

APPENDIX A**PLANNING COMMITTEE – PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 20/505877/OUT		
PROPOSAL Outline planning application for mixed-use development comprising up to 360sqm nursery school (use Class Ef), up to five holiday lets and up to 1,710sqm of flexible workshop, industrial & research and development floorspace (use Class Eg (ii, iii), with all matters reserved except access from Brogdale Road.		
SITE LOCATION Brogdale Farm, Brogdale Road, Ospringle, ME13 8XU		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and the completion of a Section 106 agreement as set out in the report, with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions, including adding or amending such conditions and precise Heads of Terms as may be consequently necessary and appropriate.		
APPLICATION TYPE - Outline Planning Permission		
REASON FOR REFERRAL TO COMMITTEE Ospringle Parish Council have submitted objections to the application that are contrary to the officer recommendation.		
Case Officer Ben Oates		
WARD East Downs	PARISH/TOWN COUNCIL Ospringle	APPLICANT Brogdale Farm Ltd AGENT Hume Planning Consultancy Ltd
DATE REGISTERED 19/03/2021		TARGET DATE 01/12/2023
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - All drawings submitted All representations received		

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Design and Access Statement (uploaded 09 Dec 2020)
Design and Access Statement Addendum (uploaded 04 Aug 2021)
Heritage Advice Note (uploaded 13 July 2021)
Transport Statement (uploaded 04 Aug 2021)
Transport Statement Addendum (uploaded 16 Nov 2021)
Planning Statement Addendum (uploaded 30 Jul 2024)
Landscape and Visual Appraisal (uploaded 10 Jul 2024)
Letter to Economic Development Officer (uploaded 03 Oct 2023)
Ecological Impact Assessment (uploaded 10 Nov 2023)
Arboricultural Assessment (uploaded 04 Aug 2021)

INCLUDE WEB LINK

<https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QL2Y7FTYMH700>

1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site forms part of Brogdale Farm, which is located to the east of Brogdale Road and south of the M2 motorway and is approximately 1.5km south-west of Faversham Railway Station. Brogdale Farm covers an area of circa. 160 acres, however, the site boundary only encompasses the far northern part of the property.
- 1.2. The site is located within an Area of High Landscape Value (Kent level) and is part of the Natural Character Area - North Kent Plain. The site is also identified as Agricultural Land Classification Grade 2. The site adjoins a Grade II listed building – Brogdale Farm House, but does not contain any listed buildings and is not within or adjoining a Conservation Area. The site is also not located within a built-up area boundary or an important countryside gap.
- 1.3. The site boundary contains the complex of farm buildings and agricultural land, a disused reservoir, demonstration garden area, glasshouses and polytunnel structures, existing central farmstead hub and the main access to the property. Access to the orchards is through the main farm complex.
- 1.4. Whilst the site is located outside of the built-up area boundary, Brogdale Farm contains an established hub of commercial activity related to the National Fruit Collection's agricultural activity and tourism facilities, as well as the small businesses, shops, café and community and commercial functions currently operating at the farm.

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2. PLANNING HISTORY

2.1. Application Site

SW/95/0740: Change of use of part of site for exhibition and recreational fishing

Approved Decision Date: 08.11.1995

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2.2. Wider Brogdale Farm

SW/06/0601: Alterations to 2 barns to form craft/retail units, conversion of old dairy to B1 use, part cladding of main office West elevation, replacement of open canopy. Erection of plant centre building incorporating cafe with terrace and links to glasshouses, laying out of plant display, car parking, landscaping and ancillary works.

Approved Decision Date: 21.07.2006

SW/07/0189: Change of use and alterations to part of existing coldstore to form offices and labs (B1).

Approved Decision Date: 05.04.2007

SW/10/0036: Change of use, conversion and extension of existing Cold Store to provide B1 business use.

Approved Decision Date: 05.03.2010

SW/11/1560: Change of use, extension and alterations to part of former cold store building to ground floor class B2 use for meat preparation and first floor class B1 business use.

Approved Decision Date: 03.02.2012

SW/12/1012: Change of use of existing B8 storage building to B2 use as a micro-brewery.

Approved Decision Date: 14.09.2012

SW/13/0660: Change of use as demonstration gardens with incidental buildings and associated parking.

Approved Decision Date: 27.09.2013

15/502851/FULL: Retrospective - Erection of polytunnels for fruit production trials.

Approved Decision Date: 13.08.2015

19/506013/OUT: Outline Application with scale matters sought for proposed visitor information and learning centre to replace existing accommodation at Brogdale Farm.

Approved Decision Date: 26.02.2021

APPENDIX A**3. PROPOSED DEVELOPMENT**

- 3.1. Outline planning permission is sought for a mixed-use development comprising of up to 360sqm of nursery school floorspace (use Class Ef), up to five holiday lets and up to 1,710sqm of flexible workshop, industrial & research and development floorspace (use Class Eg (ii, iii)). All matters are reserved with the exception of the proposed new access from Brogdale Road.
- 3.2. The proposal would clear and level the site, which would involve the removal of the demonstration garden and disused greenhouses and the filling of the disused reservoir. The existing 2-storey white cottage building and all other structures to its south would be retained. The proposal would not remove any existing orchards or land currently in operational use for agricultural purposes.
- 3.3. The proposal includes (indicatively) 18 workshop / business units creating a total of circa. 1,710sqm of flexible workshop / business space targeted at small local businesses looking to expand. The proposed units range in size from approximately 85sqm to 125sqm and are spread across 6 separate 2-storey buildings of varying size and layout. The details indicate the buildings could be designed with regular plan forms containing large, pitched roofs with gable ends to reflect the traditional built form of Kentish barns. Indicative materials include dark timber cladding with textured cement rainscreens below.
- 3.4. The proposed nursery would be circa. 360sqm catering for babies, pre-nursery and nursery ages, including separate rooms and play areas for each age group. Externally there would be circa. 465sqm of outdoor play space in total including a covered play area. The indicative details suggest that the proposed nursery would be contained within a single storey building which could be of modern design, with an asymmetric pitched roof and redwood timber cladding to the elevations.
- 3.5. The proposal also includes 5 x 2-bedroom holiday let units, which were introduced during the application following discussions with the Council's Tourism Officer. The indicative details show that each proposed holiday let would comprise of circa. 58sqm of internal space and outdoor patio space. The units have been shown to be split across two separate single storey buildings, indicatively shown with simple layout design and containing pitched roofs with gable ends.
- 3.6. A new access from Brogdale Road would serve the proposed development, which would be located close to the northern boundary of the site. The access would run through the site to connect to the existing vehicular access adjoining the existing 2-storey white cottage, commercial units and agricultural buildings. Vehicle parking is provided alongside the access route and in front of the

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proposed workshop units. Pedestrian access is also provided separate from the vehicular access, which also runs through the site and connects to the existing established parts of the farm to the south.

- 3.7. The areas not covered by buildings and hardstanding are proposed to be treated with soft landscaping to maximise green space and tree planting. Existing trees are being retained where possible with larger tree removal only at the new vehicle entrance. The tree belt separating the existing orchards and demonstration garden are also being retained.

Amendments

- 3.8. The proposal has been amended during the application with revised documents and drawings provided in August 2021 including the following changes:

- Reduction in the scale of the development, including removal of all development originally (indicatively) proposed beyond the existing tree line adjoining the orchards to the east of the site. The indicative layout of the development was also consolidated, reducing the floorspace from a maximum of 2,375sqm to 1,710sqm, which also resulted in the indicative number of workshop units being reduced from 25 to 18.
- Re-siting and re-design of the proposed development (as indicatively detailed for Outline permission purposes) to exhibit a less formal layout, design and scale to be more in keeping with the site's semi-rural context and traditional barn style vernacular of the existing buildings at Brogdale Farm.
- Refinement of the proposed use of the workshop/business units, with at least 50% of the proposed floorspace solely restricted to agricultural and rural based uses/industries, with the remainder of the floorspace occupied by small scale rural offices, research and development and low intensity industrial processes. However, this offer did not proceed further as it would conflict with the proposed use classes.
- Inclusion of holiday let accommodation to complement the existing farm hub and surrounding uses in response to feedback from the Council's Tourism Manager.
- Further supporting information provided including an Arboricultural Assessment, Transport Assessment, Design and Heritage Assessment, Ecological Assessment, and support letters from Brogdale Farm letting agents. A letter of support was also provided from Lorenden School, who were interested in operating the nursery; however they later withdrew their commitment to this in order to pursue a different venture.

- 3.9. Further revisions and additional information were provided in November 2021 in relation to transport and land contamination. Further information was also submitted between June and November 2023 in relation to ecology, heritage, and deliverability.

- 3.10. Further information was again provided in July and August 2024 to clarify matters raised by officers in regard to the proposed use and its compliance with the Development Plan, parking, and landscape effects.

APPENDIX A**4. CONSULTATION**

- 4.1. Four rounds of consultation have been undertaken, during which letters were sent to neighbouring occupiers; a notice was displayed at the application site and the application was advertised in the local newspaper. Full details of representations are available online.
- 4.2. Letters of representation were received from 28 separate addresses in relation to the consultation, including letters of objection from 22 separate addresses. Concerns / comments were raised in relation to the following matters: -

Comment	Report reference / response
Outside the built-up-area boundary for Faversham.	The principle of development is discussed in section 7.3 of this report.
It is greenbelt land which is preferred to be protected and development targeting brownfield is better.	For the avoidance of doubt, the rural areas of the Swale Borough are not defined as Green Belt. The principle of development is discussed in section 7.3 of this report.
Concerns of the adverse impact on the surrounding countryside of Faversham representing urbanisation.	The principle of development and Swale's settlement strategy are discussed in section 7.3 of this report.
Inappropriate development in a rural environment.	The principle of development and Swale's settlement strategy are discussed in section 7.3 of this report.
Already unused units and space on Brogdale Farm currently.	The demand for employment space is discussed in section 7.3 of this report.
Previous supervision of tenants and lettings are poor on site.	The demand for employment space is discussed in section 7.3 of this report.
Concerns of this being part of a wider long-term plan to change the nature of the land use.	The application can only be assessed on its merits based on the proposal submitted.
Proposal does not compliment the National Fruit Collection.	The proposal's effect on the National Fruit Collection is discussed in section 7.3 of this report.
No need for another community hall when a new one has just been built in the village and is an ideal site for the proposed nursery school.	The application does not propose a new community hall.

