

**Aylesford**  
Aylesford South

**25 October 2021**

**TM/21/02866/FL**

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Proposal: Construction of five buildings to provide six units for industrial processes (Use Class E(g)(iii)); industrial (Use Class B2); and/or storage and distribution (Use Class B8)) purposes, with ancillary offices and associated landscaping, car parking, servicing and access arrangements

Location: Land East Of Little Preston Yard And North Of M20  
Coldharbour Lane Aylesford Kent

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**1. Description:**

- 1.1 Permission is sought for a development of approx. 28,000 sqm of commercial floor space (industrial or warehousing) including small areas of ancillary office accommodation inside each unit. In all, six no units are proposed arranged in five distinct buildings.
- 1.2 Three of the larger buildings would be arranged along the southern part of the site adjacent to the east bound carriage of the M20 at jct 5, with the three remaining units located towards the northern end of the site.
- 1.3 The individual units would range in size from the largest having 10,1271 sqm of floor space to the smallest one having 1,272 sqm of floor space. They would take the form of modern warehouse buildings, clad with different types of metal cladding and glazed curtain walling and each having a shallow pitched roof form. The buildings would range in height from 12.8m for Units 5 & 6 to 18.2m for Unit 2 (the largest one in the development). Each unit would have a solar PV array located on the roof above the office element and make use of air source heat pumps.
- 1.4 The development would be accessed of Coldharbour Lane close to its junction with the Jct 5 roundabout of the M20. The access currently serves a commercial property and the National Highways depot site. A total of 337 car parking spaces would be provided for the development. Cycle storage would also be provided for each unit.

**2. Reason for reporting to Committee:**

- 2.1 Given the balance to be struck between diverging and significant material planning considerations.

**3. The Site:**

- 3.1 The site measures approx. 6.7ha in area (19 acres) and lies outside the defined urban confines of the Medway Gap settlement. It lies immediately north of the

M20, west of Junction 5. The existing National Highways depot and a separate commercial site lie immediately to the west of the site between it and Coldharbour Lane from which the site would be accessed.

- 3.2 The site contains an area of Ancient Woodland (AW) at its western end adjacent to where the access enters the main body of the site. The remaining site is agricultural with the AW almost separating a larger field at the southern end of the site from a smaller located to the north. A separate (larger) area of AW adjoins the site to the northeast.
- 3.3 A section of the Medway Valley walk (PROW MR479) bisects the site in an east/west orientation and follows the north edge of the AW within the site and the southern edge of the Aw that lies outside it. The northern edge of the site is bound by the Medway Valley railway line.
- 3.4 The land within the site undulates gently in the main, with the highest land located in the southwest corner, which then drops away to the east and north. The land rises steeply at its western end just beyond the Highways England depot from north to south where an existing field gate is located. Indeed the land all around the southwest corner of the AW within the site rises sharply to the south.

#### **4. Planning History (relevant):**

TM/21/02437/EASC screening opinion EIA 21 September 2021  
not required

Request for Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011: To provide up to 27,500sqm (GIA) of employment space across seven units ranging between 13m and 18m in height.

#### **5. Consultees:**

- 5.1 National Highways: see Appendix 1 for full comments
- 5.2 KCC (H&T): See Appendix 2 for full comments
- 5.3 KCC (PROW): See Appendix 3 for comments
- 5.4 KCC (SUDS): See Appendix 4 for comments
- 5.5 KCC (Ecology): See Appendix 5 for comments
- 5.6 KCC (Minerals and waste): see Appendix 6 for comments
- 5.7 KCC (Archaeology): Recommend that a condition is put on a permission to safeguard potential archaeological remains within the site.

- 5.8 Natural England: see Appendix 7 for comments
- 5.9 Southern Water: See Appendix 8 for comments
- 5.10 Kent Police: See Appendix 9 for comments
- 5.11 Environment Agency (EA): **No objection** subject to conditions concerning protecting the ground water from contamination.
- 5.12 PC: **NO objection** but comment that there is a very popular footpath running through this site that is used by many walkers and cyclists and if this development is granted the Council would like to see this developed in a positive way for better use. It should also be noted that there are currently empty warehouses in the Aylesford area both for sale and rent.
- 5.13 TMBC (EP): No objections subject to conditions re contaminated land
- 5.14 TMBC (Economic Regeneration): From a purely economic development perspective, I would support this application. Whilst the north of the borough has seen a number of sites come forward for logistics development in recent years, it is clear that there is still considerable latent demand for this sort of product, especially along the strategic road network corridor.
- 5.14.1 At the same time, as the economy recovers (and probably will be recovering for a short while), the level of unemployment levels in wards in and around the site continue to be higher than the average for the borough as a whole (3.1%), even though figures are now reducing after the impact of the pandemic. These include Aylesford South (within which the site is located) at 3.3%, as well as East Malling at 4.2% and Snodland East and Ham Hill at 4.6%. Whilst the provision of local employment opportunities is not the sole ingredient for helping to get people back into work, it is obviously a vital part, and the creation of 400 new job opportunities will help the borough continue on its road to recovery.
- 5.15 Private Reps (including site and press notices): 6: 1S/1X/1R. The one letter supporting the development has been received from Locate in Kent. This is the official investment promotion agency for Kent and Medway and exists to help new businesses invest in Kent and Medway and support the growth of businesses already here.
- 5.15.1 The response focuses on the economic benefits of the development and how it would contribute to the southeast region's importance for the movement of goods across the UK.
- 5.16 The neutral and objection comments focus primarily on the highway impacts of the development. Mainly:
- The access alignment proposed for Coldharbour Lane and the development access road appears very convoluted and it is doubtful that two large goods

vehicles could pass safely and is likely to lead to blockages and delay, with knock on implications to the M20 junction 5 and potentially onwards to the M20.

