

APPLICATION: MA/10/0140 Date: 29 January 2010 Received: 23 March 2010

APPLICANT: G Forces Web Management Ltd.

LOCATION: CORBIN BUSINESS PARK, CARING LANE, BEARSTED, ME14 4NJ

PARISH: Thurnham

PROPOSAL: Erection of a two storey rear extension to existing office building including reconfigured site layout, parking and landscaping in accordance with design and access statement; sustainable construction and design and renewable energy assessment; full travel plan; transport statement; economic statement and sequential assessment; plans numbered; 1010083/SK001; 09135/11C; ; 1010083/SK002; 09135/10/C/ 09135/12/C received on the 29 January 2010, and plans numbered 1670/01 Rev A and 09135-02 F received on 4 May 2010, and ecological desktop study as received on the 23 March 2010.

AGENDA DATE: 10th June 2010

CASE OFFICER: Chris Hawkins

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by the Parish Council;
- It is a departure from the Development Plan and has been advertised as such;
- Councillor Horne has requested it be reported for the reason set out in the report.

## **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV34, T13

South East Plan 2009: RE1, RE2, RE4, RE5, CC2, CC4, A0SR7

Village Design Statement: N/A

Government Policy: PPS1, PPS4, PPS7, PPS9, PPG13

## **HISTORY**

MA/07/1361 Corbin Business Park, Caring Lane, Thurnham. An application for advertisement consent for installation of a free standing non-illuminated entry sign. Approved with conditions.

- MA/07/0176      The Barn, 23 Caring Lane, Thurnham. Retrospective application for the erection of a replacement building for B1 use and associated car parking (on site of B8 storage and distribution premises granted permission for conversion from B8 to B1 under MA/05/2133). Approved with conditions.
- MA/05/2133      The Barn, 23 Caring Lane, Thurnham. Change of use of existing barn from class B8 storage and distribution use to class B1 business use with associated alterations and parking. Approved.
- MA/05/0324      The Barn, 23 Caring Lane, Thurnham. Certificate of Lawful Development for an existing development being the use of the site for storage use within Use Class B8. Approved.

Other planning history has been referred to within representations made to this Authority, however, many of these relate to sites within the locality, rather than the application site itself. Where relevant, these will be discussed within the main body of the report.

## **1.0 CONSULTATIONS**

**1.1 Councillor John Horne** was consulted and has raised a number of concerns and objections which are summarised below: -

- There is a significant planning history;
- Concern is raised over the way in which planning permission was obtained in 2007 for the re-building of the barn – he feels that the policies were misinterpreted;
- The land is sited within the open countryside, and within a Special Landscape Area – policies ENV28 and ENV34 are referred to;
- He quotes the following extract from a recent appeal decision in Caring Lane, regarding development within the countryside: *“National Guidance has the overall aim of protecting the countryside for its own sake and there is a presumption against new development outside the existing settlements that is not associated with the needs of agriculture, forestry or other issues essential to the rural economy. The policies within the Kent and Medway Structure Plan (adopted in July 2006) and those saved in the Maidstone Borough wide Local Plan (adopted in 2000) reflect that national aim and are restrictive. Both plans were still in force at the time of the hearing and whilst the new South East Plan has now replaced them there is no material difference concerning the policy for new development in rural areas.”*
- Therefore, the applicant has no justification in questioning its validity or the weight that the Inspectorate should attach to an SLA;
- This was also the view of Maidstone Borough Council (MBC) at that particular Appeal;

- With regards to the landscaping of the site, Cllr Horne refers to the following extract from the aforementioned Appeal decision: *"There is nothing opposite the site other than open countryside and I do not consider that development on the (appeal) site even if sensitively landscaped on the frontage would be acceptable in this location; any development can be 'hidden' but that does not make it acceptable development in the countryside."*
- Highway safety concerns are raised, particularly regarding speed along the lane, and visibility when leaving the site;
- There is an increase in the ratio of car parking places on site. In view of the submitted travel plan this is curious. For logically, there should even be a reduction of the existing car parking;

Cllr Horne then concludes: -

'For these reasons an application which trebles the footprint must be considered intrusive and adversely affecting the character of the area contrary to the objectives of the relevant policies within the Development Plan which seek to restrict new development in the countryside unless it is for particular needs that are set out in the policies. This development is not one of those that in certain circumstances could be considered acceptable.'

Cllr Horne has also requested that a copy of the recent Appeal decision for the neighbouring land be appended to this report, in order that Members be aware of the planning history of the surrounding land.

## **1.2 Thurnham Parish Council** objected as follows: -

### 1.2.1 'Thurnham Parish Council has considered the above planning application and wishes to raise its strong objections for the following reasons:

The area lies within the North Downs Special Landscape Area and we feel that the proposals would amount to the over development of this location. The original planning application for this site was for the conversion of a renovated barn; however this was demolished and replaced with a new building for which retrospective planning permission was granted in 2007. The Parish Council feels that the new proposals would further develop the area beyond what is acceptable within a rural area.

The Parish Council is very concerned about the speed and amount of traffic that uses Caring Lane. It is used as a rat run with cars regularly exceeding the speed limit. The Parish Council has raised concerns regarding this with the police and highways authority on a number of occasions and we supported local residents in having a traffic survey of the road undertaken in 2004. Our concerns were also supported by the Planning Inspector appointed to consider the appeal for 22 Caring Lane which was dismissed on 7<sup>th</sup> September 2009. We feel that the

proposed increase to the workforce at this site would create further problems with traffic along Caring Lane and onto the A20 Ashford Road.

In conclusion, Thurnham Parish Council objects to this application and would wish to see this considered and refused by the Planning Committee.'

**1.3 Kent Highway Services** were consulted and raised no objections to the proposal. The comments received are as follows: -

'I have checked the details of the application and Transport Statement and I am confident that the traffic generated by the proposals can be accommodated along Caring Lane without detriment to Highway Safety or capacity. Vision Splays for the access of 2m by 90m proposed, this is in excess of Manual for Streets recommendation.

