

# Agenda Item 14



18/506609/OUT Newnham Park, Bearsted Road, Weaving, Kent

Scale: 1:5000

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<b>REFERENCE NO - 18/506609/OUT</b>			
<b>APPLICATION PROPOSAL</b>			
Application to vary conditions 3, 4, and 5 of planning permission 16/507292/OUT (outline application with access sought for development of medical campus) to allow for the relocation of the Nature Reserve.			
<b>ADDRESS</b> Newnham Park, Bearsted Road, Weaving, Kent			
<b>SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS)</b>			
<ul style="list-style-type: none"> <li>• The land is identified under policy RMX1(1) of the Local Plan as an area to provide 'net gains' for biodiversity but is not necessary mitigation for the ecological impacts of the Kent Medical Campus development.</li> <li>• The approved 'nature reserve' has not yet been implemented and the proposed alternative site would provide similar biodiversity enhancement as the approved site.</li> <li>• With this in mind and in view of the recommendation for approval for the schools development under application 18/506656, and the great weight that must be given to the need for school places, should Planning Committee approve the schools application then this application would provide an appropriate replacement.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Boxley Parish Council strongly objects and requests the application is considered by Planning Committee.			
Councillor Bob Hinder has requested the application is considered by Planning Committee for the reasons outlined below.			
Councillor Wendy Hinder has requested the application is considered by Planning Committee for the reasons outlined below.			
The proposals represents some conflict with policy RMX1(1) of the Local Plan.			
<b>WARD</b> Boxley	<b>PARISH COUNCIL</b> Boxley	<b>APPLICANT</b> Kent Medical Campus Ltd  <b>AGENT</b> DHA Planning	
<b>DECISION DUE DATE</b> 03/05/19		<b>PUBLICITY EXPIRY DATE</b> 13/02/19	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
18/506656	Erection of a new two-storey primary school and special educational needs secondary school with formation of new access onto Bearsted Road, together with associated car parking and drop off area, pedestrian access,	UNDER CONSIDERATION	

	drainage, areas for formal and informal outdoor play and landscaping works.		
18/506658	Reserved Matters of appearance, landscaping, layout and scale pursuant to outline application 16/507292/OUT (outline application with access sought for development of medical campus) for construction of proposed four storey Innovation Centre office building (Class B1) and associated external works.	UNDER CONSIDERATION	
18/500312	Removal of condition 37 of 16/507292/OUT - condition relating to limited only to occupiers directly associated with the life science, health care and medical sectors.	UNDER CONSIDERATION	
16/507292	Outline Application with access matters sought for development of medical campus comprising up to 92,379m <sup>2</sup> of floorspace (including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training facilities with residential accommodation (class C2/D1); keyworker accommodation for nurses and doctors (class C3); pathology laboratories (class B1); business uses (class B1); ancillary retail services (class A1, A2, A3); and up to 116 bed class C2 neuro-rehabilitation accommodation; internal roads and car parks, including car park for residents of Gidds Pond Cottages; hard and soft landscaping including creation of a nature reserve (to renew existing consent 13/1163).	APPROVED	16/06/17
13/1163	Outline application for the development of a medical campus comprising up to 98,000sqm of floor space (including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training facilities with residential accommodation (class C2/D1); key worker accommodation for nurses and doctors (class C3); pathology laboratories (class B1); business	APPROVED	23/04/14

	<p>uses (class B1); ancillary retail services (class A1, A2, A3); and up to 116 class C2 neuro euro-rehabilitation accommodation units; internal roads and car parks, including car park for residents of Gidds Pond Cottages; hard and soft landscaping including creation of new woodland area with access for consideration and all other matters reserved for future consideration.</p>		
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## **1.0 DESCRIPTION OF SITE**

1.01 The application relates to the 'Kent Medical Campus' (KMC) on land to the north of Bearsted Road and just southeast of Junction 7 of the M20, which was most recently granted outline permission under application 16/507292. This granted permission for 92,379 m<sup>2</sup> of floorspace comprising the following:

*"(including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training facilities with residential accommodation (class C2/D1); keyworker accommodation for nurses and doctors (class C3); pathology laboratories (class B1); business uses (class B1); ancillary retail services (class A1, A2, A3); and up to 116 bed class C2 neuro-rehabilitation accommodation"*

1.02 The site is to the south and southeast of the 'KIMS Hospital' which is accessed by Newnham Court Way that runs from the KMC/New Cut roundabout. Another road heading east (Gidds Pond Road) leads to the Cygnet Hospital and a care home is currently under construction towards the northeast corner.