- We find that the priority access to discharge, from the northern arm, into the circulatory flow of the M20 J5 roundabout is already difficult to undertake in the PM peak, and thus additional traffic would increase the queuing further towards the various site accesses and thus worsening highway safety.
- Of further note is the new access road proximity to private land boundaries next to the highway boundary, where we would have concerns over the "buildability" of what is shown on the plan.
- Of greater concern to road safety are the implications on private accesses and the re-prioritised layout for Coldharbour Lane north, which is converted to a give way. Visibility splays from the new Coldharbour Lane north give way and are not shown on the application drawings, and on inspection it appears that visibility splays over private land at Leitrim House. Furthermore the splays from Leitrim House access points will change, and these are not shown. With an intensification of traffic using the local highway at this point this gives rise to significant road safety concerns, as the scheme would add lots of traffic while reducing the amount of access visibility.
- This point also applies to the Shannon House and highway depot access points, where the visibility splays to the north again from looking up Coldharbour Lane to looking behind to vehicles leaving the proposed site. Finally of great concern is the overhang of HGV wing mirrors at the narrow 1.5m wide footway, as this is likely to lead to risks of striking pedestrian's heads in the limited space available.
- The access way serving the site is too narrow for two HGVs and pedestrians.
- Coldharbour Lane is too narrow for the proposed HGVs.

## 6. Determining Issues:

### Principle of development:

- 6.1 As Members will recall from previous applications for strategic scaled developments being reported to this committee, under paragraph 11 of the NPPF, plans and decisions should apply the presumption in favour of sustainable development. For decision taking this means:

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 6.2 In undertaking this exercise, it must be recognised that the adopted development plan remains the starting point for the determination of any planning application (as required by s.38 (6) of the Planning and Compulsory Purchase Act 2004) and which is reiterated at paragraph 12 of the NPPF. The consequence of this in these circumstances must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole.
- 6.3 In terms of the principles of the development, policy CP14 is the most important to the determination of this application, due to its specific locational characteristics outside, but close to, the Malling Gap urban area.
- 6.4 Policy CP14 seeks to restrict development within the countryside to a limited number of development types, none of which are applicable to the proposed development. As such the proposed development is contrary to this adopted planning policy. However, the NPPF states that there are three overarching objectives to achieving sustainable development (paragraph 8), one of which is the economic objective and seeks to ensure that sufficient land of the right type is available in the right place and at the right time to support economic growth, innovation and improve productivity. This role has to be balanced against the social and environmental roles of the planning system in order to achieve sustainable development.
- 6.5 Section 6 of the NPPF expands on the economic role of the planning system. Paragraph 81 states that planning decisions should help create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking account not only of local business needs but wider opportunities for development as well.
- 6.6 Paragraph 83 states that decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for storage and distribution operations at a variety of scales and in suitably accessible locations. This is, of course, particularly pertinent to the proposal.

- 6.7 With specific regard to the rural economy paragraph 85 of the NPPF recognises that sites may need to be found in rural areas adjacent to or beyond existing settlements and encourages the use of sites, particularly previously developed land, which are physically well related to existing settlements.
- 6.8 Taking the above into account, it is apparent that CP14 does not align itself with current NPPF policy concerning commercial development outside of defined urban areas and should be considered out of date for the purpose of considering the current planning application.
- 6.9 Consequently, the presumption in favour of sustainable development must therefore be applied. Regard must first be had for whether any restrictive policies within the Framework (paragraph 11 d (i), footnote 7) provide a clear reason for refusing the development proposed. In this case, policies relating to irreplaceable habitats are of relevance to the current development as Ancient Woodland (AW) is located within and adjoining the site.
- 6.10 Paragraph 180 of the NPPF states that development that would result in the loss or deterioration of irreplaceable habitats (which includes AW) should be refused.
- 6.11 The development has been the subject of much discussion at both the pre-application and application stages with the applicant and the Councils ecology consultants concerning the impact upon AW and the application has evolved as a consequence. It is now accepted by officers that acceptable woodland buffers will be provided as part of this development and that the buffers will be subject to a detailed management plan to ensure they are retained and managed for the benefit of the AW in the future. Whilst the ecological issues will be considered more broadly later on this report, as far as AW is concerned the development will not result in its loss or deterioration. Consequently, specific policies within the NPPF that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed.
- 6.12 As such, as directed by paragraph 11(d) (ii) of the NPPF, permission should be granted for this development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when the proposal is assessed against the policies in the Framework taken as a whole. It is on this basis that the following assessment is made.

*Locational characteristics and associated impacts:*

- 6.13 Taking into account the advice contained in paragraphs 81, 83 and 85 of the NPPF referred to in paragraphs 6.5-6.7 of this report, the site is adjacent to the exiting urban settlement the Medway Gap. The main body of this defined settlement is located to the west of junction 5 of the M20, but two pockets of the defined settlement also lie to the north of the river Medway (Forstal Road Industrial estate) and south of the site, on the opposite side of the M20

(Allington incinerator), which itself borders the urban area of Maidstone to the east. As such, the site is located close to existing urban settlements: indeed it could be said to form part of a small area encircled by the defined urban areas.

- 6.14 The nature of the proposed commercial development is to provide large industrial, or storage/distribution uses with ancillary office accommodation, which will attract/generate a significant number of HGV movements to and from the site. Consequently, the proposed location immediately adjacent to Jct 5 of the M20 would make it an ideal location for these vehicles to directly access the primary road network.
- 6.15 The site is, therefore, considered to be well related to both the existing urban settlements in the local area and the primary road network that the development by its very nature will need to have good access to. As such, in locational (spatial planning) terms and having due regard to material planning considerations, I conclude that the development of this site for the intended commercial purposes in the manner proposed would be acceptable.

