

REFERENCE NO - 20/505195/OUT

APPLICATION PROPOSAL

Section 73 application for:

- Variation of Condition 3 to allow buildings on the eastern part of the site to have a footprint up to 10,000sqm, and
- Variation of Condition 4 to allow buildings on the western part of the site to have a footprint up to 4,800sqm, a ridge height up to 10.5m, and to remove the requirement for buildings to be orientated end-on to the M20 motorway

In connection with application 17/502331/OUT (Outline application for a mixed commercial development comprising B1(a), B1(b), B1(c) and B8 units, with a maximum floor space of 45,295 square metres (access approved))

ADDRESS Land at Woodcut Farm, Ashford Road, Hollingbourne

RECOMMENDATION – APPROVE WITH CONDITIONS

SUMMARY OF REASONS FOR RECOMMENDATION

- The proposed changes to the height, building sizes and orientation would have a slightly greater impact above the approved permission and mean less scope to provide landscaping within the built areas of the site, and it is unlikely to be possible to achieve clear visual separation between buildings with landscaping as required as part of the site policy and part of condition 8 of the outline permission.
- However, it is considered these changes would not make any obvious noticeable difference in views from the AONB due to the distance and/or the effect of intervening landform and vegetation. In more localised views to the south, the changes would be more apparent but would not make such a difference that the impact upon the landscape and local area would be unacceptable in the context of the site being allocated and the extant permission.
- The proposals nonetheless represent conflict with the building size limits for criteria 5, the size, height and orientation for criteria 6, and part of criteria 1 of site policy EMP1(4).
- This conflict with the Development Plan is considered to be acceptable because the proposed changes would not result in a materially different impact from the approved permission or one that would result in a significant adverse impact upon the setting of the AONB in accordance with policy SP17 of the Local Plan. This is considered to represent a material consideration to justify a decision that is not strictly in accordance with parts of criterion 1, 5, and 6 of the site allocation policy EMP1(4).
- It is considered that the harm to the landscape is not at a level to outweigh the extensive public benefits of the application which arise from the economic benefits.
- The changes would not result in a materially different impact upon Woodcut Farmhouse (GII) or Leeds Castle (GI listed) and its associated Registered Park and Gardens (GII*).

<ul style="list-style-type: none"> • Otherwise, the proposed changes would not have any additional impacts above the approved permission. • Permission is therefore recommended subject to the conditions and heads of terms. 			
<p>REASON FOR REFERRAL TO COMMITTEE</p> <ul style="list-style-type: none"> • Councillor Garten has requested the application is considered by the Planning Committee for the reasons set out in his comments. • Hollingbourne Parish Council recommend refusal and request the application be considered by Planning Committee. • The recommendation is contrary to the provisions of the Development Plan namely parts of criterion within the site allocation policy. 			
WARD North Downs	PARISH COUNCIL Hollingbourne	APPLICANT Maidstone Investment Holding Ltd AGENT Savills	
DECISION DUE DATE: 24/02/21	PUBLICITY EXPIRY DATE: 02/02/21	SITE VISIT DATE: 16/02/21	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
17/502331	Outline application for a mixed commercial development comprising B1(a), B1(b), B1(c) and B8 units, with a maximum floor space of 45,295 square metres (Access being sought) (Resubmission of 15/503288/OUT)	APPROVED	20/07/18
20/505182	Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale) for Phase 1 being landscaping, infrastructure work required to create development platforms across the site, and 22,884sqm of flexible Use Class B1(c)/B8 employment floorspace comprising of 7no. units on Plot A totalling 5,444sqm (Units A3- A9) and 4no. units on Plot B totalling 17,440sqm (Units B1-B4) pursuant to 17/502331.	PENDING	

1.0 DESCRIPTION OF SITE

1.01 The application site relates to the Woodcut Farm employment allocation within the Local Plan. It is an irregular shaped parcel of arable farmland with an area of approximately 19 hectares immediately west of junction 8 (J8) of the M20 motorway. The application also includes two areas of land outlined

in blue (being adjoining land within control of the applicant). One is to the northwest which is defined as a 'landscape area' in the Local Plan and another to the west which is not within the allocation but would also provide a landscaped area.

- 1.02 Along the northern boundary is the M20 with the High Speed railway (HS1), J8 service station and the Ashford to Maidstone railway line beyond; to the eastern boundary is the J8 roundabout and its slip roads; along the south eastern boundary is Musket Lane, a narrow track which provides agricultural access to the site; along the southern boundary is the A20 (Ashford Road) and two residential properties; and along the west boundary is further farmland and a number of residential properties including the Woodcut Farm complex of buildings.
- 1.03 The two dwellings adjoining the south edges of the site are 'Chestnuts' and 'White Heath' and there is a car wash/garage facility that adjoins part of the south boundary. To the north west is the Woodcut Farm complex, set at a higher level with a private driveway (over which PROW KH641 runs) providing access from the A20. There are also around six other dwellings here including Woodcut Farmhouse a Grade II listed dwelling.
- 1.04 There are no local landscape designations affecting the site. The Kent Downs Area of Outstanding Natural Beauty (AONB) is north of the M20 and the Ashford to Maidstone railway line. At its closest point the AONB is within approximately 120m of the application site. It is considered that the application site falls within the setting of the AONB. There is also a local nature reserve to the north of the railway line around 130m from the site boundary at its closest point.
- 1.05 The site does not contain any designated heritage assets but there are a number within the vicinity, the closest being the Grade II listed Woodcut Farmhouse 80m to the west of the site. The Hollingbourne/Eyehorne Street Conservation Area, which features a number of listed buildings is around 710m to the east, and Leeds Castle (Grade I) and its Grade II* listed grounds (which features other listed buildings) are around 2km and 1km to the south east respectively. There are 5 protected trees (Oak and Scots Pine) along the south east boundary of the site with Musket Lane.

2.0 BACKGROUND

- 2.01 Outline planning permission was granted under application 17/502331 for a mix of B1(a), B1(b), B1(c) and B8 units with a maximum floor space of 45,295m². This application included the access to the site off the A20 and so up to 45,295m² of floorspace with access has been approved. The permission is subject to numerous conditions and a section 106 legal agreement.