1.03 The site forms part of a larger mixed use allocation (RMX1(1)) in the Local Plan. This includes the Newnham Court Shopping Village (NCSV) to the west but it mainly covers land allocated for 'medical and associated uses' on the Local Plan Proposals map.

1.04 In the south east corner of the site is a rectangular field that was secured under the legal agreement for the above permission as a 'nature reserve' to provide biodiversity enhancements. This land is not secured for public access as has been suggested in some representations.

## **2.0 PROPOSAL**

2.01 This application seeks to vary conditions 3, 4, and 5 of the outline permission at the site (16/507292/OUT) to relocate the 'nature reserve' that is yet to be provided at the site, in order to facilitate the development of this land for a primary and SEND school that is subject to a separate application (18/506656). This application is recommended for approval on the same Committee Agenda.

- 2.02 The management and maintenance of the 'nature reserve' is secured through a Landscape and Ecology Management Plan (LEMP) under the Section 106 Agreement where details of delivery must be approved by the Council. It is also referred to under Condition 5 which relates to the landscaping parameters at the site.
- 2.03 Conditions 3, 4, and 5 are all proposed to be changed so they refer to amended drawings showing the new location for the nature reserve. The applicant is also suggesting a new condition which requires delivery of the relocated 'nature reserve' in the first planting season following commencement of the schools development, should it be approved. The Section 106 Agreement would also be amended to secure the relocated nature reserve.
- 2.04 So the changes to the conditions are technical changes to the referenced drawings but the affect is an alternative area of land to deliver biodiversity benefits, and this is what needs to be assessed under this application. Whilst this is the only change, any approval would grant a new outline permission for the whole KMC site but with a different 'nature reserve'.
- 2.05 The replacement land would be to the east of the KMC site beyond 'Horish Wood' and to the north of 'Popes Wood', and will be discussed in more detail in the assessment below.
- 2.06 The separate 'schools' application is the subject of a Planning Performance Agreement (PPA) and as part of this there were discussions with Councillors in October and December 2018 on the relocation of the 'nature reserve' subject to this application.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2011-2031): SS1, SP17, RMX1, RMX1(1), DM1, DM3, DM19
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

### **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Boxley Parish Council:** Raises objections and wishes to see the application refused for the following (summarised) reasons:
- Contrary to the Local Plan.
  - Part of the valuable wildlife corridor with many varied ecosystems with the potential to enhance this once the promised woodland nature reserve is created.
  - The Nature Reserve has areas of Ancient Woodland, protected under current legislation, and is currently not under any threat of development.

- The proposed management of the substitute Nature Reserve will destroy existing valuable ecosystems resulting in a net loss of habitats and biodiversity.
- The Parish Council sees no value or gain in allowing a change to the location of the current local nature reserve as this will only result in a reduction in the biodiversity of the whole area.
- The relocation is solely to allow development of the current site for the financial gain of the landowner.
- Should the Planning Officer be minded to recommend permission the Parish Council requests a condition that the land should revert to Local Nature Reserve Status if, within two years, it is not developed for a school or schools.

**4.02 Bearsted Parish Council:** Raises objections for the following (summarised) reasons:

- The change of location will not generate the gain in woodland and biodiversity intended when the original condition was added to the Kent Medical Campus approval.
- The new woodland nature reserve was intended to help balance the loss of countryside to the KMC site and so to allocate an area of existing woodland and countryside does not bring a net gain.
- The area they propose is unlikely to be developed due to its proximity to the AONB and so will most likely remain as it is – hence not net gain.
- The proposed access path to it would damage existing ancient woodland and the proposed maintenance schedule would damage or destroy existing flora and fauna in this area.
- The current condition for the field at Popes Wood is for the creation of new woodland and woodland habitat on an existing grass field so would be a large gain in biodiversity. It would also be more accessible to local resident than the proposed site would be.
- KIMS got its permission on the basis that a Nature Reserve was provided. To move this surely it to negate the original planning permission.
- The Popes' field Nature Reserve has been included in the Maidstone Strategic Plan report of 2017.

