

SUMMARY

REFERENCE NO - 16/507292/OUT			
APPLICATION PROPOSAL			
<p>Outline Application with access matters sought for development of medical campus comprising up to 92,379 m² of additional floorspace (including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training facilities with residential accommodation (class C2/D1); keyworker accommodation for nurses and doctors (class C3); pathology laboratories (class B1); business uses (class B1); ancillary retail services (class A1, A2, A3); and up to 116 bed class C2 neuro-rehabilitation accommodation; internal roads and car parks, including car park for residents of Gidds Pond Cottages; hard and soft landscaping including creation of a nature reserve (to renew existing consent 13/1163).</p>			
ADDRESS Newnham Park, Bearsted Road, Weaving, Kent			
RECOMMENDATION – The Head of Planning & Development be given Delegated Powers to grant planning permission subject to conditions and a Section 106 Agreement subject to the expiry of the newspaper advert and no new material issues being raised			
SUMMARY OF REASONS FOR RECOMMENDATION			
<p>The proposed development would represent a departure from the Development Plan in that it falls outside any settlement boundary within the Maidstone Borough-wide Local Plan 2000.</p> <p>However, the site is allocated for the development/uses proposed in the emerging Maidstone Local Plan (2011-2031) under policy RMX1(1), which is considered to attract significant weight, and there is an extant planning permission for similar development as proposed. As such, the conflict with the Local Plan 2000 is considered to be outweighed by these factors, and for the reasons outlined in the main report the proposals are considered to be acceptable subject to conditions and a Section 106 agreement.</p>			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> • Departure from the Development Plan 			
WARD Boxley	PARISH COUNCIL Boxley	APPLICANT Kent Medical Campus Ltd AGENT DHA Planning	
DECISION DUE DATE 03/02/17	PUBLICITY EXPIRY DATE 03/02/17	OFFICER SITE VISIT DATE 25/11/16 & 17/01/17	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
16/500360	Approval of Reserved Matters following outline planning permission MA/13/1163 for the erection of a 65-bed hospital, with associated parking and landscaping. (Cygnet Hospital)	Approved	29/04/16
15/510037	Removal of condition 20 of MA/13/1163 (air quality mitigation measures)	Approved	02/08/16
15/504202	Construction of spine road and new bridge over existing stream to enable future development on land at Kent Medical Campus, together with creation of two attenuation ponds for surface water drainage purposes	Approved	10/08/15
13/1163	Outline application for the development of a medical	Approved	23/04/13

	campus comprising up to 98,000sqm of additional floor space (including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training facilities with residential accommodation (class C2/D1); key worker accommodation for nurses and doctors (class C3); pathology laboratories (class B1); business uses (class B1); ancillary retail services (class A1, A2, A3); and up to 116 class C2 neuro-rehabilitation accommodation units; internal roads and car parks, including car park for residents of Gidds Pond Cottages; hard and soft landscaping including creation of new woodland area with access for consideration and all other matters reserved for future consideration.		
09/0973	Application for amendments to MA/07/0382 being changes to building names, minor increase in building footprints, changes to building functional requirements, changes to approach and parking, changes to energy plant and oxygen plant, improvements to the environment and development of elevation materials.	Approved	15/10/09
07/0382	Tertiary Medical Centre comprising a complex of eight buildings ranging from two to four storeys, car parking, landscaping, access road and associated highways improvements. (KIMS Development)	Approved	01/08/08

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located on land to the north of Bearsted Road, within Boxley Parish and is to the east of the existing Newnham Court complex. To the north west is the Kent Institute of Medicine and Surgery (KIMS) medical buildings, which are between two and four storeys in height. The site is bounded to the north (Horish Wood) and east (Pope's Wood) by woodland and to the south by a row of cottages (Gidds Pond Cottages) and Bearsted Road. Both woodland areas are designated as Ancient Woodland (AW) and as Local Wildlife Sites (LWS). There is also a small area of AW to the east of Gidds Pond Cottages and trees on the site are covered by a Tree Preservation Order. There is a small stream and line of trees that run north to south in the centre of the site, with land rising either side to the east and west. The highest part of the site is within the northeast corner. There is a dwelling within the site at its south edge.
- 1.02 Bearsted Road forms the southern boundary of the site and there is an existing roundabout at the end of New Cut Road immediately outside the site. Westwards from the roundabout, Bearsted Road links to the A249. To the south, New Cut Road rises towards Grove Green. To the east of New Cut Road on significantly higher land than Bearsted Road lies an area of public open space now known as Weaving Heath.
- 1.03 The application site amounts to 17.8ha in area. Access to the site would be from the main road that serves the KIMS site (Newnham Court Way). The site is largely undeveloped agricultural land, however, there is a new road running eastwards off Newnham Court Way that has recently been completed to serve the 'Cygnet Healthcare' development, a 3/4 storey, 65 bed hospital that was approved in April last

year and is under construction. This development is in the southeast corner of the site. The majority of the site is located to the east of Newnham Court Way but there is a section to its west immediately south of the KIMS site.

- 1.04 The site lies outside the defined urban boundary within Maidstone Borough-Wide Local Plan 2000 and is therefore currently part of the countryside. It also lies within the Maidstone-Medway Strategic Gap and is also designated as part of the North Downs Special Landscape Area. The Newnham Court Inn (public house) is a Grade II Listed building to the west of the site within the retail complex. Within the emerging Local Plan, that has been through examination in public, the site is allocated for a medical campus of up to 100,000m² and falls within the settlement boundary and therefore not within the 'countryside'. (The policy background will be discussed in more detail below).
- 1.05 The site has also been awarded Enterprise Zone (EZ) status by the Government in November 2015, which will be discussed in more detail later in the report. The site is considered to fall within the setting of the North Downs AONB.
- 1.06 The site benefits from outline planning permission (with access considered) that was granted in April 2013 for essentially the same development now proposed (ref. 13/1193). There are some differences which will be discussed below. This outline permission expires in April this year and so is an extant permission which is a significant material consideration. As outlined above, a new hospital has been approved and is being constructed pursuant to this outline consent.

2.0 PROPOSAL

- 2.01 Outline permission (with access considered) is sought for the development of medical campus comprising up to 92,379 m² of floorspace including:
- Hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1)
 - Education and training facilities with residential accommodation (class C2/D1);
 - Keyworker accommodation for nurses and doctors (class C3 - residential);
 - Pathology laboratories (class B1);
 - Business uses (class B1);
 - Ancillary retail services (class A1, A2, A3); and
 - Up to 116 bed class C2 neuro-rehabilitation accommodation;
 - Internal roads and car parks, including a car park for residents of Gidds Pond Cottages; and hard and soft landscaping including the creation of a nature reserve.

This application is in effect to renew existing consent 13/1163 which expires in April.

- 2.02 The planning application is being made in outline, with all matters reserved for future determination except for means of access into the site being Newnham Court Way and the recently completed eastern road. As a result, should outline planning permission be granted, it will be necessary in future to submit applications for the approval of reserved matters before any buildings can be constructed. However, any approval of this application would approve up to 92,379 m² of floorspace for the uses described above.
- 2.03 The Design & Access Statement refers to the site as the 'Kent Medical Campus' and outlines that *"the Kent Medical Campus proposal could include:*

- *A Specialist Paediatrics Unit – preliminary discussions are underway with a leading London University about creating a satellite unit in Maidstone;*
- *A Specialist Women’s Health Unit, including a new maternity birthing unit for Maidstone;*
- *A Neurological Rehabilitation Centre providing specialist rehabilitation services and accommodation for those with medium and long-term needs, such as those with Multiple Sclerosis, Dementia and traumatic brain injuries;*
- *Clinically dependent accommodation;*
- *A Medical Training Centre together with Graduate and Post Graduate teaching facilities in conjunction with leading Universities;*
- *Research and development and other office facilities. These would include a wide range of medical-related businesses;*
- *Education, accommodation and conference facilities – these would provide a medical training centre and accommodation for doctors and visiting professionals;*
- *Postgraduate medical training facilities would be used to train doctors and other medical staff from across the UK and beyond, bringing spin-off benefits for other industries; and*
- *Pathology Laboratories providing a central facility for use by Kent hospitals.”*

2.04 The table below sets out proposed maximum floor spaces for certain use classes forming part of the proposed development.

Use Class	Maximum Amount of Development
C2 Hospital, Care & Medical Treatment Uses	Unrestricted (within 92,379m ² total site maximum)
B1(a) and B1(b) Offices/Research & Development (inc. pathological laboratories)	24,750m ²
D1 University & Education Uses	26,250m ²
C2 Neuro Facility incorporating care assisted houses and a day centre	116 Units (in addition to 92,379m ² total site maximum)
C2/C3 Nurses & Medical Student Accommodation	650 bedspaces
A1/A2/A3 Ancillary retail/café and other facilities	1,000m ² (with no single unit greater than 500m ²)

2.05 The plan below illustrates the location and maximum size of the development parcels for the proposed development. The development areas are shown in blue with the yellow areas being used for structural landscaping and infrastructure. It is proposed that any of the uses being applied for could be situated within any of the development parcels (use classes A1, A2, A3, B1, C2, C3, and D1). The exact mix, quantum and location of the uses on the site would be subject to market demand and determined at the reserved matters stage.



