

2.5 REFERENCE NO - 20/503707/HYBRID		
APPLICATION PROPOSAL		
Hybrid planning application consisting of - Outline planning permission (with all matters reserved except access) for commercial development, accesses and roads, parking, associated services, infrastructure, earthworks and landscaping - Full planning permission for the erection of a manufacturing facility, associated parking, services, infrastructure, landscaping and earthworks.		
ADDRESS Kent Science Park Shimmin Road Sittingbourne Kent ME9 8BZ		
RECOMMENDATION – That delegated powers are given for planning permission to be GRANTED subject to the receipt of formal amendments to further mitigate the impacts on the setting of the Woodstock Cottage Farm as set out below, the completion of a S106 Agreement based on the heads of terms in paragraph 8.67 below, and the conditions set out below.		
SUMMARY OF REASONS FOR RECOMMENDATION		
The site is located to the south of the existing Kent Science Park. Policy Regen 4 of the Local Plan allows for extensions to the Kent Science Park if certain criteria are met and impacts mitigated. The proposal is for the same quantum of operational floorspace as a scheme previously approved on the same part of the site and which remains extant. Although the current proposal includes buildings of larger scale, this is mitigated by significant landscaping and is considered to be acceptable.		
REASON FOR REFERRAL TO COMMITTEE		
The application is contrary to the views of the Parish Council, and has received a number of local objections. The application has also been referred to committee by Cllr Palmer		
WARD West Downs	PARISH/TOWN COUNCIL The application site straddles the boundary of the parishes of Milstead and Tunstall	APPLICANT Trinity Investment Management AGENT Montagu Evans
DECISION DUE DATE 25/11/20		PUBLICITY EXPIRY DATE 15/10/20

Planning History

The planning history specifically relevant to the application site is as follows -

SW/09/0118 - Extension of Kent Science Park to accommodate up to 12,000m² of class B1 business development including:- (i) ancillary buildings; (ii) parking; (iii) landscaping; (iv) associated infrastructure; (v) detailed approval for new building of 2852m² to include:- (a) ancillary buildings; (b) parking; (c) landscaping; (d) extension to Shimmin Road; (e) extension to security fence with CCTV cameras; (f) associated infrastructure. Please note that various off-site highway works to Ruins Barn Road, Cromers Road and Woodstock Road are proposed by the applicant in mitigation of highway impacts arising from the development. See drawings H070135/SK/01B and 05A. Approved 01.03.2010

SW/13/0203 - Extension to time limit of approved SW/09/0118 for extension of Kent Science Park to accommodate up to 12,000m² of Class B1 business development including - (i) ancillary buildings; (ii) parking; (iii) landscaping; (iv) associated infrastructure; (v) detailed approval for new building of 2,852m² to include (a) ancillary buildings; (b) parking; (c)

landscaping; (d) extension to Shimmin Road; (e) extension to security fence with CCTV cameras and (f) associated infrastructure. Approved 13/12/17

There have been a considerable number of planning applications adjacent to the site and within the Science Park. The following are recent and of some relevance, being immediately within the current southern boundary of the Science Park.

16/507650/FULL – Extension of existing building to provide new production facilities, and associated external works – Approved (*this relates to the site immediately to the north of plot 2 and has been built, and known as 'land adjacent to 730 Guillat Avenue'*)

SW/13/0051 – New production and laboratory facility and all associated infrastructure including security fence, sprinkler tank, alterations to Shimmin Road and to Shimmin Road/Guillat Road junction – Approved (*this was built and subject to the subsequent extension as referenced in the application above*)

1. DESCRIPTION OF SITE

- 1.01 The Kent Science Park (KSP) is located approximately 3 km to the south of Sittingbourne town centre, covers an area of some 26 Hectares, and specialises in science and technology. The application material states that there are currently 66 companies at the park, operating from 85 buildings totalling 46,688 sqm in floor space, employing some 1,900 people. The park contains a range of buildings in a “campus style” landscaped environment, and comprises a mix of buildings that are remnants from the former use of the site as the Shell research centre, and more modern buildings. Access to the site is via a gated security entrance off Broadoak Road, on the northern side of the science park.
- 1.02 The land subject to this application lies immediately to the south of the existing Kent Science Park. It comprises a rectangular shaped parcel of land, 4.83 Ha in size, and forms part of a larger open agricultural field, which extends further south to the M2 motorway.
- 1.03 The existing confines of the KSP are defined on the southern boundary by a transparent metal / wire fence. Although a small bund with landscaping exists along part of this boundary, the buildings within the KSP are exposed and highly visible from the field to the south.
- 1.04 A complex of farm buildings are located to the west of the site, and orchards / fields to the eastern boundary, which separate the site from a small number of residential units on Broadoak Road.
- 1.05 The KSP is built within a partially undulating topography, although the land to the south of the site, including the land subject to this application, is relatively flat, with a gentle slope upwards to the south.
- 1.06 The KSP and land to the south (including the application site) is not within a designated landscape. However an Area of High Landscape Value is located relatively close to parts of the north, east and western sides of the existing Science Park boundaries. The Kent Downs Area of Outstanding Natural Beauty lies immediately to the south of the M2 motorway, approximately 460m from the application site.
- 1.07 There are no listed buildings within the site subject to this application. However Woodstock Home Farmhouse is located on the north side of the KSP complex, and is Grade II listed. Woodstock Cottages and Woodstock Farm are also Grade II listed and

are sited on Broadoak Road, the latter being closest to the application site at approx. 245m to the east.

- 1.08 A public footpath (ZR 185) runs between Broadoak Road and Bexon Lane (crossing the M2) to the south east of the KSP. The KSP is visible across the wider agricultural field from this path.
- 1.09 The KSP is designated under Policy Regen 4 of the adopted Local Plan. The land subject to this application falls to the south of the currently defined boundaries to the KSP, within an area currently designated as open countryside. Policy Regen 4 does however allow for the potential for proposals to extend the site beyond its existing boundaries, subject to certain criteria being met. This is considered in more detail later in this report.
- 1.10 The land is classed as Grade 2 (Best and Most Versatile) agricultural land.
- 1.11 Although the KSP falls within the Tunstall Parish boundary, the proposed extension to the park would straddle both Tunstall and Milstead Parishes.

2. PROPOSAL

- 2.01 This is a Hybrid planning application, seeking full planning permission for part of the development on land referred to as Plot 2, and outline planning permission for the remainder.
- 2.02 Detailed planning permission is required for a new manufacturing facility on plot 2, comprising 11,770 sqm in floorspace, and including associated office and storage facilities. The ground floor would primarily contain a large packing / bottling hall, and temperature-controlled storage and warehousing facilities. The first floor would contain offices, laboratories, manufacturing rooms and staff facilities. A significant part of the first floor would be used as a plant room, and an upper plant room is provided on the second floor. The building would be designed primarily over three levels (noting that much of the first floor and all of the second floor would be for plant) , with an overall height of up to 16.3 metres. The “operational” floor area of the building would be 7,474 sqm, and the plant-only area of the building would amount to 4,296 sqm
- 2.03 The building is proposed to be occupied by GW Pharmaceuticals, an existing major occupant of the KSP, and a world-leading producer of cannaboid-based medicines. GW require a new drug product manufacturing facility at KSP to expand its manufacturing operations on site, providing growth capacity for existing products and also for new products ‘in the pipeline’ as the drug product range expands. The building has been purpose-designed to meet the specific controlled requirements to produce the cannaboid medicine.
- 2.04 Following amendments to the scheme, outline planning permission is sought for a further 4,526 sqm of floorspace to be accommodated on the remainder of the extended site, to be used for light industrial, research and development or office purposes (formerly known as “B1” uses, although following amendments to the Use Classes Order they would now fall under a new class “E” use) Whilst the details would be subject to a future reserved matters application, the illustrative plans suggest that this could incorporate two further buildings to the east and west of the main GW building. The parameter plans submitted with the application identify that these buildings would be a maximum of 12 metres height – although members will note in my assessment below that the applicant is agreeable to buildings on the east side being limited to 10 metres in

height. A new internal road layout is illustrated to connect to two existing roads within KSP and create a new internal “loop”.

- 2.05 The parameter plans would form the basis for subsequent reserved matters applications, and a design guide has also been produced for this purpose. The rationale for this is to retain flexibility for business planning purposes to attract tenants with greater certainty that a “baseline” permission has been granted for the concept of development, but to allow individual buildings to be designed to suit particular business needs.
- 2.06 The amended plans incorporate a substantial raised landscape and buffer area to the southern and eastern boundaries of the application site, and partially to the western boundary (although members will note in paragraph 8.61 of the report that further land raising and landscaping is being secured to the eastern boundary to mitigate heritage impacts).
- 2.07 Access to the development would be provided through the existing KSP secure entrance, utilising the main access off Broadoak Road and security gate.

3. PLANNING CONSTRAINTS

- 3.01 The Kent Science Park is subject to Policy Regen 4 of the Local Plan
The site subject to this application lies within designated countryside to the south of the KSP
The Kent Downs AONB is 460 metres to the south
Land surrounding the Kent Science Park (but not the land to the south, part of which forms the application site) falls within an Area of High Landscape Value.
Surrounding roads, including Ruins Barn Road and Bottom Pond Road are designated as rural lanes.
The site is located with a Groundwater Source Protection Zone
The land is classed as Grade 2 agricultural land
Public right of Way ZR185 is sited approx. 150m to the south of the proposed extension
A small number of listed buildings are in the local surroundings

4. POLICY AND CONSIDERATIONS

- 4.1 National Planning Policy Framework – Paragraphs 8 (achieving sustainable development), 11 (presumption in favour of sustainable development), 38 (decision making), 47-50 (determining planning applications), 54-57 (planning conditions and obligations), 80-82 (building a strong economy), 83-84 (supporting a prosperous rural economy), 87,89 (requirement for a sequential and impact test for developments comprising town centre uses), 108 (promoting sustainable transport options and managing highways impacts), 109 (severity of impacts on road safety), 110 (priority to sustainable transport, access and servicing arrangements, EV charge points and other sustainable measures), 111 (Travel Plans), 124-132 (good design), 149-154 (Planning for climate change), 170 (conserving and enhancing the natural environment), 172 (great weight to be given to protection of AONB’s), 175-176 (biodiversity), 178-183 (Ground conditions and pollution), 189-192 (proposals affecting heritage assets), 193-196 (considering heritage impacts).
- 4.2 National Planning Policy Guidance – Air Quality, Climate Change, Design, Determining a Planning application, Historic Environment, Land affected by Contamination, Light

pollution, Natural Environment, Noise, Use of Planning conditions, Water supply, wastewater and water quality.

