

2.4 REFERENCE NO - 21/502972/FULL		
APPLICATION PROPOSAL Change of use of land and erection of 35no. general commercial units (use classes E(g), B2 and B8 with allocated parking and associated landscaping		
ADDRESS Land South East Of A299 Slip Road Off Thanet Way Highstreet Road Hernhill Kent ME13 9EN		
RECOMMENDATION Grant, subject to conditions as set out below		
SUMMARY OF REASONS FOR RECOMMENDATION Proposal is broadly in accordance with national and local planning policy		
REASON FOR REFERRAL TO COMMITTEE Parish Council have objected to the scheme		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT Barton Bridging Capital AGENT Turner Jackson Day Associates
DECISION DUE DATE 27/11/21	PUBLICITY EXPIRY DATE 15/11/21	OFFICER SITE VISIT DATE 27/04/2022
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

18/506384/FULL

Change of use of land and development of 34 no. general industrial units, a secure lorry park, cafe and associated landscaping. (Resubmission of 18/504147/FULL) as amended by drawings received 13/03/2019; 04/04/2019; 05/04/2019; 12/04/2019; and 02/05/2019
Approved Decision Date: 09.10.2019

18/504147/FULL

Change of use of land and development of 43no. general industrial units, a secure lorry park, cafe and associated landscaping.
Withdrawn Decision Date: 29.11.2018

Also relevant are the applications for the immediately adjoining site:

22/500287/NMAMD - Non-material amendment application: Location of proposed 13 units to be altered, and unit numbering to be changed to correspond & improve site coordination with current 35 unit scheme application 21/502972/FULL. Proposed units 42-48 floor area to be increased. All 13 units, fenestration to be altered to correspond and coordinate with application 21/505030/NMAMD. Providing a consistent materiality between both parts of the site in relation to planning permission 20/502407/FULL.

Awaiting decision

20/502407/FULL

The construction of thirteen commercial units (for general industrial, storage and distribution, and light industrial use), and associated parking and landscaping.

Approved Decision Date 08.03.2022

15/505213/FULL

Part retrospective application for the importation of waste material and engineering operations to form landscape bunds, construction of a 3 metre high Gabion basket stone wall, change of use of land and construction of van and HGV lorry park, access and construction of a roadside transport cafe for A3/A5 uses plus 24 hour WC and driver wash.

Approved Decision Date: 30.11.2016

1.0 DESCRIPTION OF SITE

- 1.01 The site forms part of a vacant parcel of land. It is located on the south-east side of the A299 Thanet Way at the Dargate interchange, north east of Plumpudding Lane, and to the north-west of the slip road to the A299 (which as Members may be aware is part of the local road network maintained by KCC Highways and Transportation).
- 1.02 This parcel of land extends to 0.85 hectares and, for the avoidance of doubt, it does not include the remaining parcel of land, which is the subject of a separate planning application: 22/500287/NMAMD. Work has commenced on the structures of the industrial units.
- 1.03 The site is partly bounded by trees and vegetation to the northwest side adjacent to the Thanet Way. The northeast part of the site is partially visible from the highway, and there are existing bunds on these sides of the site, as well as to the southeast. The eastern part of the site comprises the vacant adjoining site, which will link up with this development if both applications are granted.
- 1.04 Directly to the southeast of the site is an existing business park and freight terminal. A short distance to the north of the site on the coast bound carriageway there is an established petrol filling station, a shop, a Travelodge and a café. On the London bound carriageway there is another filling station and a coffee shop.
- 1.05 To the northeast of the site, on Highstreet Road and Dargate Road, there are a number of residential properties. The closest of which is a minimum of approximately 120 metres from the application site.

2.0 PROPOSAL

- 2.01 The proposal is for thirty-five new-build small industrial units with associated parking and landscaping.
- 2.02 Planning permission has already been granted for thirty-four small industrial units on this site, through 18/506384/FULL, which was approved following a decision by the Planning Committee at the meeting on 30 May 2019. Members will note that the size and design of the approved units was very similar to those now proposed. Therefore, whilst the proposal is technically seeking permission for thirty-five industrial units, in practice, the scheme would amount to only one industrial unit over and above the extant consent.
- 2.03 The additional industrial unit would be achieved by infilling the visual gap between connecting blocks 1-4 and 5-10 on the extant consent, and creating a 11 unit uninterrupted block, parallel to the site boundary with the Thanet Way. The new unit would be 330sqm in size. The west facing flank wall of this block of industrial units will also be moved 2m closer to the western boundary of the site to help accommodate the new unit.