Parking onsite is being provided in accordance with maximum parking standards in Manual for Streets which is acceptable.

A travel plan will be operational for the site. Enhancements are to be made to the existing 30mph limit. In view of the above, I confirm that I have no objections to the proposals in respect of highway matters subject to suitable conditions being attached to any permission granted.'

**1.4 The Environment Agency** were consulted on this application, and raised no objection subject to a condition being imposed relating to potential contamination within the application site. This condition is suggested at the end of this report.

**1.5 Natural England** were consulted and made no comment within their response. They asked for the Council to determine the application in line with their standard guidance.

**1.6 Maidstone Borough Council Landscape Team** were consulted and have raised no objection to this proposal, subject to the native hedge being located at the base of the bund rather than along its ridge.

**1.7 Maidstone Borough Council Economic Development Manager** has made the following comments: -

1.7.1 'The plans set out by G Forces to expand their business and introduce an academy providing work experience and opportunities for students to train in an industry environment is supported by Economic Development for the following reasons: -

1.7.2 G-Forces are a successful web design company which is part of the creative industries sector. This sector has seen significant growth nationally over the last ten years and is considered a key growth sector for the future. In 2009 the government published a paper called Creative Britain: New Talents for the new Economy. The paper recognised the importance of the creative sector and sees economic growth coming from businesses which "... have their origin in individual creativity, skills and talent and which have a potential for wealth and job creation through the generation and exploitation of intellectual property". Locate in Kent, the county's inward investment agency, targets digital media companies as a key sector for the county's economic growth. Regionally the sector is supported through a consortium called South East Media Network and is recognised regionally as important for the growth of the South East by SEEDA. Locally Maidstone's Economic Development Strategy highlights the potential for Maidstone to grow the media and creative sectors, building upon the presence of the University for the Creative Arts, Maidstone TV Studios and the Media Tree network. The expansion of this business together with the jobs it will create aligns with national, regional and local strategies and is supported, particularly in the context of growing unemployment in the Borough. G-forces offers locally higher skilled, higher paid employed and as such will help to address this imbalance.

1.7.4 With regard to the training element of G-Forces application, in 2009 the government published its Skills for Growth paper – A national strategy for economic growth and individual prosperity. This paper sets out government thinking on how the country should be planning to ensure the skills taught today meets the needs of industry now and in the future. Specifically it states that "government wants to build new bridges between the workplace and higher learning and engage businesses to a much greater extent in communicating the skills students need for the world of work". This is considerable departure from the normal working practices of businesses and will not be easy to achieve but the proposals put forward by G-Forces aim to do exactly that and cannot be over emphasised.

1.7.5 Supporting this application sends a clear message to the business community that Maidstone is committed and serious about growing the media sector and importantly, is keen to see local people benefit from the opportunity of honing the skills taught by schools, further and higher education in an industry setting which will make them far more employable and attractive in the labour market.'

## **2.0 REPRESENTATIONS**

**2.1 Neighbouring occupiers** were notified of this application and eighteen letters of objection have been received (including two from the Bearsted and Thurnham Society). The comments received within these letters are summarised below: -

- The proposal would give rise to a significant level of traffic along Caring Lane;
- The proposal would result in development within the open countryside;
- There are already excessive speeds along this stretch of road, which will be made worse by the additional traffic generated;
- The proposal would have an adverse impact upon the broadband service within the area;
- The design is out of keeping within the locality;
- The proposal would lead to the erosion of the existing verges;
- There is little evidence that the staff are encouraged to car share;
- The training could be outsourced;
- It is disputed that the development would bring money into the area;
- The proposal would have a detrimental impact upon the character of the Special Landscape Area.

A petition with 55 signatures has been submitted. The main issues raised within this petition are summarised below: -

- The impact upon the highway network;
- The impact upon the countryside.

**2.2. Leeds Parish Council** were not specifically notified of this application, but have made the following comments: -

2.2.1 'Leeds Parish Council has been made aware of the above planning application and although not a Statutory Consultee as it does not fall within our Parish we do wish to make representation regarding this.

2.2.2 I am therefore writing to raise our objections for the following reasons.

- The increase of traffic with the doubling of their staff would make Caring Lane, Back Street, Forge Lane and the B2163 coming from the south and west even busier than they are now.
- That the original planning application was for use of the building to be allied to horticulture/agriculture, therefore we feel that this development is inappropriate for a rural area.
- Already 60 people are employed there and this application will increase the space by 33% and employ a further 70 people. We feel that the approval of this development would over intensify the site and there is a danger that it would set a precedent for further development between Thurnham (Caring Lane) and the fields towards Leeds.'

**2.3 CPRE** raise objections to this proposal. The concerns that they raise are summarised within the points below: -

- The proposal would be within the open countryside and within a Special Landscape Area;
- They refer to a previous appeal decision for the change of use of land to accommodate a gypsy family. This was considered to be to the detriment of the character of the area;
- The nature of the business does not require a large office development – it is more 'footloose'.
- There is significant free office space within Maidstone that could be utilised;
- CPRE are unconvinced by the information provided with regards to the training on site;
- The impact upon the traffic within the area;
- The site is not sustainable.

Additional representation has been received from **CPRE Maidstone** concerning this application. These further comments are summarised below: -

- CPRE re-iterate their concern of the impact upon the Special Landscape Area. They do not consider that matters of ownership should override the need to protect such landscapes.
- CPRE have stated that they consider it important to place great emphasis upon promoting this form of development within the town centre. To promote sustainability. They state that there is a significant amount of office space available within the existing town centre.
- Parallels between this development and KIG have been made, in that the Council sought to protect the countryside in that instance.
- They re-iterate that the development is not sustainable.
- They consider that much of the training proposed would be better provided within the existing schools themselves, rather than on site.

