

PLANNING COMMITTEE – 22nd May 2025**PART 2**

Report of the Head of Planning

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

2.1 REFERENCE NO: 23/504375/FULL		
PROPOSAL: Demolition of vacant hotel and the erection of a freestanding restaurant with drive thru facility, car parking, landscaping and associated works, including customer order display (COD)		
SITE LOCATION: Former Travelodge Canterbury West, London Road, Dunkirk, Faversham, Kent, ME13 9LL		
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: Minor		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to Dunkirk Parish Council's objection to the application, and the Parish Council has requested that the application is presented to the planning committee.		
Case Officer: Luke Simpson		
WARD: Boughton and Courtenay	PARISH/TOWN COUNCIL: Dunkirk	APPLICANT: McDonald's Restaurants Limited AGENT: Planware Ltd
DATE REGISTERED: 22/09/2023		TARGET DATE: 15/03/2024
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - <ul style="list-style-type: none"> • Acoustic Assessment • Biodiversity Enhancement Plan V6 (A6100.01J) • Odour Control Assessment • Drainage Maintenance Plan (4230167/CR/003) • Drainage Statement (MD4230167/HG/001) • Lighting Impact Assessment Report • LiAS Design Notes & Luminaire Schedule 		

- Ecological Lighting Review Letter (dated 24.05.24)
- Sequential Test
- Dormouse Survey Report V2
- Bat Survey Letter (dated 24.05.24)
- Arial Tree Inspection Report (dated 09.09.24)
- Landscape Management Plan Rev E
- Construction Ecological Management Plan V 1:2
- Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan in Accordance with BS 5837:2012 (10191)
- Travel Plan (ADL/CC/5648/31A)
- All representations received.

The full suite of documents submitted pursuant to the above application are available via the link below: -

<https://pa.midkent.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

1. SITE LOCATION AND DESCRIPTION

- 1.1 The application site comprises the former Travelodge hotel building and surrounding land, including an open hard surfaced area that in the past has been used as a lorry park and as parking for the Travelodge. The site is located to the rear (south side) of the petrol filling station at the Gate Service Area, Dunkirk; adjacent to the A2 (westbound side), between Faversham and Canterbury. It is situated in the defined countryside, within the Blean Woods South Local Wildlife Site (LWS) and the surrounding woodland is protected ancient woodland and covered by Tree Preservation Orders.
- 1.2 The service area also includes the former Gate Inn, which is a Grade II listed building previously used as a diner, and now in use as a café (Costa Coffee). This property fronts onto the A2 slip road to the east of the petrol filling station forecourt.
- 1.3 The petrol filling station has a shop and is clearly signed from the A2. Access and egress to the A2 is provided by a dedicated slip road extending off the westbound carriageway. This slip road also provides access to a pair of semi-detached dwellings situated to the east of the filling station site, and to Brotherhood Woodyard, which lies to the west of the filling station. There is no access to the site from the eastbound carriageway, nor from any other roads.
- 1.4 The site is currently screened from the filling station by fencing and oak trees to the north. Screening is provided along the remaining boundaries by overgrown, mostly non-native vegetation. The large hardstanding of the former parking area for the hotel is overgrown with unmanaged vegetation.

2. PLANNING HISTORY

- 2.1 24/500452/SUB
Submission of details to discharge condition 3 – Details of Site Restoration, Subject to 23/504251/DEMREQ.
Approved Decision Date: 18.03.2024
- 2.2 23/504251/DEMREQ
Prior notification for the proposed demolition of existing hotel (Ex-travellodge) building.
Prior Approval Granted Decision Date: 17.10.2023
- 2.3 22/504735/FULL
Reinstatement of car park to rear of Gate Service Station, including new footpath to hotel with associated lighting, fencing and works.
Approved Decision Date: 14.04.2023
- 2.4 20/501601/FULL
Full planning permission for the erection of a new coffee shop (Use Class A1/A3) including drive-thru facility with associated car parking, cycle parking, motorcycle parking, landscaping and associated works. As amended by drawings received on 14th September 2020.
Approved Decision Date: 13.11.2020

3. PROPOSED DEVELOPMENT

- 3.1 This application seeks planning permission for the construction of a new restaurant (Class E Use) with takeaway drive-thru facility, associated landscaping and parking, following the demolition of the existing hotel building.
- 3.2 The new restaurant would be located on the existing area of hardstanding to the south of the petrol station, with the location of the former hotel building being utilised for parking and landscaping. It would be accessed through the existing service area by the creation of a new access road that would lead to the new parking area, and the drive-thru facility. The new access road is arranged to circulate around the filling station with vehicles entering the site on its eastern side and existing on its western side. Overall, 37 car parking spaces would be provided in addition to 2 disability bays and 4 motorcycle spaces. 4 of these spaces would provide EV charging facilities.
- 3.3 The scheme also includes a small outside seating area to the eastern side of the building, and an enclosed storage and delivery area projecting from the side (southern) elevation of the restaurant building.
- 3.4 The building is of a contemporary flat roofed design and measures approx. 33.02m in width by approx. 14.17m in depth and approx. 5.83m in height. It would be finished with grp roofing and grey and yellow fibre and timber cladding, with the yellow elements arranged in the shape of the applicant's (McDonalds) logo.

- 3.5 An extensive landscaping scheme is proposed, which includes the planting of a significant number of native species along the southern and western edges of the site. A landscaped strip is proposed along the northern boundary to retain a vegetated screen with the filling station. A large area of scrub is also proposed along the eastern boundary of the site. This landscaping scheme forms part of a biodiversity enhancement plan that when combined with the purchasing of 1.63 habitat units for off-site habitat contributions would provide a 10% biodiversity net gain overall.
- 3.6 An electricity kiosk is proposed within the south-eastern corner of the site that measures 2.0m in width by 1.0m in depth and 2.26m in height, and an electric vehicle charging point feeder pillar is proposed towards the north-western corner of the site, measuring 1.75m wide by 0.85m deep and 2.32m high. Both of these structures would comprise green enclosed boxes.
- 3.7 The scheme would result in the loss of 11 category C trees and 1 category B tree from the site. A landscaping scheme has been provided that shows replacement trees and vegetation along the northern, southern and western boundaries of the site.

