

APPLICATION: MA/09/1784 Date: 2 October 2009 Received: 4 February 2010

APPLICANT: Gallagher Properties Ltd

LOCATION: ECLIPSE PARK, SITTINGBOURNE ROAD, MAIDSTONE, KENT

PARISH: Boxley

PROPOSAL: Outline planning permission for the erection of a new hotel with access to be considered at this stage and all other matters reserved for future consideration as shown on drawing nos. DHA/6806/01, 279/PL200, 101062/ENG/SK003, 1010062/SK001revF and design and access statement, planning statement transport assessment and ecological assessment received 02/10/2009 and as amended by letter dated 2 February 2010, Transport Assessment addendum, and drawing nos. T0028/SK002, SK022 and SK023 received 04 February 2010 and letter dated 23 April 2010 and drawing no. DHA/6806/03A and photomontages received 27/04/2010 and drawing no. DHA/6806/02A received 05/05/2010.

AGENDA DATE: 10th June 2010

CASE OFFICER: Steve Clarke

1: BACKGROUND

- 1.1 This application was reported to the Planning Committee on 18 March 2010. A copy of the previous report and Urgent Update Reports are attached at Appendix One.
- 1.2 Members deferred consideration of the application for the following reasons;
 - *"To enable the Officers to seek to negotiate conditions to ensure that the height, form and mass of the development sympathetically considers the setting of the Kent Downs Area of Outstanding Natural Beauty (AONB)."*
- 1.3 This application is an outline planning application seeking permission for the erection of a hotel with access to be considered at this stage and all other matters reserved for future consideration. The submitted details indicate that permission is sought for the erection of a 3-star 150 bedroom business hotel. It is classified as a business hotel because it has smaller restaurant/bar facilities and contains no dedicated leisure complex and as such is not designed as a 'leisure' destination in its own right and thus caters more for the corporate and transient commercial sectors.

- 1.4 The building would be up to 7 storeys in height (the 7th storey being two plant rooms located at roof level at either end of the building). The illustrative details indicate that there would be a small fitness room, a restaurant/bar, 2 meeting rooms and a 300m² function room on the ground floor of the building. It would accommodate 30 bedrooms on each floor from the 1st up to the 5th floors. The plant would be located on the 6th floor at roof level in two small areas at either end of the building.
- 1.5 The site lies within the urban area of Maidstone within an allocated employment site as indicated on the Maidstone Borough-wide Local Plan 2000 Proposals Map

2: CONSULTATIONS & REPRESENTATIONS

- 2.1 Following the deferral, negotiations have taken place with the applicants, seeking primarily to reduce the scale and height of the building.
- 2.2 The applicants have submitted further details showing the relationship of the proposed hotel to its surroundings. This includes scaled cross-sections through the site based on a topographical survey of the site. These show the site's relationship to the M20 Motorway which lies adjacent to the southern boundary of the Kent Downs AONB and to Heath Wood to the west of the site. Three images of the hotel, compiled using photographs, the site survey information and computer modelling of the proposed building and combined with the use of software and using the height of the existing telephone mast as a known reference point have been submitted. The applicants have confirmed that the following methodology was used.

"To prepare the visualisations, an accurate three dimensional model of the proposal was prepared in 'Sketchup', a programme widely used in the design industry to prepare realistic and scaled models for presentation. The proposal was drawn up in 'Sketchup' using the architects' scaled drawings and inputted onto a scaled Ordnance Survey Base to ensure accuracy at all times. At the same time, the existing telephone mast was also plotted and its height modelled in 'Sketchup', so that it could form a reference point when inserting the model into photographs.

Views of the 'Sketchup' model were then taken in order to tie in with the views presented in the chosen photographs. This was achieved by setting the vision point on the OS base using the 'camera' tool, which is automatically set to average human height. A JPEG image of the 'Sketchup' model was then created and inserted onto the chosen photograph, utilising the telephone mast as a reference in order for its scale to be accurate. This was achieved using 'Photoshop'.

(Officer comment: This methodology has through the use of a fixed reference point on the site (the telephone mast) that has been accurately plotted by the site survey, enabled the scaled model of the proposed building to be superimposed accurately onto the three photographic images.)