3.0 PROPOSAL

- 3.01 This is a section 73 application to vary conditions 3 and 4 of outline permission 17/502331 which both control the size, height and orientation of buildings on the east and west parts of the site.

Condition 3 states as follows:

On the eastern part of the site (east of the existing stream), there shall be no units with a footprint of over 5,000m², no buildings shall exceed a ridge height of 12 metres, and buildings shall be orientated end-on to the M20 motorway.

Reason: To ensure a satisfactory appearance to the development.

Condition 4 states as follows:

On the western part of the site (west of the existing stream), there shall be no units with a footprint of over 2,500m², no buildings shall exceed a ridge height of 8 metres, and buildings shall be orientated end-on to the M20 motorway.

Reason: To ensure a satisfactory appearance to the development.

3.02 The application seeks changes to the size of buildings on the east part of the site; and changes to the size, height and orientation of buildings to the west as follows (changes highlighted in bold):

Condition 3:

*On the eastern part of the site (east of the existing stream), there shall be no units with a footprint of over ~~5,000m²~~ **10,000m²**, no buildings shall exceed a ridge height of 12 metres, and buildings shall be orientated end-on to the M20 motorway.*

Reason: To ensure a satisfactory appearance to the development.

Condition 4:

*On the western part of the site (west of the existing stream), there shall be no units with a footprint of over ~~2,500m²~~ **4,800m²**, no buildings shall exceed a ridge height of ~~8~~ **10.5** metres, ~~and buildings shall be orientated end-on to the M20 motorway.~~*

Reason: To ensure a satisfactory appearance to the development.

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP17, SP18, SP21, SP23, EMP1, EMP1(4), ID1, DM1, DM2, DM3, DM4, DM6, DM8, DM21, DM23, DM30
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- MBC Air Quality Guidance
- Kent Downs AONB Management Plan (2014-2019)

5.0 LOCAL REPRESENTATIONS

5.01 **Local Residents:** 14 representations received raising the following (summarised) points:

- Contrary to Local Plan and permission and no justification to ignore policy.
- No evidence of justification for proposed changes and a lack of need for larger buildings.
- Less scope to provide landscaping between buildings.
- Plot B should be lowered.
- Site is not suitable for 'big box units'.
- Further harm to AONB and landscape.
- Landscaping will take 15-20 years.
- Changes will focus primarily on B8 uses rather than a mixed employment site.
- B8 uses provide less employment than suggested by the applicant.
- Question applicant's employment figures.
- More potential for B8 uses and the associated impacts on residential amenity (noise, vibration, odour, air pollution).
- Harm to residential amenity from noise, smells and disturbance.
- Concern over lighting impact and photo provided.
- Concern over air quality for future workers at the site from M20 and A20 and impact from development.
- Spoils approach to Leeds Castle.
- Flood risk.
- Will 10,000m² of B1(a)(b) uses still be ring-fenced.
- 24/7 use will be unacceptable.
- Access is not suitable.
- Access arrangements have not been agreed apart from location in and out of the site and sightlines have not been taken into account.
- Traffic impact.
- Timetables are needed for highways works.
- There needs to be sufficient parking to avoid overspill off-site.
- Musket Lane cannot accommodate emergency access.
- If building heights are not increased we would be left with empty buildings that are not fit for purpose.
- MBC have missed out in potential CIL monies.
- S106 agreement is tame having regard to the impact of the development.

5.02 **Hollingbourne Parish Council: Request the application is refused** and referred to Committee if minded to approve as the Parish Council feels that the new proposals for the height and orientation of the buildings will be even more detrimental to the area.

5.03 **Councillor Garten** requests the application is considered by the Planning Committee, *"because it is a major development of significant public interest"*.

5.04 **Kent Downs AONB Unit: Strongly objects** to the application and concludes by saying: *"Taking the above matters into account, it is considered that the proposed variation of conditions would result in an exacerbation of harm to the landscape that would neither conserve nor enhance this part of*

the setting of the AONB. No overriding justification exists for the proposal which if permitted would wholly undermine the Local Plan process. We consider the application to be contrary to paragraphs 170 and 172 of the NPPF, policies EMP1 and SP17 of the adopted Maidstone Borough wide Local Plan as well as the Kent Downs AONB Management Plan, in particular policy SD8."

5.05 CPRE (Maidstone): Raises objections as changes will make buildings even more intrusive and will undermine the local plan process.

5.06 'Locate in Kent': Support the proposed changes for the following (summarised) reasons:

- Changes will allow a full range of unit sizes up to 50,000sqft (4,645m²), whilst preserving all the landscape and visual protections.
- Flexibility is important as the current outline permission means it is currently not possible to develop a mid-range of buildings 15,000-40,000sqft (1393m²-3716m²), a size we know the market needs.
- The proposed changes will broaden the site's appeal as a location and create a more successful mixed business park.
- Locate in Kent have received 43 enquiries for 15-40ksqft industrial space with an interest in Maidstone.
- Only 6 industrial properties on the market in the MBC area between 15-40,000sqft.
- Vacant provision in Maidstone is in semi-rural sites without direct access to the M20 and less well served with public transport.
- Restrictions limit opportunity for local businesses to grow on site and they would have to look elsewhere.
- Applicant has a clear track record of successful business park development.
- As Maidstone's communities grow to meet housing targets developing new types of commercial space in parallel becomes increasingly important.
- Locate in Kent is working with a pipeline of global investors and small local employers that will consider the Woodcut Farm site, as a strategic location should this scheme be approved.
- The proposed scheme contributes to futureproofing Kent's employment needs and will augment Maidstone's existing vibrant local economy.

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 Natural England: Raise objections as they consider the proposals will have a significant impact on the purposes of designation of the Kent Downs Area of Outstanding Natural Beauty and fail to meet the criteria for planning permission to be granted as set out in the adopted Maidstone Local Plan - Policy EMP1(4).

6.02 Historic England: No objections. *"We think it is unlikely that the proposed increase in building heights would cause an additional level of harm over and above that described in the outline consent.... Historic England has no*

objection to the application on heritage grounds provided that the variation covered in the Section 73 application and the additional building heights proposed in the reserved matters application do not result in a higher level of harm than was suggested by the outline application."

