

Consultations

Thurnham Parish Council: Raise a number of objections (a copy of their letter is appended). These relate to planning policy and the new governments stated aim of giving neighbourhoods far more ability to determine the shape of the spaces in which their inhabitants live they contend that the Council should be starting to do this in considering planning applications. They also state that greater weight should be given to policy ENV28 of the MBWLP 2000 as this provides robust protection of the countryside. They consider that the development will be an overdevelopment of the site and have an unacceptable impact on the area which is within a Special Landscape Area. They also refer to highway safety and the economic development arguments put forward by the applicants.

Officer comment: The impact of the development on the area planning policy and highway and economic development issues are addressed in the report.

Leeds Parish Council: Have re-iterated their concerns and objections regarding highway safety.

Officer comment: Highway safety is addressed in the report

EDF Energy: Have stated that they have no objections to the proposal.

Southern Water: Have suggested a drainage condition. Such a condition is included in the recommendation in the Committee report.

Representations

8 further letters have been received from neighbouring properties. These raise the following main issues:

- Highway safety issues / traffic generation
- Visual Impact
- Whether this is the most appropriate site for the development / a brownfield site should first be considered
- Damage to property
- Planning history of refusals in Caring Lane
- Erosion of lane verges
- Oppressive to users of public footpath

Most of these issues are dealt with in the Committee report. Damage to property is not a material planning consideration.

Clarification of Report

At paragraph 3.1.1 under the site description, I wish to clarify that it is the **Kent Downs AONB** that the 'North Downs Special Landscape Area' extends southwards from.

I can also confirm to Members that the existing building on the site is approximately 22m x 14.3m with two differing eaves levels, one being 3.1m and the other 5.9m. The ridge height of the existing building is 8.1m.

At paragraph 3.2.1 to clarify the description of the development, the proposal is for a two storey rear extension that would form a new L-shaped footprint. The main extension would have a width of 14.3m and be linked to the west side of the existing building by a lower, narrow pitched roof section resulting in a total projection to the rear, west of the site of 17.7m. The extension would have a length of 30m with a lower and narrower projection on the north side for a further 5.5m resulting in a total length of 35.5m. The maximum ridge height of the main section would be 8.1m (to match the existing building) with an eaves height of 5.9m.

Travel Plan

As outlined in the main report, the Sustainable Transport Team at Kent Highway Services have sought clarification and have recommended some detailed changes to the original travel plan in order to strengthen the plan. The subsequently amended travel has now been reviewed by Kent Highway Services and is recommended for approval.

The main changes from the original plan are the travel plan targets and the following amended target travel modes are proposed:

Journey Mode	Lift Share	Train	Bus	Walk	Cycle	Car Driver	Total
Existing mode share	17.6%	0%	0%	0.8%	3.9%	77.7%	100%
Proposed mode share	21%	3%	2%	1%	8%	65%	100%
Staff trips	19	3	2	1	8	59	91

The lift share percentage marks a reduction of 4% and the cycling a reduction of 1% on the previous plan but there are now additional targets for train and bus use. Walking targets remain the same as does the target to reduce single car use.

The Travel Plan is to be secured by means of an appropriate condition rather than through a s106 agreement as stated in the report at paragraph 3.2.4.

Highway issues

I am advised by Kent Highway Services that the correct visibility splay requirement for the access onto Caring Lane based on the 85th percentile speed and the advice in Manual for Streets is 59m x 2m x 59m with no obstruction

within the splay above 600mm. This corrects the advice given in paragraph 1.3 of the report on page 90.

An appropriate condition to secure this visibility splay should be added.

Reference has also been made in the report (para. 3.6.10) to the provision of traffic calming measures (painted road marking emphasising the 30mph speed limit) within the existing highway limits along Caring Lane. These are shown on a plan submitted as part of the application (drawing no.1010083/SK002) and also include the provision of highlight/backing boards to existing 30mph signpost along Caring Lane. The measures have been agreed with Kent Highway Services and would be secured by means of an agreement under s278 of the Highways Act.

A condition preventing occupation of the extension until the works have been implemented would be appropriate.

Parking

I propose the following amendment to condition 12 to reduce the parking provision at the site from 53 spaces to 50 spaces. This is because whilst the proposed increase in staff numbers from 60 to 125 represents a 92% increase in staff, the parking currently represents a 103% increase. Therefore I recommend the following amendment to condition 12 to reduce the parking provision to 50 spaces in proportion with the increase in staff numbers. I am still satisfied that this amended parking provision, together with an amended travel plan to reflect this, would ensure that there would be no overspill onto Caring Lane.

12. Notwithstanding drawing no. 09135- 02 received on 4th May 2010 the development shall not commence until amended plans have been received showing a reduction of the car parking provision from 53 spaces to 50 spaces. The subsequently 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: In the interests of sustainable transport objectives and 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.

