

2.10 REFERENCE NO. - 15/510589/OUT		
APPLICATION PROPOSAL		
Outline application for access matters reserved for construction of business park (Use Classes B1(B), B1(C), B2 and (B8), (research and development, light industrial, general industrial and storage or distribution), (up to a maximum of 46,600sqm), including associated accesses (including alteration to existing northern relief road), parking and servicing areas, landscaping, bunds, surface water storage area, and related development.		
ADDRESS Land north of Swale Way, Sittingbourne, Kent ME9 9AR		
RECOMMENDATION – Outline planning permission be granted subject to no issues being raised by Kent County Council Highways and Transportation and as a result of the press notice under Article 15 which expires on 22 nd July 2016 and to the signing of a suitably worded legal agreement.		
SUMMARY FOR REFERRAL TO COMMITTEE		
The application is in conformity with the Local Plan and contrary representations sufficient to necessitate reporting to the Planning Committee have been received and Member authority is required to enter into the Deed of Variation S106 agreement (to tie this permission to the Section 106 Agreement signed pursuant to the SW/13/0215).		
WARD Teynham and Lynsted	PARISH/TOWN COUNCIL Tonge	APPLICANT Trenport Investments AGENT Richard Lewis Vincent and Gorbing
DECISION DUE DATE 7 th July 2016	PUBLICITY EXPIRY DATE 22 nd July 2016	OFFICER SITE VISIT DATE 3 rd March 2016
RELEVANT PLANNING HISTORY		
App No	Summary -	
SW/13/0215	<p>Outline application for construction of business park (Use Classes B1(B), B1(C), B2 and (B8), (research and development, light industrial, general industrial and storage or distribution), (up to a maximum of 43,000sqm), including associated accesses (including alteration to existing northern relief road), parking and servicing areas, landscaping, bunds, surface water storage area, and related development. Approved 6th January 2014.</p> <p>Members will note that the Section 106 agreement signed pursuant to this permission covered the following points:</p> <ul style="list-style-type: none"> (i) Travel plan provision and £5000 monitoring fee; (ii) Provision of Toucan crossing (for pedestrians and cyclists) to Swale Way; (iii) Local labour and apprenticeships targets; (iv) Management of SUDS, ecological mitigation, landscape improvement land; (v) Safeguarding of corridor for Northern Relief Road extension to southern boundary of application site; and (vi) 5% monitoring fee of £250. 	

1.0 DESCRIPTION OF SITE

The site (Eurolink V) is located to the north east of Sittingbourne and immediately to the north of Swale Way. Beyond the road is the East Hall Farm (also known as Great East Hall) / Eurolink IV development area. Beyond this recent development is the main urban area of the town, with the Eurolink employment area to the west.

The land is relatively flat, low-lying and largely featureless and was last used for agricultural (predominantly arable) use. To the north-east (Telegraph Hill) and north (at Tonge Corner the land is higher at approximately 13 metres AOD). From Tonge Corner looking south west Eurolink IV is partly visible.

A public right of way PROW ZR189 is located parallel to the southern application boundary. To the east of the site, the heritage assets at West Tonge Farmhouse (also West Tonge Stables; both are Grade II listed) and St Giles Church (Grade I listed) are located.

In the vicinity of the application site there are areas designated on account of their ecological importance: the SSSI, SPA and Ramsar site are located close to the application site – a minimum of 260 metres to the north-east of the 'Employment Development Area' and much closer to the area where ecological/landscape enhancements are proposed.

The site is located in the Coastal Zone as defined at Policy E13 of the adopted Swale Borough Local Plan. Church Lane, approximately two hundred metres east of the site is designated as a Rural Lane under Policy RC7 of the SBLP 2008.

2.0 PROPOSAL

Outline application for access matters reserved for construction of business park (Use Classes B1(B), B1(C), B2 and (B8), (research and development, light industrial, general industrial and storage or distribution), (up to a maximum of 46,600sqm), including associated accesses (including alteration to existing northern relief road), parking and servicing areas, landscaping, bunds, surface water storage area, and related development.

Essentially this proposal is an amendment to the scheme which was approved on 6th January 2014 under reference SW/13/0215. As part of that proposal a landscaped flood mitigation bund was to be provided to the north and north east of the employment area, to act as a flood barrier linking the Northern Relief Road to the west (which is on a slight embankment), to an area of higher land near West Tonge Farm to the east, in accordance with the Environment Agency's advice. The approved bund measured 30m in width and 6.065m AOD high (up to 3.7m above existing ground level, although mostly much lower).

The Environment Agency has subsequently advised that the bund is not now required for flood mitigation purposes and can be removed.

This revised application proposal is not seeking to remove the bund in its entirety but is proposing a reduction in the size of the bund and a larger developable area to provide more employment land (approximately 1.02 ha of additional employment land). The revised proposal indicates that the maximum gross external floor space permitted would be increased by 3,600 sqm from 43,000sqm to 46,600 sqm.

Although the landscaped bund is reduced in size it will still be typically 10m wide (30m near West Tonge Farm) with a further area of landscaping beyond this to the north east of some 70 to 150m in width. This will provide for landscape and wildlife mitigation and enhancement.