4. CONSULTATION

- 4.1 One round of public consultation has 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 2 letters of representation were received in objection to the proposal. Comments were raised in relation to the following summarised matters (full comments are available online):

Comment	Report reference
The proposal will result in additional noise, lighting, odour and nuisance that will have a detrimental impact on neighbouring residential amenity.	Paragraph 7.6.1 – 7.6.12
The proposal will encourage littering, vermin and antisocial behaviour.	Paragraph 7.6.10 7.6.11
The proposed use of the site for 24 hours will disturb neighbouring occupiers.	Paragraph 7.6.5
The proposal will exacerbate vehicular congestion and highway safety concerns.	Paragraph 7.5.1 – 7.5.10
The proposal will lower property prices.	Paragraph 7.13.1

- 4.3 Dunkirk Parish Council objected to the proposed development on the following grounds:

Comment	Report reference
The proposal will result in highway safety issues related to additional traffic in the surrounding area and traffic flow around the service area.	Paragraph 7.5.1 – 7.5.10
The proposal would have an adverse impact on the environment, nature conservation interests and biodiversity.	Paragraph 7.7.1 – 7.7.9
There is no cycle parking provision.	Paragraph 7.13.1
Proposal would give rise to possibility of pedestrians attempting to cross the dual carriageway.	Paragraph 7.13.1
The proposal would damage protected trees and an area of ancient woodland.	Paragraph 7.8.1 – 7.8.6
A full noise / lighting assessment should be carried out.	Paragraph 7.6.3
The proposal would have a detrimental impact upon air quality within this part of the Parish.	Paragraph 7.6.9
The proposal would lead to littering within and around the site, as well as on the A2.	Paragraph 7.6.11
The proposed landscaping plan, in particular the parking area fails to comply with Policy E10 of the Boughton & Dunkirk Neighbourhood Plan.	Paragraph 7.3.6 – 7.3.7
If permission is granted conditions requiring: 1) A Traffic Regulation Order regarding speed and parking along the slip road and consideration given to a restriction to traffic from Brotherhood Woodyard entering the site in conflict with traffic leaving the site; 2) All packaging from the drive through to be printed with a car registration to enable Parish / Borough Council's to identify culprits of littering; 3) Requirement for a discussion with the Parish Council and Officers regarding a S.106 to include benefits to the community.	Paragraph 7.6.11 and 7.13.1

5. REPRESENTATIONS

- 5.1 **KCC Biodiversity Officer** – No objection subject to conditions to secure the implementation of recommendations set out within the Preliminary Ecological Appraisal, a habitat management and monitoring plan (offsite) and a landscape management plan (on site).
- 5.2 **SBC Environmental Protection** – No objections subject to conditions to secure a remediation plan if any contamination is found during construction.

- 5.3 **KCC Highways** – No objection subject to conditions to secure a construction management plan, the provision and permanent retention of vehicular parking, the installation of electric vehicle charging, and the provision and retention of vehicle loading/unloading and turning facilities.
- 5.4 **SBC Heritage** – No objections raised on heritage grounds.
- 5.5 **Tree Officer** – The current scheme makes best use of the site whilst providing habitat gains and improved woodland buffers. No objections subject to suitable conditions requiring compliance with the arboricultural report and landscape details.
- 5.6 **Forestry Commission** – Referred to Standing advice, advising of National Policy Guidance that should be followed.
- 5.7 **Natural England** – No objection. Natural England considers that the proposed development will not have a significant adverse impact on statutorily protected nature conservation sites or landscapes.
- 5.8 **National Highways** – No objection subject to conditions to secure a traffic management plan.
- 5.9 **KCC Archaeology** – No objection subject to a condition to secure a programme of archaeological works.
- 5.10 **SBC Planning Policy** – No objection. Whilst it is acknowledged that proposal relates to a town centre use, restaurants with drive-through's are also common and appropriate uses for roadside service locations such as this.

6. DEVELOPMENT PLAN POLICIES

- 6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 (the Local Plan)**
- ST1 Delivering sustainable development in Swale
 - ST3 The Swale settlement strategy
 - CP1 Building a strong, competitive economy
 - CP2 Promoting sustainable transport
 - CP4 Requiring good design
 - CP8 Conserving and enhancing the historic environment
 - DM2 Proposals for main town centre uses
 - DM3 The rural economy
 - DM6 Managing transport demand and impact
 - DM7 Vehicle parking
 - DM14 General development criteria
 - DM19 Sustainable design and construction
 - DM21 Water, flooding and drainage
 - DM28 Biodiversity and geological conservation
 - DM29 Woodlands, trees and hedges
 - DM32 Development involving listed buildings

- DM34 Scheduled Monuments and archaeological sites

6.2 Boughton and Dunkirk Neighbourhood Plan

- Traffic and Transport Policies T1, T2 & T3
- Business and Employment Policies BE1, BE2, BE3
- Environment, Landscape Character and Design Policies E1, E2, E4, E5, E6, E8, E9, E10
- Blean Woods West Policy AS5

7. ASSESSMENT

7.1 This application is reported to the Committee because Dunkirk Parish Council have objected to the proposal and requested it be reported to Committee. The main considerations involved in the assessment are:

- Principle of development
- Character and appearance
- Heritage
- Transport and Highways
- Living conditions
- Ecology
- Trees
- Flood Risk, Drainage and Surface Water
- Sustainable design and construction
- Contamination
- Archaeology

7.2 Principle of development

7.2.1 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.

7.2.2 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight 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.