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Need for a nursery on site is not strongly supported.	The principle of the proposed nursery is discussed in section 7.3 of this report.
Nursery School will not be pursued by Lorenden Prep.	The principle of the proposed nursery is discussed in section 7.3 of this report.
No confirmed use of the site.	The proposed land use was clarified during the application and is discussed in section 7.3 of this report.
Risk of holiday let to be sold for permanent residencies.	The proposed holiday lets will be controlled by a condition to prevent their use as permanent residencies.
Refurbishment of existing buildings would be preferred.	Duly noted.
Proposal not in keeping with existing buildings.	The character and appearance of the proposed development is discussed in section 7.7 of this report.
Trees offer little screening on the NE boundary.	Landscape and visual impacts are discussed in section 7.4 of this report.
Impact on setting of neighbouring Grade 2 listed Farmhouse.	Heritage impacts are discussed in section 7.5 of this report.
Overall road safety due to location of access road and no footpath or street lights along Brogdale Road.	Transport and highways safety is discussed in section 7.10 of this report.
Consider the transport surveys not accurate representation.	The transport surveys have been scrutinised by KCC Highways and revisions made to resolve concerns raised.
Extra traffic and large vehicles impacting rural lanes.	Transport and highways safety is discussed in section 7.10 of this report.
Holiday lets will increase traffic.	Highways matters are discussed in section 7.10 of this report.
The A2/A251 junction is oversubscribed at peak and traffic lights at A251 junction may not be enough for the traffic volumes.	Highways matters are discussed in section 7.10 of this report.
Unsafe parking on Brogdale Road.	Highways matters are discussed in section 7.10 of this report.
Flooding of existing residential driveway.	Flooding and drainage matters are discussed in section 7.12 of this report.
Impact on reservoir.	The reservoir is disused and no longer serves any function at the site.

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Cost to the local community and environment.	The overall balance of the application
Disruption to wildlife.	Ecology impacts are discussed in section 7.9 of this report.
Bat survey considered to be wrong.	The bat survey has undergone review by KCC Ecology and is discussed in section 7.9 of this report.
Noise currently using site in middle of night, outside of hours of operation.	The Noise Assessment indicates that monitoring was undertaken during daytime hours and was reviewed by the Council's environmental health advisor, who raised no objections.
On site noise and pollution with vans and lorry movements are inevitable.	Noise impacts are discussed in section 7.14 of this report.
Concerns of amenity impacts, including overlooking, of the neighbouring residential property.	Neighbouring amenity impacts are discussed in section 7.14 of this report.
Local resident not informed of planning application.	The application has undergone consultation in accordance with standard planning requirements.

4.3. Three letters of support have been received during the course of the application, raising the following points:

Comment
Brogdale Farm represents a suitable location for the extended nursery school.
The nursery supports long term objectives for Lorenden Prep.
Current business on site employs 4 people for a small company with a vibrant location.
Ideal strategic location regarding facilities and accessibility do not want to relocate business.
Regular interest from local businesses are looking to establish and expand at Brogdale Farm.
Offers prospects for job creation and nursery provision.

4.4. **Ospringle Parish Council** objected to the application in each of the four rounds of public consultation. A summary of the grounds for objections are as follows:

Comment	Report reference / response
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Reference to Faversham Creek Neighbourhood Plan has no relevance. The site is within the area covered by the Ospringe Parish Design Statement, which is not referenced.	The character and appearance of the proposed development is discussed in section 7.7 of this report.
Concerned at the continuing absence of a development masterplan for Brogdale Farm	The proposals effect on the layout of the wider Brogdale Farm development is discussed alongside the character and appearance of the proposed development in section 7.7 of this report.
The application site lies in a semi-rural area outside the built-up boundary.	The principle of development and Swale's settlement strategy are discussed in section 7.3 of this report.
The site is unsuitable for development for the proposed uses, including industrial processes, light or otherwise, wholesale activities, storage and distribution.	To clarify, the proposed development does not include storage or distribution uses. The principle of development is discussed in section 7.3 of this report.
Concerns about the appropriateness of the site for a nursery school, noting the withdrawal of interest from Lorenden Preparatory School	The principle of the proposed nursery is discussed in section 7.3 of this report.
The potential for traffic generation from the proposal is of great concern to the council.	Transport and highways safety is discussed in section 7.10 of this report.
Concerns about the siting of the new access into the site, just south of the M2 motorway bridge as visibility is compromised at this point by the crest of the bridge.	Transport and highways safety is discussed in section 7.10 of this report.
The potential to have a significant adverse effect on the Grade 2 listed Brogdale Farmhouse.	Heritage impacts are discussed in section 7.5 of this report.
Suggest change in the description of the application	The description of development has been updated during the application and subject to public consultation.
We would regard a business park/industrial estate as an unsuitable setting for holiday accommodation.	The success of the co-location of business use and holiday lets will rely on design and site management, which is assessed below as far as appropriate but would be considered further at Reserved Matters stage.
Concerns of the proposal's impact on nearby AONB.	Landscape and visual impacts are discussed in section 7.4.

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Endorses Faversham Society objections, particularly concern of prospect of this evolving into a residential project.	The proposed holiday lets will be controlled by a condition to prevent their use as permanent residencies.
Concerned that the traffic data is out of date and does not account for recent developments.	Transport and highways matters are discussed in section 7.10 of this report.
Concerns of amenity impacts, including noise and disturbance, to adjoining farmhouse due to lack of screening along boundary.	Noise impacts are discussed in section 7.14 of this report.
If the application is to be granted, request that days/hours of use are restricted, and use of the industrial units controlled to prevent change of use and to reduce the impact on nearby residents.	Conditions are recommended to control these matters.

4.5. **The Faversham Society** objected to the application on the following additional grounds:

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Comment	Report reference / response
Fear that the proposal will result in demolition of existing visitor centre, which is included within the red line boundary although no proposals for this area have been submitted. Insufficient information has been provided on this matter.	The application does not propose changes to the existing visitor centre.
Concerns raised at the land ownership details.	Land ownership is not a material consideration in this application.
The site is not allocated for redevelopment.	The principle of development is discussed in section 7.3 of this report.
Concerns that the site is located outside the Faversham built-up area boundary and is an unsustainable location.	The principle of development and Swale's settlement strategy are discussed in section 7.3 of this report.
The scheme is car-dependent and should be refused on sustainability grounds.	The site is within walking and cycling distance of Faversham town centre and the railway station, and parking is provided in line with policy.
Concerns that there is a lack of demand for the proposed uses.	The demand for employment space is discussed in section 7.3 of this report.
Concern that the proposed Class E use could be converted to residential.	The proposed Class E space will be controlled by a condition preventing their conversion through permitted development rights.
Suggest permitted development rights should be excluded by condition for proposed commercial and nursery uses.	The proposed uses will be controlled by a condition preventing their conversion through permitted development rights.
Concern that the proposed nursery is not viable.	The principle of the proposed nursery is discussed in section 7.3 of this report.
Concerns at insufficient parking.	Highways matters are discussed in section 7.10 of this report.
Concern that the proposal represents an overdevelopment of the site.	The character and appearance of the proposed development is discussed in section 7.7 of this report.

5. REPRESENTATIONS

Environment Agency: Initial response raised concerns that the application did not demonstrate that the risks of pollution to controlled waters are acceptable, or can be appropriately managed. The previous use of the development site as a farm presents a medium risk of contamination that could be mobilised during

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construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located within source protection zone 1 and 2, upon a principal aquifer.

Following the provision of further information, the EA advised that the previous issues raised were resolved and have no objections subject to suitable conditions. The reports submitted in support of this planning application provides the confidence that it will be possible to suitably manage the risk posed to controlled waters by the proposed development. Further detailed information will however be required before built development is undertaken and this has been secured by conditions accordingly.

Natural England: Initially raised no objection, however the introduction of holiday lets in the proposal led to Natural England advising that this could result in impacts to the coastal Special Protection Areas (SPAs) and Ramsar Sites from increased recreational disturbance. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the sites.

National Highways: No objections subject to securing a financial contribution towards improvement works to the M2 Junction 7. The sum requested is based on the modelled number of trips generated by the development using the M2, multiplied by a rate equivalent to that used for the nearby Perry Court outline permission (ref: 15/504264/OUT), which also secured contributions towards the improvement of Junction 7. The rate requested is £695 per trip and index linked to July 2015, which is when the Perry Court contribution was calculated.

National Highways responses during the course of the application have noted changes in the number of trips expected to be routed across M2 junction 7 during the application, the latest figures being 25 trips. The case officer has confirmed with National Highways of a contribution amount of £17,375 (25 trips x £695), which shall be indexed-link to July 2015.

Southern Water: No objections – standard advice and informatives recommended.

UK Power Networks: No objections raised. Informatives are recommended to be included to advise the developer of their responsibility to protect underground assets.

Swale Economic Development: No objections.

The Economic Development officer reviewed the details submitted and confirms that there is an established demand for flexible space that can be adapted and used by a broad range of business types. Potential occupiers are seeking an attractive environment, for instance where the business offers not only products but also experiences. This is something that Brogdale is able to offer over

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existing employment sites in the town, and most likely the allocated sites (if delivered) would be unlikely to service this segment of the market.

The officer initially queried the proposed rent levels, however marketing details provided have indicated a rental at or around £20 per square foot and with no properties currently 'live' on the register (and therefore are not available) this would concur with the statements made in the originally submitted additional letter around meeting a demand for space.

SBC Heritage: There is no objection to the principle of some form of further limited development at the site, however considers that the amount of development proposed at the site would be harmful to the setting of the adjoining listed farmhouse, which is already heavily impacted from previous piecemeal development. He also raised concern that the indicative form of the proposal is not contextually sensitive enough to prevent further harm arising to the setting of the listed farmhouse. The Conservation Officer therefore concludes that there would be a moderate degree of less than substantial harm to the setting of the listed farmhouse. Furthermore, the additional information provided by the applicant's heritage consultant was not convincing to reduce the amount of harm being caused.

It was advised that if officers consider recommending the application for approval then it will be necessary to consider whether the identified NPPF-framed 'less than substantial harm' impact is outweighed by the public benefits of the scheme. Heritage benefits, such as information boards of the history of Brogdale Farm and its connection with the listed Farmhouse, should be considered and detail could be secured at the reserved matters stage.

SBC Urban Design:

The development will clearly increase built form across this rural site and significantly intensify its use. It is likely that the commercial buildings, intensified use, and high levels of parking would be visible from Brogdale Road, given the new access and loss of tree/hedgerow along this edge.

The reduction in floorspace and a move away from stridently commercial sheds to the current iteration which proposes a more (contemporary) agricultural aesthetic is an improvement over the initial submitted scheme, although this needs considerable refinement to become more contextually responsive.

Whilst there is variety in scale and built form across the different uses, the commercial units, in particular, appear relatively uniform. There is scope to explore a wider range of agriculturally inspired forms, scales and materials to arrive at a sequence of varied building typologies which together have architectural coherence.