- 4.3 Bearing Fruits 2031 – The Swale Brough Local Plan – Policies ST1 (delivering sustainable development), ST2 (development targets for jobs and homes), ST3 (Swale settlement strategy), ST5 (The Sittingbourne area strategy), CP1 (building a strong economy), CP2 (sustainable transport), CP4 (Good design), CP7 (conserving the natural environment), Regen 4 (Kent Science Park), DM2 (Proposals for main town centre uses), DM3 (the rural economy), DM6 (managing transport demand), DM7 (vehicle parking), DM14 (general development criteria), DM19 (sustainable design and construction), DM21 (water, flooding and drainage), DM24 (conserving valued landscapes), DM26 (rural lanes), DM28 (Biodiversity), DM29 (trees etc), and DM32 (development involving listed buildings).
- 4.4 Supplementary Planning Documents – The SBC Car Parking Standards (2020), and The Swale Landscape Character and Biodiversity Appraisal (2010).
- 4.5 The consultation on the Swale Borough Local Plan Review Pre-Submission document began on 8th February 2021. Proposed Policy A2 (which is set out in full below) relates to the Kent Science Park. As this Plan is at an early stage, no material weight can be given to it at present.

“Kent Science Park

The Council will support proposals at the Kent Science Park, as shown on the Proposals Map, that will consolidate and expand its role as a business cluster of regional significance, specialising in technology and knowledge-based businesses. The location, scale and design of proposals shall avoid significant adverse impacts on the environment or where not possible, minimise and adequately mitigate such impacts, or compensate for them as a last resort. Additionally, all development proposals shall:

- 1. comprise uses compatible or complementary with the use of the site as a ‘Science Park’ as defined by the UK Science Park Association;*
- 2. exploit the existing opportunities for sustainable energy at the site and if this is not feasible or financially viable, incorporate new facilities that deliver reduced or zero carbon development in line with DM 3*
- 3. demonstrate, via a Transport Assessment, adequate capacity in the existing transport network, including delivery of any identified and necessary improvements to that network that shall also include implementation of a Travel Plan to minimise car journeys and include a safe cycle route to link the site with Sittingbourne town centre*
- 4. not significantly harm the character of the rural lanes in accordance with Policy DM 12 Rural Lanes; and*
- 5. Proposals to extend development beyond the existing boundary as defined by the Proposals Map will need to demonstrate that there is no reasonable prospect of the development needs being met within the site through redevelopment or reconfiguration. As well as satisfying the above criteria, proposals shall additionally demonstrate that the current level of sport facilities and provision will be maintained and the development will*

take place in accordance with an overall landscape and ecological strategy and framework that ensures both the mitigation of impacts on designated sites and their setting, and the continuance of a high quality environment for the site and its wider environs.”

- 4.6 The Key adopted Local Plan policy is Regen 4 which applies directly to the Kent Science Park and is set out in full below –

Policy Regen 4

Kent Science Park, Sittingbourne: Regeneration Area

The Council will support proposals at the Kent Science Park, as shown on the [Proposals Map](#), that will consolidate and expand its role as a business cluster of regional significance, specialising in technology and knowledge-based businesses. The location, scale and design of proposals shall avoid significant adverse impacts on the environment or where not possible, minimise and adequately mitigate such impacts, or compensate for them as a last resort.

Additionally:

Part A

All development proposals shall:

- 1. comprise uses compatible or complementary with the use of the site as a ‘Science Park’ as defined by the UK Science Park Association;*
- 2. exploit the existing opportunities for sustainable energy and design at the site, unless demonstrated not to be feasible or financially viable;*
- 3. demonstrate, via a Transport Assessment, adequate capacity in the existing transport network, including delivery of any identified and necessary improvements to that network that shall also include implementation of a Travel Plan to minimise car journeys;*
- 4. not significantly harm the character of rural lanes in accordance with Policy DM26;*
and
- 5. provide infrastructure needs arising from the development, including those matters identified by the Local Plan Implementation and Delivery Schedule.*

Part B

For proposals to extend the site outside of the existing boundaries, as defined by the Proposals Map, it shall be additionally demonstrated that:

- 1. the development cannot more appropriately be undertaken within the existing boundaries of the site, as defined by the Proposals Map;*
- 2. current levels of facilities for sport can be maintained; and*
- 3. any development will take place in accordance with an overall landscape and ecological strategy and framework that will ensure both the mitigation of impacts, especially upon designated sites and their settings, in accordance with policies DM 24, DM 28 and DM 29, and the continuance of a high-quality environment for the site.*

- 4.7 An extract from the proposals map is provided below, with the current confines of the KSP defined by the dashed line. The site subject to this application has been superimposed as defined by the unbroken line. For clarity, Members should note that the existing defined boundaries to the Science Park do not incorporate the land subject to this application, which lies to the south of the boundary line.



5. LOCAL REPRESENTATIONS

5.1 8 representations received (5 from the same individual), raising objection to the proposal on the following grounds –

- The previous permission in 2009 (extended following permission in 2017) has not been commenced
- The current application bears no resemblance to the permitted scheme, and is much larger
- The site is not contained within the current proposals map as part of the KSP, and is not in accordance with the Local Plan or NPPF
- There is no current bus service in operation, and previous services have ceased to operate. No confidence that a long-term service would be secured.
- The existing science park is visible from property in Tunstall, as is a haze from lighting across the site
- Harm to the landscape and adjacent AONB
- Access is via rural road which are inappropriate for increased use and not suitable for cycling / walking.
- At the local plan inquiry, the Inspector, KCC and Highways England all raised concern over expansion of the KSP due to the local rural road network.
- Use of resources to grow cannabis – water, lighting, heat, ventilation, and impact upon water / electrical capacity, greenhouse gases / climate change including requirements to meet Net Zero carbon emissions by 2050
- Concern regarding emissions from the operation, particularly smells of marijuana in the local area and beyond the site boundary
- The land is not owned by the KSP and is not deliverable
- Congestion, rat running and speeding will increase on local roads
- Traffic impacts upon Tunstall
- The existing three chimney stacks on the site are unsightly

- This is an unacceptable incremental extension to KSP
- The Inspectors Final Report on the Local Plan Examination identified that reference to the Southern Relief Road should be removed, and that the policy re development KSP should set a preference for it to be sited within existing boundaries.
- The soil report is inadequate / contradictory
- The building is far too large for this rural location
- The building is far too large and will harm the setting of adjacent listed buildings, particularly as landscaping to screen the building will take considerable time to grow.
- It has been announced that GW Pharmaceuticals are being sold to Jazz pharmaceuticals and this casts doubt whether the expansion will go ahead
- No guarantee that staff would be from Swale
- Impacts on air quality
- Any extension to the Kent Science Park should be considered through the Local Plan Review

5.2 The Sittingbourne Society has raised no objection to the development, and hopes it will provide quality jobs for local people. The Society does recognise the strains on the road network that are likely to occur, and that the site operators should be encouraged to negotiate improved public transport facilities for their staff.

6. CONSULTATIONS

6.1 **Tunstall Parish Council** objects on the following grounds (summarised)

- The application is radically different from the existing approved scheme. The approved scheme was for 12,000sqm B1 use whereas this scheme is for 22,000sqm B1, B2 and B8 use. The building is much taller at 16m height.
- The application does not accord with the NPPF in terms of sustainable development, or with policy Regen 4 of the Local Plan. The development, and proposals for manufacturing, storage and distribution, do not meet the definition of a Science Park, and such facility would be better suited on an industrial park with better transport infrastructure. Concern that jobs would be unskilled, and not higher skilled ones.
- Concern that the existing site has not been properly surveyed for capacity to provide the development within existing site boundaries. This is a requirement of Regen 4.
- The Transport Assessment, Travel Plan and Air Quality Assessments are weak with erroneous underlying assumptions and missing information. The Transport Assessment is based on the 2009 extant permission and factors in “net” traffic impacts arising from the development, rather than the development impacts as a whole, does not take account of new development since 2009, and the public transport distribution figures are wrong. Rat running is not assessed and reference to a southern relief road should be removed. Concern that the bus service will not materialise or operate in the longer term.
- No reference to odour control in the air quality assessment. Proper review of monitoring and odour management should take place. There have been strong smells of cannabis noted on the periphery of the site, and this could increase through the proposed development.

- The development would cause additional harm to residents of Tunstall and the conservation area
- Environmental impacts would harm the setting of the AONB to the south. The building for plot 2 is substantial in size and of much greater size height and mass than the extant permission. No attempt has been made to reduce impacts such as through lowering floor levels and more substantial planting schemes. A greater buffer zone is required to the south.

6.2 **Milstead Parish Council** objects to the application on the following grounds (summarised)

- The previous permission has not been implemented and this is a very different application.
- The building is considerably larger than approved and will be visible from miles around and into / from the AONB
- Contamination from the former Shell uses needs to be investigated
- Light pollution, affecting wildlife and local villages
- Traffic modelling and sustainable transport options are not credible.
- Water usage / disposal is a major issue with growing this product
- No logic to placing this building at KSP with problems of rural lanes and adjacent to the AONB. The Eurolink industrial estate would be a better option.
- Only small science-based businesses should be at KSP.

