

APPLICATION: MA/11/1002 Date: 6 July 2011 Received: 3 August 2011

APPLICANT: Mr N York, Weldrite UK Ltd

LOCATION: PURPLEHILL WORKS, WHITE HILL ROAD, DETLING, BREDHURST, KENT, ME14 3HH

PARISH: Bredhurst, Detling

PROPOSAL: Redevelopment of existing commercial site to provide 9 units for B1 light industrial use as shown on site location plan, drawings of existing buildings, drawing no. WG-SU/SPL.01A and drawing no. 0800-1405-01 received on 28/7/11.

AGENDA DATE: 13th October 2011

CASE OFFICER: Geoff Brown

The recommendation for this application is being reported to Committee for decision because:

- My recommendation is contrary to the views of Detling Parish Council which has requested committee consideration.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV31, ENV33, ENV34, T13, T21, T23
- The South East Plan 2009: CC1, CC4, CC6, C3, RE1, RE3, T4, NRM1, NRM5, NRM7, NRM11, AOSR7
- Government Policy: PPS1, PPS4, PPS7, PPS9, PPG13, PPS23

## **2. HISTORY**

- MA/11/1351: Redevelopment of existing commercial site to provide 4 dwellings: REFUSED 22/9/11
- MA/11/1001: Redevelopment of existing commercial site to provide 4 dwellings: WITHDRAWN 03/08/2011
- MA/10/0559: Redevelopment of the site to provide 12 (no) light industrial units: REFUSED 09/08/2010
- MA/99/1149: Certificate of Lawful Development under s191 for 'Use as a fencing manufacturer within Class B2 with ancillary wholesale and retail sales of fencing and storage of fencing and timber': CERTIFICATE ISSUED 11/10/1999
- MK2/56/0095: An addition of fence assembly shop and office: APPROVED 14/05/1956

- MK2/53/0002: Provision for additional covered space for fence making: APPROVED 29/01/1953

### **3. CONSULTATIONS**

DETLING PARISH COUNCIL states:

"I am writing to inform you that the Parish Council wishes to register its objections to the above planning application.

- The redevelopment of this site will increase traffic in the rural area.
- The rural lanes leading to the site are not adequate to take large vehicles associated with a commercial development.

In summary Detling Parish Council raises its objections to this application and would wish to see this refused and reported to the Planning Committee."

BREDHURST PARISH COUNCIL (the neighbouring parish) states:

Re: MA/11/1002 Purple Hill Works, White Hill, Detling, Bredhurst, Kent. ME14 3HH Redevelopment of existing commercial site to provide 9 units for B1 light industrial use.

Re: MA/11/1351 Purple Hill Works, White Hill, Detling, Bredhurst, Kent. ME14 3HH Redevelopment of existing commercial site to provide 4 dwellings.

Bredhurst Parish Council discussed both these items at its meeting on 7<sup>th</sup> September 2011. The site in question is on the boundary between Bredhurst and Detling parishes and development of any kind will impact greatly on the residents of Bredhurst as the main access road is through Bredhurst.

Although within the AONB, the site in its current condition could most accurately be described as a landfill site. Previous owners over many decades have used the area to dump hundreds of tons of various waste material and the site in its present condition is not only an eyesore but also harmful to the environment. Whilst Bredhurst Parish Council would not support an application for residential dwellings on a green field site within the AONB, the site in question is a brown field site that has no attributes associated with AONB land. It is a commercial site which has fallen into a state of total dilapidation and the proposed housing development would be a distinct improvement that greatly improves the quality of the surrounding AONB.

Bredhurst Parish Council has been informed that, should the residential application fail, the current owners will have no option but to resume commercial activities at the site. This location is more suited to residential rather than

commercial use. There are already residential dwellings along Kemsley Street Road, which is the main access road to the site. This is a narrow rural lane with sections of single track carriageway and blind bends which is heavily used by both walkers and horse riders. The access is totally unsuitable for HGV vehicles which would be inevitable if commercial use resumes.