The proposal should more positively respond to the historic form and layout of Brogdale farm as a multi-yard farmstead, which typically includes a complex

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series of grouped buildings; attached and detached from each other and formed around a series of yards.

Landscaping: the development could be visually contained further by augmenting existing planting with new native species of plants and trees along the edges of the development and drawing this into the site to respond to rural character. Planting should also be used to soften built form at the edges of the site and particularly in views from Brogdale Road. Also, parking areas and workshop courtyards could benefit from additional screening and softening. We would expect the landscaping strategy to be fully explained with proposed species in any reserved matters application.

Overall, the site will be intensified by the development both in terms of built form, use and comings and goings. We are encouraged by the direction of travel in terms of design, however the layout and built form of development needs further refinement to demonstrate it is fully responsive to this context. However, accepting that the design is indicative at this outline application stage this could be secured at the reserved matters stage, although it will be crucial that this enhancement process is undertaken to ensure that development, in the quantum proposed, can sit comfortably at this location.

Mid Kent Environmental Health:

Noise

- Acceptable in principle subject to conditions.

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- Concern with air quality impacts generated by increased vehicle movements.
- Recommends an air quality assessment be secured by planning obligation, including a damage cost calculation / emission mitigation assessment.

Lighting

- Recommend condition to secure details of lighting.

Construction

- Recommends dust mitigation condition.

KCC Highways: Initially requested revisions to the proposed site access to improve visibility splays, revisions to the pedestrian access location and its connection to the existing footway and clarifications regarding trip generation. Additional information was provided and confirmed to resolve the concerns raised regarding the access, however further clarification was requested regarding trip generation and traffic impacts. This was later clarified and confirmed by KCC Highways to be acceptable on the basis of the number of vehicle movements likely to pass through each of the identified junctions and

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highway links. Conditions are recommended to mitigate the residual transport and highways impacts. The recommended conditions secure the following:

- Construction Management Plan
- Vehicle loading/unloading and turning facilities
- Completion and maintenance of the access
- Provision and maintenance of the visibility splays
- Measures to prevent the discharge of surface water onto the highway
- Details of vehicle parking spaces
- Details of Electric Vehicle chargers
- Details of cycle parking facilities

SBC Trees: No objections to the principle of the scheme subject to conditions to secure the tree protection measures and a scheme of landscaping.

KCC Ecology: Initially requested further information on how the reptile population will be retained on site through identification of a suitable receptor site on site and details of ecological enhancements to be incorporated into the site. Further information was provided and confirmed by KCC Ecology to resolve the issues raised, and recommended conditions regarding reptiles, ecological enhancements, CMP and ecological management plan. Further updates to the Ecology Report were provided during the application due to the length of time from the initial surveys, which were also reviewed by KCC Ecology and found acceptable. Conditions are recommended to mitigate the proposal's potential impact on ecological values, including an updated ecological impact assessment prior to the commencement of development.

KCC LLFA: No objection to the proposed drainage strategy subject to conditions to secure a detailed sustainable surface water drainage scheme.

Kent Police: Initial response raised concerns regarding the layout of the proposal, with standard designing-out-crime advice provided for the design to prevent opportunities for crime. However, no updated responses were received in response to the revisions and following subsequent rounds of consultation. Officers acknowledge that this matter would be better picked up at the reserved matters stage and have included a condition to secure this accordingly.

6. DEVELOPMENT PLAN POLICIES

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017:

- Policy ST 1 Delivering sustainable development in Swale
- Policy ST 2 Development targets for jobs and homes 2014-2031
- Policy ST 3 The Swale settlement strategy
- Policy ST 7 The Faversham area and Kent Downs strategy
- Policy CP 1 Building a strong, competitive economy
- Policy CP 2 Promoting sustainable transport

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- Policy CP 4 Requiring good design
- Policy CP 5 Health and wellbeing
- Policy CP 6 Community facilities and services to meet local needs
- Policy CP 7 Conserving and enhancing the natural environment - providing for green infrastructure
- Policy CP 8 Conserving and enhancing the historic environment
- Policy DM 3 The rural economy
- Policy DM 6 Managing transport demand and impact
- Policy DM 7 Vehicle parking
- Policy DM 14 General development criteria
- Policy DM 15 New shopfronts, signs and advertisements
- Policy DM 19 Sustainable design and construction
- Policy DM 20 Renewable and low carbon energy
- Policy DM 21 Water, flooding and drainage
- Policy DM 24 Conserving and enhancing valued landscapes
- Policy DM 26 Rural lanes
- Policy DM 28 Biodiversity and geological conservation
- Policy DM 29 Woodlands, trees and hedges
- Policy DM 31 Agricultural land
- Policy DM 32 Development involving listed buildings
- Policy IMP 1 Implementation and Delivery Plan

Neighbourhood Plans - None applicable.

Supplementary Planning Guidance/Documents:

- Air Quality and Planning Technical Guidance
- Developer Contributions SPD
- Ospringe Parish Design Statement
- Parking Standards SPD
- Swale Landscape Character and Biodiversity Appraisal SPD
- Strategic Access Management and Monitoring Strategy (SAMMS)

7. ASSESSMENT

7.1. This application is reported to the Committee because a Parish Council has objected to the proposal.

7.2. The main considerations involved in the assessment of the application are:

- The Principle of Development
- Size and Type of Housing
- Affordable Housing
- Landscape and Visual
- Heritage
- Archaeology

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- Design of the proposed development
- Ecology
- Transport and Highways
- Air Quality
- Community Infrastructure
- Open Space
- Flood Risk, Drainage and Surface Water
- Contamination
- Living Conditions
- Sustainability / Energy

7.3. Principle

7.3.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.

7.3.2. The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

7.3.3. Paragraph 10 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social, and environmental and to achieve sustainable gains these should be sought jointly and simultaneously through the planning system.

7.3.4. The mechanism for applying the presumption in favour of sustainable development is also relevant and set out in paragraph 11 of the NPPF and states that for decision-taking this means:

- “c) approving development proposals that accord with the 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-date⁸, 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,*

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- 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.”*

Protection of agricultural land

- 7.3.5. Policy DM31 of the Swale Borough Local Plan seeks to protect agricultural land and prevent the development of the best and most versatile (BMV) agricultural land (specifically Agricultural Land Classification Grades 1, 2 and 3a) unless the site is allocated for development by the Local Plan; or the following criteria are met:
- There is no alternative site on land of a lower grade than 3a or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and
 - The development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land.
- 7.3.6. The application site is identified as Grade 2 land on the Agricultural Land Classification maps and therefore comprises BMV agricultural land. It is not allocated by the Local Plan and therefore its development would need to address the above criteria to comply with the policy.
- 7.3.7. The applicant contends that despite its classification, the site itself lies outside of the adjoining farmland and no longer functions as agricultural or horticultural land. The site comprises of an old reservoir and a disused garden area and glasshouses associated with a plant centre that formerly occupied the site. There is planning history dating back to 1995 for the use the reservoir for recreational fishing purposes, however it is currently disused and does not appear to have been in use for a significant amount of time. It therefore raises the question of whether the proposal would result in the loss of agricultural land.
- 7.3.8. This issue was recently grappled with in the appeal decision issued on 31 October 2024 for Orchard View, Eastling Road (Appeal Ref: APP/V2255/W/24/3341877). The Inspector notes in their decision that despite being used as a paddock as part of a residential property (and therefore not in agricultural use), the parties agreed that the site was located on BMV agricultural land. As such, taking a similar approach in this application would lead to the same conclusion that the site at Brogdale Farm is BMV agricultural land.

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- 7.3.9. The applicant has not put forward any evidence to demonstrate that there are no alternative sites of lower grade and therefore the application fails to meet this criterion.
- 7.3.10. The applicant contends that the site is small in size compared to the wider landholding at Brogdale Farm so will not result in the remainder of the agricultural holding becoming unviable or lead to a significant loss of high-quality agricultural land. The applicant also suggests that the proposal's location is suitable in the context of the wider landholding as it would not extend into the surrounding farmland, is well-contained and would provide opportunities for enhancement. Officers agree with this and consider that the proposed development will not impact on the viability of the adjoining agricultural land. However, this does not overcome the other non-compliance issues raised above.
- 7.3.11. Given the site is not allocated and it has not been demonstrated that there is an alternative site of a lower grade, officers conclude that the proposed development would result in the loss of BMV agricultural land. It is therefore contrary to policy DM31 of the Local Plan insofar as it seeks to protect best and most versatile agricultural land.

Swale's Settlement Strategy

- 7.3.12. Local Plan Policy ST1 Part 4 states that to deliver sustainable development in Swale, all development proposals will, as appropriate, accord with the Local Plan settlement strategy. Local Plan Policy ST3 Part 5 relates to the settlement strategy and states that at locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless:
- Supported by national planning policy, and
 - Able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.
- 7.3.13. It is acknowledged that the site is located outside of the built-up-area boundaries. However, in terms support for the proposal from national planning policy, Paragraph 85 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity. The proposed development aligns with the NPPF in this regard.
- 7.3.14. Furthermore, NPPF paragraph 88 supports the growth and expansion of business in rural areas and seeks to enable the development and

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diversification of agricultural and other land-based rural businesses. In addition, NPPF paragraph 89 encourages planning decisions to recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. It also encourages the use of previously developed land. The proposal is considered to be supported by these paragraphs of the NPPF.

- 7.3.15. The extract of policy ST3 Part 5 reflected in the second bullet point above requires proposals to contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities. In this instance, the site adjoins an established hub of activity within the Brogdale Farm holding, which buffers the site from rural landscape to the south. The site is also well contained within the wider property, being screened by mature trees to the north, east and west, whilst the M2 Motorway nearby to the north forms a prominent feature and reduces the tranquillity of this location. These matters are discussed in greater detail in Section 7.4 of this report, which concludes that the proposal is not harmful to the countryside in this regard.
- 7.3.16. In terms of promoting the vitality of rural communities, the proposal would generate further commercial activity and further diversify the commercial portfolio of the Brogdale Farm holding. The applicant advises that this is important to supporting the continuing survival of Brogdale's function as host of the National Fruit Collection, which is significant to the protection of fruit growing in the UK. This function of Brogdale Farm generates national and internal recognition, which in turn generates tourism and therefore promotes the vitality of the rural community. As such, it is considered the proposal complies with Policy ST3 (5) in principle, provided that the design and scale of development protects the countryside setting.
- 7.3.17. Notwithstanding the above, members are also advised to consider the Council's most recent Employment Land Review (ELR) undertaken in 2023, which forms part of the Local Plan evidence base and is therefore afforded weight in planning decisions. This identifies that there has been strong take-up of employment land in recent years, and as such supply is now tighter, which produces a higher requirement compared to that in 2018 (and higher than that set out in the (2017) Local Plan). Essentially, the ELR indicates that the quantum of land needed to meet the identified demand cannot be met from land within the designated built-up-area boundaries or site allocations.
- 7.3.18. The application site and indeed this application is identified within the table of 'Sites Potentially Suitable for Employment Uses' in Appendix B of the ELR, although it notes that there are a number of constraints leading to a 'Medium' rating of 'Overall Constraints'.