**4.03 Local Residents:** 181 representations received raising the following (summarised) points:

*(Many of the comments actually relate to application 18/506656 for new schools and so only the issues relating to this application are summarised)*

- Contrary to Local Plan.
- Loss of wildlife corridor that links land to the south and north.
- Relocation is solely to financially benefit the applicant.
- Will not be a 'like for like' replacement.
- Footpath link will harm Ancient Woodland.

- No net gain in biodiversity.
- Harm to existing wildlife.
- Destruction of habitat.
- Nature reserve was to make up for loss of green space from KMC.
- Proposed land is already a nature reserve.
- Land would shield/screen impacts of KMC.
- Undermines original planning permission which would not have been given without the land.
- Land has purposely been kept free of wildlife.
- Nature reserve should have been provided.
- This is a protected nature reserve.
- Breaks up the development from surrounding urban areas.
- How can you relocate a nature reserve.
- Public can't enjoy new location.
- Loss to the community.

4.04 **Borough Councillor Springett** raises the following (summarised) points:

- The woodland nature reserve was intended to mitigate for the loss of green space for the Kent Medical Campus.
- The current proposed site is an allocation in the Local Plan.
- It would give a large net gain of woodland and the associated biodiversity it would generate. The relocated site will not give anywhere near the same net gain.
- The proposal would cause harm to the existing flora and fauna in the proposed area and the woodland nature reserve would not be as visible or accessible as the existing allocated site would be.
- The proposed access path would cause harm to existing ancient woodland contrary to the NPPF.
- This application should be refused and the proposed planting should be undertaken as soon as possible to comply with the current condition.

4.05 **Borough Councillor Harwood** raises the following (summarised) points:

- Nature reserve carried significant weight as it is in the Local Plan and was a material balancing consideration in the granting of planning permission for the KMC and masterplan for the site.
- The site enables habitat creation and the introduction of more sympathetic management to deliver a 'net gain for biodiversity' in compliance with Government advice.
- The proposed substitute 'Hockers Lane Nature Reserve' is not currently under any threat from development or inappropriate management.
- The maintenance and planting schedule outlined for the new area will worsen the current conditions and create risks to biosecurity. There would therefore accrue no 'net gain for biodiversity' through substitution of the 'woodland nature reserve' field for the 'Hockers Lane Nature Reserve'.
- There will be a net loss of biodiversity from the proposed introduction of spring and summer mowing which creates a 'sink' for invertebrates, amphibians, reptiles and small mammals, which are either directly killed by such mechanical interventions or the resultant loss of cover.

- The 'Woodland Nature Reserve' field, with its extensive south and west-facing woodland edge ecotone, is significantly more optimal for biodiversity.
- The proposed footpath link from the main Newnham Court Farm area into the proposed 'Hockers Lane Nature Reserve' will directly damage, bisect and fragment the ancient woodland leading to 'loss and deterioration' of irreplaceable ancient woodland contrary to the revised NPPF.
- If habitat creation is sought within the 'Hockers Lane Nature Reserve' the optimum intervention would be to expand and diversify wetland habitat within the site.
- The warm and sunlit 'woodland nature reserve' field is optimal in landscape and biodiversity terms over the cooler and shaded 'Hockers Lane Nature Reserve' and would deliver no net gain for biodiversity and a likely ecological deterioration as a result of the more intensive mowing regimes and tree removal proposed in the revised LEMP.

4.06 **Borough Councillor Bob Hinder** raises the following (summarised) points:

- This nature reserve granted status under the Local Plan was intended to replace landscaping lost due to the development of the KIMS site.
- It is underwritten by the Local Plan inspector which one assumes gives this condition great weight.
- This nature reserve is to be "moved" to another nearby vicinity that already contains designated areas of ancient woodland. To attempt to create anything would result in destruction of the Ancient Woodland.
- It has never been developed as yet by the owner as intended; no planting has taken place and wildlife barriers installed around the perimeter. The grass has been constantly mowed to within an inch of its life which is not conditions one would expect an owner to do to create a "nature reserve".

4.07 **Borough Councillor Wendy Hinder** raises the following (summarised) points:

- This nature reserve granted status under the Local Plan was intended to replace landscaping lost due to the development of the KIMS site.
- It is underwritten by the Local Plan inspector which one assumes gives this condition great weight.
- This nature reserve is to be "moved" to another nearby vicinity that already contains designated areas of ancient woodland. To attempt to create anything would result in destruction of the Ancient Woodland.
- It has never been developed as yet by the owner as intended; no planting has taken place and wildlife barriers installed around the perimeter. The grass has been constantly mowed to within an inch of its life which is not conditions one would expect an owner to do to create a "nature reserve".