- 2.04 The 35 industrial units will be laid out in blocks of three blocks of 4 units, two x 6 units and one block of 11 units.
- 2.05 The industrial units, when completed, would be faced with grey panels, brick plinths, and windows to provide a visual variation in the appearance of the units. They would have the appearance of two-storey buildings, but with no first floor, making each unit single floor only, and have shallow, steel profile roofs. The units would each measure 8 metres by 12 metres floor area and extend to a ridge height of 8.5metres. Each unit would have two allocated parking spaces adjacent to the unit, and one delivery space outside the roller shutter door serving each unit.
- 2.06 This application is made retrospectively: as the brick plinths and steel frames for the 35 units have already been erected.
- 2.07 In tandem with this application, the applicants (Barton Bridging Capital) have submitted a Non Material Amendment (22/500287/NMAMD) application to increase the size of six of the industrial units on the site that immediately abuts this site to the east. In practice, if both applications are approved, when built out, both developments will read as one scheme, as they will be served by the same access point and spine roads.
- 2.08 The proposal is accompanied by a landscaping scheme, which shows a scheme of soft landscaping to the boundaries of the site as well as landscaping within the site, including a pond (the NMA scheme includes another pond). Specifically, the landscaping improvement works will include:
- 16 bird boxes
 - 6 bat boxes
 - Enhancements to the hedgerow along the northern, southern and western boundaries
 - Native trees along the norther, southern and western boundaries
 - 1 centrally located wildlife pond
 - A Wildflower meadow and strategic wildflower strips.
- 2.09 Vehicular access to the site would be provided from the slip road leading to/from the Thanet Way.
- 2.10 The applicant suggests that the development would support approximately 80 jobs. The buildings would be restricted to the following Use Classes: Class E (ancillary office space), B2 and B8, which is what consent is being sought for, in line with the extant consent.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.85ha	0.85ha	-
Combined floor area of development	3060sqm (Extant Consent)	3336sqm	+330sqm
Approximate Ridge Height (m) Industrial Units	-	8.2m	+8.2m
Approximate Eaves Height (m) (Industrial Units)	-	7.2m	+7.2m
Approximate Ridge Height (m) (Café)	-	3.5m	+3.5m
Approximate Ridge Height (m) (Café)	-	7.2m	+7.2m
Approximate Depth (m) (Industrial Units)	-	12m (per unit)	+12m (per unit)
Approximate Width (m) (Industrial Units)	-	8m (per unit)	+8m (per unit)
Parking Spaces	-	73	+ 73 (Total)

4.0 PLANNING CONSTRAINTS

4.01 Outside established built-up area boundaries. Inside Flood Zone 1 (low flood risk).

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2021

- 5.01 Chapter 2 – Achieving sustainable development
 Chapter 6 – Building a strong, competitive economy
 Chapter 9 – Promoting sustainable transport
 Chapter 12 – Achieving well designed places

Bearing fruits 2013: The Swale Borough Local Plan 2017

- 5.02 Policy ST1 – Delivering sustainable development
 Policy CP1 – Building a strong, competitive economy
 Policy CP 4 – Requiring good design
 Policy DM 6 – Managing transport demand and impact
 Policy DM 7 – Vehicle parking
 Policy DM 14 – General development criteria
 Policy DM 19 – Sustainable design and construction
 Policy DM 21 – Water, flooding and drainage
 Policy DM24 -Conserving and enhancing valued landscapes
 Policy DM28 -Biodiversity and geological conservation
 Policy DM29 -Woodlands, trees and hedges

6.0 LOCAL REPRESENTATIONS

- 6.01 33 local addresses were consulted, but no letters from neighbours either in support of, or against, the proposal have been received.

7.0 CONSULTATIONS

7.01 Hernhill Parish Council raises objection to the application, noting:

‘The council voted unanimously to object to the application. The Council consider that this application is evidence of our continued concern over the intensification of the site again. The Council still also have concerns over drainage and parking at the Site and the potential impact to any parking overspill would have on surrounding roads.’

7.02 KCC Highways and Transportation initially raised some questions, but following the submission of additional information, they have removed their holding objection, provided the following requirements are secured by condition or planning obligation:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

7.03 Highways England (HE) have raised no objection. [As explained above, the A299 is part of the local road network, rather than being a strategic road maintained by HE; the nearest parts of the strategic network are the M2 motorway and the A2 east of Brenley Corner.]