7.2.3 The site lies outside of the Borough's built-up areas and within the countryside as designated by Policy ST3 of the Local Plan, which sets out that in such locations 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.

7.2.4 Notwithstanding the countryside location, it must be recognised that the site has been part of a roadside service area since 1976 and has for many years provided

parking and services for the former Travelodge Hotel, petrol filling station and a restaurant / cafe. It has also previously been granted planning permission in 2020 for the construction of a new coffee shop with drive-thru (under application 20/501601/FULL), so has been used for commercial purposes for some time.

7.2.5 Taking the proposed demolition of the hotel first, policy CP1(9) of the Local Plan sets out that development proposals should safeguard or enhance Swale's 'Principal Tourist Assets', which include hotel accommodation; however, the hotel has not been in operation since early 2023, and a prior approval application for demolition has been granted under application 23/504251/DEMREQ. Subsequently, demolition of the hotel has commenced, and whilst requiring the removal of the former hotel in its entirety, the proposal would not result in the loss of an active or functional tourist asset. The proposal would therefore not be contrary to the aims of Policy CP1.

7.2.6 Further to the above, Policy DM3 of the Local Plan sets out that planning permission will be granted for the sustainable growth and expansion of business and enterprise in the rural area, particularly where it would result in the appropriate development of previously developed land. This is subject to the proposals being of a design and scale that is sympathetic to the rural location, not resulting in harm to the historical, architectural, biodiversity, landscape, or rural character of the area, and avoiding scales of traffic generation that are incompatible with the area. These matters are discussed in detail in the following sections.

7.2.7 Policy BE1 of the Boughton and Dunkirk Neighbourhood Plan also sets out that support will be given for proposals for the redevelopment of previously developed sites and also those that provide opportunities for local employment and training, provided they reflect the overall development strategy of the plan and conform with relevant policies concerning location, building design and environmental impacts.

7.2.8 The NPPF at paragraph 85 states that *"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, taking into account both local business needs and wider opportunities for development."* In terms of the rural economy, the NPPF at paragraph 88 a) states that planning decisions *"should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings."* In addition, paragraph 89 states *"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."*

- 7.2.9 The supporting information sets out that the proposal would create 30 full time jobs and 90 part time jobs (62 full time equivalent). As set out by the above paragraphs, the expansion of business and economic growth should be given significant weight. There is also specific support for economic growth in the rural areas subject to matters such as the impact on the surroundings of the development and the highway which are considered further below.
- 7.2.10 In addition to the above, consideration needs to be given to policy DM2 of the Local Plan, which seeks to ensure that main town centre uses (such as restaurants) should be provided within existing centres, and only elsewhere if they can satisfy a sequential test to demonstrate that alternative locations within such areas are not available. In this instance, whilst fast food restaurants / takeaways would ordinarily be provided within town centres of built-up areas, the applicant has provided a sequential test which sets out that roadside service locations form an important part of their business as they provide a service and reach a customer base that town centre locations do not. An assessment of alternative town centre and roadside sites within the borough has been carried out and it has been concluded that the Gate service area site is the most viable and appropriate for this particular development. The Council's Planning Policy Officer has reviewed the sequential test and raises no objection in this regard. The proposal complies with the requirements of policy DM2 of the Local Plan.
- 7.2.11 Mindful of the above, and that the policy position has not changed significantly since 2020 (when planning permission was granted for a new coffee shop), it is considered that the principle of providing a café / restaurant on the site has been established and that in land use terms the proposal is acceptable, subject to satisfying all other material considerations, which are discussed in the following sections.

7.3 Character and appearance

- 7.3.1 The National Planning Policy Framework attaches great importance to the design of the built environment and states that design should contribute positively to making places better for people. The Local Plan reinforces this requirement through policy CP4, which requires development proposals to be of high-quality design and to be in keeping with the character of the area. Further to this, policy DM14 of the Local Plan sets out that development proposals should be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location.
- 7.3.2 Policies E1 and E2 of the Boughton and Dunkirk Neighbourhood Plan mirrors the principles set out within policies CP4 and DM14 of the Local Plan, but more specifically emphasises that development proposals should respect and enhance the tranquility, local landscape, character, environmental quality and amenity value of the Parish.
- 7.3.3 The proposal seeks a comprehensive redevelopment of the site by removing the existing hotel building, large areas of hardstanding, and constructing a new restaurant towards the western side of the site with associated storage / delivery area, parking and installations, including electricity meter boxes, EV charger

units and illuminated display boxes, in addition to a detailed landscaping scheme.

- 7.3.4 The proposed restaurant building would be single storey and measure approx. 33.02m in width by approx. 14.17m in depth and approx. 5.83m in height (covering an overall floor area of approx. 442m²). It is of a contemporary design with a dual-level flat roof and facing materials of grey and yellow vertical weatherboarding, with large, glazed openings. Despite being somewhat utilitarian, in that it is clearly designed for its function, it is characteristic of what would be expected for a roadside services location and provides more visual interest than the filling station which occupies the space in front of the proposal when it is viewed from the A2 slip road. There are no objections to the design strategy that has been employed or the overall character and appearance of the building.
- 7.3.5 In terms of scale and massing, the building is orientated in such a way that its narrowest elevations are facing northeast and southwest, resulting in less frontage facing the service area and A2 slip road. This orientation of a single storey building coupled with its flat roof design would help to ensure that its massing would be reduced as far as possible when viewed from the most populated parts of the surrounding public realm. Further to this, a landscaped strip is to be implemented along the northern edge of the site, which will provide screening. With the landscaping in place and the petrol filling station being located to the front of the building, the proposed development would be well screened and would not present a particularly prominent feature within the local landscape. Further to this, it is recognised that by removing the former hotel building, the scheme would result in a reduction in the overall developed area within the site.
- 7.3.6 With regards to landscaping, the applicant has provided a landscaping scheme that allocates large areas of the site around its eastern, southern, and western boundaries as a buffer strip to the surrounding woodland, which will incorporate a range of native species planting to help preserve the ancient woodland and improve the landscape character of the site. The scheme will result in the removal of 12 established trees from the site, many of which are located along the northern boundary; however, many of these are diseased, and supplemental planting will be incorporated within the landscape buffer to mitigate their loss.
- 7.3.7 The new planting proposed throughout the site will assist in softening the scheme somewhat and ensure a balance between built development and natural features. Overall, it is considered that the proposed landscaping scheme would provide an enhancement on what was previously approved under application 20/501601/FULL (for a coffee shop) and enable the scheme to sit comfortably within its setting.
- 7.3.8 Overall, it is therefore considered that the proposed development would not have a detrimental impact upon the overall character and appearance of the site, or that of the surrounding area, and as such, is in accordance with policies CP4 and DM14 of the Local Plan; policies E1 and E2 of the Boughton and Dunkirk Neighbourhood Plan and the NPPF.