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- 7.3.19. Notwithstanding this, as the increased requirement cannot be accommodated within the 2017 settlement boundaries, those boundaries are also substantively out of date. It follows that rigid application of the settlement boundaries under Policy ST3 would not enable the Council to deliver current employment space requirements.
- 7.3.20. Paragraph 11 of the NPPF states that where the policies which are most important for determining an application are out of date (in this case Policy ST3) the 'Tilted Balance' in favour of sustainable development should apply to decision making, unless the exclusions at NPPF paragraph 11 (d) (i) or 11 (d) (ii) are activated. This is discussed in the Planning Balance and Conclusion section of this report.

Proposed workshop / business units

- 7.3.21. Local Plan Policy ST1 Part 3 seeks for development proposals to “*Support a prosperous rural economy, especially for sustainable farming and tourism, or where enabling communities to meet local needs or benefiting countryside management*”.
- 7.3.22. Local Plan Policy CP1 relates to building a strong and competitive economy and states in part that development proposals will exploit competitive strengths in the Swale economy. Paragraph 5.1.8 of the Local Plan identifies that future growth depends on attracting inward investment, developing the sectors where there are already established strengths and stimulating growth of smaller scale home-grown firms (inc. creating a positive climate to encourage school and higher education leavers to base new businesses in Swale). Part 14 of Policy CP1 states that subject to proposals not significantly compromising the Local Plan, unanticipated needs can be met on appropriate sites within 'Priority Locations', which includes extensions to existing employment sites. The application aligns with Policy CP1 in this regard.
- 7.3.23. Local Plan Policy ST7 provides the strategic direction for the Faversham area and Kent Downs. It states that “*Decisions will strengthen the viability of Faversham or its rural communities and support their shared social, economic and cultural links*”, and lists out 16 broad expectations in development proposals.
- 7.3.24. The proposed development of business units on the application site will support the local rural economy and provide employment opportunities, therefore it aligns with Policy ST7 in this regard.

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- 7.3.25. Local Plan Policy DM3 supports development proposals for the sustainable growth and expansion of business and enterprise in the rural area. Part 1 of Policy DM3 sets out criteria (a) to (f) that development proposals for rural based employment are required to meet, including for proposals to be located within rural local service centres and urban areas, and seeks the reuse of existing buildings where possible. Criteria (d) to (f) regard design, heritage, ecology, landscape and transport matters, which are discussed in the relevant parts of this report.
- 7.3.26. The application site forms part of an existing business hub at Brogdale Farm including employment, retail and farm buildings, which as mentioned above are related to the National Fruit Collection's agricultural activity, research and tourism facilities located at Brogdale Farm. The National Fruit Collection is one of the largest fruit collections in the world and includes over 3,500 named Apple, Pear, Plum, Cherry, Bush fruit, Vine and Cob Nut cultivars. The applicant has stated that the diversification of use on their site over the years has been required to support the farm business and continuing operation of the Fruit Collection.
- 7.3.27. The proposal seeks to provide up to 1,710sqm of flexible workshop, industrial and research & development floorspace, which would fall under Use Class E(g) (ii & iii). The proposed flexible workshop, industrial and research units would be provided within 18 units spread across 6 separate 2-storey buildings of varying size and layout. Each unit would be provided with direct vehicle access for deliveries and servicing, with parking provided in close proximity.
- 7.3.28. The applicant has provided a letter from George Webb Finn, the letting agents for the existing commercial space at Brogdale Farm, which states that the occupancy of the existing space has always been high and void periods incredibly low. It further states that they continuously receive enquiries for space frequently and that the proposed units would cater to the demand for space on site. George Webb Finn attribute the high demand at Brogdale Farm to its wealth of charm, abundant parking, open communal space and picturesque views.
- 7.3.29. The Council's Economic Development Team have reviewed the application and discussed the proposals with the applicant. They advise that the proposal reflects an established demand for flexible space which can be adapted and used by a very broad range of business types. The enquiries received also reflect a demand from occupiers that would inherently be seeking an attractive environment, for instance where the business offers not only products but also experiences. This is something that Brogdale is able to offer over existing employment sites in the town, and most likely the sites

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allocated by the Local Plan (if delivered) would be unlikely to service this segment of the market.

- 7.3.30. The Economic Development Team have also examined the deliverability of the proposal and indicative rental rates of £20psf. They advise that the marketing details provided in the past have indicated a rental at or around £20psf and with no properties currently 'live' on the register (and therefore are not available) this concurs with the statements made in regard to meeting a demand for space. Whilst the Economic Development Team have not raised an objection to the application, they note the individual buildings have large footprints and it will need to be clear as to whether there will sufficient scope for sub-division to meet the micro and small business demand that makes up most of the enquiries received by Brogdale. However, officers consider that this matter would be more clearly shown at the reserved matters stage.
- 7.3.31. As set out in the previous section, it is considered that the proposed development would not result in the loss of agricultural land and is suitably located on site so as to avoid impact on existing agricultural functions. Given the high occupancy of the existing buildings at Brogdale Farm, it is agreed that there is no ability to accommodate the proposal within existing buildings on site.
- 7.3.32. The proposed flexible workshop, industrial and research units would in principle have the potential to compliment and support the existing hub at Brogdale Farm and its primary function as a farm. It would provide a unique offer that is unlikely to be met elsewhere in the area, and thereby would address an established demand for this space. The proposed development would also provide long-term financial security for Brogdale Farm by further diversifying its income source and securing a steady revenue.
- 7.3.33. The proposed flexible Class E(g) (ii & iii) units would therefore support the local and rural economy, meet local needs, provide employment opportunities and address challenges facing Brogdale Farm by building greater resilience. As such, the proposal complies with Local Plan Policies ST1 (3), ST7 and CP1.
- 7.3.34. It is also acknowledged that the proposal is not located within a rural service centre, urban area or a designated employment site. As such, the proposal creates tension with Policy DM3 Part 1 (a). However, the proposal is considered to comply with the other relevant parts of the policy and is considered to comply with Policy DM3 when read as a whole. As such, the proposed development does not depart from this policy.

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7.3.35. The detailed design of the proposed flexible workshop, industrial and research & development units would be secured through the reserved matters stage. The details will need to demonstrate that the proposal is well designed, accessible, safe and sustainable in accordance with the relevant policies. A condition is recommended seeking this detail through the submission of a reserved matters application.

Proposed Nursery

7.3.36. Local Plan policy CP1 encourages the provision of educational facilities whilst policy CP6 seeks to address infrastructure deficiencies including the provision of education facilities, especially those forming part of the Local Plan implementation and delivery schedule. Policies CP1, ST7 and DM3 together support sustainable growth and expansion of businesses and employment opportunities in the rural area.

7.3.37. The proposed nursery facility will comprise of up to 360sqm (Use Class E(f)) and includes up to 465sqm of secure external space for outdoor play and learning. It is considered to be of a scale that is suitable for the context of the site and surrounding area and would provide a community facility for local families. The principle of the proposed nursery as a community facility is therefore considered to be acceptable in line with Policy CP6.

7.3.38. The proposed nursery as a business will also support the local rural economy and provide employment opportunities, therefore it aligns with Policies CP1, ST7 and DM3 in this regard.

7.3.39. Officers note that the proposed nursery was originally brought forward in collaboration with Lorenden Prep School when the application was first submitted in 2020. However, during the course of the application Lorenden Prep School withdrew their interest to pursue a different venture. The applicant advises that they have received interest from other education bodies in the area and therefore continue to include the nursery in the proposal. Officers acknowledge that other education bodies may show interest and therefore this does not affect the compliance of the principle of the proposed nursery with the abovementioned policies.

Proposed Visitor Accommodation

Policies CP1, ST7 and DM3 together support sustainable growth and expansion of businesses and employment opportunities in the rural area, including facilities to support tourism.

7.3.40. The proposal includes 5 x 2 bedroom holiday let units, which were included in revisions to the proposal in August 2021. The holiday lets were included at the advice of the Council's Tourism Manager, who confirmed that she

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would be supportive of tourism accommodation at the site as Brogdale Farm would be a great site to enhance its tourism offer.

- 7.3.41. Brogdale Farm generates tourism through its function as the National Fruit Collective site and already contains a number of facilities and services for tourists. The proposed holiday lets would help to further diversify the tourism offer at Brogdale Farm and offers the potential of tourism opportunities that are unique to the area. The proposal also further supports the rural economy and resilience of the Farm. As such, the principle of the proposed holiday lets complies with Local Plan policies ST1 (3), ST7 (2), CP1 (9) and DM3 (2).
- 7.3.42. The detailed design of the proposed holiday lets would be secured through the reserved matters stage. The details will need to demonstrate that the proposal is well designed, accessible, safe and sustainable in accordance with the relevant policies. A condition is recommended seeking the detailed design through the submission of a reserved matters application.

Conclusion on Principle of Development

- 7.3.43. The proposed development would in principle support and compliment the primary agricultural function of Brogdale Farm and its secondary role as a tourist destination. The proposal would support the rural economy, meet local needs, provides employment opportunities and addresses challenges facing Brogdale Farm by building greater resilience. The proposal also provides a community facility to the benefit of local families. However, the location of the site outside of the settlement boundaries and loss of BMV agricultural land create conflicts with policies ST3 and DM31. The overall planning balance is discussed in the Conclusion section of this report.

7.4. Landscape and Visual

- 7.4.1. Paragraph 181 of the NPPF requires decisions to ensure that development contributes to and enhances the natural and local environment by “a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)*”.
- 7.4.2. The Local Plan echoes this in the Borough’s settlement strategy in Policy ST3 Part 5 and then further sets this out in Policy DM24, which seeks to protect, enhance and, where appropriate, manage the value, character, amenity and tranquillity of the Borough’s landscapes.
- 7.4.3. The Kent Downs National Landscape Area (NLA) is located approximately 700m to the south-west. However, the site is not easily visible and the proposed buildings would be low set and screened by existing buildings and vegetation. As such, officers consider that the proposal would not affect the setting of the NLA.