4.08 **County Councillor Chittenden** raises the following (summarised) points:

- Land was required to compensate for KMC development and is allocated in the Local Plan and was a material balancing factor.
- Will allow for substantial wildlife gains.
- New nature reserve will result in a net loss to wildlife.
- Footpath link will harm ancient woodland.
- Understand the need for an additional local school, but object to this application.

4.09 **St John's Primary School** raises the following (summarised) points:

- Contrary to the Local Plan.
- There will be less biodiversity gain.
- Forms part of a valuable wildlife corridor.
- Harm to ancient woodland.
- For financial gain.
- Makes a mockery of previous planning decisions.
- Should consider 'alleged' need for schools.

4.10 **Kent Wildlife Trust:** Raises objections on the grounds that the relocation site for the Nature Reserve does not provide comparable compensation for loss of biodiversity compared with the site originally proposed as part of application 16/507292.

## **5.0 CONSULTATIONS**

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

5.01 **Natural England: No comments** to make.

5.02 **Highways England: No objections.**

5.03 **KCC Highways: No objections.**

5.04 **KCC Ecology:** Do not entirely agree with results of the applicant's assessment of ecological differences between existing 'nature reserve' and proposed site. However, under KCC's assessment there would still not be a significant difference. (See report)

## **6.0 APPRAISAL**

### Main Issues

6.01 The key issues for the application are considered to be as follows:

- Principle of the relocation of the 'nature reserve' required under policy RMX1(1).
- Biodiversity difference between the approved and proposed sites.
- Reasons for proposed relocation.

Principle of the relocation of the 'nature reserve' required under policy RMX1(1).

- 6.02 Policy RMX1(1) which allocates the site as a 'medical campus' under criterion 3 requires the "*creation of a woodland nature reserve of approximately 3 hectares*" on land to the southeast of the site. This was secured under the legal agreement for the latest 2016 permission and the trigger for its provision is prior to the commencement of any development subject to that permission (and no development has commenced under that permission yet).
- 6.03 The Local Plan at paragraph 4.203 refers to the 'nature reserve' as an "*opportunity to provide for net gains in biodiversity and ecological connectivity between the large expanses of ancient woodland*" as this is consistent with the planning permissions at the site. However, the area of land was not required to mitigate the ecological impacts of the development on protected species, but is a biodiversity 'enhancement' associated with the development. I note the committee report for the original 2013 application made reference to the area of land, which was going to be planted up as a 'woodland area', as providing some visual mitigation but the most recent 2016 committee report did not identify this, and nor does the Local Plan. The Local Plan proposals map also refers to the land as a 'landscaped area'.
- 6.04 So whilst many representations consider that the nature reserve was critical to mitigating the visual or biodiversity impact of the medical campus development, and key in the balance when making the decision, this is not reflected in the Local Plan and it is considered that this is concern is not justified. However, the provision is clearly part of the wider site allocation policy and a requirement of the Local Plan. Therefore to provide an alternative would represent a conflict with that policy and a conflict with the Development Plan and so would require sufficient justification.
- 6.05 The Local Plan does not set a specific level of necessary 'net gain' from biodiversity but the applicant has provided information on the differences between the potential enhancements from the land in the Local Plan and the proposed alternative site.

Biodiversity difference between the approved and proposed sites

- 6.06 The approved 'Pope's Field' site has a limited range of habitats with the field dominated by species poor grassland extending to 2.98ha. The original proposals for this field were to create a scrubby woodland habitat with rides and open glades of grassland woodland edge and with a series of three ponds. These habitats would all be newly created. In comparison, the proposals for the habitats in the replacement Hockers Lane site, which is 0.73ha smaller (2.25ha), are largely restoration of existing or previous features which the applicant states have declined in terms of their biodiversity value (for example, the restoration of a pond which is largely dry).