For the above reasons, Councillors voted unanimously to object to the commercial application MA/11/1002.

For the residential application MA/11/1351 Councillors voted unanimously in favour of the application and would like to see it approved.

In addition, they requested that both applications are referred to the Planning Committee to allow the merits of the residential development over the commercial development to be publicly debated."

THE ENVIRONMENT AGENCY has considered the application and has stated that the development would only be acceptable if five conditions were imposed on any permission. These conditions require:

- A regime of site investigation and contaminated land remediation to be submitted, approved and undertaken.
- A verification report to confirm that any recommendations in a remediation strategy have been followed and the site certified clean.
- Works to cease if previously unidentified contamination is found, until such time as a revised remediation strategy is devised and agreed.
- No infiltration of surface water drainage into the ground unless it has been demonstrated that there is no unacceptable risk to groundwater.
- No piling on the site unless it has been demonstrated that there will be no risk to groundwater.

KENT HIGHWAY SERVICES has no objection subject to conditions to secure signage within the site to direct that vehicles exit the site turning right only; and to secure HGV direction signage at the junction of The Street (Bredhurst) and Kemsley Street Road. Unsuitable for HGVs signs should be provided to deter vehicles from turning left from the site. Other recommended conditions address the safeguarding of parking and turning space; the provision of proper access; the setting back of entrance gates; and the formation of a vision splay of 2m by 25m on the south side of the access point.

THE KCC BIODIVERSITY TEAM has examined the extended Phase 1 habitat survey and protected species survey report and agree with its conclusions and recommendations (discussed below).

THE MBC ENVIRONMENTAL HEALTH OFFICER has no objection to a B1 use in this

location but points out that the contaminated land assessment submitted with the application is incomplete. Bearing in mind that this is a proposed industrial development and not residential, he considers that the issue can be covered by the imposition of the standard condition requiring a full assessment before development commences.

THE MBC LANDSCAPE OFFICER supports the proposals. He points out that the site is adjacent to a wooded area the subject of TPO 5/1973 and it is likely that the woodland is ancient semi-natural woodland. A SSSI designation also applies to the woodland but the boundary of that designation is set a short distance from the application site boundary. A tree report accompanies the application which concludes that trees on the southern and eastern margins are to be removed. The Landscape Officer agrees that the trees to be removed are not of significant value and retention of some trees would be compromised by the need to de-contaminate the site. On balance he concludes that the proposal would improve the current situation. The trees of importance are the main woodland block and the development would have a minimal impact, if any, on those trees. There are advantages in terms of the removal of contamination and the creation of a landscaped buffer between the main part of the site and the woodland. The trees to be lost are not of significant amenity value and the application would improve the situation for the trees retained.

#### **4. REPRESENTATIONS**

COUNCILLOR DE WIGGONDENE states:

“Whilst I have concerns about the sustainability of this proposal I would appreciate referral to committee if it isn’t approved.”

PROTECT KENT objects to the application. Whilst wishing to see an improvement in the appearance and character of this non-conforming and unsustainable industrial/commercial site, this application is not environmentally sustainable and the site not well placed to encourage start-up enterprises. Discussions should take place between the applicant, MBC and the Parish Councils to determine a future for this site, compatible with this sensitive location.

#### **5. CONSIDERATIONS**

##### **5.1 Site Description**

- 5.1.1 The application site is located on the north eastern side of White Hill Road within the parish of Detling. The site access is located some 82m south east of the junction of White Hill Road with Kemsley Street Road and some 1km north east of Bredhurst village ‘as the crow flies’ and 1.5km by road.

