

**NOTICE UNDER ARTICLE 8 OF APPLICATION FOR PLANNING PERMISSION
ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT**

Notification of Grant of Planning Permission to Develop Land

Mr J Hodgson
C/o Mr Adrian Kearley
Strutt And Parker
Somerset House
222 High Street
Guildford
Surrey
GU1 3JD

Take notice that The Shepway District Council, the Local Planning Authority under the Town and Country Planning Acts has **GRANTED PERMISSION** for the development of land

**situate at: LAND ADJOINING ENTERPRISE WAY ENTERPRISE WAY
LINK PARK LYMPNE**

**and being: EXTENSION TO TIME LIMIT OF PLANNING PERMISSION
Y09/0145/SH FOR OUTLINE PERMISSION FOR THE
ERECTION OF UP TO 30,668SQM OF EMPLOYMENT
DEVELOPMENT (CLASSES B1, B2 AND B8), TOGETHER
WITH INTERNAL ACCESS (OFF RECENTLY
CONSTRUCTED AND ADOPTED SPINE ROAD) WITH
PARKING, SERVICING AND STRUCTURAL LANDSCAPING
AND BEING ACCOMPANIED BY AN ENVIRONMENTAL
STATEMENT.**

referred to in your application for permission for development received on 1st February 2017.

This Approval is subject to the following conditions:

CONDITIONS

- 1 Approval of the details of the siting, design and external appearance of the buildings, internal roads and the landscaping of the site, hereinafter called "reserved matters", shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Such details are necessary for the full consideration of the proposal and have not, so far, been submitted.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of seven years from the date of this permission.

Reason:

As required by Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:

As required by Section 92 of the Town and Country Planning Act 1990 (as amended).

- 4 The development hereby permitted shall not exceed a total floorspace of 30,668m², of which Office (Class B1a) and Research (Class B1b) together shall not exceed 10% of this total (3,062.8m²).

Reason:

In accordance with the Environmental Statement, Transport Assessment and Green Travel Plan which accompanied the application and in the interests of highway safety.

- 5 No building or structure, or any part thereof, on the site shall exceed 14 metres in height.

Reason:

In the interests of the visual amenity of the wider locality.

- 6 No external storage or ancillary buildings shall exceed 3 metres in height.

Reason:

In the interests of the visual amenity of the wider locality.

- 7 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

- 8 The existing peripheral landscape belts and bunding currently provided shall continue to form part of a landscape strategy for the whole site and maintained as previously approved and no buildings or structures of any kind shall be erected or placed on or within these areas and the landscape belts and bunding shall be permanently retained and maintained at their approved heights.

Reason:

In the interests of visual amenity, residential amenity, biodiversity and to ensure development of the site is carried out in a comprehensive and coordinated manner, in accordance with saved policy CO24 of the Shepway District Local Plan, the Link Park Supplementary Planning Document.

- 9 No development of any individual plot or part of the site shall take place until full details of both hard and soft landscape works in respect of that individual plot or part of the site to be informed by the Link Park Supplementary Planning Document 2006 have been submitted to and approved in writing by the Local Planning Authority including an implementation programme and maintenance schedule. The details submitted shall include indications of all existing trees, shrubs and hedgerows on the land and details of any to be retained together with measures for their protection in the course of development. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the part of the development to which they relate or in accordance with the programme agreed with the Local Planning Authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason:

In order to protect and enhance the appearance of the area in accordance with saved policies SD1 and BE16 of the Shepway District Local Plan Review

- 10 Prior to the commencement of development for any particular phase or plot, details for the provision of biodiversity enhancements within that phase shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted to the Local Planning Authority for approval shall include a timetable for the provision of the enhancements to be provided, and the ecological mitigation measures recommended in the Environment Statement. All such enhancements shall be provided and thereafter retained in accordance with the approved details.

Reason:

In accordance with saved policy CO1 of the Shepway District Local Plan Review and the Link Park Supplementary Planning Document.