7.4 Heritage

- 7.4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 7.4.2 The NPPF 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 should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.
- 7.4.3 Policy DM32 of the Local Plan sets out that proposals that affect a listed building or its setting, will be permitted only where special architectural or historic interests are preserved.
- 7.4.4 On a neighbourhood level, policy E2 of the Boughton and Dunkirk Neighbourhood Plan sets out that development proposals should protect and enhance heritage assets.
- 7.4.5 The site does not contain any listed buildings and does not lie within a conservation area. However, it is within close proximity of the building formerly known as the Gate Inn, a former coaching inn, which is a Grade II listed building situated 45m to the north-east at the front of the Gate Services.
- 7.4.6 The former Gate Inn is currently in use as a cafe, but has previously operated as a diner, and as such has a history of serving a purpose as a roadside convenience. Its original setting has been altered dramatically as a result of the construction of the A2 Boughton bypass, the introduction of the petrol filling station, the former hotel building and the large areas of associated hard surfacing, which now surround the heritage asset.
- 7.4.7 The Council's Heritage Advisor has been consulted and has stated that whilst the building's 'relatively' isolated setting reinforces its intrinsic character as a coaching inn, much of its significance primarily derives from its age, architectural interest and its historical association with Sir William Courtenay, the Courtenay Riots, and the Battle of Bossenden Wood. Little emphasis has been placed on the building's surrounding environment or setting as being a significant contributor to the building's heritage status. As such, it is not considered that the proposed development would result in any additional harm to the listed building beyond what has already occurred. This is particularly the case given that the scheme would facilitate the reduction of overall built-form from the service area, through the removal of the existing hotel building, which sits closer to the heritage asset than the proposed restaurant. Further to this, it must be recognised that when viewed from the approach road to the service area, the proposed development would be situated behind the petrol filling station, which sits directly

alongside the listed building, and as such, its prominence and status within the setting of the listed building would be subservient to existing development. The tree line along the northern boundary of the site will be retained and reinforced, which would ensure that the proposal will be largely screened when viewed from the listed building and therefore a sense of visual separation between the two sites will be preserved.

7.4.8 Overall, it is considered that the proposal would not result in additional harm to the significance or setting of the neighbouring listed building, and that there are no objections on heritage grounds. As such, the scheme complies with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies DM8 and DM32 of the Local Plan, policy E2 of the Boughton and Dunkirk Neighbourhood Plan and the NPPF.

7.5 Transport and highways

7.5.1 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. 7.5.2 The NPPF at paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios.”

7.5.2 Policies DM6, DM7 and DM14 of the Local Plan establish that development proposals must provide appropriate levels of parking and safe vehicular access. Policies T1, T2 and T3 in the Boughton and Dunkirk Neighbourhood Plan set out that development proposals will be restricted by the capacity of the road network being able to accommodate them, increased negative impacts on the current highway network by development in the countryside will be resisted and development will incorporate sufficient levels of parking.

7.5.3 The application site forms part of Gate Services, which lies to the south of and is accessed by the west bound carriageway of the A2 Boughton Bypass. The service area currently accommodates a petrol filling station, a café and a now vacant hotel which is partially demolished. Access to the service area is provided by a designated slip road from the A2, and internally it is laid out with a circulatory road that runs around the petrol filling station and provides an access and egress to the site.

7.5.4 The proposed scheme seeks to retain and utilise the existing openings to the site and to create a new parking area with 37 car parking spaces (including 2 disability bays and 4 EV charging bays) and 4 motorcycle bays. The internal road layout is arranged to provide access to the site from the existing entrance at its eastern side, circulation around the parking area and the new restaurant building in the case of the drive thru facility and an exit through the opening located at the western side of the northern boundary. This will enable vehicles to enter the site through the shared route between the petrol filling station and the cafe and leave the service area to the rear / west of the petrol filling station.