- 5.1.2 The site amounts to approximately 0.687ha in area. It is located in open countryside outside a defined settlement, in an area which forms part of the Maidstone - Medway Strategic Gap and which is designated as part of the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area (SLA).
- 5.1.3 The site is currently occupied by a number of former industrial buildings together with a number of steel containers and other cabins/temporary buildings that have been brought onto the site in the past. It is in an untidy state and is overgrown in places. The site is bounded on all sides by hedgerows and trees. The land within the site falls gently from north to south.
- 5.1.4 To the north of the site lies a stable building and grazing land, to the north east orchards/young woodland, to the south and south east by woodland and a former quarry and to the west (on the opposite side of White Hill Road) by open agricultural land.

## **5.2 Proposal**

- 5.2.1 This is an application for full planning application for the clearance of existing buildings, cabins, etc. and redevelopment to provide 9 B1 light industrial units. The units would be organised in 3 groups, 3 to each group, arranged around the single access road into the site that utilises the existing access point to White Hill Road. The access road would run roughly north west/south east through the centre of the site with units 1-3 at its eastern end and units 4-6 and 7-9 on its south side. A 6m 'buffer zone' of native planting would be put in place at the southern and eastern margins of the site.
- 5.2.2 The access road would have visitor and lorry parking bays and a lorry turning space at regular intervals along its length along with 3 car parking spaces in front of each unit. Landscaping would be carried out within the site, principally on either side of the access road and between the blocks.
- 5.2.3 The units themselves would each be of the same design, each having a floorspace of 12m by 10m = 120m, giving a combined total floorspace of 9 x 120 = 1080 sqm. The units would have a monopitch roof sloping down from front to back so that the height at the front would be 6m sloping down to 4.950 at the rear. Materials would involve green external cladding to the roof and walls with an aluminium curtain wall entrance with glazed infills and roller shutter door on the front elevation.

## **5.3 Principle of Development**

- 5.3.1 The site lies in open countryside outside a defined settlement within a strategic gap that seeks to prevent coalescence between Maidstone and the Medway

Towns. The site lies within countryside designated as part of the AONB and the SLA.

- 5.3.2 Development Plan and government policy place emphasis on the protection or enhancement of the countryside. Both also require a higher level of protection to be given to countryside that is subject to a national designation such as an AONB as applies in this case.
- 5.3.3 Policy ENV28 of the Borough-Wide Local Plan 2000 generally seeks to restrict new development in the countryside and states that development which harms its character and appearance, or the amenities of surrounding occupiers, will be resisted.
- 5.3.4 Policy C3 of the South East Plan states that in considering proposals within the AONB emphasis should be on small-scale proposals that are sustainably located and designed. Proposals that support the economies and social well-being of the AONBs and their communities will be encouraged provided that they do not conflict with the aim of conserving and enhancing natural beauty. Policy RE3 encourages economic development in rural areas in the appropriate circumstances.
- 5.3.5 PPS4, inter-alia, encourages sustainable economic development in the countryside, usually centred on existing rural service centres. Paragraph d of Policy EC12 of that guidance states that local planning authorities should:
- “approve planning applications for the conversion and re-use of existing buildings in the countryside for economic development, particularly those adjacent or closely related to towns or villages, where the benefits outweigh the harm in terms of:
- i. the potential impact on the countryside, landscapes and wildlife
  - ii. local economic and social needs and opportunities
  - iii settlement patterns and the level of accessibility to service centres, markets and housing
  - iv the need to conserve, or the desirability of conserving, heritage assets and
  - v. the suitability of the building(s), and of different scales, for re-use recognising that replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion”
- 5.3.6 Against the policy and guidance background set out above, I conclude that a redevelopment of this site, involving replacement buildings as envisaged in PPS4, for commercial, B1 use is acceptable, at least in principle. This site would not normally be an acceptable location for industrial units but there is clearly a ‘fall back’ position here in that this is a ‘brownfield’ site with an established B2

use and buildings and open storage that have an adverse visual impact on the AONB.

- 5.3.7 The consultation draft of the National Policy Framework has recently been published and whilst regard has been paid to it this decision does not turn on matters raised by this consultation document.

