

REFERENCE NO - 23/502873/FULL		
APPLICATION PROPOSAL Part Demolition and conversion/change of use of existing cold store to provide 19 individual commercial units for general industrial (Class B2) and storage and distribution (Class B8) use, widening and resurfacing of existing access track, associated new parking areas and landscaping, and 4 waiting/passing bays on Bicknor Road.		
ADDRESS Swanton Farm, Bicknor Road, Bicknor, ME9 8AT		
RECOMMENDATION – APPROVE PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> Local Plan policies allow for the conversion, re-use, and adaptation of rural buildings in the countryside and the proposed conversion works would improve the appearance of the existing building and reduce its impact upon the countryside and Kent Downs National Landscape (KDNL). The proposed landscaping would further reduce the visual impact of the building and result in some enhancement to the landscape. The 4 passing bays and widened access on Bicknor Road would cause some harm to the rural character of the road but this is not considered to be at a significant level. In balancing this harm against the overall landscape benefits from the development it is considered the overall impact on the KDNL is positive. The proposals would result in a low increase in vehicle movements beyond the existing use fallback position and no objections are raised by the Highways Authority. Conditions requiring an acoustic fence, noise management, and limiting hours of use would protect residential amenity. The proposals comply with all relevant Development Plan policies and permission is therefore recommended subject to conditions. 		
REASON FOR REFERRAL TO COMMITTEE		
<ul style="list-style-type: none"> Former Ward Councillor Garten called the application to Planning Committee for the reasons outlined in the report. 		
WARD Harrietsham, Lenham and North Downs	PARISH COUNCIL Bicknor	APPLICANT Mr Peter Burbridge AGENT Prime Building Consultants Ltd
CASE OFFICER: Richard Timms	VALIDATION DATE: 06/07/23	DECISION DUE DATE: 31/05/24
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

84/1216 Construction of two steel framed storage buildings – Approved 25/10/84

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application relates to a large former agricultural cold store building that has most recently been used for general storage at Swanton Farm, which is just southeast of the small hamlet of Bicknor. It is accessed off Bicknor Road. There are two farm buildings immediately north and east.
- 1.02 The nearest dwellings are three properties within 'Apple Barn' immediately south and 'Captains Farm' just to the southwest.
- 1.03 The site is within the countryside falling within the Kent Downs National Landscape (KDNL). The Borough boundary with Swale is around 170m east of the building and runs along the north side of Bicknor Road to the east. There is Grade II* listed building (Bicknor Court) around 200m northwest of the building.

2.0 PROPOSAL

2.01 Permission is sought for the following:

- Part demolition and conversion/change of use of existing cold store to provide 19 commercial units for general industrial (Class B2) and storage and distribution (Class B8) uses (3,050m² of floorspace)
- Widening and resurfacing of existing access track and new parking areas.
- Creation of 4 waiting/passing bays on Bicknor Road.

2.02 These proposals will be outlined in more detail in the assessment.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review 2024: LPRSS1, LPRSP9, LPRSP11, LPRSP11(B), LPRSP12, LPRSP14, LPRSP14(A), LPRSP14(B), LPRSP15, LPRHOU1, LPRTRA1, LPRTRA2, LPRTRA4, LPRENV1, LPRQD1, LPRQD2, LPRQD4, LPRQD5
(The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on 20th March 2024. There have been two strategic level challenges to adoption.)

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

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Kent Downs AONB Management Plan: SD3, SD7, LLC1

Supplementary Planning Documents: Air Quality Guidance (2017)

4.0 LOCAL REPRESENTATIONS

4.01 **Bicknor Parish Council:** No comments received.