- 7.5.5 Concerns have been raised from local residents and the Parish Council with regards to traffic generation associated with the proposal, and particularly in respect of attracting heavy goods vehicles, which can park up on the northern side of the slip road. The submitted Transport Assessment indicates that the scheme would result in +70 and +77 vehicles during am and pm peak times respectively, and +121 vehicles during Saturday peak hours when compared to the existing situation (based on the permitted use of the site as a hotel). The report goes on to state that this increase will equate to approximately 1-2 additional vehicles per minute. National Highways and KCC Highways have agreed that the construction of a free-standing restaurant of this size with a 'drive thru' facility would not have an unacceptable impact on the safety, reliability and /or operational efficiency of the highway, particularly given that it is anticipated that the majority of trips and visitors to the restaurant would be generated from existing trips / traffic along the A2 Boughton Bypass.
- 7.5.6 KCC Highways have also stated that the layout of the site is acceptable with swept path drawings for service vehicles demonstrating that access for larger vehicles will be possible, and that the proposed parking provision is sufficient for such a use in a rural roadside service location.
- 7.5.7 It is also noted that through the provision of new EV charging facilities, the proposal would help to encourage the use of electric vehicles which is a more sustainable mode of transport, and therefore would contribute towards the implementation of the aims of policy CP2 of the Local Plan as well as paragraph 117 of the NPPF which sets out that development should help to improve the transport network and be designed to enable charging of plug in and other ultra-low emission vehicles in sustainable ways.
- 7.5.8 With regards to the layout of the proposed parking, each space measures approx. 5m in length by 2.5m in width, which is compliant with the size standards for parallel parking spaces set out within the Council's Parking SPD. Further to this, the two rows of bays are positioned a minimum of approx. 6m apart, meaning sufficient space is provided for vehicles to comfortably manoeuvre into and out of each bay, in accordance with the SPD.
- 7.5.9 Notwithstanding the above, both KCC Highways and National Highways have recommended that any approval should be subject to a condition that secures a Construction Management Plan, prior to the commencement of works. Such a condition is deemed appropriate and reasonable and forms part of this recommendation.
- 7.5.10 It is considered that the proposal would not create a situation that would result in significant risks to highway safety or the efficient functioning of the local highway network. Accordingly, it is compliant with policies CP2, DM6, DM7 and DM14 of the Local Plan, policies T1, T2 and T3 of the Boughton and Dunkirk Neighbourhood Plan as well as the Council's Parking SPD and the NPPF.

7.6 Living Conditions

- 7.6.1 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Specifically, policy DM14 of the Local Plan states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight or give rise to unacceptable levels of noise or odours.
- 7.6.2 The application site is enclosed around its eastern, southern and western boundaries by ancient woodland, and to the north by the petrol filling station, café and the A2 Boughton Bypass beyond. The nearest permanent self-contained residential properties (Forge House, Goudhurst Cottage, Gordon Cottage and Irvington Cottage) lie approximately 140m away from the site, to the north-west on the opposite side of the A2. To the east, in excess of 220m there are two properties (at Hillside and 1 Hillside), whilst the Brotherhood Woodyard gypsy and traveller site lies approximately 80m to the south-west. 2 objections have been received from residents with specific concerns raised over noise, lighting, odour, littering, antisocial behaviour and associated traffic (as set out in the consultation section above).
- 7.6.3 A Noise Impact Assessment, a Lighting Assessment, an Odour Assessment and a Transport Assessment have been submitted to demonstrate that the proposed scheme would not have a significant impact in terms of local noise, traffic or lighting levels.
- 7.6.4 Firstly, due to the contained nature of the site, and taking account of the separation distance between the proposal and nearby residential properties and that it is not highly visible from these properties, any potential impacts of the scheme on neighbouring living conditions would be indirect. There would be no harm arising from the proposed building in terms of any impact on the privacy, outlook or levels of sunlight / daylight that are enjoyed by the occupiers of the nearest dwellings. Notwithstanding this, it is acknowledged that the proposal could generate additional levels of noise, odour, traffic and general activity, which could have an indirect impact upon the living conditions of the properties identified above.
- 7.6.5 The noise impact assessment details the findings of a 3-day, 24-hour monitoring exercise, which found that when taking into account all of its combined activities, the proposed development would be expected to generate noise levels that would be 11dB below representative background daytime levels and only 2dB above background night-time levels, and as such it is not anticipated that the scheme would result in adverse acoustic impacts as the scheme would comply with National Standards related to acoustic environments. Further to this, it is not anticipated that the relatively small increase in traffic generation would result in a significant increase in noise from the road, as experienced from the nearest residential properties.

- 7.6.6 The submitted odour assessment concludes that whilst the proposed restaurant would normally dictate a high level of odour control, in this instance, due to the distance of the site from the nearest residential properties, a pragmatic approach to odour control can be adopted. However, notwithstanding this, the development will incorporate unrestricted high velocity vertical discharge termination to ensure that cooking fumes are suppressed and dispersed high into the atmosphere, to ensure that they do not have a significant impact upon nearby residential properties.
- 7.6.7 In relation to lighting, the lighting impact assessment states that the lighting scheme will use directional lighting to ensure that lamps and illuminations are directed downwards and in towards the centre of the site to preserve the darkness of the night sky above and around the site. As such, any illumination and glare will not extend to the nearest residential properties.
- 7.6.8 SBC Environmental Protection have reviewed the noise, lighting and odour assessments and confirmed that the methodology and findings of all reports are accurate. As such, there are no concerns with the proposed development with regards to noise, lighting or odour impacts subject to the implementation of the respective recommendations set out within them which can be secured by conditions.
- 7.6.9 SBC Environmental Protection have also confirmed that due to the relatively small increase in traffic that would be associated with the development, it is not anticipated that it would have a significantly detrimental impact upon air quality and therefore an air quality assessment has not been requested.
- 7.6.10 It is also noted that objections have been received from local residents that raise concerns over antisocial behaviour, littering and additional noise and nuisance during extended opening hours, and associated with an outside seating area. It should be noted that opening hours and the potential for anti-social behaviour have been factored into the noise impact assessment and that even with these taken into account, it is projected that the scheme will not exceed background noise levels as experienced from the nearest residential properties.
- 7.6.11 With regards to littering, although the comments from the Parish Council regarding car registration details being printed on packaging are noted, as this is primarily a behavioural issue, it is not considered reasonable to place this requirement upon the applicant. It is also not within the scope of the permission or the local planning authority to secure waste collection beyond the site. Instead, a condition has been attached to this recommendation that requires the applicant to submit a waste management plan to ensure that waste and litter is collected from the site on a regular basis.
- 7.6.12 It is considered that the proposal would not create a situation that would result in significant harm to the living conditions of the occupiers of any neighbouring properties. It is therefore deemed that the scheme is compliant with policy DM14 of the Local Plan and the NPPF.