*Economic benefits of the development:*

- 6.16 The need for additional employment sites within the Borough was demonstrated through the preparation of the Employment Land Review which was undertaken to evidence the draft Local Plan that has since been withdrawn. Whilst that evidence, like the Local Plan, has now been withdrawn (and is currently being refreshed to help inform the new forthcoming local plan), at that time there was clear evidence that demonstrated that additional employment sites would be required going forward to meet the future needs of the Borough. The applicant has provided detailed information in the Economic Needs Assessment which provides more up to date evidence regarding the current need for commercial development in the Aylesford area and wider Borough as well. It considers that the Tonbridge and Malling industrial property market is characterised by high levels of demand for industrial and warehousing, rising rents and very local vacancy.
- 6.17 New schemes that have been brought to the market in Aylesford and the wider Kent M20 submarket have seen exceptional levels of demand, typically being fully pre-let before they achieve completion. Importantly occupiers are typically local businesses looking to expand and upgrade from existing. Members will be aware of the development for a similar scheme in Snodland on the east side of the A228, which was also undertaken by the same applicant. That scheme for units between 1,250 sqm and 6,000 sqm now completed was fully pre-let prior to completion.
- 6.18 This position has been confirmed by the Council's Economic Development officer who considers there remains considerable demand for the units the development would provide particularly along the strategic road network corridor.

- 6.19 The Economic Development Officer also notes that as the economy recovers, the level of unemployment levels in wards in and around the site continue to be higher than the average for the borough as a whole (3.1%). These include Aylesford South (within which the site is located) at 3.3%, East Malling at 4.2% and Snodland East and Ham Hill at 4.6%.
- 6.20 The economic benefits arising from this development will be substantial. First of all, many people will be employed on the construction side of the project which is forecast to last for around 11 months, and the final development could create over 400 new FTE jobs which will help the Borough continue on its road to recovery.
- 6.21 In concluding on economic issues, it is considered that there is a strong growing need for this type of development, particularly along the strategic road network corridor. The local area would directly benefit from employment generation, which is experiencing higher than average unemployment compared to the wider Borough. Significant employment opportunities would exist in both the construction phase which is forecast for 11 months and the operational phase where potentially over 400 full time equivalent jobs could be generated by the proposed development. Consequently, significant weight should be attributed to these economic benefits.

*Character and pattern of development and impact upon visual amenities:*

- 6.22 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape. These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments. In particular, paragraph 126 states:

*“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

- 6.23 Paragraph 130 seeks to ensure that development will function well, be sympathetic to local character, establish a strong sense of place and create attractive, safe places in which to live, work and visit. Furthermore, paragraph 134 sets out that permission should be refused for development that is not well designed especially where it fails to reflect local design policies and government guidance on design.



- 6.24 The site is located within the Medway Valley Lower Landscape Character Area, as defined within the Kent County Council Landscape Assessment.
- 6.25 The Medway Valley Lower is described as a “*very weak landscape with no local distinctiveness or visual unity*”. It notes that “*the mass of industrial buildings in the area detracts from the landscape*”. The assessment notes that the adjacent Kent Downs landscape aids in the containment of views but the river valley of the Medway is fragmented by built form, flood alleviation structures and quarries. These uses have also fragmented wildlife habitats. The assessment states:
- “Much of the landscape is a rather untidy sprawl of settlements and industry such as Snodland, New Hythe and Forstal that have developed along the river’s flanks, most particularly in the west of the valley. It is distinguished by dramatic mineral sites associated with gravel and clay extraction, either still working as at Ham Hill Sandpits, Snodland, or reclaimed as at the lakes at Leybourne. Amongst the enterprises that traditionally used the river, some remain. Many of these are of an industrial nature, such as scrap metal yards, which inevitably detract from the visual quality of the riverside.”*
- 6.26 This is clearly demonstrated with regard to this specific site. In the context of the wider landscape area, it is a relatively small parcel of land sandwiched by urban sprawl, industrial areas and infrastructure. The railway line runs along the northern boundary of the site, a short distance beyond that is the River Medway, upon its north bank lies the Forstal Road Industrial Estate. Immediately to the south of the site is the M20 which is 8 lanes wide at this point and immediately south of that is the Allington Incinerator and the industrial site to the east (within Maidstone BC’s area. The A20 corridor lies to the south of the incinerator site linking the Medway Gap to Maidstone and which is predominantly flanked by development on both sides except for the small parcel of open land between the A20, M20 and the link road between the two. The application site, therefore, clearly lies within the fragmented landscape that is described in the County Council’s Landscape character assessment and it is within this context that an assessment must be made.
- 6.27 Into this context the proposed development would introduce 5 no. buildings, which would accommodate 6 units in total ranging from approx. 1,200 sqm in area to approx. 10,300 sqm in area. The buildings would stand between 12.8m high for units 5 & 6 to 18.2m high for the largest unit. Each would have a shallow pitched roof and the walls would be finished with different types of grey cladding and glazed curtain walling around the entrance to each unit. The would be similar in appearance to the units now present on the east side of the A228 at Snodland (next to the new drive thus units).
- 6.28 The three larger warehouse units would be located along the southern side of the site in the larger of the two existing fields. The two smaller buildings would

be located in the smaller field at the northern end of the site. The access road serving the development will run in an east/west orientation leading from the existing access that serves the Highways England depot and the other commercial site immediately to the west of the application site. A spur road would run north of this central spine road to serve the two smaller buildings in the northern section of the site.

- 6.29 It is proposed to plant more trees within the site adjacent to the areas of AW in order to close the gap between them. It is not proposed to completely close the gap and join these areas as access is needed to the northern section of the site.
- 6.30 When undertaking a landscape and visual impact assessment (LVIA), a distinction is normally made between landscape effects (those effects on the character or quality of the landscape irrespective of whether there are any views of the landscape, or viewers to see them) and visual effects. These are the effects on people's views of the landscape, not just from public rights of way and areas with public access, but also private views from residential properties as well. Landscape quality is assessed using a subjective judgement, often informed by whether a site lies within a designation area (such as an AONB, Conservation Area), and taking into account what features are within the site itself (such as woodlands, trees, landform) and how/where it is seen from outside. As has been mentioned above, context is also important consideration.
- 6.31 Turning first to landscape impact, the site is not the subject of any specific landscape designation although it does contain a small pocket of AW. I concur with the assessment of the applicant's landscape and visual assessment in terms of the impact of the development upon the site itself. It considers impacts at year 1 and again at year 15. At year 1, the loss of the open fields to a commercial development would result in a major adverse impact. Such would be the case with any development upon an open field. However due to the proposed landscaping and its future management, at year 15, the impact upon the landscape of the site is considered to be minor adverse due to the maturation of trees, additional hedgerows, and other soft landscaping mitigation that will form part and parcel of the scheme.
- 6.32 In terms of immediate context beyond the site, due to the fragmented nature of the landscape, the impact is considered to be minor adverse at year 1 and negligible adverse at year 15.
- 6.33 In terms of visual effects, PROW MR479 (Medway Valley Walk) bisects the site in an east/west alignment. Due to the immediacy of the development to the PROW, the impact is considered to be major adverse in Year 1 reducing to moderate in year 15 due to the planned landscaping mitigation.
- 6.34 The railway line bordering the northern boundary of the site is at grade with the site and with low lying shrubs are present along the boundary providing visibility into the northern section of the site. The southern section is less visible from

