

APPLICATION: MA/10/0283 Date: 16 February 2010 Received: 14 May 2010

APPLICANT: Turkey Mill Investments Ltd.

LOCATION: PAUL SANDBY COURT TURKEY MILL BUSINESS PARK, ASHFORD ROAD, MAIDSTONE, KENT, ME14 5PP

PARISH: Boxley

PROPOSAL: Proposed Office development, installation of new river crossing, associated car parking and landscaping/river corridor enhancement as shown on drawing nos. 07.62.40, 17.62.41/B, 17.62.42/B, 17.62.45/C, 17.62.46/B, 17.62.49/A, 17.62.50/C, 17.62.60/B, 17.62.61/C, 17.62.62, 17.62.70, Tree Survey Plan 010/B, Tree Constraints Plan 020/C, Design and Access Statement, Planning Statement, BREEAM for Offices Pre-assessment report, Tree Survey Report, Ecological Appraisal, Flood Risk Assessment and Transport Assessment received 18/02/2010 and as amended by Biodiversity Enhancement Strategy and Landscape Appraisal Report revD. received 14/05/2010 and further amended by drawing nos. 17.62.43/F, 17.62.44/E, 17.62.48/F, 17.62.71/C and Landscape Strategy Plan 030/E received 06/07/2010.

AGENDA DATE: 22nd July 2010

CASE OFFICER: Steve Clarke

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

- It is a departure from the Development Plan
- Councillor English has requested it be reported for the reason set out in the report

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV35, ED2, T13  
Government Policy: PPS1, PPS4, PPS5, PPS9, PPS22, PPS25, PPG13

## **2. HISTORY**

- 2.1 The site has been in industrial use since originally erected as a paper mill by the Whatman family. In more recent years the buildings on the site have been used for a number of separate and diverse business uses falling within Use Classes B1, B2 and B8, including some floorspace used for retailing cars, a use which ceased when the current owners took over the site.

2.2 As a result, the site has an extensive planning history, the most relevant of which is set out below

- MA/10/0284: Erection of Day Nursery with associated external play areas, car parking and landscaping: UNDETERMINED and on the papers
- MA/07/2076: Change of use (Unit 6 Tolhurst Court) from B1 to cosmetic dental practice (Class D1): APPROVED 02/01/2008
- MA/05/1948: Change of use of suite 3 and 4 Tolhurst Court from class B1 office use to use as a consulting clinic (class D1): APPROVED 28/11/2005
- MA/04/0934: Erection of Class B1 office development, alterations to access, car parking and landscaping (amendments to planning permission MA/02/0202: APPROVED 09/07/2004
- MA/02/0202: Erection of class B1 office development (Revised scheme), alterations to access, car parking and landscaping: APPROVED 16/05/2003
- MA/91/0655: Erection of buildings for use within classes B1 & B8 (Use Classes order 1987) and provision of a footpath and footbridge: APPROVED 03/05/1994

2.3 Planning permission MA/02/0202 was subject to a s106 agreement that obligated the developer not to implement any remaining part of the MA/91/0655 permission (that had been implemented, see paragraph 2.4 below) on land on the north bank of the River Len but did not preclude further development on the part of the site south of the river.

2.4 The footpath and footbridge over the River Len (both now within the LNR) were constructed as part of planning permission MA/91/0655. The permission, subject to the exclusion secured through the s106 agreement relating to application MA/02/0202, is therefore still extant. This permission included the provision of a 3,250m<sup>2</sup> B1/B8 development on the site of the currently proposed office development.

### **3. CONSULTATIONS**

3.1 **Boxley Parish Council:** Have noted the submission of the application and do not wish to comment.

3.2 **Natural England (02/03/2010):** Commented in respect of protected species as follows;

**Bats:** Natural England is satisfied that the survey information provided by the applicants suggests that no bats are present with the application site. Consequently, we have no comments to make in relation to these species at present.

**Great crested newts:** Natural England is satisfied that the survey information provided by the applicants suggests that no great crested newts are present within the application site or any pond within 500 metres of the site. Consequently, we have no comments to make in relation to these species at present.

**Widespread reptiles:** Natural England is satisfied that the survey information provided by the applicants demonstrates that no widespread reptiles are utilising features within the application site that are to be affected by the proposals.

**Water vole:** Natural England would like to recommend that you consult the Environment Agency with regard to potential impacts on water voles and their habitats by the proposed development.'

### 3.3 **Kent Wildlife Trust (29/03/2010):**

'The River Len passing through the application site falls within the recently designated (April 2009) Mote Park & River Len Local Wildlife Site - LWS, MA61. The citation for the Site refers to the "rich bank flora" of the river and confirms records of water vole and the white-legged damselfly, amongst other important fauna.

An experienced consultant has carried out the ecological survey of the site and assessment of the development proposals. The Trust has no reason to question the findings and recommendations contained in the report but, given the risk to protected species (for example, bats and water voles) arising from the development, we would urge the Council to test the proposal against the standing advice from Natural England.

The Trust has no objection, in principle, to the development, subject to planning conditions being used to secure the completion of avoidance, mitigation, compensation and enhancement measures recommended in the ecology and a complementary landscape appraisal report.

Given the LWS designation, the Council should also require, by condition or agreement, the submission of a fully-funded Ecological Enhancement and Management Plan that confirms where, when and what features will be provided at the site to achieve the declared aim of enhancing biodiversity and to act as a buffer to the River Len and the Len Valley LNR. The Plan should comply with the principles set down in the ecological and landscape appraisal reports.