6.3 Following amendments to the scheme, Milstead Parish Council appreciate the efforts made to respond to concerns regarding landscaping and views into the Science Park from the south and AONB, and welcome the buffer planting, landscaping and earth bund, as well as the reduction in buildings on the outline part of the application. However they remain concerned that there is some “massaging” of figures relating to plant space, that the building remains better suited to a warehousing location (e.g Eurolink), that there is nothing in the new documentation about the minibus service to reduce traffic, and that highways impacts on local roads are a concern (including from construction). They still also have huge concerns about light, noise and air pollution in this sensitive location including issues with cannabis odours and concern that the development would exacerbate this.

6.4 **Bredgar Parish Council** raise no objection in principle to the proposal to create additional jobs and on the basis that the work of GW Pharma is reasonably in keeping with the general idea of a science park. However, concerns are raised relating to the following elements –

- Building heights should not exceed 10m for the outline scheme
- Insufficient attention given to traffic increases in particular through country lanes and rat running
- Most of Bredgar lies within the AONB and the extension will be more visible as it encroaches onto farmland to the south of the existing KSP
- Lighting management to protect dark skies is required.
- Location of site over water aquifer and proposed level of water usage on site.
- Object to the building height on plot 2
- Landscaping must come forward at the earliest opportunity

- 6.5 **KCC Highways and Transportation** – given the common concerns raised in relation to highways impacts, I have copied the consultation response from Kent County Council in full below –
- 6.6 As you are aware from our discussions, we have been in contact with the applicant and their highway consultant over the course of this planning application to clarify and agree the methodology that should be used to assess the proposals, and to highlight areas of concern. It is noted that the applicant has responded to these discussions with KCC and Highways England by amending the scale of the development and providing more bespoke analysis of the detailed element relating to plot 2 specifically that is intended to be occupied by GW Pharma.
- 6.7 It has been appreciated throughout that the application site already benefits from an extant planning approval SW/09/0118 (extended by SW/13/0203) for a 4ha expansion that included a detailed element of 2,852m² B1 use for Ecologia within the total 12,000m² permitted. The recent revisions to the current application are intended to bring the current proposals in line with the traffic movements that were considered previously for the extant approval, and the latest transport addendum submitted examines how these changes and the detailed element of the proposals would relate to the trip generation.
- 6.8 In comparison with the extant scheme, the detailed element of the current application takes up a much larger proportion of the site than has already been approved. After accounting for the Ecologia 2,852m² detailed element, the extant outline approval permits up to 9,148m² of B1 use on the remainder of the site, whereas only 4,526m² would now remain in outline form under the current proposals. The total gross floor area of GW Pharma and the outline area combined would still be larger than the approved 12,000m² development despite the latest revision having the remaining amount by 5,652m² from the initial 10,178m² that was being applied for.
- 6.9 However, there is a significant difference in the form of building proposed for GW Pharma than has been approved in detail for Ecologia, given the different purposes of the two buildings. Whilst the smaller approved building was intended as a headquarters for the tenant and provided mainly office space, the much larger proposed building for GW Pharma would be a manufacturing facility, and a substantial amount of the floorspace will be devoted to plant, which results in it having a much lower employee density for the equivalent area. In this respect it is worth noting that it was previously anticipated 70 members of staff would be accommodated in the approved building, whereas 140 are likely to be employed in the proposed building over 4 times the size. Furthermore, these 140 employees will be split over 2 shifts, so the building effectively caters for 70 members of staff at a time, the same as the approved detailed element.
- 6.10 The governing factor in the employee density, and therefore staff numbers and associated vehicle movements, is what the Transport Addendum has referred to as the operational space within the development. The plant space is ancillary to this as it does not in itself generate the vehicle movements particularly attributed to employees, and is directly related to the servicing of the building and the processes being carried out. I am satisfied that the methodology used to assess vehicle generation is appropriate in these circumstances, and the total operational area of the development proposals is the suitable measure to base this upon.
- 6.11 The combined GW Pharma operational area of 7,474m² and remaining 4,526m² of B1, B2 and B8 use classes being sought in outline form would therefore total 12,000m². This is the same figure that has already been approved for B1 use only

through applications SW/09/0118 and SW/13/0203. It is generally acknowledged too that B1 use class is a more intensive generator of vehicle movements than B2 and B8 due to employee density, so the comparison drawn can be considered robust. It would be appropriate in these circumstances though to condition the detailed element of this application if you are minded to grant approval, in order that the operational space within the building is restricted to the amount identified in the proposals, to ensure the employee density is likely to remain at the levels assessed.

- 6.12 The addendum has analysed this further, providing a trip generation table to compare the current proposals against the extant permission during the AM and PM peak hours, which concludes that the revised scheme would reduce the number of trips by approximately 100 during both of those periods from what has been permitted. This is mainly due to the shift pattern of the GW Pharma proposal generating the bulk of trips outside of the network peaks, while the outline element of the proposal assumes the typical working day travel profile. The benefit shown over the extant approval does therefore depend on the shift patterns described in the submitted documents being maintained as they are, or if revised, only ever done to still avoid the start and end of them conflicting with the busy periods on the highway network.
- 6.13 However, should they operate a different shift pattern that does coincide in the worst case scenario, this would merely bring the trip generation back to the permitted levels using the like for like comparison of blanket trip rates applied to the operational floorspace and outline element totalling an area of 12,000m². In simple terms, the application would effectively replicate the scale of development and traffic impact that is already consented on this site. Further information has also been obtained concerning the deliveries vehicles associated with GW Pharma, and it is apparent that the building will add to the existing manufacturing process at their facility in the Science Park, to provide downstream functions that the existing product is currently taken off the site to complete. The proposed facilities will only generate on average an additional 3 two-way movements per day on top of the 6 two-way movements that are already associated with this manufacturer, and I would consider this acceptable.
- 6.14 Some off-site highway works were identified under the SW/09/0118 approval to mitigate the traffic impact of the 12,000m² 4ha expansion, and I note these were carried out shortly afterwards in anticipation of the development progressing. As these works have been completed, it is not considered that further off-site mitigation would be required for this replacement 4ha expansion scheme.
- 6.15 Car parking provision within the site should be determined in accordance with Swale Borough Council's adopted parking standards, and I note these are advisory and do acknowledge that limiting parking can discourage journeys by car. The existing staff profile at Kent Science Park does show that there are opportunities for car sharing, particularly amongst those on shift patterns and living near one another, and further measures may also assist such as bus services. To this end, the applicant has provided details of the provision of a new service, and I would seek to secure this along the lines of what has been with the extant approval, albeit that I understand this involves a different operator.
- 6.16 The car parking for GW Pharma would be provided as part of the detailed scheme, if approved, and this does generally tie in with the staffing numbers anticipated for each shift. Some management within the Science Park may be required to account for shift changeovers if demand is not met. The parking within the outline element of the application is therefore considered indicative, and can be assessed as part of any subsequent reserved matters applications to approve the detail and provision at that time.

- 6.17 Consequently, I confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the Local Highway Authority:-
- Submission of a Construction Management Plan
 - Provision and permanent retention of vehicle parking spaces
 - Provision and permanent retention of the Electric Vehicle charging spaces Provision and permanent retention of the vehicle loading/unloading, storage and turning facilities
 - Provision and permanent retention of the cycle parking facilities
 - Submission of a Travel Plan
 - Restriction on the amount of operational space within the plot 2 building to be limited to a maximum of 7,474m² gross floor area.
 - Advancement of a bus service to serve Kent Science Park and subsidy of associated fares for buses operated over a period of three years.
- 6.18 **Highways England** – advise that the proposed development would have impacts upon the M2 Junction 5 which is at its safety-led capacity. On this basis, HE require controls over the number of deliveries during peak hours, and operation of a construction management plan and travel plan.
- 6.19 **The Kent Downs AONB Unit** – originally raised concern regarding the size and treatment of the main building and limited landscaping proposed, and the effect of the development on the setting of the AONB. Following the amendments, the AONB unit welcome the increased depth of the landscaping scheme and proposed higher bund, and the amendments to the materials palette. The unit advises that these satisfactorily address the concerns previously raised. Advise that careful design is required to minimise light pollution and they would be wholly opposed to the site being lit all night.
- 6.20 **The SBC Economy and Community Services Manager** – advises that the KSP is a significant employment site in the Borough, and which currently makes a significant contribution to the quantum and diversity of employment.
- 6.21 By its nature, the application would contribute to the Council's Economic Improvement Plan priority of supporting a pipeline of available commercial sites across Swale, to serve local business needs as well as new investment. The application states that KSP is currently operating at a very high occupancy of around 90%, with vacancies spread around the site, and would represent virtually full occupation of the current built space.
- 6.22 As a hybrid application a proportion of jobs are identifiable by their type and level. There are some inconsistencies around the precise number of jobs to be created, but the information provided indicates around 100-140 new jobs for the identified occupier (GW Pharma), at least a 25% increase on its current head count. Provided by the applicant on request, the skill levels across these new jobs are indicated at 2% at NVQ Level 2, 76% at NVQ Level 3 skill level, 24% at NVQ level 4/5. The proportion of higher skilled (level 4/5) jobs is in line with the resident skills base, but the proportion of level 3 of jobs is significantly higher and as such will potentially make a contribution to improving the quality of jobs overall in the Borough, against the current skills and occupational profile of Swale.
- 6.23 The company indicate that it would, at best, be very challenging for it to split its operations and locate the current facility to another site. This is for a range of practical considerations around co-location that many growing companies face. However, they

also indicate that the specialist nature of the company, its products and active ingredients are such that there are significant security concerns. This is reflected by the licensing and permits required from a range of authorities, that are already comfortable with the current location of the business. This is something that has been emphasised through past contact with the company and we understand to have been a major attraction in the original decision to locate at the Kent Science Park.