This reduction will necessitate an amendment to the landscaping scheme so I also propose an amendment to condition 3 as follows:

3. Notwithstanding drawing no. 1670/01 RevA received on 4th May 2010 the development shall not commence until an amended landscaping scheme has

been submitted to and approved in writing by the Local Planning Authority reflecting the reduced car parking provision required under condition 12.

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

The reduction in car parking spaces on the site will also necessitate an amendment to the travel plan to reflect the revised provision on the site so I propose an amendment to condition 5 as follows:

5. *No part of the extension hereby permitted shall be brought into beneficial use unless and until an amended detailed Travel Plan has been prepared and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority reflecting the reduced car parking provision required by condition 12. 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.

Following legal advice I also wish to amend condition 7 to delete reference to G-Forces Ltd. but still maintain a requirement that it is first used for digital media purposes.

Amendments to Recommendation

Amend condition 3 to read:

3. *Notwithstanding drawing no. 1670/01 RevA received on 4th May 2010 the development shall not commence until an amended landscaping scheme has been submitted to and approved in writing by the Local Planning Authority reflecting the reduced car parking provision required under condition 12.*

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

Amend condition 5 to read

5. *No part of the extension hereby permitted shall be brought into beneficial use unless and until an amended detailed Travel Plan has been prepared and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority reflecting the reduced car parking provision required by condition 12. 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.

Amend condition 7 to read

7. *The building hereby permitted shall be first used for the use of digital media purposes;*

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

Amend condition 12 to read

12. *Notwithstanding drawing no. 09135- 02 received on 4th May 2010 the development shall not commence until amended plans have been received showing a reduction of the car parking provision from 53 spaces to 50 spaces. The subsequently 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: In the interests of sustainable transport objectives and 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.

Add additional conditions

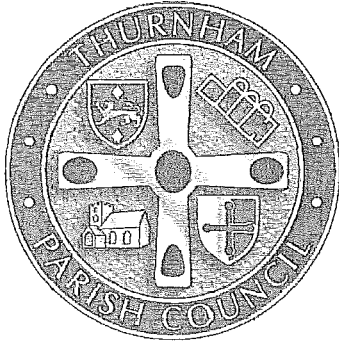
19. *The vehicular access to Caring Lane shall be provided with visibility splays of 59m x 2.0m x 59m with no obstruction over 0.60m in height within the splays. The visibility splays shall be provided prior to the first occupation of the development hereby permitted and shall be subsequently maintained thereafter;*

Reason: In the interests of highway safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000 and the advice in 'Manual for Streets.'

20. *The development hereby permitted shall not be occupied until the highway works indicated on drawing no 1010083/SK002 received 29/01/2010 and the provision of additional highlight/backing boards to existing 30mph speed limit signs in Caring Lane have been undertaken to the satisfaction of the local planning and highway authorities.*

Reason: In the interests of highway safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

LW (for CH)



THURNHAM PARISH COUNCIL

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Kent

P.R. Correspondence?	
REF:	
09 JUN 2010	Init'l
CHQ. DET. £	
DRAWER	

~~3rd March 2010~~ 7-6 June 2010

Dear Mr Hawkins

MA/10/0140 Corbin Business Park, Caring Lane.

Erection of a two storey rear extension to existing office building including reconfigured site layout, parking and landscaping.

Due to the complexity of this application we ask that this letter is published in its entirety to members of the Planning Committee. We will be circulating our own summary to each member shortly before the meeting.

Thurnham Parish Council objected to the above planning application in our letter of 3rd March 2010. Our objection still stands for the same reasons.

However in view of recent developments we wish to add the following statements.

1. New Planning Policy

Whilst not yet policy, the government's document, "Building the Big Society" states:

We will radically reform the planning system to give neighbourhoods far more ability to determine the shape of the places in which their inhabitants live."

We consider that Maidstone should start to include this factor in considering planning applications.

Although the Secretary of State has signalled his intention to rapidly abolish Regional Spatial Strategies the existing planning regime in place for Maidstone is equally robust about protecting the countryside and locating office development in the town centre. 6.1.1. of the applicants Economic Statement & Sequential Assessment erroneously states that

"There are no saved policies within the Local Plan of relevance to this proposal."

This is not correct. For example Local Plan Policy ENV28 seeks to protect the open countryside. The Policy both seeks to resist inappropriate development and set criteria to guide appropriate development in the countryside. This application fails to meet those criteria.

2. Special Landscape Areas.

The location plan provided for Members was inaccurate in that it did not show the site in its context. There is Public Footpath adjoining the site and it is close to a Gypsy site currently to be vacated under direction for a Planning Inspector.

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 over develop the area beyond that which is acceptable in a rural area.