This application is also seeking approval of details which were previously submitted and approved pursuant to planning conditions attached to the approved planning permission SW/13/0215 as follows:

Condition 1A – strategic level layout and landscaping (complying with condition 5)
Application ref: 15/500207/SUB - Approved 15.5.15

Condition 11 – Development Brief
Application ref: 15/500207/SUB - Approved 3.6.15

Condition 18 – mitigation strategy: reptiles
Application ref: 14/506107/SUB - Approved 20.4.15

Condition 19 – mitigation strategy: bats
Application ref: 14/506107/SUB - Approved 20.4.15

Condition 20 – mitigation strategy: badgers
Application ref: 14/506107/SUB - Approved 20.4.15

Condition 22 – bio-diversity measures
Application ref: 14/506107/SUB - Approved 20.4.15

Condition 23 (part) – strategic level foul and surface water drainage
Application ref: 14/506289/SUB - Approved 14.5.15

Condition 24 – further geo-environmental investigations
Application ref: 14/503743/SUB – Approved 30.10.14

3.0 PLANNING CONSTRAINTS

The application site is located outside the built-up area boundary of Sittingbourne as shown in the adopted Swale Borough Local Plan 2008. The application site is however, allocated in the emerging Local Plan – Bearing Fruits 2031 – Proposed main Modifications June 2016 for, among other things, the provision of 41,200 square metres of 'B' class employment uses and the provision of 120 dwellings.

4.0 POLICY AND OTHER CONSIDERATIONS

4.1 Adopted Swale Borough Local Plan 2008

The following policies are relevant to the determination of the application:

Policy E1 - General development Criteria;
Policy E6 – Countryside Protection;
Policy E9 - Protecting the Quality and Character of the Borough's landscape;
Policy E12 - Site designated for their importance to biodiversity and geological conservation;
Policy E13 – Coastal Zone and Undeveloped Coast;
Policy T3 - Vehicle Parking for New Development; and
Policy T8: Sittingbourne Northern Relief Road.

4.2 Bearing Fruits 2031 - Proposed main Modifications June 2016

The emerging Local Plan Bearing Fruits 2031 is at an advanced stage and accordingly it is considered to be a material consideration and weight can be given to the relevant policies.

The following policies are considered to be relevant to proposal:

ST1 - Delivering sustainable development in Swale

Policy MU 2 Land at north-east Sittingbourne states:

Planning permission will be granted for mixed use development comprising 43,000 sqm of 'B' use class employment uses, a minimum of approximately 106 dwellings, together with 31.1 ha of open space, flooding, biodiversity and landscape enhancements on land in North-East Sittingbourne as shown on the Proposals Map.

CP1- building a strong and competitive economy

CP4 – requiring Good Design

DM7 – Vehicle parking

DM8 – Affordable Housing

DM14 – General development Criteria

DM 19 – Sustainable Design and Construction

DM20 – Renewable and low carbon energy

4.3 The National Planning Policy Framework (NPPF) (2012)

The NPPF has at its core the presumption in favour of sustainable development, and there are, it is suggested, three dimensions to this term: economic, social and environmental.

The NPPF was released on 27th March 2012 with immediate effect, however, Paragraph 214 states “that for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”

The 12 month period noted above has expired. As such, it was necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF. This has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. Except where stated, all policies cited below are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

Paragraph 7 suggests the following roles for the planning system:

“An economic role – contributing to building a strong, responsive and competitive economy...

A social role – supporting strong, vibrant and healthy communities...; and

An environmental role – contributing to protecting and enhancing our natural, built and historic environment.”

The NPPF (see Paragraph 12) “...does not change the statutory status of the development plan as the starting point for decision making...development that accords

with an up-to-date Local Plan should be approved, and...development that conflicts should be refused unless material considerations indicate otherwise.”

Paragraph 9 states that “...pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life... “

Paragraph 12 asserts that the Development Plan remains “the starting point for decision making.”

Paragraph 17 states that the “...conservation of heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations...” is a core planning principle “which should underpin decision taking”.

Paragraph 18 states that “the Government is committed to ensuring economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meet the twin challenges of global competition and of a low carbon future.”

Paragraphs 56 to 68 address ‘requiring good design’, and Paragraph 56 asserts that “Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

‘Meeting the challenge of climate change, flooding and coastal change’ is addressed at Paragraphs 93 to 108.

Paragraph 93 refers to the key role that planning plays in, among other things, “...supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.”

Paragraph 96, 2nd bullet point states that in determining planning applications, local planning authorities should “take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption”.

Paragraph 100 stipulates that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary making it safe without increasing flood risk elsewhere.”

The conservation and enhancement of the natural environment is discussed at Paragraphs 109 to 125.

At Paragraph 109 it states, among other things, that “...the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.”

Paragraph 112 seeks to protect best and most versatile agricultural land, ie Grades 1, 2 and 3a and new development should, where possible, be directed to “poorer quality land in preference to that of a higher quality.”

Paragraphs 126 to 141 deal with ‘conserving and enhancing the historic environment’. In particular,

Paragraph 129 requires local planning authorities to “identify and assess the significance of any heritage asset that may be affected (including by development

affecting the setting of a heritage asset) and to take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.”

Paragraphs 132 and 134 sets out that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

The determination of applications is covered at Paragraphs 196 to 198, and Paragraph 197 instructs local planning authorities to “...apply the presumption in favour of sustainable development.”

The use of ‘planning conditions and obligations’ are addressed at Paragraphs 203 to 206. To a large extent, these paragraphs advocate the approach set out in Circular 05/ 2005: ‘Planning Obligations’ [which is now cancelled], the Community Infrastructure Levy(CIL) Regulations (2010), and in particular, Regulation 122 (2), and Circular 11/95 ‘The Use of Conditions in Planning Permissions’.