7.04 The Environment Agency raises no objection.

7.05 The Environmental Protection Team Leader raises no objection, subject to a number of conditions below (see **conditions 4-9**)

7.06 Natural England has raised no objection, commenting that the proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

7.07 Southern Water raises no objection and offered the following advice: *“It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.”*

7.08 Kent Police has raised no objection, subject to the following details being secured:

“1. The level of permeability must ensure routes through the development are appropriate and well-designed to create safer accessible neighbourhoods with maximum natural surveillance opportunities and avoid them providing too many access and escape routes. This may require vehicle mitigation at key points, such as a kissing gate to prevent small vehicles such as e-bikes or motorcycles being able to access the area through the

pedestrian access points. Defined pedestrian routes are recommended to improve safety and avoid pedestrian and vehicle conflict.

2. *We recommend boundaries be installed to protect the site against trespass. We require these boundaries to be 1.8m minimum and include secure gates to the service paths to the rear of plots 12 to 19 and 24 to 35.*

3. *The car park must be overlooked by active windows in order to monitor activity in the area. To help address car crime, security should be provided for Motorbikes, Mopeds, e-bikes and similar. SBD or sold secure ground or wall anchors can help provide this. If the site is ever to be unoccupied, installation of a lockable swing arm and height restriction barrier or gates to prevent/deter unauthorised vehicle access and anti-social vehicle misuse, fly tipping etc.*

4. *If cycle storage is proposed it must be well lit and secure. We recommend the use of SBD or sold secure ground/wall anchors.*

5. *Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. we recommend that a suitable lighting policy is installed to ensure that the units and staff have safe access to and from the units and to help deflect criminality. External lighting to conform to min standard of BS5489-1:2020.*

6. *CCTV to be installed, especially in areas with limited natural surveillance such as rear of the units, utility areas/ bin stores and on the access/ exit road. The CCTV must not infringe any lighting plan.*

7. *All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding or sliding to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.*

8. *Windows on the ground floor to meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes. Any curtain walling and fixings should be tested and meet BS EN 1627:2011 and/or be certified to LPS 1175: Issue 7, SR1 or STS 202: Issue 3, BR1.*

9. *Any Shutters should be as close to the building line as possible and must avoid the creation of a recess. Shutters must be certificated to LPS 1175: Issue 7, SR2; STS 202: Issue 3, BR2; Sold Secure Gold or PAS 68:2013*

10. *Bin Stores to be secure, lit and, if in an area with limited natural surveillance we recommend CCTV cameras be installed. Please can plans be sent to us to review further.”*

7.09 The Climate Change Officer commented that the Design and Access statement makes no mention of sustainability and there is no separate energy and or sustainability statement.

The Climate Change Officer also advised that she would expect the development to be built to a minimum BREEAM very good as required in the current Local Plan.

The Climate Change Officer would like to see the use of rainwater harvesting. She commented that there is a surface water management strategy but no mention of harvesting for flushing, irrigation etc. She would also expect the incorporation of renewable technologies such as solar PV.

These issues are discussed below, and Members will note **conditions 10 and 20**.

- 7.10 KCC Flood and Water Management raises no objection, subject to the inclusion of drainage **conditions 11 and 12** listed below.
- 7.11 Internal Drainage Board: No comments received.
- 7.12 KCC Ecology noted that landscaping plans have been provided, which feature ecologically beneficial features like native tree planting and a pond. Whilst the ecologist is broadly supportive of this plan, he is of the view that it is still likely that this development is entailing a biodiversity net-loss.

The Ecologist also advises that the wildflower meadow shown on the landscape plans is unlikely to establish in the thin shaded areas it is proposed for. He also noted that no management prescriptions have been provided (“which is vital to ensure that a meadow environment can establish”). He concludes that if the Council decides that the putative loss in Biodiversity is acceptable, then the landscaping scheme of the site is secured via condition. He also recommended a further condition and an informative which can be found in the conditions and informative sections of this report.

8.00 Background Documents

- 8.01 This application has been supported by a number of drawings, assessments and reports. These include the following:

Application Form and Notices; Site Location Plan; Existing and Proposed Drawings, Elevations and Sections; Floor Plans; Design and Access Statement; Travel Plan; an Ecological and Reptile Survey; a Surface Water Management Plan and Flood Risk Assessment and a Planting Plan.