- 6.03 **Highways England: No objections** subject to a condition excluding 'last mile delivery/parcel distribution uses' as it is considered that such users have a different traffic impact which must be assessed.
- 6.04 **Environment Agency: No objections** subject to conditions covering land contamination and to prevent pollution of the underlying aquifer and groundwater (as per original application).
- 6.05 **KCC Highways: No objections.**
- 6.06 **KCC SUDs: No objections** subject conditions.
- 6.07 **KCC Minerals & Waste: No objections.**
- 6.08 **KCC Archaeology: No objections** subject to condition.
- 6.09 **KCC Ecology: No objections** subject conditions.
- 6.10 **MBC Conservation Officer:** *"We have previously commented on earlier iterations of this development in relation to applications 15/503288 and 17/502331/OUT, which we considered would result in less than substantial harm to the setting and significance of Woodcut Farm (grade II listed) by encroaching on the farmhouse's historically open and rural setting. The amendments proposed in the current application would not in my view result in a materially different impact on the setting of the listed building and therefore I maintain our position as outlined above."*
- 6.11 **MBC Landscape Officer:** Advises that the general principles and methodology for the Landscape and Visual assessment accords with current guidelines. Advise that despite the proposed amendments the assessment summary considers there to be no new landscape or visual effects or any increases to the significance of those effects and reaches the same conclusions as the Environmental Statement 2017. On the basis that the principles and methodology are considered to be acceptable and clearly lead through to the conclusion, I believe the assessment remains sound.
- 6.12 **MBC Environmental Health: No objections** subject to previous conditions being attached.
- 6.13 **HSE: No objections.**
- 6.14 **Southern Water: No objections.**
- 6.15 **Kent Police:** Recommend various measures to 'design out crime'.
- 6.16 **MBC Economic Development:** Support the application and state that, *"Ensuring Key employment sites are delivered, and that local commercial and*

inward investment is increased are strategic priorities for the Council as set out in the councils adopted Strategic Plan 2019-2045. 'Embracing Growth and Enabling Infrastructure' and 'A Thriving Place'. This position is also reflected in the councils adopted Economic Development Strategy 2015 – 2031."

Advise that, "The Borough remains attractive for inward investment enquiries but is hampered to a certain extent by the supply of available modern fit for purpose commercial units and employment sites close to strategic transport networks."

And that, "The proposed variation on flexibility to the development at Woodcut Farm could assist in landing future enquiries providing much needed jobs and investment in the Borough."

7.0 APPRAISAL

7.01 Outline permission has already been granted for commercial development at the site and this application proposes to make changes to conditions 3 and 4 only. In line with section 73 of the Town and Country Planning Act 1990, for such applications the local planning authority can only consider the proposed changes to those conditions and cannot re-visit the principle of the development or any other matters relating to the outline permission. As such the report focuses on the changes to the conditions and an assessment of the impacts they would have.

7.02 The EIA Regulations still apply to such applications and this is why the applicant has provided a new Environmental Statement (ES) to sit alongside the proposals. This is a lengthy document which in effect re-appraises the whole development as it must. However, I reiterate that the focus of the assessment must be on the effect of the proposed changes to the conditions.

7.03 The site allocation policy under criterion 5 and 6 state as follows:

5. Larger footprint buildings will be accommodated in the field to the east of the stream up to a maximum unit size of 5,000m² with building ridge heights not to exceed 12m. Units should be orientated end-on to predominant views to and from the AONB.

6. Development on the field to the west of the stream comprises smaller units of up to 2,500m² footprint. Graded building heights will take account of the site's topography with building ridge heights not to exceed 8m. On the highest part of the site at and above the 55m contour line as shown on the policies map, building footprints will be limited to 500m². The siting, scale and detailed design of development must have regard to the preservation of Woodcut Farmhouse (Grade II) and its setting.

7.04 The proposals would conflict with the building size for criteria 5 and the size, height and orientation for criteria 6. As such the impacts of such changes need to be carefully considered and the main issue is the impact upon the landscape and setting of the AONB. Impacts upon heritage and local amenity also need to be considered.

Applicant's Reasons for Changes

- 7.05 Whilst a decision must be made as to whether the proposed changes are acceptable or not with the main consideration being the landscape impact, the applicant has set out their reasons for the proposed changes which can be considered in the balance.
- 7.06 They outline that, *"allowing the B-units (to the east) to have increased footprints of up to 10,000sqm will provide greater flexibility in the range of unit sizes that can be provided. The buildings have been designed to allow internal subdivision, which will provide greater flexibility to respond to tenant requirements to expand or contract by moving internal walls."* They refer to the comments from MBC Economic Development, which recorded 7 live enquiries for Maidstone in September 2020, of which 5 were over 5,000sqm and state that, *"without the proposed amendments, the enquiries over 5,000sqm could not be accommodated at Woodcut Farm."*
- 7.07 They also consider the floorspace restrictions mean that there is no ability to develop mid-range units of around 1,400m² - 3,250m². They could obviously be provided on the east part of the site where up to 5,000m² can be allowed and 10,000m² is being sought but this is likely to be the location for the largest buildings. They state that they have had two enquiries for this medium size of building and that any successful business that outgrows the smaller buildings limit up to 2,500m² would need to leave the site. This is not strictly correct as larger buildings can be provided to the east but the applicant's general point is to seek a mix of building sizes across the site which is confirmed by the comment that, *"the requested changes to the size restrictions would enable the development to meet all the identified requirements. Allowing a range of unit sizes is also important to creating an ecosystem and providing options for businesses to scale up and down."*
- 7.08 In terms of heights, they consider that, *"by modern standards, the proposed unit sizes are not large. The 12m high B-units will provide an internal clear height of 10m and the 10.5m A-units would provide a clear internal height of 8.5m. To reduce the heights of the buildings would place the units at a competitive disadvantage."*
- 7.09 The Council's Economic Development (ED) section support the application and comment that,
- "The Borough remains attractive for inward investment enquiries but is hampered to a certain extent by the supply of available modern fit for purpose commercial units and employment sites close to strategic transport networks. 'Locate in Kent' the Counties Inward Investment Agency continue to receive demand and interest from businesses wishing to relocate or expand in the Borough. 'Locate in Kent's' September 2020 demand enquiries for Maidstone based on maximum size requirements record 7 enquiries between 3,200m² and 9,200m². The proposed variation on flexibility to the development at Woodcut Farm could assist in landing future enquiries providing much needed jobs and investment in the Borough."*

7.10 The information provided by ED reveals that five enquiries were for buildings exceeding the 5,000m² restriction and two above the 2,500m² restriction in place on the west part of the site. I consider this does demonstrate some need for middle size and larger footprint buildings in the locality but as stated previously it is the impact of the changes which is the main consideration.