And Members will note that Paragraph 204 states the following:

“Planning Obligations should only be sought where they meet all of the following tests: Necessary to make the development acceptable in planning terms directly related to the development; and

Fairly and reasonably related in scale and kind to the development.”

However, Paragraph 205 adds a new onus on taking account of changes in market conditions and being “...sufficiently flexible to prevent planned development from stalling.”

5.0 LOCAL REPRESENTATIONS

A total of 804 local residents have been consulted. Nine letters of objection have been received on the following grounds:

- There are still various plots of land that have not been used/built on. The last development was built 3+ years ago, is there the interest?
- Swale Way has lots of HGV vehicles parking on the side of road, this causes issues for us as residents in what is our only access to our properties. There are also more houses being built which will increase traffic.
- Throughout the day the road is partially blocked by 10 + travel master buses, with the potential increase of HGV traffic this would be cause access issues.
- The transport links around the area are insufficient for the current level of traffic.
- The area is already heavily industrialized with unoccupied units. The council should implement incentives for vendors to use these as opposed to ruining the countryside. The traffic in the area is already appalling; another industrial estate of this scale will only worsen the issue.

- The area is already at risk of flooding, regardless of the measures that are put in place putting in more roads and laying down foundations will only worsen the issue and increase the risk of flooding to the Great East Hall development by building on the open fields.
- Light pollution during the hours of darkness, may cause unnecessary discomfort, distress and annoyance to the residential area.
- The proposed new development is on open countryside which is used by the public in this area for dog walking etc. and this development will therefore be detrimental to the existing residents of the area.

6.0 CONSULTATION RESPONSES

6.1 Tonge Parish Council

The above planning application was discussed at the Tonge PC meeting on Tuesday 8th March and no adverse comments were received.

6.2 Environmental Protection Team Leader:

In terms of land contamination it has been demonstrated that the site is a low risk site. I do not consider the standard contaminated land condition is necessary. I would however recommend that the watching brief condition and CEMP conditions be applied.

Any potential adverse effects to residential amenity in terms of noise and lighting will be considered at the reserved matters stage and addressed by condition.

Members will note conditions (10), (13), (15), (34), (35), (37) and (38), which will mitigate such impacts during both the construction and operational phases.

Air Quality

No objection from an Air Quality perspective.

"This is a major proposal in which an environmental statement has been submitted.

I have looked at chapter 18 of the environmental statement which relates to Air Quality. It mainly concentrates on dust emissions, particularly during construction, and the measures they would employ to mitigate such emissions. I am not overly concerned about these emissions, for if and when complaints are received, there is alternative legislation that can be used to tackle them effectively. There is one important effect of excessive dust emissions in that it could raise PM10 levels, but we do not have an issue with elevated PM10 levels currently.

My main concern is the effect that this development could have on the existing air quality environment, particularly with regard to Nitrogen Dioxide (NO2) levels. The proposed use is not discussed in much detail, possibly because it has not been fully decided, but it does include 'light industrial' and general industrial'. The significance of these future uses is debatable from an AQ standpoint, but they do not appear to include emissions from a vehicular source, i.e. one that would generate significant emissions of NO2. The distance to the nearest Air Quality management Area (AQMA) is over 1 Km and is another important factor.

Chapter 18 concludes that any adverse AQ impact from this proposal is imperceptible; this may or may not be proved to be correct, but from the information submitted at this stage, I would agree with the author of this chapter, i.e. that no adverse impact would be caused by it and therefore no further action is necessary”.

6.3 Climate Change Officer

“There is very little to comment on in this outline application as the applicant intends to give details later. On p56 of the Design and Access Statement is a short piece stating that the applicant aspires to BREEAM "good" or "very good" and to obtain 10% of energy requirements from "decentralise, renewable or low carbon" sources.

A list of possible measures to achieve both BREEAM and 10% of energy is listed with details to be submitted at the reserved stage.

Can I draw your attention to DM19 of our emerging Local Plan which states that for development over 1000 sqm BREEAM "very good" will be required. The majority of the units in this application are over this threshold and I would expect a condition requiring this. The small units could be "good" unless you wish to use the total area of the development in which case it should all be BREEAM "very good".

Can we also condition details of how 10% of energy will be from "decentralised renewable or low carbon" sources? As far as I can see there is no Energy Strategy with this application - something we usually get with an application of this size”.

Conditions relating to these matters were attached to planning permission SW/13/0215. Appropriate conditions can be secured in this case as suggested below.

6.4 Environment Agency:

“No objection to the development subject to the following condition:

If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved”.

6.5 Kent Police:

“Should the application proceed, there is merit in pre-application meetings with us prior to submission of more detailed site layout, boundary treatment and individual building plans. By meeting with us and discussing issues such as crime prevention, Crime Impact Statements (CIS), any formal applications for this scheme such as BREEAM and Secured By Design (SBD) Commercial can be addressed and agreed. We understand that the applicant is looking to achieve BREEAM Very Good status for some or all of the site”.

I would be grateful if you could draw the applicant's attention to the Kent Design Initiative (KDI), which will also assist them with Crime Prevention and Community Safety.

6.6 Kent County Council Highways and Transportation:

Comments awaited, and I will update Members at the meeting.

6.7 Highways England

“Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case the A249. Having examined the application, we do not offer any objection to this proposal”.