- 2.3 Further consultation with previous consultees and previously consulted local residents has been undertaken on the additional information.
- 2.4 One further letter from a local resident has been received, this reiterates comments previously made and summarised in the earlier (appended) report.
- 2.5 The **Economic Development Manager** has provided the following additional comments as a supplement to previous comments set out in section 3.11 of the appended report.

"I stand by the previous comments regarding this application, particularly concerning the Park and Ride site and need to replace provision if the application is approved. I would like to add:

Eclipse is Maidstone's premier business park, a flagship for business development and investment. It should proclaim to the business community in the region that Maidstone is open for business and offers quality, well located sites from which they can operate. As an allocated employment site, well connected to the national motorway network – at a gateway location to Maidstone - it should be visible from the motorway network both day and night or its potential to attract business and create employment opportunities will be significantly reduced.

Whilst it is the aspiration of the Council's Economic Development Strategy to attract higher skilled, higher wage employment in knowledge driven sectors to create a more competitive local economy and raise living standards, it should be remembered that there is a significant part of the resident population that is not highly skilled and require a mix of employment opportunities. A hotel development will create such jobs directly together with indirect employment plus increased visitor spend should it go ahead. Its use is complementary to a predominately office based business park as demonstrated elsewhere in the Country."

3: CONSIDERATIONS

Additional information

- 3.1 Following the deferral, further negotiation has taken place with the applicant. These discussions have resulted in more accurate plans that have enabled a reduction in the height of the building and further detail relating to the building and the site to be secured.
- 3.2 The achievement of this reduction has been possible through the submission of additional supporting information for the application which provides greater context for the proposals in terms of the surrounding area. Primarily, these are scaled cross-sections based on a topographical survey of the site and some further photomontages showing the site in a wider context. These were important to secure because the height of the building and whether the height

would be dominant in the landscape including the impact on the nearby AONB are key considerations.

- 3.3 The cross-section plan shows two main sections running west–east and south–north through the site at scales of 1:1000 and 1:500.
- 3.4 As an outline application, detailed site levels are yet to be determined, however, in assessing the survey information and providing the sections, a Finished Floor level 1m above the existing Eclipse Park estate road has been assumed by the applicants. This has enabled the modelling to show an indicative maximum building height of 21.8m. Previously it was indicated as 23m. It should be noted that this figure represents the highest part of the building comprising the roof-top plant housings at either end of the building each approximately 9m x 7.5m in size. The plans also show the main part of the building to be six storeys in height with an indicative height of 18.6m.
- 3.5 The proposed hotel building, although it would have more floors than the nearby Towergate building, would be comparable in terms of its height. The Towergate building (4 storeys plus the roof plant housing) is 18m to the roof level and overall 22m at its highest point. The reason for this is that storey heights used in hotels, typically 2.8m, are over 1m lower than storey heights typically used in offices, including the existing buildings at Eclipse Park, at 3.9m.
- 3.6 The hotel building would project approximately 12.5m above the M20 motorway embankment level to the top of the accommodation level and to a maximum of approximately 15m to the top of the plant rooms.
- 3.7 I consider that the reduction in overall height (1.2m) and the greater clarity regarding the overall height of the main accommodation levels within the hotel (shown as 18.6m) have reduced the potential impact on the AONB.
- 3.8 The west–east section runs from Heath Wood through the site to the Towergate building and the A249/M20 junction 7 link road. It is clear from this section sections that the proposed hotel would not be higher than Heath Wood (with in which the trees are on average between 22-25m in height) and would actually sit lower than the existing telephone mast (on the site and to be removed) and the electricity pylon located west of the site.
- 3.9 The south-north section runs from the Hilton Hotel adjacent to Bearsted Road through the site to the M20 slip-road and main carriageway. Here the indicative finished floor level of the hotel is shown at the same level as the main motorway carriageway. With the existing embankment and the slip road intervening to the north of the site, the section indicates that the ground and first floors of the hotel (amounting to approximately 6.5m of the building) would be below embankment level and that overall the hotel at its maximum would not only be

lower than the 'phone mast to be removed but also lower than the pylon located west of the site (which is approximately 22.5m high).