7.7 Ecology

7.7.1 Section 40 of the NERC Act (2006), as well as paragraphs 187 and 193 of the NPPF, establish that biodiversity should be maintained and enhanced through the planning system, and that the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged. These principles are reinforced at a local level by policies CP7 and DM28 of the Local Plan which establish that development proposals will apply national planning policy in respect of the preservation, restoration and re-creation of habitats and species, and will be required to provide, where possible a net gain of overall biodiversity. Policies E2, E4 and E6 of the Boughton and Dunkirk Neighbourhood Plan also require development proposals to seek opportunities for ecological gain and the protection of sensitive wildlife sites.

7.7.2 The Government's BNG legislation goes a step further than the above referenced policy requirements as it requires development proposals to have no adverse impact upon important habitats and that they must create an overall net gain in biodiversity of 10%. Whilst this legislation cannot be applied to the proposal as the application was submitted prior to the date on which it came into effect, policy E8 of the Boughton and Dunkirk Neighbourhood Plan is consistent with this requirement in respect of biodiversity net gain (BNG), as it also identifies that development proposals must create an overall net gain of 10% when measured against a baseline habitat value of the site.

7.7.3 The applicant has submitted a Preliminary Ecological Appraisal and additional Bat and Dormouse Surveys in support of their application. These reports state that the site itself has negligible habitat value in its own right, but the surrounding woodland, provides habitat opportunities for a range of wildlife, including Great Crested Newts, Bats, Birds, Hazel Dormice, Badgers and Reptiles. As such, a precautionary approach should be applied when removing vegetation, and it is recommended that further tree planting of broad-leaved native species or fruit trees is incorporated within the scheme and carried out in a manner that provides an ecological buffer to the proposed development.

7.7.4 In consultation with the KCC Biodiversity Officer, the applicant has provided a detailed Biodiversity Enhancement Plan, a Construction Environment Management Plan, and a Landscape Management Plan. These seek to provide new habitat opportunities for bats, birds, dormice and other species, in addition to wider landscape opportunities within and around the borders of the site, and to ensure that they are carefully managed and protected from potential damaging behaviour from customers. The Biodiversity Officer has reviewed the application and confirmed that sufficient information has been provided to determine the application. It has also been confirmed that the submitted lighting details would ensure that habitats along the southern, eastern and western boundaries of the sites will not be disturbed by illuminations due to the incorporation of low level and directed lighting.

7.7.5 It is however recommended that conditions should be attached to any permission to secure the implementation of precautionary mitigation measures detailed within the Ecological Impact Assessment and a biodiversity enhancement plan.

These suggested conditions are considered reasonable and appropriate and have therefore been incorporated into this recommendation.

Biodiversity Net Gain

7.7.6 In respect of biodiversity net gain, the application includes a biodiversity report and BNG metric which assesses the site as having a baseline biodiversity value of 2.85% habitat units, with a mixture of non-priority woodland, hazel scrub, modified grassland, individual urban trees and introduced shrub.

7.7.7 The proposed scheme has been designed to incorporate as much habitat creation as possible through tree and hedge planting, but due to a required loss of individual trees, discrete areas of hazel scrub and modified grassland, the post development score for the site would amount to a reduction of 1.34 habitat units (to -1.51 units), despite a 214% increase in hedgerows habitats throughout the site. It therefore the intention of the applicant to purchase 1.63 offsite habitat units. Full details will need to be demonstrated as part of the Biodiversity Gain Plan, the submission of which is secured by condition. KCC's Biodiversity Officer has reviewed the submitted biodiversity metric and report and has confirmed that site has been valued correctly and that the proposed biodiversity enhancements within the site coupled with the purchasing of habitat units to facilitate the establishment of habitats outside of the site, would provide an overall net gain of 10%.

7.7.8 It is considered that the proposal would have a net positive impact on biodiversity, however, it is necessary for the applicant to enter into a Section 106 agreement with the Council to ensure the purchase of off-site habitat units.

7.7.9 Overall, it is deemed that subject to compliance with conditions and the completion of a legal agreement, the proposed development would deliver habitat enhancements and would not result in harm to local wildlife. The proposal is in accordance with Section 40 of the NERC Act (2006), policies CP7 and DM28 of the Local Plan, policies E2, E4, E6 and E8 of the Boughton & Dunkirk Neighbourhood Plan and the NPPF.

7.8 Trees

7.8.1 Policy DM29 of the Local Plan sets out that the Borough Council will seek to ensure the protection, enhancement and sustainable management of woodlands and individual trees.

7.8.2 As mentioned, the site is enclosed by ancient woodland at its eastern, southern and western sides, and whilst the site itself is largely developed, there are a number of trees within it that would have the potential to be affected by the proposed development. Accordingly, the applicant has submitted an Arboricultural Impact Assessment, which concludes that the scheme will require the loss of 12 individual trees, most of which are situated along the northern boundary of the site. 6 of these trees have been assessed as being diseased and functionally dead, whilst 3 others are diseased and dying. They were also identified for removal under the previous permission for a coffee shop on the site.

7.8.3A Biodiversity Enhancement Plan has been submitted showing replacement trees of native species would be planted within the site to compensate the loss of the existing specimens, and buffer strips have been incorporated around the eastern, southern and western borders of the site to provide a buffer to the wider ancient woodland. The net result would be an increase in trees on the site.

7.8.4 The NPPF at paragraph 193 states that *“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.”* Standing Advice from Natural England and the Forestry Commission states that development proposals should provide a 15m buffer to ancient woodlands in order to protect them and the habitats that they provide. In this instance, whilst the proposed car park will fall closer to the edge of the ancient woodland in places, it is recognised that the site is currently laid with hardstanding, and that the scheme as proposed will not result in the encroachment of development towards the woodland, but will instead pull development further away. In particular, the situation to the south and west of the site would be improved as a large part of the existing hardstanding that currently adjoins the boundary to the ancient woodland would be removed and replaced with soft landscaping and the planting of more native trees. As a result, there is not a 15m buffer all around the site, but where it does come within 15m, the development would either still be further away than the existing situation or very similar to it. As a result, it is concluded that the proposal would not result in the loss or deterioration of irreplaceable habitats.