4.02 **(Neighbouring) Hollingbourne Parish Council:** Wish to see the application refused and reported to Planning Committee if officers disagree - *"The Hollingbourne Parish Council feels that the planning proposal will lead to increased traffic flows on an inadequate road layout through to the A249 and A20."*

4.03 **(Neighbouring) Bredgar Parish Council (Swale District):** Raise objections for the following (summarised) reasons:

- Application exceeds the scope of farm diversification and amounts to the establishment of an industrial estate, deep in the heart of the AONB.
- Location is unsuitable with no realistic transport alternatives to increasing local traffic levels on unsuitable roads.
- Consider trip estimations to be an underestimate.
- Will increase traffic through the village.
- No plan for limiting light pollution in AONB.
- If permitted uses should be limited to agriculture.

4.04 **Local Residents:** 9 representations received raising the following (summarised) points:

- Wholly inappropriate in the AONB.
- Will change the appearance and characteristics of the area.
- Increased traffic.
- Highway safety.
- Narrow lane is unsuitable for additional traffic.
- HGVs already cause problems on local roads and through Hollingbourne.
- HGVs cause vibration close to a listed building.
- Increased pollution from HGVs.
- Increased noise.
- Light pollution.
- Impact on bats.
- Roadside verges already being damaged.
- Passing bays should be provided whether this application is allowed or not.
- Wrong location.

4.05 **Former Ward Councillor Garten:** Called the application to committee for the following (summarised) reasons:

- Should be tested against AONB designation to conserve and enhance the natural beauty.
- Landscape Character Assessment objectives is to seek to conserve the small scale of the roads and villages and the remote quality of the countryside.
- Agriculture and tourism are welcome in the AONB but a mixed use industrial estate neither serves nor enhances the landscape.
- Environmental Health conditions should be implemented.
- Support Hollingbourne Parish Council's views.

5.0 **CONSULTATIONS**

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

5.01 **Natural England: No objections** and considers the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

5.02 **Environment Agency: No objections subject to conditions** re. contaminated land, surface water infiltration, foul drainage, and piling.

5.03 **KCC Highways: No objections subject to conditions** re. maintenance of access and visibility splays, passing bays on Bicknor Road, retention of parking and turning areas, and a construction management plan.

5.04 **Kent Downs National Landscape Unit:** Consider the proposed use and scale of the development is wholly inappropriate in the sensitive location and contrary to relevant policies and the AONB Management Plan. Raise the following summarised points:

- Increased activity and vehicular movements would impact on the tranquillity of the Kent Downs National Landscape.
- Harm to the character of Bicknor Lane from the proposed passing bays and entrance to the site, which would not further the conservation or enhancement of the natural beauty of the Kent Downs National Landscape.
- The proposals would not deliver the overall aims and objectives of the Kent Downs Management Plan.
- Very concerned about the proposed use of white render on the buildings and a more recessive, darker colour should be used, or the use of render should be substituted with a material such as timber weatherboarding which would better reflect the rural location and be more locally distinctive.
- The proposals would not further the purposes of the AONB as required in the strengthened duty under the relevant legislation.

5.05 **KCC Ecology: No objections subject to conditions** and query need for the loss of alder trees.

5.06 **KCC LLFA: No objections subject to conditions** re. fine details of the SUDs scheme.

5.07 **MBC Landscape Officer: No objections** on landscape and arboricultural grounds subject to conditions.

5.08 **Environmental Health: No objections subject to conditions** re. noise, lighting, odour/fumes, foul drainage, contaminated land, and code of construction.

5.09 **Kent Police:** Provide advice re. crime prevention measures.

5.10 **Southern Water:** Make comments on SUDs.

6.0 APPRAISAL

6.01 The key issues are considered to be the following:

- Policy Context & Assessment
- Impact on the Character and Appearance of the Area and the Kent Downs National Landscape
- Highways
- Impact on GII* Listed Building
- Residential Amenity
- Other Matters including Drainage, Ecology and Representations

Policy Context & Assessment

Local Plan Policy & Principle of the Development

6.02 Policy LPRQD5 of the Local Plan Review (LPR) allows for the conversion, re-use and adaptation of rural buildings in the countryside. The reasoning being that if a building

already exists in the countryside, its re-use can be acceptable subject to the criteria. Therefore the proposals are acceptable in principle subject to consideration of the impact on the area including the Kent Downs National Landscape (KDNL); the scope of the conversion works required; impact of the proposed parking and any other ancillary works; and traffic impact.