the railway being on higher ground and also due to the areas of AW that lie within the site and the separate, larger area that lies outside the site to the northeast.

- 6.35 PROW MR 473 lies on the north side of the River Medway. Views of the site are limited to gaps within vegetation. As such, the effects are considered to be moderate adverse at year 1 and very minor adverse at year 15 once the boundary screening has matured.
- 6.36 Further afield, views from the Bluebell Hill picnic area have also been considered as this lies within the AONB. The development will be seen in the context of an agricultural and wooded landscape substantially fragmented by existing industrial, commercial and residential development. In the context of the visible landscape and the existing built form which it contains, the change in views due to the new built form will be almost imperceptible. However given that the viewpoint lies within the AONB the sensitivity to change is high. Consequently, the effect of the development from this view is considered to be minor adverse in both years 1 and 15.
- 6.37 In conclusion of landscape effects, the development will, initially, have a major adverse impact upon the site through the loss of the existing open fields, although this would reduce to minor adverse over time. Due to fragmentation of the wider Medway valley landscape with sprawling residential and industrial development, mineral workings and major infrastructure, the impact upon the immediate and wider landscape is far more limited. From a visual point of view, the impact upon the views from the Medway Valley Walk that bisects the site will be significant adverse initially, reducing to moderate advise overtime, again due to the maturing of the landscaping within the site. The impacts upon views from further afield will not be significant to begin with due to intervening built form and vegetation and event from the Blue Buell Hill AONB, the impacts will be only minor, and the development will be seen at a long distance again in the context of other built form. All of these impacts will need to be considered in the overall balance.

Highway/Transportation issues:

- 6.38 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided.
- 6.39 It goes on to state that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
- 6.40 Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or

secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.

- 6.41 Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
- 6.42 Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures, and these must be provided before the development is used or occupied.
- 6.43 Concerning national planning policy, this has been updated in the latest iteration of the NPPF. Paragraph 110 states:
- “ In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
  - b) safe and suitable access to the site can be achieved for all users;*
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*
- 6.44 Paragraph 111 states:
- “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 6.45 The applicant has provided a Transport Assessment (TA) with additional Transport Notes which assesses the impact of the development upon key local junctions that were agreed with KCC Highways and the need for mitigation, where appropriate, of the impacts of the development.
- 6.46 The TA also takes into account proposed highway improvements in the locality including junction capacity improvements on the A20/Coldharbour Lane roundabout and the provision of a new link road between Hermitage Lane and the A20 London Road at the Poppy Fields roundabout in association with the approved ‘Whitepost Field’ housing scheme.

- 6.47 Since the time of the original submission in 2021 both KCC as local highway authority and Highways England have requested various additional pieces of technical information to be provided before committing to a final opinion concerning the likely effects of the development upon the strategic and local road networks of the proposed development. It is clear that the applicant, through their consultants, has responded positively to the requests for further information and assessment. Following the receipt of much additional information both highway authorities have now concluded that the proposals will not materially affect the safety, reliability and/or operation of the strategic or local road networks.
- 6.48 The junction of the access road with Coldharbour Lane will be altered to provide a priority junction with the access road. Other uses of Coldharbour Lane to the north will have to give way to traffic entering and leaving the access road onto Coldharbour Lane.
- 6.49 Numerous local road junctions have been considered in depth as to the likely effects of the proposed additional traffic generated by the proposal. The assessments have taken on board relevant committed developments in the locality and, other than the junction of the site's access road with Coldharbour Lane, no further junction modifications would be required, or indeed contributions sought for their improvement. The works needed to improve the junction will be undertaken under a s278 agreement and an appropriately worded condition can be used to ensure the works are undertaken in a timely fashion
- 6.50 Three hundred and thirty seven car parking spaces are to be provided on site and this level is considered to be acceptable for the range of uses that would take place under this scheme. The parking demand for warehouses (B8) is markedly different to that of offices or light industrial uses (E1). It is noted that office use would be contained within each unit but would be incidental to the primary industrial/warehouse use of the buildings. Whilst the level of car parking is considered to be acceptable, given the location of the site, any additional demands for car parking are likely (as the local highway authority notes) to be accommodated within the confines of the site and not overspill onto the public highway.
- 6.51 Sufficient HGV parking and turning facilities will also be provided within the site, to avoid dangerous manoeuvres outside of the site.
- 6.52 Given the location of the site and its intended access arrangements close to Jct 5 of the M20, it is considered by the local highway authority that not many journeys to or from the site would be undertaken by cyclists or pedestrians. The journey along the A20 and the section of Coldharbour Lane between it and the M20 is such that it would discourage such journeys. In this respect the development's location is not particularly sustainable. However the location

lends itself well to the movement of HGVs directly to and from the primary road network, without having to travel through the local network and built up areas. In this regard the location for the proposed development is well founded.

- 6.53 The highway authority has requested contributions (supporting the PROW office request) for the enhancement of an existing byway PROW MR 479A to encourage more people to travel to the site on foot or by cycling. This runs along the south side of the River Medway from the Aylesford road bridge to the railway level crossing at the northern end of Coldharbour Lane. KCC PROW has also requested a contribution of £150,000 for the improvement of the entire length of this byway in terms of surfacing, levelling and width clearance. Such a contribution would have to meet the requirements of section 122 of the CIL Regulations. This Regulation states:

“ A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.”