6.8 Health and Safety Executive:

“HSE do not advise against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case”.

6.9 National Planning Casework Unit.

“We have no comments to make on this application”.

6.10 Natural England

“Statutory nature conservation sites – no objection. In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Swale SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application”.

6.11 Kent County Council SUDS Team:

“Additional information has been received from the applicant. We have reviewed the proposals and can confirm that the revised strategy will allow us to remove our holding objection. We are appreciative of the efforts made by the applicant and their consultant with our queries.

The site was previously ‘developed’ for brickearth extraction and we consider the discharge rates used in the revised drainage strategy more accurately reflect the near-greenfield site conditions than the higher rates of the original planning permission. Whilst no detailed information is yet available for the site layout at this outline stage, the discharge rates and suggested attenuation volumes indicated within each suggested sub-catchment will inform review and approval of later phases of development. The use of unlined SuDs features in the detailed design can be considered as noted in the strategy to reduce discharge rates offsite or the volumes of attenuation required together with any necessary water treatment features.

Accordingly should the Local Planning Authority grant permission for the development, we would recommend the following conditions are attached”:

1. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the proposals within the Strategic Surface Water Drainage Strategy by WSP dated May 2016 (Ref. 11011683) and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted

critical 100yr storm) can be accommodated and disposed of without increase to flood risk or harm to the environment.

2. Development shall not begin until a phasing plan for the surface water drainage scheme has been submitted to (and approved in writing by) the local planning authority. The phasing plan shall also indicate and provide details of any temporary works associated with the construction of the surface water drainage system.
3. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme for each phase of development have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
4. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons:

To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

6.12 Kent County Council Ecology advise:

“The Environmental Statement Updated Chapter 8.0 Ecology and Nature Conservation, Updated Baseline Survey and Reptile Mitigation Strategy and Relocation Scheme reports have been submitted.

Without appropriate mitigation, there is potential for the proposed development to result in impacts to reptiles, breeding birds, badgers, bats. We advise that an adequate, and timely, level of ecological survey and assessment has been carried out with which to inform the determination of this application.

The Environmental Statement Updated Chapter 8.0 Ecology and Nature Conservation provides an overview of the approaches to mitigation and habitat creation for bats, reptiles, breeding birds and badgers.

With regards to the protection of badgers during construction, ongoing surveys and measures to prevent animals becoming trapped in excavations are recommended in the Updated Baseline Survey report. Further details were submitted in respect of condition 20 of planning permission SW/13/0215 and we advise that the implementation of these measures must be secured in relation to this planning permission, if granted.

The implementation of the measures detailed in section 5.7 of the Updated Baseline Survey report regarding the protection of breeding birds during construction must be secured, if planning permission is granted

Further details regarding mitigation and habitat creation for bats are provided in section 5.4 of the Updated Baseline Survey report and we advise that the implementation of these measures must be secured by condition, if planning permission is granted.

It is our understanding that the habitat creation / landscaping elements are included in the Biodiversity Enhancement Strategy, Landscape Planting Plan and Landscape Management and Maintenance Plan, submitted in relation to condition 22 of planning permission SW/13/0215.

We advise that the implementation of these must be secured within this planning permission, if granted.

Recommendations to ensure that the external lighting scheme does not impact on bats must be secured through a lighting condition, if planning permission is granted.

The Reptile Mitigation Strategy and Relocation Scheme provides appropriately detailed mitigation measures to ensure that the potential for impacts to reptiles are sufficiently minimised. We advise that adherence to this strategy must be secured by condition, if planning permission is granted.

It is also our understanding that, if the applicant chooses to implement the extant planning permission SW/13/0215, this revised reptile mitigation strategy now supersedes that previously submitted in respect of condition 18 of the extant permission.

As previously advised, the consideration of the potential for a likely significant effect on The Swale Special Protection Area / Ramsar site and conclusion that the proposed development will not have an adverse effect on the European sites seems adequate, though please note that we are not able to comment specifically on references to the requirements of other agencies (e.g. that the SuDS is fully consistent with the requirements of the 'SuDS Approval Bodies' and the flood risk measures have been 'accepted' by the Environment Agency); Swale Borough Council should ensure that the statements in Section IV of chapter 8 reflect the positions of other consultees".

6.13 Lower Medway Internal Drainage Board: No objection

7.0 APPRAISAL

7.1 As noted above this proposal is effectively an amendment to the outline planning permission which was approved on 6th January 2014 under reference SW/13/0215. Therefore the principle of the development has already been established through the extant outline planning permission.

This revised application proposal is seeking a reduction in the size of the bund (flood barrier) to provide for a larger developable area and an increase in the size of the employment land by approximately 1.02 ha. The revised proposal indicates that the maximum gross external floor space permitted would be increased by 3,600 sqm from 43,000sqm to 46,600 sqm.

The matters for consideration in this case therefore relate to the following:

- Design and Layout;

- Heritage Assets;
- Impact on amenity;
- Highways Impacts;
- Ecological Impacts;
- Flood Risk;
- Drainage; and
- Sustainable Design and Construction

7.2 Design and Layout

The proposed access to serve the development is submitted for consideration with this application and essentially this is the same as approved under application SW/13/0215. However, matters relating to the appearance, design and the layout of the development are reserved for future consideration. The access details to serve the development site have previously been approved under SW/13/0215.

The Development Brief which has been approved under application 15/500207/SUB dated 3rd June 2015 set out a general strategy for the architectural treatment of the buildings, including elevational treatment, roof design and palette of colours, as well as the layout and landscaping of the plots.