9.0 APPRAISAL

Principle of Development

- 9.01 The principle of this type of development has been established through the extant permission for thirty-four industrial units. I note the Parish Council’s concern that this proposal will lead to unacceptable intensification of the site. My view is that the shape and size of the site can adequately absorb one additional industrial unit without materially harming the development, the site or the surrounding area.
- 9.02 Moreover, the site is in a location well related to road infrastructure and to some local services and other employment / residential uses and the proposal is in accordance with Policy ST1 of Bearing Fruits 2031 – The Swale Borough Local Plan 2017.

Highway Safety and Convenience

- 9.03 I recognise the comments made by Hernhill Parish Council, who are concerned that the proposal might result in parking overspill on the surrounding roads. However, the Council has a recently adopted parking standards SPD (Swale Borough Council Parking Standards SPD May 2020), which requires there to be:

- 1 car parking space per 50sqm for over 200sqm of B2 floor space; and
 - 1 car parking space per 100sqm of B8 (storage and distribution) floorspace.
- 9.04 Assuming the industrial units are comprised entirely of B2 units, then the requirement would equate to 66 car parking spaces. Similarly, if the scheme comprised entirely B8 (Storage and Distribution use), then the parking requirement would be 33 bays.
- 9.05 The development will provide 73 parking spaces which satisfies the requirement of the Parking Standards SPD. I also note that the KCC Highways and Transportation team have not objected to the proposal. Additionally, the parking provision will be secured via **condition 17**.
- 9.06 For the reasons above, I am of the opinion that this one additional industrial unit, over and above the extant consent, is unlikely to significantly increase the potential for overspill parking on the surrounding roads beyond the extant permission. Therefore, the proposal complies with policy DM14 of the Local Plan and Swale Borough Council Parking Standards SPD May 2020.
- 9.07 With regard to the effect of the proposal on residential amenity, I note that the nearest property to the site is situated approximately 120 metres away. Bearing in mind that the dual-carriageway Thanet Way is a similar distance away from these dwellings, I consider it unlikely that the additional industrial unit, if approved, would increase any instance of noise issues.
- 9.08 Members will also note that the Environmental Protection Team Leader raises no objection, subject to appropriate conditions being imposed (see **conditions 4-9**).

Visual Amenity

- 9.09 The National Planning Policy Framework (the Framework) identifies, as a core planning principle, that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.10 Policy DM14 is in line with this core planning principle and makes clear that development should provide good levels of amenity: it specifies that development should cause no significant harm to amenity and other sensitive uses or areas
- 9.11 The additional industrial unit will be centrally located in a block of 11 industrial units along the northern part of the site. Whilst its presence removes a visual break in the industrial units (secured under the extant consent), the impact it will have on the character and appearance of the extant consent will be very modest. In fact, the only views of the unit will be from the A299, where vehicles typically pass by very quickly, and from the petrol filling station, a shop, a Travelodge and a café on the other side of the carriageway. Moreover, most of the unit will be screened by existing and new trees, and only part of the roof and part of the rear elevation and eastern flank wall will be visible.
- 9.12 The applicants have also taken great care to ensure that all the units are relatively modest in scale, with suitable cladding options.
- 9.13 I noted that with the extant permission, a conscious effort had been made to visually break blank elevations by the insertion of windows, including the east facing flank elevation of Unit 11. The extant consent also shows windows on the flank walls of units 29 and 35 (listed as units 28 and 34 on that application). Those windows have not been included on these plans,

and I think the scheme would be visually more interesting if they are included. Therefore, I have written to the applicant's agent to request that revised elevation plans are submitted which show the inclusion of windows to flank wall elevations on industrial units Units 29 and 35, as these units are in the most prominent positions in the site, and a window will break up a blank expanse of side wall.

- 9.14 The insertion of a 35th unit has meant the northern block of industrial units (the block of 11) will be moved closer to the western boundary. However, the existing tree and hedging on this part of the site is very mature and I do not believe that the block will be seen from the surrounding road, other than glimpses in the autumn and winter seasons.
- 9.15 In short, I am of the opinion that the proposal (subject to revised plans with the inclusion of flank windows in the aforementioned units) respects the character and appearance of the site and the surrounding area and accords with policy DM14 in accordance with Government policy in the NPPF.