- 6.07 In response to comments from KCC Ecology, the applicant has provided an assessment of the differences between the biodiversity gain that could be achieved from the approved and proposed sites using the 'DEFRA Biodiversity Metric'. This is a recognised method for calculating the value of the habitat currently present at the two areas in 'biodiversity units' and the level of biodiversity gain based on the habitat types being created or restored and managed.
- 6.08 The applicant concludes that although the original nature reserve proposal will lead to a greater relative increase (because its starting value is lower), the proposed nature reserve relocation, along with buffers on the proposed school development, will lead to a slightly higher total increase in biodiversity units.
- 6.09 KCC Ecology have reviewed this assessment and do not entirely agree and they consider that the proposed relocation would lead to a slight reduction in biodiversity units when compared to the original proposal (-16%). However, they advise that this is not significant difference.
- 6.10 Ultimately, the 'nature reserve' was not required to mitigate the impact of the KMC development but to provide biodiversity enhancement. There is no set level of necessary 'net gain' from biodiversity and based on the applicant's assessment and advice from KCC Ecology the difference between the two sites in biodiversity value is not significant.
- 6.11 The relocated 'nature reserve' would be subject to an amended LEMP, which includes proposals and planting to enhance the new area of land and its ongoing long-term management, which will be secured under an amended legal agreement. KCC Ecology has reviewed the LEMP and is satisfied the measures would secure appropriate enhancements. The applicant has amended the LEMP in response to some of the comments made on the application so the management is more beneficial to invertebrates.

Reasons for proposed relocation

- 6.12 The proposed relocation is to allow for development of two new schools being a two form entry (2FE) Primary School and a Special Education Needs & Disability (SEND) Academy Secondary School. The Primary School would provide 420 places including 26 nursery places, and the Academy would provide 140 specialist education need places. The application for these schools is being recommended for approval on this Committee Agenda (18/506656).
- 6.13 Whilst officers do not consider that this proposal would lead to harm in terms of biodiversity or Local Plan objectives, the consideration of need for these schools and the reasons for recommending permission are outlined within the report for that separate application. As that report states, great weight must be given to the need for school places, and it is concluded that the need and benefits of the schools clearly outweighs any suggested negative impacts.

## Representations

6.14 Those representations that have not been addressed through consideration of the matters above relate to the creation of a footpath from the KMC site through ancient woodland to the new 'nature reserve'. This was shown on the original plans but they have since been amended to remove this.

## **7.0 CONCLUSION**

7.01 The relocated 'nature reserve' would provide similar biodiversity benefit to that which would be created under the approved scheme. With this in mind and in view of the recommendation for approval for the schools development under application 18/506656, and the great weight that must be given to the need for school places, it is concluded that should Planning Committee approve the schools application, these proposals represent an appropriate alternative provision of the 'nature reserve' in a location that would provide comparable net gains in biodiversity.

7.02 The legal agreement would be varied to facilitate the relocation of the 'nature reserve' and the trigger for its delivery would be tied to the commencement of the schools development in the final condition set out below.

7.03 As this creates a new outline permission at the site with a different 'nature reserve' all previous relevant conditions must be attached to the permission as set out below.

## **8.0 RECOMMENDATION**

Subject to the prior completion of a variation to the previous legal agreement to secure the relocated nature reserve and subject to the conditions as set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION**, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

### Conditions:

1. The development of each phase or sub-phase shall not commence until approval of the following reserved matters for that phase or sub-phase has been obtained in writing from the Local Planning Authority:-
  - a. Layout
  - b. Scale
  - c. Appearance
  - d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before 16<sup>th</sup> June 2027.

Each phase or sub-phase hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved for that phase or sub-phase;

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

2. The details submitted pursuant to condition 1 shall be limited as follows:
  - There shall be no more than 92,379m<sup>2</sup> of total floorspace.
  - There shall be no more than 28,700m<sup>2</sup> of floorspace for university campus and halls of residence.
  - There shall be no more than 14,000m<sup>2</sup> of floorspace for doctors/nurses accommodation.
  - There shall be no more than 24,750m<sup>2</sup> of floorspace for offices/research and development uses.

Reason: To ensure the development remains a mixed use and medical-based development in accordance with draft policy RMX1(1).

3. The details of scale submitted pursuant to condition 1 shall follow the principles of the 'Storey Heights' Parameter Plan (DHA/13334/06 Rev C) and shall show no building in excess of the storey heights referred to on that plan. Any building of 3 or 4 storeys must be designed so as to reduce the visual impact of its scale through cutting into the ground and/or through reducing its massing through design.