7.11 'Locate in Kent' also support the application to provide flexibility and a full range of unit sizes and consider the proposal will broaden the site's appeal as a location and create a more successful mixed business park.

Landscape Impact

Building Height Increase of 2.5m on West Part of Site (up to 10.5m)

7.12 Clearly the height of the buildings is important in terms of landscape impact but just as important are the land levels on which the buildings are set. Levels were not set under the outline permission by condition as the site policy only refers to heights. The information accompanying the outline application did set out the indicative finished floor levels (FFLs) of the buildings on the 'Building Heights' parameter plan and these were used for the Landscape and Visual Impact Assessment (LVIA). Being indicative the FFLs had a +/-1m variance.

7.13 The table below shows a comparison between the FFLs in the west part of the site as shown on the original outline application and those now being proposed.

Area of West Part of Site	Original Outline indicative FFLs	Proposed FFLs	Difference
South Area near to A20	51.30m	51.30m	0m
Middle Area	52.45m	51.50-52.75m	-0.95m to +0.05m
North Area	52.60m	52.20-53.20m	-0.40m to +0.60m

7.14 This shows that FFLs in the south area would remain the same as previously envisaged and in the middle and northern areas they would be lower in places and higher in others.

7.15 Following submission of the application, discussions were held with the applicant to see whether lower FFLs were achievable to reduce any impact and so the applicant reviewed their cut and fill exercise. This resulted in slightly lower FFLs than originally proposed which are those as set out in the table above. The applicant has advised that the levels have be lowered as far as is possible before reaching a point that requires the introduction of retaining walls, a mechanical drainage design and considerable uplift in the amount of ground material that would need to be taken off site.

7.16 Whilst it cannot be said that the FFLs shown within the original outline application were not achievable, it seems that through more extensive design

work mainly relating to the road layout and drainage (carried out in connection with their reserved matters application), the FFLs are as low as is reasonable. It is therefore considered appropriate to require the development to be carried out in accordance with these levels should the proposals be considered acceptable.

Building Size Increases and Orientation

7.17 On the west part of the site buildings are proposed up to 4,800m² (as opposed to 2,500m²) and without a requirement to be orientated end of to the M20. On the east part of the site buildings are proposed up to 10,000m² (as opposed to 5,000m²). Paragraph 4.232 of the Local Plan states that, "*The flatter area of the site, to the east of the stream, is better able to accommodate larger footprint buildings up to 5,000m².... to the west of the stream the land rises and is suited to smaller footprint buildings of up to 2,500m²....*"

7.18 This is the only explanation for the building sizes in the Local Plan. The west part of the site is in the main lower and was proposed to be set lower than the east so it is not entirely clear why smaller and lower buildings are more appropriate here but it is more confined by the land rising steeply to the west and is nearer to Woodcut Farmhouse (GII listed). However, limiting building sizes is likely to lower the impact on the landscape as buildings/roofs could potentially be better broken up. The orientation was defined to have the narrower 'end' of buildings facing north so helping to reduce the impact of buildings in views from the AONB. It is also my recollection that the building sizes and heights were part of a negotiation with the applicant during the course of the planning applications from 2015 and 2017 and through the Local Plan Examination process in order to limit the impact as far as possible, which culminated in the adopted Local Plan policy and the eventual planning permission.

Appraisal of Landscape Impact from Proposed Changes

7.19 Since the previous decision the NPPF and national guidance has been updated. The NPPF's statements relating to AONBs have not changed greatly and refer to development within them so are not directly relevant. National guidance refers to the setting of AONBs and states, "*land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.*"

7.20 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.

- 7.21 Turning to the impact of the proposed changes, the applicant outlines that under the original LVIA a maximum height of 68.2m AOD was assessed and that the proposed changes would remain well below this by 4.5m which is correct. The Council agreed with the findings of the LVIA and this is a material consideration but notwithstanding this, the Council still decided to specifically limit heights of the buildings as per the condition and site policy with which the proposals would conflict.
- 7.22 The original LVIA concluded that after mitigation, impacts would be minor from the AONB and other longer views from the south east due to the intervening distance or the effect of intervening landform and vegetation. Closer views from the footpath to Woodcut Farm to the west and adjacent properties would be greater and these were considered to cause major to moderate impacts upon the landscape. The Council previously agreed with these conclusions as set out in the 2017 application committee report which stated, *"whilst views from the AONB and Pilgrim's Way National Trail are sensitive, due to the distance and/or the effect of intervening landform and vegetation, I would not consider the development to be overly intrusive from the AONB. Importantly, the detailed criterion required by the allocation policy would help to mitigate this impact to an acceptable level."*
- 7.23 The current application assesses the impacts of the increased height and building sizes in a new LVIA which uses the same viewpoints as the original and an additional viewpoint from the A20 flyover to the southeast of the site. The LVIA concludes that the changes do not result in any greater adverse impact. Having observed the site from viewpoints in the AONB one again, I would agree that in longer distance views from the AONB, due to the distance and/or the effect of intervening landform and vegetation, the increase in height and orientation would not make any obvious noticeable difference from that already approved. Indeed, much of the site is screened by rising land and the development would not be highly visible or prominent from the AONB.
- 7.24 The effect of the building footprint changes would mean less scope to provide landscaping within the built areas of the site and it would be unlikely to achieve clear visual separation between buildings and parking with landscaping as required as part of criteria 1 of the site policy and condition 8 of the permission. This would particularly be the case for the east part of the site where the larger buildings are proposed. This 'breaking up' of the buildings in my view would only provide any meaningful mitigation benefit from higher ground where it could be seen and so in the main from the AONB to the north. Again, I consider that in longer distance views from the AONB, due to the distance and/or the effect of intervening landform and vegetation, the impact of these changes would not be materially more harmful or intrusive from the viewpoints beyond the original permission. The strategic areas of landscaping on the outsides of the development, and tracts of landscaping through the site along the stream and on the east side of the site would still be achievable.
- 7.25 As was concluded previously, it is in more localised views from the A20, M20, the access to the Woodcut Farm complex, (over which PROW KH641 runs), and Old Mill Lane around 400m to the south where the development

inevitably has a significant impact and from here the proposed changes would be more apparent and have more of an impact. However, it is still considered that the proposed changes would not make such a difference that the impact upon the landscape and local area would now be unacceptable. This is largely because the key strategic landscaped areas on the outskirts of the development would still be provided and these would suitably mitigate the impact of the development as illustrated in the verified photomontages provided with the application.

