

REFERENCE NO - 19/504910/OUT		
APPLICATION PROPOSAL Outline application for the redevelopment of the former Syngenta works site to provide a new business park of up to 46,447 sqm (500,000 sq.ft.) of B1(c), B2 and B8 accommodation with associated access, parking and infrastructure works. (Access only being sought).		
ADDRESS Former Syngenta Works, Hampstead Lane, Yalding, Kent		
RECOMMENDATION – APPROVE WITH CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none">• The site is allocated for employment (B use classes) under policy RMX1(4) in the Local Plan subject to criterion.• The application proposes B use classes and the proposals overwhelmingly comply with policy RMX1(4) apart from criterion 4 but this conflict does not render the development unacceptable.• There would be a low level of harm to the landscape and so a minor conflict with policy SP17 of the Local Plan but this would be localised and the impact suitably reduced through landscaping. Importantly, the site allocation in principle allows for employment development across the site which would inevitably have some impact and thus conflict with policy SP17. The low level of harm to the landscape is acceptable based on the site being allocated for development and when balanced against the economic benefits through new jobs associated with the development.• Part of the site falls outside the area allocated for development and upon land defined as an 'ecological mitigation area' under the Local Plan Proposals Map. Development in this area would not result in any significant landscape or visual impacts above the allocated part of the site, and there would still be the amount of land required under the site policy (13ha) to the south that would be used for ecological mitigation and enhancement.• The application complies with all other relevant Development Plan policies.• No objections have been raised by any consultees and matters of flood risk and contamination are acceptable subject to mitigation which is secured by conditions.• Permission is therefore recommended subject to conditions and a legal agreement.		
REASON FOR REFERRAL TO COMMITTEE Councillor Burton has requested the application be considered by Planning Committee for the reasons set out below.		
WARD Marden and Yalding	PARISH COUNCIL Yalding	APPLICANT Mr Nick Young (Yalding Enterprise Ltd) AGENT DHA Planning

DECISION DUE DATE: 23/04/21	PUBLICITY EXPIRY DATE: 26/01/21	SITE VISIT DATE: 02/04/20	
PLANNING HISTORY			
Numerous planning applications dating from the 1960's relating to the former use of the site for the formulation of agrochemicals, and applications associated with the decontamination and remediation of the site after 2003.			
19/504783	Renovations and upgrade of the former Syngenta Office building to provide additional floor space, refurbished flexible office and ancillary accommodation with associated access and parking.	APPROVED	31/03/20
07/1148	Outline application for a mixed-use redevelopment comprising: Employment development B1/B8 use (up to a maximum 29,265 sqm.); Residential Development (up to a maximum 350 dwellings); small retail convenience store; recreation area for formal sports activities (to the north of Hampstead Lane); additional area of informal open space; dedicated area for nature conservation; minor re-grading of an adjoining field (to the west) to alleviate wider flooding concerns. With access to be decided at this stage and all other matters reserved for future consideration.	WITHDRAWN	25/04/08
06/1397	A consultation with Maidstone Borough Council by Kent County Council for remediation of the decommissioned Syngenta Works leaving the site contoured for future development (future development not part of application)	NO OBJECTIONS (KCC GRANTED CONSENT 15/12/06)	11/10/06
99/1355	Hazardous Substances Consent for the storage of pesticide raw materials, blending/mixing of raw materials to produce bulk agrochemical formulations, bottling and packing of formulations, and storage and distribution of finished goods.	DEEMED CONSENT VALID	06/09/99

1.0 DESCRIPTION OF SITE

1.01 The application site has an area of approximately 15.1ha, is to the south and west of Hampstead Lane, and just under a kilometre west of Yalding village. It is bounded on the east side by existing trees and a canalised section of the

River Medway; the south boundary is made up of a belt of trees with a number of residential properties beyond to the southeast and the 'Hale Street Ponds and Pasture' Local Wildlife Site (part of which falls within the applicant's ownership); vegetation and a railway line runs along the west boundary; and to the northwest and north are residential properties and Yalding train station. There are two Grade II listed buildings, one to the northwest and one to the southeast which will be discussed in the assessment below. The site falls within Flood Zone 3. Twyford Bridge to the southeast on Hampstead Lane is a Scheduled Ancient Monument.

- 1.02 The site makes up part of the former 'Syngenta Works' site which comprised of major plant and buildings used for the formulation, mixing and packing of agrochemicals. The site included a mixture of storage, manufacturing, office and laboratory uses. In 2003 the works were closed and most of the decommissioning work on the pesticide manufacturing, warehousing and laboratory facilities had taken place. This included the removal of hazardous raw materials and finished products, and the decontamination of the easily accessible plant, machinery, buildings and structures. Between 2003 and 2005 the site required further investigations, decontamination of structures and demolition of buildings in order to understand the extent of the contamination affecting the site. These works informed the design, strategy and execution of the remediation strategy for the site, which was approved in 2006 under the Kent County Council waste consent for remediation of the site to leave it in a state suitable for future development. The primary remediation works were completed in 2008 with appropriate completion certificates issued by Maidstone Council & Kent County Council. Monitoring of the secondary remediation works remained ongoing, and it is not until recently that the site could be considered suitable for redevelopment.
- 1.03 The application site is clear of all buildings associated with the former use apart from an office building in the northwest corner which is not within the application site and an electrical substation near the north boundary. There are two existing access roads off Hampstead Lane and a mix of hardstanding and loose stone at the north end by the entrance and office building. The site is relatively flat with levels falling gently towards the northern boundary with Hampstead Lane and there is very little vegetation. The site is considered to be 'previously developed land' for planning purposes on the basis that the site was occupied by significant buildings and infrastructure until relatively recently and some buildings remain on site as do the access points and hardstanding. The site has also been in a state of decontamination and remediation which is ongoing. On this basis the site is considered to be brownfield land.
- 1.04 The site is referred to as a brownfield site and allocated for either employment (B use classes) or leisure use under policy RMX1(4) in the Local Plan subject to criterion. Part of the application site in the southeast corner is outside the allocation and falls within an area defined as an 'ecological mitigation area' under the Local Plan Proposals Map which extends to the south and this will be discussed in more detail in the assessment below.
- 1.05 Permission was granted in March 2020 for external works to the office building outside the site in the northwest corner and a new car park.

2.0 PROPOSAL

2.01 This application seeks outline permission for a combination of B1(c) (light industry) (now use class E(g)(iii)) and/or B2 (general industry), and B8 (storage and distribution) floorspace up to 46,447m² in total, with two access points access off Hampstead land in a similar location as those existing at the north end of the site. The proposal is for the site to able to run 24 hours a day, 7 days a week and the floorspace proposed is broken down as follows:

B1(c) or B2 Use (or a combination of both)	Up to 21,655m ²
B8 Use	Up to 24,792m ²
Total	46,447m ²

2.02 All other matters such as the location and layout of the internal roads and buildings, their design and heights, and landscaping would be determined under a future reserved matters application(s). However, parameters/limits on some of these aspects may need to be set by conditions at the outline stage and these are discussed in the assessment.

2.03 As such, the local planning authority is being asked to consider whether the principle of this amount and type of employment floorspace with accesses off Hampstead Road is acceptable at this stage.

2.04 The applicant has provided numerous assessments to support the proposals to demonstrate how the site can suitably accommodate the development and accord with policy RMX1(4).

2.05 The application was submitted in September 2019. Following this the applicant responded to consultee and third-party responses into spring 2020. The application had originally used the previous use and floorspace of the Syngenta site as it was in 2003 as the baseline for comparing the transport impacts but was advised by the LPA in summer 2020 that this was not possible because the site has been cleared of buildings and not been in use for a considerable time. This has been the main reason for the delay in determining this application. Since summer 2020, the applicant has prepared new transport evidence to support the application and re-consultation was carried out in January 2021.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP11, SP16, SP18, SP21, SP23, RMX1, RMX1(4), DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Air Quality Guidance

4.0 LOCAL REPRESENTATIONS

4.01 Yalding Parish Council: Make the following (summarised) comments:

- The main entrance should be constructed to prevent HGVs traffic through the village as per the drawings. The smaller entrance and leading to it should have height restriction barriers.
- Signs should be erected on the M20 before J6 northbound and J4 southbound advising of the lorry route to Yalding Enterprise Park from J4.
- Advance notice of 7.5 ton weight restriction through Yalding should be signposted at the junction of the A229 and Old Tovil Road.
- Would like to see the contingency plan for traffic at times of the level crossing being closed due to fault or maintenance.
- Development should provide financial support to extend the bus service from the village to the site/Yalding station.
- A layby/pull over and turning circle should be provided in order for buses to pick-up/drop off at the site.
- Disabled access and CCTV should be considered at Yalding Station to encourage use of the rail service.
- Agree with conditions recommended by the Environment Agency.
- If 24 hour working is agreed wish to see a condition with early closure on Saturday and no working on Sundays or bank holidays.
- Deliveries should only take place between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on Saturdays. No deliveries on Sundays or bank holidays.
- Landscaping of indigenous species should be implemented early on and existing tree buffers need to be enhanced and screening introduced between the site and 'Yalding Fen' to the south.
- External lighting should be directed into the site with as little as possible escape outside of the boundary.
- Noise pollution must be kept to a minimum with the introduction of a noise awareness scheme for all employees.
- Agree with conditions recommended by KCC Ecology.
- The natural habitat directly to the south of the development known locally as 'Yalding Fen' should be preserved and would wish to see a condition to protect and preserve this area.
- Is there room for a footway/cycle way with regard to the proposed introduction of the right turn into Hampstead Lane.