Kent Downs National Landscape

6.03 The site is within the Kent Downs National Landscape (KDNL) and the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in these areas which have the highest status of protection and that the scale and extent of development within these areas should be limited. Local Plan policy reiterates this.

6.04 The Levelling Up and Regeneration Act has amended and strengthened the previous legal duty in respect of National Landscapes stating:

"In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."

6.05 These requirements need to be considered in assessing the impacts of the proposed development which is carried out below.

6.06 The NPPF also states at paragraph 177 that permission should be refused for 'major development' other than in exceptional circumstances. It states that,

"Whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined."

6.07 In summary, the proposals are for the re-use and conversion of an existing building involving some reductions to it and new car parking. Because the proposals re-use an existing building it is considered the nature and scale of this proposal is not a 'major development' for the purpose of paragraph 177. The proposals will generate vehicles movements but for the reasons outlined below they would not result in a significant increase above those that could already occur.

Conversion Works & Impact on the Character and Appearance of the Area and Kent Downs National Landscape

6.08 LPR policy states that the existing building should be of a form, bulk, scale and design which takes account of and reinforces landscape character; is of sound construction such that major or complete reconstruction is not required; and the proposed works are sensitive to the building and landscape.

6.09 The existing building site is made up of a series of connected structures of different form, appearance, and size. Together they make up a very large building which detracts from the local area. However, the building obviously exists and the proposed works in my view would result in an improvement at the site as a large unsightly two storey part would be removed on the northwest side of the building and replaced with a single storey element, and central sections would be demolished reducing some of the building's mass and impact.

- 6.10 A letter from a structural engineering company states the buildings are in a fair/good condition and are structurally robust and permanent and so suitable for conversion. The structural and external walls would be retained as would the roof frames and I have no reason to dispute the opinion of the structural engineers. Having viewed the buildings they generally appear capable of conversion/re-use rather than having to be re-constructed, with only a modest replacement single storey section on the west side.
- 6.11 The external conversion works involve replacing the corrugated roof sheeting with grey metal sheeting, new window and door openings including roller shutter doors, and cladding of the external brick walls in timber on all elevations. There are some first floor sections of the existing building which are proposed to be faced with white render but I agree with the National Landscape Unit that a dark colour is more appropriate which can be secured by condition. The current building is largely faced in white painted brickwork and stands out so it is considered the external works to the building would improve its appearance and lessen its impact with a traditional material used in the timber cladding which should be a dark colour, and muted or dark colours for the roof, first floor and doors which can be secured by condition.
- 6.12 In terms of other development, 12 new parking spaces are proposed to the south of the building. This area has been laid with hardcore which does not benefit from planning permission and was formerly an area of scrub/edge of an arable field. The back of the spaces would be in line with the rear of the adjacent building and so would not protrude into the countryside. Landscaping has also been negotiated here to provide a double staggered native hedgerow alongside the parking and a double row of native trees to the south which not only screen the parking but would break/soften views of the existing building from the south where it is currently highly visible.
- 6.13 On the west side of the building a further 13 new parking spaces are proposed but these are well screened by existing trees here. No dig methods of construction are proposed for some of these spaces to ensure no harm to the existing trees which can be secured by condition. Some parking would be provided under cover of the existing building to the north which would have a minimal impact.
- 6.14 The existing access track would be resurfaced in tarmac and widened slightly to 5m, and where it meets Bicknor Road the bell mouth would be widened on the south side with the removal of some trees. Whilst the access track already exists, its impact is fairly limited and it is rural in appearance. The proposals would urbanise the access and so a double staggered native hedgerow either side for the length of the road has been negotiated and tree and shrub planting behind the widened splay to mitigate the impact. With this secured by condition, I consider the impact would not be harmful.
- 6.15 The 4 passing bays on Bicknor Road would be on its south side and the applicant has provided evidence that they own the land required for these passing bays. Two of the locations already have an informal 'bay' and one of these would be properly surfaced with the other increased in size. The two others would be new passing bays. Three of the bays would require the removal of sections of the existing shelter belt trees and a replacement hedge is proposed behind the new passing bays.
- 6.16 The passing bays would result in an urbanising impact upon the rural lane. However, it is noted the Council accepted the impact of 4 slightly larger passing bays under application 18/501312/FULL in relation to a new cold store building to the south of the application site that was submitted by a different applicant. The requirement for them was removed under an approved section 73 application as they could not be