We would expect the Plan to incorporate, amongst other measures:

- sustainable urban drainage features,
- management prescriptions for the existing hedgerow on the west boundary of the site,
- management prescriptions for the long grassland and riparian vegetation along the river banks,
- arrangements to mitigate the harmful effects of illumination at the site (buildings, access roads and parking areas),

- measures to ensure there is no disturbance to cold water and headwater species (including, potentially, the glacial relic species *Apatania muleibris*) at the point of issue of the spring, and
- a generous provision of bat and bird boxes.

The Plan should be responsive to the results of periodic key habitat and species monitoring.'

3.3.1 Further comments were received on 20 May 2010 in response to additional/amended details submitted following the objections raised by the Environment Agency.

'I welcome the intervention of the Environment Agency and the cooperation of the applicant to produce a more sensitive and bio-diverse treatment of some of the amenity grassland areas and, especially, the river and spring water corridors.

The Trust has no objection to the grant of planning permission subject to

- the imposition of conditions to secure the submission, approval and implementation of details (as considered appropriate by the EA) of these ecological mitigation and enhancement measures and
- a commitment to a fully funded on-going management regime that is responsive to the results of periodic key habitat and species monitoring.'

#### 3.4 **Environment Agency (13/04/2010):**

'We object to the proposed development for the following reasons:

##### Biodiversity

1. We object because there is an inadequate buffer zone to the River Len. We recommend that planning permission should be refused on this basis.

##### Reasons

Government has recently given the planning system a 'significant role' in its strategy to maintain, restore and enhance biodiversity (PPS9, PPS1 and the Natural Environment and Rural Communities Act 2006).

PPS9 requires that planning decisions should prevent harm to biodiversity interests and should seek to enhance biodiversity where possible. Article 10 of the Habitats Directive and paragraph 12 of PPS9 stress the importance of natural networks of linked habitat corridors to allow the movement of species between suitable habitats, and promote the expansion of biodiversity. River corridors are particularly effective in this way.

In this instance the proposed development would have an adverse impact on the River Len, and fails to improve river habitat along this stretch for water vole, a key BAP species found within Mote Park and River Len Local Nature Reserve adjacent to the site.

It may be possible to overcome this objection if the car parking is moved back to provide a minimum 5 metre-wide buffer zone alongside the River Len. The buffer zone should be free from all development, and be planted with locally native species of UK genetic provenance. It should be appropriately managed under an agreed scheme, to provide a

reasonable mixture of open and tree lined habitat.

The buffer zone may also present an opportunity to add amenity value to the development and could include riverside seating for the business park employees. Any scheme to provide a buffer zone will need to include a working methods statement detailing how the buffer zone will be protected during construction. The applicant should also investigate whether there is scope to enhance the river channel itself.

2. We object to the proposed development because it does not take the opportunity to remove the culvert, restoring lost aquatic habitat from the spring on the site.

#### Reasons

PPS1 sets out a positive agenda for development, seeking improvements to the environment where possible. PPS9 requires that planning decisions should aim to prevent harm to nature conservation interests and should seek to restore value where it has been destroyed by prior development activity. The Water Framework Directive also seeks to ensure that water bodies are restored to a natural state when development opportunities arise.

In this instance, the proposed development site is crossed by an existing culverted spring. The proposed development should be used as an opportunity to remove this culvert and restore the spring line. This would be a clear, tangible environmental gain in terms of the landscape character of the River Len Valley and nature conservation.

Restoring the lost spring through the development site would require a small footprint of the site as a whole, but would restore a rare habitat type to the valley, which may have been culverted in the past. It could also provide valuable habitat for amphibians, reptiles and rare invertebrates species that use the Len Valley.

This objection could be overcome if the development incorporated the restoration of the spring. It should be sensitively landscaped into the design such that it improves the ecological value of the valley, with an open natural spring design. Any new design must be submitted to and approved by the local planning authority.

We wish to be consulted on any new information submitted in connection with this application, on any design changes, additional mitigation and compensation or enhancement measures that might subsequently be proposed.

#### Re-consult

If your Authority is minded to grant permission contrary to our advice, it will be necessary to re-consult the Agency to ensure that Flood Risk, Contamination and any other environmental issues are appropriately addressed by planning conditions.'

3.4.1 Following amendments that were negotiated to the scheme relating to the treatment of the springs and riverbank areas, the following further letter was received dated 28/05/2010

'The proposed development will only be acceptable if a planning condition is imposed requiring schemes to be agreed to ensure that the new watercourse restoring a spring

within the site and the River Len enhancements are designed, located, constructed and managed in such a way as to positively contribute to the nature conservation value of the site.

#### Condition

The proposed new watercourse and River Len enhancements shall be constructed in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of development.

The scheme shall include the following features:

The new spring fed watercourse:

- must include the use of natural materials, characteristic in size and geology for the River Len Catchment
- should meander within the confines of the landscape plan design to create a varied profile and fall to the River Len.
- should be planted with native species of local provenance.

The River Len enhancements:

- Should include log deflectors to create a variety of flow conditions
- Include additional planting or translocation of some plants from the River Len to create new areas of marginal vegetation along this reach of the river

We recommend that all engineering design work is done by suitably experienced and qualified engineers who have proven success in the design of river restoration work on rivers and streams.

#### Reason

This condition is necessary to ensure that the proposed watercourse and existing River Len is developed in a way that contributes to the nature conservation value of the site in accordance with national planning policy by providing suitable habitats for wildlife.

The River Len is a designated 'main river' and under the jurisdiction of this Agency for the purposes of its land drainage functions. A consent from us is required under the Water Resources Act 1991 and associated Byelaws prior to the carrying out of any works in, over, or under the channel of the watercourse or on the banks within fifteen metres of the top of the bank, or within fifteen metres of the landward toe of any flood defence/counterwalls/return wall, where one exists. For maintenance reasons, we will not normally consent to works which obstruct the fifteen metre Byelaw Margin.