4.02 (Neighbouring) Nettlestead Parish Council: Raises objections for the following (summarised) reasons:

- No pavements down Hampstead Lane or Station Road – the nearest bus stop is on the B2015 Maidstone Road, and it will not be safe to expect potential employees to walk from the B2015 to the new site.
- There are no alternative routes for pedestrian access to the site as the footpaths linking the B2015 to the site are unsuitable.

- Traffic generation – there will be many more cars/HGVs on Hampstead Lane/Station Road.
- Lack of evidence of previous traffic movements.
- Hampstead Lane is not suitable for heavy HGV traffic and Station Road is not a suitable alternative.
- Junction between Hampstead Lane and the B2015 will need to be improved significantly.
- Flood Zone 3 – Hampstead Lane floods regularly and the road is often closed and there is no suitable diversion for HGV's. Additionally vehicle use when the road is partially flooded will push the flood waters onto the properties in Hampstead Lane.
- Will exacerbate flooding.
- Hampstead Lane is in the Green Belt.
- Lack of CIL Levy proposed with the application.
- Excavations below the existing decontamination levels with result in a spread of contamination to Blumer Lock and other properties in Nettlestead and possibly into the River Medway – this will cause damage to the wildlife.
- The Kenward Pumping Station takes water from the River Medway to Bewl water where it is used as drinking water – this could become contaminated.
- Dust pollution during construction.
- Light Pollution.

4.03 Local Residents: 70 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Highway safety from increased HGVs using roads.
- Hampstead land is too narrow to allow two HGVs to pass one another and be safe for all users.
- Train crossing gates will cause problems for HGVs when closed.
- Station Road is too narrow for HGVs.
- Link road from the A228 should be provided.
- Travel Plan is flawed.
- No evidence that the former site operated 24/7.
- Lack of evidence of previous traffic movements and baseline.
- Hypothetical calculations for 'baseline' traffic.
- The site has been 'abandoned' and so the previous use cannot be used as a baseline for assessment.
- Ex-workers have confirmed that the previous site did not operate 24/7 and movements were around 80 per day.
- Traffic movements would be far more than previous use.
- Traffic survey is flawed.
- Unsustainable site.
- Parsonage Lane must not be used for access.

- Disagree with KCC Highways advice.
- Existing bus services are poor.
- Will aggravate flood risk.
- Increased flood risk to Bulmer Lock properties.
- General flood risk.
- The flood conveyance could aggravate contamination.
- Roads are frequently closed due to flooding limiting access to the site.
- Development will increase existing pollution risk to water quality in the River Medway.
- Air quality impacts.
- Noise, smell and disturbance.
- Light pollution to nearby properties.
- Noise assessment is flawed.
- Impact upon Great Crested Newts.
- Split of uses is unclear.
- Hours should be restricted.
- Use of land to the south would result in a loss of privacy.
- Numerous gaps and inaccuracies.
- Question viability of development in view of work changes under the coronavirus pandemic.
- Residents are not given the same amount of time as the applicant to respond to matters or given the opportunity to meet with the LPA.
- Some views in support of the application are made by a person with a vested interest and do not live near to the site.
- Network Rail have not been given enough time to respond.
- Support for the development as it would bring jobs; significant economic and social benefits; improve the appearance of the site; provide bus turning; and improve biodiversity.
- Residual contamination is normal on brownfield sites and can be dealt with by conditions.
- Safety record on Hampstead Lane is very good.
- Site operated for a significant time without traffic issues so it can again.
- Been waiting for this site to come forward for far too long.
- Site is allocated in the Local Plan.

4.04 Representations have been received from a Solicitors on behalf a local resident raising matters relating to the baseline/fall-back position, pollution risk to land and water, surface water drainage, flood risk, and transport impacts. In summary it considers that there is no baseline/fall-back position for the development, the issues listed have not been properly resolved or the development is not acceptable in relation to those matters, and disagreement with statutory consultees advice. It is accompanied by assessments from geological/geotechnical/hydrogeological/hydrological and transport consultants.

4.05 **Councillor Burton:** Has requested that Planning Committee consider the application due to concerns regarding working hours and highways issues.

4.06 **Tunbridge Wells BC: No objections.**

5.0 CONSULTATIONS

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

5.01 **Natural England: No objections.**

5.02 **Environment Agency: No objections** subject to conditions.

5.03 **KCC Highways: No objections** subject to conditions and a financial contribution of £14,344 towards the Wateringbury Crossroads junction improvement.

5.04 **KCC SUDs: No objections** subject to conditions.

5.05 **KCC Ecology: No objections** subject to conditions.

5.06 **MBC Conservation Officer: No objections.**

5.07 **MBC Environmental Health: No objections** subject to conditions.

5.08 **MBC Landscape Officer: No objections.**

5.09 **Southern Water:** Advises that upgrades to the sewer network will be required and request a condition.

5.10 **Health & Safety Executive: No objections** subject to condition.

5.11 **Network Rail: No objections** subject to condition.

6.0 APPRAISAL

6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that,

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.02 The Local Plan allocates the site for potential suitable uses including employment use under policy RMX1(4) subject to 10 criterion covering matters relating to design and layout, access, ecology, drainage, contamination, highways and transportation, and minerals. The policy states that, *"The council will support the redevelopment of the brownfield former Syngenta Works site, provided that a comprehensive scheme of flood*

mitigation which addresses the identified flood risk will be delivered in association with the development."

6.03 This is an outline application for employment use so the principle of developing the site for such use is accepted under Local Plan policy RMX1(4). It needs to be assessed as to whether the proposals comply/can comply with the policy criterion and any other relevant Development Plan policies, and that any outward impacts of the development are acceptable, or can be suitably mitigated.

6.04 As stated above, a small proportion of the application site falls outside the allocation and upon land defined as an 'ecological mitigation area' under the Local Plan Proposals Map.

6.05 Therefore the key issues for the application, which are centred round site allocation policy RMX1(4) are as follows:

- Design & Layout
- Landscape and Visual Impact
- Highways Impacts and Connectivity
- Flood Risk & Surface Water Drainage
- Contamination
- Noise & Disturbance
- Ecology
- Other matters including Air Quality, Heritage, Residential Amenity, Minerals, Hazardous Substances Consent, and EIA

Design & Layout

6.06 Policy RMX1(4) requires:

- 2. *The significant landscape belt which lies to the south of the development area is retained and enhanced to provide a clear boundary to the developed parts of the site, to act as a buffer to the Local Wildlife Site and to screen views of development from the attractive countryside to the south and from the properties in Parsonage Farm Road.***
- 3. *The retention and enhancement of the landscape belts along the western boundary of the site, on both sides of the railway line, and along the eastern boundary adjacent to the canalised section of the river, to screen and soften the appearance of the development.***

6.07 This is an outline application with the layout of the site, design/height of buildings, and landscaping not being determined at this stage. However, the applicant has submitted an illustrative Site Plan and a 'Constraints Plan' which shows potential development areas with retained and proposed landscaping areas. This demonstrates that the significant landscape belt to the south of the site is retained and a landscape buffer ranging between approximately 10-14m can be provided. It is considered that such a buffer is

appropriate to comply with the site policy, and in addition to the tree belt to the south of the site, would ensure any development is suitably screened/softened from the south. It is therefore appropriate to secure this buffer with reference to the Constraints Plan via a planning condition to set a parameter on any outline consent and guide any layout/landscaping details.

- 6.08 On the western boundary the Constraints Plan shows retention of the landscape belt with new planting to fill gaps with a buffer ranging between 7-9m. Whilst the applicant does own land on the west side of the railway line, which is outside the site, the existing vegetation on either side of the railway line together with the proposed buffer serves to sufficiently screen/soften the development so no additional planting is necessary. Again, a condition can secure this.
- 6.09 On the eastern boundary the Constraints Plan shows retention of the landscape belt with new planting to fill gaps with a buffer ranging between 12-15m which can be secured by condition.
- 6.10 More generally the illustrative site plan shows how the site could be developed. This demonstrates that sufficient landscaping can be provided around the boundaries of the site as discussed above, together with a large corridor of green space through the centre of the site. This corridor would provide flood conveyance and ecological benefits and will be discussed below. It is therefore considered that up to 46,447m² of employment floorspace could be provided at the site whilst still ensuring an acceptable environment and setting to the development. The precise details of the layout of buildings, roads, parking areas, and landscaping would be considered at the reserved matters stage.
- 6.11 The proposals can therefore be suitably accommodated at the site and the outline application complies or can comply with the site allocation requirements. This is in accordance with policy RMX1(4).
- 6.12 The design and appearance of buildings or materials are not being considered but it is considered appropriate to set some parameters to provide a high-quality development. This includes using sensitive colours; active frontages on prominent buildings (for example near the site entrance and on the main spine road); the use of materials and articulation to break up the massing of buildings; the use of ragstone in either buildings or boundary treatments; and high-quality surface materials.