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- 7.4.4. The application site is located within an Area of High Landscape Value of Kent level significance. The Swale Landscape and Biodiversity Appraisal SPD (2011) includes the site within the Faversham and Ospringe Fruit Belt area, which is identified as having a tranquil landscape with a strong traditional character. It contains many fine historic properties and ancient lanes and is also a valuable landscape in terms of biodiversity due to the varied habitats and wildlife corridors that exist here. The SPD rates the area as having a good condition level and moderate level of sensitivity.
- 7.4.5. The SPD sets guidelines for the Faversham and Ospringe Fruit Belt area to encourage the conservation and reinforcement of the landscape and built form. The relevant guidelines to this proposal seek to conserve the rectilinear landscape pattern and look for opportunities to reinforce the continuity of hedgerows, shaws and shelterbelts, whilst maintaining the openness of areas that have never been enclosed and conserving the intimate, orchard covered and enclosed landscape character around the valley forms at Whitehill and Plumford. It also seeks the use of local and vernacular materials appropriate to the location.
- 7.4.6. The proposed development would be well contained within the site on land that is largely previously developed land that is bordered by tree belts and would not encroach into the surrounding open farmland. The indicative materials proposed and built form also reflect the local vernacular. The proposed development is therefore considered to be consistent with the relevant guidelines.
- 7.4.7. The proposal is also located within the existing farmstead and adjoining the M2 motorway. As such, the site is not considered to be a particularly tranquil area and therefore the proposal would not adversely impact on the tranquillity of the wider protected landscape area.
- 7.4.8. The proposed development is considered to protect the value, character, amenity and tranquillity of the Faversham and Ospringe Fruit Belt Area of High Landscape Value. As such, the proposal complies with Local Plan Policies DM24 and ST3.
- 7.5. **Heritage**
- 7.5.1. The National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm

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should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.

- 7.5.2. The application site is not within or adjoining a World Heritage Site, National Landscape area or Conservation Area, nor would it affect the setting of any such areas. The proposal does not contain any listed and locally listed buildings, however it does adjoin a grade II listed building. This is the only heritage asset in the vicinity of the site.
- 7.5.3. Local Plan Policy DM32 sets out that development proposals affecting a listed building, including its setting, will be permitted provided that the building's special architectural or historic interest, and its setting and any features of special architectural or historic interest which it possesses, are preserved.

Adjoining Listed Building

- 7.5.4. The adjoining grade II listed building is the Brogdale Farmhouse, which is an 18th Century farmhouse that was originally part of the wider Brogdale Farmstead but was separated sometime after 1960. The building was listed in 1970, after it was separated from Brogdale Farm, and therefore the boundary of the property containing the listed building is its curtilage. As such, the application site does not form part of the curtilage of the listed property. The official listing is limited, noting it as an C18th house and a description of the building features.
- 7.5.5. The Applicant's Heritage Advice Note sets out a detailed description of the significance and setting of the listed Farmhouse. It describes the significance of the listed building as being predominantly derived from historical and architectural interest, stating that "*Its form, detailing, materiality, and methods of construction are all firmly within the local vernacular style and illustrate the building's type and primacy within the farmyard context*".
- 7.5.6. With regard to the setting of the listed Farmhouse, the Advice Note states the following:

Our own assessment concludes that the contribution the setting makes to special interest of Brogdale farmhouse can be summarised as:

- i. The immediate farmyard, the cluster of buildings is arranged around a central concreted yard, this important open space continues to illustrate the hierarchy of farm buildings and the important relationship between the main farmhouse and the ancillary farm buildings. This remains legible, although the relationship between the farmhouse and*

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the yard has been disrupted through historic change notably, planting and the retail units.

- ii. *The wider rural landscape, the system of fields, hedgerows, and remnants of agricultural character of the area all contribute to the legibility of the building's former use. - However, this has been severely diminished through development along Brogdale Road, the siting of the carpark over former orchards, the nearby M2 and an intensification of commercial use at Brogdale farm.*

- 7.5.7. Officers agree that the entire application site boundary falls within the setting of the listed building. However, the Council's Heritage Officer advises that his main point of difference to the description of setting and significance provided in the Applicant's Heritage Statement is that accepts the changes to the setting of the listed building as a fait-accompli and thus having a neutral effect on the significance of the listed building.
- 7.5.8. The Council's Heritage Officer finds that the changes that have taken place to the setting of the building (since it was listed in 1970) have in the main been negative. The evergreen trees concealing the listed building and largely divorcing it from its agricultural setting (in visual terms) are harmful and along with the other negative factors (e.g. the motorway and reservoir), have contributed to materially diminishing its setting. The adjoining listed building still derives some very limited heritage significance from this setting.
- 7.5.9. The Heritage Advice Note goes on to conclude that the proposed development would have a low degree of less than substantial harm to the setting of the listed building, which is based on the following considerations:
- The extent of historic change to the rural context
 - The application site, which is open agricultural land, contributes little to significance when considering the other component parts of the building and site's special interest as a whole.
 - The primary features of the listed building, its architectural and historic interest would be preserved.
 - Change and adaptation is part of the farmstead's narrative.
 - Design of the development draws reference to the ad hoc ancillary farm building character and would be subservient to the existing farmstead.
- 7.5.10. The Council's Heritage Officer advises he finds that there would be a higher level of harm than that suggested by the applicant due to the differences pointed out above, and would therefore ascribe a medium level of less-than-substantial harm. The case officer agrees with this assessment.

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- 7.5.11. The identified harm to the setting of the Grade II Listed Building results in the proposed development conflicting with Policy DM32. Development plan policies relating to heritage matters do not include, within the policies themselves, the application of the balancing exercises set out in the NPPF. The balance between heritage impacts and the public benefits of the proposal is discussed in the planning balance section of the report.
- 7.5.12. Notwithstanding the harm identified above, officers acknowledge that the application is for outline permission and seeks up to a maximum quantum of floorspace. As such, further mitigation to heritage impacts could be provided in the design at the reserved matters stage. Further mitigation might be achieved through a smaller quantum of development, changes in land levels to set the new development at a lower level, and a walkway around the site with information panels that might offer better public awareness of the listed farmhouse and its historic context. Officers acknowledge that the vegetation screen is outside of the application site boundary and therefore not within the ability of the applicant to control.
- 7.6. **Archaeology**
- 7.6.1. The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.
- 7.6.2. Policy DM 34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.
- 7.6.3. The site is not located within or adjoining an area identified with potential for archaeological heritage assets. Given that there is limited archaeological interest at this site and a standard condition is recommended for an archaeological watching brief to be secured prior to works commencing and to be carried out during construction. Subject to this condition the development complies with Policy DM34.
- 7.7. **Character and appearance**
- 7.7.1. The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.
- 7.7.2. Policy CP4 of the Local Plan requires good design and seeks development proposals to enrich the qualities of the existing environment by promoting and reinforcing local distinctiveness and strengthening sense of place. The

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Policy goes onto highlight that development proposals should be appropriate to the context in respect of materials, scale, height and massing.

- 7.7.3. Policy DM14 of the Local Plan states that development proposals will as appropriate reflect the positive characteristics and features of the site and locality.
- 7.7.4. Whilst the layout, appearance, scale and landscaping of the development are reserved for future consideration, the illustrative Site Plan and Stage 2 Design report provides some indication of how the proposal could be developed.
- 7.7.5. The proposed indicative design has also evolved through the planning application process. There has been a reduction in the floorspace and a move away from stridently commercial sheds to the current iteration, which proposes a more contemporary agricultural aesthetic. Officers consider this is the correct approach in principle and therefore acceptable at outline stage, however officers will seek refinement within the reserved matters stage to ensure the development appropriately responds to the context.
- 7.7.6. Whilst the layout is described as irregular in the application, there are hints of groupings of buildings around courtyards in the arrangement shown. Officers will seek this layout to be more strongly expressed in the any future reserved matters application to respond to the existing form and layout of Brogdale Farm more closely, which the Kent Historic Environment Record identifies as a regular multi-yard farmstead. Typically, a multi yard farmsteads include a complex series of grouped buildings; attached and detached from each other and formed around a series of yards.
- 7.7.7. There is variety in scale and built form proposed, which is an acceptable approach in principle given the mixed uses of buildings found in farmsteads. Officers will also seek this to be more strongly expressed in a future reserved matters application and encourage the design to explore a wider range of agriculturally inspired forms, scales and materials to arrive at a sequence of varied building typologies, which together have architectural coherence. In particular, the workshop units as indicatively shown, whilst offering different footprints and scale, would all be of the same height and follow very similar design patterns and materials which can appear quite repetitive. Any changes to layout/scale/appearance as described above would also need to consider the setting of the listed building.
- 7.7.8. The detailed design of the proposed nursery would be secured through the reserved matters stage. The details will need to demonstrate that the proposal is well designed, accessible, safe and incorporates sustainable building materials in accordance with the relevant policies. A condition is

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recommended seeking the detailed design through the submission of a reserved matters application.

- 7.7.9. In terms of landscaping, existing planting to site boundaries, shelterbelts and orchards, together with nearby roads and built development of Brogdale Farm, separates the site from the surrounding countryside, so that the site is seen as a discrete compartment rather than as significant portion of a wider landscape context. Nonetheless, the development could be visually contained further by augmenting existing planting with new native species of plants and trees along the edges of the development and drawing this into the site to respond to the surrounding rural character. Planting should also be used to soften built form including parking areas and workshop courtyards and to increase biodiversity. Officers would expect the landscaping strategy to be fully explained with proposed species in a future reserved matters application.
- 7.7.10. Overall, the site will be intensified by the development both in terms of built form and activity, however officers are encouraged by the proposed design approach. Further refinement will be required to the proposed development's layout, form, appearance and landscaping to demonstrate it is fully responsive to its context; however officers are satisfied that this can be secured through a future reserved matters application and have recommended appropriately worded conditions to this effect. Subject to the recommended conditions the proposal accords with Local Plan policies CP4 and DM14.
- 7.8. **Trees**
- 7.8.1. The NPPF recognises the contribution of trees to the intrinsic character and beauty of the countryside. The Local Plan requirement is recognised through policy DM 29 of the Local Plan.
- 7.8.2. The application site does not include any trees covered by a Tree Protection Order (TPO). The submitted Arboricultural Impact Assessment identifies 27 individual trees, 3 groups of trees and 7 hedges in its tree survey. It states that all of the trees that are of at least moderate arboricultural quality are landscape value are to be retained. Two small and young category 'C' trees comprising a cherry and a plum and one category 'C' Leyland hedge and one category 'C' group of elder, Myrobalan plum, English Elm and Sycamore trees are to be partially removed. The trees to be removed are all young and are of low arboricultural quality and landscape value.
- 7.8.3. The AIA recommends tree protection measures including tree protection fencing surrounding the root protection areas of the trees proposed to be retained. The measures are agreed and are to be secured by condition.