#### Condition

Prior to the commencement of development a more detailed landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas adjacent to the river and River Len Local Nature Reserve, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

1. *Detail extent and type of new planting (NB planting to be of native species)*
2. *Extent of non-native tree removal*
3. *Details of maintenance regimes*
4. *Details of any new habitat created on site*

#### Reason

This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

Planning Policy Statement 9 (PPS9) requires that planning decisions should prevent harm to biodiversity interests (PPS9: Key Principles) and should also seek to enhance and expand biodiversity interests where possible. Article 10 of the Habitats Directive, and PPS9 (paragraph 12) stress the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.'

3.5 **English Heritage (18/03/2010):** Do not wish to comment on the application and recommend that the application is determined on the basis of national and local policy guidance and the Council's own specialist conservation advice.

3.6 **KCC Heritage Conservation (26/03/2010):**

'The Turkey Mill complex is a site of industrial archaeological interest. The site of the application also lies close to a World War II anti tank trap, which probably takes the form of a series of ditches. Archaeological remains could be encountered during the proposed groundworks and I advise that the following condition be applied to any forthcoming consent:

*AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.*

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

3.7 **KCC Kent Highway Services (07/04/2010):**

'The application comprises 1632m<sup>2</sup> of B1 use and a separate application has been submitted for a day nursery (application number MA/10/0284). A Transport Assessment has been prepared which indicates that the traffic generated by these combined applications is likely to be in the region of 91 additional two way trips during the morning peak hour and 79 additional trips in the evening peak hour.

There is an extant permission on the site for 3252m<sup>2</sup> of B1 use which was expected to generate 66 two way trips in the morning peak hour and 53 trips in the evening peak hour. The new applications would lead to an estimated increase in vehicle movements of 25 two way trips during the morning peak hour and 26 in the evening peak hour, over and above that expected from the previously approved 1991 B1 application.

Access to the site is via a ghosted right turn junction of the A20 Ashford Road. A capacity assessment has been completed which indicates that the traffic generated by the proposed B1 office use and the day nursery can be adequately accommodated in the 2016 design year.

Parking at the site is in line with the Kent & Medway Vehicle Parking Standards which is acceptable.

In view of the above I confirm that I do not wish to raise objection to the proposals in respect of highway matters.'

3.7.1 A number of conditions and informatives were suggested relating to car parking and cycle parking provision and temporary provision of suitable parking and storage/turning area on site during construction along with measures to prevent mud being deposited on the highway during construction.

3.8 **Southern Water (24/03/2010):**

Have confirmed that there is adequate capacity to accommodate the foul drainage from the site in the existing sewer network and have recommended an informative advising the applicant of the need to formally apply for a connection to the sewage system. They have also commented on the intention to use a SUDS based surface water drainage system and the need to ensure that this is properly designed and then managed and maintained to ensure no flooding problems occur. They recommend a condition is imposed requiring that details of foul and surface water drainage are submitted and approved before the development commences.

3.9 **MBC Landscape Officer (18/03/2010):**

'The considerations below relate to the following documents/plans: Tree Survey by Susan Deakin, January 2010, Site Plan, by CTM architects, Tree Constraints Plan, Mark Hanton Studio. October 2009

The issue that I have been consulted on is specifically trees.

The tree survey identifies 60 trees in the vicinity of the proposed development. In order to accommodate this proposal, which also includes landscaping the river corridor, it is recommended that approximately 25 trees are removed. These trees, where the office is to be located, consist of recently planted specimens and therefore are currently of little amenity value. Where trees are to be retained and incorporated into the scheme (T25-T27 and 31) they are classed as category A (High quality). These trees are currently set within an existing car park and therefore it is likely that the roots have adapted to the situation (artificial raised bank) and any additional works will have little impact subject to an Arboricultural Method Statement being provided beforehand.

Where trees are to be retained, remedial work has been identified such as crown lifting (removing lower branches); the purpose of this work is to ensure that no branches become a hindrance to footpaths and prevent future nuisance such as branches coming into contact with buildings.



The second part of the application is to landscape and enhance the river corridor trees which will mean a number of trees have to be removed; in this case approximately 19 trees have been identified for removal. The majority of these trees are Sycamores and most have various structural weaknesses which mean they have been classed as C grade (low quality) and therefore have limited amenity value. The Landscape Appraisal Report states the aims to enhance the river corridor and ensure that the new development is an extension of the existing business park.

To achieve the objectives set out within the application it will be necessary to remove a number of trees, all of which are of little amenity value. It is also important to note that where possible trees have been retained which can be, subject to additional information, successfully

incorporated into the scheme.

Recommendation

It is, therefore, recommended that: on landscape/arboricultural grounds the application should be APPROVED with the following conditions.

- A Landscaping scheme should be submitted using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines.
- Where any excavations are likely to be carried within the root protection area of retained trees, an arboricultural method statement is required, stating necessary measures required to ensure no unnecessary damage occurs to the retained trees. The method statement should identify whether any remedial work to the trees will have to be carried out prior to the commencement of the works, how the existing surface will be removed and, if any roots are encountered, how they will be severed so that the tree will not be harmed in any way.
- Any works to trees must be carried out by a suitable qualified arboriculturalist.'