Land Use Parameters Plan

- 2.06 Whilst scale is not being considered at this stage, the applicant has indicated the maximum building heights which range from 2-4 storeys across the site. The plan below illustrates the range of heights being put forward at this stage.
- 2.07 In terms of open space and landscaping, the development will maintain a 15m built development free buffer around the perimeter of the site adjacent to existing AW and 15m either side of the stream. In addition, structural native species landscaping would be provided around some of the boundaries and through the centre of the site adjoining the stream to include attenuation basins as part of the SUDs strategy. The structural landscaping would extend along the northern and southern boundaries. Avenue planting is proposed along Newnham Court Way and the completed eastern spine road (Gidds Pond Road). The south eastern area of the site is proposed for the creation of a new nature reserve with a series of meadows and woodland glades.
- 2.08 In terms of access, this would utilise the existing access from the New Cut Roundabout, and the completed Gidds Pond Road to the east. No further access roads are being proposed as part of this application and any future spur roads would come forward as part of future reserved matter applications. A circular footpath is proposed for the site from New Cut Road adjacent to Gidds Farm Cottages opposite the existing footpath on the adjacent side of the road. The footpath will follow the existing brook north across the site before turning east and into the proposed nature reserve.
- 2.09 Below is an illustrative plan, which whilst not being assessed as part of the application, shows how the site could be developed. (The application site is the areas outlined in red). This shows buildings set within landscaped plots, structural landscaping areas,

new ponds though the centre of the site along the stream, buffers to the AW areas, and the new nature reserve in the southeast corner.



Illustrative 'Vision' Plan

2.10 The application is accompanied by an Environmental Statement in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

3.0 PLANNING HISTORY & BACKGROUND

3.01 Outline planning permission (with access considered) was granted in April 2013 for essentially the same development now proposed. This outline permission expires in April this year and so is an extant permission which is a significant material consideration. Reserved matters pursuant to that outline were approved in relation to the 'Cygnet' development only.

3.02 The outline permission is subject to various conditions and a detailed section 106 agreement which amongst other matters secure financial contributions towards bus service enhancements, education, libraries, youth services, and parking controls; secures off-site highways works; the provision of a neuro rehabilitation centre; the delivery of medical facilities and key workers accommodation; a travel plan; landscape and ecology management and maintenance; local employment during construction; and a site/development monitoring committee. The outline consent was subject to the standard 3 year time limit to submit reserved matters. As outlined above, the 'Cygnet' development has been approved under these reserved matters but no other development has to date. This new application has been submitted because this permission is soon to expire.

3.03 There are differences from the extant permission which can be summarised as follows:

- Reduction in the proposed floorspace by 5,621m² (this being the floorspace of the 'Cygnet' development).
- The applicant now seeks a 10 year consent to submit reserved matters on the basis that the site is considered to be complex and will be delivered over several years, and that having to reapply for planning permission every three years is considered to be an unnecessary expense.
- Change to the neuro-rehabilitation element. This was previously a 116 bed 'neuro-rehabilitation village' which would have provided care for patients and to accommodate family members. Neuro-rehabilitation uses are still proposed which may be in the same format but may be in more traditional care accommodation.
- Change to the nature reserve element. The previous description referred to a 'woodland area' of development. Whilst this continues to be proposed, discussions are ongoing as to whether a wooded parkland approach might be more appropriate in this area and so the description just refers to a 'nature reserve' to allow flexibility.

4.0 POLICY AND OTHER CONSIDERATIONS

- **The National Planning Policy Framework (NPPF)**
- **National Planning Practice Guidance (NPPG)**
- **Maidstone Borough-Wide Local Plan 2000:** ENV28, ENV31, ENV34, ENV49, H26, T3, T13, T21, T23, CF1, CF16
- **Draft Maidstone Local Plan 2011-2031 (Submission Version):** SS1, SP1, RMX1(1), DM1, DM2, DM3, DM5, DM7, DM24, DM25, DM27
- **The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)**
- **Kent Minerals and Waste Local Plan (2013-2030)**
- **Kent Downs AONB Management Plan (2014-2019)**
- **MBC Economic Development Strategy (2015-2031)**
- **North Kent Innovation Zone Enterprise Zone**

5.0 LOCAL REPRESENTATIONS

5.01 **Local Residents:** 8 representations received from local residents raising the following (summarised) issues:

- Light pollution and impact upon outlook of houses at Gidds Pond Cottages.
- Footpath along Bearsted Road is not maintained.
- There should be more landscaping.
- Lack of notification.
- Pollution.
- Noise pollution.
- Traffic.

- Question relating to the proposed car park for Gidds Pond Cottages.
- Question as to why significant information has been submitted when the application only relates to access.
- 10 year permission is too long to assess potential effects.
- Newnham Court (dwellings) is incorrectly shown on the plans and a noise assessment has not been taken from that property. Noise assessment is inaccurate.
- Will the development be connected to the main sewers.

5.02 **Woodland Trust: Raises objection** on the grounds of damage to Ancient Woodland and consider that a 50m buffer to woodland should be provided.

6.0 **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)

6.01 **Boxley Parish Council: No objections**

6.02 **Highways England: No objections** subject to a condition to secure upgrade works to the M20 Junction 7 as per the previous approval and a financial contribution towards the M2 Junction 5. They are satisfied with the previously approved/agreed trigger points for these works.

6.03 **Environment Agency: No objections** subject to conditions relating to contamination and to safeguard groundwater.

6.04 **Natural England: No objections**

6.05 **KCC Highways (Highway Authority): No objections** subject to conditions/s106 requiring the off-site highways mitigation works as per the previous triggers points, bus improvements, car park management, and a travel plan.

6.06 **KCC (Local Lead Flood Authority): No objections** subject to a condition requiring the detailed design of sustainable surface water drainage including details of implementation, maintenance and management; and no infiltration subject to agreement.

6.07 **KCC (Economic Development):** Request a financial contribution towards library bookstock of £16,805.54 as a result of the additional demand from the residential accommodation element of the application.

6.08 **MKIP Environmental Health: No objections** subject to conditions relating to air quality, details of plant or ducting systems, noise attenuation for residential uses, control of dust and smells, lighting, and construction management plan.

6.09 **MBC Conservation Officer: No objections** based on previous grant of consent. Less than substantial harm would be caused to the setting of the Grade II listed Newnham Court Inn.

6.10 **MBC Landscape Officer: No objections** provided previous parameters of outline permission are secured.

- 6.11 **MBC Economic Development Section:** The application is strongly supported by the Department.
- 6.12 **KCC Ecological Advice Service: No objections** subject to conditions.
- 6.13 **Southern Water: No objections** subject to a condition requiring off-site upgrade works in relation to foul drainage, or evidence to demonstrate flows would be no greater than the existing levels.
- 6.14 **South East Water: No objections** subject to a condition to ensure that all risks to groundwater have been fully considered and mitigated.
- 6.15 **Southern Gas Networks:** High pressure pipeline restrictions must be followed.
- 6.16 **Kent Police:** Recommend a condition to ensure crime prevention is addressed appropriately.
- 6.17 **Kent Downs AONB Unit:** No response received.
- 6.18 **UK Power Networks: No objections.**
- 6.19 **Health & Safety Executive:** No objections (The site is near to any hazardous installations or pipelines).
- 6.20 **Kent Wildlife Trust: No objections** subject to conditions.

7.0 APPRAISAL

Planning Policy

- 7.01 The Development Plan currently comprises the saved policies of the Maidstone Borough-Wide Local Plan 2000. As Members are aware, this will be replaced by the new Local Plan (2011-2031), which has been through public examination and is considered to hold significant weight.
- 7.02 Nonetheless, the site is located within the countryside outside of any settlement boundary within the Maidstone Borough-Wide Local Plan 2000 (LP 2000) and so the proposals do conflict with the LP 2000, and this is why the application has been advertised as a Departure from the LP. However, a significant material consideration is the emerging Local Plan which allocates the site for use as a 'medical campus' under policy RMX1(1). This policy also relates to the Newnham Court shopping centre for retail use and covers both areas. The policy agreed by Full Council and submitted to the Local Plan Examination states as follows:

(The text relevant to the medical land, and thus the application, are highlighted in bold)

***“Newnham Park, as shown on the policies map, is allocated for a medical campus of up to 100,000m², a replacement retail centre of up to 15,000m² and a nature reserve. A development brief, to be approved by the council, will detail the way in which medical facilities, retail redevelopment and the nature reserve, together with integral landscaping and supporting infrastructure, are delivered in an integrated and coordinated manner. Planning permission will be granted if the following criteria are met.*”**