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- 7.8.4. The proposal indicates that new tree planting would be included across the site which, whilst indicative, is considered to demonstrate the ability to improve the amount of tree planting on site.
- 7.8.5. The Council's Trees Officer has reviewed the application and advises that the tree protection measures as shown within the AIA, are acceptable and recommends that they be secured by way of a condition. The Trees Officer also recommends that a condition to secure a scheme of landscaping that will mitigate the loss of any trees and further improve biodiversity with the use of native species.
- 7.8.6. It is considered that the proposed tree removal, retention and protection plans are acceptable subject to the recommended conditions. The proposal therefore accords with Local Plan policy DM29.
- 7.9. **Ecology**
- 7.9.1. Under the Natural Environment and Rural Communities Act (2006), the authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions for the purpose of conserving biodiversity. Furthermore, the National Planning Policy Framework states that 'the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible'. The National Planning Policy Framework states that 'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for then planning permission should be refused.'
- 7.9.2. National planning policy aims to conserve and enhance biodiversity, and encourages opportunities to incorporate biodiversity in and around developments. Under the Natural Environment and Rural Communities Act (2006), "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these function, to the purpose of conserving biodiversity".
- 7.9.3. In terms of the Local Plan policy DM 28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts can not be mitigated.
- 7.9.4. An Ecological Impact Assessment was submitted with the application and then amended in July 2021 to address comments from the County's Ecologist, who requested further information in regard to ecological

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enhancements and the retention of the reptile population on site. The Ecologist confirmed that the revised Assessment provided sufficient information, however recommended that an update of the Ecological Impact Assessment is submitted prior to any construction works in case there is a change in circumstance on site. The Ecologist also recommended conditions to mitigate lighting impacts on wildlife, securing ecological enhancements, and a construction ecological management plan.

- 7.9.5. The Ecological Impact Assessment notes that the habitats within the application site comprise predominantly areas of bare ground with ruderal / ephemeral vegetation with areas of semi-improved neutral and modified grassland and a tree line. An individual common lizard was recorded from the reptile survey undertaken between September and October 2020. No protected species were recorded. Mitigation measures are proposed for foraging and commuting bats, badger, hedgehog, harvest mouse, nesting birds and reptiles. Habitat enhancement measures within the wider ownership boundary will provide compensatory habitat for nesting birds and reptiles.
- 7.9.6. Due to the length of time of the application an updated assessment was provided in the form of an ecology site walkover visit and technical note at the Ecologist's request, who confirmed that sufficient information has been provided to determine the application. The above conditions continue to be recommended and are included accordingly.
- 7.9.7. Subject to the recommended conditions the proposed development is acceptable in accordance with policies CP 7 and DM 28 of the Local Plan.

SPA Payment

- 7.9.8. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by policies CP 7 and DM 28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.
- 7.9.9. An Appropriate Assessment is set out below. Since this application will result in a net increase in residential accommodation on the site, albeit accommodation that would be occupied on a temporary basis, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development there is no scope to provide on-site mitigation and therefore off site mitigation is required by means of developer contributions at the rate of £328.27 per new residential unit. Given the similarity of the use, holiday lets also incur this fee. As the development will

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result in an uplift of five holiday lets at the site, the fee required is £1,641.35. The fee will be secured by s106 legal agreement.

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.

- 7.9.10. This Appropriate Assessment (AA) has been undertaken without information provided by the applicant.
- 7.9.11. The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).
- 7.9.12. SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 7.9.13. The proposal therefore has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.
- 7.9.14. In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites.
- 7.9.15. The recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, "it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site." The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.
- 7.9.16. NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the

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Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG), and that such strategic mitigation must be in place before the dwelling is occupied.

- 7.9.17. Due to the scale of development there is no scope to provide sufficient onsite mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.
- 7.9.18. Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.
- 7.9.19. In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (which will be secured prior to the determination of this application) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.
- 7.9.20. It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others (<https://birdwise.org.uk/>).

7.10. Transport and Highways

- 7.10.1. The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”

- 7.10.2. The NPPF also states that:

“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.”

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- 7.10.3. Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/or safety standards are compromised proposals will need to mitigate harm.
- 7.10.4. The application was submitted with a Transport Statement, which was updated when the revisions to the proposal were made in August 2021 and to address initial comments made by KCC Highways. Updated parking provision and clarification that the use of the workshop units would be restricted to Class E(g)(ii & iii) was also provided to confirm that sufficient parking could be provided on site. KCC Highways reviewed the updated Statement and parking provision and confirmed the issues were addressed including clarifications regarding the trip generation figures.

Accidents Review

- 7.10.5. The review of the latest five-year period of data available across the study area indicates that the accidents that occurred within it were the result of driver error, and there were no patterns to suggest that the highway layout contributed toward these or that an existing safety issue could be identified that additional activity would exacerbate.

Speed Survey

- 7.10.6. Two Automatic Traffic Counter surveys were carried out in order to obtain data for traffic flows either side of the proposed access, and officers are content that these are acceptable to gather the speed survey information at this location. Whilst some representations have been made to suggest that the survey may have been carried out around the time the access junction for the Perry Court was being constructed, the relevant data used is in respect of the speed measurements to inform the required visibility sightlines for the proposed new access. This would not have been affected by any roadworks located over 400m away and the records indicate that the survey dates did not overlap with the roadworks.
- 7.10.7. The speed survey results indicate 85th percentile speeds at 35.9 mph southbound and 34.3 mph northbound. These speeds have been used to determine the sight stopping distances for the proposed new vehicular access onto Brogdale Road.

Proposed Site Access

- 7.10.8. The proposed access position complies with the minimum junction spacing distance requirements between accesses, and KCC Highways are satisfied that the geometry is also in accordance with design standards.

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- 7.10.9. Drawing number 19-008-001 Revision C has been produced to demonstrate that the associated visibility sightlines can be achieved across the site frontage and land available within the highway boundary, also taking into account the vertical alignment of the carriageway approaching the motorway bridge.

Development Layout

- 7.10.10. The indicative layout of the development has been amended to reflect the new proposals for fewer business units and the addition of holiday lets. Swept path analysis demonstrates that adequate access can be provided for service vehicles to enter and exit the development in a forward gear as sufficient turning space is provided within the development.
- 7.10.11. The site access drawing includes detail of the proposed pedestrian route from the development onto Brogdale Road, and indicates an uncontrolled crossing point where it emerges. A Stage 1 Road Safety Audit to consider the details with the pedestrian access has been provided, and this has not identified any issues with the access.

Car and Cycle Parking

Applying Swale's car parking standards to the scheme would require a total of 73 parking spaces, whereby the application also proposes a total of 73 car parking spaces, although not directly aligned with the parking requirements for individual uses as illustrated in the table below. There is also an area for parent drop off and pick up adjacent to the nursery, whilst 6 of the car spaces are proposed to be accessible and 8 spaces include EV chargers.

Use	Required	Proposed
Workshops	49	51
Nursery (Staff)	8	8
Nursery (visitors)	10	6
Holiday Lets (1 per unit)	5	5
Holiday Lets (staff)	1	3
Total	73	73

- 7.10.12. Additional information and clarification has been provided in response to queries during the application. Whilst the visitor parking levels for the proposed nursery are indicatively shown to be below the requirements, the drop off style arrangement is considered suitable and there is a surplus of

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parking proposed overall to cater for additional parking needs. The application therefore demonstrates that the proposed development can accommodate the required level of parking on site. KCC Highways did not raise an objection to the proposed parking provision, noting that the layout is only indicatively shown and would be dealt with as a reserved matter. KCC Highways have recommended a condition requiring the submission of details of parking for approval.

- 7.10.13. Applying Swale's car parking standards to the scheme would require 9 long-stay and 2 short-term cycle spaces for the proposed workspace units, 4 cycle spaces for the proposed nursery, and 1 cycle space for the holiday lets, making a total of 16 cycle parking spaces required. The proposal includes 16 cycle spaces in two secure stores. However, parking should be provided in line with the requirements and separated into stores for each use to offer secure and convenient access. This is unlikely to require significant amendments and so could be secured at the Reserved Matters Stage. A condition is therefore recommended to secure appropriate cycle parking facilities at the Reserved Matters stage.

Trip Generation and Distribution, and Traffic Impact

- 7.10.14. KCC Highways initially raised concerns with the journey assignments following the provision of supporting Census data within the revised Statement. A Transport Addendum was provided in October 2021 to address these issues. KCC Highways have confirmed the Addendum addresses their previous concerns and agree to the figures presented in the subsequent traffic flow diagrams.
- 7.10.15. Based on the number of vehicle movements likely to pass through each of the identified junctions and highway links, KCC Highways are satisfied that the level of impact on the local highway network is acceptable in terms of severity under the gauge measured by the NPPF. Conditions are recommended as set out in Section 5 (Representations).
- 7.10.16. National Highways have assessed the application in relation to the potential impact to the Strategic Road Network. They conclude that the proposed uses would not have an unacceptable impact subject to confirmation that a contribution of £17,375 is secured towards improvements to M2 Junction 7. The contribution is to be secured by s106 legal agreement.
- 7.10.17. Subject to securing the conditions and planning obligations as set out above the proposal accord with Local Plan policies DM6 and DM7.

APPENDIX A**7.11. Community Infrastructure**

7.11.1. Planning Obligations need to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations. These stipulate that an obligation can only be a reason for granting planning permission if it is:

- Necessary
- Related to the development
- Reasonably related in scale and kind

7.11.2. The following planning obligations are necessary to mitigate the impact of the development and make it acceptable in planning terms. The obligations have been identified and assessed by Officers to comply with the Regulations (as amended):

Requirement	Obligation	Reason
Highways and transportation		
	£17,375 - financial contribution secured towards improvements to M2 Junction 7.	To mitigate the impact to the Strategic Road Network
Air Quality		
	Air Quality Assessment and necessary mitigation measures (via financial contribution)	Mitigating air quality impacts from transport
Ecology		
	£1,641.35 – financial contribution towards SPA and Ramsar site recreation mitigation measures.	To mitigate impacts to the SPA and Ramsar sites, which may occur from increased recreational disturbance from the holiday lets.

7.11.3. Subject to the above planning obligations being secured in a legal agreement associated with any consent the proposals would mitigate impacts and make the development acceptable in planning terms and comply with Local Plan policy DM6.

7.12. Flood Risk, Drainage and Surface Water

7.12.1. The NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. This is reflected in policy DM 21 of the Local Plan.

7.12.2. The entire site is located in Flood Zone 1, which is the zone with the lowest probability of fluvial/tidal flooding, and access can be achieved from the adjacent road networks, that will be free from fluvial/tidal flooding.