### **3.0 CONSIDERATIONS**

#### **3.1 Site Description**

3.1.1 The site is located within an area of open countryside, and is designated as being within the Special Landscape Area that runs from the North Downs AONB to the north, and is to the south of the A20. The application site is approximately 500metres from the junction of Caring Lane and the A20. The site is located within an area characterised by ribbon development along Caring Lane with properties to both the north and south of the application site, and with a golf

course lying immediately to the west. This golf course is well established and has a significant amount of mature planting throughout. There is a further commercial property to the south of the application site (approximately 150metres to the south). The land within the site is relatively flat, with no obvious change in levels throughout. The existing building is set approximately 65metres back from Caring Lane. Footpath KH0139 runs to the north of the application site, and then turns up to the A20.

- 3.1.2 To the east of the application site are open fields, which are bounded by trees and shrubs. To the south of the application site is again, open fields, with to the south-east, a detached residential property that fronts on to Caring Lane.
- 3.1.3 To the north are residential properties, and their private amenity spaces, the nearest being approximately 30metres from the boundary of the site. The properties along this stretch of road are predominantly two storey in height, (although the nearest property is single storey) and are set back approximately 10/15metres from the road, with driveways to the front. A gypsy site is located adjacent to Caring Lane to the north of the site.
- 3.1.4 The site currently contains a single detached two storey office building, which is occupied by G-Forces Web Management Ltd. The building is relatively simple in form, and is clad in metal panels, broken by areas of glazing. At present, a tarmac access road leads from Caring Lane along the southern boundary of the site. Parking is provided to the front of the building, with a service road around its perimeter. The front of the site is laid to grass, with a hedgerow marking the frontage with Caring Lane. There are established trees and hedgerows along the northern and western boundaries. The existing company within the site run a web-based advertisement agency.
- 3.1.5 As stated, the site is close to the A20, and within walking distance of the village of Bearsted (approximately 1 ½ mile to the centre). There is also a bus stop at the end of Caring Lane with buses running into and out of the centre of Maidstone.

## **3.2 Proposal**

- 3.2.1 The proposal is for the erection of a large extension to the existing operation at what is now known as the 'Corbin Business Park' in Caring Lane, approximately ½ mile outside the village of Bearsted. The proposed two storey rear extension would be approximately 35.5metres in length, 14.3metres deep and would have a maximum height of 8.1metres (which is the same height as the existing building). The proposal would have two pitched roofs with a valley gutter, with the middle section lower than the two main roof structures. The existing building has a width of 14metres, and as such, approximately 21.5metres of this extension would project from beyond the existing elevation.



- 3.3.2 The extension has been proposed in order that the existing company can expand. G-Forces are a web based organisation, providing IT assistance to many large national, and international companies. At present the company employ 65 staff, and they forecast that over the next 18months they will need to employ a further 60. Whilst the proposal to create an additional 1,030 metres<sup>2</sup> (an approx 130% increase) would seem generous for this number of staff, it is noted that part of this area would be used as a photographic studio (a facility that currently does not exist on site) and areas for training to take place – the company are currently linked to schools within the area, and they are planning on expanding these links in the future through work placements – as well as improved staff facilities for the existing employees.
- 3.2.2 The proposed extension would be constructed of the same materials as the existing building, albeit utilising glass to a greater extent. This would therefore see the use of silver/grey metal panelled cladding, with a dark grey metal roof. Full length windows with brise soleil, would be utilised upon the side elevations of the proposal, to both provide a level of articulation, as well as maximising solar gain.
- 3.2.4 To the front of the site, an increased area for car parking has been proposed, with a total provision of 53 car parking spaces (increased from the existing 26 spaces). It was originally planned that 64 spaces be provided, however this was considered to be an over-provision for a development of this size. The parking would be laid out in a square form, with an area of soft landscaping within the centre. Bicycle parking would also be provided on site, with a total of 10spaces proposed. A travel plan has also been submitted with the planning application which demonstrates that the applicant would promote more sustainable forms of transport. This would also form part of the Section 106 legal agreement.
- 3.2.5 A detailed landscaping proposal has been submitted with the application, which would see the planting of a number of additional trees and shrubs within the site. A number of new sessile oak trees would be planted, as well as a new hedgerow to the front of the site – double staggered consisting of native species. Much of this planting would take place at the front of the application site.
- 3.2.6 The applicant has agreed to sign up to a Section 106 which would ensure that the vocational training that takes place is utilised by those studying at Maidstone schools and Kent Based universities. At present this S106 is to be submitted, although the applicant has agreed to these heads of terms.

### **3.3 Principle of Development**

- 3.3.1 I consider that this proposal is balanced in that it is a large extension to an existing business within the open countryside rather than within the town centre

or an allocated site. This has to be fully considered against the potential benefits of providing high quality jobs within the knowledge sector within the Borough. Due to the site being within the open countryside there is a requirement for specific and sound justification for allowing an expansion of the built form. The use of the site for an I.T. business exists, and as such, this is an intensification of an existing use, rather than the creation of a new form of economic development. As such, the assessment of the principle should be whether it is acceptable to *expand* this use within this location at this scale.