Design and layout

1. **Phased provision of a maximum of 100,000m² of specialist medical facilities set within an enhanced landscape structure of which 25,000m² will provide for associated offices and research and development.**
2. *Provision of a replacement garden centre and replacement retail premises of up to 14,300m² gross retail floorspace and additional provision of retail floorspace not exceeding 700m² gross retail floorspace which is not to be used for the sale of clothing, footwear, accessories, jewellery and watches. All replacement and additional retail floorspace shall be confined to the vicinity of the existing footprint of the current retail area as shown on the policies map. New additional non-A1 floorspace will not be appropriate. The retail development should include the provision of a bus interchange and a car park management plan.*
3. **Creation of a parkland nature reserve of approximately 3 hectares on land to the south east of the site, as shown on the policies map, and through a legal agreement transferred to a Trust.**
4. **Construction of buildings of high quality design in a sustainable form that reflect the site's prime location as a gateway to Maidstone.**
5. **Mitigation of the impact of development on the Kent Downs Area of Outstanding Natural Beauty and its setting through:**
 - i. *The provision of new structural and internal landscaping to be phased in advance of development;*
 - ii. *The retention and enhancement of existing planting. Where the loss of selected existing planting is unavoidable, appropriate compensatory planting must be provided;*
 - iii. *The use of the topography in site layout plans to exclude development on the higher, more visually prominent parts of the site;*
 - iv. *The restriction of building heights across the whole site to a maximum of two storeys. Exceptionally a building of up to 4 storeys could be accommodated on the land adjacent to the existing KIMS (phase 1) development to the immediate west of the stream and buildings of up to 3 storeys could be accommodated at the entrance to the site;*
 - v. *The use of low level lighting; and*
 - vi. *The use of green roofs where practical.*
6. **Medical facilities on land to the west of the existing stream will be delivered in advance of medical facilities on land to the east of the stream.**
7. *The additional retail floorspace must be of an out of town format that is complementary to town centre uses and, by means of a sequential sites assessment, demonstrably require an out of town location. Large scale retail warehousing style buildings will not be acceptable in this sensitive landscape location.*
8. *Submission of a retail impact assessment which clearly demonstrates that the retail development has no significant adverse impact on town and local centres.*
9. **Provision of a landscape buffer of between 15m and 30m in width along the northern and eastern boundaries of the site in order to protect Ancient Woodland, with tracts of planting extending into the body of the development.**
10. **Provision of a landscaped buffer of a minimum 15m in width on both sides of the existing stream running north-south through the site (minimum 30m width in total), in order to enhance the amenity and biodiversity of this water body.**
11. **Submission of a full landscape assessment to be approved by the council.**

Access

- 12. Vehicular access to the site from the New Cut roundabout, with bus and emergency access from the A249 Sittingbourne Road.**
- 13. Enhanced pedestrian and cycle links to the residential areas of Grove Green, Vinters Park and Penenden Heath, and to Eclipse Business Park.**
- 14. Submission of a Travel Plan, to include a car park travel plan, to be approved by the Borough Council.**

Archaeology

- 15. Provision of a watching archaeological brief in order to protect any heritage assets found on-site.**

Ecology

- 16. Submission of an ecology survey and detailed mitigation measures.**

Highways and transportation

- 17. Submission of a full Transport Assessment to identify off-site highway improvements to serve the development, to be secured in a phased manner by the provision of infrastructure or through contributions by means of a signed legal agreement prior to the commencement of development.**
- 18. Capacity improvements and signalisation of Bearsted roundabout and capacity improvements at New Cut roundabout. Provision of a new signal pedestrian crossing and the provision of a combined foot/cycle way between these two roundabouts.**
- 19. Traffic signalisation of the M20 J7 roundabout, widening of the coast bound off-slip and creation of a new signal controlled pedestrian route through the junction.**
- 20. Capacity improvements at M2 J5 (located in Swale Borough).**
- 21. Upgrading of Bearsted Road to a dual carriageway between Bearsted roundabout and New Cut roundabout.**
- 22. Increased frequency of 333 / 334 route to provide a bus service with 15 minute intervals between the site and the town centre, potentially to include the provision of bus priority measures on New Cut Road to include traffic signals at the junction with the A20 Ashford Road.**
- 23. Improved bus links to the site from the residential areas of Grove Green and Penenden Heath.**

7.03 Through discussions on the site/policy at the Local Plan Examination, and in response to matters raised by the Inspector, officers of the Council have proposed some modifications to the policy. For the medical element, these modifications do not represent any fundamental changes to the policy and are more about precision and clarification. These modifications have been presented to the Inspector but will need to be subject to public consultation in due course. An additional modification presented to the Inspector is for a review of the site to assess it's for an element of non-medical related B1a/b uses under the Local Plan Review in 2021. This will be to review progress with, and prospects for, the implementation of medical-related office development on the site and an updated assessment of the need for additional B1a/b floorspace.

7.04 The Local Plan Inspector provided his 'Interim Findings' on the Local Plan in December last year, a report produced to address a number of main matters which have been discussed at examination hearings to indicate where main modifications may or may not be required to make the Plan sound. It is intended to assist in

identifying where further work may be needed. These are interim findings and final and fuller conclusions on the matters and issues referred to will be set out in the Final Report of the Inspector at the end of the Examination process.

- 7.05 There is no comment within the Interim Findings by the Inspector on policy RMX1(1) and therefore it is reasonable to deduce that he has no in principle objection to the policy allocation. As such, the principle of a medical-based development at the site is considered to have been accepted by the Inspector, and this is considered to be a material consideration which adds weight to the draft policy.
- 7.06 Other relevant LP 2000 policies include ENV31 (Strategic Gap), ENV34 (Special Landscape Area), ENV49 (Lighting), H26 (Nursing/Residential Care Homes), T3 (Public Transport), T13 (Parking), T21 (Accessibility), T23 (Highway Works), CF1 (Community Infrastructure), CF16 (Sewage).
- 7.07 The Strategic Gap is not proposed to be taken forward in the new Local Plan and the site is allocated for development, so this is not considered to warrant grounds for objection to the proposals. The SLA is not proposed to be taken forward either. The remaining policies are relevant and their considerations are taken forward either in the site allocation policy, or specific policies in the new Local Plan as listed above in the policy section. These also cover more detailed matters such as design, heritage, air quality, lighting.

National Planning Policy Framework (NPPF)

- 7.08 The NPPF is a material planning consideration that sets a presumption in favour of sustainable development with three dimensions to sustainable development being economic, social and environmental roles. The NPPF states that the planning system supports this by contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; creating a high quality built environment; and contributing to protecting and enhancing our natural, built and historic environment.
- 7.09 In relation to development that could affect the setting of listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) places a duty on decision takers to pay special regard to the desirability of preserving that setting before granting planning permission.
- 7.10 Section 85 of the Countryside and Rights of Way Act 2000 requires a relevant authority, when exercising any functions in relation to, or affecting land in, an AONB to have regard to the purpose of conserving or enhancing the natural beauty of the AONB.

Other Material Considerations

- 7.11 As outlined above, there is an extant outline permission that expires in April. Whilst nearing its expiry, this is a material consideration and in assessing this new application one must consider what circumstances have changed since 2014, which would mean that the previous proposals are no longer acceptable.
- 7.12 In terms of policy, as outlined above, a specific allocation policy relating to the site has been subject to examination and is considered to hold significant weight (RMX1(1)). This is clearly a change and material consideration and the proposals should be assessed against this policy.

7.13 Since the 2014 approval, the Council has adopted its Economic Development Strategy, within which the Kent Medical Campus (KMC) is recognised as one of the key aspects of the strategy.

7.14 In respect of this application, the MBC Economic Development Department state,

“The importance of the site to Maidstone’s economy should not be underestimated. Identified in the Regulation 19 Local Plan under Policy RMX1 (1) as a Retail and Mixed Use allocation, Kent Medical Campus is expected to create up to 48 new businesses, up to 2,300 new jobs by 2022 and up to 3,300 by 2027, adding £147m annual GVA to the Kent and Medway economy by 2027, with land value uplift (business rates growth) of £97m over 25 years.

Maidstone’s adopted Economic Development Strategy (EDS) sets out how Maidstone Borough Council will support the future sustainable growth and increasing prosperity of the town and borough. Kent Medical Campus is central to achieving this objective. The EDS states that Kent Medical Campus “...will create highly skilled, well-paid jobs that will boost productivity and income in Maidstone. It is therefore important to support the development of KIMS and Kent Medical Campus to ensure that the opportunities it will bring to attract further inward investment are capitalised upon.”

7.15 The site was awarded Enterprise Zone (EZ) status by the Government in November 2015. Together with Rochester Airport Technology Park and Ebbsfleet Garden City, the KMC forms part of the North Kent Innovation Zone EZ. Between them, these sites will deliver around 230,000m² of high quality business premises with potential for 9,900 new jobs by 2027. EZs offer a number of incentives to business occupiers, including business rates discounts to help accelerate investment and growth. The Government’s EZ website states that, *“Enterprise Zones are at the heart of the Government’s long-term economic plan, supporting businesses to grow”*. This is a significant change and material consideration.