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- 7.12.3. Part 4 of Local Plan Policy DM21 states that development should include where possible, sustainable drainage systems (SuDS) to restrict runoff to an appropriate discharge rate, maintain or improve the quality of the receiving watercourse, to enhance biodiversity and amenity and increase the potential for grey water recycling.
- 7.12.4. The application is accompanied by a Flood Risk Assessment and Drainage Strategy, which proposes to attenuate surface water on-site using permeable paving and attenuation tanks, before discharging to a nearby watercourse via a new on-site pumping station.
- 7.12.5. No objection has been raised to the drainage proposals by the Environment Agency (EA), the KCC Flood and Water Management team (SUDS) or Southern Water. If approved, conditions should be imposed on any consent to secure:
- A detailed sustainable surface water drainage scheme,
 - Verification that the drainage strategy, once implemented, actually functions as proposed, will be protected and maintained.
- 7.12.6. Subject to the above conditions being imposed on any consent the proposal would comply with Policy DM21 of the Local Plan.
- 7.13. **Contamination**
- 7.13.1. The NPPF states that local planning authorities should ensure that the site is suitable for its new use taking account of various matters, including pollution arising from previous uses.
- 7.13.2. A Phase 1 Land Contamination Assessment was submitted during the application, which identified potential sources of contamination from historical uses of the site. It recommends that a Phase 2 site investigation be undertaken to determine and assess below ground conditions including the extent and content of any 'made ground', potential hydrocarbon tanks and artificial ground areas across the site. This could be combined with a geotechnical site investigation to inform the design stage if required.
- 7.13.3. The EA reviewed the submitted report and raised no objections subject to the inclusion of recommended conditions. They advise that the reports submitted in support of this planning application provides confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. The Council's Environmental Health advisor confirmed that they agree with the EA response and have no further comments to add.

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- 7.13.4. Subject to conditions to secure further testing and a remediation strategy should it be required, along with the other conditions set out above the application would accord with paragraph 189 of the NPPF and no objection is raised.
- 7.14. **Living Conditions**
- 7.14.1. The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.14.2. Brogdale Farm House, which adjoins the site to the south and west, comprises a 2-storey detached house set within a generously sized plot and well screened by dense vegetation on all sides. The next closest residential properties are located further to the west on the opposite side of Brogdale Road.
- 7.14.3. The indicatively proposed development comprises 2-storey buildings, the closest of which is over 12m from the boundary of Brogdale Farm House and over 30m from the dwelling. The proposed buildings would also be over 45m from the closest residential property on the western side of Brogdale Road. By virtue of their relatively limited scale, the significant separation, and the intervening retained and proposed vegetation, the proposed development is unlikely to result in unacceptable loss of light impacts, overlooking or overbearing impacts on neighbouring properties.
- 7.14.4. The Acoustic Assessment submitted with this application concludes that the development will not create a detrimental effect to the nearest sensitive receptor from plant likely to be associated with the units, provided that the recommended mitigation measures are put in place. These include selecting plant with low noise levels, locating plant away from noise sensitive receptors, and installing noise barriers, such as close board fencing in between noise sensitive dwellings and the proposed plant. This is based on the illustrative design layout required at this stage. The Environmental Health officer advises that the details demonstrate that the application is acceptable in principle and recommend conditions to secure appropriate mitigation measures.
- 7.14.5. To protect amenity during the construction phase, conditions are recommended to limit construction hours and to require the submission of a construction management plan, to limit noise and dust during the construction of the development. The Environmental Health officer also recommends a condition to secure details of any external lighting to prevent light spill into the neighbouring properties.

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7.14.6. Taking the above into account, and subject to the recommended conditions, the scheme is considered acceptable and would not cause unacceptable harm to the living conditions of neighbours. As such the proposal accords with Policy DM 14 of the Local Plan.

7.15. Sustainability / Energy

7.15.1. Policy DM 19 of the Local Plan requires development proposals to include measures to address climate change. The policy also states that all new non-residential development of more than 1000sqm gross floor area should aim to achieve BREEAM 'Very Good' standard or equivalent as a minimum. Details of sustainable design and construction measures to minimise environmental impacts can be secured at the Reserved Matters stage and may include measures such as electric vehicle charging points, solar panels, and passive energy efficient design measures.

7.15.2. The applicant has set out within the Planning Statement Addendum (July 2024) their commitment to the proposed development achieving BREEAM 'Very Good'. They also indicate that alternative renewable technologies will be explored and energy efficiency measures that would be incorporated into the design of the development for the Reserved Matters stage, which would be supported by a detailed Energy and Sustainability Strategy.

7.15.3. Given the application is at outline stage and without knowledge of the detailed design and construction of the proposals, officers accept that a detailed energy and sustainability strategy cannot yet be formulated. However, the information submitted is considered sufficient for this outline stage. The Council's Climate Change officer advises that outline proposal is acceptable, subject to a more detailed strategy being secured at the reserved matters stage. A condition is therefore included to this effect. Conditions are also included to secure details of electric vehicle charging facilities, and details to demonstrate that the proposed development would achieve BREEAM 'Very Good', which covers energy performance, efficiency and water consumption.

7.15.4. Subject to the conditions, the application would comply with Policy DM19 and DM21 of the Local Plan, and as such no objection is raised.

7.16. Air Quality

7.16.1. The Local Plan at policy DM 6 sets out that development proposals will integrate air quality management and environmental quality into the location and design of, and access to development and in so doing,

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demonstrate that proposals do not worsen air quality to an unacceptable degree.

- 7.16.2. The Council's Environmental Health advisor has reviewed the application and notes that a proportion of the additional vehicle trips generated by the proposal will likely come from the A2, which is within the Ospringe Air Quality Management Area (AQMA). There are also developments in pipeline within the vicinity of the site, which will collectively produce greater traffic generation and potentially more traffic generated air pollution. Therefore, the cumulative impacts to the receptors along the A2 could be substantial and need to be assessed. However, due to the outline stage of the proposal it is not possible to fully assess the potential impacts and required mitigation at this time.
- 7.16.3. The Environmental Health advisor therefore recommends that an air quality assessment is undertaken and secured by planning obligation prior to the commencement of development to assess the impact of traffic generated from the development on receptors close to and with the AQMA. The assessment should also include cumulative effects by including traffic generated by other recently built and committed developments within the vicinity of the proposed development. This will need to include a damage cost calculation / emission mitigation assessment, which will need to be secured within a s106 legal agreement to secure the necessary offsite mitigation measures and / or financial contributions. The air quality assessment should reference the most relevant and accurate data which can be found in Swale's latest Annual Status Report (ASR) 2020 and the council's Air Quality and Planning - Technical Guidance 2019.
- 7.16.4. Subject to securing the necessary mitigation measures through planning obligations the proposed development accords with policy DM6.

7.17. **Conclusion**

- 7.17.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Under s70(2) of the Town and Country Planning Act 1990, the decision-maker needs to have regard to the provisions of the development plan and any other material considerations.
- 7.17.2. The development proposal is located outside of the built-up area boundaries and results in harm to a designated heritage asset. However, there is support for the development in national policy, particularly when taking account of the fact the Council does not have a sufficient supply of

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employment land to meet the identified need and the current Local Plan is out of date. Taking this into account, the benefits of the proposed development need to be weighed against the harm identified.

- 7.17.3. As set out in the above report, harm is caused by the proposed development's location outside of the built-up-area boundaries. Whilst there would clearly be changes to the site's existing landscape as well as visual impacts, this would be mitigated by existing and proposed landscaping and development. As such, limited weight is afforded to this disbenefit in the planning balance.
- 7.17.4. Harm is also caused by the loss of BMV agricultural land, however as it does not function as agricultural land and would not impact on the viability of the adjoining agricultural land only limited weight is afforded to this disbenefit.
- 7.17.5. As set out in the Heritage section of this report, the development would result in a medium level of 'less than substantial' harm to the setting of the Grade II listed Brogdale Farmhouse, which is afforded great weight in the planning balance.
- 7.17.6. The proposed development will generate a variety of beneficial economic effects within Swale by providing employment opportunities, supporting local businesses through tourism, attracting inward investment, and encouraging future growth including for SMEs. Significant weight is given to the economic benefits of the scheme.
- 7.17.7. The proposal would also support the continuing survival of Brogdale's function as host of the National Fruit Collection, which is significant to the protection of fruit growing in the UK and promotes the vitality of the rural community. Moderate weight is afforded to this benefit. The proposed nursery responds to a demand for such facilities in the community and is offered strong support by paragraph 99 of the NPPF. However, given the small scale of the nursery, moderate weight is afforded to this benefit.
- 7.17.8. In terms of the heritage balancing exercise that is required to be undertaken, it is considered that the abovementioned public benefits identified are sufficient to outweigh the heritage harm that would be caused. In considering the impact of this proposal on designated heritage assets, officers have had regard to the Council's obligations pursuant to s16, s66 and s72 of the Planning (Listed Building and Conservation Areas Act) 1990.
- 7.17.9. In the general planning balance, taking the above into account, when applying the tilted balance it is considered that the harm identified would

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not significantly and demonstrably outweigh the benefits of the proposal. Therefore, the proposal accords with the NPPF when taken as a whole.

- 7.17.10. The proposed development conflicts with policies CP8 and DM32 of the development plan. However, overall it is considered that the proposal would accord with the development plan when it is taken as a whole. Moreover, other considerations, including the NPPF, also suggest that the application should be supported. As such it is recommended that planning permission be granted subject to conditions and planning obligations.

RECOMMEDATION – GRANT PLANNING PERMISSION subject to conditions and the prior completion of a Section 106 agreement.

CONDITIONS**1. Reserved Matters**

Details relating to the design, appearance, landscaping, layout, and scale of the proposed development (hereinafter called the 'reserved matters') shall be submitted to and approved by the Local Planning Authority before any development is commenced and the development shall be carried out as approved.

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

2. Time Limit – Reserved Matters

The application for approval of reserved matters referred to in Condition (1) must be made to the local planning authority no later than the expiration of 3 years beginning with the date of the grant of outline planning permission.

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

3. Reserved Matters

The development to which this permission relates must be begun not later than the expiration of 2 years from the approval of the relevant reserved matters.

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

4. Approved Plans

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The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

- 08482-LEP-BF-ZZ-DR-A-00105 P08 (indicative layout)
- 19-008-001 Rev C

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with this application.

APPENDIX A**5. Landscaping**

Any details submitted pursuant to condition (1) (the reserved matters) which covers the matter of 'Landscaping' shall include the following details:

- Plans, drawings, sections, and specifications to explain full details of the hard and soft landscaping treatment and works including: planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible), plant sizes, numbers and densities where appropriate, materials (size, type and colour), proposed drainage arrangements, street furniture, lighting columns, boundary treatments and vehicular access;
- Tree planting details (including street trees and hedge rows) and specification of all planting in hard and soft landscaped areas.
- Details of the programme for implementing and completing the planting.
- Details of a proposed watching brief, monitoring or reporting.