- 3.10 The submitted photomontages are taken from three vantage points. As indicated above these are based on photographs, these were taken from the Chiltern Hundreds roundabout, the Bearsted Road/A249/Nottcuts roundabout and from Jade's Crossing over the A249 at Detling. A computer-generated model of the hotel has been superimposed onto the photographic images using appropriate software and using the information available from the site survey and the known reference point of the existing telephone mast.
- 3.11 Viewpoint one, taken from adjacent to the Chiltern Hundreds roundabout, clearly shows the proposed hotel against the backdrop of the scarp slope of the Downs beyond. The building would not breach the crest of the Downs. Viewpoint two, taken from the south east corner of the Bearsted Road/A249 roundabout, shows the proposed building in the context of the Torgate building and also against the existing phone mast which is clearly higher than the proposed building. The site levels are such that only the upper floors of the building are visible. The third viewpoint from Jade's Crossing on the A249 at Detling shows that the narrow northern façade of the building would be visible and that this would be set against the backdrop of the existing Eclipse Park buildings and that it would also not protrude above the backdrop of the trees in the Vinters Park area on the south side of Bearsted Road.

The setting of the Kent Downs AONB and the height and mass of the building

- 3.12 In deferring consideration of the application at the Planning Committee meeting on 18 March, Members expressed concerns regarding the potential impact of the development on the setting of the Kent Downs AONB. However, given that the site is within an allocated employment site in the urban area, I consider it important to set out some background.
- 3.13 The context of this site in relation to the AONB and the appropriateness of the current's site then designation as part of the North Downs Special Landscape Area (SLA) was considered at length by the Local Plan Inspector in his report into objections to the Deposit Draft of the Maidstone Borough-wide Local Plan. The Inspector was asked to consider specific objections seeking to remove the SLA and Strategic Gap designations on three areas of land; an area including Heath Wood in the west, a central area of land adjoining the Stakis (now the Hilton) Hotel and an eastern area comprising land east of the A249 as far east as Horish Wood and including land at Newnham Court Farm.
- 3.14 The Inspector clearly concluded in respect of the western area to the west and southwest of the current application site that the most southerly part should be allocated for housing development and excluded from the SLA, this is now Shaw

Close, but that Heath Wood and the open meadow area to its east which provided a setting for the woodland should not be excluded from the SLA. In respect of the eastern area, the Inspector concluded that whilst the land and buildings around Newnham Court Farm were prominent, their impact was limited to the western part of the area with the remainder providing an extensive area of open agricultural land unaffected by Newnham Court or the urban influences further west and wholly in keeping with the rest of the landscape in the SLA. He therefore concluded that this area should remain in the SLA.

- 3.15 Of key importance to the consideration of the current application as it includes the application site is the central area considered by the Inspector. He concluded as follows in para 3.391 of his report.

'Turning to the central area, I agree with the objectors that its landscape character has been severely affected by the urbanising influences of the hotel, the M20 and other roads and the park and ride facility. I am concerned that the criteria for establishing SLAs should not be applied to such a small area, since not every part of the SLA will meet all of them. Nevertheless I agree that in itself the site has little scenic quality and that whilst it retains elements of open fields and tree shelter belts they are not enough in this urban context to ensure the site is representative of Kent countryside. Moreover, from the A249 to the east of the site where these features are most apparent, the car park can be seen through the trees further eroding its scenic and representative qualities.'

- 3.16 The Council contended at the Local Plan Inquiry that the original justification for including the land to the south of the M20 in the SLA was that it was foreground to the Kent Downs AONB. The site was important as the undeveloped foreground in views northwards to the open countryside and the Downs.

- 3.17 The Inspector considered this argument and rejected it stating in paragraph 3.392;

'I agree that there are views of the Downs particularly from the western end where Bearsted Road rises above the site. However, the hotel is highly prominent in all these views both along the road frontage and into the site in depth. I did not find that the landscaping mitigates the urbanising impact of its extensive roof, since in many places the road is higher than the site and looks down onto the roof.

3.393 For all these reasons I have concluded that this part of the objection site which is also the site of objections DED0122 and DED0123 dealt with in Chapter 5, should be deleted from the SLA. This area includes the site which is subject of objections DENV005 in paragraph 3.372 (*the area to the east of Old Sittingbourne Road and west of the Hilton Hotel*). To be consistent the site of the Stakis Hotel should also be excluded.'