Landscape and Visual Impact

- 6.13 The site will be predominantly covered by new commercial buildings but as outlined above landscape buffers can be provided that would screen or soften the development. Whilst precise building heights would be considered at the reserved matters stage the applicant has indicated that the maximum ridge heights for the warehouse buildings would be around 14m which is fairly typical for modern business needs. Other buildings would be expected to be lower. The buildings would have to be raised around 2-2.5 metres above the site levels for flood resilience reasons which will be discussed in detail below.

So the tallest buildings are likely to be around 16-16.5m above existing ground levels.

6.14 The applicant has carried out a Landscape and Visual Appraisal which considers the Council's Landscape Character Assessment (2013) (LCA) and Landscape Capacity Study (2015) (LCS). Referring to the area the site falls in (Nettlestead Green Farmlands), the Council's LCA considers the condition of the landscape is incoherent, where the few traditional elements are fragmented by much recent infill development and other visual detractors. It refers in particular to the application site as very extensive where all attributes of the physical landscape have been removed which has obviously been through its necessary clearance and decontamination. The LCS concludes that, "*Nettlestead Green Farmlands is assessed as low overall landscape sensitivity and is tolerant of change.*"

6.15 The applicant's appraisal has carried out a more localised assessment of the site and states as follows:

"The site is formed by a previously developed brownfield site which is enclosed on its boundaries by fencing and a mixture of established native hedgerows and mature trees creating a degree of visual and physical separation from the adjacent Public Rights of Way, residential dwellings and transport corridors. It is noted that some gaps are present within the existing vegetation associated the site's boundaries which allows for some glimpsed/partial views over the site. Overall, the combination of the previously developed nature, the boundary features and existing residential/commercial development within the immediate landscape provide an urbanising influence which results in the Site having a peri-urban character."

6.16 It is considered that this is an accurate appraisal of the site and I agree with the assessment that the previously developed and brownfield nature of the site offers little in the way of landscape value. There is development within the vicinity of the site, a railway line adjacent, and the site is brownfield land with a semi-urban appearance. The wider landscape is not sensitive to change and on this basis it is considered that the introduction of development of the site would not cause harm to the value of the wider landscape.

6.17 In terms of the visual impact, this would localised being visible from Hampstead Lane to the north and through gaps in trees from the east, and some broken views by trees and vegetation from the PROW to the south and west. There are no prominent medium or long-distance views of the site.

6.18 With the landscape and visual impact taken together, it is considered that there would be a low level of harm but this would be very much localised. A low level of harm represents some conflict with policy SP17 of the Local Plan, however, the site is a brownfield site where importantly the site allocation in principle allows for employment development which would inevitably have some impact and thus conflict with policy SP17.

6.19 I consider the retention and strengthening of the landscape buffers around the edges of the site as outlined in the 'Design & Layout' section above would

serve to soften/screen the development and reduce the landscape impact of the development even further.

6.20 As outlined above, a small proportion of the application site falls outside the allocation and upon land defined as an 'ecological mitigation area' under the Local Plan Proposals Map. This area is generally well contained in the southeast corner and development of this area would not result in any significant landscape or visual impacts above the rest of the site.

Highways Impacts & Connectivity

6.21 Policy RMX1(4) states:

8. Development will contribute, as proven necessary through a Transport Assessment, to requisite improvements to the highway network.

Access

6.22 Two access points are proposed off Hampstead land in a similar location as the existing access points. The east access would be 'in only' and the west access being 'out only'. The entrance would have a moveable height barrier so large HGVs can only access from the west and not from Yalding village, and the exit would have a height barrier and be engineered to prevent large HGVs turning right and exiting towards the village. This is considered appropriate as the narrow roads/bridges to the east mean that it would be problematic for large HGVs accessing the site from this direction. The applicant cannot control individual lorry drivers to the site but this is a reasonable measure to deter this. The applicant has submitted a framework 'Delivery Route Management Plan' which includes measures to reduce/deter any large HGVs movements through the village which is another reasonable measure and is proposing a review of the 'black lorry' industrial estate signs on the A228, B2162, and Hunton Road/Pattenden Lane to ensure appropriate routes are signposted and 'no HGV access' signs near Yalding village. These measures are reasonable and necessary and can be secured by condition.

6.23 The applicant has submitted an independent safety audit of the access arrangements and all issues raised by the auditor have been overcome to the satisfaction of KCC Highways. The access arrangements are therefore safe, and no objections have been raised. Conditions will be required to secure the access points and the entry/exit arrangements.

Traffic Impact

6.24 The applicant has assessed the traffic impact based on it being a 'nil use' site. Trip generation forecasts from the 'TRICs database' (which is the accepted method of calculating traffic movements), have been agreed with KCC Highways as have the location of the junction assessments.

Maidstone Road/Hampstead Lane Junction

6.25 The applicant's Transport Assessment (TA) capacity assessments indicate that this junction to the west of the site will operate well within capacity

during the AM peak in 2025. In the PM peak it will still be within theoretical capacity at 99% but queues would increase on Maidstone Road from the south as right turning vehicles into Hampstead Lane would block through movements. The applicant considers that because this junction is important to the operations of the site (it being the sole route for HGVs routing to and from the site), mitigation is appropriate and has proposed a junction improvement introducing a right turn lane on Maidstone Road. This has been subject to an independent safety audit with all raised issues addressed. KCC Highways consider that the junction improvement would adequately mitigate the development and is necessary and raise no objection in terms of safety. There is no set point at which mitigation of a junction is necessary but based on the impact taking one arm of the junction just under capacity (99%); this arm being the main access for HGVs to the site; and KCC highways advice, the mitigation is considered to be necessary, directly relevant to the development, and reasonable and so a condition securing the improvement will be attached. It is also noted that the Council's Infrastructure Development Plan 2020 identifies improvements at the Maidstone Road/Hampstead Lane junction as necessary to support the site allocation.

Lees Road/Benover Road/High Street Junction in Yalding Village

- 6.26 For this junction in the village, the TA shows that it currently operates over capacity (115%) on the High Street arm (Yalding Bridge) in the AM peak with queues of up to 41 vehicles. In 2025 this would increase to 61 vehicles (125%) even without the development and with the development would increase to 95 or 135% capacity. There is little if any scope for improvements at this junction it being bounded tightly by private properties, listed buildings, within a Conservation Area, and close to a Scheduled Monument (Yalding Bridge).
- 6.27 KCC Highways are not raising objections to the traffic impact at this junction which is in part based on mitigation being provided at the Watringbury crossroads signalised junction. They consider that queues on the High Street arm would be expected to be reduced following implementation of their planned improvement scheme at Watringbury crossroads as the route via the B2015 will become more attractive due to reduced journey times.

Watringbury Crossroads

- 6.28 The assessment of the Watringbury crossroads shows that it currently operates over capacity (max 109.5%) on all but one arm and that this will remain the case in 2025 (max 118.8%). The development will create a further impact in 2025 with the queue on the eastern Tonbridge Road arm increasing from 55 vehicles to 64 vehicles in the AM peak and the development projected to increase the overall delay at the junction by 21.8 seconds in the AM peak and 23.4 seconds in the PM peak. The impact of the development itself is not substantial but it does worsen the impact at a junction already over capacity. Whilst I do not consider the additional traffic will result in an unacceptable impact upon highway safety or residual cumulative impacts on the road network that could be regarded as 'severe' (in the context of paragraphs 108 and 109 of the NPPF), above the predicated situation without the development, the junction's capacity would still be at a

level that warrants a contribution towards mitigation. KCC Highways consider that mitigation is required as a direct result of increased traffic at the junction but as stated above, also in part to ensure this route is more attractive so it could mitigate some traffic impact at the High Street junction in Yalding.

6.29 KCC Highways have developed an improvement scheme for the junction which includes: a dedicated left turning lane on the B2015, Bow Lane arm; additional left and ahead lane on the A26, Tonbridge Road Arm; and a dedicated light and right turning lane in the centre of the crossroads to prevent turning traffic blocking through traffic. This scheme has reached the detailed design stage and is ready for implementation, subject to the funding being secured with the anticipated cost being approximately £326,000.

6.30 On this basis, mitigation in the form of a s106 financial contribution is appropriate (as the development is not CIL liable) but this must be proportionate to the impact of the development. The applicant suggested a contribution based on the forecasted traffic increase at the junction from the development as a percentage of the overall traffic at the junction (1.3% in the AM peak, and 1% in the PM), which is considered to be an appropriate approach.

6.31 KCC Highways are satisfied with this approach but consider the predicted vehicle movements routing via Yalding village on the High Street should also be taken into account as these would be expected to use the crossroads as a more attractive route. It may not be the case that all vehicles would not route via Yalding but the A26 would become a more attractive route and so this is not an unreasonable approach. This would mean a potential increased traffic impact of 4.4% in the AM peak and 4.1% in the PM at the crossroads. This percentage impacts translates into a contribution of £14,344 (4.4% of total cost) which is proportionate and directly related to the impact of the development in accordance with the legal tests. It is not considered necessary or reasonable to apply a pre-occupation condition for the junction improvement as whilst it would serve to mitigate the impact of the development, the improvement scheme is being proposed by KCC mainly to mitigate the existing situation at the junction, and the impact without the wider junction works would not be unsafe or 'severe' to warrant refusal of the application without it. It will also be subject to alternative sources of funding and so it would not be reasonable for the occupation of the development to be held back until the full funding is secured. KCC Highways have not requested a pre-occupation condition.