7.16 In terms of physical changes since the previous decision, the main site access road, ‘Newnham Court Way’ has been constructed and the eastern spine has been completed and the Cygnet Hospital is under construction. In terms of the surrounding area, KIMS has been completed and opened for use in 2014, an additional KIMS car park has been constructed adjacent to Newnham Court Shopping Village, a ‘Next’ retail store has been constructed within Eclipse Park, and the Sittingbourne Road Park & Ride site was closed in February 2016.

7.17 In summary, other main material considerations are the fact that outline permission was granted 3 years ago and it is extant, policy RMX1(1), and the Enterprise Zone status of the site.

7.18 The report will now go on to assess the proposal against the draft policy and where there is conflict balancing this against the extant permission and EZ status. This can be broken down into landscape impact, design, highways and transport, ecology, and other more specific matters.

7.19 The assessment will also highlight any proposed modifications by officers, although these will be subject to public consultation and so carry less weight at present.

Design, Layout & Landscape Impact

- 7.20 **Criterion 1:** *“Phased provision of a maximum of 100,000m² of specialist medical facilities set within an enhanced landscape structure of which 25,000m² will provide for associated offices and research and development.”*
- 7.21 The application proposes up to 92,379 m² of medical-based floorspace with up to 24,750m² of offices and research and development, which is in accordance with this criterion. Under the previous permission condition 17 restricted the office/research and development element to ‘occupiers directly related to the provision of medical services’ to prevent unrestricted business use. The applicant does fully expect the majority of office/R&D floorspace to be taken up by such occupiers but has questioned the need for this condition on the basis that the site is no longer countryside and that some businesses would benefit from being co-located with medical companies. This may be the case but if there is not a condition then there is the potential for any B1 uses to occupy the site, and so this would not be a medical-related development creating a *‘specialist knowledge cluster that will attract a skilled workforce to support the council’s vision for economic prosperity’* (para 13.2 of draft Local Plan), this being the reason for allocating the site. For these reasons a similar condition is considered appropriate and would ensure compliance with the policy criterion, and achieve the Local Plan/draft policy, and Economic Development Strategy aim of providing *“medical facilities and a cluster of associated knowledge-driven industries that need close proximity to one another”* (para 4.19 of draft Local Plan), and the reason for allocating the site.
- 7.22 **Criterion 3:** *“Creation of a parkland nature reserve of approximately 3 hectares on land to the south east of the site, as shown on the policies map, and through a legal agreement transferred to a Trust.”*
- **(Proposed Officer Modification to Criterion 3):** *“Creation of a ~~parkland~~ woodland nature reserve of approximately 3 hectares on land to the south east of the site, as shown on the policies map, ~~and through a legal agreement transferred to a Trust secured through a legal agreement.~~”*
- 7.23 The application proposes a nature reserve within the southeast corner of the site with an area of 3.4ha. At the EiP reference to woodland was generally agreed as these were the proposals within the extant permission. As outlined above, the applicant is not specifically referring to woodland now to allow flexibility. The applicant has stated that at the present time there is no Trust or body on board to take on the land and in any case reference to such a body is proposed to be removed. Any legal agreement will secure the nature reserve and its long-term management and would not preclude it being taken on by such a body in the future. The proposals are considered to comply with this criteria.
- 7.24 **Criterion 4:** *“Construction of buildings of high quality design in a sustainable form that reflect the site’s prime location as a gateway to Maidstone.”*
- 7.25 This criterion would be relevant for the reserved matters stage where specific details and designs of development would be submitted. However, it is considered that conditions to shape a high quality development are appropriate at the outline stage including the use of vernacular materials such as ragstone within elements of buildings, walls etc. and the use of green roofs and green walls. The applicant has submitted a sustainability statement indicating that the development would achieve at least a BREEAM ‘Very Good’ standard through the use of passive efficiency measures and renewable energy sources, which can be a condition of any consent.

7.26 **Criterion 5:** “Mitigation of the impact of development on the Kent Downs Area of Outstanding Natural Beauty and its setting through:

- i. The provision of new structural and internal landscaping to be phased in advance of development;
- ii. The retention and enhancement of existing planting. Where the loss of selected existing planting is unavoidable, appropriate compensatory planting must be provided;
- iii. The use of the topography in site layout plans to exclude development on the higher, more visually prominent parts of the site;
- iv. The restriction of building heights across the whole site to a maximum of two storeys. Exceptionally a building of up to 4 storeys could be accommodated on the land adjacent to the existing KIMS (phase 1) development to the immediate west of the stream and buildings of up to 3 storeys could be accommodated at the entrance to the site;
- v. The use of low level lighting; and
- vi. The use of green roofs where practical.”

• **(Proposed Officer Modification to Criterion 5):** “Mitigation of the impact of development on the Kent Downs Area of Outstanding Natural Beauty and its setting through:

- i. The provision of new structural and internal landscaping to be phased in advance of development to accord with an approved Landscape and Ecological management plan for the site;
- ii. The retention and enhancement of existing planting. Where the loss of selected existing planting is unavoidable, appropriate compensatory planting must be provided;
- iii. ~~The use of the topography in site layout plans to exclude development on the higher, more visually prominent parts of the site;~~ The absence of built development within the area shown on the policies map;
- iv. The restriction of building heights across the whole site to a maximum of two storeys. Exceptionally a building of up to 4 storeys could be accommodated on the land adjacent to the existing KIMS (phase 1) development to the immediate west of the stream and buildings of up to 3 storeys could be accommodated at the New Cut roundabout entrance to the site;
- v. The use of low level lighting; and
- vi. The use of green roofs where practical and avoidance of the use of light coloured or reflective materials”

7.27 The development would inevitably have an impact upon the visual amenity of the local area in short range views, and there are some longer range views of the site from some points on higher land in the AONB to the north. The site is considered to be within the setting of the AONB. For this reason, this criterion seeks to minimise and mitigate this impact.

7.28 Whilst landscaping is not being considered at this stage, the landscape parameter plan shows structural landscaping around some of the boundaries and along the stream through the centre of the site, where existing trees would be retained and supplemented. It also shows new ‘avenue’ planting along the west side of the main

access road, and alongside the east spur road into the site. It is considered that this is an appropriate level at this outline stage to set the landscape structure to the site, and this can be secured by condition. Additional landscaping would obviously be provided within the development areas at the reserved matters stage when detailed landscaping proposals are being considered and a condition can ensure structural tree planting in development areas to guide this. The criterion requires new structural and internal landscaping to be phased in advance of development. A suitable condition that requires structural landscaping to be established alongside the first phase of any development would be appropriate. This would be in accordance with 5(i) and (ii).

- 7.29 Criterion 5(iii) requires exclusion of development on the higher, more visually prominent part of the site. During the Local Plan Examination the Inspector wanted clarity on where this actually is. It was agreed that this meant the 'grassy knoll' area near the eastern boundary, which is referred to in condition 2 of the extant permission. The applicant considers this area should only be excluded from 'buildings' not necessarily all development (such as a car park). Officers are proposing modifications to exclude any development and this is a condition of the extant permission. In view of this, a condition to prevent any development is considered appropriate with a plan clarifying the area. Under the extant permission this area was to be planted with trees and this is considered appropriate once more.
- 7.30 Criterion 5(iv) relates to heights of buildings. It seeks to restrict heights to 2 storeys across the site apart from potentially 4 storeys to the west of the stream immediately south of KIMS, and 3 storeys at the New Cut roundabout entrance to the site. The extant permission allows for a 4 storey height across the entire site so there is a conflict between this permission and the draft policy and policy, both of which hold weight. The Council has also granted permission for a 3/4 storey hospital in the southeast corner of the site pursuant to the outline consent. With this in mind negotiations on heights have been held the outcome being agreement to lower heights across parts of the site including up to 2/3 storeys on higher land adjacent to KIMS and up to 3 storeys on much of the eastern part of the site. Heights of up to 4 storeys are still sought at the entrance and in some lower parts of the site. This can be seen on the parameters plan below. On balance, it is considered that this is an acceptable position between the extant permission and the draft policy and these height parameters can be secured by condition. The parameters condition can also secure that any building of 3/4 storeys in height is designed so as to limit its impact through reducing the mass and bulk as per the extant permission.



Storey Heights Parameter Plan

- 7.31 For criterion 5(v) and (vi), conditions can secure the use of low level lighting, green roofs and the avoidance of the use of light coloured or reflective materials.
- 7.32 **Criterion 6:** *“Medical facilities on land to the west of the existing stream will be delivered in advance of medical facilities on land to the east of the stream.”*
- **(Proposed Officer Modification to Criterion 6):** This criterion would be deleted.
- 7.33 This criterion is proposed to be deleted because the ‘Cygnet’ hospital has already been provided to the east of the stream and so it has been overtaken by events. The outline consent did not contain such preclusions and this is why the ‘Cygnet’ development was allowed.
- 7.34 **Criterion 9:** *“Provision of a landscape buffer of between 15m and 30m in width along the northern and eastern boundaries of the site in order to protect Ancient Woodland, with tracts of planting extending into the body of the development.”*
- 7.35 The landscape parameter plans illustrate that buffers of at least 15m would be provided adjacent to AW area to the north, east and south of the site and this can be secured by condition. In places the structural landscaping extends the AW buffer to 20m (east side). Planting extending into the site is only shown within the ‘avenue’ planting areas, however this would largely be determine at the detailed stage. Nonetheless a condition to guide the reserve matters to this effect can be attached as per the extant permission.