- 6.24 Advises that using the recognised standard assessment of employment densities, between 75 and 452 additional jobs could be created by the outline proposals.
- 6.25 **SBC Environmental Health**- raise no objection to the proposal. They advise that a phase 2 Geo-Environmental assessment has been carried out and no soil contamination has been detected. Further investigation is recommended in the report and this should be secured by condition. They also advise that a noise assessment has been undertaken and background noise levels calculated, and raise no objection on noise grounds subject to the imposition of conditions to control noise rating levels.
- 6.26 Following further clarification on specific points, Environmental Health advise that the Air Quality Assessment is acceptable (noting the conclusions that construction impacts would have negligible impacts on air quality, and operational impacts relating to traffic would have low / imperceptible impacts when assessed against the Kent and Medway Air Quality Partnership guidance, and negligible impacts when assessed against the Environmental Protection UK & Institute of Air Quality Management guidance. The damage cost calculation in the Assessment is also considered acceptable, although further information on mitigation measures is sought.
- 6.27 They also advise that conditions should be imposed relating to construction working and construction hours, operational hours, external lighting, noise mitigation, and contamination.
- 6.28 In relation to potential emissions from the building proposed to be occupied by GW Pharmaceuticals, Environmental Health are aware of complaints that cannabis odours are occurring in the local area. They advise that the GW Pharmaceutical operation is subject to control via an Environmental Permit and that this is regulated by the Environment Agency and not Swale Borough Council.

Officer note – the control of operational hours has been discussed further with the EHO, noting that a noise condition would control impacts from the proposed GW building, and that the remainder of the development would be a B1 use which by definition should not give rise to noise, vibration, odours etc. It is considered that control over occupation of the buildings is not necessary, but that control over deliveries would be appropriate.

- 6.29 **Kent Police** – Advise that some outstanding points relating to crime prevention and safety remain, namely glazing / security standards for doorsets and windows, planting details, lighting details and the specification for cycle storage and motorbike parking.

Officer note – these specific matters can be controlled by planning conditions. The site itself will be within the secure boundaries of the Science Park which operates with controlled access.

- 6.30 **The Environment Agency** – raises no objection to the scheme, subject to conditions relating to remediation of any contamination risks, measures to control the infiltration of surface water and control over the use of piling methods.

The Environment Agency further advise that the GW Pharmaceutical operation is subject to an Environmental Permit, and that their Permitting officer is aware of the planning application. The officer is aware of recent complaints regarding odours, and advises that a perimeter odour check system has been recently developed, in addition to the UV Odour abatement system already in place for odour control. The new facility will be subject to control by the Environment Agency.

- 6.31 **KCC Drainage team** – raise no objection to the proposal subject to conditions relating to a detailed drainage scheme.
- 6.32 **The Lower Medway Internal Drainage Board** make no specific comments but support advice from the KCC Drainage team.
- 6.33 **Southern Water** – advise that network reinforcement to the sewerage network is required, to be funded through the New Infrastructure Charge and Southern Water's Capital Works programme, and that the applicant will need to work with Southern Water to review if the reinforcement works align with the proposed occupation of the development. Request a condition requiring details of the proposed means of foul and surface water disposal.
- 6.34 **KCC Ecology** – advise that sufficient information has been provided on biodiversity, and that precautionary mitigation measures for badgers, reptiles, breeding birds and hedgehogs is acceptable. The scrub buffer around the south east and west boundaries will provide suitable habitat for protected notable species, and a site-wide management plan should be secured. Lighting should be designed to be bat sensitive. A scheme of ecological enhancements should be secured by condition, and clarification should be provided to ensure that green roofs (as proposed) come forward with reserved matters applications.

Officer note – the use of a partial green roof forms part of the detailed element of the scheme (GW Pharma) and is proposed as a planning condition to be incorporated into reserved matters submissions for the outline elements of the scheme.

- 6.35 **Natural England** – Do not wish to make any comments on the proposal
- 6.36 **UK Power Networks** – No comments received
- 6.37 **The Health and Safety Executive** – do not wish to make any comments on the application

7. **BACKGROUND PAPERS AND PLANS**

- 7.1 The application submission incorporates detailed plans for plot 2, illustrative and parameter plans for remaining plots, a Planning and Employment statement, design and Access Statement, Transport Assessment, Landscape and Visual Impact Assessment, Air Quality Assessment, Commercial Noise Assessment, BREEAM Pre- Assessment, Ecological Appraisal, Energy Strategy, Flood Risk Assessment, Geo-Environmental assessment, Security Design statement, a Soil Classification Report, and a Heritage Statement.

8. APPRAISAL

Principle of Development

- 8.01 The application site relates to land to the south of the existing Kent Science Park (KSP) boundaries. This land is classed as being within the countryside where, under policy ST3 of the Local Plan, development is generally restricted.
- 8.02 The KSP is subject to its own policy under Regen 4 of the adopted Local Plan. This policy sets out that proposals for development at KSP which would consolidate and expand its role as a business cluster of regional significance, specialising in technology and knowledge-based businesses, will be supported. The location, scale and design of proposals shall avoid significant adverse impacts on the environment, or where not possible, minimise and mitigate such impacts.
- 8.03 Policy Regen 4 sets a number of criteria to be met to establish the acceptability of development at KSP. Part B of the policy additionally allows development of KSP beyond the existing site boundaries if such development cannot be undertaken within the existing Science Park boundaries, maintains current levels of facilities for sport, and takes place in accordance with a landscape and ecological mitigation strategy, to mitigate impacts on designated sites and their settings.
- 8.04 Subject to compliance with both parts A and B of policy Regen 4 (which is assessed in detail below), I am of the opinion that development beyond the existing KSP boundaries is permissible under this policy and acceptable in principle.
- 8.05 It is also important to note that planning permission has previously been granted under SW/09/0118 and SW/13/0203 for an expansion to KSP in much the same location (albeit that the current site area is slightly larger – 4.8 hectares - than the approved scheme - 4 hectares - to accommodate a landscape buffer area on the southern boundary), and comprising buildings of up to 12,000sqm in floor area. The latter permission remains extant and is a significant material consideration as a fall-back position. Whilst there are key detailed differences between the approved scheme and the current application (which are discussed below), the principle of such development beyond the Science Park boundaries has previously been accepted and remains capable of implementation. The applicant is separately preparing to submit a reserved matters application before this outline permission expires on the 1st May 2021.

General Employment benefits

- 8.06 Policy CP1 of the Local Plan seeks to build a strong and competitive economy in Swale. Key points from the policy criteria include support for expansion of the pharmaceutical and science sectors, safeguarding and maximising the potential of “Existing Strategic Employment Sites” – which includes the KSP, and increasing skilled jobs to encourage labour retention within Swale. Statement 2 within the Local Plan identifies healthcare / biotechnology as a future potential growth sector within Swale.
- 8.07 KSP is a significant employment site in the Borough, and currently makes a significant contribution to the quantum and diversity of employment in Swale, as recognised in the Local Plan. The supporting documentation with the application identifies that the site currently employs approximately 1900 people. The Council’s Economy and Community Services Manager notes that the proposal would generate 100-140 jobs within the GW Pharmaceutical building proposed, and that the remaining floorspace subject to outline permission could generate anywhere between 75 and 452 additional jobs using standard employment densities (although it should be noted that the higher figure is

achieved if all new floorspace was provided as general offices, which is highly unlikely and recommended to be subject to control for the reasons as considered later in this report). If the floorspace subject to the outline permission (4,526sqm) was evenly split between light industrial, research and development and office uses, this would generate an average of 173 jobs, which taken together with the jobs that would be created by the GW Pharmaceutical facility, would create some 273-310 new jobs, and which I consider to be a reasonable estimate of job creation.

- 8.08 The Council's Economy and Community Services Manager further advises that the information supplied on job skills for the GW Pharmaceutical facility indicates that the proportion of jobs at NVQ level 4/5 is in line with the resident skills base, but that the proportion of jobs at NVQ level 3 is significantly higher, and would make a contribution to improving the quality of jobs overall in the Borough. Whilst the future occupants of the outline element of the application are unknown, it is reasonable to suggest that these are also likely to generate higher skilled jobs based on the profile of many businesses that operate from the KSP.

Compliance with the specific criteria under **Part A** of Policy Regen 4 of the Local Plan

Whether the development would comply with a "Science Park" use

- 8.09 A Science Park is defined in the Local Plan glossary as *"a business support environment that encourages and supports the start-up, incubation and development of innovation-led, high-growth, knowledge-based businesses; initiatives called by other names such as Research Park, Innovation Centre, Technology Park, Technopole or technology-based Incubator – where they aspire to meet the essential criteria set out above are also included within the definition"*.
- 8.10 As a Hybrid application, only the detailed proposals for Plot 2 are known at this stage. Plot 2 would be occupied by GW Pharmaceuticals (GW), a company that develops cannabinoid-based medicines, which includes products to treat Multiple Sclerosis and Epilepsy. The application sets out that GW harvested the first crop for such purposes at Kent Science Park in 1998, and now occupies 12 units within the Science Park and employs over 400 staff at the site. Whilst research and development on plant varieties continues at Kent Science Park, the main crop is grown and harvested off site (in Norfolk), and brought into the site for conversion into medicine.
- 8.11 The application sets out that the existing production facilities at KSP require expansion as volumes grow, particularly as the new extraction facility on site (next to the application site and as permitted under application 16/507650/FULL) provides greater output for bulk manufacture of the product. The facility will also be used to accommodate the manufacture of future products in the pipeline.
- 8.12 The basic steps in the production process are as follows –
- The plant is grown, dried and converted to pellets off site.
 - The pellets are brought to the site, and undergo a milling process (Building 820 on KSP)
 - The product is subject to processes of Decarboxylation, Extraction, Winterisation and Evaporation within Building 750 on KSP (adjacent to the proposed facility)
 - The product is taken off site to an external manufacturer for Crystallisation.
 - The product is brought back to KSP for the mixing / charging of active ingredients, formulation and filling, as well as labelling and packaging for distribution (currently undertaken in Building 740). This is undertaken in tightly controlled conditions, as would be expected for a medicine.