- 3.3.2 As the site lies within the open countryside, policy ENV28 of the Maidstone Borough Wide Local Plan (2000) is relevant. This policy restricts development within the countryside, to specific uses including agricultural, forestry or other uses essential to the rural economy, or for uses which comply with other policies within the Development Plan. I do not consider that this use complies with any of the other policies within the Local Plan. As the requirements of this policy are not met by this proposal, I consider that a recommendation for approval would constitute a departure from the Local Plan, and it has therefore been advertised as such. On this basis, should permission be granted, specific justification would need to be provided to override this particular Development Plan Policy. Members should be aware that the policy within the Local Plan that referred to modest extensions within the countryside (Policy ED3) has not been saved, and is not therefore applicable to this application. To this extent there is somewhat of a local policy vacuum for developments of this nature.
- 3.3.3 Furthermore, there is a strong drive, both within the South East Plan and within central government guidance (in particular PPS4) for economic development to be located within the existing urban areas, or on allocated sites. The application site meets neither of these requirements, being within an area of open countryside. In particular Policy AOSR7 of the South East Plan seeks to ensure that Maidstone town centre is a hub for technological and knowledge based industries. Again, I do not consider that this proposal would comply with this policy due to its location outside of the urban confines, and as such would constitute a departure from the development plan.
- 3.3.4 PPS4 (Planning for Sustainable Economic Growth) further emphasises the Government's objectives for prosperous, and sustainable economies. In doing this, the Government seeks to focus new economic growth within existing centres, in order to reduce car travel, and also to improve the vitality and viability of the existing town centres. However, policy EC14 of PPS4 refers to 'town centre uses' which are located within rural areas, and are not in accordance with up-to-date development plans. This sets out that a sequential test is necessary, to demonstrate why the development cannot take place in a more accessible location – be it town centre or allocated site. A sequential test should demonstrate the following: -

- The sites are assessed for their availability, suitability and viability;
- Ensure that all in-centre options have been thoroughly assessed first;
- Ensure that it is demonstrated that where there are no town centre sites available, edge of town centre sites are given preference;
- Ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of reducing the scale of their development, look at more innovative site layouts, and to reduce parking space numbers.

3.3.5 As can be seen from the above, government-led planning policy provides a strong focus upon economic development within sustainable locations, and in particular town centre sites. It should also be noted that not all of the allocated employment sites within the Borough (as set out within the Maidstone Borough Wide Local Plan) have been developed, and as such there is land available for this purpose. Likewise, there is available office space within the town centre. Should permission therefore be granted for a new office development within the countryside, there needs to be strong overriding justification to go against this policy framework.

3.3.6 In assessing whether there is this *overriding need*, it is important to look at the wider implications of this application, for the Borough as a whole. It is acknowledged within Maidstone's Economic Development Strategy that the Borough suffers, in part, from a relatively low-skilled, low wage economy, with relatively low numbers of high quality, and well paid jobs within the Borough. Furthermore, the South East Plan acknowledges that it is important for Local Authorities to '*support both innovation and the role of the knowledge-driven industry and to realise the Plan's objective of sustainable economic development within the south-east.*' One of the six key sectors identified within the South East Plan (derived from the Regional Employment Strategy 2006-2016 – RES) is *digital media* – which is the sector within which the applicants operate. This is identified as a key sector to deliver growth on the basis that there is a high potential to 'innovate and grow' within this area, helping the objectives of sustainable development within the South East as a whole. This proposal would fall within the category of digital media, of which there are few within the Borough, and would provide approximately 60 further well paid jobs – the average wage within the organisation is £34,000 per annum, with the average age of staff being 28 years old. I give weight to this 'in principle' support within the Development Plan, however, it is acknowledged that this in itself would not override the focus of development to be within existing centres.

3.3.7 The primary reason for the strong focus of development within existing centres, is the requirement for economic growth to be as sustainable as possible with people able to work locally to where they live – thus reducing the dependency upon the car. A key mechanism for reducing travel distances is to train and employ local people to work within any such business. The South East Plan gives

strong direction to encourage applicants to ensure that this forms part of their plan for growth. Indeed, Policy RE4 of the South East Plan states that Local Authorities should work jointly with business sectors and education and training providers to deliver co-ordinated programmes to ensure that the skills provision meets business requirements, and that the workforce is equipped to access and benefit from opportunities within the labour market. This policy relates specifically to Growth Point areas – i.e. Maidstone - with a requirement to provide additional further and higher education facilities. Whilst the South East generally has a higher qualification profile than many other English regions it is acknowledged that there are considerable skills shortages and gaps within the region. Indeed, from my discussions with the applicants, I have been made aware that whilst much of their workforce lives relatively locally; many have trained at colleges/universities not within the Borough/County and have subsequently moved to the South-East in search of work. In order to address this issue, the applicant has forged good links with existing schools in Maidstone and universities within Kent, and is looking to develop these further. The applicant has agreed to provide vocational training for university students, as well as 'workshops' for local schools to utilise the facilities, should permission be granted. This would consist of 20 six month work placements for university students and 30 two week placements offered to schools and colleges. The applicant has agreed to be tied into a S106 legal agreement which would set out that the vocational training to be provided at the site would be made available to local residents first, to ensure that the development would be as sustainable as possible.

3.3.8 I would also advise and make clear to Members that the proposed Heads of Terms for the s106 obligations have been considered against the statutory tests as set out within Regulation 122 of the Act. This sets out that any obligation should be;

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

I consider that this proposal would meet these requirements in that the legal agreement is necessary, as it is a justification for the development to be permitted, overriding policies within the Development Plan, it is related to the development, and it is fair and related to the development – the applicant has put the idea forward as a means to run his business.

3.3.9 As such, should the applicant provide this suitable S106 I am of the opinion that this development would therefore comply with the objectives of Policy RE4 of the South East Plan.

3.3.10 Furthermore, in assessing the sustainability of any given site, one has to assess whether there would be an over-dependence upon the private motor car to get to and from the application site. If overriding justification is provided to allow economic development within the countryside, it would not be appropriate to provide more parking within such a site, than within a town centre site, as this would encourage travel by car. Policy EC18 of PPS4 states that where there are no local parking standards, the maximum standards within Annex D of PPG13 will apply. Within this guidance, it states 'local authorities should be cautious in prescribing different levels of parking between town centres and peripheral locations.' As such, in order for this proposal to be acceptable, it would be necessary for the developer to provide no more parking than one would expect (in accordance with PPG13) within a town centre location. The applicant has demonstrated that the parking provision within the site would broadly fall within the threshold of PPG13 ('*broadly*' as the provision relates to office space of over 2,500m<sup>2</sup> - there are no maximum standards for developments below this figure) which sets out that there should be no more than 1 space per 30m<sup>2</sup> of internal floorspace. This, together with the provision of a draft travel plan, which would encourage car-sharing, cycling to work etc... would attempt to reduce the dependency upon the private motor car. Full consideration of the parking numbers and the travel plan is provided later within the report, and Kent Highway Services raise no objections to this proposal, and I am satisfied that the parking levels shown here would not impact upon the vitality and viability of the existing town centre sites for the reasons given above.