## **5.4 Impact on the Character of the Area**

- 5.4.1 This site has a lawful use for B2 purposes by virtue of Certificate of Lawful Use MA/99/1149. Whilst there would appear to be no active use at present, those B2 uses could resume without the need for further permission and without being restricted by planning conditions: for example open storage, external lighting, hours of use, etc are not restricted.
- 5.4.2 The site has some unattractive, run-down buildings the total floorspace of which I estimate to be 759 sqm. The agents estimate this floorspace to be 958m but their calculation includes a building 'B' which has been completely demolished and various portable cabins that I can not regard as buildings. The total floorspace of the proposed buildings would be 1080 sqm. The agents also point out that the existing buildings could potentially be extended as 'permitted development' without the need for planning permission.
- 5.4.3 Whilst I recognise that the proposed redevelopment would significantly increase the floorspace of buildings on site, to my mind the redevelopment does present the opportunity to tidy up a site which, although not especially prominent in the wider landscape, is of an appearance significantly detrimental to the character of the AONB with unattractive buildings and extensive areas of stored cabins, equipment and materials. The redevelopment also provides the opportunity to regulate the future use of the site by condition so that, for example, unattractive open storage and excessive lighting could be brought within planning control.
- 5.4.4 The site is quite well screened from long and medium range views by woodland to the east, south and west and by a line of conifer trees along the northern boundary. There are clear views of the site through the entrance from White Hill Road. The new buildings would be of comparable height to those currently on site and, as stated above, I consider the redevelopment to represent the opportunity for significant improvements to the character of the AONB. Clearly the proposed 'buffer zone' of new planting and the indication that planting would take place within the site would present further visual benefits.

## **5.5 Landscaping**

- 5.5.1 I have addressed the benefits of the proposed indicative new planting above. In terms of existing trees, an arboricultural assessment has been submitted with the application. The Council's Landscape Officer is of the view that, overall, the

proposals would improve the situation for existing trees in terms of the removal of contamination and the creation of a buffer zone of planting between the main part of the site and the more valuable ancient woodland.

## **5.6 Ecology**

- 5.6.1 An extended Phase 1 habitat survey and protected species survey report relating to the site has been submitted.
- 5.6.2 The report indicates that there were no bats on the site and that the only reptiles found on site were slowworms. A maximum number of 11 were found during the series of inspection/survey visits which does represent a good population according to established criteria. However, there were found in the area of semi-improved grassland which falls within the proposed 6m landscaped buffer zone to the existing ancient woodland lying to the east and south of the site. This area can be protected from development and suitably enhanced. Furthermore, if any slowworms are found elsewhere in the site they can be translocated to this area which is large enough to accommodate them.
- 5.6.3 The habitat is not suitable for dormice and there are no badgers present on site although there is a sett close by within the woodland to the south, which appeared at the time of the survey to be inactive.
- 5.6.4 The Council's ecological advisors (KCC Biodiversity Team) have assessed the report and agree with its conclusions and recommendations. I conclude that there is no reason to object to this application on ecological grounds subject to conditions being imposed to ensure that the report's recommendations are implemented.

## **5.7 Residential Amenity**

- 5.7.1 The site has no near residential neighbours. The nearest residential properties are located approx. 125m to the north, approx. 200m to the west and over 300m to the south. In any event the use proposed is B1 use which, by definition, does not cause residential amenity problems. There is therefore no reason to object to this application on these grounds.

## **5.8 Highways**

- 5.8.1 The site is served by narrow country lanes, with the road network to the south of the site access being particularly narrow and unsuitable for use by large vehicles. Whilst this situation is problematical, the key point here is that, as stated above, the existing lawful B2 use could become active again and (combined with potential extensions under permitted development rights) could generate a significant volume of large vehicle movements. The agents state that the historic use of the site for fence manufacture produced up to 180,000 yards



of fencing annually and had 15 employees. Kent Highway Services do not raise objection to this application subject to conditions, the main element of which is the requirement for signage to direct that vehicles exit the site turning right only; and to secure HGV direction signage at the junction of The Street (Bredhurst) and Kemsley Street Road. Unsuitable for HGVs signs should be provided to deter vehicles from turning left from the site. Against this background I do not consider that there are any justifiable grounds to refuse this application on highways grounds.