7.36 The Woodland Trust has objected to the application on the grounds that such buffers are not sufficient, suggesting a 50m buffer to woodland. The draft policy requirements seek between 15m and 30m and it is considered that the proposals comply. In addition, neither the landscape officer or ecology advisor has raised objections.

7.37 **Criterion 10:** *“Provision of a landscaped buffer of a minimum 15m in width on both sides of the existing stream running north-south through the site (minimum 30m width in total), in order to enhance the amenity and biodiversity of this water body.”*

7.38 The landscape parameter plans illustrate that buffers of 15m would be provided either side of the stream and this can be a condition of any permission, as per the extant permission.

7.39 **Criterion 11:** *“Submission of a full landscape assessment to be approved by the council.”*

- **(Proposed Officer Modification to Criterion 11):** *“Submission of a ~~full~~ Landscape and Visual Impact Assessment to be approved by the council which includes assessment of the impact of the development on views to and from the Kent Downs AONB”*

7.40 The applicant has submitted a Landscape & Visual Impact Assessment (LVIA). This concludes that,

“The Site is well screened by mature woodland to the north and east, and mature trees and other vegetation alongside Bearsted Road to the south. The existing buildings of the retail village provide an effective screen to most views from the west....

....There would be a low to medium degree of landscape change as a result of the Proposed Development - while parts of the Site would obviously undergo a significant change, other parts would change to a lesser degree, and the overall development would have a limited impact on the area around it. The new buildings and other features created by the development would not be widely visible, and any views of them would be either short distance from close to the Site boundary and from less sensitive locations such as Bearsted Road and the retail village, or from more sensitive locations but at some distance from the Site.

There would initially be minor to moderate adverse effects on the local landscape in winter; these effects would be at a lower level in the summer, and would decrease slowly over time. Effects on the North Downs AONB would be negligible: the nearest point in the AONB with any views to the Site is around 1.5km away, and only the roofs of some of the new buildings would be visible, in the context of views which would also encompass large parts of Maidstone, Eclipse Park, the A249 and parts of the M20, as well as the roofs of the KIMS buildings within the Site. There would be no significant harm to the setting of the AONB.

There would be minor to moderate adverse visual effects for a few properties close to the Site on the north side of Bearsted Road and minor adverse effects for some properties to the south, but few other visual effects of any significance.”

7.41 The site is being allocated by the Council for significant development and this would inevitably have an impact upon the landscape. I generally agree with the conclusions of the LVIA in that there would clearly be a short-range localised impact from adjacent roads and public viewpoints such as the public open space on higher ground to the south. No amount of landscaping can screen the buildings but landscaping would

soften this impact to a degree. Whilst there are some limited views from longer range views in the AONB, at this distance the impact would be low. Landscaping, height parameters, the use of green roofs and cutting buildings into the land would serve to limit this impact which can be secured by condition.

Access

7.42 **Criterion 12:** *“Vehicular access to the site from the New Cut roundabout, with bus and emergency access from the A249 Sittingbourne Road.”*

- **(Proposed Officer Modification to Criterion 12):** *“Vehicular access to the site from the New Cut roundabout, with bus and emergency access from the A249 Sittingbourne Road if required.”*

7.43 Access to the site would be from the New Cut roundabout which complies with this criterion. The bus and emergency access relates to the retail element of the site.

7.44 **Criterion 13:** *“Enhanced pedestrian and cycle links to the residential areas of Grove Green, Vinters Park and Penenden Heath, and to Eclipse Business Park.”*

7.45 The application includes proposals to widen the footway on the west side of New Cut Road between the New Cut roundabout and the Maidstone Studios roundabout to 1.8m where highway land allows; widen the footway on the north side of Bearsted Road between the site access and the A249 roundabout; and some footway widening on south of the A249 roundabout. This would serve to improve access to Grove Green, Vinters Park and to a lesser extent Penenden Heath and Eclipse Business Park and can be secured under any legal agreement.

7.46 **Criterion 14:** *“Submission of a Travel Plan, to include a car park travel plan, to be approved by the Borough Council.”*

7.47 A Framework Travel Plan incorporating measures and incentives to reduce single occupancy vehicle travel to and from the site, and a car park management/enforcement plan with charging for certain site users have been submitted. KCC have reviewed these documents raising no objections subject to securing them in any grant of permission. As was previously the case, this can be secured under the legal agreement.

7.48 **Criterion 15:** *“Provision of a watching archaeological brief in order to protect any heritage assets found on-site.”*

7.49 Under the extant permission a condition was attached requiring archaeological field evaluation works and safeguarding measures to ensure preservation in situ of important archaeological remains which can be attached once more.

Ecology

7.50 **Criterion 16:** *“Submission of an ecology survey and detailed mitigation measures.”*

7.51 The ecological assessment concludes that the value of biodiversity within the site is somewhat compromised by the species-poor semi-improved grassland and improved grassland (now construction compound) which covers the majority of the site. The ecological interest lies within the small section of Horish Wood which occurs within the NE corner of the site which is AW and part of the wider Local Wildlife site. The majority of bat activity was recorded around the edge of the site associated with the woodland

edges and the stream. Great Crested Newts have the potential to move through the site and mitigation has already been approved by the Council and carried out in connection with the KIMs and 'Cygnet' development.

- 7.52 KCC Ecology are satisfied that the surveys and assessments have appropriately assessed the impact of the development. Although the original survey information is 3-4 years old, KCC have spoken to the applicant's ecologist in detail (who regularly visit the site) and they are satisfied that there is no requirement to carry out additional surveys. KCC have reviewed the conditions attached to the original planning application and conditions 18 and 19 were referring to the bat and GCN mitigation strategies. They advise that conditions for these species are still required but amended to reflect that some mitigation has already been carried out, and these conditions can be attached once more. Mitigation for bats would include appropriate lighting design, avoidance of loss of trees with bat potential to the south east of the stream in the vicinity of Gidds Pond Farm, and the provision of planted buffers along the ancient woodland and the buffer to the stream. GCN mitigation has been approved and includes buffers adjacent to woodland, creation of hibernacula and higher quality terrestrial habitat, and two new ponds.
- 7.53 In terms of enhancements, artificial nesting boxes for birds will be provided throughout the development, positioned within the new woodland and scrub habitat and on the retained trees. There would be the creation of new woodlands and thickets through landscaping and the existing pond within the site will be enhanced would also serve to benefit biodiversity. Clearly, the nature reserve will provide a significant enhancement on this part of the site. A Landscape & Ecological Management Plan (LEMP) was produced and agreed as part of the S106 agreement for the previous permission and the information within the LEMP is still valid. The LEMP would be secured under any legal agreement to ensure long-term management and enhancement of the site.

Highways and Transportation

- 7.54 **Criterion 17:** *"Submission of a full Transport Assessment to identify off-site highway improvements to serve the development, to be secured in a phased manner by the provision of infrastructure or through contributions by means of a signed legal agreement prior to the commencement of development."*
- **(Proposed Officer Modification to Criterion 17):** *"Submission of a full Transport Assessment to identify those off-site highway improvements and sustainable transport measures necessary to serve the development, to be secured in a phased manner by the provision of infrastructure or through contributions by means of a signed legal agreement which is to be completed prior to the commencement of development. Development will contribute, as proven necessary through the Transport Assessment, to the following improvements;"*
 - (i) *"Capacity improvements and signalisation of Bearsted roundabout and capacity improvements at New Cut roundabout. Provision of a new signal pedestrian crossing and the provision of a combined foot/cycle way between these two roundabouts."*
- 7.55 The application proposes signalisation and improvements to the Bearsted Road/A249 roundabout (by 'Next') and enlargement of the New Cut Roundabout at the entrance to the site. Also proposed is the pedestrian crossing which would be immediately west of the New Cut roundabout. The footway on the north side of Bearsted Road between the roundabouts would be widened to 2m. These measures are in accordance with the

criterion, are considered to be acceptable by KCC, and would be secured by condition. (Timing of delivery for this and the other off-site works will be discussed below)

(ii) *Traffic signalisation of the M20 J7 roundabout, widening of the coast bound off-slip and creation of a new signal controlled pedestrian route through the junction.*

7.56 These improvements are proposed and have been accepted by Highways England. Their delivery would be secured by condition.