Policy ENV34 applies to Special Landscape Areas. Here, particular attention will be given to the protection and conservation of the scenic quality and distinctive character of the area with priority given to the landscape over other planning considerations.

Helpfully, this very issue was considered by Mr. D E Morden MRTPI, an Inspector appointed by the Secretary of State for Communities and Local Government, when considering three appeals with regard to land adjacent to 22 Caring Lane, Thurnham, a site that is close to this site.

Mr Morden made a number of points in his reasoning for dismissing the appeal.

At Para 9 page 4

"Dealing with the first issue, the site lies in an Area of Special Landscape Value"

At Para 11 page 4

"The Special Landscape Area was designated as a buffer between the AONB and the rest of the countryside..."

At Para 13, page 4, Mr. Morden comments as follows:

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."

Para 14, page 4;

"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."

The Planning Inspectorate therefore accepted in September 2009 that Special Landscape Area designation was applicable and that it was material to his decision.

Therefore, the applicant has no justification in questioning its validity or the weight that the Inspectorate should attach to an SLA.

It is material to point out that the inspector was upholding the argument put to him on behalf of the Local Planning Authority – MBC.

The appeals were dismissed on 7 September 2009.

Maidstone has been consistent in its decision on planning matters in Caring Lane. To give examples of where planning policy has been used to refuse planning applications we refer you to the applications for Summer Place, Jarrack's Barn and a plot adjacent to No. 1 Caring Lane. In 2 of these cases appeals were made and subsequently dismissed.

We therefore consider that should G Forces' application be refused any appeal would be dismissed by the Inspector for the Secretary of State.

3. Highway Issues

The Parish Council is very concerned regarding 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 7th September 2009.

Again to quote Mr Morden's findings

Mr. D E Morden Para 16 page 5;

"Caring Lane is straight at this point and slopes gently downwards from north to south. The road has a 30 mph speed restriction on although whilst spending just over an hour surveying traffic between 0800 and 0900 on the second day I noted that traffic frequently drove in excess of that speed, particularly, if there was nothing coming in the opposite direction. Drivers did slow considerably, however, when someone else was travelling towards them, due to the narrowness of the highway. Although there are no street lights and the road is not wide (about 15 metres) it is straight with good forward visibility so speeds in excess of the limit are not surprising when the road is clear. 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.

Para 24 page 6;

"I agree with the Council (MBC) that people will rely almost solely on the car to travel from here and it is not a sustainable site."

Kent Highways have not been consistent in their approach to traffic in Caring Lane. They have used increases in traffic as reasons for suggesting refusal of earlier planning applications in the lane. Summer Place and Jarrocks Barn are examples of earlier recommendations.

4. Economic Issues.

G Forces claim that they have considered and rejected a move to another site. We suggest they have not seriously pursued. There is much office space vacant in Maidstone and there is also allocated land not yet used.

The recent GVA Grimley Employment Land Review (September 2009) found 51,532 m² of vacant office floor space in the Maidstone built up area (18% of the total) together with 17,165 m² of office space in the development pipeline. This highlights the need to focus demand, use and economic activity in the town centre. Out-of-town development will further undermine the status of Maidstone as a viable town centre and office location.

National, regional, County-wide and local planning policy is supportive of economic development in the right place. This out-of-town location in open countryside is in the wrong place. To allow further expansion will undermine existing policies, set a dangerous precedent for the future of the open countryside around the County Town and undermine the status of the County Town as a viable economic centre.

Moreover, this is no modest extension. It constitutes a major expansion of a non-conforming use in the countryside. The number of employees is planned to almost double, the number of parking spaces is

planned to more than double and the floor space is to planned to almost treble.

In particular we believe it will

- undermine town centre vitality and viability of Maidstone
- set a precedent for further out of town B1(a) development
- be contrary to sustainability objectives which encourages economic development in the town centre or specific sites
- conflicts with policies which aim to shape new development patterns in a way which minimises the need to travel.
- prejudice attempts to better integrate employment, retail, leisure, housing and public transport
- go against the thrust of policies and affect the ability to regenerate more deprived areas of the County, brown field sites and town centres identified in the Strategies and Plans.

Maidstone Borough Council robustly objected to the promoters of KIG justifying their application on economic grounds. We can see no difference in the principle of development in a SLA in the case of G Forces.

Indeed if this argument is accepted for G.Forces then the door is open for applications in all parts of the SLA using G Forces as a precedent.

We believe Maidstone needs to look to the future should G Forces be allowed to develop this site into what would become a medium size office block then the Borough would lose a valuable small office area that allows similar firms to grow in the way that G.Forces has.

In conclusion Thurnham Parish Council complements G Forces on their success but regretfully we believe they should move elsewhere in the Borough.

We therefore object to this application and would wish to see it considered and refused by the Planning Committee.

Yours sincerely

Mrs. S Babington
Clerk to the Parish Council