- 3.18 The Inspector also considered a specific objection seeking the allocation of the land adjacent to the Stakis (Hilton) Hotel as an employment site. He set out his views on the site's potential allocation in Chapter 5 of his report at paragraphs 5.30 and following;

'5.30 In Chapter 3 I recommend that the site should be deleted from both the Strategic Gap (DENV0490) and the North Downs SLA (DENV0491). Against this background and with my conclusions in need and the agreement at the inquiry on other matters, the only outstanding issue to my mind is the effect of the proposal on the character and appearance of the area.

Conclusions

5.31 I found on my visits that the character and appearance of the area around the site is very strongly influenced by the urban nature of the Stakis Hotel the M20 and other major roads, the park and ride facility and, to a lesser extent, the buildings at Newnham Court Farm. It was this urban influence which I describe in more detail in chapter 3 which led to my recommendation to delete the objection site from the SLA. It also persuades me that, with the right safeguards on landscaping and uses, development of the type proposed would not materially harm the character and appearance of the area. I therefore conclude that this objection should be supported and I turn to consider the modifications to the Plan which are necessary as a result.'

3.19 It is clear that the Local Plan Inspector considered that the site had been affected by existing urban intrusion arising from the hotel and the motorway and other roads to such an extent that its role as part of the SLA and in providing the setting for the Kent Downs AONB had been compromised to the point that designation should not be continued.

3.20 Whilst no longer a saved policy, the explanatory text to Policy ED4 of the Borough-wide Local Plan sets out the reasoning for the allocation of the site as suitable for technologically driven businesses;

"5.39 Such industries tend to look for prestige locations in a setting which enhances the image of the business. They are unlikely to be attracted to traditional industrial estates or to town centre office blocks.

5.40 If Maidstone is to maximise its potential to attract and develop these businesses within the local economy, and to achieve the kind of economic diversification which the Council considers to be essential for the future well-being of the Borough, it is critical that a high profile 'gateway' type site be identified and allocated for these activities. Such a site needs to be clearly visible from the motorway, to have good access, the potential for a high quality landscaped environment, good access to a wide catchment of skilled workers and to have the potential for the development to be seen as a gateway to the town."

Members will have noted the views of the Economic Development Manager set out earlier in the report which echo these sentiments regarding the profile of the site and the need for it to act as a gateway to attract quality businesses.

3.21 The position and overall context of the site relative to the setting of the SLA and AONB has not changed in the intervening period between the Local Plan report

and the submission of this application. PPS7 which was published after the adoption of the Local Plan has downgraded the importance of local landscape designations such as SLAs but has reinforced the importance of national landscape designations such as AONBs. It is against this context that the application should properly be considered.

- 3.22 I consider it important for Members to be fully aware of the background to the designation of the site as an employment allocation in the urban area, in order to be aware of how much priority/weight can be attached. However, the impact of the scale of the building on the AONB and the surrounding countryside is still an important material consideration. Members were quite rightly concerned with the impact on the AONB and I have taken steps to reduce this.
- 3.23 The applicants have submitted cross sections and the photomontage images, the details of which, are set out earlier in the report. In my view these clearly show that the development would not compromise views either from within the AONB itself looking southwards, nor views of the North Downs escarpment from the south. The additional information has enabled a clear reduction in the height of the building to be achieved. The submitted details have also clarified the relationship of the building to the motorway embankment in that the maximum projection at roof plant level above the embankment would be 15m with the accommodation levels only projecting approximately 12.5m. Overall, the building would also be comparable in height with the Townergate building despite it having a greater number of storeys.
- 3.24 Looking northwards from Bearsted Road/Chiltern Hundreds, the hotel building would not compromise or breach the important backdrop of the crest of the Downs ridge and would not significantly impinge on the visual gap between Eclipse Park and the Chilterns Hundreds PH provided by the former section of Sittingbourne Road, with the proviso that the building is orientated as shown on the illustrative site layout plans with its narrowest facades pointing northwards and southwards. If the building was positioned so that the main facades of the accommodation levels were sited parallel to the M20 carriageway it would in my view be unacceptably intrusive. I consider that its orientation can be secured by means of an appropriate condition.
- 3.25 Looking southwards from within the AONB, the slim northern elevation of the building and an element of the western facade would be visible. This would also not project into the skyline and would be seen against the backdrop of the existing Eclipse Park development and the tree belt beyond to the south which it would also not breach. My view as to the impact of a building sited parallel to the motorway, remain valid here as well.
- 3.26 I consider that the supplemental information has thus clearly confirmed that the development in terms of its height and mass sympathetically addresses the