- 11 Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason:

In order to protect and enhance the appearance of the area in accordance with saved policies SD1 and BE16 of the Shepway District Local Plan Review.

- 12 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority indicating footways and cycleways within the site, turning areas, provision within the site for the parking of vehicles and for the servicing of the development, and a car and cycle parking management strategy. The land identified as footways and cycleways, turning areas, parking and servicing shall be made available in accordance with the approved details and adequately surfaced before the development is occupied and kept available for turning, parking, and servicing in connection with the development at all times thereafter.

Reason:

It is necessary to make provision for pedestrian/cycle access to the site, adequate off street parking and servicing to prevent obstruction of the highway and to safeguard the amenities of adjoining areas in accordance with saved policies TR5, TR6, TR11, TR12 and SD1 of the Shepway District Local Plan Review.

- 13 The reserved matters submitted in accordance with condition 1 shall include a scheme indicating the provision to be made for people with disabilities to gain access around the site and into the buildings.

Reason:

To secure safe and adequate access for all members of the community in accordance with saved policy SD1 of the Shepway District Local Plan Review.

- 14 All buildings shall be constructed so that:

- a) they have a minimum sound insulation of at least 45dB RW;
- b) all plant is sited within the building with suitable acoustic baffles where air intakes or vents are required
- c) acoustic screens are fitted to any openings in the buildings which are not kept closed during operation

No building shall be occupied or used until the sound insulation and other noise reduction measures as given above have been fully implemented and such measures shall be retained and maintained in a functioning condition.

Reason:

In the interests of the amenities of local residents in accordance with saved policy SD1 of the Shepway District Local Plan Review.

- 15 Prior to the first occupation/use of any phase or plot a noise assessment shall to be undertaken, which shall have been submitted to and approved by the Local Planning Authority, including amongst other things consideration of any tannoy system and/or refrigerated trailer units, with specific reference to noise sensitive receptors such as residential properties. The buildings shall not become operational until mitigation measures informed by the noise assessment have been implemented in full in accordance with the approved details, and maintained as such thereafter. No significant noise producing activities shall be carried out outside of any building between 19.00 - 07.00 on any day, and docking doors on the units shall remain closed at all times except for gaining access by lorries. No tannoy system shall be installed without the prior consent in writing from the Local Planning Authority.

Reason:

In the interests of the amenities of local residents in accordance with the requirements of the Environmental Statement, saved policy SD1 of the Shepway District Local Plan Review and the NPPF.

- 16 Before the development, including any site clearance works, is begun, tree protection measures in accordance with BS5837 : 2012 Trees in Relation to Construction - Recommendations shall be erected for each tree or group of trees to be retained on this site, or such measures as may be agreed with the Local Planning Authority shall be provided. The protection measures shall include measures for the protection of protected species and shall be retained in position at all times until the completion of the development, and the land so enclosed shall be kept clear of all contractors materials and machinery. The existing soil levels around the boles of the trees shall not be altered.

Reason:

To ensure that the trees are not damaged during the period of construction in accordance with saved policies SD1 and BE16 of the Shepway District Local Plan.

- 17 Full details of a scheme for the lighting of roads and buildings, and floodlighting of external storage and working areas, car parks and signage shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any particular phase or plot. The development shall be carried out in accordance with the approved details, and no additional lighting or floodlighting shall be installed without the permission in writing of the Local Planning Authority.

Reason:

In order to minimise light pollution to adjoining residents and the countryside in accordance with the requirements of the Environmental Statement, saved policy U15 of the Shepway District Local Plan Review and policy CSD4 of the Shepway Core Strategy.

- 18 No development shall commence for each unit until

a) The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local Planning Authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment (including unexploded ordnance) and detail how site monitoring during decontamination shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded;

b) Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed;

c) Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by the Local Planning Authority;

d) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Reason:

In the interests of the safety of users of the site in accordance with saved policies SD1 and U10a of the Shepway District Local Plan Review.