- 7.26 The verified photomontages submitted under the LVIA (which follow current best practice) are intended to present an accurate representation of the development from 15 viewpoints. They show the development before any landscaping is provided, after 5 years, and then when the landscaping is at full maturity during summer months. They show that in long distance views the development would not be any more harmful or intrusive from the AONB beyond the original permission and is not highly visible or prominent. In more localised views they demonstrate how important the strategic landscaping is to screen and/or break views of the development which will once more will be secured by condition.
- 7.27 Taking into account the proposed changes, it is concluded once again that there would be minor impacts in views from the AONB and more significant impacts in closer views around the site, to the south, and towards the AONB. Such impacts are inevitable this being a major allocation of employment floorspace and these would be significantly mitigated by the strategic landscaping that will be secured by condition once more. So whilst the increase in height and building sizes/orientation would have a some further impact and represent a clear conflict with the site allocation policy, the actual effects of these changes would not be significant or be to such a degree that would make the impact of the development on the AONB setting or the local landscape unacceptable in the context of the site being allocated for up to 49,000m² of employment floorspace.
- 7.28 Natural England (NE) and the Kent Downs AONB Unit have raised objections in terms of the impact upon the AONB outlining the proposed changes would not be in accordance with current local plan policy; that they consider the increase in footprint and height cannot be accommodated without significant landscape impacts on the AONB and they will increase the developments visibility particularly from higher viewpoints; they do not agree with the conclusions of the LVIA; and given the landscape impacts on the AONB from the proposed changes, the proposal fails to conserve or enhance the natural beauty of the AONB, as required by both national and local policy. It is acknowledged that the changes will have a slightly greater impact but for the reasons outlined above, it would not be of a magnitude that would result in a materially different impact from the AONB or one that would have a significant adverse impact on the setting of the AONB in accordance with policy SP17. This is considered to represent a material consideration to justify a decision that is not strictly in accordance with parts of criterion 1, 5 and 6 of the site allocation policy EMP1(4).
- 7.29 Clearly, the employment needs and benefits were weighed against the landscape harm when the site was allocated and the proposed changes do

not make a significant or unacceptable difference to the landscape impact from the original outline approval. It is still considered that the level of harm is not sufficient to outweigh the extensive public benefits of the application which arise from the economic benefits through the creation of between 765 to 1260 FTE jobs once operational; net additional value to the economy of some £28 to £47 million each year in Maidstone Borough, and it would provide a significant contribution to the identified employment needs of the Local Plan/Borough (up to 8%) at a strategic employment allocation.

- 7.30 In having regard to the purpose of conserving or enhancing the natural beauty of the AONB under Section 85 of the Countryside and Rights of Way Act 2000, it is considered that the proposed changes would not be of a magnitude that would result in a materially different impact to the setting of the AONB as the approved permission or to what policy EMP1(4) of the Local Plan seeks. The proposals would also not have a significant adverse impact on the setting of the AONB in accordance with policy SP17.

Heritage

- 7.31 Under the original application it was concluded that the harm to the setting of Woodcut Farmhouse (GII listed) to the west would be minimal and 'less than substantial' and the public benefits of the development far outweighed this level of harm.
- 7.32 It is considered that the proposed height and building footprint changes are not so significant as to result in a materially different impact upon the setting of Woodcut Farmhouse and this impact would still be 'less than substantial'. This level of harm as before must still be given great weight in the balance but it is not so great as to tip the balance against the proposed changes. It is still considered that the significant public benefits from the proposals outweigh this impact in accordance with the NPPF and policy DM4 of the Local Plan. These public benefits are primarily the significant economic benefits as outlined at paragraph 7.29 which attract substantial weight. The Council's Conservation Officer also considers that, *"the amendments proposed in the current application would not in my view result in a materially different impact on the setting of the listed building."*
- 7.33 In terms of Leeds Castle (GI listed) and its associated Registered Park and Gardens (GII*), under the original application Historic England considered that the development would have a negligible visible presence from the castle grounds and that once landscaping is established it would not be seen. They considered that any harm would be negligible. Under this application they raise no objection but say this is provided the additional buildings heights do not result in a higher level of harm than was suggested by the outline application. They also state that, *"we think it is unlikely that the proposed increase in building heights would cause an additional level of harm over and above that described in the outline consent."* I concur with Historic England that the proposed changes would not result in any obvious noticeable difference or cause an additional level of harm from the castle grounds. For this reason, it is still considered that the significant public benefits from the proposals outweigh this negligible impact in accordance with the NPPF and policy DM4 of the Local Plan.

Residential Amenity

7.34 As before, the main impacts from the development would be on nearby dwellings through the introduction of noise and disturbance from a 24-hour site from road traffic, vehicles and HGV's accessing the site, reversing, loading and manoeuvring within loading yard areas. The proposed changes to the building heights and sizes would not result in any different impacts in this respect nor do they allow more of certain types of uses than was previously assessed. Nor would the changes result in any materially different impact upon privacy, light or outlook. As before, subject to the noise mitigation measures, the proposals are considered to be in accordance with policy DM1 of the Local Plan.

Access and Highways

7.35 Highways England consider that the increase in floorspace to 10,000m² could mean that 'high intensity parcel delivery' users (companies such as DPD) may occupy the site and say they are aware of such delivery companies seeking units of around 10,000m² as sub regional delivery hubs. They consider such users generate larger quantities of trips across the day, would potentially have a very different distribution to a typical B8 use and larger parking requirements. On this basis, they recommend either a condition excluding 'high intensity parcel delivery' users on the basis that the impact of such users has not been assessed, or the applicant assesses the potential impact to demonstrate they can be accommodated on the strategic road network. They are not opposed to such users but consider they need to be assessed to determine if the impact is acceptable. If either option is not taken, they object to the application.