(ii) *Capacity improvements at M2 J5 (located in Swale Borough).*

7.57 This would constitute a payment of £44,700 towards these works. These works are proposed to be removed from the policy as it is understood that they would potentially be covered by the Roads Investment Strategy. However, Highways England state that this is not 100% certain at this stage, so have maintained that a contribution is still required and the applicant is satisfied with this. If the works are funded then payment would not be required.

(iii) *Upgrading of Bearsted Road to a dual carriageway between Bearsted roundabout and New Cut roundabout.*

7.58 This is not proposed under this application nor was it under the extant permission. The Council's Infrastructure Delivery Plan accepts that this would be secured as part of the any retail development within the Newnham Court retail site allowed for under the policy.

(iv) *Increased frequency of 333 / 334 route to provide a bus service with 15 minute intervals between the site and the town centre, potentially to include the provision of bus priority measures on New Cut Road to include traffic signals at the junction with the A20 Ashford Road.*

7.59 Consultations have been carried out with bus provider 'Arriva' under this application. Through discussion they have advised that they would not wish to divert Routes 333 and/or 334 into the site, as these are long-distance services that principally convey passengers between the urban centres of Maidstone, Sittingbourne, Sheerness and Faversham. However, Routes 333 and 334 can be accessed from the KMC/KIMS site within a short walking distance via Bearsted Road.

7.60 Arriva have proposals to amend the current no. 19 service (which runs from Bearsted, along the A20 and into Grove Green) so that it would continue along New Cut Road to the application site, and then run to the town centre via the 'Vinters Park' housing estates at 30 minute intervals. This change is proposed to be brought in this April 2017 and so there is no requirement for the development to fund/subsidise this. However, it is considered necessary to run this service into the application site and provide one additional early morning service and two evenings to promote public transport use. This would be subsidised for 5 years at a total cost of approximately £166,490. In the unlikely event that the no. 19 service is not changed as per Arriva's plan, then the legal agreement can allow for a fall-back position being a bespoke service for the site as per the extant permission. This would not be 15 minute intervals as per the policy, however the policy also covers the retail element and I consider this could be secured as part of any retail development.

7.61 Overall, it is considered the financial contribution would ensure a frequent bus service between the site and town centre, and a condition can ensure bus stops with real time bus information, and a bus loop within the site.

(vi) Improved bus links to the site from the residential areas of Grove Green and Penenden Heath.

- 7.62 The no 19 service referred to above would run to and from Grove Green and so would achieve improved links here. The service would not run into Penenden Heath so there is some conflict with this part of the criterion.
- 7.63 In terms of delivery of the off-site highways works, the extant permission set a trigger for the 'paperwork' process (Section 278 Agreement under the Highways Act) for highway works and condition 22 secured completion of the J7 improvements prior to 75% occupation of the development. It is apparent that there was no trigger to actually ensure completion of the works (excluding J7) but the applicant intended that this would be 75%.
- 7.64 Since that decision in 2013, traffic has increased quite significantly on local roads due to natural background growth and new development, and closure of the Council Park & Ride site, and so the roundabouts are nearer to reaching their capacity. As such, there is an argument to say that the works should now be brought forward earlier, also bearing in mind a 10 year permission is sought which would mean development potentially coming forward at a slower rate. The applicant considers the previous triggers are still appropriate on the basis that it not fair or reasonable for KMC to be expected to fix existing problems. In addition, Kent Highways and Highways England have agreed that these triggers are acceptable and have raised no objections. In view of there being no objections from both Highways Authorities to the trigger, it is difficult to reasonably insist on an earlier trigger.
- 7.65 However, negotiations have taken place and the applicant is agreeable to earlier delivery at 70% of vehicle movements (676 movements) or 70% floorspace (whichever is the sooner) for the local works (excluding J7). It is considered that this is acceptable on the basis of there being no objections from the Highways Authorities, and there being an extant permission set at 75%.
- 7.66 So in conclusion, the legal agreement can secure completion of the local works at 70% of vehicle movements or 70% occupation (whichever is the sooner) and a condition for the J7 works before 75% occupation. As before, a legal agreement could ensure the Section 278 process starts in order to deliver the works at these triggers. This would also include the pedestrian and cycle improvements referred to above which would be carried out at the same time.

Heritage

- 7.67 There are no saved policies within the LP 2000 that relate to heritage assets and as such the NPPF is the main consideration along with the LBC Act. It must be noted that the Council did not refuse the previous application on heritage grounds.
- 7.68 It is considered that the development would cause less than substantial harm to the setting of Newnham Court Inn (GII Listed) to the west of the site. Whilst I do not disagree it must be noted that no development is proposed adjacent to this listed building and as such there would be 'breathing space' to the west of the building. In this instance Paragraph 134 of the NPPF states that,

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal".

7.69 The development would clearly bring significant economic and social benefits. From construction and operation the development is expected to provide over 3,800 jobs and given the nature of the development, the employment generated would be likely to comprise a high proportion of highly skilled jobs across the health and education sectors and associated enterprises (e.g. research and development). A fundamental component of the campus development proposed is on-site training and medical-related higher education facilities which would clearly provide economic and social benefits. The site is also an Enterprise Zone where the Government seeks to accelerate economic growth. With these factors in mind, it is considered that the public benefits from economic and social benefits would outweigh the harm to the setting of the Grade II listed building.

Residential Amenity

7.70 The Council did not refuse the previous application on grounds of residential amenity and I have no reason to reach a different conclusion. The closest dwellings to the application site are those at Gidds Pond Cottages whose gardens adjoin the application site. However, they adjoin the site where structural landscaping/AW and stream buffers would be provided ensuring any development would be at least 45-50m from the houses. The separation distance from the dwelling at Newnham Court to the north would be at least 65m from the edge of the site. With these separation distances in mind it is considered that the development could be designed so as not to have a harmful impact upon these properties in terms of privacy, light or outlook.

7.71 There would be some noise associated with the operation of the site, I would suggest primarily from plant and extraction equipment on buildings. Environmental Health has raised no objections subject to conditions requiring details and any necessary mitigation. There would be some impact on amenity during the construction phase of the development but any noise from these operations is dealt with by Environmental Health Legislation.

Surface and Foul Drainage

7.72 The site is not within a high risk flood zone and as such the main issue relates to surface water drainage. The surface water drainage strategy for the site has been based upon the principle of controlling the post development runoff rate to that of the existing greenfield site with an uplift allowance for climate change (30%). The drainage has been based on various SUDS techniques including green roofs, porous paving, swales and attenuation basins. Given the size of the site, it is possible that ground conditions might vary and the SUDS techniques proposed may need to be modified if necessary to suit.

7.73 KCC as Lead Local Flood Authority (LLFA) have raised no objections to the outline proposals but advise that the Environment Agency guidance is to allow for a greater climate change allowance of 40% and this should be incorporated into the detailed design that comes forward at the detailed stage. They recommend conditions to secure SUDs drainage.

7.74 The site is located within Zone 3 Groundwater Source Protection Zone and so the use of infiltration would need to be carefully considered to ensure there is no pollution to groundwater. In this respect the Environment Agency are not objecting subject to conditions to consider any proposals to do so. South East Water also raise no objections subject to a condition requiring a hydrogeological risk assessment to ensure no harm to groundwater.

- 7.75 In terms of foul drainage, Southern Water have raised no objections subject to a condition requiring off-site upgrade works in relation to foul drainage, or evidence to demonstrate flows would be no greater than the existing levels.

Other Matters

- 7.76 The development would essentially involve the permanent loss of approximately 17.8ha of best and most versatile land (Grades 2 and 3a). The NPPF at paragraph 112 states that the economic and other benefits of the best and most versatile agricultural land should be taken into account. Whilst a relatively large area of such land would be lost, it is considered that the significant economic benefits of the proposal would outweigh this loss in this case.
- 7.77 The Environmental Health Section has considered the impact the development would have upon air quality and an air quality assessment has been carried out by the applicant. This concludes that construction impacts would be negligible and once operational, impacts would not be significant. A condition can be attached to ensure impact upon air quality during construction is minimised. Once operational, clearly the regular and frequent bus service from the site to the town centre, which would be subsidised, would promote public transport and minimise any impact upon air quality. Electric vehicle charging facilities would also promote lower emissions transport and can be secured by condition. There are no objections in terms of air quality for new residents and the impacts upon nearby residents. The site could have some contamination from agricultural use and therefore a contaminated land condition is recommended both by Environmental Health in terms of the impact upon future users, and the Environment Agency in terms of protecting groundwater.
- 7.78 This site falls within the Minerals Safeguarding Areas as shown within the Kent Minerals and Waste Local Plan (2013-2030) in an area of largely silica sand (construction sand). Policy DM7 of the Plan safeguards an extensive area, including the site, to avoid the sterilisation of silica sand/construction sand resources. The policy allows planning permission to be granted for non-mineral development that is incompatible with minerals safeguarding where at least one of a range of criteria is demonstrated. The applicant has stated that they do not consider the extraction of the mineral would be viable or practicable, especially taking into account the fact that the new link roads across the site have been constructed and the new Cygnet Hospital has also been approved and is under construction, thereby satisfying criterion 2. The site already benefits from an extant planning permission. For these reasons it is considered that it would be unreasonable to object to the proposals on these grounds.
- 7.79 Matters not generally considered above and raised in local representations relate to how the proposed car park for Gidds Pond Cottages would be managed, lack of notification, questions as to why significant information has been submitted when the application only relates to access, that Newnham Court (dwelling) is incorrectly shown on the plans and a noise assessment has not been taken from that property, and the noise assessment is inaccurate. How the proposed private parking area for Gidds Pond Cottages will be allocated and/or managed is a civil matter between the applicant and the owners of the cottages. Whilst the application is being made in outline with all matters reserved for future determination except for means of access, the Council is considering the principle of up to 92,379 m² of floorspace for the uses proposed. This is an established principle of outline planning applications. Whether Newnham Court is correctly shown or not, I am clear on the location of that dwelling which I have based the assessment on. In terms of the noise assessment, the applicant has confirmed that impact upon this property has been properly assessed and it is simply the plan that

has incorrectly marked the location of the property. Notification/advertisement has been carried out in accordance with legal requirements and local procedure.