### 3.10 **MBC Environmental Health (25/03/2010):**

'The site is about 100m from a local railway line and a similar distance from the nearest residences. The Turkey Mill Estate is a business park predominated by offices and light industry. I do not consider that this proposal is likely to impact negatively on the amenity of local residents. An application to build a nursery to the north of this location has also been received. Environmental Health do not appear to have been consulted on previous applications for the area: MA/02/0202, MA/02/0249, MA/04/0934 or the original application for this location on site MA/91/0655; but we have been consulted on the recent nursery application, MA/10/0284, for which we recommended a contaminated land condition because of the historical use of the area as a paper mill business. The office building is proposed to be located on the site of what is currently a surface car park. None of the permissions for the previous applications for this area imposed a contaminated land condition, but given the historical use of some areas of the site I think it would be prudent to impose a contaminated land condition on this application should it be granted. The Design & Access statement provided with this latest application notes that a Site Waste Management Plan will be required.

Recommendation: No objections subject to a contaminated land condition and informatives governing hours of operation and conduct on site during construction.'

### 3.11 **MBC Conservation Officer:**

Has no objections to the proposals in terms of the setting of the nearby listed buildings within the site or the adjacent registered historic park. No objections are raised to the design of the proposed building which has been amended to overcome concerns expressed prior to the submission of the application.

#### **4. REPRESENTATIONS**

4.1 **Cllr English** has requested that the application is reported to the Planning Committee on the grounds that;

'The scale, form and design of the development will need careful consideration due to its sensitive location.'

4.2 **Twelve** letters of representation have been received from local residents. Objections raised are (summarised) as follows.

- Loss of privacy to nearby dwellings in Blythe Road
- Unacceptable overshadowing to nearby dwellings in Blythe Road
- Increased noise and disturbance
- Increased pollution
- Increased traffic
- The development is not of a good design and will detract from the openness and quality of the area
- It will detract from the quality and setting of Mote Park and the footpath along the River Len
- There are plenty of empty offices elsewhere in Maidstone why build another one here?
- Potential water pollution affecting the River Len and nearby allotments
- Why can't the buildings be located much closer to the existing buildings on the site or north of Tolhurst Court? They would be spreading too far west if this scheme was allowed

#### **5. CONSIDERATIONS**

##### **5.1 Site Description**

5.1.1 The application site is located within the Turkey Mill Business Park located on the south side of Ashford Road. The Business Park amounts to approximately 8.4ha in area and comprises some 11,667m<sup>2</sup> of business and conference facilities with a further 704m<sup>2</sup> of Class D1 floorspace comprising medical/dental consultancies and also a cafe/sandwich bar. The site lies between the Maidstone East to Ashford railway which forms its northern boundary and Mote Park which forms its southern boundary which is delineated by a 2m high ragstone wall.

5.1.2 Access to the site is gained from the A20 Ashford Road under a Grade II listed railway viaduct. The former mill owner's house (now in use as offices) located at the eastern end of the site and complex of buildings is Grade II\* listed and the

adjacent drying loft and industrial buildings are Grade II Listed. All other buildings within the site that pre-date 1 July 1948 are listed by virtue of their status as curtilage buildings. The River Len runs from east to west roughly through the centre of the site. The land either side of the river in a valley, to its north and south, rises steeply.

- 5.1.3 There are a variety of buildings within the site of differing styles and sizes. The most recent is Tolhurst Court, completed in approximately 2005. This is located on the north bank of the River Len and has car parking to the front (south) and rear (north) of it.
- 5.1.4 The main part of the site is a designated Employment Area under saved policy ED2 of the Maidstone Borough-wide Local Plan (MBWLP) 2000. The western part of the site lies within an Area of Local Landscape Importance subject to policy ENV35 of the MBWLP 2000. The entire complex is located within the defined urban area of Maidstone. The site also forms part of the Mote Park & River Len Local Wildlife Site designated in April 2009. The area to the west of the Business Park is a Local Nature Reserve.

## **5.2 Proposal**

- 5.2.1 Full planning permission is sought for the erection of a detached office building with currently no specified end user. It would be located on the south side of the River Len in the south west corner of the Business Park. The application also proposes changes to the location and quantity of existing parking provision and a new vehicle and pedestrian bridge over the River Len together with landscaping and river corridor enhancement.

### The office building

- 5.2.2 The office building would be two-storeys in height and comprise some 1632m<sup>2</sup> of gross external floorspace. It would be some 6.75m to the eaves and 8.01m tall at the tallest part of the roof vaults. Overall the building is some 49m in length and 16m in width although the entrance features project some 1.5m further forward.
- 5.2.3 The ground floor of the proposed building would be clad in red-stock brickwork up to first floor level and be fully glazed above this. The roof would be formed using a standing seam system in a series of undulating vaults with high level cladding under the eaves above the glazing. The fascias would be aluminium. The roof would be supported by slender external steel columns. At first floor level the rainwater down-pipes would echo the steel columns and at ground floor level be placed behind brick piers. The columns and down-pipe treatment serve to divide the building visually into 6 sections and assist in breaking up the horizontal length of the building. Plant would be hidden from view in two wells situated below the highest parts of the roof vaults. There would be brise-soleil to

the south facing windows. The glazing and door frame assemblies would be powder-coated aluminium finished in a dark green colour to reflect Tolhurst Court and the colour scheme generally in use through the Business Park and on its signage.

- 5.2.4 The building would be sited some 32m west of James Whatman Court and some 22m north of the boundary with Mote Park. Due to the fall in levels across the site from Mote Park towards the river, only 2.25m approximately of the building (including the roof structure) would be higher than the boundary wall of Mote Park.
- 5.2.5 The application is accompanied by a BREEAM for Offices pre-assessment report that indicates that the building could achieve a score of 73.09% which is above the threshold of 70% needed to achieve an 'Excellent' rating.