7.36 All storage and distribution/warehouse uses fall under use class B8 and there is no sub-class for 'parcel delivery'. The Government therefore do not distinguish between such uses and so it could be said that there is no justification for preventing certain types of operators who fall within a B8 use. Highways England have therefore been asked for evidence that such users generate more traffic and have provided some examples from SE England which do show that such users generate more movements than a standard B8 use.

7.37 It is considered that there is some merit in the case being put forward by Highways England this being a well-located site next to the M20 and whilst the applicant has outlined how they do not consider the site is suitable mainly because of the limited space available, they do not disagree that such uses generate more traffic. On this basis, I consider that there is the potential for a greater traffic impact from such users with larger buildings being allowed on site. The applicant is not proposing to assess this impact and has confirmed that a condition is acceptable to them. A condition has been agreed with Highways England that would prevent 'high intensity parcel delivery uses' (where the primary activity of the business is the storage, packaging and delivery of parcels to residential and business users for and on behalf of multiple independent sellers as distinct from a retail warehouse and distribution centre). This would apply to any buildings over 5,000m².

- 7.38 The access into the site was accessed by KCC Highways and approved under the original application and is not being changed under this application. The off-site improvements including bus stops, pedestrian refuges and improvements to the footway on the north side of the A20 would be secured once again, as would the financial contributions to increase bus frequency at peak times to half hourly.
- 7.39 KCC Highways have requested a financial contribution of £120,000 towards the planned junction improvement scheme at the A20/Willington Street junction. Under the original permission the improvement necessary for this development (widening on westbound the A20 arm) was secured via condition. In view of a wider strategic improvement to the junction now being more advanced by KCC, I consider a financial contribution would be more appropriate. The applicant has also confirmed they are agreeable to this. Such a contribution to strategic infrastructure would normally be via CIL but commercial development has been specifically exempted from CIL by the Council. There could be an argument that the development should not pay s106 monies because the Council have exempted CIL payments, however, in view of there being an extant permission that specifically secured an improvement to the junction it is considered suitable to do so in this case. The amount has been requested as it is based on the costs of the works that are specifically required by this development. It is therefore considered to be necessary, directly related to the development and reasonable in accordance with the CIL Regulations. The applicant will provide a legal agreement (unilateral undertaking) directly with KCC to secure these monies, which is acceptable.

Other Matters

- 7.40 The proposed changes do not have any different implications for ecology, archaeology, flood risk and drainage, lighting, air quality, or any other matters. Nor has anything materially changed in planning policy or guidance or at the site/in the locality to warrant a different conclusion on any of these matters. As before conditions will be attached to mitigate and address these issues.

Representations

- 7.41 Issues raised that are not considered in the assessment above relate to views that the changes will focus primarily on B8 uses rather than a mixed employment site and questioning of the applicant's employment figures. The changes would provide for larger buildings but the outline permission limits B8 uses to no more than 22,455m² so the site cannot be occupied entirely by such uses without seeking permission to do so. The Council's ED Section have referred to the applicant's employment forecasts in their comments and have not raised any issues with them.

Conditions & Legal Agreement

- 7.42 An approval results in a new planning permission so all conditions will be attached once more. The 'use class order' has changed since the previous

consent and so the B1 uses now fall within a wider commercial/business use 'Class E'. The relevant conditions will be amended to still restrict the permission to office, research and development, and light industry and a new condition will prevent any changes to other uses within the new Class E such as retail and recreation.

- 7.43 For the reasons outlined at paragraph 7.24, the increased building sizes mean less scope to provide landscaping within the built areas of the site and it is unlikely to be possible to achieve clear visual separation between buildings and parking areas with landscaping. This is specified under the second paragraph of condition 8 (landscaping) and so this is proposed to be amended to reflect the changes to the building sizes (changes in bold).

*Substantial tracts of planting extending into the body of the development to achieve clear visual separation between **development areas. individual buildings and between parking areas.***

- 7.44 As assessed at paragraph 7.24, whilst this change would be contrary to part of criteria 1 of the site policy, it is not considered to result in a materially difference impact upon the setting of the AONB or the local landscape or a significant adverse impact on the setting of the AONB, and this represents a material consideration to justify a conflict with this part of the policy.

- 7.45 The s106 legal agreement accompanying the original permission has a clause (9.3) which ties the covenants and provisions of the s106 to any subsequent section 73 application and so a new legal agreement is not required. A new legal agreement to secure the £120,000 to the A20/Willington Street will be secured.

8.0 CONCLUSION

- 8.01 The proposed changes to the height, building sizes and orientation would have a slightly greater impact above the approved permission. However, it is considered the changes would not make any obvious noticeable difference in views from the AONB due to the distance and/or the effect of intervening landform and vegetation. In more localised views to the south, the changes would be more apparent but would not make such a difference that the impact upon the landscape and local area would be unacceptable in the context of the site being allocated and the extant permission.

- 8.02 The effect of the building footprint changes would mean less scope to provide landscaping within the built areas of the site and it is unlikely to be possible to achieve clear visual separation between buildings and parking area with landscaping as required as part of criteria 1 of the site policy and condition 8 of the permission. It is considered that the loss of this 'breaking up' of buildings would again not make any obvious noticeable difference in views from the AONB due to the distance and/or the effect of intervening landform and vegetation. The strategic areas of landscaping on the outsides of the development, and tracts of landscaping through the site along the stream and on the east side of the site would still be achievable.