setting of the AONB provided that appropriate conditions relating to site levels and maximum height of the building (plant rooms) and accommodation sections of the hotel are imposed. I also consider that a condition should be imposed preventing the installation of any further plant or equipment (including telecommunications apparatus) on the roof of the building once erected to seek to ensure its visual impact is not worsened by the installation of such apparatus.

Form and Materials of the building

- 3.27 Whilst the submitted details are illustrative, the building has a clear hierarchy in its design. There would be a solid ragstone base for the taller ground floor. Above ground floor level, the building would feature lighter materials forming and framing the main accommodation floors in the central section of the building with the highest part of the building, the roof and the plant rooms providing a clear termination to the building.
- 3.28 The illustrative material set out in the design and access statement shows a number of material elements introduced into the illustrative design, namely, the use of a ragstone plinth, the use of rainscreen cladding, timber cladding and glazed curtain walling. These are all acceptable materials. The metal rainscreen cladding elements would frame the curtain glazing and face the motorway with the more natural elements used on the entrance elevation. In my view the proposed use of curtain glazing for the accommodation levels within the building would be light in appearance and allow for natural reflection adding visual interest to the building. Ragstone would be used to form a solid base to the building and the entrance tower feature would be timber clad. The green roofs will also add interest to the building, assist in softening its appearance when viewed from within the AONB and with appropriate species, also support biodiversity and ecology. The use of planted gabions to form the western boundary of the site would add further interest.
- 3.29 The juxtaposition of the materials would provide visual interest and together with elements of the design that project or are recessed provide layering on the building, giving it vitality.
- 3.30 The use of appropriate conditions linking the details of reserved matters to the principles set out in the Design and Access Statement will ensure that the building is of a suitable form and that appropriate materials reflect this form are used.

Landscaping

- 3.31 The Local Plan Inspector recognised the importance of landscaping when he considered the site as did Borough-wide Local Plan Policy ED4 when it was

subsequently drafted. This issue is also therefore remains an important consideration in relation to the proposals and their impact.

- 3.32 The applicants have confirmed that no more than 173 car parking spaces within the site are to be provided. This has enabled the provision of substantial additional landscaped areas in the south west and south eastern corners of the site which could involve the use of moulding to accentuate their screening effects. These areas will link to other proposed landscaping along the western boundary (partially to be provided by planted gabion walls) as well as the eastern and northern boundaries of the site. The indicated planting and landscaping on the site's southern boundary reflects that approved for the development on the south side of the estate road.
- 3.33 An avenue of trees is shown to be planted on significantly higher ground along the old alignment of Sittingbourne Road to the west of the hotel building. Whilst outside the application site boundary, they can be provided on land under the applicant's control and will form a medium to long term part replacement of previously existing Poplar trees. I also consider that the indicative site layout shows the car parking areas to be acceptably broken up by planting within the site.
- 3.34 Subject to appropriate conditions requiring detailed landscaping provision to be submitted as a reserved matter, I consider that the principles illustratively shown help to soften the impact of the development and demonstrate that they are capable of ensuring the development is provided with an appropriate setting both within the site itself and also in relation to its immediate and wider context outside the site.

Other issues

- 3.35 Members will note from Section 7 of the previous report that the issue of the principle of a Class C1 development taking place on land designated for development falling within Class B1 and Class B2 was considered. The proposals were also considered against the criteria of Policy ED17 of the Borough-wide Local Plan. This policy does not preclude development on non-allocated hotel sites or sites allocated for other uses.
- 3.36 In terms of the principle of a Class C1 use on the site, it is clear that since designation in the Borough-wide Local Plan, the nature of the employment market has changed, for example, no class B2 development has been forthcoming on the adjacent Eclipse Park or on the larger site designated in the Borough-wide Local Plan. In fact, no class B2 uses have come forward on any allocated site in the Borough-wide Local Plan. Members will have also noted from the site history that the s106 agreement which restricted B1 development to

40% of the floorspace within the site has been revoked. Members will also be aware that policy ED4 which applied specifically to the site has not been saved.