6.32 All other local junctions (Hampstead Lane/Station Road; Station Road/Maidstone Road; Seven Mile Lane/Maidstone Road/Boyle Way/Hale Street Roundabout; and Twyford Bridge) would be within capacity and do not require any mitigation.

Highway Safety on Hampstead Lane

6.33 Some representations have referred to large HGVs getting stuck on Hampstead Lane due to the width of the road in places and safety issues at the level crossing. As KCC Highways comment, Hampstead Lane ranges in width from 7m at the development frontage to as narrow as 5.2m. In

addition, parts of the road have limited forward visibility, particularly within the proximity of the road's S bend. Widening is not possible at the S bend due to the lack of highways owned land. KCC Highways has assessed this matter and state, *"in the absence of widening, there is the potential for increased incidences of hazardous conflicts between two opposing HGV's on the S-bend. In view of the good personal injury record KCC Highways do not consider that a highway safety-based objection relating to this short section of Hampstead Lane would be sustainable in this instance."* On this basis, this is not considered grounds for objection.

6.34 In terms of the level crossing where vehicles obviously have to stop, KCC Highways have not raised any issues with safety. Network Rail have been consulted and have raised no objections subject to securing the proposed 'Delivery & Route Management Plan' which will include measures to manage the egress of long vehicles at the site including signage to ensure they do not pose a safety risk at the crossing, and a new yellow box junction painted across the level crossing. These measures will be secured by condition.

6.35 Overall KCC Highways are raising no objections to the traffic impact or safety of the proposals subject to conditions and a financial contribution, and I agree with this conclusion. It will be necessary to limit the floorspace by condition as this is what has been assessed under the application. For these reasons it is considered that the proposals are in accordance with policy DM21 of the Local Plan.

Public Transport

6.36 The site is on the doorstep of Yalding train station and new pavements and crossing points are proposed to provide safe access. Potential improvements to the station and costs have been investigated with 'Southeastern' to encourage use by future employees and the following improvements would be secured under a s106 agreement:

- New shelter and seat on Platform 1 - £17,000
- New shelter on Platform 2 - £13,500
- LED lighting upgrade on station - £9,100

6.37 These measures would directly encourage use of the station by future employees and visitors to the site and the costs have been justified. On this basis they would promote public transport use for this major development in accordance with policy SP23 of the Local Plan and are necessary, directly related to the development and reasonable. This is in accordance with the legal tests for planning obligations.

6.38 Buses do not run past the site but in view of the excellent location of the train station which offers more frequent services to a greater range of destinations, a bus service is not considered to be necessary here. The applicant has designed the site access to provide a combined HGV/bus stop waiting area which would provide the site with the capability of being directly served by bus services should they run to the site in the future. A Framework Travel Plan has also been submitted to promote the use of sustainable transport to employees and visitors and reduce the number of single

occupancy trips made to and from the site. This is in accordance with policy DM21 and can be secured by condition.

Connectivity

6.39 Policy RMX1(4) states:

4. Development should secure public rights of way improvements, including providing an alternative to the 'at grade' pedestrian footpath crossing the railway.

6.40 At the moment pedestrians crossing the railway to the west of the site by Yalding Station have marked walkways either side of the road. It is unclear what this criterion is seeking, and I would assume that the alternative to 'at grade' crossings would be some form of bridge. This is not considered reasonable or necessary because future employees of the development would not need access to the west of the crossing as there are no services or amenities in this direction and no pavements. Nor is there any need to provide a better link from the west as there are only a small number of properties. Network Rail have also not requested any changes to the crossing. On this basis, any changes to the crossing are not considered reasonable or necessary.

6.41 Kent Highways have raised the issue of connectivity to Yalding village and how this is not continuous or surfaced to provide pedestrian and cycle access. There are roadside pavements with some breaks and a public right of way across a field from the village which stops at Twyford Bridge. This historic bridge is only wide enough for one lane of traffic and so is signalled and does not have dedicated pavements. It is also a 'Scheduled Monument' so it is not possible or appropriate to alter the bridge to provide dedicated pavements but there are passing places where pedestrians can wait. Once over the bridge there are pavements alongside Hampstead Lane all the way to the site access. I consider some employees may want to access the shop in the village and if employees live in the village they would want to walk or cycle to the site but this is likely to be low numbers of people. Whilst the current pavement/path route is not continuous, it is not possible to overcome this and is not so bad to deter pedestrian or cyclists, nor is it unsafe.

6.42 There is a public footpath (KM186) to the south of the site which could be used as a link to access the south part of the site although this is not proposed. The majority of this runs over a hard surfaced lane but there is a section which is not surfaced and is relatively narrow with two stiles. It is considered that formalising/improving this path would urbanise an otherwise rural character and any benefits would not outweigh this impact. Pavements along Hampstead Lane provide sufficient access to the site and the route could still potentially be used in summer months if the site owners wished.

6.43 For the above reasons, the conflict with criterion 4 in not providing an upgraded railway line crossing or public right of way improvements are not considered objectionable or grounds to refuse the application.

Flood Risk & Surface Water Drainage

6.44 Policy RMX1(4) requires:

6. Measures are secured to ensure adequate site drainage, including through the implementation of sustainable drainage measures.

9. A connection is provided to the local sewerage system at the nearest point of adequate capacity, in collaboration with the service provider.

6.45 The site falls within high-risk Flood Zone 3 and the site and local area is prone to significant flooding. The site is allocated for development in the Local Plan and commercial development is classed as a 'less vulnerable' development under national guidance and can be allowed in Flood Zone 3. The principle of the development is therefore acceptable, and the applicant must demonstrate the development will be safe from flooding without increasing flood risk elsewhere.

6.46 The applicant has submitted a Flood Risk Assessment (FRA) which seeks to demonstrate how flood risk to the development and to others will be managed now and in the future. Flood risk modelling has been carried out including allowances for climate change. The applicant has also held extensive pre-application discussions with the Environment Agency on flood risk.

6.47 The FRA compares the impact of the development against the land levels as they were in 2005. This is acceptable because these levels, albeit in a different contoured land-form, are permitted under the 2006 KCC waste consent, which was implemented at the site to carry out decontamination and remediation. The remediation document under that application states that following the completion of the remediation work the surface levels of the site will in general be returned to their original levels. This is understandable so as not to materially affect flood risk. The applicant has stated that levels currently on site are lower than those approved but material has been and is continuing to be brought on site. As there is an extant permission for the previous levels/volumes, implementation of which has been carried out and can continue, that is a realistic fallback development (should this current application fail) and consequently a comparison is acceptable.

Flood Risk On-Site

6.48 As outlined earlier in the report the buildings are proposed to be raised above existing ground levels as would the forecourt areas and access roads, and voids would be used beneath buildings to allow for flood conveyance. Finished floor levels of buildings would be set 450mm above the modelled flood level and the forecourt areas and roads adjacent to the buildings would set 100mm above and this can be secured by condition. The roads in the centre of the site would be lower and would experience flooding in the worst-case scenario but safe refuge areas would remain around the raised building areas in the unlikely event that the site is not evacuated in time. The site owners would sign up to the Environment Agency's flood alert and make these services

known to site occupants and a Flood Evacuation Plan would be developed for the site.

Flood Risk Off-Site

- 6.49 The applicant is proposing a 'flood conveyance channel' which is an integral part of the development and will slope from south to north to enable flood water to flow in a controlled manner through the centre of the site. This would be via a large channel which would serve to direct flood water away from the operational areas of the site (forecourts, roads and commercial units). A basin would also be incorporated into the layout of the site at the downstream (northern) end of the flood conveyance channel, making use of the existing depression here. There are culverts beneath Hampstead Lane which are currently blocked and chambers which connect to the former mill race under Hampstead Lane which are currently sealed. These would be re-opened to allow for the flow of flood water.
- 6.50 The FRA demonstrates that in the worst-case scenario, and taking into account climate change, there would be less than a 2mm change in flood levels as a result of the development beyond the previous levels (permitted under the waste consent) and so I agree with the FRA that flooding does not increase materially because of the development or result in unsafe conditions.
- 6.51 Since the site was cleared new houses have been built to the north at 'Blumer Lock'. The finished floor levels of these properties as approved under the planning application (13.36 AOD) would remain above the predicted worst-case flood levels (13.22 AOD) and so there would not be any increased flood risk to those properties. In more frequent lower impact flood events, the FRA demonstrates that the development would have a positive impact on flood risk in the area when compared to waste consent levels mainly due to the flood conveyance channel through the site and voids beneath buildings which allow better flows than the previous development.
- 6.52 The Environment Agency have been consulted on the application, have assessed the FRA and are not raising any objections subject to conditions. They comment as follows:
- "We are satisfied with the flood conveyance channel being included with this application which has benefits for the wider community and reduces flood risk to the area.*
- We are pleased to see the use of voids under the commercial units, and the reinstatement of the five culverts and two chambers which will aid the flood water flow through the site during a flood event."*
- 6.53 They request conditions that require the development to be carried out in accordance with the FRA and with finished floor levels secured. On this basis it is considered the development is acceptable from a flood risk perspective subject to conditions and this is in accordance with site policy RMX1(4) and policy DM1 of the Local Plan, the NPPF and national advice.