- 19 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason:

To prevent pollution of the water environment in accordance with saved policies SD1, U1, U2, U3, U4 of the Shepway District Local Plan Review.

- 20 The development hereby permitted shall be in accordance with the details shown on the submitted plans, drawing number CSa/1288/108.

Reason:

For the avoidance of doubt in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.

- 21 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason:

To prevent pollution of the water environment in accordance with saved policies SD1 and U4 of the Shepway District Local Plan Review.

- 22 Any facilities for the storage of oils, fuels, chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank, plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank or the combined capacity of the inter-connected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason:

To prevent pollution of the water environment in accordance with saved policies SD1 and U4 of the Shepway District Local Plan Review.

- 23 No sewage or trade effluent (including vehicle wash or vehicle steam cleaning waters) shall be discharged to any surface water drainage system.

Reason:

To prevent the pollution of the water environment in accordance with saved policy U4 of the Shepway District Local Plan Review.

- 24 Any below ground petrol/oil/chemical storage tank shall constructed to incorporate appropriate anti pollution measures in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason:

To prevent pollution to the water environment in accordance with saved policies SD1 and U4 of the Shepway District Local Plan Review.

- 25 If throughout any stage of the development of this site, including site clearance works, any evidence of bats is found at any stage, all works on the site shall immediately cease and a full bat survey shall be undertaken by a qualified ecologist, the details of which shall be submitted to and approved by the Local Planning Authority and works on site shall not re-commence until after all mitigation measures identified and/or recommended have been fully carried out and completed under licence in accordance with the approved details.

Reason:

In the interests of the protection, conservation and enhancement of wildlife and biodiversity.

- 26 No building shall be occupied until full details of measures to prevent and mitigate against air pollution and odours in respect of the use and operation of the building(s) have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved mitigation measures shall be retained and maintained thereafter.

Reason:

To minimise and mitigate against air pollution in accordance with saved policy SD1 of the Shepway District Local Plan Review.

- 27 No development of any individual plot or part of the site, including site clearance work, shall take place until the applicant, or their agents or successors in title, has carried out safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with the approved archaeological details (Evaluation Report 2013/133) submitted to the Local Planning Authority.

Reason:

In order to safeguard any remaining archaeological interest on the site.

- 28 No development (including vegetation clearance) shall take place until a reptile mitigation has been submitted to and approved in writing by the Local Planning Authority. The reptile mitigation must be implemented as detailed within the approved strategy.

The mitigation strategy must include the following:

- a) Translocation methodology
- b) Location of receptor site
- c) Ecological enhancements to be incorporated in to the receptor site
- d) Details of monitoring on the receptor site.
- e) Management plan for receptor site.

Reason:

In the interests of the protection of any reptiles found on the site.

- 29 No development shall take place until an updated badger survey and a badger mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented in accordance with the approved details and timescales.

Reason:

In the interests of the protection of any badgers found on the site.

- 30 Prior to the occupation of any building, details of a Waste Management Strategy to maximise the recycling of waste shall be submitted to and approved in writing by the Local Planning Authority and approved measures shall be implemented at the time of occupation of the buildings and thereafter retained.

Reason:

To take account of the aims of sustainable development, in accordance with saved policy SD1 of the Shepway District Local Plan Review and section 13 of the Link Park Supplementary Planning Document.

- 31 No development shall take place until a Construction Method Statement for the development for each phase or sub-phase, to include details of parking for site personnel, operatives and visitors, the siting of any compounds, the delivery of materials to and from the site, wheel washing, and the proposed times of working, has been submitted to and approved in writing by the Local Planning Authority. The development of the site, or within the respective phases of the development, shall thereafter be carried out in accordance with the respective approved method statement.

Reason:

In order to ensure that the impact of site preparation and construction works in the locality and on highway safety is minimised in accordance with saved policies SD1, TR11 and TR12 of the Shepway District Local Plan Review.