- 6.54 With regard to criteria (a) and (b) KCC, as highway authority, support the request for contributions to enhance this byway. However, it also commented in its initial response regarding accessibility via the footpath network.

*“Given the sites remote location on the outer extents of the existing built-up area and proximity to the strategic road network (SRN), it is considered that pedestrian trips to and from the site will be limited.”*

- 6.55 This view is maintained in the latest (final) response from KCC Highways as well and is indeed echoed in the initial response by National Highways. As such both of the relevant highway authorities consider that there would be only a limited number of trips to and from the site made on foot. Therefore, if the likely number of journeys to be made via this PROW to and from the site are considered to be limited, then it is not necessary to seek contributions to enhance the Byway.

- 6.56 The Travel Plan submitted in support of the application specifies that the main aim of it is to reduce single occupancy car journeys rather than to achieve a % modal shift from car to other means of transport, because of its location and the nature of the proposed development. Given that both the highway authorities consider that journeys to site on foot are likely to be limited at best, requiring contributions to enhance a section of a byway is not considered to be necessary to make the development acceptable. Whilst I would agree that enhancing it would be a benefit for users and may encourage potential workers to walk or

cycle to work (assuming they live in Aylesford village or the immediate environment), there is no evidence to demonstrate that so many trips would be made by pedestrians/cyclists to justify seeking the contribution to enhance the byway.

- 6.57 With regard to criterion (c) of CIL Regulation 122, no information has been provided as to how the requested contribution of £150,000 has been calculated by KCC as PROW authority and why this is considered to be fairly and reasonably related in scale and kind to the development proposed development.
- 6.58 Taking the above into account, the request for the contribution to enhance PROW MR479A does not meet the requirements of the CIL Regulations and cannot, therefore, be secured from the applicant.
- 6.59 In conclusion on highway/transport related matters, the development is now considered to not cause an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Furthermore whilst the site is not in the best location to offer a range of transport choices to future workers, the Travel Plan will seek to reduce single car journeys to and from the site, which itself is a sustainable objective. Additionally, notwithstanding my assessment regarding the request by KCC to upgrade the PROW MR497A, this existing Byway is a safe and suitable route for future workers at the development who happen to live in the historic village of Aylesford to walk/cycle to the site. As such, the proposal complies with paragraphs 110 and 111 of the NPPF and policy SQ 8 of the MDE DPD.

Ecology:

- 6.60 The applicant's ecological assessment considers that the majority of the site has little ecological value (deriving from its agricultural use). However the surveys that form part of the assessment detail that the following habitats/species were recorded/likely to be present within the site:
- An area of Ancient Woodland within and adjacent to the site
  - Hedgerows – priority habitats and two are considered important under the Hedgerow regulations
  - At least 6 species of bats foraging/commuting within the site
  - Common Lizard and slow worm within the site
  - Suitable habitat for breeding birds
  - Potential for commuting/foraging badger (although no evidence was recorded on site)

- 6.61 The following mitigation/enhancements are proposed as part of the development:
- Woodland and woodland buffer management plan
  - Creation of woodland buffers (various widths)
  - Bat sensitive lighting strategy – including close board fencing/retaining wall surrounding the woodland
  - Creation and management of a reptile mitigation area
  - Erection of bird and bat boxes within the site
  - Additional hedgerow planting (approx 320m)
- 6.62 KCC had some initial concerns regarding how the buffer to the AW would be protected from damage by vehicles using the access road through the site. Additional information has now been submitted in the form of a management plan for the AW including its buffer. The mitigation measures also include woodland creation at the edge of both areas of AW to include Oak, Hornbeam, Holly and Lime. Many additional specimen trees (85 in all) will be planted within the wider site as well. The AW buffer zone will be planted with fruit and nut bearing species including Blackthorn, Hawthorne, Hazel and Crabapple. This would give way to rich meadow grassland also within the buffer zone. The purpose of these is to create a suitable habitat for species of reptiles and mammals to live and forage within. Indeed it is within the buffer zones that reptiles found within the site will be relocated to.
- 6.63 In addition to the above, over 300m of native hedgerow is to be planted around the periphery of the site to include species of Hazel, Blackthorn, Birch and sessile Oak.
- 6.64 It is noted that the requirements of the Environmental Bill 2019, which will seek a 10% biodiversity net gain, have not yet come into effect (due November 2023). However, the scheme will deliver net gains through the creation of woodland planting, significant additional tree and shrub planting, creating of meadow grassland as well as amenity planted areas. The development includes proposals for a management plan for the Ancient Woodland This includes the following.
- Retain and protect woodland W1 through where possible the provision of buffer zones secured against future development and encroachment;
  - Improve the structure of the woodland edge through ecotone planting of native woody species in the buffer zone where space allows;



- Increase canopy species and age diversity by planting standard trees, particularly at the woodland margins where the canopy is open, and the field layer is dominated by dense nettles. This will act to increase the diversity of the woodland canopy and improve resilience against the threat of Ash die-back;
- Phased removal of non-native woody species, particularly Sweet Chestnut;
- Re-invigorate the woodland ground flora through selective thinning of dense areas of canopy to increase light levels;
- Improve understorey structure through the introduction of Hazel coppice.
- Retention of deadwood through retention of dead tree and limbs and providing piles of fallen deadwood arising from management activities in localised areas.
- Establishment of new tree and shrub planting between woodlands W1 and W2
- Ensure successful establishment of new plantings through appropriate aftercare and management.

6.65 With the information including the proposed management plan for the AW within the site, the Council's ecological consultant is satisfied that the development would be acceptable in terms of biodiversity subject to the use of conditions requiring the proposed mitigation measures, woodland management and lighting be implemented as per the submitted details.

*Best and most versatile agricultural land (BMV):*

6.66 Policy CP9 of the TMBCS states that development of the best and most versatile land (DEFRA Grades 1, 2 and 3a) will not be proposed in the LDF unless there is an overriding need, and

(a) there is no suitable site in a sustainable location on land of poorer agricultural quality; or

(b) alternative sites have greater value for their landscape, biodiversity, amenity, heritage or natural resources or are subject to other constraints such as flooding.