- 3.37 Government advice has also changed in the form of PPS4 published in December 2009. This advice is clearly more up-to date than the saved policies in the Borough-wide Local Plan. It is important also because it has expanded the definition of economic development within which, hotel development as an 'arts, culture and tourism development use' is included and also includes development that creates employment opportunities.
- 3.38 I remain of the view for the reasons set out in the appended report, that despite not being a Class B1 or B2 use, the provision of a hotel on the site would not be contrary to recently published government policy, which makes no distinction between the various Use Classes in terms of employment generation and economic development and is therefore acceptable in principle subject to the tests set out in PPS4 and ED17 of the Borough-wide Local Plan being satisfied. As set out in the previous report I do consider that both the advice in PPS4 and the criteria of ED17 have been met.
- 3.39 In relation to the term 'business hotel', the Use Classes Order makes no distinction in Class C1 between hotels that are leisure orientated with large dining and leisure complexes including swimming pools etc. or hotels such as that proposed here that have no such leisure facilities but cater, as discussed in the market assessment report that accompanied the application, more for the corporate business or transient commercial sectors.
- 3.40 Given this lack of distinction, I do not consider that a specific condition can be applied requiring the details of approved matters to show a business hotel. However, the parameters indicated in the design and access statement can be covered by means of an appropriate condition. I would also advise Members that a hotel seeking to cater for a more leisure orientated market is likely to require a greater level of car parking provision than that proposed and also would need a building of a greater footprint within the site which would very likely be to the detriment of available landscaping space and leading to a larger building with a resultant increased potential visual impact.
- 3.41 I can advise Members that the applicants have been in negotiation with Kent County Council's Travel Plan team and that an Interim Travel Plan for the development has now been approved. This links into the Travel Plan for Eclipse Park and site-wide travel initiatives. The Interim Travel Plan will form the basis for a full travel plan to be developed with the identified operator at reserved matters stage in conjunction with further discussion with KCC. I have recommended an appropriate condition to secure this. I can confirm that there is a bus service from Eclipse Park to the Town Centre and vice versa.

- 3.42 The previous report makes reference to the Town and Country Planning (Consultation) England) Direction 2009. The development is contrary to policy ED1 of the Maidstone Borough-wide Local Plan as it not Use Class B1 or B2 development. I would remind Members that the development has been advertised as a departure and no representations were received as a result of the advertisement.
- 3.43 Under the Direction it is necessary to refer the development to GOSE as a leisure development if the floorspace of the proposed building exceeds 5000 square meters.
- 3.44 Although the floor plans are only illustrative, they do indicate that the building is likely to exceed the threshold of 5000 square metres, this has been confirmed by the applicant. I consider therefore, that whilst a hotel development is a Class C1 development and not within the 'Assembly and Leisure' Class D2, it is a form of leisure related development and in my view it is necessary to formally refer the application to GOSE before any planning permission can be issued.

4: Conclusion

- 4.1 The proposed development is considered acceptable in principle as economic development on this site. There are no highway objections to the proposals. The illustrative elevations indicate that a building of quality can be secured and that the development will not have an adverse impact on ecology or biodiversity.
- 4.2 The development will not have an adverse impact on the setting of the Kent Downs AONB in terms of views into or out of the area. In terms of its overall height it will clearly be comparable to the Towergate building on the site and will not protrude above the escarpment of the Downs
- 4.3 Subject to the referral to GOSE, I consider the development to be acceptable and recommend permission is granted subject to appropriate conditions.

RECOMMENDATION

Subject to the referral of the application to the Government Office for the South East and the subsequent expiry of the formal referral period and receipt of no Direction preventing the grant of planning permission, I BE GIVEN DELEGATED POWERS TO GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of three years from the date of approval of the last of the reserved matters to be approved;

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

2. No development hereby permitted shall be occupied unless and until the completion and opening to traffic of a scheme of improvements to M20 Junction 7 generally shown on drawing no. HTT91271A/1080.1/1A (or other such scheme of works substantially to the same effect which has first been approved in writing in writing by the Local Planning Authority.