In support this application the applicant has submitted an updated Development Brief January 2016 to reflect the changes to the proposal.

The approach, however, set out in the revised Development Brief remains unchanged. This seeks to ensure the development will be appropriate to the setting of the site, the height of the buildings will be limited to a maximum height of up to 15m above existing ground levels on the land to the north of access/landscape corridor and a maximum of 12m above existing ground level on land to the south and east of the access/landscape corridor. There is also a no build zone adjacent to the landscape bund to the south west of West Tonge Farm.

The Development Brief also proposes extensive structural landscaping to minimise the impact of the development. It also includes measures to mitigate the impact on wildlife and to provide for landscaping and surface water attenuation through provision of 3.98ha of open land.

There clearly will be a change to the character of the area but with the conditions proposed the development will not result in any unacceptable harm to the character of the area or residential amenity. The change to the character of the area as a result of the development must also be balanced against the economic gain to the economy of Swale and the potential new employment opportunities this will bring.

7.3 Heritage Impacts

Listed buildings are located at West Tonge Farm and St Giles Church, to the east of the application site.

The impact of the development on the setting of these assets has been considered in the context of application SW/13/0215. It was concluded that provided that there is 'no building zone' to protect West Tonge Farmhouse and any building located to the south/south east of the site, shall be no more than a maximum of 12 metres in height; and a maximum building height anywhere on the site shall be no more 15 metres above the approved site level, the public benefits of the development would out-weigh

the harm to heritage assets and, as such, this harm does not warrant the refusal of planning permission.

The proposal which is the subject of this application is not considered to affect the setting of the heritage assets and importantly the relationship between the current proposed development and the listed buildings is the same as approved under the extant outline planning permission (SW/13/0215).

However, the views of the Conservation Officer are awaited, and I will update Members at the meeting.

7.4 Residential Amenity

Members will note that over 800 local residents were directly consulted and as a result nine letters of objection have been received as set out above.

The main concerns relate to matters of traffic generation and congestion.

It is important to bear in mind that at present the Northern Relief Road (Swale Way) currently terminates at the proposed site entrance and for this reason is very lightly used, it will ultimately be part of a through road forming a by-pass to the north-eastern part of Sittingbourne and, as such, is likely to be heavily used, and have adverse implications for residential amenity for some residents of East Hall Farm.

The road would run between the housing development and the proposed commercial site. It is concluded that although there may be some adverse impact on residential amenity given the nature of what is proposed, this would be at a level well below that which would justify the refusal of planning permission, and it is noted that the Environment Protection Leader raises no objection to the proposal.

7.5 Highway Impacts

Highways England has raised no objection to the development on strategic highways grounds. As noted above Kent Highways and Transportation assessed the original outline application SW/13/0215 and raised no objection to the development on traffic generation or highway safety grounds.

This proposal proposes an increase of 3,600sqm gross floor space and clearly will result in an increase in traffic generation. The views of Kent Highways and Transportation are awaited, and I will provide Members with an update on this matter at the meeting.

7.6 Ecological Impacts

Natural England raise no objection to the proposal subject to the development being carried out in accordance with the details of the application.

KCC Ecologist states the Environmental Statement Updated Chapter 8.0 Ecology and Nature Conservation, Updated Baseline Survey and Reptile Mitigation Strategy and Relocation Scheme reports provides an overview of the approaches to mitigation and habitat creation for bats, reptiles, breeding birds and badgers. An adequate, and timely, level of ecological survey and assessment has been carried out with which to inform the determination of this application.

In terms of the protection of badgers during construction, ongoing surveys and measures to prevent animals becoming trapped in excavations are recommended in the Updated Baseline Survey report. Further details were submitted in respect of condition (20) of planning permission SW/13/0215. The implementation of these measures must be secured in relation to this planning permission.

The implementation of the measures detailed in section 5.4 in respect of mitigation and habitat creation for bats and in section 5.7 in respect of breeding birds concerning the protection of breeding birds during construction must be secured by condition. Recommendations to ensure that the external lighting scheme does not impact on bats must also be secured through a lighting condition.

The habitat creation / landscaping elements are included in the Biodiversity Enhancement Strategy, Landscape Planting Plan and Landscape Management and Maintenance Plan, submitted in relation to condition (22) of planning permission SW/13/0215. Again the implementation of these must be secured by condition.

The Reptile Mitigation Strategy and Relocation Scheme provides appropriately detailed mitigation measures to ensure that the potential for impacts to reptiles are sufficiently minimised. We advise that adherence to this strategy must be secured by condition.

As previously advised, the consideration of the potential for a likely significant effect on The Swale Special Protection Area / Ramsar site and conclusion that the proposed development will not have an adverse effect on the European sites seems adequate, though please note that we are not able to comment specifically on references to the requirements of other agencies (e.g. that the SuDS is fully consistent with the requirements of the 'SuDS Approval Bodies' and the flood risk measures have been 'accepted' by the Environment Agency); Swale BC should ensure that the statements in Section IV of chapter 8 reflect the positions of other consultees.

As set out in the 2013 application, the application site, was last used for agricultural purposes for arable production and therefore could be considered to have a low ecological value. The proposed development includes a significant area of land dedicated to ecological /landscape mitigation. This together with appropriate management measures will provide a significant benefit to the biodiversity value of the site and a potentially beneficial outcome from the proposed development.