5.8.2 The site has poor access to basic services and public transport and this site is not at all ideal in terms of locating industrial units in positions well related to established centres. However, as with highway safety and other considerations, it must be stated that this is an established industrial use that could actively resume at any time. Bredhurst village centre is approx. 1km away 'as the crow flies', similarly Junction 4 of the M2 is within 1km and therefore the site could not be described as remote. Sustainability is about more than just reliance on the private motor vehicle and, as I have stated above, there are advantages here in terms of improving the character of the site and providing local employment opportunities and economic vitality.

## **5.9 Other Matters**

5.9.1 I note the comments of The Environment Agency and the Environmental Health Officer. Given that the end use would be a commercial use, rather than a residential use, I am satisfied that the issue of site contamination can be dealt with by condition and I phrase my recommendation accordingly. Given the contamination issue and the sensitivity of the site, I recommend that a condition should be imposed requiring the details of foul and surface water disposal be submitted for approval.

5.9.2 The agents have advised that a condition seeking a minimum BREEAM Industrial rating of 'very good' would be acceptable and I recommend an appropriately worded condition. I also recommend a condition requiring a scheme that demonstrates that the units would source at least 10% of their energy requirements from renewable energy sources pursuant to Policy NRM11 of The South East Plan 2009.

## **6. CONCLUSION**

6.1 I consider this application presents a balanced case. The site is clearly located in an area poorly related to basic services and public transport, the local highway network comprises narrow, winding, unlit roads, whilst the landscape hereabouts is high quality and AONB designated. Clearly this is a site that would not normally be considered suitable for new industrial units.

6.2 However, the site has an established industrial use and can be lawfully used for B2 industrial purposes. It contains a range of run-down buildings, hardstandings and open storage and is not controlled by planning conditions. Whilst the redevelopment would significantly increase the industrial floorspace, in my view there are significant advantages in terms of improving the character of the area and controlling the use of the site through conditions.

6.3 On balance I recommend that permission be granted.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, drawings of existing buildings, drawing no. WG-SU/SPL.01A and drawing no. 0800-1405-01 received on 28/7/11;

Reason: To ensure the quality of the development is maintained in accordance with the advice in PPS1 and PPS7.

3. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development. This in accordance with Policies ENV28, ENV31, ENV33 and ENV34 of The Maidstone Borough-Wide Local Plan 2000.

4. No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the application site without the prior written consent of the local planning authority;

Reason: To safeguard the character and appearance of the surrounding area. This in accordance with Policies ENV28, ENV31, ENV33 and ENV34 of The Maidstone Borough-Wide Local Plan 2000.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted. This in accordance with Policies ENV6, ENV28, ENV31, ENV33 and ENV34 of The Maidstone Borough-Wide Local Plan 2000.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development. This in accordance with Policies ENV6, ENV28, ENV31, ENV33 and ENV34 of The Maidstone Borough-Wide Local Plan 2000.

7. The development shall not commence until full details of proposed tree protection measures and an arboricultural method statement (both in accordance with the recommendations of BS 5837:2005) have been submitted to and approved by the local planning authority. These documents should be drawn up in conjunction with the strategy for dealing with contaminated land as there is a high potential for conflict between tree retention and de-contamination;

Reason: To safeguard existing trees to be retained in accordance with Policy ENV6 of The Maidstone Borough-Wide Local Plan 2000.

8. No development shall take place until a detailed scheme for the retention of areas of cordwood from any tree works within the site has been submitted to and approved in writing by the Local Planning Authority;

Reason: In the interest of biodiversity enhancement in accordance with Policy NRM5.