#### Landscaping proposals

- 5.2.6 A natural spring enters the site to the east of the proposed building. This is currently culverted and piped into the river. Under the amended application proposals this would be opened up and run as a cascade to the east of the building and return in front of the building as a formal water feature and then be discharged into the river. Existing spring water run-off from Mote park will be harvested and directed to a series of swales, ditch and streams with log and stone weirs that will form a natural water course through the sloping western side of the car park area (to the west of the office building) and thence into the river. New areas of wetland type native tree, shrub and grass planting around these areas will be introduced.
- 5.2.7 These plans form part of a detailed wider landscape and biodiversity enhancement scheme for the site submitted as part of both current applications. The strong existing hedge-line that forms the boundary of the site with the Local Nature Reserve (LNR) is to be retained north and south of the river.
- 5.2.8 North of the river extensive buffer planting will be introduced between the LNR and the proposed nursery and the existing grass managed to create a varying height sward. Existing tree planting in the existing car park on the north bank of the river will be extended. The car park areas closest to the LNR will be formed from reinforced grass.
- 5.2.9 South of the river, two tiers of car parking are proposed which would be separated by an extended and planted existing embankment. The areas of proposed car park closest to the LNR and river on the lower tier would be surfaced in reinforced grass or loose gravel as is the existing car park in this area. The riverside margins would be maintained and grass managed to allow different sward heights. Existing sycamores and laurels along the river would be cleared from the riverbanks to open up the area and allow light into the river.

The banks would then be planted with more ecologically based vegetation that would support river wildlife and include native riverside shrub species and existing reed beds will be managed and some plants translocated to the area of the new bridge to further soften its appearance.

5.2.10 The upper parking area closest to the building would be surfaced in blockwork but the bays closest to the western boundary formed with reinforced grass. The largest existing and quality mature trees within the and around the site would be retained and additional focal trees and shrub planting undertaken around and within the car park.

#### Parking

5.2.11 There are currently 615 car parking spaces in total on the site. This would rise to 699, an increase of 84, if the office development and the day nursery subject to planning application MA/10/0284 were approved and constructed.

5.2.12 The majority of the car parking would be provided in a new area on a currently undeveloped part of the site to the west of the existing car parking area (on which the office building would be sited). This area slopes down to the River Len and is closely mown grassland. The existing hedgerow that forms the boundary of the site with the LNR would be retained.

5.2.13 In relation to the parking provision for the new office, the building has been provided with 54 spaces at a ratio of 1:30m<sup>2</sup>. The nursery would be provided with 30 spaces.

#### New bridge

5.2.14 The new road and pedestrian bridge is located approximately 40m to the west of the existing site bridge over the river. The proposed bridge is simple in form with stainless steel cable stays and struts. It would accommodate a 3m wide vehicle section and a 1.2m wide demarcated footpath section and be approximately 21.5m in length.

5.2.15 The application was also accompanied by a Design and Access Statement, Planning Statement, Tree Survey report including Tree Survey and Tree Constraint Plans, an Ecological Appraisal, a Flood Risk Assessment and a Transport Assessment. Subsequently, a revised Landscape Appraisal and a Biodiversity Enhancement Strategy were submitted to accompany the amended Landscape Strategy Plan.

### **5.3 Principle of Development**

5.3.1 The proposed office building is located within the defined urban area of Maidstone and sited within a designated employment area under policy ED2 of the Maidstone Borough-wide Local Plan 2000.

- 5.3.2 Members will have also have noted from paragraph 2.4 of the report that the current site remains subject to an extant permission for the erection of a 3250m<sup>2</sup> building for use for B1/B8 purposes.
- 5.3.3 The car parking area to the west of the proposed building is not however within the designated employment area and as such, the application has been advertised as a departure. The parking area is proposed to provide replacement for current parking spaces displaced by the proposed development. This area of the application site however, has no particular designation in the Maidstone Borough-wide Local Plan 2000.
- 5.3.4 The site of the office building, but not the proposed car parking to the west, also lies within the Turkey Mill Area of Local Landscape Importance as designated by policy ENV35 of the Maidstone Borough-wide Local Plan. Policy ENV35 states that in these areas, particular attention will be given to the maintenance of open space and the character of the landscape and encouragement will be given to improvements in public access.
- 5.3.5 The office is clearly sited within a designated employment site and as such I consider the principle of the development to be acceptable. I consider that the development also complies with the advice in PPS4 in that it constitutes economic development on an allocated site.
- 5.3.6 Given the extant planning permission on the site (MA/91/0655) and the fact that the currently proposed building is significantly smaller in scale which has retained a greater openness around the building and across the site, I also consider that the office element complies with policy ENV35 of the MBWLP 2000.
- 5.3.7 However, particular consideration should be given to the proposed car parking area to the west of the new office building. As indicated above, this area lies outside the designated employment site and the ALLI, and has no specific Local Plan designation. It is currently an open mown grass area that slopes down to the river. It is bounded to the west by the hedgerow that marks the boundary of the Turkey Mill estate and the LNR and the footpath and footbridge over the River Len that were constructed following planning permission MA/91/0655.
- 5.3.8 The extent of the parking provision on this area (approximately 78 spaces) is as a result of providing new parking spaces to meet requirements for the new office building and also to provide replacement for those displaced by the new building, changes to internal roadways and the new bridge.
- 5.3.9 There will clearly be a significant change to the character and appearance of this section of the site and the loss of the current undeveloped status of the site is regretted. Officers have sought to reduce the extent of car parking provision in

this area and across the site as a whole. However, the applicant has maintained their view that parking for the new building should be in accordance with the maximum levels set out in PPG13 and that they wish to see the displaced existing spaces on the site replaced as these form part of the lease arrangements to each tenant. There is also no other site within the Turkey Mill complex that could accommodate the parking required.