7.7 Flood Risk

The applicant has undertaken a Flood Risk Assessment and this forms part of the submitted Environmental Statement Update.

It is noted that at the time of the 2013 application the site was mainly located in Flood Zone 3 with a predicted 1 in 200 year flood level that would provide a danger to life in the lower parts of the site. However, the Environment Agency has recently carried out a detailed two-dimensional flood modelling and this has found that most of the site is outside the 1 in 1,000 year flood extent and therefore in Flood Zone 1 (lowest risk), with the lower parts of the site in Flood Zone 2.

The applicant states that 'taking into account the predicted increase in flood levels due to climate change, there would only be minimal flooding in the undefended situation. If the current sea defences are maintained (which is a reasonable assumption), there is no onsite flooding for the 2070 1 in 200 year event.

It is understood that The Environment Agency and Kent County Council have confirmed that they have no records of any flooding within the vicinity of the site, and Members will have noted that neither the Environment Agency or the Kent County Council SUDS Team object to the proposal.

7.8 Drainage

Kent County Council have reviewed the revised drainage proposals and confirm that the no objection is raised to the proposal and advised that the revised drainage strategy more accurately reflect the near-greenfield site conditions than the higher rates of the original planning permission.

Whilst no detailed information is yet available for the site layout at this outline stage, the discharge rates and suggested attenuation volumes indicated within each suggested sub-catchment will inform review and approval of later phases of development. The use of unlined SuDs features in the detailed design can be considered as noted in the strategy to reduce discharge rates offsite or the volumes of attenuation required together with any necessary water treatment features.

Appropriate conditions are suggested to address the drainage issues.

7.9 Sustainable Design and Construction

The applicant has confirmed that is intended to be designed and built to achieve a minimum Building Research Establishment Environmental Assessment Method (BREEAM) standard of Good / Very Good standard. It is also intended to secure at least 10% of the development's energy requirements from decentralised and renewable or low-carbon sources.

The applicant has suggested a number of measures to demonstrate how this can be achieved. Precise details of these can be secured by conditions. The suggested condition (8) will ensure that this level is achieved and condition (9) is designed to ensure that the development delivers a minimum of 10% of the on-site energy requirement from renewable or decentralised sources

8.0 CONCLUSION

- 8.1** The proposal is effectively for an amendment to the extant outline planning permission SW/13/0215 which was as noted above approved on 6th January 2014. The proposal is for the construction of business park (Use Classes B1(B), B1(C), B2 and (B8), (research and development, light industrial, general industrial and storage or distribution), (up to a maximum of 46,600sqm), including associated accesses (including alteration to existing northern relief road), parking and servicing areas, landscaping, bunds, surface water storage area, and related development. All other matters are reserved for future consideration.
- 8.2** The proposal has been considered in the context of the various material considerations, the guidance in the NPPF, the relevant policies in the adopted Local Plan and the emerging Local Plan, Supplementary Planning Documents and the representations received from consultees (statutory and otherwise) and local interested parties.
- 8.3** Having undertaken this assessment, it is conclude that subject to the imposition of the conditions recommended, the signing and completion of a Deed of Variation of the extant Section 106 Agreement, and the further views of Kent County Council Highways

and Transportation it is recommended that outline planning permission should be granted. For clarity, delegated authority is sought to include any conditions required by Kent County Council Highways and Transportation above and to negotiate the wording of the Deed of Variation of the Section 106 Agreement (see table at the start of this report).

9.0 RECOMMENDATION

- 9.1 To give the Head of Planning DELEGATED POWERS TO APPROVE subject to any further conditions as required by Kent County Council Highways and Transportation and the completion of the Deed of Variation of the S106 legal agreement and the following conditions:

Pre Commencement

- (1) Details relating to the layout, scale and appearance of the proposed building(s), and proposed landscaping, on any plot or part of the site, shall be submitted to and approved by the Local Planning Authority before any development on that plot or part of the site is commenced.

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

- (2) Application for approval of reserved matters referred to in Condition (2) above must be made not later than the expiration of five years beginning with the date of the grant of outline planning permission.

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

(3) 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.

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

- (4) The details submitted pursuant to condition (1) shall be in accordance with Strategic Site Layout drawing 7519 A120 A and the Development Brief (Revised) January 2016.

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

- (5) The details submitted pursuant to condition (1) shall show no more than a cumulative total of 46,600 square metres gross external floor space, and this floor space shall be provided within the 'Employment Development Area' identified on drawing title 'Eurolink V: Development parameters' (drawing reference 4536/602E).

Reason: In the interests of visual, landscape and residential amenity.

- (6) None of the built development hereby approved shall be first occupied until a landscape bund to the north and north-east site boundaries and a landscape buffer to the east and south site boundaries have been provided, and these shall be as shown indicatively on Eurolink V: Illustrative Site Layout' (drawing reference A010 P5 'and with minimum specification as follows:

- Bund – width 10 metres and height 6.06 metres AOD
- Buffer - width 10 metres

Reason: In the interests of visual, landscape and residential amenity.

- (7) The details submitted pursuant to conditions (1) shall show the servicing yards positioned such that they do not project closer to Swale Way, on the west site boundary, than the building elevation closest to that boundary, and along the southern site boundary such that they do not project closer than the nearest building to the 'Corridor Reserved For The Northern Relief Road' as shown on 'Eurolink V Illustrative Site Layout' (A010 Revision P5).

Reason: In the interests of visual and landscape amenity.