Surface Water

- 6.54 The surface water drainage has been assessed based on the greenfield nature of the site and not on its previously developed state. It is proposed to have infiltration through permeable hard surfaces and use the flood conveyance channel through the middle of the site. If the underlying strata is not suitable for infiltration, then attenuation tanks on-site with controlled outflow rates to the flood conveyance channel and beyond would be used. KCC LLFA have no objections to the principles to deal with surface water and should testing show that infiltration is not workable they accept proposals for controlled outflow subject to conditions requiring the fine detail. This is in accordance with site policy RMX1(4).
- 6.55 Third-party representations from consultants instructed by a local resident relating to flood risk and surface water have been sent to both the Environment Agency and KCC LLFA. They have fully considered the representations and confirmed these have not changed their positions in relation to flood risk and surface water drainage being no objections subject to conditions.

Foul Drainage

- 6.56 Southern Water have confirmed that some improvements to the existing public sewer network will be required. This would be funded and provided under their separate legislation and timely provision is the responsibility of Southern Water.

Contamination

- 6.57 Policy RMX1(4) requires:

7. Demonstration that contamination of the site resulting from its previous use has been remediated to the satisfaction of the local authority and the Environment Agency.

- 6.58 As outlined above, extensive decontamination and remediation has been carried out at the site since 2003 and as approved under the KCC waste consent from 2006. Remediation works started in 2006 and were completed in 2008 and were designed to allow for potential commercial development. In summary, this involved excavation of the top layers of the site with deeper excavations in specific areas or where necessary to achieve acceptable conditions; assessment of the excavated materials with either thermal treatment so it could remain on site or removed off-site where not; and then backfilling with either treated materials, validated material or crushed concrete produced from the demolition works. A permeable reactive barrier was also installed at the north end of the site to collect and treat any residual contamination within groundwater. Monitoring has occurred since 2008 through sampling of adjacent waterways by the site owners and the Environment Agency. This continues and has not revealed any pollution that the Environment Agency are concerned with.

- 6.59 The applicant's contaminated land assessment recommends that the existing permeable reactive barrier be retained with continued monitoring, the use of shallow foundation designs and precluding the use of piling (unless further ground investigation is carried out and a method of installation used that minimises risk is agreed) and adopt surface water drainage to infiltrate over a wide area.
- 6.60 Environmental Health have reviewed the report and confirm the remediation was completed to a commercial end use standard in respect of human health and both the Environment Agency and Maidstone Borough Council were satisfied that it had been concluded. The most sensitive receptor at that time and while the site was vacant were controlled waters and the Environment Agency were satisfied with the remediation and the ongoing monitoring of the permeable barrier (that is to be left in situ and refreshed post development). In terms of human health, Environmental Health advise that the type of development proposed presents a relatively low risk in that the majority of it will be hardstanding thus providing a barrier. They state that care will need to be taken so groundworks do not cause mobilisation of contaminants or exposure of any receptors and this will need to be controlled by condition and verified when the development is completed. No objections are raised subject to conditions.
- 6.61 The Environment Agency considers that the previous use of the site presents a medium risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon a secondary aquifer adjacent to surface waters and near to watercourses. They state the reports submitted in support of the application provides them with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information is requested before development is undertaken and so conditions are recommended. They conclude that the proposed development will be acceptable subject to conditions which would cover the matters raised by Environmental Health.
- 6.62 Some representations have questioned whether the flood conveyance channel could aggravate contamination in the ground. The applicant has responded to this outlining that the site has been entirely remediated in some cases to depths in excess of 6m and because of the extensive remediation that was undertaken the applicant does not expect any incidence whereby the conveyance route is likely to encounter or mobilise any contaminants within the soil. The applicant also considers that notwithstanding this, the permeable barrier would intercept any potential contamination. The Environment Agency have reviewed the representations relating to this issue and advise that, *"providing barriers and gates are maintained until agreed otherwise we have no objection to development.... we would reiterate any systems put in on the development site would not be agreed if they were to increase contamination mobilisation."* They maintain no objection to the proposals and Environmental Health have not raised this as an issue.
- 6.63 Third-party representations from consultants instructed by a local resident relating to pollution/contamination have been sent to the Environment

Agency. They have fully considered the representations and confirmed these have not changed their position in relation to pollution/contamination being no objections subject to conditions.

6.64 For the above reasons and subject to the conditions required by the Environment Agency, the proposals would not pose a risk to human health or pollution of the environment in accordance with the site policy and policy DM3 of the Local Plan.

Noise & Disturbance

6.65 The proposed B2 and B8 uses have the potential to generate noise and disturbance through processes operating from the units themselves but the main impact is likely to be through noise and disturbance from vehicles and activity around the site outside normal working hours. The applicant is seeking permission to operate the site 24/7 and there are houses close to the site to the northwest, north, east, and southeast that could be impacted by the development.

6.66 The applicant has submitted a noise assessment and additional information/clarification has been provided on the back of requests from the Environmental Health section. The noise assessment shows that during daytime hours (defined as 7am to 11pm) any noise or disturbance from traffic, lorry reversing alarms, running engines etc. would have a low impact and levels are unlikely to be above the background noise levels. Overnight (11pm to 7am) the assessment concludes that for most residential properties there would be a low impact but for residential properties to the east (houses and the 'Little Venice' site) noise levels would be slightly above background noise levels and so noise would be perceptible. Mitigation of this impact and of general noise and disturbance from the site is therefore proposed including a 'Delivery Management Strategy'. As this is an outline application the exact details of the site layout are unknown but measures including the following have been put forward:

Design Measures

- Appropriate layout of unloading bays, HGV access routes and service yards such that the building units they serve acoustically screen them as far as reasonably possible from surrounding noise sensitive receptors. Where necessary, use of acoustic barriers as part of boundary treatment would be utilised to reduce impacts further;
- Position units which are to be more extensively used, more centrally within the site away from noise sensitive receptors;
- Units will have dock level access and internal loading where appropriate to reduce noise impacts associated with unloading;
- HGVs will be directed to use alternative routes away from Yalding specifically towards Maidstone Road/A228;
- Estate lorry parking to be provided within the development away from receptors to reduce indiscriminate parking/idling outside.

Operational Measures

- Deliveries outside of the main gate opening hours of 07:00 - 19:00 will require scheduling and coordinating with the gate house security in order for the gates to be opened in advance and thereby minimising noise impacts associated with engine idling, braking and acceleration;
- Once stationary, engines of delivery vehicles will be turned off;
- Use of reversing beepers should be minimised where possible through minimising reversing;
- Drop heights should be reduced to their lowest practicable levels;
- Lorry tail lift flaps should be carefully lowered;
- Plastic (ideally rubber) wheels should be used on trolleys; and
- All staff (including delivery drivers) will be made aware of the necessity to keep noise to a minimum and enforced through the Developer and Estate Management Company.

6.67 Following clarification of some matters with the applicant, Environmental Health are satisfied with the noise assessment and agree with its conclusions. They are satisfied that the development could be permitted on a 24/7 basis subject to conditions that secure the mitigation measures outlined in the assessment and that it is incorporated into the design of the development. Measures to deal with any odour or fumes can also be required by condition to mitigate any potential impact from any processes operating at the site. On this basis, I do not consider the proposed uses at the site would result in unacceptable living conditions to any nearby residential properties subject to mitigation. This is in accordance with policy DM1 of the Local Plan.

Ecology

6.68 Policy RMX1(4) requires:

- 1. Within the site boundary, an area of land to the south (13ha) is to be retained as a nature conservation area.**
- 5. The site lies adjacent to the Hale Ponds and Pastures Local Wildlife Site. A survey which assesses the site's ecological potential must be submitted. Development proposals must provide for the delivery of appropriate habitat creation and enhancement measures in response to the survey findings including the creation and enhancement of wildlife corridors, and, if required, mitigation measures.**

6.69 As outlined above, part of site (approximately 2ha) proposed for development falls upon the land defined as an 'ecological mitigation area' under the Local Plan Proposals Map. However, there would still be approximately 13ha of land to the south in the applicant's ownership, part of which falls within the 'Hale Ponds and Pastures Local Wildlife Site', that is proposed to be enhanced and used as a receptor site to support reptiles and Great Crested Newts (GCN). So, the 13ha area to the south required under criterion 1 would be retained and enhanced in the interests of biodiversity and this will be secured by condition.