Section 106 Agreement

7.80 The previous legal agreement secured a number of measures and it is considered that these are still necessary, related and reasonable and meet the legal tests. An additional measure is to secure the Nature Reserve along with its management. They would be as follows:

1. The provision of a minimum level of medical facilities and services (including research and training) on the site for a period of five years and to ensure that insofar as the NHS may require to 'purchase' services, the applicants commit to make such provision available to the NHS to a level of at least 25%. This is to promote medical facilities, this being the reason for the draft allocation.
2. The occupation of the neuro-rehabilitation village to be restricted to those signed up to at least a minimum level care package to ensure delivery of this bespoke facility.
3. A financial contribution of £166,490 to extend the no. 19 bus service into the site at 30 minute frequencies, and provision of 3 additional bus services covering early morning and evenings and appropriate triggers. In the event that this service is not available at the trigger point, an alternative bus service or bespoke facility running between the site and the town centre. This is to promote sustainable transport and comply with the draft policy.
4. Trigger points for the start of the Section 278 process for all off-site highway mitigation at 578 one way trips in AM and PM peak hours combined. (Specific trip measurement details to be agreed by officers)
5. Trigger points for completion of the off-site highway mitigation works (excluding Junction 7 of the M20), which includes all the pedestrian and cycle improvements, at 676 one way trips in AM and PM peak hours combined or 70% occupation of the development (whichever is the sooner). (Specific trip measurement details to be agreed by officers)
6. A financial contribution of £44,700 towards mitigation works at Junction 5 of the M2 motorway.
7. A site-wide Framework Travel Plan, together with a Travel Plan Monitoring Fee of £10,000 for 10 years. This is to promote sustainable transport and comply with the draft policy.
8. A financial contribution of £20,000 for future parking controls to be implemented on the highway, should parking over spill become evident (Grove Green & Vinters Park Estates). This is in the interest of highway safety.
9. The implementation, maintenance, management and monitoring of the proposed landscape and ecology mitigation and enhancement works through the Landscape and Ecology Management Plan. This is in the interest of environmental sustainability and to comply with the draft policy.
10. The establishment of a Monitoring Committee to review all aspects of the Development with payment of an annual fee of £1,000 towards the cost of Monitoring Committee meetings for a period of 10 years or until the development is completed, whichever is sooner. This is to ensure monitoring and community input on this major development.

11. The limitation of any residential (C3) units to those key workers and education staff directly employed in the medical services on the site. This is to ensure the site is not used for standard residential purposes, this being the reason for the draft allocation.
12. Library contributions for the residential (C3) elements of £16,805.54. This is to address the demand on such services.
13. Reasonable endeavours to employ local contractors and sub-contractors and local people during the construction works in consultation with the Council. This in the interest of local benefits to the economy.
14. Creation of the nature reserve and its implementation, maintenance, and management. This is to ensure delivery in accordance with the draft policy.

8.0 Conclusion

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. As discussed above, the site falls within the countryside for the purpose of the Local Plan (2000), however a significant material consideration is the emerging Local Plan which allocates the site for use as a 'medical campus' under policy RMX1(1). The policy has been agreed by Full Council and been subject to public examination. There is no comment within the Interim Findings by the Inspector on the policy and therefore it is reasonable to deduce that he has no in principle objection to the policy allocation. As such, this policy is considered to hold significant weight and this is considered grounds to depart from the Local Plan (2000).
- 8.2 In assessing the proposal against this draft policy, the development largely complies with its criterion. There is some conflict in terms of heights as discussed above, however negotiations have achieved a reduction in heights on some parts of the site from the outline consent (which allows for up to 4 storeys across the site). On balance, it is considered that this is an acceptable position between the extant permission and the draft policy. Otherwise the proposals are in accordance with the draft policy.
- 8.3 The EZ status is also a material consideration being, "*at the heart of the Government's long-term economic plan, supporting businesses to grow*". This is a significant factor that weighs in favour of the development.
- 8.4 The application seeks a 10 year consent and whilst this is likely to mean a longer period for delivery of off-site highways works, balancing the fact that no objections have been received from the Highways Authorities to this or the previous triggers, the extant permission, and negotiations achieving an early trigger than before, this is considered to be an acceptable position. It is also noted that only one development (Cygnet) has come forward in the last 3 years and so a 10 year period is considered reasonable to allow time for full delivery.
- 8.5 The development is considered to achieve significant economic and social benefits in line with the NPPF and the impacts upon the environment are considered to be acceptable subject to mitigation and bearing in mind the weight of the draft policy.
- 8.6 For these reasons, and those outlined in detail above, the proposals are considered to be acceptable and to accord with the draft policy for the site and the NPPF.

Conditions

- 8.7 Along with the 10 year time limit, conditions are considered necessary to cover the following key matters and are detailed in full below:
- 8.8 Parameters relating to Landscaping, Building Heights, AW and Stream Buffers, and Development Exclusion Area; Limiting Floorspace; Building and Hard Surfacing Materials (including use of ragstone, green walls and roofs); Boundary Treatments; Materials; Slab Levels; Lighting; Tree Protection; BREEAM Level; Ecology (Mitigation, Management & Enhancement); Off-site Highways Improvements (J7); Onsite Bus Stops/Turning; Construction Environmental Management Plan; Foul and Surface Water Drainage; Contaminated Land; Groundwater Controls; Electric Vehicle Charging; Noise/Fumes/Odours; Archaeology; Crime Prevention; No Open Storage; Removal of PD Rights for Extensions & Fencing.

9.0 RECOMMENDATION

Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following;

1. The provision of a minimum level of medical facilities and services (including research and training) on the site for a period of five years and to ensure that insofar as the NHS may require to 'purchase' services, the applicants commit to make such provision available to the NHS to a level of at least 25%. This is to promote medical facilities, this being the reason for the draft allocation.
2. The occupation of the neuro-rehabilitation village to be restricted to those signed up to at least a minimum level care package.
3. A financial contribution of £166,490 to extend the no. 19 bus service into the site at 30 minute frequencies, and provision of 3 additional bus services covering early morning and evenings with appropriate triggers. In the event that this service is not available at the trigger point, an alternative bus service or bespoke facility running between the site and the town centre.
4. Trigger points for the start of the Section 278 process for all off-site highway mitigation at 578 one way trips in AM and PM peak hours combined. (Specific trip measurement details to be agreed by officers).
5. Trigger points for completion of the off-site highway mitigation works (excluding Junction 7 of the M20), which includes all the pedestrian and cycle improvements, at 676 one way trips in AM and PM peak hours combined or 70% occupation of the development (whichever is the sooner). (Specific trip measurement details to be agreed by officers).
6. A financial contribution of £44,700 towards mitigation works at Junction 5 of the M2 motorway.
7. A site-wide Framework Travel Plan, together with a Travel Plan Monitoring Fee of £10,000 for 10 years.
8. A financial contribution of £20,000 for future parking controls to be implemented on the highway, should parking over spill become evident (Grove Green & Vinters Park Estates).
9. The implementation, maintenance, management and monitoring of the proposed landscape and ecology mitigation and enhancement works through the Landscape and Ecology Management Plan.

10. The establishment of a Monitoring Committee to review all aspects of the Development with payment of an annual fee of £1,000 towards the cost of Monitoring Committee meetings.
11. The limitation of any residential (C3) units to those key workers directly employed in the medical services on the site.
12. Library contributions for the residential (C3) elements of £16,805.54.
13. Reasonable endeavours to employ local contractors and sub-contractors and local people during the construction works in consultation with the Council.
14. Creation of the nature reserve and its implementation, maintenance, and management.

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below and subject to the expiry of the newspaper advert and no new material issues being raised:

CONDITIONS

1. The development shall not commence until approval of the following reserved matters for each phase or sub-phase has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.