3.3.11 PPS7 states that Local Authorities should support economic activity in rural areas. It states that they should support the re-use or *adaptation* of existing buildings within the countryside subject to there being no significant impact upon the open countryside. It also states that the Local Authority should be particularly supportive of development that is closely related to villages and also address the specific local economic needs within the Borough. As can be seen from the above, it is considered that the Borough of Maidstone is a suitable location to promote 'high tech' industries, and as such, I consider that this statement gives support to the expansion of an existing business within this location (which whilst in the countryside, is close to the village of Bearsted).

3.3.12 As set out above, of particular relevance to this application is the recently released Planning Policy Statement 4 (PPS4) which relates specifically to sustainable economic development. This statement sets out specific policies that concern all forms of economic development. Within this document there is a presumption that economic development should be located within the urban area, to ensure that it be located in the most sustainable location. However, policy EC12 of PPS4 refers directly to determining planning applications for economic development in rural areas. This policy recognises that such locations may be acceptable even if they are not readily accessible by public transport.

The policy states that Local Authorities should encourage such enterprises that would support local economic needs.

3.3.13 Where a rural location is sought for a town centre use (which is not in accordance to the development plan) a sequential test shall be provided by the applicant. This assessment sets out the particular requirements of the applicant, and sets out the parameters of the search for sites. The assessment includes existing office buildings, sites with extant B1a office permissions, and those allocated in accordance with the saved Local Plan. This assessments looks at sites within the town centre, on the edge of town centre, and other sites within the Borough (such as Eclipse Business Park and Turkey Mill). This sequential test concludes that the relocation of the existing premises from Caring Lane would not be a viable option due to firstly the level of investment already made at the site (which to date exceeds £3.5m), and secondly as there would be no suitable, affordable accommodation within any other site within the locality. Many of the alternatives would not have suitable office space, failing to provide high quality office environment, or studio space which could be provided with the correct level of internet (broadband) access required for a business of this nature. The only suitable alternative site would be within Eclipse Business Park, which would prove to be too expensive for the applicants. It should also be noted that the applicants currently own the site, rather than lease it, and as such there are financial constraints should they seek to move. I am satisfied that the sequential test demonstrates that there is not suitable office space for the applicants to move to within the locality. I consider it appropriate to support the provision of high quality jobs within the Borough, and to ensure that these jobs are not lost in the medium to long term. I am of the opinion that the only viable option for the applicants would be to remain and expand within their existing site.

3.3.14 Given the above, I am of the opinion that the principle of this development is a balanced decision. The proposal does not accord with Policy ENV28 of the Maidstone Borough Wide Local Plan, or with the governments drive for economic development to be located within the existing town/village centres, and as such would be a departure from the Development Plan. However, I am of the opinion that there is sufficient justification, in terms of support for this form of enterprise within both the South East Plan and within central government guidance, as well as strong economic arguments to see the expansion of the business at this site, to consider that there be overriding justification to support this proposal. However, due to the particular circumstances of this application, I consider it appropriate to suggest that should permission be granted, a conditioning limiting the use to that relating to digital media would be appropriate to ensure that the premises are not taken over by a less suitable occupant. I therefore consider that the principle of this development is acceptable, subject to all other material considerations being met.

#### **3.4 Visual Amenity**

- 3.4.1 The application site lies within the open countryside, and within an area of Special Landscape Importance (Policy ENV34 of the Maidstone Borough Wide Local Plan 2000). As such, any development shall pay particular attention to the protection and conservation of the scenic quality and distinctive character of the area. The site is located within a ribbon of residential development, within which there are dwellings, together with the gardens and paraphernalia associated with such a use. Furthermore, a golf course is located to the rear of the site which provides a high level of screening from the west.
- 3.4.2 As set out above, the site is well screened from all directions, with large trees running along the rear (western) boundary, and a large number of trees along the side (northern) boundary. The trees along the southern boundary are well established, but these are not as dense as on the north and west of the site. As such, obscure views through the site can be obtained from the south (although from the road these are further obscured by residential properties which front on to Caring Lane). It is proposed that an improvement be made to the soft landscaping along the Caring Lane boundary which would further restrict views into the site from the highway.
- 3.4.3 In terms of medium to long distance views of the site, I do not consider that the proposal would have a detrimental impact by virtue of its positioning and the screening in place. The extension would be attached to the existing structure, rather than a stand alone building, which I consider reduces its impact.
- 3.4.4 In terms of its detail, the proposal replicates the form and design of the existing building with a good use of glazing throughout, which ensures that the bulk of the building is somewhat broken up. Other detailing such as brise soleil is included within the design, which further breaks up the elevations, and provides an element of depth and layering to the building. The proposal has been designed in such a way as to provide the floor space required, without appearing unduly bulky or dominant, and I consider that the extension would not appear obtrusive within the application site, nor within the wider area.
- 3.4.5 The roof has been designed in such a way as to minimise the height of the structure. This is broken up into three distinct parts, and ensures that the proposed extension is no higher than the existing building.
- 3.4.6 One has to assess therefore whether this proposal would have a detrimental impact upon the character and appearance of the area. The proposal would see a significant increase in the built form at this particular site, although approximately 60% of the proposal would be attached to the existing building. However, whilst in the open countryside, it is not within a particularly isolated location, with a number of houses in close proximity both to the north and to the south of the site. To the south east of the site is a large barn behind a

substantial dwelling house. Furthermore, the site is well screened, with no significant long distance views of the application site. A well landscaped golf course lies to the west of the application which has banks of tree planting which significantly impacts upon long distance views from the west.