Reason: To ensure that the M20 motorway continues to be a safe and effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980.

3. No more than 173 parking spaces shall be provided on the site at any time.

Reason: To ensure that no more trips are generated than predicted and in the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to Planning Policy Guidance Note 13.

4. No part of the development hereby permitted shall be brought into beneficial use unless and until a detailed Travel Plan has been prepared and approved in writing by the Maidstone Borough Council in consultation with the Secretary of State for Transport and the Local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained in full respect within 3 months of the occupation of the hotel, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that no more trips are generated than predicted and in the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to Planning Policy Guidance Note 13.

5. No part of the development shall be occupied until the highway works listed below have been carried out and completed in accordance with a design and specification and construction programme to be approved in writing by the Local Planning Authority.

1. Improvements to the A249 Bearsted Road roundabout incorporating the replacement of the dedicated left turn lane on the eastbound approach to the roundabout with a 3 lane give way entry and signing and lining alterations to the roundabout as shown in principle on Drawing Number T0042/SK002 dated January 2010.

2. Improvements to the A249 Sittingbourne Road/ Bearsted Road/Penenden Heath Road roundabout (Chiltern Hundreds roundabout), incorporating the replacement of the existing single lane, free flow exit from the Eclipse Park onto the A249 Bearsted Road with a 2 lane give way exit and signing and lining alterations to the roundabout, as shown in principle on Drawing Number T0028/SK023 dated January 2010.

3. Provision of a new signalised junction forming the new access to the site from the A249 Bearsted Road and replacing the existing left in/left out access as shown in principle on Drawing Number T0042/SK002 Rev A dated January 2010.

4. Provision of a new pedestrian and cycle lane on the east side of the access road into the Eclipse Park site as shown in principle on Drawing Number T0042/SK002 rev A.

Reason: To ensure appropriate means of access to the site and to ensure an acceptable impact on the local highway network in the interests of highway and pedestrian safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

6. The details of the reserved matter of landscaping which shall accord with the principles indicatively shown on drawing no. 279/PL200revA, shall show the use of indigenous species and shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The submitted scheme shall include inter-alia, the following details:-

i) The provision of a wildlife pond and associated planting,

ii) The provision of additional planting on the site's northern boundary to add robustness to the established planting on the motorway embankment and to provide connecting habitat corridors

iii) Planting on the proposed gabion walls

iv) The provision of a double avenue of lime trees along the disused section of Sittingbourne Road (outside the site boundary but on land within the applicant's control) running the length of the application site's north western boundary.

v) Details of the specification and planting mix for the green roofs to the building

- vi) Details of the external surfacing materials to be used for all pathways, roadways, parking spaces and terraced areas within the site.
- vii) Retention of a proportion of the cordwood arising from the felling of any existing trees
- viii) The provision of bat and bird boxes including swift boxes within the site

Reason: No such details have been submitted and to ensure a satisfactory visual appearance to the development in the interests of biodiversity and ecology pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000, policies CC6 and NRM5 of the South East Plan 2009 and the advice in PPS9.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

8. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction- Recommendations'. No work shall take place on site until full details of protection and a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policies CC6 and NRM7 of the South East Plan 2009.

9. The development shall not commence until, details of all fencing, boundary treatments and walling, which shall include the use of gabions for the retaining walls, 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 occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development pursuant to policy CC6 of the South East Plan 2009

10. The details submitted pursuant to condition 1 above shall show a building with a maximum height of 21.8m with the accommodation levels being no higher than 18.6m above ground level and of no greater than 150 bedrooms and orientated as shown on drawing nos. DHA/0686/02revA and 279/PL/200A.

Reason: To ensure a satisfactory visual impact to the development and to reduce the visual impact on the Kent Downs AONB pursuant to policies CC6 and C3 of the South East Plan 2009 and to accord with the parameters set out in the application.