7.8.5 The Council's Tree Officer has reviewed the proposals and has confirmed that the proposed scheme is acceptable as it would not result in the loss of any good quality trees and would provide enhanced protections to the woodland when compared to the previous permission. It is however recommended that a condition be attached to any permission that requires the recommendations set out within the Arboricultural Impact Assessment to be complied with.

7.8.6 Subject to compliance with conditions, it is considered that the proposals would comply with policy DM29 of the Local Plan and the NPPF.

7.9 Flood risk, drainage, and surface water

7.9.1 Policy DM21 of the Local Plan establishes that development proposals should avoid inappropriate development in areas at risk of flooding, and include, where possible, sustainable drainage systems to restrict runoff to an appropriate discharge rate to ensure that surface water is disposed of on site.

7.9.2 The site lies entirely within Flood Zone 1 and is therefore at the lowest risk of flooding from rivers and seas. In terms of the requirement for a sequential test for flooding, since the submission of the application the NPPF has been updated to refer to any form of flooding, this includes surface water flooding. A very small area in the west of the site is subject to a high risk (1 in 30 annual likelihood) of surface water flooding. Paragraph 175 of the NPPF sets out that *“The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment*

demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

7.9.3 When the application was submitted there would have been no requirement for a Flood Risk Assessment. Therefore, although not shown by a FRA, the submitted site plan demonstrates that this scheme proposes no built development or any of the other matters listed in paragraph 175 as above in any areas at risk from flooding. Therefore, taking a pragmatic approach it is considered that due to the above factors a sequential test is not necessary. Separately, the Flood Risk Vulnerability and flood zone 'incompatibility' table in the Planning Practice Guidance also shows that a restaurant, which is classed as 'less vulnerable' does not require an exception test and is compatible in this flood zone. Further to this, the site upon which the proposed restaurant is located, is entirely laid with concrete, and the scheme will result in the removal of large areas of hard surfacing, therefore reducing surface water accumulation within the site itself.

7.9.4 The submitted drainage report concludes that it is unlikely that surface water can be discharged into the ground due to poor filtration conditions, although an existing surface water drain that runs through the site, will be utilised to deal with this issue. Cellular storage will however be utilised to reduce flow rates to the drain. Foul sewage would also be discharged via a sewage pipe that runs through the service area.

7.9.5 Overall, it is considered that the proposed development will not increase the risk of flooding within or outside of the site and as such, it complies with Policy DM21 of the Local Plan, E6 of the Boughton and Dunkirk Neighbourhood Plan and the NPPF.

7.10 Sustainable Design and Construction

7.10.1 Policy DM19 of the Local Plan requires non-residential development under 1,000sqm to achieve BREEAM 'good' standard as a minimum. A BREEAM Design Stage Pre Assessment Summary has been submitted which sets out that a 'good' standard is anticipated to be achieved. To ensure this is the case a condition has been recommended below. On this basis the scheme complies with policy DM19 of the Local Plan.

7.11 Contamination

7.11.1 SBC Environmental Protection have confirmed that as the site is not a known area of contamination no information on this subject is required prior to the determination of the application. It is however recommended that any permission should be subject to a watching brief condition that requires details and mitigation to be submitted to and approved by the local planning authority in the event of contaminants being found during construction works. Subject to the suggested condition, the proposal is in accordance with the NPPF.

7.12 Archaeology

7.12.1 Policy DM34 of the Local Plan sets out that development will not be permitted that would adversely affect an archaeological site, and that whether they are currently known or yet to be discovered, there will be a preference to preserve important archaeological sites in-situ and to protect their setting, unless it is justifiable to excavate and record any artifacts that are found.

7.12.2 The site lies within an area of archaeological potential, being located on the A2, which is on the route of the main Roman road between London and the coast. KCC's Archaeology Officer has confirmed that Iron Age and Roman remains have been found in the surrounding area, and that it is possible that archaeological remains may be encountered during the proposed groundworks. Notwithstanding this, it is acknowledged that the site is likely to have been heavily disturbed already due to previous development, and as such it is recommended that a watching brief condition can be attached to this recommendation that requires the applicant to secure the implementation of a watching brief prior to works being carried out. This condition has been included below.

7.12.3 The proposal would be in accordance with Policy DM34 of the Local Plan, E2 of the Boughton and Dunkirk Neighbourhood Plan and the NPPF.

7.13 Other matters

7.13.1 The majority of the issues made within the public and Parish Council representations that have been received, have been addressed in the sections above. Of those that remain the following comments are made. Firstly, the impact on property prices is not a material planning consideration. In terms of pedestrian attempting to cross the highway, National Highways who are responsible for this section of the strategic highway network have raised no concern in this regard. In respect of potential conditions requested by the Parish Council, it would not appear reasonable to request a TRO in relation to highway matters affecting the slip road or in relation to access for a separate site on the basis that neither highway authority has requested this. A condition relating to cycle parking has been requested, however, the site is only accessed via the strategic road network, therefore this condition would appear unnecessary. A condition has also been requested requiring a discussion with the Parish Council and Officers regarding a S.106 to include benefits to the community. In respect of this matter, planning obligations are controlled by the statutory tests set out in regulation 122 and as policy tests in the National Planning Policy Framework. They must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

As such, they must only be used to mitigate an identified impact of a development. In this case, no impact has been identified which would need to be mitigated via a planning obligation, aside from the habitat credits as identified above. As such, a condition of this nature is considered unnecessary.

7.13.2 Although this application is for a restaurant, there is clearly the ability to take hot food off the premises, not least due to the 'drive thru' facility. In this respect, paragraph 97 of the NPPF states:

“Local planning authorities should refuse applications for hot food takeaways and fast food outlets:

a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or

b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour.”