Reason: To ensure a satisfactory appearance to the development.

4. The details of layout submitted pursuant to condition 1 shall include the following:
  - A landscaped buffer free of development of a minimum of 15m in width from the boundary of the ancient woodland areas.
  - A development free buffer of a minimum of 15m on each side of the stream running north-south through the site.
  - No development within the area coloured green on the 'Storey Heights' Parameter Plan (DHA/13334/06 Rev C).

Reason: To ensure a satisfactory appearance to the development and comply with draft policy RMX1(1).

5. The details of landscaping submitted pursuant to condition 1 shall be designed in accordance with the principles of the Council's landscape character guidance. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan.

The landscape scheme shall include the following:

- Structural planting as shown on the 'Landscape' parameter plan (DHA/13334/07 Rev A) that must be established under the first phase of any development.
- Planted 'green' roofs to buildings where practical to do so.
- Planted 'green' walling to buildings where practical to do so.
- 'Fingers' of woodland penetrating the site from the eastern edge of the site.
- Areas of structural tree planting extending into the development areas.
- Strategic tree planting within the area coloured green on the 'Storey Heights' Parameter Plan (DHA/13334/06 Rev C).
- The Nature Reserve landscaped and managed as an area of wooded parkland.
- Water bodies including the provision of shallow areas, and deeper, cooler areas, as well as the planting regimes within the stream corridor.
- Creation of hibernacula, ponds and higher quality terrestrial habitat to benefit GCN.
- Nesting boxes for birds and bats throughout the development.
- Landscaping including tree planting screening car parking and service yard areas.
- A Landscape and Visual Impact Assessment shall accompany each reserved matters application.

Reason: No such details have been submitted and to ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

6. The details of appearance submitted pursuant to condition 1 shall include:
- The avoidance of the use of light coloured or reflective materials.
  - The use of vernacular materials including ragstone on buildings and in boundary treatments.
  - High quality surfacing materials.
  - Parking areas kept to a minimum and which shall not consist of entirely tarmac surfacing.
  - Low level lighting.
  - Where buildings are to be constructed on sloping land they shall be designed as a terrace into the slope taking into account the nature of the land and the context within the site and not excavated to a single development platform

Reason: To ensure a satisfactory appearance to the development.

7. The details submitted pursuant to condition 1 shall incorporate measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED).

Reason: In the interest of security, crime prevention and community safety.

8. The development shall be carried out in accordance with the bus stops details, turning area, and timetable for implementation approved under application 18/500291/SUB unless otherwise agreed in writing with the

local planning authority. The approved details shall be fully implemented and retained.

Reason: In the interest of sustainable transport use to mitigate any impact upon air quality.

9. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

10. No phase or sub-phase of the development shall take place until the following details have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details:

(i) A detailed sustainable surface water drainage strategy which shall demonstrate that the surface water generated by the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and

discharged from the site at an agreed controlled discharge rate. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

(ii) No building shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme 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:

a) a timetable for its implementation, and

b) 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 and to ensure ongoing efficacy of the drainage provisions.

11. No phase or sub-phase of the development shall take place until details of the proposed slab levels of the buildings and the existing site levels relating to that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development.

12. No phase or sub-phase of the development shall take place until an Arboricultural Impact Assessment (AIA) in accordance with the current edition of BS 5837 relating to that phase (where relevant) has been submitted to and approved in writing by the local planning authority. It shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and take account of site access, demolition and construction activities, foundations, service runs and level changes. It shall also detail any tree works necessary to implement the approved scheme and include a plan showing protection of trees and ground designated for new structural planting.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

13. No phase or sub-phase of the development shall take place until details of foul drainage for that phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and the approved

drainage shall be in place prior to the occupation of any buildings or land relating to that phase.

Reason: In the interests of pollution and flood prevention.

14. No phase or sub-phase of the development shall take place until a Construction Management Plan and Code of Construction Practice, including the provision of wheel washing facilities relating to that phase, has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: In the interests of highway safety and local amenity.

15. No phase or sub-phase of the development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

(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; and

(ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in-situ or by record.

16. No phase or sub-phase of the development shall take place above Damp Proof Course (DPC) level until, written details and samples of the materials to be used in the construction of the external surfaces of any building(s) on that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

17. No phase or sub-phase of the development shall take place above DPC until, details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design for that phase, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

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

18. No phase or sub-phase of the development above DPC level shall take place until details of all fencing, walling and other boundary treatments relating to that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land within that phase and maintained thereafter. Any significant boundaries shall only be made up of ragstone walling.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing occupiers.