- 8.03 The site allocation inevitably has a harmful impact upon the local landscape but the changes would not take this to a level that is now unacceptable. The proposals nonetheless represent conflict with the building size limits for criteria 5, and the size, height and orientation for criteria 6, and part of criteria 1 of site policy EMP1(4). However, this conflict with the Development Plan is considered to be acceptable because the proposed changes would not actually result in a materially different impact from the approved permission or one that would result in a significant adverse impact upon the setting of the AONB in accordance with policy SP17 of the Local Plan. This is considered to represent a material consideration to justify a decision that is not strictly in accordance with parts of criterion 1, 5 and 6 of the site allocation policy EMP1(4).
- 8.04 It is considered that the harm to the landscape is not at a level to outweigh the extensive public benefits of the application which arise from the economic benefits through the creation of between 765 to 1260 FTE jobs once operational; net additional value to the economy of some £28 to £47 million each year in Maidstone Borough, and it would provide a significant contribution to the identified employment needs of the Local Plan/Borough (up to 8%) at a strategic employment allocation.
- 8.05 The changes would not result in a materially different impact upon Woodcut Farmhouse (GII) or Leeds Castle (GI listed) and its associated Registered Park and Gardens (GII*). For these reasons, it is still considered that the significant public benefits from the proposals outweigh the 'less than substantial' harm to Woodcut Farmhouse and the negligible impact on Leeds Castle and its grounds in accordance with the NPPF and policy DM4 of the Local Plan.
- 8.06 In accordance with Highways England's advice, a new condition would prevent 'high intensity parcel delivery uses' over 5,000m² to ensure the impact of such users is fully assessed should the applicant pursue this.
- 8.07 Otherwise the proposed changes would not have any additional impacts above the approved permission.
- 8.08 Permission is therefore recommended subject to the conditions and heads of terms set out below.

9.0 RECOMMENDATION

Subject to:

The conditions set out below, and the prior completion of a legal agreement to secure the heads of terms set out below;

the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

Heads of Terms

1. A financial contribution of £120,000 to be used towards the proposed A20/Willington Street junction improvements to mitigate the impact of the development.

Conditions:

1. Any phase of the development (as approved under the phasing plan submitted and approved under condition 13 below) shall not commence until approval of the following reserved matters have been obtained in writing from the Local Planning Authority for that phase:-

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

Application for approval of the reserved matters shall be made to the Local Planning Authority before 20th July 2023. The development 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;

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 of layout submitted pursuant to condition 1 shall show no more than 40% of the site being covered by buildings.

Reason: To ensure a satisfactory appearance to the development.

3. On the eastern part of the site (east of the existing stream), there shall be no units with a footprint of over 10,000m², no buildings shall exceed a ridge height of 12 metres, and buildings shall be orientated end-on to the M20 motorway.

Reason: To ensure a satisfactory appearance to the development.

4. On the western part of the site (west of the existing stream), there shall be no units with a footprint of over 4,800m², and no buildings shall exceed a ridge height of 10.5 metres.

Reason: To ensure a satisfactory appearance to the development.

5. On the highest part of the site at and above the 55m contour line, as shown on the Local Plan policies map, there shall be no buildings with a footprint of over 500m².

Reason: To ensure a satisfactory appearance to the development.

6. The details of appearance submitted pursuant to condition 1 shall follow the principles of the original Design & Access Statement and include:

- Curved roof forms.

- Green roofs and walls on smaller footprint buildings (500m² and below).
- Non-reflective materials and sensitive colouring.
- Glazed frontages to buildings and active frontages addressing both the A20 and M20.
- The use of vernacular materials including ragstone on buildings and in boundary treatments.
- High quality surfacing materials.
- Sensitive lighting.
- The use of photovoltaic cells incorporated into the design of the roofs.

Reason: To ensure a satisfactory appearance to the development.

7. The details submitted pursuant to condition 1 shall provide for vehicle and cycle parking spaces in line with the Council's adopted standards.

Reason: In the interests of highway safety and to promote sustainability.

8. 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 programme of implementation shall include site boundary planting and the 9ha of woodland/wooded pasture being established under the first phase of any development. The landscape scheme shall specifically address the need to provide:

- Substantial tracts of planting extending into the body of the development to achieve clear visual separation between development areas.
- Dense woodland planting along the A20 frontage at the south western edge of the site in excess of 25m width including a planted bund.
- A 30m native woodland belt with understorey shrubs and grasses along the western edge of the site to help secure the setting of Woodcut Farmhouse.
- Planted landscape buffer zones to the west north and east of Chestnuts and White Heath adjacent to the site to help protect the amenity of these properties.
- Retention of the protected trees along Musket Lane, augmented with hedgerows and a new native woodland shaw at least 15m in depth to Musket Lane.
- Creation of a circa 38m-70m landscape buffer between any development and the M20 which includes the gas pipe easement.
- A woodland shaw along the northern boundary and the M20 of at least between 10-24m width.
- The gas pipe easement corridor managed as long grass with indigenous wild flora.
- Tracts of structural landscaping extending into development areas of at least 15m in width.
- An avenue of tree planting along the access road.
- An area of heavily treed native woodland planting in the north west corner of the site of approximately 2.5ha and an area of wooded pasture within

the land outlined in blue to the northwest of the application site of approximately 6.6ha (total of at least 9ha).

- Tree planting within the area the land outlined in blue to the west of the application site (approximately 2.4ha).
- An area of tree planting within the land outlined in blue to the west of the application site.
- Swales and balancing ponds including the provision of shallow areas, and deeper, cooler areas, as well as the planting regimes.

Reason: To ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

9. The details submitted pursuant to condition 1 shall include at least 10,000m² of Use Class E(g)(i) (offices) or (ii) (research and development) floorspace or a combination of the two.

Reason: To comply with the site allocation policy.

10. The details submitted pursuant to condition 1 shall not exceed the following floorspaces (unless made subject to further assessment):

Use Class E(g)(i)(ii) uses - 10,000m²

Use Class E(g)(iii) uses - 12,840m²

B8 uses - 22,455m²

Reason: To comply with the floorspace amounts assessed under the Environmental Statement.

11. The details submitted pursuant to condition 1 shall be designed so that any impact with regards to noise is reduced to a minimum in accordance with national policy and the design of the development shall aim to meet the levels defined by the Noise Rating Curve 35 at the existing noise sensitive properties. The final design and noise mitigation applied shall take into account the prevailing noise environment, the nature and extent of any residual impact as well as its economic cost and benefit.

Reason: In the interests of residential amenity.

12. 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.

13. No development shall take place until a phasing plan for the whole site has been submitted to the Local Planning Authority and agreed in writing. The approved phasing plan shall be followed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a suitable development of the site.

14. No development shall take place until the specific details of the off-site highway improvements to the A20 including the site access junction, pedestrian refuges, footway/cycleway enhancements, and bus stops have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The subsequently approved details shall be carried out in full prior to the occupation of any of the development.

Reason: In the interests of highway safety and to promote sustainability.

