of constructing parking bays and services within any tree root protection areas.

Reason: In order to protect adjacent existing trees.

*Pre-Slab Level*

9. No development above slab level for any phase shall take place until details and evidence of the measures necessary to incorporate at least 10% on-site renewable or low carbon energy production measured as a percentage of overall consumption for that phase have been submitted to and approved in writing by the Local Planning Authority. Follow installation of the approved measures they shall thereafter be retained.

Reason: To ensure a sustainable form of development in accordance with policy LPRQ&D1 of the draft Local Plan Review.

10. No development above floor slab level for any phase shall take place until written details and sample of the materials, to be used in the construction of the external surfaces of the buildings for that phase have been submitted to and approved in writing by the local planning authority. The materials shall include the following:

- a) Kentish ragstone for buildings and walls approved with ragstone.

The development shall be constructed using the approved materials.

Reason: To ensure a high-quality development.

11. No development above floor slab level shall take place until photographs of at least a 1.5m x 1.5m sample panel of the Kentish ragstone for the buildings and walls (which has been constructed on site) for that phase have been submitted to and approved in writing by the Local Planning Authority including written details of the mortar mix. Such details as approved shall be fully implemented on site and thereafter retained.

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

12. No development above floor slab level for any phase shall take place until details of hard surfaces for that phase have been submitted to and approved in writing by the local planning authority. The details shall include block paving for all parking spaces and the development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To ensure a high-quality development.

13. No development above floor slab level for any phase shall take place until details of all fencing, walling and other boundary treatments for that phase, which shall include low ragstone walling as shown on the plans, 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 buildings or land to which they relate and retained thereafter.

Reason: To ensure a satisfactory appearance to the development.

14. No development above floor slab level for any phase shall take place until details of all external lighting for that phase, which shall be the minimum necessary and designed to

minimise light pollution, has been submitted to and approved in writing by the local planning authority for that phase. The lighting shall be carried out in accordance with the approved scheme.

Reason: To ensure a high-quality development.

15. No development above slab level for any phase shall take place until full details of ecological enhancements and a timetable for their delivery for that phase, 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 and thereafter retained and the measures shall include the following:

- a) Inbuilt bird, bat and bee bricks to buildings.
- b) Reptile and amphibian hibernacula/log piles.

Reason: To enhance biodiversity.

16. No development above slab level for any phase shall take place until details of secure cycle parking for that phase have been submitted to and approved in writing by the local planning authority. The approved parking shall be provided before the occupation of the land or buildings to which they relate and shall thereafter be kept available for such use.

Reason: To promote sustainable transport use.

17. No development above floor slab level for the coffee shop shall take place until details of public refuse bins have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the occupation of the building and thereafter retained.

Reason: In the interests of visual amenity in the local area.

#### *Pre-Occupation*

18. No building hereby permitted shall be occupied until the approved access point serving the building has been implemented and the visibility splays shown on drawing nos. H-01 RevP1 and H-02 RevP1 shall be maintained with no obstructions over 0.6 metres above carriageway level within the splays.

Reason: In the interest of highway safety.

19. No occupation/use of the coffee shop shall take place 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. The development shall be carried out in accordance with the approved details. The scheme shall include an acoustic assessment which demonstrates that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. 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.

20. No occupation/use of the coffee shop shall take place until a Litter Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include:

- (a) A plan showing litter monitoring and collection areas upon public highway land which shall include Sittingbourne Road from its junction with the Chiltern Hundreds roundabout to its junction with the A249; and the A249 from its junction with the Chiltern Hundreds roundabout to its junction with Bearsted Road/M20 slip road roundabout.
- (b) The frequency of litter inspections and collections both on the site and within the area approved under part (a).

The development shall be carried out in accordance with the approved Plan and it shall operate thereafter.

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

21. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

22. 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 and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of 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.

23. 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.

If during construction/demolition works evidence of potential contamination is encountered, upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority if necessary. 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.

Reason: In the interest of human health.

*Compliance/Restrictions*

24. The employment building hereby approved shall be used for Use Class E(g) only and for no other purpose including any other uses 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);

Reason: Other Class E uses may not be suitable at the site.

25. No activity in connection with the use of the drive through coffee shop hereby permitted shall be carried out outside the hours of 5.30am to 11pm and no customer shall be permitted to be on the premises outside of the hours of 6am to 10pm.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

26. No activity in connection with the use of the employment building hereby permitted shall be carried out outside the hours of 5am to 11pm.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

27. No deliveries in connection with the drive through coffee shop or employment building shall be taken at or despatched from the site outside of the hours of 6am to 10pm.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

28. No open storage of materials, products, goods for sale or waste shall take place on the land.

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

29. The building(s) hereby approved shall achieve a Very Good BREEAM UK New Construction Version 6.1 rating including maximising energy and water efficiencies under the mandatory energy and water credits. A final certificate shall be issued to the Local Planning Authority for approval in writing within 6 months of the first occupation of the building(s) to certify that at a Very Good BREEAM UK New Construction Version 6.1 rating has been achieved.

Reason: To ensure a sustainable form of development in accordance with policy LPRQ&D1 of the draft Local Plan Review.

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.