Reason: In order that the Reserved Matters Applications can be properly considered and assessed, in the interests of proper planning.

6. New Planting

All new planting, seeding or turfing comprised in the landscaping reserved matters shall be carried out in the first planting and seeding seasons following the completion of any particular phase. Any trees or plants, including retained trees and shrubs identified in the landscaping reserved matters, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

7. Secure by Design

The details submitted pursuant to condition (1) (the reserved matters) shall include details demonstrating how the development meets the principles of 'secure by design'.

Reason: In the interests of crime prevention and safety

8. Limits

The quantum of floorspace / units to be constructed for the development hereby approved shall be limited to the following maximum amounts:

- 1,710sqm of flexible workshop, industrial & research and development floorspace (Use Class Eg (ii, iii))

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- 360sqm of nursery school (Use Class Ef)
- 5 holiday let units (Use Class C1)

Reason: To ensure that the development is carried out in accordance with the submitted with the application.

9. Details of Materials

No development above construction of foundations, in a particular phase, shall commence until full details/samples of the materials to be used in the construction of the external surfaces of the buildings in that phase have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.

Reason: In order to further secure good design and a satisfactory appearance and so as not to delay construction the condition is triggered once development has reached slab level.

10. Archaeology

Prior to the commencement of the development hereby approved, the applicant, or their agents or successors in title, shall secure implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed, and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved in writing by the Local Planning Authority. For the purposes of clarity the condition will be in two parts. Part (i) relating to the submission of a WSI and part (ii) relating to the submission of a satisfactory report relating to the outcome of the watching brief.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with the Swale Borough Local Plan and the NPPF.

11. Foul drainage

The development hereby approved shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved by, the local planning authority. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy. No occupation of any premises can take place until the installed scheme is confirmed as meeting the agreed specifications.

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.

12. Surface water drainage

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No infiltration of surface water drainage into the ground is permitted other than with the written consent 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 contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

13. Land contamination

No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - 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. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To 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.

14. Verification

Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and

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approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

15. Contamination generally

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To 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 National Planning Policy Framework.

16. Piling

Piling or any other foundation designs using penetrative methods shall not be occur 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 by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out 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 caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

17. SUDS

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 on Flood Risk Assessment prepared by Herrington (September 2020) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

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The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.
- Provision of measures to prevent the discharge of surface water onto the highway.

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.

18. Infiltration

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.

19. SUDS Verification

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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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.

20. Construction Management Plan

Prior to the commencement of the development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the relevant Highway Authority). The approved CMP shall be implemented and adhered to throughout the entire construction period of that phase. The CMP shall provide details of:

- (a) Routing of construction and delivery vehicles
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Any requirements for temporary construction access
- (g) loading and unloading of plant and materials
- (h) storage of plant and materials used in constructing the development
- (i) measures to control the emission of dust and dirt during construction
- (j) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To ensure that the impact of construction works on the strategic and local road network are managed, and in the interests of the amenities of the area and highways safety and convenience.

21. Loading and turning facilities

Prior to the commencement of any use within the development hereby permitted, details of loading, unloading and turning facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such for the lifetime of the development.

Reason: Development without provision of adequate accommodation for the loading / unloading and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

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22. Access

Prior to the commencement of any use of the development hereby approved, the highway works to create the access into the site from Brogdale Road, including provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9metres above carriageway level within the splays, shall be carried out in full in accordance with drawing ref: 19-008-001 Rev C and shall be maintained for the lifetime of the development.

Reason: In the interest of highway safety and convenience.

23. Parking Standards

The details submitted pursuant to condition 1 (the reserved matters) shall include details of areas for the parking and manoeuvring of vehicles in the development in accordance with Swale Borough Council's adopted Parking Standards Supplementary Planning Document (adopted 2020). The parking areas shall be provided in accordance with such details as approved prior to any use of the development and retained thereafter.

Reason: In the interests of highway safety.

APPENDIX A**24. EVCPs**

Prior to the commencement of any use of the development, details of Electric Vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

The development shall be carried out in accordance with the details approved and retained thereafter.

Reason: In the interests of promoting sustainable transport methods and carbon reduction.

25. Cycle Parking

The details submitted pursuant to condition 1 (the reserved matters) shall include details of secure, covered cycle parking facilities. The cycle parking shall accord with the Council's adopted parking standards. The development shall be carried out in accordance with the details approved and the facilities retained thereafter.

Reason: In the interests of promoting sustainable transport methods and carbon reduction.

26. Construction times

No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

- Monday to Friday 0730 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of nearby occupiers.

27. Dust

Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The document shall be produced in accordance with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'. The construction of the development shall then be carried out in accordance with the approved methodology.

Reason: To protect the amenity of nearby occupiers and prevent pollution. The objectives and purposes of this condition are such that it is required to be

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complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

APPENDIX A**28. Noise**

Before any building works commence on the site, a noise survey shall be carried out to determine the background noise level frequency spectrum in accordance with a protocol, details of which shall be submitted to and approved by the Local Planning Authority. The results of the survey together with details showing the siting of all plant machinery and equipment (including refrigeration and ventilation systems) to be used and a scheme providing for the insulation of the building(s) and any appropriate boundaries against the transmission of noise based upon the results of the survey shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full prior to the opening of the premises for business and shall be operated in accordance with the approved details, or such other details as may subsequently be approved by the Local Planning Authority.

Reason: To safeguard the amenities of nearby properties.

29. Ventilation

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

Reason: To safeguard the amenities of nearby properties.

30. Hours of use

The Class E(g)(ii & iii) units and Nursery shall not be used except between the hours of (07:00) – (19:00) Monday – Saturday and at no time on Sundays and Bank Holidays, without the express permission, in writing, of the Local Planning Authority.

Reason: To safeguard the amenities of nearby properties.

31. External Lighting

Prior to the installation of any external lighting, in a particular phase, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following:

- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
- Details of the number, location and height of the proposed lighting columns or other fixtures.
- The type, number, mounting height & alignment of the luminaries.
- The beam angles & upward waste light ratio for each light.

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- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.
- Details demonstrating the lighting is designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professionals's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'1.
- Details confirming that external lighting will be downward facing and controlled by motion sensors so that it is switched off/dimmed when not in use.

Reason: External lighting details are necessary in the interests of the character and appearance of the area, biodiversity and to protect residential amenities.

32. Tree Protection Compliance

The development hereby approved shall be carried out in strict accordance with the construction control measures to protect retained trees and tree groups (including hedgerows) within, and adjacent to, the site in accordance with British Standard (BS) 5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations' as set out within the approved Arboricultural Assessment Report (Ref: AR-4000-TSAAR-210629, dated: 29/06/2021) and Tree Protection Plan (ref: AR-4000-TPP-210629, dated: 29/06/2021).

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

33. Updated EcIA

Prior to works commencing a review and update of the Ecological Impact Assessment (Native Ecology, July 2021) shall be submitted to the LPA for written approval. The updated Ecological Impact Assessment shall include the following:

- Updated Preliminary ecological appraisal.
- Updated species surveys (if required).
- Details of any changes to mitigation required.
- Plans showing the mitigation areas.
- Timings of works.
- Details of who will carry out the works.

The development shall be carried out in strict accordance with the approved details and plans shall be implemented as approved.

Reason: To ensure that any adverse ecological impacts of development activities are avoided or suitably mitigated.

34. Construction Ecological Management Plan:

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No development (including site/vegetation clearance) shall commence before a construction ecological management plan (CEMP) for the protection of any protected and/or priority species on-site has been submitted to and approved in writing by the local planning authority. The CEMP shall comprise a method statement which includes consideration of the following:

- Risk assessment of potentially damaging construction activities to biodiversity;
- Identification of areas of vegetation to be retained and protected shown on appropriate scale plans, including reference to arboricultural method statement as required;
- Details of the practical measures (both physical measures and sensitive / anti-pollution working practises) to avoid or reduce impacts on the retained habitats;
- Details of those responsible for implementing the CEMP measures and lines of communication;
- Use and proposed location of protective fences, exclusion barriers and warning signs, where required.

The approved CEMP will be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse ecological impacts of development activities are avoided or suitably mitigated.

35. Ecological enhancements,

Within 3 months of works commencing on site an ecological enhancement plan shall be submitted to the Local Planning Authority for written approval. The plan shall provide details of the ecological enhancements to be implemented within the site and their management for the lifetime of the development. The plan shall be implemented as approved.

Reason: To ensure that any adverse ecological impacts of the development activities are suitably mitigated.

36. BREEAM

The Class E(g)(ii & iii) units and nursery hereby approved shall be constructed to BREEAM 'Very Good' Standard or an equivalent standard and prior to the use of the buildings the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

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

37. Energy and Sustainability Strategy

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The details submitted pursuant to condition 1 (the reserved matters) shall include an Energy and Sustainability Strategy, setting out the measures that will be incorporated into the development to maximise energy efficiency and reduce carbon emissions. The development shall be carried out in accordance with the details approved.

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

38. Heritage Interpretation Board

Prior to the first occupation of the development hereby permitted the applicant shall install a heritage interpretation board within the site in the vicinity of Brogdale Farmhouse in accordance with details which shall have been approved in writing by the Local Planning Authority. The heritage interpretation board shall provide information about Brogdale Farmhouse including its historic connection with the wider Brogdale Farm.

Reason: In order to mitigate the impact of the development on Brogdale Farmhouse arising from the harm to its rural setting.

39. Removal of PD Rights (Class E)

Notwithstanding the provisions of Class G, Part 3, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the use of the commercial units hereby approved shall be used for purposes within Use Class E(g)(ii) or E(g)(iii) only and for no other purpose.

Reason: To protect the amenity of adjoining properties, to safeguard the employment use on site and to ensure impacts on transport and highways are duly considered.

40. Holiday Lets

The holiday let units hereby approved shall be used solely for the purpose of holiday accommodation, and shall not be used by any person or persons as their sole or main residence and shall not be occupied by any person or group of persons for more than four weeks in any calendar year.

Reason: As the site lies outside any area intended for new permanent residential development and as the permission is only granted in recognition of the merits of providing holiday accommodation in this attractive rural area.

41. Construction Hours

No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

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Monday to Friday 0800 – 1800 hours, Saturdays 0800 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

Informatives

Given part of the site is located within Zone 2 Groundwater Source Protection Zone. We would recommend consultation is undertaken with the Environment Agency's groundwater protection team regarding the use of infiltration within this part of the site, and their comments included within the submission.

Surface water drainage: Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Piling: Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

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