- (8) The details submitted pursuant to condition (1) above shall include cross-sectional drawings through the plots or part of the site, of the existing and proposed site levels. The development shall then be completed strictly in accordance with the approved site levels ("the Approved Site Levels").

Reason: In order to secure a satisfactory form of development having regard to the nature of the site.

- (9) Each of the buildings hereby approved shall be constructed to BREEAM 'very good' standard or an equivalent standard: prior to the commencement of each of the buildings that comprise the development, certification shall be submitted to and approved by the Local Planning Authority demonstrating how the 'very good' rating is to be achieved and prior to the first use of each of the buildings the relevant certification shall be submitted to the Local Planning Authority confirming that 'very good' rating has been achieved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of promoting energy efficiency and sustainable development, and in pursuance of policies E1 and U3 of the Swale Borough Local Plan 2008.

- (10) Notwithstanding the information set out in the 'Planning, Design and Access Statement' (December 2015), details of the package of on-site renewable energy generating measures to be incorporated in the development hereby approved shall be submitted to and approved by the Local Planning Authority before any part of the development is commenced. And the agreed measures – which shall be designed to contribute to an overall, development-wide objective of generating 10% of the development's energy requirement from decentralised / renewable sources - shall be fully implemented for each of the buildings before the particular building is first used. The installed measures shall then be retained in perpetuity.

Reason: In the interest of maximising the use of on-site renewable energy and sustainable development, and in pursuance of policies E1 and U3 of the Swale Borough Local Plan 2008, and Paragraph 96 of the National Planning Policy Framework (2012).

- (11) No development of the scheme hereby approved 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:

- (i) 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;
- (ii) The loading and unloading and storage of plant and materials on site;
- (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development site during the construction phase;
- (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
- (vi) Measures to control mud deposition off-site from vehicles leaving the site;
- (vii) 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);
- (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site;
- (viii) 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;
- (ix) Lighting strategy for the construction phase, designed to minimise light spillage from the application site.

Reason: To ensure the development does not prejudice conditions of residential amenity, highway safety and convenience, and local ecology, through adverse levels of noise and disturbance during construction and in accordance with Policies E1, E11 and T1 of the Swale Borough Local Plan 2008

- (12) The details submitted pursuant to condition (1) shall accord with the following:
 - (a) There shall be no buildings within the 'no building zone' (to protect West Tonge Farmhouse) as shown on 'Eurolink V: Development Parameters' (drawing reference 602E);
 - (b) Any building located to the south / east of the 'access / landscape corridor as marked on 'Eurolink V: Development Parameters' (drawing reference 602E) shall be no more than 12 metres in height above the Approved Site Levels; and
 - (c) The maximum building height anywhere on the site shall be no more than 15 metres above the Approved Site Levels.

Reason: In the interests of visual and landscape amenity, and preserving the setting of West Tonge Farmhouse and other local heritage assets.

- (13) The details submitted pursuant to condition (1) above shall include details of the lighting columns, the type and luminance of the lighting units with glare shields and details of lux levels, both inside and outside the plots and parts of the site. The development shall then be implemented in accordance with the agreed details, and no

additional lighting (or material amendments to the approved lighting) shall be introduced without the prior written approval of the Local Planning Authority.

Reason: In the interests of residential and visual amenity, landscape quality, and ecology.

- (14) No development shall take place on areas not previously excavated for brickearth (as identified in Figure 16 of the Cultural Heritage Desk-Based Assessment prepared by CgMs) 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 and recorded in pursuance.

- (15) No building work shall commence on any plot or part of the site until background noise surveys have been carried out, including an octave band analysis (whole/third), for that plot or part of the site.

The monitoring protocol to be used for the surveys shall be submitted to the Local Planning Authority for approval prior to the site surveys being undertaken.

The rating level of the noise emitted from all fixed plant and premises calculated in accordance with BS:4142 (1997) shall be at or below the existing background level at any time, determined at the façade of the nearest noise sensitive residential dwelling. No plot or part of the development shall be commenced until a scheme (accompanied by measurements and assessments in accordance with BS4142:1997 identifying how the rating level is to be achieved and subsequently maintained for that part of the development) have been submitted to and approved in writing by the Local Planning Authority. No plot or part of the development shall be occupied until the approved mitigation measures for the plot or part of the development have been carried out. Thereafter the mitigation measures for that plot or part of the development shall be maintained in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

- (16) The details submitted pursuant to condition (1) above shall show adequate land reserved for the parking of vehicles within each plot or part of the site (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 these areas shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority. No permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (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: The development, without the provision of parking, loading and off-loading space, would be detrimental to amenity and likely to lead to inconvenience and danger to road users by virtue of vehicles parked on the public highway.

- (17) No development shall take place on any of the buildings on individual plots or parts of the site until details of shelters for the cycle and motorcycle parking areas for the particular building have been submitted to and approved by the Local Planning Authority. The agreed details shall then be implemented in full before the particular building is first occupied and thereafter retained together with the spaces themselves in perpetuity.

Reason: In the interests of encouraging the use of non-car modes of travel.

- (18) The reptile mitigation strategy submitted and approved pursuant to condition 18 of SW/13/0215 under reference 14/506107/SUB must be fully implemented in accordance with the approved details.

Reason: To ensure that the development includes adequate mitigation for any reptiles that may be present on the site.

- (19) The bat mitigation strategy submitted and approved pursuant to condition 19 of SW/13/0215 under reference 14/506107/SUB must be fully implemented in accordance with the approved details.