- 6.70 The site and surrounding areas contain a number of standing water bodies and habitats that support GCN and reptiles. Detailed survey work was carried out for these species in 2019. The previously cleared areas forming much of the development site area remain largely devoid of vegetation and for this reason the survey report considers these areas are unlikely to represent significant foraging habitats for GCN. The survey has confirmed the presence of small numbers of GCN in three ponds with breeding activity and a low/medium population. The development would result in the loss of one of these ponds (which is man-made) in the southwest corner of the site and some suitable terrestrial habitat. In terms of reptiles, common lizards (low population), grass snakes (low population), and slow worms (good population) are present at the site and would be impacted by the development. Mitigation is therefore proposed through using the 13ha of land to the south which would provide a receptor area and be enhanced through the creation of new ponds designed specifically for GCN and reptiles. There is nothing to suggest that a licence, if needed, would not be granted to translocate any protected species. Within the site and in addition to the 13ha to the south, enhancement would be provided through replacement/compensatory habitats for use by GCN and reptiles within the proposed central flood conveyance channel which would be landscaped and include buffer habitats including new wetland areas, ponds, and grassland habitats.
- 6.71 KCC Ecology are satisfied with this approach and recommended conditions requiring a detailed mitigation strategy; timetable for the creation of on-site habitat; and a detailed management plan. The site is adjacent to the Local Wildlife Site to the south which is likely to be used by badgers and foraging bats. As such the applicant has acknowledged that a sensitive lighting strategy is necessary, and this can be guided by a condition as recommended by KCC Ecology.
- 6.72 On the basis that the vast majority of the site currently has relatively low ecological value, as much of it is relatively barren from the remediation works, the new habitat creation on-site and the enhancements measures off-site would provide proportionate enhancements and net gains for biodiversity in accordance with the NPPF.
- 6.73 For the above reasons the proposals would be acceptable in terms of their impact upon biodiversity subject to mitigation and enhancements, and they would ensure that 13ha of land to south would continue its role as a local wildlife site with appropriate enhancements in accordance with the site policy and policy DM3 of the Local Plan.

Other Matters

Air Quality

- 6.74 The site is not within an AQMA with the closest being the Wateringbury crossroads within Tonbridge and Malling Borough around 2.3km north of the site. There are residential properties nearby and receptors on the roads leading to the site have been assessed. An air quality assessment has been

provided which concludes that the air quality impacts from traffic are not considered to be significant as there are no predicted exceedances of the relevant air quality objectives at any nearby receptors, and any impacts upon the Waterbury crossroads would be negligible. Any impacts from construction are considered to be low.

- 6.75 Mitigation of air quality impacts is proposed in the form of electric vehicles charging infrastructure within parking areas, lorry trailer plug-ins and cycle parking. This is considered a proportionate response based on the limited impact the development would cause and can be secured by condition. I consider a construction management plan is appropriate in this case due to the length of time the development could be under construction and the proximity of some residential properties. Environmental Health have reviewed the assessment and raise no objections.

Sustainable Design

- 6.76 In line with policy DM2 of the Local Plan a BREEAM Very Good standard will be required for the development and this can be secured by condition to guide the reserved matters.

Heritage

- 6.77 There are Grade II listed buildings to the northwest (Station House and Hawthorne Cottage) and southeast (Parsonage Farmhouse). Station House is approximately 20m from the site boundary and separated by the railway line. Due to the existing intervening vegetation and that proposed it would not be clearly seen in the context of the proposed development so its setting would not be harmed. Hawthorne Cottage is further away (around 110m) and for the same reasons its setting would not be harmed. Parsonage Farmhouse is around 65m away and separated by existing trees and those proposed and so would not be clearly seen in the context of the proposed development and its setting would not be harmed. Other listed buildings are further away and would not be affected by the proposals.

- 6.78 The Yalding Conservation Area is around 280m to the southeast and at this distance and with the intervening vegetation, the proposal would not harm its setting.

Minerals

- 6.79 Policy RMX1(4) states:

10. The site falls within the Minerals Safeguarding Areas as shown on the policies map and therefore development proposal will be required to undertake a minerals assessment to assess the viability and practicability of prior extraction of the minerals resource.

- 6.80 Very limited parts of the site in the southwest corner and north end fall within safeguarding areas for 'sub-alluvial river terrace deposits' under the Kent Minerals and Waste Local Plan (KMWLP). To avoid sterilisation of minerals, policy DM7 of the KMWLP states that permission will only be granted for

development where certain exceptions are met. Notwithstanding that the areas are very limited, in view of the complex remediation process that has occurred at the site and the measures still in place, and the proximity of residential properties, it is considered that extraction of any minerals is not appropriate or practicable. The site is also allocated in the Local Plan for development. It is therefore considered that criterion 2 of policy DM7 is satisfied.

Residential Amenity

6.81 Issues of noise and disturbance have been assessed in detail earlier in the report. In terms of impacts upon privacy, outlook or light, the nearest houses are 36m to the northwest with proposed landscaping and the railway line between, 42m to the north with Hampstead Lane between, 41m to the northeast with proposed landscaping, the canal, and Hampstead Lane between, and 40m to the southwest with proposed and existing landscaping between. Based on this, development at the site would be a sufficient distance from any nearby residential properties such that no unacceptable impacts upon privacy, outlook or light would occur.

Environmental Impact Assessment

6.82 The proposals are 'Schedule 2 development' under the EIA Regulations 2017 and above the 0.5ha threshold for 'industrial estate development projects' and so require 'screening' under the Regulations.

6.83 In screening this development, the scheme is for B1(c), B2 and B8 uses rather than any complex form of development, and it is not considered that the characteristics or size of the development are such that significant impacts on the environment are likely to arise from these uses or development. The only other existing or approved developments which are relevant to consider for potentially cumulative impacts for the purposes of Schedule 3(1)(b) of the Regulations are the former Syngenta office building development adjacent to the application site which was approved last year and the 16 dwellings opposite the site at Blumer Lock which were granted permission between 2016-2018 and have been completed in the last 2 years. The development would not have any significant impacts on the environment, whether taken by itself or cumulatively, in terms of natural resources, land, soil, water, biodiversity, or the natural environment, nor would it result in any significant production of waste or pollution or create any risk of any major accidents. Through the submissions and consultee responses any risks to human health from contamination can be effectively mitigated. The location of the site is not in or within the setting of any 'sensitive areas' as defined under the Regulations or is so sensitive in its own right to require an EIA. These conclusions are also borne out through the assessments that have been carried out and the responses from consultees where no objections are raised subject to conditions. The impacts of the development taken alone or cumulatively would essentially be at a 'local' level and not of scale likely to have any significant impacts upon the environment. This includes the impacts generated by traffic. Having regard to EIA Regulations, in particular Schedule 3, and to the NPPF/NPPG, it is not considered that the development would be

likely to lead to significant environmental effects of a nature that require an EIA.

Hazardous Substances Consent

- 6.84 The site benefits from a deemed Hazardous Substances Consent (HSC) for the storage of pesticide raw materials, blending/mixing of raw materials to produce bulk agrochemical formulations, bottling and packing of formulations, and storage and distribution of finished goods. This was consented in 1999 and runs with the land so remains in place and in theory could be used once the site is developed. The HSE advise that for safety reasons a suitably worded condition should be included to prevent the development from being occupied until the HSC has been formally revoked.
- 6.85 The LPA has the power to revoke a HSC (under its hazardous substance function) where it is expedient to do so and in certain circumstances including where none of the hazardous substances have been present at the site for at least 5 years, which is the case here. In view of the advice from HSE relating to this planning application and as there have been no hazardous substances at the site for some time, I see no reason why the LPA (under its hazardous substance function) would not make a revocation order. This must be confirmed by the SoS and would be carried out under a separate process and the relevant procedures.
- 6.86 For the purposes of deciding this application, I consider the suggested condition by the HSE is appropriate in that the HSC was a 'deemed consent' (similar to a lawful use), where the relationship with nearby uses could not be assessed. New houses have also been built opposite the site since then and so I consider a condition which prevents any occupation until the HSC is revoked by the LPA is necessary. Although this is not within the control of the applicant, there is a reasonable expectation the LPA will apply to revoke the HSC and that this would be successful, and so this is also reasonable.

Representations

- 6.87 Representations on the application concerning material planning considerations relate to matters in the assessment above and so have been fully considered. Consultation/notification in line with legal requirements and the Council's procedures has been carried out.

Conditions

- 6.88 The list of conditions includes a definition of 'Site Preparation Works' to allow some works (limited demolition, vegetation clearance, safety measures) to take place in advance of discharging some pre-commencement conditions. These works do not need to be held back prior to the discharge of these conditions and are also arguably not part of the proposed development itself but this provides clarity that they can take place.

7.0 CONCLUSION

- 7.01 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.02 The site is allocated for employment (B use classes) under policy RMX1(4) in the Local Plan subject to criterion. The application proposes outline permission for B use classes and the proposals comply with the policy apart from criterion 4 but this conflict is not considered grounds to refuse permission.
- 7.03 There would be a low level of harm to the landscape and so a minor conflict with policy SP17 of the Local Plan but this would be localised and the impact suitably reduced through the landscape buffers. Importantly, the site allocation in principle allows for employment development across the site which would inevitably have some impact and thus conflict with policy SP17. The low level of harm to the landscape is acceptable based on the site being allocated for development and when balanced against the economic benefits through new jobs associated with the development.
- 7.04 Part of the site falls outside the area allocated for development and upon land defined as an 'ecological mitigation area' under the Local Plan Proposals Map. Development in this area would not result in any significant landscape or visual impacts above the allocated part of the site, and there would still be the amount of land required under the site policy (13ha) to the south that would be used for ecological mitigation and enhancement.
- 7.05 No objections have been raised by any consultees subject to conditions/mitigation and matters of flood risk and contamination are acceptable subject to mitigation which is secured by conditions.
- 7.06 All representations received on the application have been fully considered in reaching this recommendation.
- 7.07 It is concluded that the development is acceptable and overwhelmingly complies with policy RMX1(4) and all other relevant Development Plan policies. The minor conflict with policy SP17 and development beyond the site allocation is acceptable, and so permission is recommended subject to the legal agreement and conditions as 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. £14,344 to be used towards capacity improvements at the A26/B2015 Wateringbury crossroads junction to mitigate the impact of the development.
2. £17,000 to be used towards a new shelter and seat on Platform 1 at Yalding Train Station.
3. £13,500 to be used towards a new shelter on Platform 2 at Yalding Train Station.
4. £9,100 to be used towards an LED lighting upgrade at Yalding Train Station.
5. £2,500 Section 106 monitoring fee.