3.4.7 From the south of the site, views would be obscured by the boundary planting already in situ, and also by the existing dwellings fronting Caring Lane. To the south of the site, there is a good level of landscaping along the road frontage which restricts views back towards the application site. Likewise, from the north, the rear gardens of the existing properties, and the occupants residential paraphernalia (i.e. sheds/outbuildings) and soft landscaping would somewhat restrict long distance views.

3.4.8 I am therefore of the opinion that whilst the proposal is of a significant scale, due to its location, its relationship with neighbouring properties and the landscape of the surrounding area, there would not be a significant detrimental impact upon the character and appearance of the locality, and as such I consider that to extend this premises at this location would not prove to be contrary to the policies within the Development Plan.

### **3.5 Landscaping**

3.5.1 A full landscaping proposal has been submitted with this application. Whilst the proposal would see the loss of the grassed area to the front of the site a specific landscaped area would be created within the centre of the site, and increased soft landscaping provided along the front boundary.

3.5.2 The landscaping scheme submitted would see the creation of a bund to the front of the site, which would have a mixed native species hedgerow running along its base. This hedge would contain, amongst other species 17 *Acer campestre* (field maple); 9 *Corylus avellana* (hazel) which are considered appropriate for this location. The hedge would be planted in double staggered rows, at 45cm centres, with rows some 45cm apart. I consider that this would give the eastern boundary of the site a suitable soft edge, and would soften the development to the rear significantly from the road frontage.

3.5.3 It is proposed that five *Quercus petraea* (Sessile Oak) trees be planted along the front boundary of the application site. These would give the planting along this prominent elevation some verticality, which I consider to be important, as much of the lane is lined in a similar way with trees. Underneath these trees would be an area of low level planting. Behind these trees, six *Corylus avellana* (hazel) shrubs are proposed. I consider that the combination of these plants to the front of the site would provide a soft buffer at the front of the site, which the correct mix of height, and depth, to ensure that it appears as organic as possible.



- 3.5.4 Within the centre of the application site would be an area set aside for use by the applicant's staff. This area would contain picnic tables, set within trees (*Quercus petraea* – oak) and an area of lower level soft landscaping. Again, a hedge is proposed to surround this area on three sides (native mix).
- 3.5.5 The existing trees and shrubs that run to the north and west of the site are to be retained, with additional hazel planted between these and the new building, to further soften the impact of the proposal. Further areas of low level planting are also proposed around the car parking areas.
- 3.5.6 I consider that the landscaping proposal is of a good standard, and would integrate well into the surrounding area. The planting proposed would comply with Council's adopted Landscape Guidelines, and as such, I consider that the proposal would comply with the policies within the Development Plan.

### **3.6 Highways**

- 3.6.1 As can be seen from above, Kent County Council Highway Services raise no objections to this proposal, on the basis that they consider the proposal to provide a sufficient level of parking provision, and there to be suitable visibility splays on either side of the access.
- 3.6.2 Whilst the floorspace within the site is below the threshold where travel plans are normally required by Kent Highway Services as set out in their document 'Guidance on Transport Assessment and Travel Plans 2008'; the applicant has submitted a travel plan with the application which sets out how they would try to reduce car-dependency within their workforce.
- 3.6.3 A site audit of existing travel patterns and modes has been undertaken. This demonstrates that at present, the majority of staff (77.7%) travel to the site by car.
- 3.6.4 However, in assessing where staff are living there are particular clusters where a number of staff travel from, such as Sittingbourne and Ashford. It is therefore considered that there is the potential for more car-sharing between staff to take place. This would reduce the number of vehicular trips to the site. It is proposed that within 5 years, 25% of staff could car share (up from the current 17.6%). This can be achieved through allowing flexible working, through a staff database (making it easy to find out who lives nearby), and by ensuring that in the case of an emergency, all staff are provided with a guaranteed lift home through a local taxi company. In addition it is proposed to dedicate 10 parking spaces within the site out of the 53 in total, solely for use by those participating in the car share scheme. This amounts to 19% of the parking provision on site.

- 3.6.5 The travel plan seeks to reduce the share of car journeys from the current 77.7% to 65% in the five years of the initial travel plan period, a 12.7% decrease. It would also see the contribution made by car sharing rise by 7.4%.
- 3.6.6 Cycling and walking are also to be promoted, with cycle storage facilities, and the company signing up to the Government's 'cycle to work' programme which can provide financial assistance for those cycling to work. In addition, within the proposed extension high quality shower and changing facilities are to be proposed.
- 3.6.7 Within the Travel Plan, the applicant acknowledges the location of the site, and that it would not be reasonable to expect large volumes of staff to cycle or walk to work. This applies particularly to walking as the target is 1% (up from 0.8%). However, it is proposed that within 5 years 9% of trips will be made by cycle up from the current 3.9%.
- 3.6.8 The applicants intend to employ a Travel Plan Co-ordinator who will oversee the marketing and organisation of all in-house travel initiatives. This co-ordinator would regularly update staff to promote new schemes and initiatives, and attempt to raise awareness of sustainable transport and travel. All new staff will be informed of the company's policies regarding green travel.
- 3.6.9 Kent County Council's Sustainable Transport Team has commented on the plan and have requested detailed changes to it. These with the exception of the need to set a target for train-based journeys (not currently in the plan) do not require changes to the key targets discussed and set out above. The applicants are currently amending the plan and additionally they have confirmed their agreement to the travel plan being conditioned despite it being voluntary. I will update Members further at the meeting in respect of the revised travel plan.
- 3.6.10 Concerns have been raised by the local residents with regards to the speed in which traffic travels along Caring Lane. Whilst there is no evidence submitted that this is a particularly dangerous stretch of road (in terms of vehicular accidents), nor that the employees of the applicant drive irresponsibly, it is proposed that traffic calming measures be introduced along Caring Lane, to the north of the application site. Following discussions with KCC Highway Services, it was agreed that a speed control sign would be inappropriate within this location (as there have been no records of serious accidents), however, painted road markings would be acceptable. A plan has been submitted demonstrating where these could be located. I raise no objection to this element of the proposal.
- 3.6.11 Notwithstanding this travel plan, the applicant has demonstrated that there would be an increase in the parking provision. Whilst the increase from 26 to 53 spaces is a significant increase to the existing provision, as the extension is more than doubling the floorspace of the proposal, I consider this level to be