- 32 No development of any individual plot or part of the site shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected in respect of that individual plot or part of the site. The submitted details shall include the retention and maintenance of existing reptile fencing and details of fencing to be erected within the development site to protect the reptile fence from being damaged. The approved boundary treatment shall be completed before the use hereby permitted is commenced or before the buildings are first occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter retained.

Reason:

In the interests of visual amenity and the amenity of residents in accordance with saved policy SD1 of the Shepway District Local Plan Review.

- 33 Before work commences on any individual plot or part of the site, details of existing and proposed ground levels and finished slab levels, together with full details of the roof ridge lines and eaves levels of each building to an Ordnance Survey datum level in respect of that individual plot or part of the site shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason:

To ensure control over the height of the buildings when constructed and to minimise the visual impact of the development in the wider locality.

INFORMATIVES

- 1 All reserved matters submissions will be expected to comply with guidance set out in the 'Link Park Industrial Estate, Lympne - Supplementary Planning Document', Shepway District Council, approved 27 September 2006. The height referred to in condition 5 is a maximum and most developments are expected to fall below this, subject to the various criteria set out in the SDP. The applicant is advised to discuss any detailed proposals with the Local Planning Authority at an early stage.
- 2 This decision is also conditional upon the terms of the Planning Agreement which has been entered into by the developer and the Local Planning Authority under Section 106 of the Town and Country Planning Act 1990. The Agreement runs with the land and not with any particular person having an interest therein.
- 3 Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.
The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Shepway District Council, as local planning authority, has taken a positive and proactive approach to the proposed development, focusing on finding solutions:

The applicant/agent was advised of any issues during the processing of the application and additional information has been submitted to address these.

The development proposed has been considered against the National Planning Policy Framework, Local Plan policy and relevant material planning considerations and it is the view of the Local Planning Authority that planning permission should be granted.

In coming to this decision regard has been had to the following policies:

Shepway District Local Plan Review Saved Policies: SD1, BE1, BE16, E1, E2(C), U4, U10a, U15, TR5, TR6, TR11, TR12, CO1, CO11, CO24

Shepway Core Strategy Local Plan 2013 Policies: DSD, SS2, SS3, SS4, SS5, CSD3, CSD4

National Planning Policy Framework

National Planning Policy Guidance

Link Park SPD

Note:

You are advised that there may be conditions attached to this permission which require the submission of further details to this Authority before the development hereby approved commences or by other specified periods. Such details must be approved by the Local Planning Authority before development commences, or by any other such period specified.

A fee is payable for the discharge of and compliance with conditions of £97.00 per request or £28.00 if relating to planning permission for extending or altering a dwelling house or other development in the curtilage of and ancillary to a dwelling house. (This does not apply to the discharge of conditions on listed building consents)

Requests must be made in writing and must be on the form Approval of Details Reserved by Condition which can be downloaded from <http://www.shepway.gov.uk/content/view/200143/257/#planning>. The statutory period for determining requests is 8 weeks from receipt of a valid request and correct fee. If a decision is not reached within 12 weeks of receipt of a valid submission the fee will be refunded.

Please ensure that all requests for discharge of and compliance with conditions are addressed to the Head of Planning Services and not sent to any other section of the Council and that they are clearly marked with the planning application reference number at the top of this decision notice. Proceeding with the development without obtaining the relevant approvals required by the conditions or not complying with conditions in any other respect may invalidate the permission and may result in the Council serving a Breach of Condition Notice and subsequent prosecution if the Notice is not complied with.



Dated this 15th day of September 2017

Shepway District Council,
Civic Centre, Castle Hill Avenue,
Folkestone, Kent CT20 2QY

Ben Geering
Head of Planning

APPEAL GUIDANCE NOTES

Note:

This permission is confined to permission under the Town and Country Planning Act 1990 (as amended) and does not obviate the necessity for compliance with any enactment, bye-law or other provision whatsoever or of obtaining from the appropriate authority any permission, consent, approval or authorisation which may be required.

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or the grant of it, subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of the notice, using a form which you can get from Initial Appeals, The Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provision of a development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which had been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interests in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.