9. The development shall not commence 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;

Reason: To ensure a satisfactory appearance to the development. This in accordance with Policies ENV28, ENV31, ENV33 and ENV34 of The Maidstone Borough-Wide Local Plan 2000.

10. The approved details of the 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) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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. This in accordance with Policy T13 of The Maidstone Borough-Wide Local Plan 2000.

11. Before development commences details of the proposed visibility splays to be created at the point of access to the highway shall be submitted to and approved by the local planning authority. The approved splay details shall be implemented before the first use of the development hereby approved and subsequently maintained;

Reason: In the interests of highway safety. This in accordance with Policy T21 of The Maidstone Borough-Wide Local Plan 2000.

12. The development hereby approved shall not be occupied until all of the following has been fully installed and is operational:
- a) Signage within the site to direct traffic exiting the site to turn right (i.e. north) and not left (south); and
  - b) Signage on the highway in the vicinity of the junction of The Street and Kemsley Street Road to instruct HGVs of the appropriate route to the site; and
  - c) Signage on the highway in the vicinity of the access to the site to warn drivers that White Hill Road to the south of the application site is not suitable for HGVs.

The design and location of the signage shall be submitted to and approved by the local planning authority before installation and shall be subsequently maintained;

Reason: In the interests of highway safety. This in accordance with Policy T21 of The Maidstone Borough-Wide Local Plan 2000.

13. Before development commences full details of the proposed ecological mitigation/enhancement works (including a timetable for implementation and maintenance) shall be submitted to and approved by the local planning authority;

Reason: In the interests of the ecology of the area. This in accordance with Policy NRM5 of The South East Plan 2009.

14. Notwithstanding the provisions of Part 8, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended), no further development shall take place on the site without the prior written consent of the local planning authority;

Reason: To safeguard the character and appearance of the surrounding area. This in accordance with Policies ENV28, ENV31, ENV33 and ENV34 of The Maidstone Borough-Wide Local Plan 2000.

15. Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- a. A preliminary risk assessment which has identified;

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

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

- c. The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect vulnerable groundwater resources and ensure compliance with PPS23.

16. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be 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. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect vulnerable groundwater resources and ensure compliance with PPS23.

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect vulnerable groundwater resources and ensure compliance with PPS23.

18. 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: To protect vulnerable groundwater resources and ensure compliance with PPS23.

19. 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: To protect vulnerable groundwater resources and ensure compliance with PPS23.

20. Before works commence, full details of the proposed means of dealing with foul and surface water drainage shall be submitted to and approved by the local planning authority;

Reason: To protect vulnerable groundwater resources and ensure compliance with PPS23.

21. Before development commences details of external lighting shall be submitted to and approved by the local planning authority. Only the approved lighting may be implemented on the site without the prior written consent of the local planning authority;

Reason: To safeguard the character and appearance of the surrounding area. This in accordance with Policies ENV28, ENV31, ENV33 and ENV34 of The Maidstone Borough-Wide Local Plan 2000.

22. The industrial units hereby approved shall achieve a minimum of 'very good' on the BREEAM Industrial standard. No unit shall be occupied until a final Industrial Certificate has been issued for it certifying that a minimum of 'very good' Bream Industrial has been achieved.

Reason: To ensure a sustainable and energy efficient form of development in accordance with PPS1 and Policy CC4 of The South East Plan 2009.

23. Before development commences a scheme to demonstrate that at least 10% of the energy requirements of the units would be met from decentralised and renewable or low-carbon sources shall be submitted to and approved by the local planning authority. The units shall be constructed to incorporate the approved scheme.

Reason: To ensure an energy efficient design for the units pursuant to Policy NRM11 of The South East Plan 2009.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the units hereby approved shall be used only for those uses that fall within Use Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended);

Reason: The site would not be suitable for uses within Use Class B8 due to the inadequate local highway network. This in accordance with Policy T21 of The Maidstone Borough-Wide Local Plan 2000.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.