Conditions

Time Limit

1. No phase of the development hereby approved shall commence until approval of the following reserved matters has been obtained in writing from the local planning authority for that phase:

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

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of five years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

Access

2. The access points hereby permitted shall be carried out in accordance with drawing no. C11101 RevG including installation of the height barriers which shall be retained thereafter, and the visibility splays kept free of obstruction above a height of 1 metre. The eastern access shall only be used as an entrance to the site and the western access shall only be used as an exit except in times of emergency.

Reason: In the interests of highway safety.

Parameters/Compliance

3. The layout details submitted pursuant to condition 1 shall show no built form upon the areas defined as 'proposed new and enhancement planting zones',

'existing tree buffers', 'ecology zone', and 'conveyance route' as shown on the approved Constraints Plan (Drawing No.4092/SK04b).

Reason: To ensure the development accords with the site allocation policy, protects and enhances biodiversity, and provides a high-quality design.

4. The details of appearance submitted pursuant to condition 1 shall include:
- a) Non-reflective materials and sensitive colouring.
 - b) Active frontages on prominent buildings.
 - c) The use of materials and articulation to break up the massing of buildings.
 - d) The use of vernacular materials including ragstone on either buildings or in boundary treatments.
 - e) High quality surfacing materials.

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

5. The layout and appearance details submitted pursuant to condition 1 shall be designed to minimise the impact of any noise to nearby residential properties and shall demonstrate how they achieve that.

Reason: In the interest of residential amenity.

6. The landscape details submitted pursuant to condition 1 shall provide the following:

- New native tree and shrub planting within the 'proposed new and enhancement planting zones', and 'existing tree buffers' around the boundaries of the site as shown on the approved Constraints Plan (Drawing No.4092/SK04b).
- Native tree and shrub planting within the development areas to soften buildings and parking areas.

Reason: To ensure the development accords with the site allocation policy and to provide an appropriate setting.

7. The details submitted pursuant to condition 1 shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by JBA Consulting, (Final Report dated September 2019 including the Model report dated August 2019) and include the following mitigation measures:

- a) Finished floor levels of any commercial buildings shall be set no lower than 13.70mAOD.
- b) Provision of the flood conveyance channel including details and final levels.
- c) Floodable voids beneath buildings.

Reason: To reduce the risk of flooding to the proposed development and off-site.

Pre-Commencement

8. No development shall take place until a detailed ecological mitigation and enhancement strategy for the 13ha of land to the south of the site has been submitted to and approved in writing by the Local Planning Authority which shall include the following:
- a) Updated phase 1 survey.
 - b) Updated specific species surveys (if the current surveys are no longer valid).
 - c) Overview of mitigation to be implemented.
 - d) Detailed methodology to implement mitigation.
 - e) Maps identifying the receptor site and areas for the creation of new ponds designed specifically for GCN and reptiles.
 - f) Details for the creation and enhancement of wildlife corridors and hibernacula.
 - g) Details of interim management required until the site-wide management plan is implemented.
 - h) Details of on-going monitoring.
 - i) Timings of proposed works commensurate with any construction works.
 - j) Details of long-term management.

The strategy must be implemented as approved.

Reason: In the interest of biodiversity protection and enhancement.

9. 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:

- a) An indicative programme for carrying out the works.
- b) Measures to minimise the production of dust on the site(s).
- c) Measures to minimise the noise (including vibration) generated by the construction process.
- d) Measures to minimise light intrusion from the site(s).
- e) Management of traffic visiting the site(s) including temporary parking or holding areas.
- f) Provision of off-road parking for all site operatives.

Reason: In view of the scale of the development and in the interests of highway safety and local amenity.

10. No development, except for site preparation works, shall take place until a phasing plan for the whole site (development and landscaping) 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.

11. No development, except for site preparation works, shall take place until a monitoring and maintenance plan in respect of groundwater and the PRB gate sampling points, including a timetable of monitoring and submission of reports has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any on-going contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the NPPF.

12. No development shall take place on any phase of development, except for site preparation works, until details of the proposed slab levels of the buildings and roads together with 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.

13. No development shall take place on any phase of development, except for site preparation works, until a detailed sustainable surface water drainage scheme site has been submitted to and approved in writing by the local planning authority for that phase. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

- That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

14. No development shall take place on any phase of development, except for site preparation works, until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority for that phase. This strategy will include the following components:
 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 and 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. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved and any changes to these components require the written consent of the LPA.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework (NPPF).

Pre-Slab Level

15. No development above slab level of any phase shall take place until a scheme of noise mitigation measures specifically in relation to delivery, loading and unloading has been submitted to and approved by the local planning authority for that phase. The scheme shall be designed to mitigate against the potential impact specified by a realistic assessment. The scheme shall include a noise management plan which shall include but not be limited to the following:

- a) Delivery locations.
- b) Measures to prevent vehicle idling.
- c) Measures to minimise the use of reversing beepers.
- d) Measures relating to the lowering of lorry tail lift flaps.
- e) The use of plastic or rubber wheels for trolleys.
- f) Measures to control the behaviour of operatives on site.
- g) Complaint contact and recording details.
- h) A review period for the noise mitigation and management measures.

The acoustic assessment approved in the outline planning application shall be revisited as the detailed application progresses to ensure that it remains valid and mitigation is incorporated into the design of the facility. Once approved the mitigation scheme shall be retained and maintained to the satisfaction of the local planning authority.

Reason: In the interest of residential amenity.

16. No development above slab level of any phase shall take place until specific air quality mitigation measures, which shall include the type and location of electric vehicle charging infrastructure within parking areas, lorry trailer plug-ins, and cycle parking, 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.

Reason: In the interests of limiting impacts upon air quality.

17. Within 3 months of the completion of the flood conveyance channel, a habitat creation plan for the 'ecology zone' as shown on the approved Constraints Plan (Drawing No.4092/SK04b) shall be submitted to and approved in writing by the Local Planning Authority, which shall include the following:
 - a) Map showing the habitats to be created.
 - b) Methodology to create and establish the habitats.
 - c) Timetable to create the habitats.
 - d) Details of who will be carrying out the works.
 - e) Details of how the habitats will be protected during construction.

The habitat creation plan must be implemented as approved.

Reason: In the interest of biodiversity enhancement.

18. Within 3 months of the completion of the flood conveyance channel, a long-term site-wide management plan for both the 'ecology zone' and for the 13ha of land to the south of the site shall be submitted to and approved in writing by the Local Planning Authority, which shall include the following:
 - a) Map showing area to be managed.
 - b) Overview of management to be implemented including aims and objectives.
 - c) Detailed management timetable to meet the aims and objectives.
 - d) Monitoring & review programme.

- e) Details of who will be implementing management.

The habitat creation plan must be implemented as approved.

Reason: In the interest of biodiversity protection and enhancement.

Pre-Occupation

- 19. The development shall not be occupied until a final 'Delivery & Route Management Strategy' with the aims of deterring and reducing the potential for any large HGV movements through Yalding village centre and to manage long vehicles exiting the site in the interest of safety at the nearby level crossing has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority and Network Rail. It shall include details of the following:

- a) A review of the 'black lorry' industrial estate signs on the A228 (to encourage vehicles to use the Maidstone Road), the B2162 (to keep heavy goods vehicles on the A21/A228), and Hunton Road/Pattenden Lane (to keep vehicles on the A229), to ensure that any large HGV movements through Yalding village centre are reduced/deterred and appropriate routes are signposted including any proposed changes to the signs.
- b) Appropriate 'no HGV access' signs to the south and east of Yalding village centre to ensure that any large HGV movements through Yalding village centre are reduced/deterred and appropriate routes are signposted.
- c) Site Access Signage - to direct all heavy goods vehicles westbound onto the Maidstone Road.
- d) Site Access Signage – clearly stating 'no right turn for HGV's' exiting the site.
- e) Measures to manage long vehicles exiting the site in the interest of safety at the nearby level crossing.

Reason: In the interests of highway safety and congestion.

- 20. The development shall not be occupied until a final site-wide 'Delivery Management Strategy' with the aim of minimising any noise and disturbance during night-time hours has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising any impacts of noise to nearby residential properties.

- 21. The development shall not be occupied until the following off-site highways works have been provided in full:

- a) Capacity improvements to the Maidstone Road/Hampstead Lane junction as shown on drawing no. 14949-H-01 RevP3.

- b) The tactile paved crossing points as shown on drawing no. C11101 RevG.
- c) Box junction markings at the level crossing.

Reason: In the interest of pedestrian and highway safety and mitigating traffic impacts.

22. The development shall not be occupied until site-wide Travel Plan for the development which follows the principles of the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: To promote sustainable transport use.