Ecology

- 9.16 With regard to Biodiversity Net Gain, the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity, where possible. Local planning authorities are required to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments.
- 9.17 Policy DM28 also requires that development proposals will conserve, enhance and extend biodiversity, provide for net gains in biodiversity, where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 9.18 To this end, the Council would be keen to ensure that all opportunities to incorporate measures to enhance biodiversity are designed into the proposals (see **conditions 21 and 22**).
- 9.19 I note the Ecology officer's comments that because, at one time, the site was a greenfield site, the proposal of industrial units on site technically results in a Biodiversity Net Gain deficit. However, planning permission has already been granted for 34 of the 35 proposed industrial units and I am of the view that one further industrial unit on part of the site (which has already been cleared) will not result in a further Biodiversity net loss over the original biodiversity position of the site. Moreover, this proposal, when combined with the neighbouring NMDA development, will collectively provide an additional 530 sqm of additional habitat, inclusive of two ponds along with 20 No bird boxes, 12 No bat boxes and 26 No hibernacula's.
- 9.20 Therefore, in light of these provisions and weighing this against the various benefits that would arise from the development (notably the job creation and the regeneration of a long-standing vacant site), this aspect of the proposal accords with Policy DM28 of the Local Plan and the NPPF.

Sustainable Construction and Climate Change

- 9.21 The Council has declared a Biodiversity and Climate Change Emergency, and its commitment to sustainable development is reinforced in local plan policy DM19 (Sustainable design and construction). Sub-section 3 of this policy is relevant to this proposal as it requires any commercial development over 1000sqm to be designed to achieve a BREEAM 'Very Good' rating as a minimum.

- 9.22 The Climate Change Officer, in her comments, stated that she would expect the incorporation of renewable technologies such as solar PV and would like to see provision of rainwater harvesting for flushing, irrigation etc. These requirements can be secured by condition (see **condition 20**, which requires the development to be constructed to a BREEAM rating of 'Very Good').
- 9.23 In respect of electric vehicle charging points, the Council's Parking SPD states that for non-residential uses with off street parking, 10% of the bays will have an active charging point, with the remainder to be provided as passive spaces. I have included **condition 10** to ensure that this is provided, and I am of the view that this deals acceptably with this matter.
- 9.24 Subject to the appropriate conditions, the proposal accords with the NPPF and policy DM19 of the Local Plan.

Drainage

- 9.25 Policy DM21 (Water, flooding and drainage) sets out the policy requirements including the need for site specific Drainage Strategies for major development such as this proposal. Criterion 4 of policy DM21 (Water, flooding and drainage) sets out when considering drainage implications of development proposals will "include, where possible, sustainable drainage systems to restrict runoff to an appropriate discharge rate, maintain or improve the quality of the receiving watercourse, to enhance biodiversity [by incorporating open features such as ponds, swales and ditches] and amenity and increase the potential for grey water recycling. Drainage strategies (including surface water management schemes) for major developments should be carried out to the satisfaction of the Lead Local Flood Authority".
- 9.26 Criterion 5 of policy DM22 sets out that proposals should "integrate drainage measures within the planning and design of the project to ensure that the most sustainable option can be delivered". Paragraph 165 of the NPPF states that "Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate".
- 9.27 The applicants are proposing to install attenuation crates throughout the site, and they have confirmed in their Surface Water Management Strategy that the attenuation provided will be sufficient to limit surface water discharge from the site to 2 l/s under the 1 in 100 year + 20% allowance for climate change events.
- 9.28 Kent County Council Drainage have reviewed the submission document and they are, subject to conditions, satisfied that the method for dealing with surface water, namely via infiltration to ground, will not increase the risk of flooding. Therefore, the proposal accords with Paragraph 165 of the NPPF and Policy DM21 of the Local Plan, and Members will note **conditions 11 and 12**.

10.0 CONCLUSION

- 10.01 Taking all of the above into consideration and subject to the proposed conditions, I do not believe the development causes any unacceptable impacts to visual or residential amenities,

it represents biodiversity gain over the extant consent and provides an acceptable level of parking provision. Accordingly, I consider that the development would accord with the requirements of the Local Plan and the NPPF and therefore recommend planning permission be granted.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings:
1564-011; 1564 -050; 5224-LLB-XX-XX-DR-L-0004 Rev P02; SK01 Rev A; SK02 Rev A; T-2021-085-02 Rev D; T-2021-085-03 Rev D; 1564-003C ; 1564-004C; 1564-005C; 1564-006C; 1564-007; 1564-008; 1564-010;

Reason: For the avoidance of doubt, and in the interests of proper planning.