As discussed above, the site is located adjacent to a dual carriageway, providing roadside facilities. As a result, the site is not within walking distance of schools and other places where young people may congregate. In addition, there is not a concentration of similar uses in this area and as such no evidence that the use is having an adverse impact on the matters set out in b) above. As a result, the scheme does not conflict with policy 97 of the NPPF.

7.14 Conclusion

7.14.1 The proposed development is acceptable in principle and is of an acceptable scale and design that would not have a detrimental impact upon the visual amenities of the site or wider area, the setting of the nearby listed building, living conditions of neighbouring occupiers, ecology or highway safety. There are also no contamination, drainage or archaeology issues that cannot be addressed through the use of appropriately worded conditions. Accordingly, it is recommended that planning permission should be granted for the proposed development.

CONDITIONS

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

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

- 2) The development hereby permitted shall be carried out in accordance with the approved plans:

Block Plan (8516-SA-2139-P002 D),
Site Layout Plan as Proposed (8516-SA-2139-P004 C),
Biodiversity Enhancement Plan V6 (A6100.01J),
Landscaping Scheme (A6100 01 J),
Proposed Elevations and Section (8516-SA-2139-P005),

Ground Floor and Roof Plans (8516-SA-2139-P006),
Proposed Lighting Layout (DWG 01),
LiAS Design Notes & Luminaire Schedule (DWG 00)

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

- 3) The development hereby approved shall not commence above slab level until details of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- 4) The approved details of the parking/turning, loading and unloading areas as detailed on drawing 8516-SA-2139-P004 C shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 5) No external lighting other than that approved by this permission shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

- 6) No construction activities shall take place, other than between 0700 to 1900 hours (Monday to Friday) and 0700 to 1300 hours (Saturday) with no working activities on Sundays or Public Holidays.

Reason: In the interests of residential amenity.

- 7) The development hereby approved shall be carried out in accordance with the recommendations set out within Section 6.0 of the Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan, produced by Hayden's Arboricultural Consultants (dated 10.05.32023).

Reason: In the interest of landscape, visual impact and the amenity of the area.

- 8) Within three months of the first use of the building hereby approved, the landscape scheme shall be implemented as per the Landscape Scheme, 01 Rev J, Encon Nov 2023 and Biodiversity Enhancement Plan V6, Practical Ecology,

Nov 2024. The landscaping shall thereafter be managed in accordance with the Landscape Management Plan reference number A6100 Revision E, dated 12 November 2024.

Reason: In the interests of enhancing biodiversity.

- 9) Any tree planted in accordance with the conditions attached to this permission, or in replacement for such a tree, which within a period of five years from the date of the planting is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, shall, in the same location, be replaced during the next planting season (October to February) by another tree of the same species and size as that originally planted, except where an alternative proposal has been submitted to and approved in writing by the local planning authority prior to that planting season.

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area

- 10) From commencement of development (including site clearance) and for the duration of works through to the first use, to avoid impacts to protected and priority species, the precautionary working measures detailed in the Enhancements and recommendations section of the Bat Survey Letter and the recommendations section of the Dormouse Survey Report (both carried out by Practical Ecology), associated with the planning application shall be adhered to.

Reason: In order to protect protected species.

- 11) Within three months of the commencement of development, biodiversity enhancement shall be implemented as per the Biodiversity Enhancement Plan V6, Practical Ecology, Nov 24 or later versions, approved by submission pursuant to this condition to the Local Planning Authority. The approved measures shall be implemented and retained thereafter.

Reason: In the interests of enhancing biodiversity.

- 12) The development hereby approved shall not commence until a biodiversity gain plan (which demonstrates a biodiversity net gain of a minimum 10% against the baseline) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers a biodiversity net gain.

- 13) The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved on-site biodiversity gain plan and including:
- a) a non-technical summary;
 - b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure the development delivers a biodiversity net gain.

- 14) Monitoring reports shall be submitted to Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain.

- 15) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.
- Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;
 - Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
 - Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

If no contamination has been discovered during the construction phase then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To reduce risk to controlled waters.

- 16) The development hereby approved shall not commence above slab level until, details of hard landscape works (including materials) have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first use of the building(s) or land. The new areas of hard surfacing shall be constructed from either permeable materials or incorporate drainage channels to prevent surface water runoff onto the highway.

Reason: To ensure a satisfactory appearance to the development, in the interests of highways convenience and to prevent surface water runoff.

- 17) Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A2, including the Boughton Bypass). The plan shall include as a minimum:

- Construction phasing;
- Construction routing plans;
- Permitted construction traffic arrival and departure times.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details.

Reason: To mitigate any adverse impact from the development on the A2 (including the Boughton Bypass) in accordance with the Department for Transport (DfT) Circular 01/2022. This is required prior to the commencement of development to ensure that a programme and method of works are agreed that will not cause an obstruction to the safe functioning of the highway network.

- 18) The development hereby approved shall not be brought into use until a management plan for the collection of litter within the site has been submitted to and approved in writing by the Local Planning Authority. Once approved the management plan shall be adhered to throughout the lifetime of the development.

Reason: In the interest of public health and the visual amenities of the area.

- 19) No development shall take place until the applicant, or their agents, or successor in title, has secured the implementation of a programme of archaeological works

in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

- 20) The building hereby approved shall be constructed to achieve a minimum of BREEAM 'Good' rating and prior to the use of the building commencing 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.

- 21) The development hereby approved shall not be brought into use until 4 electric vehicle charging points have been provided. All Electric Vehicle chargers must be provided to Mode 3 standard (providing a minimum of 7kw) and SMART (enabling Wifi connection).

Reason: In the interest of promoting sustainable modes of transport.

- 22) The recommendations contained in the document entitled Odour Control Assessment shall be adhered to throughout the use of the premises hereby approved.

Reason: In the interest of residential amenities.