15. No development shall take place until a Construction Management Plan and Code of Construction Practice 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)
- Measures to minimise light intrusion from the site(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 view of the scale of the development and in the interests of highway safety and local amenity.

16. The development shall be carried out in accordance with the Great Crested Newt mitigation strategy approved under application 20/505159/SUB and thereafter maintained.

Reason: In the interests of biodiversity.

17. The development shall be carried out in accordance with the Landscape and Ecological Management Plan (LEMP) approved under application 20/505159/SUB.

Reason: In the interests of biodiversity.

18. The development shall be carried out in accordance with the ecological design strategy (EDS) approved under application 20/505159/SUB and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity.

19. The development shall be carried out in accordance with the method statement for ecological mitigation approved under application 20/505159/SUB and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

20. The construction of the development shall be carried out in accordance with the construction environmental management plan (CEMP: Biodiversity) approved under application 20/505159/SUB.

Reason: In the interests of biodiversity.

21. The development shall be carried out in accordance with the precautionary reptile mitigation strategy approved under application 20/505159/SUB.

Reason: In the interests of biodiversity.

22. No development shall take place a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport and building related air pollutant emissions of the development when in occupation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy - using the planning system to reduce transport emissions January 2010.

Reason: In the interests of pollution reduction.

23. No development shall take place until the following details 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:

- (i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall maximise the use of infiltration and shall demonstrate that both the rate and volume of run-off leaving the site post-development will be

restricted to that of the existing site, with the rate of runoff not exceeding 80.1l/s for any rainfall event (up to and including the climate change adjusted 100 year critical storm).

- (ii) Development shall not begin until it has been appropriately demonstrated that the existing on-site surface water flow-routes and accumulation points will not be altered in such a way that the development places adjacent properties at risk of flooding during any rainfall event, up to and including the climate change adjusted critical 100 year storm.
- (iii) No building hereby permitted 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:
 - i) a timetable for its implementation, and
 - ii) 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.

24. No phase of 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.

25. The development shall be carried out in accordance with the archaeological field evaluation works and specification approved under application 20/504216/SUB. Following on from the evaluation, and prior to the commencement of development on any phase, 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 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

26. No phase of the development shall take place until details of the proposed slab levels of the buildings which shall follow those set out on the Building Heights Parameter Plan (PL4.2 RevB) together with 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.

27. The development shall be carried out in accordance with the Arboricultural Impact Assessment (AIA) approved under application 20/505159/SUB.

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

28. No phase of the development above damp proof course level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces relating to 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. The materials shall follow the principles of the Design & Access Statement.

Reason: To ensure a satisfactory appearance to the development.

29. No phase of the development above damp proof course 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 and the development shall be carried out in accordance

with the approved details before the first occupation of the building(s) or land and maintained thereafter. The boundary treatments shall follow the principles within the Design & Access Statement and include the use of ragstone walling.

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

30. No phase of the development above damp proof course 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, 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.

31. No phase of the development shall take place above damp proof course level until details of facilities for the charging of electric vehicles within that phase have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before the first use of the building(s) or land, should conform to the latest standards and conform to best practice, and be thereafter retained.

Reason: In the interests of sustainable transport use, pollution reduction and local amenity.

32. The approved details of the access to the site as shown on drawing no. PL_4.3 RevB shall be completed prior to the occupation of the site and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

33. Prior to first use of any premises, in respect of noise, details of the anticipated operation of the various units shall be submitted to and approved in writing by the Local Planning Authority. In particular, the details shall compare the anticipated operation with that assumed in the Environmental Statement (ES) to show that the level of noise impact and effect would continue to comply with national policy. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity.

34. Notwithstanding the implementation of wider site boundary planting being established under the first phase of any development under condition 8, all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season (October to February) with seeding or turfing in the first seeding and turfing season (March to September) following the occupation of the phase that the landscaping

scheme relates to. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of that phase or from planting of the wider site boundary planting, 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.

35. 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.

36. 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.

37. 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 each building.

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

38. The precautionary bat mitigation as detailed within the Bat Report dated 28 October 2020 prepared by Lloyd Bore shall be strictly adhered to unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of biodiversity.

39. Details of the proposed location and design of any electricity substation(s) shall be submitted to and approved in writing by the Local Planning Authority. The design should aim to maximise the distance between the sub-station and existing noise sensitive properties and shall aim to meet the levels defined by the Noise Rating Curve 35 at the existing noise sensitive properties. The final design and noise mitigation applied shall take into account the prevailing noise environment, the nature and extent of any residual impact as well as its economic cost and benefit. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity.

40. 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.

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

41. 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.

42. 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.

43. 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.

44. 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 shall be carried out without the permission of the Local Planning Authority;

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

45. Any buildings and associated land shall be used only for Use Class E(g)(i)(ii)(iii) or Use Class B8 and for no other purpose (including any other purpose in Class E 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) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: To comply with the site allocation policy and in order to deliver the specific types of employment the site was allocated for.

46. In respect of the approved access from the A20 to a position 40 metres into the site only, the development hereby permitted shall be carried out in accordance with drawing no. 13-0596.110 (Site Access Visibility Splays), and Illustrative Site Layout Plan 11257/FE_125 (Rev A).

Reason: For the purposes of clarity.

47. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any statutory instrument revoking and re-enacting the Order, the Use Class B8 premises hereby approved on Plot B as defined on the Illustrative Site Layout Plan 11257/FE_125 (Rev A) shall exclude occupation by any use for 'High Intensity Parcel Delivery Service' for any unit of 5,000sqm or more.

'High Intensity Parcel Delivery Service' means that the primary activity of the business is the storage, packaging and delivery of parcels to residential and business users for and on behalf of multiple independent sellers as distinct from a retail warehouse and distribution centre where the packaging and distribution is consequential to the retail sale of their own goods or goods for which they have a franchise.

Reason: To ensure, taking account of the material difference in traffic generation and impacts of high intensity parcel delivery compared to more traditional B8 uses, the traffic impact of which has not been assessed on the surrounding road network, that the M20 continues to be an effective part of the national system of routes for through traffic and to satisfy the reasonable requirements of road safety.

Informative

The Section 106 agreement accompanying the original permission 17/502331/OUT contains a clause (9.3) which ties the covenants and provisions of the legal agreement to this permission.