delivered by the applicant (who did not own the land) but the impact had been accepted. Therefore it would be inconsistent to now find these passing bays unacceptable in terms of their visual impact. However, they would still cause some harm to the character of the lane but I do not consider it is at a 'significant' level, which is the bar set in the LPR in terms of impact on the countryside under policy LPRSP9.

- 6.17 There is a former concrete access road to the south of the building which is no longer in use. It is proposed to remove the concrete and landscape this area including with new trees which will provide a small improvement to the landscape.
- 6.18 The passing bays on Bicknor Road would cause some harm to the rural character of the lane as would the widened access into the site but this is not considered to be at a significant level. The changes to the building in reducing its massing, cladding it in better quality materials and darker/muted colours would reduce its impact on the landscape, and the proposed landscaping to the south would also reduce its visual presence and result in some enhancement to the landscape. In balancing the harm against the landscape benefits from the development it is considered the overall impact on the KDNL is positive. So whilst giving great weight to the harmful impacts from the highway works on Bicknor Road, the proposals overall are considered to further the purpose of conserving and enhancing the natural beauty of the KDNL. This is in accordance with principles SD3 and LLC1 of the KDNL Management Plan.

Highways

Access

- 6.19 There are two existing access points which will both be closed off and landscaped and the only access would be via the track that will be upgraded to the south to Bicknor Road. KCC Highways have no objections to this proposed access and they also consider the swept paths for vehicles within the site are acceptable.

Traffic Impacts

- 6.20 The applicant has submitted a Transport Statement which includes a comparison of the vehicle trips that could occur at the site against the proposed uses. It outlines the existing lawful use of the building is for B8 storage and distribution. Whilst there is no lawful development certificate in place, the applicant has provided six letters from businesses stating they have used the building for storage purposes for between 4 and 12 years. There is no evidence to dispute this so on balance the fallback position of the building being in B8 use is accepted.
- 6.21 Taking into account the traffic from existing uses is generally an accepted position under planning applications. Despite the buildings not currently being in use and the roof coverings having been removed in places, they were used up until last autumn, and the building has not been 'abandoned' for planning purposes. It is also noted the Highways Authority (KCC) raise no objections to this approach.
- 6.22 The applicant compared the traffic that could flow from the existing B8 use using the 'TRICS Database' with the predicted traffic from the proposed development resulting in a net impact.
- 6.23 The predicted total 2 way vehicle trips from the existing uses in the AM peak are 20 and in the PM are 19. The predicted total 2 way vehicle trips for the proposed development in the AM peak are 27 and in the PM are 25. The net impact is therefore

an increase of 7 trips in the AM peak and 6 trips in the PM peak. Across the whole day there would be an increase of 48 two way trips.

- 6.24 In comparison to the existing use the proposals would therefore have a negligible impact during the peaks and would not result in any traffic capacity issues. KCC Highways accept this position and raise no objections.
- 6.25 As pointed out by the National Landscapes Unit, the tranquillity of the KDNL is one of its special qualities. As the increase in vehicle movements beyond what could potentially occur at the site is not significant, it is considered the proposals would not have a significant or harmful impact on the tranquillity of the KDNL in accordance with principle SD7 of the KDNL Management Plan.