19. No phase or sub-phase of the development above DPC level shall take place until details of any lighting for the site relating to that phase has been submitted to and approved in writing by the local planning authority. The submitted details shall include low level lighting, and inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details. All external lighting shall be installed in accordance with the specifications and locations set out in the details, and these shall be maintained thereafter.

Reason: To prevent light pollution in the interests of the character and amenity of the area and biodiversity.

20. No phase or sub-phase of the development shall take place above DPC level until details of electric vehicle charging points relating to that phase have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented and retained.

Reason: In the interests of air quality to promote the use of low emissions vehicles.

21. No more than 73,500m<sup>2</sup> GFA (75%) of the development hereby permitted shall be occupied until the completion of improvements to M20 Junction 7 as shown on drawing nos. T0217/H/01 P3 (offsite infrastructure works key plan), T0217/H/07 P3 (offsite infrastructure works M20 Junction 7 1:1000) and T0217/H/08 P2 (offsite infrastructure works M20 Junction 7 1:500) (or such other scheme of works substantially to the same effect as may be approved in writing by the local planning authority who shall consult with Highways England).

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 Highway Act 1980 and to satisfy the reasonable requirements of road safety.

22. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season (October to February) following the occupation of the phase or sub-phase that the landscaping scheme relates to. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of that phase, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory setting and external appearance to the development.

23. The use or occupation of each phase or sub-phase of the development shall not commence until, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (in areas of low background sound levels a target of NR30 shall be achieved) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the

approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity.

24. The use or occupation of each phase or sub-phase of the development shall not commence until a scheme to demonstrate that the internal noise levels within the residential units and any relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of residential amenity.

25. The use or occupation of each phase or sub-phase of the development shall not commence until full details of all measures to be taken to deal with the emission of dust, odours or vapours arising from that phase have been submitted to, and approved in writing by, the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance if this condition shall be installed prior to the first use of the premises and shall be operated and retained in compliance with the approved scheme.

Reason: In the interests of residential amenity.

26. Any existing trees or hedges approved to be retained on site which, within a period of ten years from the first occupation of a property, commencement of use or adoption of land, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

Reason: To safeguard existing landscaping and to ensure a satisfactory setting and external appearance to the development.

27. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

28. All buildings shall achieve a Very Good BREEAM UK New Construction 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM UK New Construction 2014 rating has been achieved within 6 months of the first occupation of the building. In the event that this building standard is revoked, an alternative standard or set of measures to ensure a sustainable and energy efficient form of development shall be agreed in writing with the Local Planning Authority and subsequently implemented in full.

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

29. 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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

30. 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: For the protection of Controlled Waters and in the interests of pollution prevention.

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

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extensions to any buildings or erection of any fence, wall or other means of enclosures shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the site and surrounding area.

33. The mitigation detailed and approved within the Great Crested Newt mitigation strategy under approved conditions application 14/500654 must be implemented prior to the commencement of any development works within areas which have not been released by the applicant's ecologists, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of biodiversity.

34. Prior to the commencement of any works which may affect bats and / or their habitat, an updated mitigation and monitoring strategy should be submitted to and approved in writing the Local Planning Authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: In the interests of biodiversity.

35. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general this is expected to be 5dB below the existing measured background noise level LA90, T during the day time period. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5, the applicants consultant should contact the Environmental Protection Team to agree a site specific target level.

Reason: In the interests of residential amenity.

36. No open storage of plant, materials, products, good for sale or hire or waste shall take place on the site.

Reason: To safeguard the character and appearance of the surrounding area.

37. The occupation of any B1(a) office buildings and (B1(b) research and development buildings hereby permitted shall be limited only to those occupiers directly associated with the life science, health care and medical service sectors, and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or permitted under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification;

Reason: To ensure the development remains a mixed use and medical-based development in accordance with draft policy RMX1(1).

38. The delivery of the 'Hockers Wood Nature Reserve' as outlined in blue on drawing no. DHA/13334/04 RevB, shall commence in the first planting

season immediately following commencement of the schools development approved under application 18/506656.

Reason: To facilitate early delivery of the associated biodiversity enhancements.