6.67 Paragraph 174 of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment. In particular section b) requires the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services to be recognised –

including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

- 6.68 Whilst I appreciate that policy CP9 relates to the allocation of sites rather than decision making, this policy when considered in conjunction with paragraph 174 (b) of the NPPF makes it clear that there is a need to balance the need for additional housing with the loss of agricultural land.
- 6.69 Footnote 59 of the NPPF states:
- “Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.”*
- 6.70 Whilst this footnote refers to paragraph 174 of the NPPF which itself concerns local plan policies rather than development management decisions, it none the less supports the general principles of locating significant development away from the highest quality of agricultural land.
- 6.71 There is no definition of what constitutes significant development of agricultural land but Natural England are required to be consulted on proposals to develop more than 20ha of BMV agricultural land. The availability/amount of BMV in the local area land could also be a factor to consider whether a development of agricultural land is significant.
- 6.72 The data available for the site classifies it as containing grade 2 and 3a land which is typical of the surrounding area. Grades 1, 2 and 3a are referred to as 'best and most versatile' land. It is recognised that the site comprises the best and most versatile agricultural land, although it is a small area (approx. 6.7ha) in size. It is confined on all sides by a railway line and Ancient Woodland to the north, the M20 motorway to the south/southeast and by development to the west.
- 6.73 The site is essentially a small island of BMV surrounded by development. In the wider locality there is an abundance of BMV agricultural land, so this is not a scarce resource in this part of the Borough. Due to this and given the limited size and constrained nature of the site, the development would not result in a significant development of agricultural land for the purpose of applying footnote 58 of the NPPF.
- 6.74 Whilst it is recognised that best and most versatile agricultural land does have some economic benefits alongside its primary purpose of food production, it is considered that the loss of this relatively small parcel of agricultural land, which is constrained by man-made features on all sides, would have little tangible impact on agricultural yield.

Minerals:

- 6.75 The area of the application site is coincident with safeguarded mineral deposits in the area, which being the Hythe Formation (Ragstone) Limestone, the Sandgate Formation.
- 6.76 The Sandgate Formation is very limited within the site and of no recognisable economic importance or viability. Whilst it is unknown if the Ragstone (hard rock-limestone) present under the site is of a characteristic that would make it a valuable resource for aggregate production the costs involved in prior extraction works would render any extraction unviable. The County Council therefore has no minerals or waste safeguarding objections to the proposal.

Air quality:

- 6.77 Paragraph 186 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- 6.78 The site lies outside of any AQMAs, with the nearest one (within TMBC) being along the A20 corridor at the top of Hermitage Lane.
- 6.79 An air quality assessment has been submitted which concludes that the proposed development would result in a negligible impact on Air Quality arising from traffic generated by the development. The Environmental Health section has reviewed the assessment and has not objected to the proposals.
- 6.80 In line with the conclusions of the submitted Air Quality Assessment and the assessment of the Council's own expert, I am satisfied that the air quality effects of the development would not be significant. The development therefore accords with paragraph 186 of the NPPF.

Flooding and Surface Water drainage:

- 6.81 KCC (Flood and Water Management) has advised that it has no objection in principle to the development. The proposals seek to utilise a combination of infiltration through permeable paving and crated soakaways through the development with the use of rain gardens where possible.

6.82 A detailed sustainable surface water drainage scheme has therefore been recommended that should also determine the potential instability risks associated with infiltration drainage into the mentioned deposits. Conditions have been advised which are entirely appropriate.

6.83 Southern Water has advised that it can accommodate the needs of the proposed development, without the development providing additional local infrastructure (in terms of foul waste). It advises that surface water should be dealt with by a SUDS scheme and should not discharge to a public sewer.

Energy issues:

6.84 It is readily apparent that the Government strongly encourages planning policies and planning decisions to encourage developments to minimise their impacts upon the environment. Paragraph 152 of the NPPF states:

*“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”*

6.85 The proposed development has been designed with the following:

- The proposed development aims to target BREAAAM Excellent, EPC A+ and regulated carbon zero which is above and beyond the requirements of Policy CP1 Sustainable Development.
- The carbon neutral status in terms of energy (EPC A+) is achieved by the estimated installation of 6,370m<sup>2</sup> of roof top solar PV panels covering the six units on site, which will enable the site to produce an estimated overall output of 900kWp of energy, saving an estimate of 1,041,802kWh and 537 tonnes of Co2 per annum.
- Solar PV panels will be installed on the roof over each office area, with performance monitoring being located within the entrance lobby area of each unit.
- Air source heat pumps will be used, along with solar PV panels, this helps to reduce carbon emissions throughout the site.
- Car parking provision is in line with the local authority standards and provides 20% active electric vehicle charging bays, and 80% passive spaces.

- Cycle storage provision is in line with TMBC standards. The proposed cycle shelters will incorporate green roofs that will enhance biodiversity. Each warehouse unit will provide shower and changing facilities.

6.86 The proposed measures were prepared prior to the recent changes to the Building Regulations which came into effect earlier this month. Whilst the proposed measures to be incorporated are a significant benefit of the proposed works, an assessment is currently being undertaken as to how these compare to what will be required of the development under the recently amended Building Regulations. The outcomes that assessment will be contained in a supplementary report.