- 8.13 It is this last element of the process for which the new facility is sought to meet current and forecast demand and production. My officers have queried why this facility needs to be accommodated at the Science Park, rather than an alternative location (e.g Eurolink). Members will note that some objectors have also raised this point. The applicant has provided the following reasons –
- i) The highly skilled operational staff and support groups including engineering, technical support, supply chain, quality control and quality assurance are all based on the Science Park and collectively these shared services support all the manufacturing operations.*
 - (i) New products and process improvements are supported by our R&D team based at the Science Park.*
 - (ii) The active ingredients are controlled drugs and governed by the UK Home Office licences which require a very secure site; even if the buildings were spread across KSP there would be an increased risk of compromised security, particularly when transporting product between buildings, compared with the proposed situation where buildings are grouped together.*
 - (iii) Some of the active ingredients require to be held at -20C storage conditions prior to release for formulation hence logistically it is necessary to store these at the site of manufacture.*
 - (iv) The site has the necessary services and infrastructure to support the manufacturing processes. These have been built up over the past 22 years – but in the past 5 years alone GW has invested over £75m in refurbishing existing buildings or building new facilities to support the future growth of the business. This ongoing investment has had the added benefit of supporting many local businesses and service providers and will continue to do so.*
- 8.14 Kent Science Park specialises in bio sciences and environmental technologies. The research, development and production of cannaboid medicines would, in my opinion, fall squarely within such use. The advice from GW Pharmaceuticals is that the Kent Science Park forms the heart of its manufacturing operations, that there is significant overlap between research and development and production, and that the operations for which the new building is sought cannot be simply or easily divorced from the remainder of the GW Pharmaceutical operations at Kent Science Park. When questioned what the impacts on the business operations at Kent Science would be if the new building was not permitted at the site, GW Pharmaceutical has advised that a different location would place jobs at risk at KSP due to downsizing of site operations.
- 8.15 I have also taken advice from the Council's Economy and Community Services Manager on the need argument for the GW manufacturing facility to be located at KSP. He does not disagree with the assertion from the company that it would, at best, be very challenging to split operations and locate the facility to another site, and that the specialist nature of the company and products means that there are significant security concerns that the KSP is well placed to meet, and that the ability to meet licencing and permit requirements from a range of authorities is a major attraction in the original decision to locate at KSP.
- 8.16 With regard to the outline element of the proposal, this has been amended to accommodate development falling with light industrial, research and development and office uses only (formerly known as B1 uses). In order to ensure that these comply with a "Science Park" use, the applicant has agreed that this can be controlled via a planning obligation in the S106 Agreement, which would require details of occupants and conformity with a science park use to be submitted to the Council for approval. In the case of the B1 uses proposed, this is particularly important to avoid the

development attracting more general office-based businesses to the KSP that would otherwise be subject to the “town centre first” impact test under policy DM2 of the adopted local plan and the NPPF.

- 8.17 Taking the above into account, I am satisfied that the development meets this criteria.

That opportunities to incorporate sustainable energy and design are taken

- 8.18 The application includes a BREEAM pre-assessment report for the proposed GW Pharmaceutical building. This identifies that a “Very Good” rating can be achieved, which would accord with Policy DM19 of the Local Plan. Suitable conditions can be used to secure this, as well as a requirement for a “Very Good” rating to be achieved for the outline element of the scheme.

- 8.19 The application also includes an Energy Strategy which identifies that the GW building would incorporate around 2000 square metres of photovoltaic solar panels on the roof, and would connect to the existing district heating network in operation at the Kent Science Park, with a forecast improvement of 22% in building emissions, compared to target Building Regulations standards.

- 8.20 The scheme includes the provision of active EV charge points which would meet the 10% provision required in the Council’s Car Parking SPD. Passive charging would be provided to the remainder of spaces.

- 8.21 I am therefore content that the proposal incorporates measures for sustainable energy and design, and meets criteria A2 of policy Regen 4 of the Local Plan.

Acceptability of highways impact

- 8.22 Criteria A (3) of Policy Regen 4 requires applications to demonstrate, via a Transport Assessment, adequate capacity in the existing transport network, including delivery of any necessary improvements to the network, and implementation of a Travel Plan. Policy DM6 similarly requires developments to demonstrate how transport impacts can be acceptably managed / mitigated and that sustainable transport opportunities are investigated and taken up. Policy DM7 requires developments to provide suitable car parking and cycling facilities.

- 8.23 The Transport Assessment has used the Swale Borough Council strategic transport model for baseline flows (to ensure that the modelling avoids trip data that would be influenced by the COVID lockdown) and assesses capacity on the local network to 2027, including traffic from the adopted local plan allocations and other committed development. It also provides a comparison between the highway movements predicted for the extant permission and those forecast for the proposed development. The methodology and modelling to assess this has been agreed with Kent County Council Highways and Transportation (KCC Highways).

- 8.24 As can be seen from the KCC Highways response provided in full in paragraphs 6.5-6.17, no objection is raised to the proposed development. KCC Highways note that the amendments to reduce the floor area of the development bring it in line with the movements accepted under the extant permission. KCC Highways also note that the proposed manufacturing facility by GW Pharmaceuticals would have a lower employment density than the B1 use permitted under the extant permission, and that the

operation of shift patterns by GW Pharmaceuticals as proposed would also reduce traffic impacts during peak hours compared to the extant permission – noting that shifts would operate from 6am-2.30pm and 2pm-10.30pm and therefore employee travel would avoid the peak hours. However even if GW Pharmaceutical did operate work patterns that would coincide with peak hours, KCC Highways note that this would essentially replicate the traffic impacts already consented via the extant permission on this site. Predicted additional deliveries would add an additional 3 two-way movements per day to the network (compared to 6 two-way movements per day that current occur from the GW operation), and that this is considered acceptable. KCC Highways advise that some off-site highways works were previously undertaken in connection with the extant permission, and that no further off-site mitigation would be required.

- 8.25 The extent of car parking for the GW facility on plot 2 has been increased to 81 spaces. Although the parking for plot 2 has been based on the GW bespoke operation, the plans show that further car parking can be provided within plant areas to the west of the building if another operator takes on the building. The extent of car parking for the outline element of the scheme would be determined at reserved matters stage, taking into account the Council's Car Parking Standards SPD.
- 8.26 Highways England raise no objection to the proposal, subject to the imposition of conditions to control the number of deliveries to the GW facility during peak hours that may impact upon the A249/M2 at junction 5, prior to the planned improvement works to this junction. Highways England are satisfied that the shift patterns operated by GW would not lead to highways impacts upon the strategic road network.
- 8.27 In terms of sustainable transport options, the proposal seeks to incorporate 40 cycle spaces and changing facilities within the development. However given the location of the Science Park and nature of the surrounding roads, I would give limited weight to this, as I consider that the majority of employees would be unlikely to choose to cycle or walk to and from work, and that whilst the shift patterns proposed by GW Pharmaceuticals may help with peak AM and PM traffic impacts, that these shift patterns would also be less likely to encourage walking or cycling due to the early morning and late night start / end times of the shift work.
- 8.28 The application also sets out that the operators of the KSP are in advanced discussions with Kingsferry bus operators to provide a new service between the KSP, Sittingbourne train station and the town centre, although intentions to start the service in 2020 have been impacted by the COVID pandemic. The applicant has provided supporting information to demonstrate that there is demand from existing employees for a bus service, and details of discussions with Kingsferry to operate services in the AM and PM peak and at lunchtime. The applicant has advised that they will commit to subsidise the service for a period of three years, the detail of which will be subject to a S106 Agreement.
- 8.29 The application also incorporates the operation of a Travel Plan which would promote the operation of the bus service and a car sharing programme within the KSP, as well as walking and cycling opportunities (although my comments above are cautious of the likelihood of a material uptake in walking and cycling given the current conditions for this.

8.30 Taking the above into account, the additional traffic arising from the development is not forecast to lead to any unacceptable highways conditions. The impacts would be at worse no greater than those previously considered acceptable for the extant scheme. However the proposal is more likely to result in less impacts than the extant scheme, due to the shift patterns operated by GW which would avoid the highway network at peak hours. Overall, I consider that the highways impacts are acceptable under this criteria of Regen 4, and under policies DM6 and DM7 of the Local Plan.

Impact upon Character of rural Lanes

8.31 The site is divorced from Sittingbourne and as such is surrounded by a rural road network. Vehicular access to the site is off Broadoak Road and close to the junction with Ruins Barn Road, which in turn leads into Sittingbourne. Given the location of the site and surrounding rural road network, there are some opportunities for rat-running to join major roads such as the A249.

8.32 A large number of roads surrounding KSP are classed as rural lanes under Policy DM26 of the Local Plan, including both Ruins Barn Road and Bottom Pond Road. Whilst the proposal would generate additional traffic on the rural lane network, this is not forecast to be any greater than the traffic forecast under the extant permission. In addition, the operation of shift patterns by GW would be likely to reduce rat running, which is more likely during peak traffic hours to avoid congestion and queues.

8.33 As such I consider this impact to be acceptable.

Infrastructure Needs

8.34 No infrastructure needs arising from the development have been identified through the application process.

Compliance with the specific criteria under **Part B** of Policy Regen 4 of the Local Plan

8.35 This criteria sets specific requirements that any proposals for development beyond the existing KSP site boundaries must adhere to. This is highly relevant to the proposal as it is sited to the south of the KSP boundary, although Members are reminded that the extant permission is in the same location.

Whether the development can be accommodated within the existing confines of Kent Science Park

8.36 The application includes supporting material which sets out that some 89% of the existing units on site are occupied. The material includes details of the vacant units, which are located in different areas of the park. None of the units as existing offer the floorspace or conditions that are required, particularly for the GW Pharmaceutical operation, and many contain small laboratories or rooms that cannot be easily adapted and are more bespoke in appeal. The Council's Economy and Community Services Manager advises that this is a very high level of occupancy.