11. The development shall not commence until, details of the proposed slab levels of the buildings and the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The finished floor level of the ground floor of the hotel shall be no higher than 1m above the level of the existing Eclipse Park estate road at the point adjacent to the site ingress point. The development shall thereafter be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site and the proposed reductions in land levels within the site pursuant to policy CC6 of the South East Plan 2009.

12. The development shall not commence until, details of any external lighting to be placed or erected within the site or on the building have been submitted to and approved by the local planning authority. The submitted details shall specifically address the impact of the lighting scheme on bats, including their breeding and resting places within and adjoining the site. The development shall thereafter be undertaken in accordance with the approved details and no additional lighting shall be placed or erected within the site or on the buildings at any time without the prior approval of the local planning authority.

Reason: In the interests of the character and visual amenity of the area and in the interests of ecology and biodiversity pursuant to policies ENV49 of the Maidstone

Borough-wide Local Plan 2000 and policy NRM5 of the South East Plan 2009.

- 13.If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with.

Reason: This site lies on the Folkestone Sandstone Formation, which is classified as a principal aquifer in the Groundwater Protection: Policy and Practice. This site also lies in a Source Protection Zone (SPZ) 3 for the Hockers and Springfield Mill public water abstraction. Public water abstractions are therefore at risk from activities and all precautions must be taken to prevent discharges and spillages to ground both during and after construction and pursuant to policy NRM1 of the South East Plan 2009..

- 14.The development shall not be commenced until details of a scheme to provide for the displaced Park & Ride vehicle parking provision resulting from the construction of the hotel, to be provided on land identified on drawing 1010062/ENG/SK03, has been submitted to and approved by the local planning authority. The subsequently approved parking provision shall be constructed and made available for use prior to the commencement of construction of the hotel.

Reason: To safeguard the existing park and ride car park facilities pursuant to policy T17of the Maidstone Borough-wide Local Plan 2000.

- 15.The development shall not commence until details of cycle parking spaces have been submitted to and approved by the local planning authority. The building shall not be occupied or the approved use commenced, until the approved spaces have been implemented and they shall be maintained thereafter.

Reason: In the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to Planning Policy Guidance Note 13.

- 16.The development shall not commence until details have been submitted showing that a minimum of 10% of the energy requirements of the building are to be met from renewable sources. The development shall not be occupied until the subsequently approved details have been implemented and they shall be maintained thereafter.

Reason: In the interests of sustainability and to provide an energy efficient form of

development pursuant to policy NRM11 of the South East Plan 2009.

17. The details of the reserved matters of scale and appearance submitted pursuant to condition 1 above shall show a hotel with ancillary fitness, meeting/function and restaurant facilities of the scale indicated in the Design and Access Statement received 02/10/2009. The design and materials of the hotel shall be of a high architectural standard and be guided by the design parameters set out in the Design and Access Statement received 02/10/2009 and include the use of ragstone to the ground floor, timber cladding and metal rainscreen cladding.

Reason: To ensure a high quality design and to achieve a satisfactory visual impact for the development pursuant to policy CC6 of the South East Plan 2009, the advice in PPS4 and to accord with the parameters set out in the application.

18. No advertisements, or structure, plant, equipment or machinery, including telecommunications apparatus, shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority;

Reason: To safeguard the external appearance and character of the building in the interests of the character of the surrounding area pursuant to policy CC6 of the South East Plan 2009.

Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

Only clean uncontaminated water should drain to the surface water system. Roof water shall discharge direct to any soakaway via a sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gullies or interceptors unless collected as part of a rainwater harvesting system. Open gullies should not be used. A minimum amount of

unsaturated zone should be maintained at all times during the year, between the invert level of any soakaway and the maximum height of groundwater. This zone should be at least 10m in depth.

Prior to being discharged into any soakaway system, all surface water drainage from parking areas, roads and hardstanding areas shall be passed through trapped gullies to BS 5911:1982, with an overall capacity compatible with the site being drained.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials (such as detergents) should be stored in bunded areas secured from public access, so as to prevent accidental/unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

The proposed development is not in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000. However, the development, subject to the conditions stated, is considered to comply with recent Government guidance contained within PPS4: Planning for Sustainable Economic Growth, which is considered to represent circumstances that outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.