*Planning balance and overall conclusions:*

- 6.87 The presumption in favour of sustainable development as set out at paragraph 11 (d) of the NPPF applies in this instance. The test in this case is whether or not there are any adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. In terms of the benefits, the proposed development would provide significant economic benefits in terms of construction works and employment generation. Additionally there is a proven need for this type of commercial development particularly along the strategic road corridor and the proposal would be ideally suited next to jct 5 of the M20. Significant weight should be given to these benefits of the proposed development
- 6.88 In addition, the proposal would provide gains to biodiversity providing the site is managed going forward. This will include the management of the Ancient Woodland within the site and improving its margins for the benefit of wildlife more generally including providing reptile refugia. More than 300m of additional appropriate hedge planting will take place which will also provide suitable habitats for protected species once it matures.
- 6.89 The proposed development will be designed to minimise its impact upon the environment as the buildings are planned to be carbon neutral. Given the current lack of an up to date policy concerning the sustainability credentials of a development, the proposed developments sustainability credentials in terms of energy consumption are considered to be a significant benefit. That should attract great weight in the overall balance.
- 6.90 The impacts upon the road network are limited to the junction of the access road with Coldharbour Lane, which the applicant will improve under a s.278 Agreement.
- 6.91 The loss of 6.7ha of BMV land is considered to be a minor adverse impact in the overall balance.

- 6.92 The development would take place within what is currently open agricultural land. In landscape terms this impact upon the site itself is considered to result in a minor adverse effect in the longer term due to the proposed landscaping improvements and management of the Ancient Woodland within the site. This impact (given that it will lessen overtime) should be given moderate weight in the overall balance. Given the fragmented nature of the landscape, the other limited impacts upon the wider landscape should be given only very limited weight in the overall balance.
- 6.93 Overall, I conclude that the harms arising from this development would not significantly and demonstrably outweigh the benefits that the development would bring, when assessed against the policies in the Framework taken as a whole. It is therefore recommended that planning permission be granted subject to planning conditions (detailed below) to ensure that the development comes forward in an acceptable, high quality fashion.

**7. Recommendation:**

- 7.1 Grant Planning permission as detailed in the following submitted drawings and documents:

Email Additional Information received 12.05.2022, Transport Statement Appendix 1 received 20.05.2022, Transport Statement Appendix 2 received 20.05.2022, Transport Statement Appendix 3 received 20.05.2022, Other Technical Note received 10.02.2022, Topographical Survey 33162 LN-LP-02 received 25.10.2021, Landscaping 33162 LN-LP-03 received 25.10.2021, Drawing 33162 LN-LP-04 received 25.10.2021, Drawing 33162 LN-LP-05 received 25.10.2021, Site Layout 4565-CA-00-00-DR-A-00010\_P2 received 25.10.2021, Proposed Floor Plans 4565-CA-00-GF-DR-A-00100\_P1 received 25.10.2021, Proposed Floor Plans 4565-CA-00-GF-DR-A-00103\_P1 received 25.10.2021, Proposed Floor Plans 4565-CA-00-GF-DR-A-00104\_P1 received 25.10.2021, Sections 4565-CA-00-XX-DR-A - 03001\_P2 received 25.10.2021, Proposed Roof Plan 4565-CA-00-XX-DR-A-00150\_P1 received 25.10.2021, Proposed Roof Plan 4565-CA-00-XX-DR-A-00151\_P1 received 25.10.2021, Proposed Roof Plan 4565-CA-00-XX-DR-A-00152\_P1 received 25.10.2021, Proposed Roof Plan 4565-CA-00-XX-DR-A-00153\_P1 received 25.10.2021, Proposed Roof Plan 4565-CA-00-XX-DR-A-00154\_P1 received 25.10.2021, Drawing 4565-CA-00-XX-DR-A-00300\_P1 received 25.10.2021, Drawing 4565-CA-00-XX-DR-A-00350\_P1 received 25.10.2021, Drawing 4565-CA-00-XX-DR-A-00351\_P1 received 25.10.2021, Proposed Elevations 4565-CA-00-XX-DR-A-02100\_P1 received 25.10.2021, Sections 4565-CA-00-XX-DR-A-03100\_P1 received 25.10.2021, Proposed Floor Plans 4565-CA-01-GF-DR-A-00101\_P1 received 25.10.2021, Proposed Elevations 4565-CA-01-XX-DR-A-02101\_P1 received 25.10.2021, Sections 4565-CA-01-XX-DR-A-03101\_P1 received 25.10.2021, Proposed Floor Plans 4565-CA-02-FF-DR-A-00102\_P1 received 25.10.2021, Proposed Elevations 4565-CA-02-XX-DR-A-02102\_P1

received 25.10.2021, Sections 4565-CA-02-XX-DR-A-03102\_P1 received 25.10.2021, Proposed Elevations 4565-CA-03-XX-DR-A-02103\_P1 received 25.10.2021, Sections 4565-CA-03-XX-DR-A-03103\_P1 received 25.10.2021, Proposed Elevations 4565-CA-04-XX-DR-A-02104\_P1 received 25.10.2021, Sections 4565-CA-04-XX-DR-A-03104\_P1 received 25.10.2021, Location Plan 4565-CA-00-00-DR-A\_00001\_P1 received 25.10.2021, Design and Access Statement received 25.10.2021, Management Plan Landscape received 25.10.2021, Planning Statement received 25.10.2021, Report Agricultural Considerations received 25.10.2021, Report Air Quality Technical note received 25.10.2021, Arboricultural Assessment received 25.10.2021, Ecological Assessment received 25.10.2021, Report Economic need assessment received 25.10.2021, Energy Statement received 25.10.2021, Report External Lighting received 25.10.2021, Flood Risk Assessment Calculations received 25.10.2021, Visual Impact Assessment received 25.10.2021, Visual Impact Assessment Appendices received 25.10.2021, Visual Impact Assessment site appraisal photographs received 25.10.2021, Visual Impact Assessment Context photographs received 25.10.2021, Assessment Minerals received 25.10.2021, Noise Assessment received 25.10.2021, Report Preliminary received 25.10.2021, Report Site Services Overview received 25.10.2021, Flood Risk Assessment received 25.10.2021, Flood Risk Assessment Appendix received 25.10.2021, Assessment Geoenvironmental received 25.10.2021, Travel Plan received 25.10.2021, Management Plan Woodland received 09.11.2021, Letter Covering received 08.12.2021, Assessment Agricultural land received 14.01.2022, Transport Assessment received 14.01.2022, Other Transport note received 07.02.2022, Other Trip distribution received 07.02.2022, Design and Access Statement received 08.12.2021, Proposed Layout 4565-CA-00-00-DR-A - 00010 P3 received 08.12.2021, Landscape Layout RG-L-03-3 C received 09.12.2021, Report External LED Lighting Assessment received 09.12.2021, Lighting EX001 P3 received 09.12.2021, Lighting EX002 PL3 received 09.12.2021, Landscaping RG-L-04-2 received 09.12.2021, Landscaping RG-L-04-1 received 09.12.2021, Landscape Layout RG-L-03-6 C received 09.12.2021, Landscape Layout RG-L-03-5 C received 09.12.2021, Landscape Layout RG-L-03-4 C received 09.12.2021, Landscape Layout RG-L-03-2 C received 09.12.2021, Landscape Layout RG-L-03-1 C received 09.12.2021, Assessment 777328-MLM-ZZ-XX-RP-J-0001-S2-C01-P1 Phase 1 Geoenvironmental received 14.01.2022, Sections 03010 REV P3 received 27.01.2022, Other BN04 received 27.01.2022, Lighting 21-165-PL-EX-001 PL4 received 27.01.2022, Lighting 21-165-PL-EX-002 PL3 received 27.01.2022, Assessment 65203879-SWE-ZZ-XX-RP-J-0002-AQA-C02. Air Quality received 14.01.2022, Drawing 21-T095 08 Rev B received 15.06.2022, subject to the following:

### Conditions / Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed "This was approved in accordance with the following submitted details".

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

4. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

5. The use of the access shall not be commenced until turning facilities have been provided within the curtilage of the site and these facilities shall be retained thereafter free from any obstruction.

Reason: In order that a vehicle may enter and leave the site in a forward direction to ensure the safe and free flow of traffic.

6. Prior to the commencement of the development hereby approved, arrangements for the management of all construction works shall be submitted to and approved by the Local Planning Authority. The management



arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;
- the anticipated number, frequency, types and timing of vehicles used during construction (construction vehicles should avoid the network peak hours of 0800-0900 and 1700-1800 where practicable);
- Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site), wheel washing facilities within the site, how traffic will be routed to and from the site, and for the management of all other construction related traffic and measures to ensure these are adhered to;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
- measures to reduce dust, dirt and any other airborne contaminants and to avoid these passing beyond the site boundaries, including sheeted loads and dampening stockpiles where necessary.
- Procedures for notifying local residents as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

The development shall be undertaken in full compliance with the approved details.

Reason: in order that the development is managed in a way to minimise harm/disruption to the amenities of local residents and highway safety.

7. No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

8. The first 5 metres of the access from the edge of the highway shall be finished with a bound surface.

Reason: To prevent loose material being dragged onto the public highway.

9. The access shall not be used until the area of land within the vision splays shown on the submitted plans (drawing number 10 Rev A titled 'Proposed Site Access Arrangement-Visibility Assessment') has been reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6 metres above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter.

Reason: To ensure the safe and free flow of traffic.

10. None of the buildings within the development shall be occupied until the works to improve the junction of the access road with Coldharbour Lane (as shown on Drawing no 21-T095 08 Rev B) have been completed.

Reason: In order to ensure the local highway network can adequately accommodate the traffic generated by the development hereby approved.

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 Rev 02 prepared by SWECO dated 14 October 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):

o that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

o 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.

13. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

14. No infiltration of treated foul effluent to ground is permitted until a strategy to deal with foul water drainage is submitted to, and approved in writing by, the Local Planning Authority (LPA). The plans shall be implemented in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework (NPPF).

15. Following completion of the approved remediation method statement hereby approved, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority. The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land

Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

16. 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 LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the NPPF.

17. Prior to the commencement of development the applicant, or their agents or successors in title, will, with respect to the parts of the site that have not been formerly quarried, secure and implement:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority (in respect of land within the site that has not been formerly quarried); and

ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;

iii programme of post excavation assessment and publication.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated.

18. The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

19. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
  - (b) No fires shall be lit within the spread of the branches of the trees.
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
  - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
  - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
  - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

20. Prior to and during the construction of the development the ecological mitigation and enhancements within the Ecological Appraisal; (Aspect Ecology; October 2021) must be implemented as detailed. If works have not commenced within 18 months of planning permission being granted a review and, if required, update of the ecological appraisal must be submitted to the LPA for written approval prior to works commencing. On completion of the ecological mitigation a letter must be submitted to the LPA confirming it has been carried out.

Reason: In the interest of ecology and biodiversity.

21. Prior to the commencement of construction/site clearance etc. protective fencing should be put in place along the outer boundary of the proposed Ancient Woodland buffer zone in accordance with the Woodland Management Plan, and detailed Landscape Plans. Initial silvicultural management (such as thinning within the woodland, and removal of non-native species) and planting within the buffer zones shall commence during the appropriate season within one year of development commencing on the site. The applicant shall inform the Local Planning Authority of when these initial management works are to take place at least 10 working days before the works commence. The plan must

be carried out by a company/individual with experience of managing woodlands. The results of the ongoing monitoring (every 5 years) must be submitted to the LPA with details of any changes to the management plan

Reason: In order to preserve and manage the Ancient Woodland in the interests of ecology and biodiversity.

22. The external lighting shall be installed in accordance with the details contained within lighting report ref 21-165 Dated January 2022 and drawing nos 21-1565-PL-EX 001 and 002 dated 27 January 2022.

Reason: In order to minimise light spill/pollution.

- 23 No storm water run-off that may arise due to the development hereby permitted will be accepted into the highway or highway drainage systems, and there shall be no connections into those highways drainage systems from the development and its drainage systems.

Reason: To ensure that the M20 Motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage.

- 24 No part of the development site shall be directly accessed (either temporary or permanently) to or from the M20 Motorway or any of its slip roads.

Reason: To ensure the M20 Motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 25 No development above ground shall commence until details of the slab levels of the proposed buildings in relation to existing and proposed ground levels adjacent to them have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the details so approved.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

### **Informatives**

- 1 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbc.gov.uk](mailto:addresses@tmbc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Matthew Broome