acceptable – it falls below the maximum parking standards for a development of this size. The original application was shown to provide 64 parking spaces, however it was considered that this would provide an over-provision of parking spaces, contrary to the sustainable objectives of central government guidance. The amended plans, showing only 53 spaces would provide a ratio of 1 space per 30m<sup>2</sup> of office space which is comparable with the parking provision sought on the Towergate development on Eclipse Business Park (MA/01/0249/04) which has previously been agreed to be a suitable provision for a sustainable development. As well as ensuring that the development was planned in a sustainable manner, it was important to ensure that parking numbers would be sufficient for all staff, as I consider that it would not be appropriate for parking to overspill onto Caring Lane. I am satisfied that the parking provision, together with the travel plan, would ensure that there would be no overspill onto Caring Lane.

3.6.12 In order to ensure that parking does not take place outside of the allocated parking spaces, I consider it appropriate to place a condition on any permission seeking high kerb stones to be introduced. This should ensure that the landscaped areas are maintained as such.

3.6.13 It should be noted that the applicants have voluntarily undertaken the travel plan, but nonetheless I consider that at a site within such a location, it is important to promote more sustainable forms of transport to and from the site. The travel plan does address this, and demonstrates that improvements can be made to ensure that car travel is reduced (percentage wise) to the site in the long term. As such, I consider this to be an intrinsic part of the planning application, and should planning permission be granted, I recommend that a condition be imposed to ensure that the travel plan is adhered to. Should this be the case, I consider that the proposal does take reasonable steps to ensure that the proposal would not give rise to any highway safety issues, and that sustainable modes of transport have been adequately assessed, and where appropriate, will be introduced. It is on this basis that I do not consider that it is necessary to seek any further improvements to the highway within the locality of the site. I therefore consider that the proposal would comply with the objectives of PPG13, PPS4 and the policies within the Development Plan in this respect.

## **3.7 Ecology**

3.7.1 Natural England were consulted and have stated that they have no comments to make on this application. They have however, stressed that the Local Planning Authority address a number of issues prior to determining the planning application. These include impacts upon any protected species, and whether there is scope to improve biodiversity on site.

- 3.7.2 The applicant has submitted a walkover study with the application that states that there is no indication of any European protected species within the application site (at the time of the survey). Furthermore, the statement sets out that the proposed area for expansion is upon land currently part hard-standing and part horticultural grassland habitat. As there is an area of grassland habitat affected, it is recommended that a watching brief be undertaken during the clearing of the extension footprint to ensure that should any habitats be affected, suitable mitigation measures can be introduced (should any habitats be found work will be brought to a halt and the appropriate mitigation license(s) will be sought).
- 3.7.3 The ecologists report also suggests that the landscaping scheme submitted be approved, as all boundary habitats will be retained, with additional low level planting, and trees to be provided within the application site. The ecologist therefore raises no concerns about the impact of the proposal on the bat population within the area. It is recommended however, that tree protection measures be undertaken to ensure that the trees within the site are retained, and not damaged during construction works.
- 3.7.4 The study indicates that there are no badger habitat, or badger use within the application site.
- 3.7.5 I am therefore satisfied that the information submitted demonstrates that there would be no detrimental impact upon the ecology of the locality as a result of the proposal. Furthermore, I consider that the additional planting proposed within the application site would have the potential to further improve its biodiversity. I therefore conclude that the proposal complies with PPS9.

### **3.8 Sustainability**

- 3.8.1 The applicant has submitted a sustainable construction and design, and renewable energy assessment with the application. This document anticipates that the new building will reach a 'very good' BREEAM level. In achieving this level, the applicant has demonstrated that a number of sustainable construction techniques will be incorporated within the development. These include increased levels of insulation, increased glazing areas (to increase solar gain) and natural ventilation will be utilised during the summer months. I consider that reaching this level (I have suggested a condition to ensure that a minimum of 'very good' is reached) is acceptable, and in accordance with the policies within the Development Plan.
- 3.8.2 The proposal would exceed 1000metres<sup>2</sup> and as such would be required to secure at least 10% of energy requirements through decentralised and renewable or low carbon sources. As this is an extension to an existing building, rather than a bespoke new building, it has not been possible at this stage to set

out exactly the measures being undertaken to reach this target (there would inevitably be some energy transfer between the existing and proposed buildings) however, it has been agreed that a condition be imposed requesting that this information be submitted prior to the development taking place, once full working drawings have been completed.

3.8.3 I therefore consider that the proposal would meet the requirements of the policies within the Development Plan, and would prove to be a sustainable form of construction, and would continue to be so during use.

### **3.9 Other Matters**

3.9.1 No precise details of lighting have been submitted with this application, however, I am aware that there would be low level bollards provided within the car park – for safety reasons. These would be designed to ensure that there would be no significant light spill to the surrounding area. This would ensure that there would not be any significant impact upon the character and appearance of the surrounding area.