Passing Bays

- 6.26 KCC Highways are satisfied with the passing bays in terms of highway safety and visibility provided between them.

Parking

- 6.27 45 spaces for cars are proposed and 12 spaces for goods vehicles. KCC Supplementary Planning Guidance Note 4 (SPG4) from 2006 are the parking standards used by the LPA for non-residential uses and require a maximum of 39 car spaces and 12 spaces for good vehicles taking a middle point between the B2 and B8 uses. Whilst there are 6 more car spaces than the standards this is not grounds to refuse permission and KCC Highways raise no objections. Cycle parking for 4 bikes is proposed outside of buildings and other cycle storage internal to buildings, which is acceptable and can be secured by condition.

Impact on GII* Listed Building

- 6.28 Due to the distance (around 200m) and intervening vegetation the proposals would have no impact upon the setting of Grade II* listed Bicknor Court to the northwest.

Residential Amenity

- 6.29 The proposals are for B2 and B8 uses. B2 uses are 'general industrial' and have the potential to create noise and disturbance including from vehicle movements around the site such a forklifts and there are dwellings just to the south of the site. The applicant has therefore submitted a noise assessment in accordance with BS:4142 (Method for Rating and Assessing Industrial and Commercial Sound), which concludes that noise from within the units would not be harmful, and subject to a 2.6m acoustic fence being provided along the south boundary, the impacts from noise around the site would be acceptable within the nearby gardens or dwellings. A noise management plan is also recommended relating to general noise around the site, switching engines off, and roller shutter doors being closed when not in use etc. Environmental Health have reviewed the assessment and raise no objections subject to conditions. I also consider it is appropriate to limit hours of use due to the proximity of nearby residential properties.
- 6.30 External plant or equipment can be controlled by condition to ensure no harmful impacts from noise and there is the potential for smells and odours from B2 uses and so conditions are required for details of any extraction systems.

Other Matters including Drainage, Ecology and Representations

Drainage

- 6.31 Surface water would be discharged via new soakaways. KCC LLFA raise no objections to these proposals subject to conditions to secure the detailed design and as the soakaways may need to be deeper than normal due to the underlying geology.

Ecology

- 6.32 Assessments and surveys submitted confirm that foraging/commuting pipistrelle bats are present and that the site has potential to support dormouse and reptiles. The surveys conclude that it is unlikely that bats are currently roosting within the site or GCN are present. As the site is largely hard standing KCC Ecology are satisfied any impact on reptiles and dormouse can be avoided through a precautionary mitigation approach re. any vegetation removal. In terms of bats, conditions can control lighting to ensure it minimises light spill and impacts upon them which is also necessary to limit the impact on the KDNL. KCC Ecology have raised the potential impact on foraging bats through the removal of trees for the passing bays but with replacement hedge planting being secured I do not consider this would be unacceptable.
- 6.33 In terms of biodiversity net gain (BNG) the appellant has not provided a BNG assessment because the application was submitted in advance of it becoming mandatory and the LPR policy only requires BNG (20%) on residential development and not commercial. As the only additional development are the parking areas and passing bays, the proposed landscaping in the form of trees, wildflower meadow, and native hedges would provide net gains for biodiversity. Integral nesting features and hibernacula can also be secured by condition as enhancements.

Representations

- 6.34 Representations received and not considered under the sections above include sustainability of the location; air pollution; and HGV impact on local roads. The proposals are not in a sustainable location but as an exception Local Plan policies allow for the conversion/re-use of buildings because they already exist and do not qualify this in terms of their location or access to public transport. As the proposals will not significantly increase traffic there would not be any significant impacts on air quality nor is there an air quality management area nearby that would be affected. In terms of HGV's the Highways Authority has raised no objections.

Public Sector Equality Duty

- 6.35 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

- 6.36 The proposed development is not CIL liable.