- (3) No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials to be used in the construction of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- (4) Prior to the installation of any exterior lighting scheme to the site, the following details must be provided for approval by the Local Planning Authority:

- 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 visual amenity and the residential amenities of occupiers of nearby dwellings.

- (5) No development shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. This shall include details relating to:

- The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with

arrangements to monitor noise emissions from the development site during the construction phase;

- The loading and unloading and storage of plant and materials on site;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- The control and suppression of dust and noise including arrangements to monitor dust emissions from the development site during the construction phase;
- Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
- Measures to control mud deposition off-site from vehicles leaving the site.
- The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase)
- The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site; and
- The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking
- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

Reason: In the interests of the amenities of the area and highway safety and convenience.

- (6) If, during construction works, evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not recommence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

- c) If no contamination is discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of safety.

- (7) 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 0730 – 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 residential amenity.

- (8) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:-

Monday to Friday 0900-1700hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (9) Details of any mechanical ventilation system that will be installed shall be submitted to and approved by the Local Planning Authority and upon approval shall be installed, maintained and operated in a manner which prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Reason: In the interests of residential amenity

- (10) Prior to the use of the development hereby permitted commencing, 10% of the parking spaces shall be fitted with active EV charging points; with the remainder provided as passive charging spaces.

Reason: In the interests of sustainable development and encouraging sustainable modes of travel.

- (11) 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 and the Drainage Strategy prepared by RMB dated February 2021 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.

- (12) 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 that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework (July 2021).

- (13) The scheme of tree planting and landscaping shown on the submitted Planting Plan numbered 5224-LLB-XX-XX-DR-L-0004 Rev P02 shall be carried out within 12 months of the completion of the development. 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.

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

- (14) The trees shown on the plans hereby approved as "existing trees to be retained" shall be retained and maintained. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of the date of this permission shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity.

- (15) The units hereby permitted shall be used for the purpose of offices, research and development, light or general industrial uses; or storage and distribution, and for no other purpose, including any other purposes in Classes E1, B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In the interests of the amenities of the area.

- (16) Notwithstanding Section 55 of the Town and Country Planning Act 1990 (as amended) no additional floor space in the form of a mezzanine floor shall be provided within units 1-35 of the development hereby approved.

Reason: In order to reduce the potential for the intensification of use of the site and in the interests of residential amenity and highway safety in accordance.

- (17) 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.

- (18) No external storage of parts, equipment, raw materials or products shall take place within the site.

Reason: In the interests of visual amenity.

- (19) No development shall take place until details in the form of cross-sectional drawings through the site showing existing and proposed site levels and finished floor levels have been submitted to and approved by the Local Planning Authority. The development shall then be completed strictly in accordance with those approved details.

Reason: In order to secure a record of existing site levels and to ensure a satisfactory form of development having regard to the sloping nature of the site,

- (20) The buildings hereby approved shall be constructed to BREEAM 'Very Good' Standard or an equivalent standard and prior to the use of the buildings the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

Reason: In the interests of promoting energy efficiency and sustainable development.

- (21) Prior to the use hereby approved commencing and notwithstanding the details provided, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and thereafter maintained.

Reason: To ensure that there is a net gain in biodiversity.

- (22) Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit that will adversely impact biodiversity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Reason: In the interests of biodiversity

Informatives

- (1) The following advice is provided by Kent Police:
1. Wave kerbs can be installed to deflect potential of vehicles parking on them and potentially blocking access routes or causing nuisance.
 2. The pedestrian routes between units 4 and 5, 11-14 and 15-18 and 23-28 and 29-34 should all be gated at both ends to help maintain security.
 3. Vehicle parking for each unit inc. visitor spaces to be allocated.

4. Lighting and CCTV: a plan for both is essential to meet security needs without causing light pollution. CCTV Monitors to be on live feed in the café, reception and rest areas.
5. Access Control – Essential to all commercial units and the whole café block.
6. An option for security staff 24/7 was suggested by the agent but no details to date. If an ATM is to be installed, then we would comment further.
7. Doorsets (including rear doors), roller shutter doors, windows and glazing to meet SBD Commercial standards.
10. Alarms to be fitted to the commercial unit rear doors and a panic alarm should be installed at the reception.

If the points above are not addressed, they can affect the development and have a knock on effect for the future services and local policing.

- (2) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.
- (3) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Council's Approach to this Application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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.

In this instance;

Amendments and additional information were submitted by the applicant; and 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.