3.9.2 Cllr Horne has commented directly upon the previous Appeal decisions within the vicinity of the application site. As Members are aware, each application is determined on its own merits. I have digested the relevant history to the surrounding area, and whilst I understand the Inspectors decision, I consider that this application is different in several ways.

3.9.3 Firstly, this is an extension to an existing building, and as such the impacts upon the character of the area would be less than the erection of a new building. Secondly, it is set well back within the application site, with long distance views relatively unaffected by the proposal. Whilst sustainability was raised in previously decision, I consider that this has been addressed within the main body of the report with regards to the provision of a travel plan, and the parking provision within the site.

3.9.4 I do not consider that the proposal would have any significant impact upon the residential amenity of the neighbouring occupiers, in terms of overlooking, overshadowing, or the creation of a sense of enclosure, due to the substantial distance to the nearest residential property. I do not consider that the intensification of the use of the site would give rise to any unacceptable noise and disturbance, due to the nature of the work undertaken at the site.

3.9.5 Whilst concern has been raised about the impact that the proposal could have on neighbouring properties internet speeds, I have not been given any indication as to why this proposal would slow internet connection speeds down.

### **4.0 Conclusion**

4.0.1 As this proposal would see the intensification of economic development within the open countryside, which would prove to be contrary to the Development Plan, I consider its determination to be very much a balanced decision. As with any balanced decision, weight has to be given to the respective arguments for and against. The proposal is within the open countryside, and yes, it would be preferable to see it located within a more sustainable location, however, the business exists at the site, it already has a bespoke building, and needs to expand into a sector that will provide high quality, and well paid jobs for residents of Maidstone. In addition, the company will be tied into ensuring that local people benefit from the vocational training to be provided. Furthermore, the site is well screened, and not highly visible from long distance views. There is policy support within the Development Plan, and government guidance to encourage growth in knowledge sectors, although this should clearly be assessed against all other policy requirements. In assessing this application, and presenting Members with my recommendation I have carefully considered the implications of permitting a sizeable extension within such a location, and in particular how this addresses government and local policy.

4.0.2 To conclude, I consider that the proposal would have a positive impact upon the economy of Maidstone, whilst having no significant detrimental impact upon the character and appearance of the open countryside. As such, the proposal is, on balance, acceptable subject to the receipt of a suitably worded Section 106 legal agreement, and the imposition of the safeguarding conditions set out below. It is therefore recommended that Members give this application favourable consideration and give delegated powers to the Development Manager to approve, subject to no further additional representations, and the receipt of a suitable legal agreement.

## **RECOMMENDATION**

SUBJECT TO:

- a) Any new representations received as a result of outstanding statutory advertisements;
- a) The receipt of a suitable S106 legal agreement confirming that those using the training opportunities will be schools from Maidstone and universities from within Kent.

I BE DELEGATED POWER TO GRANT PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building 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 in accordance with PPS1 and ENV34.

3. The development shall be carried out in accordance with the submitted landscaping scheme as shown on plan number 1670/01 (received on 29 January 2010).

Reason: In the interests of visual amenity and biodiversity in accordance with PPS9 and policy ENV34 of the Maidstone Borough Wide Local Plan 2000.

4. Within 3 months of the occupation of the extension hereby permitted, the road markings as shown on plan number 1010083/SK002 shall be provided and thereafter maintained.

Reason: In the interests of highway safety in accordance with PPG13.

5. No part of the extension hereby permitted shall be brought into beneficial use unless and until a detailed Travel Plan has been prepared and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained in full within 3 months of the first occupation of the development and by its subsequent occupiers, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The proposal is within an area of open countryside, and as such it is considered important to ensure that the site operates in a sustainable manner, as this forms part of the justification for permitting this development. The Travel Plan is required 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 PPS4, PPS7 and PPG13.

6. No development shall take place until details of the 'high' kerb stones to be used around the landscaped areas have been submitted and approved in writing by the

Local Planning Authority.

Reason: To ensure that the landscaped areas are maintained as such, and only the parking spaces shown on the submitted plans are utilised, to ensure a high quality finish to the development, and to promote sustainable forms of transport, in accordance with PPS1, PPS4, PPS7, PPG13 and Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

7. The building hereby permitted shall be first used for the use of digital media purposes, by G-Forces Ltd;

Reason: The use hereby permitted would not normally be allowed and permission has been granted only because of the exceptional circumstances of the applicant.

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

Reason: To prevent harm and pollution to the environment in accordance with PPS23.

9. No development shall take place until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent harm and pollution to the environment in accordance with PPS23.

10. 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).

11. The building shall remain as a single unit and at no point in the future shall the building be subdivided.

Reason: In view of the particular circumstances of the applicant and in the interests of ensuring a sustainable form of development in accordance with PPS1.



12. The approved details of the parking/turning areas 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. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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 in accordance with PPG13.

13. 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 buildings 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 in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000, and PPS1.

14. 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' and as per the recommendations set out within the arboricultural report ref SA/0168/08 received on the 21 September. No work shall take place on site until full details of protection 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 in accordance with PPS1.

15.No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, a replacement tree shall be planted and that tree shall be of such size and species, and shall be planted at such time and in a position to be agreed with the Local Planning Authority, as may be specified in writing by the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with PPS1.

16.No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area in general pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000.

17.The proposed development shall be carried out in accordance with the recommendations as set out within the ecological report submitted to the Local Planning Authority on the 22 March 2010.

Reason: In the interests of biodiversity within the locality in accordance with PPS9.

18.No structure, plant, equipment or machinery 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: In the interest of a high quality finish of the development hereby permitted, in accordance with Policy BE1 of the South East Plan and PPS1.

### **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.

Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)

### **REASON FOR APPROVAL**

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, would be an extension of an existing business, and is considered to provide high quality jobs within the locality, whilst not significantly harming the character and appearance of the countryside. There is policy support within the South East Plan 2009 for sustainable economic growth, and I consider that the proposal demonstrates circumstances that outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.