5.3.10 Notwithstanding this, the applicant has considered the surfacing and landscape treatment of the car park in an attempt to reduce its impact and details have been submitted as part of the Landscape Strategy. The bays are broken up with areas of landscaping. The car park area closest to the river is either proposed as 'grasscrete' or loose gravel and that along the boundary with the LNR adjacent to the existing retained hedge is also proposed as grasscrete. Elsewhere permeable block paving is indicated. Existing springs which are currently piped or culverted under the site are to be opened as natural water features and swales with appropriate marginal planting. The car park would also be divided into two levels with a continuation of an existing planted embankment westwards to link in with the proposed open spring/swale running down the western side of the car park to the River Len. The existing grassland closest to the river would be maintained and managed with differing sward heights to provide for enhanced habitat an improvement over the current situation where it is closely mown.

5.3.11 Whilst the use of this area for car parking is not ideal, it is the only area available within the Turkey Mill Estate to provide for the required and displaced parking. The proposed landscaping and treatment of the springs/swales and the indicated surface treatment would however, in my view serve as some compensation for the loss of the land to car parking. The car parking will not be visible from the access road and footpath into Mote Park from Mote Road due to the valley side sloping towards the river and the land being at a lower level than that within Mote Park. On balance therefore, I do not raise objections to the use of this area for car parking.

## **5.4 Visual Impact**

5.4.1 Members will note that both English Heritage and the Conservation Officer have raised no objections to the impact of the development on the setting of the nearby listed buildings or Mote Park. The nearest of the 'curtilage listed buildings' is James Whatman Court located approximately 32m east of the proposed building. Turkey Court House and the Drying Lofts which are individually listed, are located in excess of 100m east of the proposed building. I concur with the views of both the Conservation Officer and English Heritage, that the development will not have an adverse impact on the setting of these buildings.

- 5.4.2 The office building is located some 84m from the nearest dwellings in Blythe Road and 95m approximately from Deergate Lodge at the entrance to Mote Park from Mote Avenue. Whilst it will be seen from these areas I do not consider that it will be unacceptable visually dominant. It is a relatively low building at approximately 6.75m to eaves and 8.01m to the tallest section of the vaulted roof. It is set into the site at a lower level than the land within Mote Park some 22m to the south such that only approximately 2.25m of the building will protrude above the height of the boundary wall with Mote Park. Given the existing trees within Mote Park and the intervening landscaping to the west of the building, whilst there will be glimpses of the building it will not be unacceptably dominant and visually intrusive. Similarly when viewed from the north bank of the River Len the existing mature trees within the site will serve to partially screen and thus reduce the visual impact of the building, which will also be seen against the backdrop of the trees within Mote Park.
- 5.4.3 It is acknowledged that the proposed car parking provision to the west of the office is located on an existing undeveloped area and that there will be change from its current grassed and open nature, which is regrettable. I have considered the principle of the use of this land and its visual impact in paragraphs 5.3.7 to 5.3.11 above. It is regrettable that this area will be lost to car parking. However, for the reasons set out earlier in the report, on balance, I do not consider that the harm caused by car parking on this area would be sufficient to warrant refusal. It will be screened to the west by the existing retained hedgerow to that forms the site boundary with the LNR and will be at a significantly lower level than the land within Mote Park such that the car parking will not be visible from the main access road and footpath into the Park from Mote Avenue.

## **5.5 Design**

- 5.5.1 The design of the proposed building is contemporary and in my view is of a high quality. It reflects the existing older buildings on the site through the proposed use of the brickwork to the ground floor and also reflects elements found on the more recent development at Tolhurst Court in terms of the extent of glazing and the vaulted roof design. I also consider that the attention to the detailing of the building, such as the roof drainage which has been amended to utilise a gutter hidden within the curvature of the roof, the detailing of the supports for the roof, the brise soleil, the design of the rainwater goods and the junction between the glazing and the brickwork, for example, reflects the quality of the overall design.
- 5.5.2 The building is relatively long at approximately 49m, but the length and mass has been broken up by the form of the vaulted roof and by means of a vertical division facilitated by the columns supporting the roof and the rainwater down-pipes, which clearly separate the building into 6 bays, with two larger 12m bays adjoined either side by 6m in width (4 in total). The curvature of the vaulted roof



reflects these dimensions. The building has a clear hierarchy to its design with a solid brick base at ground floor level, lighter glazing at first floor level and the well-designed roof with significant overhangs that provides a positive and clear termination to the building.

- 5.5.3 The quality of the design approach extends to the immediate surrounds of the building, with the cascade to its east and formal water features and access decks to the frontage of the building and the formal planted areas around it.
- 5.5.4 The building has been designed to be sustainable in its construction and energy use and it has been demonstrated through a BREEAM for Offices pre-assessment report that the building is likely to achieve an 'Excellent' rating, with an indicated score of 73.5% where the threshold for an excellent rating is 70%.
- 5.5.5 The proposed bridge is also considered to be acceptable in its design. The proposed bridge is simple in form with stainless steel cable stays and struts providing the handrails. It will have a limited impact on the existing river bank.

## **5.6 Residential Amenity**

- 5.6.1 The proposed office building is located approximately 84m from the closest residential dwellings in Blythe Road (nos. 45 and 47), and approximately 95m from Deergate Lodge located at the entrance to Mote Park from Mote Avenue. The closest parking spaces are approximately 45m and 60m respectively from properties in Blythe Road and Deergate Lodge. Between the site and the dwellings is the Local Nature Reserve and an extensive hedgerow which forms the site boundary with the LNR which is to be retained.
- 5.6.2 I do not consider, given the separation distances, the fact that the site is at a lower level than the nearest dwellings with intervening landscape features retained, that the development would have an unacceptable impact on the residential amenities of occupiers in Blythe Road or Deergate Lodge arising from noise and disturbance, overshadowing or loss of privacy.