7.0 CONCLUSION

- 7.01 Local Plan policies allow for the conversion, re-use and adaptation of rural buildings in the countryside. The building is capable of conversion and the proposed works would improve its appearance and reduce its impact upon the countryside and Kent

Downs National Landscape (KDNL), and the proposed landscaping would further reduce its visual presence and result in some enhancement to the landscape in accordance with Local Plan countryside policies and the KDNL Management Plan.

- 7.02 The 4 passing bays and widened access on Bicknor Road would cause some harm to the rural character of the lane but this is not considered to be at a significant level. In balancing this harm against the landscape benefits from the development referred to above, it is considered the overall impact on the KDNL is positive. So whilst giving great weight to the harmful impacts from the highway works on Bicknor Road, the proposals overall are considered to further the purpose of conserving and enhancing the natural beauty of the KDNL.
- 7.03 The proposals would result in a low increase in vehicle movements beyond the fallback position and no objections are raised by the Highways Authority. Conditions requiring an acoustic fence, noise management, and limiting hours of use would protect residential amenity.
- 7.04 The proposals comply with all relevant Development Plan policies and permission is therefore recommended subject to the following conditions.

EIA Development	Yes
Comments	<p>Whilst the 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 a 'sensitive area' defined under the EIA Regulations being the Kent Downs National Landscape, however, the development would not have significant environmental impacts upon it 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 its potential impacts are not likely to give rise to significant effects on the environment and thus an EIA is not required.</p>

8.0 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:

Time Limit

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 shall be carried out in accordance with the following approved plans:

9000 Rev11 (Site Location Plan)
9000.4 Rev10 (Proposed Block Plan)
9003 Rev 07 (Proposed Ground Floor)
9004 Rev5 (Proposed First Floor Plan)
9008 Rev 06 (Proposed Elevations)
9009 Rev 06 (Proposed Elevations)
P22148 002 (Proposed Site Access Arrangement)
9000.1 Rev11 (Waiting Bays)
9000.2 Rev11 (Waiting Bays 1)
9000.5 Rev11 (Waiting Bays 2)

Reason: For the purposes of clarity and to ensure a satisfactory appearance to the development.

3. The development shall be carried out in accordance with the mitigation measures set out at Section 4 of the Biodiversity Mitigation and Enhancement Strategy (December 2023).

Reason: To protect biodiversity.

4. The development shall be carried out in accordance with the Arboricultural Report and Method Statement (May 2023) including the tree protection measures and no-dig construction and in accordance with the Tree Protection Plan (May 2023).

Reason: To protect retained trees.

Pre-Commencement

5. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- b) A site investigation, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (b). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

- d) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (c). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

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

Reason: In the interests of human health.

6. No development (except for demolition/site clearance) shall begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (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. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

7. No development shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority and the details shall include the following:

- a) Dark stained timber boarding.
b) Dark or muted coloured render.
c) Dark or muted coloured roof sheeting.

The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

8. No development shall take place until written details and images of all surface materials have been submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

Pre-Occupation

9. The development shall not be occupied until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
- a) A scheme designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012).
 - b) Details of the number, size, species, maturity, spacing and position of existing/proposed native trees and landscaping.
 - c) A ten 10 year landscape management plan.
 - d) A scheme following the landscaping proposals shown on drawing no. 9000.4 Rev10 to include:
 - i) Double staggered native hedging along the east side of the eastern parking area;
 - ii) Double staggered native hedging along both sides of the access road into the site;
 - iii) Native tree and shrub planting on the south side of the access;
 - iv) Native tree and shrub planting on and along the accesses/roads that are to be closed off;
 - v) Native shrub and tree planting within the site; and
 - vi) Native tree/hedge planting along the rear of the passing bays on Bicknor Road.