Reason: To ensure that the development includes adequate mitigation for any bats that may be present on the site.

- (20) The badger mitigation strategy submitted and approved pursuant to condition 20 of SW/13/0215 under reference 14/506107/SUB must be fully implemented in accordance with the approved details.

Reason: To ensure that the development includes adequate mitigation for any badgers that may be present on the site.

- (21) No development on particular plots or parts of the site shall take place until full details of a scheme to manage air quality impacts – with particular regard to potential impacts for particular plots or parts of the site on local ecology, and covering both the construction and the operational phases – has been submitted to and approved by the Local Planning Authority. The development shall then be constructed and subsequently operated in accordance with the approved details.

Reason: In order to avoid adverse air quality impacts on local ecology.

- (22) The biodiversity measures submitted and approved pursuant to condition 22 of SW/13/0215 under reference 14/506107/SUB must be fully implemented in accordance with the approved details.

Reason: In the interests of encouraging biodiversity.

- (23) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the proposals within the Strategic Surface Water Drainage Strategy by WSP dated May 2016 (Ref. 11011683) and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk or harm to the environment.

Reason: Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- (24). Development shall not begin until a phasing plan for the surface water drainage scheme has been submitted to (and approved in writing by) the local planning authority. The phasing plan shall also indicate and provide details of any temporary works associated with the construction of the surface water drainage system.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- (25). No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme for each phase of development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- (26). No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- (27) Prior to the commencement of the development approved by this planning permission (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and first approved, in writing, by the Local Planning Authority:
- i. In accordance with the submitted Phase 1 Geo-Environmental Assessment prepared by WSP, a site investigation scheme, to establish the existence, depth, extent and character of any filled ground on the application site, potentially present due to the agricultural history of parts of the site, and to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- ii. The results of the site investigation and detailed risk assessment referred to in (i) 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.
- iii. 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 (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components will require the written prior consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect vulnerable groundwater resources.

- (28) Details of any open storage including the locations, maximum heights and screening arrangements shall have been submitted to and approved by the Local Planning Authority before the first occupation of any of the buildings hereby approved. The development shall then be operated in accordance with the agreed details. If no open storage is proposed on a particular plot or parts of the site the Local Planning Authority shall be notified in writing prior to the first occupation of any buildings on the particular plot or parts of the site.

Reason: In the interests of visual and landscape amenity.

Post Commencement

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

Reason: To protect vulnerable groundwater resources.

- (30) The access details shown on drawing ITB8075-GA-001 shall be completed to the satisfaction of the Local Planning Authority prior to the commencement of any other works or building operations authorised by this permission and the access shall thereafter be maintained.

Reason: To ensure that a satisfactory means of access is provided for the site and in the interests of highway safety.

- (31) The hard and soft landscape works shall be carried out in accordance with the details approved pursuant to condition (1A) of SW/13/0215 approved under reference 15/500207/SUB on 15th January 2015 and carried out in accordance with the approved details. The works for the landscape bund, landscape buffer, landscape / ecological mitigation area and the access/landscape corridor/access shown on the development parameters drawing (drawing 4536/602E) shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. The landscape works relating to individual plots or parts of the site shall be carried out prior to the occupation of any building on the particular plot or part of the site.

Reason: In the interests of the visual amenities and landscape quality of the area.

- (32) Upon completion of the approved landscaping scheme, 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.

Reason: In the interests of the visual amenities and landscape quality of the area.

- (33) Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any building fronting on a highway, or the route of the proposed Northern Relief Road, without the consent in writing of the Local Planning Authority.

Reason: In the interests of visual amenity.

- (34) Details of any mechanical ventilation system that will be installed, including details of the predicted acoustic performance shall be submitted for approval by the Local Planning Authority. No building on a particular plot or part of the site shall be occupied until such approval has been given by the Local Planning Authority for the system on that plot or part of the site. Upon approval, the system shall be installed, maintained and operated so as to prevent the emission of odours, fumes noise and vibration to neighbouring properties.

Reason: In the interests of residential amenity.

- (35) Before a B2 (general industrial) Use Class business occupies any unit – detailed information relating to:

- Noise levels to be produced from the curtilage of premises and the predicted noise levels at the site boundary.
- The siting of machinery and their associated noise levels.
- The provision to be made for the insulation of the building against the transmission of the noise and/or vibration.
- The times during which noise producing activities will be carried out.
- The times during which the premises shall be operated.

Shall be submitted to, and approved by, the Local Planning Authority prior to the occupation of the units. The development shall be carried out, completed and used in accordance with the aforementioned approved details.

Reason: In the interest of residential amenity.

- (36) If during development, contamination not previously identified is found to be present at the site, then no further development on that part of the site where contamination has been identified (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted details of how this unsuspected contamination shall be dealt with, and obtained written approval from the Local Planning Authority. The agreed remediation strategy shall be implemented as approved.

Reason: To ensure that the development complies with the approved details in the interests of protection of Controlled Waters.

- (37) 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 – 1900 hours, Saturdays 0730 – 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.

- (38) 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.

- (39) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of Security, Crime Prevention and Community Safety and in accordance with the guidance within The Kent Design Initiative (KDI) and protocol dated April 2013.

INFORMATIVE

1. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any 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 such 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.

2. A formal application for connection to the public sewerage system and water supply system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2 SW (Tel: 0330 303 0119) or www.southernwater.co.uk

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

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