8.37 Given the campus style layout and relatively low density of the Science Park, which is very much part of its attraction, I do not consider that the development could be reasonably accommodated within the existing park confines. For example, I note that

existing vacant units have a combined footprint of 3,575sqm, whereas the footprint of the GW Pharmaceutical building alone is well in excess of this footprint at some 5,600 sqm.

- 8.38 Significantly, and as stated already, the development would be on the same land and would offer the same quantum of operational floorspace (12,000 sqm total) as the scheme that benefits from the extant permission and that remains capable of implementation. Although this current application raises some different issues primarily in terms of height, scale and visual impact, the principle of developing additional floorspace to the south has been accepted through the extant permission.

That current levels of sport facilities are maintained.

- 8.39 The development is proposed on farmland to the south of the Science Park. No sports facilities would be affected by this proposal.

That Development will be carried out in accordance with an overall landscape and ecological strategy in accordance with policies DM24, DM28 and DM29 that would mitigate impacts and continue a high quality environment for the site.

- 8.40 Policy DM24 of the Local Plan sets a hierarchy of landscaping considerations, including the overriding national requirement to protect the Kent Downs AONB and to minimise impacts on its setting, the local significance of Areas of High Landscape Value, and the approach to protect non-designated landscapes and mitigation of harm, unless remaining significant adverse impacts are demonstrably outweighed by social or economic benefits. Policy DM28 of the Local Plan requires that developments conserve, extend and enhance biodiversity and provide net gains where possible. Policy DM29 seeks to ensure the protection, enhancement and management of woodlands, trees, orchards and hedges. Policy CP4 of the Local Plan requires all developments to be of high-quality design, create safe and attractive places, be appropriate in context and conserve / enhance landscapes, biodiversity and local environments.

- 8.41 The proposed building on plot 2 would occupy a footprint of approx. 5,600sqm, and would measure approx. 78 metres in length and 72m in depth. The roof height varies in part, but the main roof would be 16.3 metres. In addition, two chimney structures and two thinner flues are shown to extend a further 3.3 metres from the main roof. The building is contemporary in form, well-articulated and architecturally distinctive, utilising a combination of layering and materials to provide interest. The main entrances would utilise large glazed areas, copper soffits and a knapped flint feature wall. The building also utilises a green roof over the loading bay area. The design of the building has evolved through use of the Design Review Panel (see appendix 1)

- 8.42 KSP currently comprises a range of large and smaller scale buildings which vary in age, height and visual impact. A number of modern buildings have been built at the KSP alongside older buildings that remain from the Shell research operation. Buildings vary in scale and wider visual impact from outside the site, including close range views from Broadoak Road and longer range views across the landscape. As a reference, the building immediately to the north of plot 2 (extended under 16/507650/FULL) measures up to 12.85 metres in height, with flue structures up to 18.5 metres in height.

- 8.43 In my opinion, the design of the development would fit the context of the existing KSP and add to the range of modern developments of high-quality design and appearance within the landscaped setting of KSP.
- 8.44 In wider landscape terms and with particular reference to the massing and scale of the proposal (and plot 2 in particular), the proposed development would be sited on land to the south of the KSP, currently forming part of an open field and with a rural aspect and outlook, despite the presence of the motorway (and associated noise) to the south. The site is within an undesignated landscape, but lies in relatively close proximity to an Area of High Landscape Value on the east side of Broadoak Road (incorporating Cromers Wood), and which also wraps around the north and eastern sides of the KSP. The Kent Downs Area of Outstanding Natural Beauty (AONB) is located approx. 460m to the south, immediately beyond the M2 motorway.
- 8.45 The site is located within the Tunstall Farmlands area within the Swale Landscape Character and Biodiversity Appraisal SPD (2011). The landscape is described as rising gently away from Sittingbourne and forms part of the dip slope of the AONB beyond the M2. The appraisal notes that KSP is located within a former deer park, with remaining evidence of ancient oaks scattered around the adjacent farmland. It notes that buildings at the KSP are generally hidden behind landscaped high wire security fencing, and that KSP is a peculiar feature but relatively well sited within the landscape, although less well integrated in the more open views from the south and south-east. The condition of the landscape is described as moderate but of high sensitivity. Guidelines for the landscape make specific reference to the KSP, to conserve the parkland character of the site and to consider ways, including major tree screening and sensitive earth modelling, to improve the appearance of KSP particularly in views from the south.
- 8.46 The existing southern boundary of the KSP is open and exposed, with buildings visible through the existing security fence. The closest building on the southern boundary is the existing GW facility (building 750) that has recently been extended and measures up to 12.85m in height.
- 8.47 The proposal includes the new facility for GW as part of the detailed element of the application, which would be 16.3 metres in height. The parameter plans (as amended) for the outline part of the application specify that other buildings would be up to 12 metres in height on the west side of the GW facility, and 10 metres on the east side. The GW building is rectangular in form and consistent in height, with a building length of 72 metres facing south, and a depth of 77 metres (excluding the covered service area). The scale and height of the GW building would be materially greater than the development permitted under the extant scheme.
- 8.48 My officers have discussed measures to reduce or minimise the impacts of the proposed GW building at length with the applicant. Due to the very specific internal operation requirements of GW, some small reduction in building height and lowering of land levels has been achieved. However it has not been possible to re-design the proposal to further reduce / lower the height and scale of the building.
- 8.49 As a result, the application has focused on whether an acceptable landscaped buffer and screen can be provided on the site boundary to mitigate wider landscape impacts.

The Council has employed a landscape consultant to provide expert advice on the landscape impacts arising from the scheme. Following this input, the proposal has been amended and enhanced during the application process to comprise of significant land re-modelling and raising works along the south, east and west boundaries over an area of between 30 metres and 72 metres in depth, and which would result in the land to the south being raised up to 7 metres higher than the finished floor level of the proposed GW building on plot 2. The ability to achieve this over such a large area of land means that the changes in land levels when perceived from the south are more subtle and less abrupt and alien than a typical high-sided bund would be.

This raised area would be substantially planted with trees and shrubs, and would provide an immediate screen to the lower section of the building and which over a period of 15 years would form a substantial screen to the development and wider Kent Science Park.

- 8.50 The Kent Downs AONB unit advise that there is currently some inter-visibility between the site and the AONB, that existing views detract from the AONB and that the proposal offers an opportunity to improve this relationship. Following amendments to enhance and increase the size of the landscape buffer and bund, together with changes to the external appearance of the building and use of a darker palette of materials, the AONB unit are satisfied that their concerns originally raised have been addressed and raise no objection to the proposal, subject to control over lighting.
- 8.51 The Council's landscape consultant also advises that subject to conditions to secure the land raising and planting proposals and the submission of detailed grading and planting plans together with long term management and maintenance requirements, that the scheme would not be expected to give rise to adverse landscape or visual effects on the wider landscape once the planting has established.
- 8.52 In respect of the extant permission, I note that whilst buildings were approved at lower heights (10 metres), there was a smaller amount of boundary screening proposed, and that as a result the existing more exposed setting of the KSP site to the south would only have been mitigated to smaller degree.
- 8.53 Internally, the layout plans and parameter plans demonstrate that the development would enable roadside and on-plot landscaping and tree planting which would be in keeping with the existing KSP.
- 8.54 Overall, whilst the detailed proposal on plot 2 for the GW facility is substantially larger in height and scale than the extant scheme, the extent of the landscaped buffer and land raising would provide mitigation and would form a significant landscaped edge to the southern boundary in accordance with advice in the Council's landscape character appraisal SPD. This would mitigate impacts from the development upon the landscape to an acceptable degree, including the setting of the AONB, and in my opinion would accord with policies Regen 4, DM24 and DM29 of the Local Plan.
- 8.55 The site currently comprises farmland and is assessed as being of relatively low ecological value given the lack of landscaping and nature of farming activity. It is however located approx. 350m from Cromer's Wood which is a local designated site of biodiversity, and comprising an ancient semi-natural woodland, and another area of

ancient woodland lies approx. 150m to the north west. No evidence of any rare, notable or protected species was recorded at the site, albeit that habitats at the site margins offer some potential for foraging and commuting bats, badger, hedgehog, reptiles and birds. As a result, the ecological assessment recommends a scheme of precautionary mitigation measures prior to and during development, and a scheme of ecological enhancement measures with the development. This is acceptable to the KCC Ecologist, and I note that the extensive landscape buffers proposed around the site would offer significant opportunities for ecological enhancements through habitat creation, the use of green roofs, and use of bat / bird boxes and insect houses, as set out in the Ecological Report.

Other Matters

Residential Amenity

- 8.56 The closest residential properties are a small number of scattered dwellings on Broadoak Avenue, and which include Woodstock Cottages (listed) , Woodstock Cottage Farm (listed), Broadoak Farm, and Kenisham Oast. The closest of these is located approximately 230m from the application site boundary, and separated by land containing paddocks and orchards. I also note that the tallest building proposed on plot 2 would be sited a further 130m away from this boundary.
- 8.57 The proposal would extend the Kent Science Park closer to these properties and, in the case of plot 2, would introduce a building of considerable height and scale into the surrounding landscape. The development would be visible from some of these dwellings. Nonetheless, given the significant intervening distance, I do not consider that the development would cause any unacceptable loss of light, privacy or outlook, and Members will be aware that the planning system cannot protect private interests such as loss of a view. In terms of noise and odours, I note the comments from the Council's Environmental Health team and the requirement for the GW Pharmaceutical proposal to operate under an Environmental Permit (which is regulated by the Environment Agency and would cover matters relating to air quality, odours, noise, effluent to controlled waters and contamination – and which is considered later in this report.