23. The development shall not be occupied until the extant hazardous substances consent at the application site has been formally revoked.

Reason: In the interests of protecting human health.

24. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

25. No phase of the development shall be occupied until a verification report demonstrating the completion of works set out in the approved contamination remediation strategy and the effectiveness of the remediation for that phase has been submitted to and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the NPPF.

26. No building on any phase of the development hereby permitted shall be occupied until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used have been submitted to and approved in writing by the Local Planning Authority for that phase. The development shall be carried out in accordance with the approved details. 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

27. No building on any phase of the development hereby permitted shall be occupied until details of measures to deal with the emission of dust, odours or vapours arising from the building/use has been submitted to and approved in writing by the Local Planning Authority for that phase. 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

28. No phase of development shall be occupied until a detailed lighting plan has been submitted to and approved in writing for that phase, which shall demonstrate it has been designed to minimise impact on biodiversity and is meeting the lighting principles set out in the Technical Briefing Note; Aspect Ecology; November 2019. The lighting plan must be implemented as approved.

Reason: In the interest of biodiversity protection.

29. No phase of the development involving operational buildings/uses shall be occupied until details of flood evacuation plans have been submitted to and approved in writing for that phase. The development shall be carried out in accordance with the approved details.

Reason: In the interests of safety.

Restrictions

30. If, during development of any phase, contamination not previously identified is found to be present at the site then no further development of that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the NPPF.

31. No new infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority in consultation with the Environment Agency. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the NPPF.

32. Foundation designs using deep penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority in consultation with the Environment Agency, which may be given for those parts of the site where it has been demonstrated by a foundation risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the NPPF.

33. No lighting should be used within the flood conveyance/open space corridor or vegetated boundary buffers, which shall form light exclusion zones or 'dark corridors' to allow nocturnal/crepuscular fauna to move around the site.

Reason: In the interests of biodiversity protection.

34. The details submitted pursuant to condition 1 shall not exceed the following floorspace limits:

B1(c)/Class E(g)(iii) or B2 – no more than 21,655m² combined
B8 uses – 24,792m²

Reason: To comply with the floorspace amounts assessed under the application.

35. 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 any building.

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

36. Any buildings and associated land shall only be used for B1(c)/Class E(g)(iii), B2 or B8 uses and for no other purpose (including any other purpose under

Class E of 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 (as amended)) or any statutory instrument revoking and re-enacting those Orders with or without modification;

Reason: To comply with the floorspace types assessed under the application and as other Class E uses may not be suitable at the site.

37. The development hereby permitted shall be carried out in accordance with drawing no. C11101 RevG (Site Entrance) and 4092/P100 (Site Location Plan).

Reason: For the purposes of clarity.

38. For the purposes of the above conditions, 'Site Preparation Works' means the following:

Demolition – Which means removal of Headwalls, Bunds, Culverts, Substation, Water Channels and the Eastern Fire Lagoon Structure.

Site Clearance – Which means removal of vegetation excluding that within the 'proposed new and enhancement planting zones', and 'existing tree buffers' around the boundaries of the site as shown on the approved Constraints Plan (Drawing No.4092/SK04b).

Formation of Haul Roads – Which means the laying of mats to run lorries and construction traffic over.

Safety Works – Which means the erection or enhancement of security fencing, hoarding, CCTV poles and any other HSE matters.

Reason: For the purposes of clarity

19/504910

Further Parish Council Representations

Nettlestead Parish Council objects and make the following (summarised) points:

- Primary concern is highway use within our Parish.
- Committee must consider whether Hampstead Lane provides an adequate and safe access route.
- Hampstead Lane is subject to frequent flooding and closure and between October 2019 and January 2021 it was recorded closed for no fewer than 30 days. The Climate Change Risk and Impact Assessment for Kent and Medway estimate that winter rainfall will increase by up to 30% by 2080 which will lead to more frequent flooding.
- The only alternative route is Station Road, which is not suitable for HGVs.
- The S bend to the west of the junction with Station Road is too narrow to allow two HGVs to pass one another.
- The junction between Hampstead Lane and the B2015 is unsuitable for the increased traffic flows. We do not believe the proposed improvements will go far enough to ensure road safety.
- Hampstead Lane and Station Road are too narrow to allow pedestrians to walk safely to the nearest bus route (which runs along the B2015 Maidstone Road). Neither road has a footpath, and they are both too narrow to allow one to be constructed.

Teston Parish Council objects and make the following (summarised) points:

- Recent visual improvements to Watringbury Crossroads would be adversely affected by the proposed works and in our view, they would do little to improve congestion.
- Key problem is the amount of development on Hermitage Lane.
- Lack of consultation about possible re-design of crossroads.
- If Planning Committee approve the application, it should not be dependent on a re-design of the crossroads.
- Conditions should control routes traffic to and from the site are required to follow.

Watringbury Parish Council (Tonbridge & Malling) objects and make the following (summarised) points:

- Concern that MBC is considering granting permission on the basis of requiring highway changes in the centre of the village.
- Proposals to alter the crossroads in 2018 and 2019 were subject of consultation and we hope that the Highway Authorities did not deliberately withhold the current proposals from discussions with the Parish at the time. It was by no means a foregone conclusion that the 'improvements' would be welcomed or approved by our residents.

- This seems to force the changes on the village for the benefit of a development with residents being able to consider their cost and benefits.
- The wish of an LPA to grant consent for a development which, without payment by the applicant for a contentious consequence affecting the lives of people some considerable distance from the Borough in which the decision was made, would not be capable of approval, is very concerning indeed.
- We ask that this application is refused.
- There should be involvement and consultation with the Parish Council as to alternatives and improvement before further potential harm to the lives, health and amenity of our residents, without them being able to contribute to any debate.

East Malling and Larkfield Parish Council make the following (summarised) points:

- We would be concerned about any alterations to Watringbury crossroads that would encourage traffic to use the unsuitable route linking A26 to the A20 through East Malling.
- Concerned about changes to this junction such as the old black and white finger post being removed or "lost" when any works are carried out.
- It seems wrong that this should be contemplated without any consultation as I understand it with Watringbury Parish Council or indeed this council just because we happen to be outside Maidstone.

Yalding Parish Council make the following (summarised) points in response to Watringbury and Teston Parish Council:

- Surprised to read the comments regarding the association between planning application 19/504910/OUT and proposed improvements to the A26 Watringbury junction.
- The proposed improvements to the junction were the subject of a consultation in December 2018 and these improvements have nothing whatsoever to do with the planning application which was submitted to MBC towards the end of 2019.
- In it's final responses to MBC, KCC suggested that there may be an increase in traffic movements through the junction as a result of the development in Yalding and asked for a monetary contribution from the applicant towards the cost of the scheme.
- However, the scheme was not drawn up to support the planning application and, should the planning application be refused, the proposed improvements to the junction will remain on the table but with less funding available.

Further Local Resident's Representations

2 representations received raising the following (summarised) points:

- We object most strongly to the planning clause in this application relating to work to Watringbury Crossroads.
- Contrary to the KCC statement this scheme does not have the backing of the Watringbury Parish Council or our T & M Borough Councillor.
- The KCC suggested scheme, which was rejected in 2019, has very little resident support.

- Since Bow Road has a weight restriction to prevent heavy vehicles using it traffic from this development should be directed to use Seven Mile Lane.
- The scheme will totally destroy the historic and recently upgraded (partly with a Lottery Grant) green centre of our village.
- The filter lanes are very short and therefore entry is likely to be blocked by traffic waiting to go straight ahead.
- There will be very little gain from the proposals and very little effect on traffic flow.
- Information has been uploaded without opportunity to comment.

Officer Comment

Additional information is regularly uploaded to the Council's website during the consideration of a planning application and in this case the information referred to was clarification from the applicant. Discretionary formal consultation/notification is only carried out on amended/additional information of a nature or scale that warrants it. The information referred to did not warrant formal notification.

In terms of the Wateringbury Crossroads, the recommendation would simply secure money towards the improvement scheme currently being developed by KCC. This is all the Council or the applicant can do and the responsibility for securing full funding, public consultation, and implementation lies with KCC as the Highways Authority. If KCC could not fully fund or decided not to implement the scheme, the applicant would receive their money back.

As outlined in the committee report, officers do consider a contribution is appropriate but as the improvement scheme is mainly to mitigate the existing situation at the junction (it has been in development prior to this planning application being submitted), and the impact of the development without the scheme would not be unsafe or 'severe', if the scheme was not implemented by KCC, this would not render the development as being unacceptable. Paragraphs 6.28 to 6.31 explain this in more detail.

KCC have clarified that,

"The scheme is drawn up and costed and it was previously reported to the TMBC JTB for information only. The officer recommendation within the report was to not pursue the improvements further as they would cost significantly more than the available funding. Consequently, the available funding was reallocated and has not progressed any further since this point.

Should KCC be in a position that all the funding is secured then further consultation would be required before any improvement scheme could be physically implemented. This consultation would include public and Member consultation. Any feedback received from the consultation would be considered and then the final option/options presented to the Tonbridge & Malling Joint Transport Board for a decision on the final form of the junction improvement that is to be implemented. The improvement scheme referenced in our consultation responses could conceivably form one of a number of different options at the junction."

All other issues relate to matters that have already been raised and are fully considered in the committee report.