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

10. All landscaping specified in the approved landscape details shall be carried out in the first planting season (1st October to the end of February) following the first occupation/use of the buildings or in accordance with a timetable previously agreed with the Local Planning Authority. The approved landscaping shall be retained for at least 10 years following its implementation and shall be managed and retained strictly in accordance with the approved specification/management plan, and any approved or retained seeding or turfing which fails to establish or any trees or plants which, before a period of 10 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: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

11. The development shall not be occupied details of the following biodiversity enhancements and their implementation have been submitted to and approved in writing by the local planning authority:
- a) Bat, bird and dormouse boxes
 - b) Reptile hibernacula

The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity enhancement.

12. The development shall not 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 in writing 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, and to ensure that the development as constructed is compliant with and subsequently maintained.

13. The development shall not be occupied until details and specification of the 2.6m high acoustic barrier/fence and its precise location in line with the Noise Impact Assessment (October 2023) have been submitted to and approved in writing the by the local planning authority. The approved fence shall be installed prior to the occupation/use of any buildings and thereafter retained.

Reason: To protect the amenity of nearby residential properties.

14. The development shall not be occupied until a noise management plan has been submitted to and approved in writing by the local planning authority. The plan shall include but not be limited to the control of noise from plant and machinery, noise from internal and external activities, and cover the matters outlined at section 5.1 of the Noise Impact Assessment (October 2023). The plan should include procedures for response to complaints from residents or the local authority. It should include a review mechanism in response to justified complaints. The development shall be operated in accordance with the approved plan.

Reason: In the interests of residential amenity.

15. The development shall not be occupied until the passing bays on Bicknor Road as shown on drawing nos. 9000.1 Rev11, 9000.2 Rev11, and 9000.5 Rev11, or as otherwise agreed with the Highways Authority, have been provided in full.

Reason: In the interest of highway safety.

16. The development shall not be occupied until the access as shown on drawing no. P22148 002 (Proposed Site Access Arrangement) has been provided and thereafter retained.

Reason: In the interest of highway safety.

17. The development shall not be occupied until the two existing access points to the west of the building have been closed off as shown on drawing no. 9000.4 Rev10.

Reason: In the interests of road safety.

18. The development shall not be occupied until details of all external lighting has been submitted to and approved in writing by the local planning authority which shall include the following:
- a) Designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'1.
 - b) Downward facing.
 - c) On motion sensors or timers so switched off when not required.

The lighting shall be carried out in accordance with the approved scheme.

Reason: In order to limit the impact of lighting on the local area and upon protected species.

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

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

20. The development shall not be occupied until detail of external and internal cycle parking have been submitted to and approved in writing by the local planning authority. The approved parking shall be available prior to the occupation of the development and thereafter retained.

Reason: To promote alternative travel options.

21. The development shall not be occupied until details of all plant and equipment, with an acoustic assessment of their impact and any necessary mitigation, have been submitted to and approved in writing by the local planning authority. The rating level of noise emitted from any proposed plant and equipment to be installed on the site (determined using the guidance of the current version of BS:4142 for rating and assessing industrial and commercial sound) shall be low as reasonably possible. In general, this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5dB the applicants consultant should contact the Environmental Protection Team to agree a site-specific target level. The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant no new plant shall be used without the written consent of the local planning authority.

Reason: In the interested of residential amenity.

22. The development shall not be occupied until details of all measures to be taken to deal with the emission of dust, odours or vapours arising from the site have been submitted to and approved in writing by the Local Planning Authority. 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 interested of residential amenity.

Restrictions

23. The buildings shall be used for B2 or B8 uses only and for no other purpose (including any other use permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: To meet the terms of the permission and other uses may not be acceptable at the site.

24. No open storage outside of buildings of any materials or products shall take place on the land.

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

25. No activity in connection with the uses hereby permitted including any deliveries shall be carried out outside the hours of 7am and 10pm and not at any time on Sundays, Bank or Public Holidays.

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

26. No infiltration of surface water drainage into the ground is permitted unless approved under the surface water drainage scheme for the development.

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.

27. 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 by a piling 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.

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