Heritage

- 8.58 The site is located approx. 230 metres from two Grade II listed buildings on Broadoak Road – Woodstock Cottages and Woodstock Cottage Farm. Another Grade II listed building at Woodstock Home Farmhouse is located within the KSP although this is located some 430m north of the proposal with significant intervening built form. The application includes a Heritage assessment to assess these impacts.
- 8.59 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development that affects a listed building or its setting, a local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special historic or architectural interest. This places a great level of weight on the protection of listed buildings, and this is effectively repeated in paragraph 193 of the NPPF and applies irrespective of whether any potential harm amounts to substantial or less than substantial harm. Paragraph 194 of the NPPF states that substantial harm to

or loss of a Grade II listed building should not be permitted unless in exceptional circumstances. Paragraph 196 states that where less than substantial harm would occur, this should be weighed against the public benefits of the proposal. Policy DM32 of the Local Plan sets out that planning permission will be granted for development that preserves a listed building and its setting.

- 8.60 The Council's Conservation and Design Manager has reviewed the application and heritage assessment and advises that his only real concern relates to the effect of the development on the setting of Woodstock Cottage Farm - a setting which it derives some of its significance from given its rural, vernacular form as a timber-framed hall house dating from the C15, later enlarged in the early C20, and still in use as a farmhouse. In some views, particularly from the south of this building, the KSP is clearly evident within the setting. However fuller and clearer views of the frontage of the listed building looking west from the public highway are impacted by the proposed development and the lower level of screening and land raising on the eastern boundary of the site as mitigation to this. Whilst he has identified that such impact would amount to less than substantial harm through negative change to the setting of the listed building, his concern is that further measures can and should be put in place to reduce the impact further.
- 8.61 In response to this, the applicant has agreed to reduce the height of the proposed building at plot 3 (closest to the eastern boundary) to a maximum of 10 metres, and move this building further west by approximately 19 metres, allowing for greater land raising and landscape screening to be achieved on the east boundary. They have also provided additional viewpoint photomontage information indicating how this change in the landscaping/screening approach to the development would benefit the setting to Woodstock Cottage Farmhouse. The formal amendments to the scheme described above are awaited at the time of writing this report, but the Council's Conservation and Design Manager has advised that this is likely to reduce the impact to a lower level of less than substantial harm – and I will update members on the formal submission of these amendments prior to the committee meeting.
- 8.62 In applying paragraph 196 of the NPPF, the public benefits that would occur are the wider employment opportunities and higher skill levels that would arise through this development which, as specified above, can reasonably be predicted to be in the region of 300 jobs. Although it is clear that great weight should be given to the protection of listed buildings, I am satisfied in this instance that the degree of harm to the setting of Woodstock Cottage Farmhouse would be limited given the separation between the development and the listed building and the mitigation to be provided – as well as the ability for the applicant to construct the extant permission.. On this basis, I am satisfied that the public benefits would outweigh the limited harm that would occur.

Air quality, contamination, noise and odours

- 8.63 The application includes an Air Quality Assessment which demonstrates that impacts arising from both construction of the development and increased traffic levels following occupancy would be negligible and low / imperceptible when assessed against relevant guidance, and well below objective levels. This is accepted by the Council's Environmental Health team. Given the major nature of the scheme, the assessment does provide a damage cost calculation of £164,485.70 based on traffic modelling and which should be used to contribute towards the mitigation of air quality impacts. This

figure is expected to contribute towards the Travel Plan objectives and operation of the bus service, the detail of which is under discussion with the applicant.

- 8.64 Some concerns have been raised regarding wider contamination issues as a legacy of the former use of the site by Shell research. The application includes a phase 2 contaminated land report and this has been assessed by the Council's Environmental Health team and the Environment Agency, neither of which object to the proposal subject to the imposition of conditions for further investigations and remediation work where necessary.
- 8.65 Some complaints have been received regarding emissions from the existing KSP, and particularly cannabis odours in the local area emanating from the GW operation. It is important for Members to note that the existing operation is subject to an Environmental Permit which is controlled by the Environment Agency and not the Council. The new facility on plot 2 for GW will also be subject to similar control. Paragraph 183 of the NPPF states that the focus of planning decisions should be on whether development is an acceptable use of land, rather than the control of processes or emissions, where these are subject to separate pollution control regimes, and that planning decisions should assume that these regimes will operate effectively. As such, I consider that the emission of odours from the site falls under the control of the Environment Agency and not the local planning authority.
- 8.66 The application includes a commercial noise assessment which provides an assessment of background noise levels and states that the buildings will be designed so noise rating levels will be below background levels. A condition is proposed to control noise from the development at plot 2, however the outline element of the scheme is for B1 purposes and, by definition, should not cause noise impacts to neighbouring properties. In discussion with the Environmental Health team, I consider that the most likely noise outbreak could be from delivery vehicles and loading / unloading operations – and I have recommended a condition to control such operations.

S106 obligations

- 8.67 The following Heads of Terms are proposed for inclusion in a Section 106 Agreement between the applicant and the Council. Officers have reviewed each proposed obligation and are satisfied that these meet the tests under Regulation 122 of the Community Infrastructure Levy Regulations 2010 in that they are:
- (a) necessary to make the development acceptable in planning terms
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
 - A mechanism to control occupancy of the proposed used to conform with "Science Park uses".
 - A scheme to be put in place for the operation of a subsidised bus service to and from KSP for a minimum period of 3 years.

- Measures for mitigation of air quality impacts to be offset using the Damage cost calculation £164,485.70. Further discussion is ongoing as to the extent to which this will be utilised for the bus service and travel plan, or whether there would be a remaining sum that could be used for other off-site mitigation.
- A long-term landscape and ecological management plan, including for the retention of the landscaping and bund.

9. FINAL BALANCING AND CONCLUSION

- 9.1 The proposal would result in a substantial extension to the Kent Science Park, and this brings with it a number of impacts that have been assessed above, particularly given the rural location of the KSP. Nonetheless, Policy Regen 4 of the adopted local plan does allow for an extension to the KSP under certain circumstances, and I consider that the proposal (following substantial amendments) meets the criteria set within the policy to determine the acceptability of this. This is also based on a comparison between the previously approved scheme for a similar extension to the KSP which remains extant and the proposed development, and the provision of a substantial landscaped buffer to the new southern edge of the KSP to deal with the visual impacts of the larger building proposed on plot 2 and to provide a long-term screen to the development and wider KSP.
- 9.2 Other impacts have been assessed by a range of consultees and found to be either acceptable or capable of control via planning conditions.
- 9.3 The proposal would provide employment opportunities with likely higher employment skills requirements and would deliver economic benefits.
- 9.4 The proposal would be likely to result in some limited harm to the setting of a listed building at Woodstock Cottage Farm. However this harm is considered to be at a low level given the separation between the development and farmhouse and the improvements to the mitigation and screening proposed. When considered against the economic benefits, these are considered to outweigh the harm to the setting of the listed building.

10. RECOMMENDATION

That delegated powers are given for planning permission to be GRANTED subject to the receipt of formal amendments to further mitigate the impacts on the setting of the Woodstock Cottage Farm as set out in the report, the completion of a S106 Agreement based on the heads of terms in paragraph 8.67, and the following conditions -

CONDITIONS to include

Conditions for the detailed element of the development relating to Plot 2.

- 1) The development of Plot 2 must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reasons: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) No development beyond the construction of foundations shall take place on Plot 2 until details in the form of samples of external finishing materials to be used in the construction of the development hereby approved, and British Standards details for the proposed colour (s) of the facing materials, shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reasons: In the interest of visual amenity.

- 3) The development on plot 2 shall be carried out in accordance with the following approved plans: 20125-CWA-OU-ZZ-DR-A-0201 P-01, 20125-CWA-DT-ZZ-DR-A-2201 Rev P01, 20125-CWA-DT-ZZ-DR-A-2202 Rev P01, 20125-CWA-SI-ZZ-DR-A-0301 Rev P11, 20125-CWA-DT-ZZ-DR-A-2103-P-00, 20125-CWA-DT-ZZ-DR-A-2101 Rev P03, 20125-CWA-DT-ZZ-DR-A-2004 Rev P02, 20125-CWA-DT-R1-DR-A-2005-P-00, 20125-CWA-DT-02-DR-A-2003-P-02, 20125-CWA-DT-01-DR-A-2002 Rev P01, 20125-CWA-DT-00-DR-A-2001-P-02

Reason: To accord with the terms of the planning application.

- 4) The operational floorspace of the building on plot 2 shall be restricted to a maximum of 7474 sqm gross floor area, and those areas highlighted in green on the first and second floor drawings numbered 20125-CWA-DT-01-DR-A-2002 P01 and 20125-CWA-DT-02-DR-A-2003 P02 shall be used for plant only.

Reason: In the interests of limiting the employment density and the impact on traffic flow on local roads.

- 5) The rating level of any noise source associated with Plot 2 (calculated in accordance with BS4142: 2014 + A1: 2019 Methods for Rating and Assessing Industrial and Commercial Sound), shall not exceed the pre-existing background noise level during the daytime (07:00hours-23:00 hours) or night time and (23:00hours-07:00hours), at any noise sensitive development, as calculated under Section 5 of the Commercial Noise Assessment by Entran Ltd. Prior to the use of the building on Plot 2, details of the Rating Level of noise emitted from any proposed plant and equipment to be installed within or on the building, together with any noise mitigation measures required to prevent exceedance of background noise levels, shall be submitted to and approved in writing by the Local Planning Authority, and any noise mitigation measures required to the building shall be installed prior to its first use.

Reason: In the interests of rural and residential amenities.

- 6) No development beyond the construction of foundations shall take place on plot 2 until full details of both hard and soft landscape works for that plot have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reasons: In the interests of the visual amenities of the area and to promote biodiversity.

- 7) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reasons: In the interests of the visual amenities of the area and to promote biodiversity.

- 8) Upon completion of the approved landscaping scheme, any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reasons: In the interests of the visual amenities of the area.