Each phase or sub-phase hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved for that phase or sub-phase;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The details submitted pursuant to condition 1 shall be limited as follows:

- There shall be no more than 92,379m² of total floorspace.
- There shall be no more than 28,700m² of floorspace for university campus and halls of residence.
- There shall be no more than 14,000m² of floorspace for doctors/nurses accommodation.
- There shall be no more than 24,750m² of floorspace for offices/research and development uses.

Reason: To ensure the development remains a mixed use and medical-based development in accordance with draft policy RMX1(1).

3. The details of scale submitted pursuant to condition 1 shall follow the principles of the 'Storey Heights' Parameter Plan (DHA/11551/06 Rev B) and shall show no building in

excess of the storey heights referred to on that plan. Any building of 3 or 4 storeys must be designed so as to reduce the visual impact of its scale through cutting into the ground and/or through reducing its massing through design.

Reason: To ensure a satisfactory appearance to the development.

4. The details of layout submitted pursuant to condition 1 shall include the following:

- A landscaped buffer free of development of a minimum of 15m in width from the boundary of the ancient woodland areas.
- A development free buffer of a minimum of 15m on each side of the stream running north-south through the site.
- No development within the area coloured green on the 'Storey Heights' Parameter Plan (DHA/11551/06 Rev B).

Reason: To ensure a satisfactory appearance to the development and comply with draft policy RMX1(1).

5. The details of landscaping submitted pursuant to condition 1 shall be designed in accordance with the principles of the Council's landscape character guidance. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan.

The landscape scheme shall include the following:

- Structural planting as shown on the 'Landscape' parameter plan (DHA/11551/07) that must be established under the first phase of any development.
- Planted 'green' roofs to buildings where practical to do so.
- Planted 'green' walling to buildings where practical to do so.
- 'Fingers' of woodland penetrating the site from the eastern edge of the site.
- Areas of structural tree planting extending into the development areas.
- Strategic tree planting within the area coloured green on the 'Storey Heights' Parameter Plan (DHA/11551/06 Rev B).
- The Nature Reserve landscaped and managed as an area of wooded parkland.
- Water bodies including the provision of shallow areas, and deeper, cooler areas, as well as the planting regimes within the stream corridor.
- Creation of hibernacula, ponds and higher quality terrestrial habitat to benefit GCN.
- Nesting boxes for birds and bats throughout the development.
- Landscaping including tree planting screening car parking and service yard areas.
- A Landscape and Visual Impact Assessment shall accompany each reserved matters application.

Reason: No such details have been submitted and to ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

6. The details of appearance submitted pursuant to condition 1 shall include:

- The avoidance of the use of light coloured or reflective materials.
- The use of vernacular materials including ragstone on buildings and in boundary treatments.
- High quality surfacing materials.
- Parking areas kept to a minimum and which shall not consist of entirely tarmac surfacing.
- Low level lighting.
- Where buildings are to be constructed on sloping land they shall be designed as a terrace into the slope taking into account the nature of the land and the context within the site and not excavated to a single development platform

Reason: To ensure a satisfactory appearance to the development.

7. The details submitted pursuant to condition 1 shall incorporate measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED).

Reason: In the interest of security, crime prevention and community safety.

8. No development shall take place until details of bus stops (which shall include shelters and the use of real time bus information) and measures to allow buses to loop within the site, and the timescale for their implementation, have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented and retained.

Reason: In the interest of sustainable transport use to mitigate any impact upon air quality.

9. 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:

- 1) 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.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). 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.

- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. 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: For the protection of Controlled Waters and in the interests of pollution prevention.

10. No phase or sub-phase of the development shall take place until the following details have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details:

- (i) A detailed sustainable surface water drainage strategy which shall demonstrate that the surface water generated by the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and discharged from the site at an agreed controlled discharge rate. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

- (iii) No building shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a) a timetable for its implementation, and

- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

11. No phase or sub-phase of the development shall take place until details of the proposed slab levels of the buildings and the existing site levels relating to that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

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

12. No phase or sub-phase of the development shall take place until an Arboricultural Impact Assessment (AIA) in accordance with the current edition of BS 5837 relating to that phase (where relevant) has been submitted to and approved in writing by the local planning authority. It shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and take account of site access, demolition and construction activities, foundations, service

runs and level changes. It shall also detail any tree works necessary to implement the approved scheme and include a plan showing protection of trees and ground designated for new structural planting.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

13. No phase or sub-phase of the development shall take place until details of foul drainage for that phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and the approved drainage shall be in place prior to the occupation of any buildings or land relating to that phase.

Reason: In the interests of pollution and flood prevention.

14. No phase or sub-phase of the development shall take place until a Construction Management Plan and Code of Construction Practice, including the provision of wheel washing facilities relating to that phase, has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: In the interests of highway safety and local amenity.

15. No phase or sub-phase of the development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- (i) archaeological field evaluation works in accordance with a specification and

written timetable which has been submitted to and approved by the Local Planning Authority; and

(ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in-situ or by record.

16. No phase or sub-phase of the development shall take place above Damp Proof Course (DPC) level until, written details and samples of the materials to be used in the construction of the external surfaces of any building(s) on that phase 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.

17. No phase or sub-phase of the development shall take place above DPC until, details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design for that phase, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

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

18. No phase or sub-phase of the development above DPC level shall take place until details of all fencing, walling and other boundary treatments relating to 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 before the first occupation of the building(s) or land within that phase and maintained thereafter. Any significant boundaries shall only be made up of ragstone walling.

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

19. No phase or sub-phase of the development above DPC level shall take place until details of any lighting for the site relating to that phase has been submitted to and approved in writing by the local planning authority. The submitted details shall include low level lighting, and inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details. All external lighting shall be installed in accordance with the specifications and locations set out in the details, and these shall be maintained thereafter.

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

20. No phase or sub-phase of the development shall take place above DPC level until details of electric vehicle charging points relating to that phase have been submitted to

and approved in writing by the local planning authority. The approved details shall be fully implemented and retained.

Reason: In the interests of air quality to promote the use of low emissions vehicles.

21. No more than 73,500m² GFA (75%) of the development hereby permitted shall be occupied until the completion of improvements to M20 Junction 7 as shown on drawing nos. T0217/H/01 P3 (offsite infrastructure works key plan), T0217/H/07 P3 (offsite infrastructure works M20 Junction 7 1:1000) and T0217/H/08 P2 (offsite infrastructure works M20 Junction 7 1:500) (or such other scheme of works substantially to the same effect as may be approved in writing by the local planning authority who shall consult with Highways England).

Reason: To ensure that the M20 motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highway Act 1980 and to satisfy the reasonable requirements of road safety.

22. The use or occupation of each phase or sub-phase of the development shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed relating to that phase. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory setting and external appearance to the development.

23. The use or occupation of each phase or sub-phase of the development shall not commence until, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (*in areas of low background sound levels a target of NR30 shall be achieved*) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. 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.

24. The use or occupation of each phase or sub-phase of the development shall not commence until a scheme to demonstrate that the internal noise levels within the residential units and any relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of residential amenity.

25. The use or occupation of each phase or sub-phase of the development shall not commence until full details of all measures to be taken to deal with the emission of dust, odours or vapours arising from that phase have been submitted to, and approved in writing by, the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first use of the premises and shall be operated and retained in compliance with the approved scheme.

Reason: In the interests of residential amenity.

26. Any existing trees or hedges approved to be retained on site which, within a period of ten years from the first occupation of a property, commencement of use or adoption of land, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

Reason: To safeguard existing landscaping and to ensure a satisfactory setting and external appearance to the development.

27. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

28. All buildings shall achieve a Very Good BREEAM UK New Construction 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM UK New Construction 2014 rating has been achieved within 6 months of the first occupation of the building. In the event that this building standard is revoked, an alternative standard or set of measures to ensure a sustainable and energy efficient form of development shall be agreed in writing with the Local Planning Authority and subsequently implemented in full.

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

29. 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, verified and reported to the satisfaction of the Local Planning Authority.

Planning Committee Report

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

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

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

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

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

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

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

33. The mitigation detailed and approved within the Great Crested Newt mitigation strategy under approved conditions application 14/500654 must be implemented prior to the commencement of any development works within areas which have not been released by the applicant's ecologists, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of biodiversity.

34. Prior to the commencement of any works which may affect bats and / or their habitat, an updated mitigation and monitoring strategy should be submitted to, and approved in writing the Local Planning Authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: In the interests of biodiversity.

35. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general this is expected to be 5dB below the existing measured background noise level $L_{A90, T}$ during the day time period. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5, the applicants consultant should contact the Environmental Protection Team to agree a site specific target level.

Reason: In the interests of residential amenity.

Planning Committee Report

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

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

37. The occupation of any B1(a) office buildings and (B1(b) research and development buildings hereby permitted shall be limited only to those occupiers directly associated with the life science, health care and medical service sectors, and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or permitted under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification;

Reason: To ensure the development remains a mixed use and medical-based development in accordance with draft policy RMX1(1).

Case Officer: Richard Timms

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