## **5.7 Highways**

- 5.7.1 Kent Highway Services have considered the Transport Assessment submitted with the application and assessed the highway implications of the proposal. As can be seen from paragraph 3.7 earlier in the report, no objections are raised from a highway point of view to the impact of the traffic likely to be generated by the proposal on the adjacent highway network or in relation to the capacity of the junction of the site access road with the A20 Ashford Road. Kent Highway Services have raised no objections to the parking provision.

- 5.7.2 In relation to the parking provision, the new office building has been provided with 54 spaces at a ratio of 1:30m<sup>2</sup>. This is in-line with the maximum guidance in PPG13 and consistent with provision at Eclipse Park and development elsewhere in the Borough.
- 5.7.3 I would again advise Members that officers have sought to reduce the level of car parking provision. However, the applicant has maintained their view that parking for the new building should be in accordance with the maximum levels set out in PPG13 and that they wish to see the displaced existing spaces on the site replaced as these form part of the lease arrangements to each tenant.
- 5.7.4 The development is also below the threshold where a Travel Plan is sought (currently 2500m<sup>2</sup>). However it is considered that the applicants should be advised to contact the Kent County Council Sustainable Travel Planning Team with a view to developing a Travel Plan for the estate as a whole. This can be dealt with by means of a suitable informative.

## **5.8 Landscaping and Ecology**

- 5.8.1 As Members will have noted from earlier in the report the ecological and landscape implications of the proposal have been subject to full assessment as part of the application.
- 5.8.2 A fully detailed Landscape Strategy has been submitted which has been amended to take into account objections relating to the impact of the development on the biodiversity/ecology of the river and the existing springs etc. that pass through the site.
- 5.8.3 The submitted strategy indicates under the amended application proposals the spring that enters the site east of the proposed office building would be opened up and run as a cascade to the east of the building and return in front of the building as a formal water feature and then be discharged into the river. Existing spring water run-off from Mote Park will be harvested and directed to a series of swales, ditch and streams with log and stone weirs that will form a natural water course through the sloping western side of the car park area (to the west of the office building) and thence into the river. New areas of wetland type native tree, shrub and grass planting around these areas will be introduced. Meadow areas closer to the river and to the west of the proposed nursery on the north bank will be managed to create a varying height sward to improve biodiversity.
- 5.8.4 North of the river extensive buffer planting will be introduced between the LNR and the proposed nursery. I consider that to emulate the existing planting within the LNR to the west that this buffer should be predominantly planted with hawthorn. The existing grass will be managed to create a varying height sward as stated above. Existing tree planting in the existing car park on the north bank

of the river will be extended. The car park areas closest to the LNR will be formed from reinforced grass to soften the impact.

- 5.8.5 South of the river, two tiers of car parking are proposed which would be separated by an extended and planted existing embankment. The areas of proposed car park closest to the LNR and river on the lower tier would be surfaced in reinforced grass or loose gravel as is the existing car park in this area. The riverside margins would be maintained and grass managed to allow different sward heights. Existing sycamores and laurels along the river would be cleared from the riverbanks to open up the area and allow light into the river. The banks would then be planted with more ecologically based vegetation that would support river wildlife and include native riverside shrub species and existing reed beds will be managed and some plants translocated to the area of the new bridge to further soften its appearance.
- 5.8.6 The upper parking area closest to the building would be surfaced in blockwork but the bays closest to the western boundary formed with reinforced grass. The largest existing and quality mature trees within the and around the site would be retained and additional focal trees and shrub planting undertaken around and within the car park.
- 5.8.7 I have considered the visual impact of the proposed car park earlier in the report. On balance I consider that with the proposed landscaping and treatment of the springs/swales the impact of the car park to be acceptable.
- 5.8.8 The applicants are also proposing to install bird and bat boxes around the site as further enhancement.
- 5.8.9 Subject to appropriate conditions relating to the detailing of the proposals and the treatment of the springs and watercourses I consider that the proposed landscape strategy will enhance the site and the biodiversity within it.

## **5.9 Flood Risk**

- 5.9.1 The application was accompanied by a Flood Risk Assessment assessing the impact of a potential 1 in 100 year flood event allowing an additional 20% for climate change. The Flood Risk Assessment which has been accepted by the Environment Agency shows that the flood level for a 1 in 100 year +20% for Climate Change event would be at 10.54mAOD. The finished floor level of the office would be at 16.78mAOD and the lowest level of car parking at 11.69mAOD. This effectively renders the development outside Flood Zone 3 and into Flood Zone 1. The soffit level of the bridge is required to be 600mm above the agreed flood level of 10.54mAOD Newlyn. This can be secured by means of an appropriate condition. In terms of Flood Risk therefore, I raise no objections to the proposals.

5.9.2 Another area of concern has been the impact of potential inundation from a breach of the dam at Mote Park Lake. I am satisfied however that the site of the office lies outside the indicative area advised by the EA that would be potentially affected by a breach.

## **6. CONCLUSION**

6.1 On balance I consider the proposed development to be acceptable in terms of its principle as economic development on a designated employment site. The design of the building and the new bridge is acceptable. The scheme has been designed to secure appropriate enhancement to ecology and biodiversity within the site.

6.2 I do consider that the use of the area west of the proposed office building for car parking is not ideal and that the loss of the current nature and form of this part of the site is regrettable.

6.3 However, it is the only area available within the Turkey Mill Estate to provide for the required and displaced parking which is subject to individual leases for tenants within the estate.