- 9) The area shown on the submitted plan as loading, off-loading and parking space shall be used for or be available for such use at all times when the premises are in use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on that area of land or in such a position as to preclude vehicular access to this reserved area; such land and access thereto shall be provided prior to the commencement of the use hereby permitted.

Reason: Development without adequate provision for the parking, loading or off-loading of vehicles is likely to lead to parking inconvenient to other road users.

- 10) The development on plot 2 hereby approved shall not be occupied until details of secure and covered cycle facilities have been submitted to and approved in writing by the Local Planning Authority, and the approved details have been implemented in full.

Reasons: In the interests of ensuring that proper provision is made for cycle parking

- 11) The building on plot 2 shall not be occupied by any other user than GW Pharmaceuticals unless details of a scheme for further car parking to the east of plot 2, as indicatively shown on drawing number (TBC) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate levels of car parking are provided to the building if the proposed occupant, who has demonstrated lower operational parking requirements, vacates the building.

- 12) Monday to Friday inclusive in any week, no more than 2 vehicles per day delivering raw materials to or collecting any manufactured products from the facility approved on plot 2, shall enter or leave the application site between the hours of 07:30 to 09:30 and 16:30 to 18:30 until the opening to the public of a Roads Investment Strategy scheme at M2 Junction 5 (or scheme to the same effect that may be agreed in writing by the local planning authority who shall consult Highways England).

The entry and exit times of such vehicles shall be recorded by the applicant or subsequent occupier and submitted, in a format to be agreed in writing by the

Local Planning Authority (who shall consult Highways England and Kent County Highways), to Highways England and Kent County Highways every 3 months (no later than 28 days after the reporting period) from the first date of opening for the first 12 months, then no later than 28 February annually (to cover the preceding calendar year) and/or on request from the Local Planning Authority, Highways England or Kent County Highways.

Reason: To ensure that the M2 Junction 5 and local highway network continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 13) The development on plot 2 hereby approved shall achieve a BREEAM rating of at least 'very good' or an equivalent standard and prior to the use of any building the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved for that building unless otherwise agreed in writing by the Local Planning Authority.

Reasons: In the interest of promoting energy efficiency.

Conditions relating to the outline part of the application.

- 14) Details relating to the layout, scale, and appearance of the proposed building(s), and the landscaping of the site (reserved matters) shall be submitted to and approved by the Local Planning Authority before any development in any phase or plot is commenced.

Reasons: No such details have been submitted.

- 15) Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Reasons: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 16) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reasons: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 17) Other than for the building on plot 2, the development hereby permitted shall only be used for the purpose of offices, research and development or light industrial uses falling within classes B1(a), B1(b) or B1(c) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose.

Reason: In the interests of the amenities of the area, and to accord with the specific characteristics of the Kent Science Park.

- 18) The details submitted pursuant to condition (14) above shall show adequate land reserved for the parking of vehicles (in accordance, where appropriate, with the currently adopted Kent County Council Vehicle parking standards for the particular development proposed) and for the loading and off-loading of commercial vehicles, and upon approval of the details no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved space; such land and access thereto shall be provided prior to the occupation of the building hereby permitted and shall be used for or be available for use for the parking, loading and off-loading of vehicles at all times when the premises are in use.

Reason: Development without adequate provision for the parking, loading, or off-loading of vehicles is likely to lead to parking inconvenient to other road users and in a manner detrimental to highway safety and amenity.

- 19) The details submitted pursuant to condition (14) shall show details of secure and covered cycle shelters. The agreed details shall be implemented in respect of each plot before the development on that plot is first occupied.

Reasons: In the interests of ensuring that proper provision is made for cycle parking.

- 20) The reserved matters details submitted pursuant to condition 14 shall accord with the Parameter Plans 01-06.

To control the form of development.

- 21) The development shall be constructed to a minimum of BREEAM “Very Good” Standard or an equivalent standard. Details of the design measures to achieve a Very Good Standard shall be submitted with the reserved matters pursuant to condition (14), and prior to the first use of any building the relevant certification shall be submitted to the Local Planning Authority for each building confirming that the required standard has been achieved.

Reason: In the interest of promoting energy efficiency.

- 22) In respect of the landscaping details agreed pursuant to condition (14), upon completion any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reasons: In the interests of the visual amenities of the area.

Conditions relating to any part of the development.

- 23) No development shall take place, including any works of demolition, until a Construction Method Statement and Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. details of measures to manage the numbers, routing and timing of construction and delivery vehicles to and from the site, including the management of construction traffic on the Strategic Road Network
- ii. the parking of vehicles of site operatives and visitors
- iii. parking, turning, loading and unloading of plant and materials.
- iv. storage of plant and materials used in constructing the development.
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. details and location of wheel washing facilities to be provided.
- vii. A dust management plan with measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works.
- ix. Temporary traffic management and signage
- x. Any requirements for temporary construction access
- xi. Measures for site security during construction
- xii. Precautionary mitigation measures for the protection of badgers, hedgehogs, reptiles and breeding birds as detailed within Chapter 6 Ecological Appraisal; Aspect Ecology; June 2020, such details to be written by a qualified ecologist.

Reason: In the interests of the amenities of the area, crime prevention, ecology and highway safety and convenience, and to manage impacts upon the A249 Trunk Road and M2 Junction 5.

- 24) No plot or phase shall be occupied until a Travel Plan for that plot / phase, designed to reduce dependency on the private car, 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 implemented and adhered to throughout the life of the development.

Reason: To promote sustainable transport.

- 25) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0800 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of the area

- 26) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined.

- 27) No floodlighting, security lighting or other external lighting shall be installed or operated at the site between the hours of 11pm and 6am. Outside these hours, no lighting shall be installed or operated other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall be based upon recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals and shall include:

- A statement of why lighting is required, the proposed frequency of the use and the hours of illumination.
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
- Details of the number, location and height of the lighting columns or other fixtures.
- The type, number, mounting height and alignment of the luminaries.
- The beam angles and upwards waste light ratio for each light.
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.

Reason: In the interests of biodiversity, visual and landscape amenity and the residential amenities of occupiers of nearby dwellings.

- 28) No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. 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
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) and which shall include an assessment of ground gas generation and 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.

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

Reason: To protect human health and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

- 29) Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To protect human health and to ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

- 30) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until 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 protect human health and to ensure that the development does not contribute to, and 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.

- 31) No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

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

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

Reason: To avoid unacceptable risks to underlying groundwater.

- 33) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment prepared by Charles Associates dated August 2020 and 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.

- 34) 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 and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

- 35) No development shall commence until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of any building.

Reason: to ensure suitable foul drainage facilities are provided.

- 36) No dust or fume extraction or filtration equipment, or air conditioning, heating or ventilation equipment shall be installed until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residential properties.

- 37) No building on any plot shall be occupied until details of EV charging facilities for that plot have been submitted to and approved in writing by the Local Planning Authority, and such details shall incorporate –
- Active EV charge points to a minimum of 10% of all parking spaces
 - Passive EV charging to the remainder of parking spaces
 - Details of the charge point specification, which shall be designed to utilise best available technology

The development shall be carried in accordance with the approved details prior to the occupation of any building.

Reason: To mitigate the impacts of climate change

- 38) No development beyond the construction of foundations on any plot or phase shall take place until details of the measures to deter crime for that plot or phase, which shall incorporate the details as set out in the consultation response from Kent Police dated 26th February 2021, have been submitted to and approved in writing

by the local planning authority. The approved measures shall be provided on site in accordance with the approved details prior to the occupation of the relevant plot or phase.

Reason: In the interests of crime prevention

- 39) No development beyond the construction of foundations shall take place on any plot or phase until a scheme of ecological enhancements for that plot or phase have been submitted to and approved by the Local Planning Authority. The scheme shall be based upon the ecological enhancements detailed within Chapter 6 of the Ecological Appraisal by Aspect Ecology (June 2020), and shall include detailed proposals for the utilisation of green roofs and management / maintenance proposals. The approved measures shall be incorporated within the development prior to first occupation and retained thereafter.

Reasons: In the interests of improving biodiversity.

- 40) No deliveries, loading / unloading of vehicles, or operation of external service yards shall take place on any plot outside of the following hours – 7.30am-7pm Monday to Friday, and 7.30am-1pm on any Saturday, other than on Bank or Public holidays when no such deliveries, loading or operations shall take place.

Reason: To protect rural character and residential amenities

- 41) No floorspace forming part of the development hereby permitted (other than that for Plot 2) shall be occupied until the opening to the public of a Roads Investment Strategy scheme at M2 Junction 5 (or scheme to the same effect that may be agreed in writing by the local planning authority who shall consult Highways England).

Reason: To ensure that the M2 Junction 5 and local road network continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 42) No development approved by this planning permission shall be commenced until a detailed scheme of land raising and landscaping to create a substantial landscape buffer on the southern boundary and eastern boundaries of the site has been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the Landscape Strategy Plan by David Williams Landscape Consultancy and shall include –
- Full details of existing and proposed site levels, modelling, and grading plans to demonstrate the extent and form of the land raising / bund proposals.
 - Planting details and schedules, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate.
 - Details of the design of any enclosures to be installed on the raised land / bund.

The land raising / bund modelling and grading operations and landscaping shall be carried out in accordance with the approved details and completed prior to any development beyond the construction of foundations on the site.

Reason: To ensure the provision of a landscape buffer to screen the impacts of the development is secured and in place to mitigate the visual impacts of the development.

- 43) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected on the outer edge of the landscape buffer, nor any external lighting sited within this area.

Reason: In the interests of visual amenity and biodiversity.

- 44) No development in any phase shall commence until details of a timetable for the connection of that phase or part of that phase to the public sewerage system has been submitted to and approved in writing by the Local Planning Authority. No building in any phase shall be occupied unless in accordance with the approved timetable.

Reason: To ensure that necessary infrastructure improvements can be planned and implemented.

INFORMATIVES

You are advised that this permission is subject to a S106 agreement which also further restricts the occupation of the units hereby permitted.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