6.4 The proposed landscaping and treatment of the springs/swales and the indicated surface treatment would however, in my view serve as some compensation for the loss of the land to car parking. The car parking will not be visible from the access road and footpath into Mote Park from Mote Road due to the valley side sloping towards the river and the land being at a lower level than that within Mote Park. On balance therefore, I do not raise objections to the use of this area for car parking or the level of car parking proposed.

6.5 There are no other highway objections relating to the development and I consider that the development will cause no unacceptable harm to the amenities of residents in Blythe Road or the occupiers of 'Deergate Lodge' in Mote Avenue.

6.6 On balance subject to appropriate safeguarding conditions I consider the following recommendation to be appropriate.

## **7. RECOMMENDATION**

GRANT PLANNING 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, car parking areas and footways 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 pursuant to the advice in PPS1.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and to ensure a satisfactory appearance to the scheme pursuant to policies ENV6 and ENV35 of the Maidstone Borough-wide Local Plan 2000.

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

Reason: To ensure a satisfactory setting and external appearance to the development pursuant to policies ENV6 and ENV35 of the Maidstone Borough-wide Local Plan 2000.

5. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been

removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policies ENV6 and ENV35 of the Maidstone Borough-wide Local Plan 2000.

6. The development shall not commence until, details of the proposed new watercourse and River Len enhancements have been submitted to and approved in writing by the local planning authority.
- The scheme shall include the following features:
- (i) The new spring fed watercourse must include the use of natural materials, characteristic in size and geology for the River Len Catchment
  - (ii) The new spring fed watercourse should meander within the confines of the landscape plan design to create a varied profile and fall to the River Len.
  - (iii) The new spring fed watercourse should be planted with native species of local provenance.
  - (iv) The River Len enhancements should include log deflectors to create a variety of flow conditions
  - (v) The River Len enhancements should include additional planting or translocation of some plants from the River Len to create new areas of marginal vegetation along this reach of the river
  - (vi) All engineering design work is done by suitably experienced and qualified engineers who have proven success in the design of river restoration work on rivers and streams.

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure that the proposed watercourse and existing River Len is developed in a way that contributes to the nature conservation value of the site in accordance with national planning policy by providing suitable habitats for wildlife as required by the advice in PPS9.

7. Notwithstanding the details shown on Landscape Strategy drawing 030revE received 06/07/2010, Landscape Appraisal revD and the Biodiversity Enhancement Statement received 14/05/2010, the development shall not be commenced until a more detailed landscape management plan in conjunction with the details submitted pursuant to condition 3 above, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas adjacent to the river and River Len Local Nature Reserve and within the site, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed

in writing by the local planning authority.

The scheme shall include the following elements:

- (i) The detailed extent and type of new planting (with planting to be of native species of local provenance)
- (ii) The extent of non-native tree removal
- (iii) Details of maintenance regimes
- (iv) Details of any new habitat created on site
- (v) Details of biodiversity enhancement measures such as bird and bat boxes
- (vi) Details of the location and extent within the site of a proportion of the cord wood arising from felled trees
- (vii) The use of predominantly hawthorn for the tree and shrub boundary screening to the western boundary of the day nursery
- (viii) An arboricultural method statement if excavation works are to be undertaken within the root protection areas of any retained trees stating the methods that will be used to avoid unnecessary damage to the trees. The method statement should identify whether any remedial works to the trees will have to be carried out prior to commencement of the works, how the existing surface will be removed and, if any roots are encountered how they will be severed so that the trees will not be harmed in any way. Any works to the trees must be carried out by a suitably qualified arboriculturalist
- (ix) An arboricultural method statement for any trees that are to be transplanted stating how they will be removed from their current location and relocated

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site pursuant to the advice in PPS9.

8. The development shall not commence until, the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded pursuant to the advice in PPS5

9. The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawings. The soffit level of the bridge shall be no lower than 11.14mAOD Newlyn;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site and the character of the area pursuant to policy ENV35 of the Maidstone Borough-wide Local Plan 2000 and in the interests of flood risk pursuant to the advice in PPS25.

10. 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 pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

11. The office building hereby permitted shall achieve a minimum BREEAM Office rating of at least Excellent. No part of the office building shall be occupied until a final certificate has been issued for it certifying that a BREEAM Office rating of at least Excellent has been achieved.

Reason: To ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

12. The development shall not commence until details of foul and surface water drainage which shall incorporate SUDS have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention pursuant to the advice in PPS25 and biodiversity pursuant to the advice in PPS9.

13. The development shall not commence until, details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves.
- ii) Details of windows and doors and recesses/reveals
- iii) Details of the roof supports and down-pipes and down-pipe enclosures
- iv) Details of the brise soleil
- v) Details of the junction between the brickwork and glazing and the glazing and upper cladded sections

The development shall thereafter be undertaken in accordance with the subsequently approved details.



Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with PPS1.

14. The development shall not commence until:

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

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

3. Approved remediation works have been carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

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

Reason: To prevent harm to human health and pollution of the environment pursuant to the advice in PPS23.

### **Informatives set out below**

You are recommended to contact the Kent County Council Sustainable Transport Team (tel. 01622 696819 or 01622 696914) with a view to the joint preparation of a Travel Plan for the Turkey Mill Business Park.

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.

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

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd. Anglo St James House, 39A, Southgate Street, Winchester SO23 9EH (tel 01962 858688) or via [www.southernwater.co.uk](http://www.southernwater.co.uk)

The proposed development is not in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000. However, the development, subject to the conditions stated, is considered to comply with Government guidance contained within PPS4: Planning for Sustainable Economic Growth and which is considered to represent circumstances that outweigh the existing policies in the Development Plan. It is also considered that the development would not cause unacceptable harm to the character and appearance of the Area of Local Landscape Importance in which the site is partially situated and there are no overriding material considerations to indicate a refusal of planning consent.