

<b>REFERENCE NO - 14/501895/HYBRID</b>			
<b>APPLICATION PROPOSAL</b>			
Hybrid (part outline/part detailed) application for re-grading of the site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 45,528m <sup>2</sup> of B1 light industrial, B2 general industrial and B8 storage and distribution uses with ancillary offices; ancillary cafe and creche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath. Detailed permission sought for erection of new warehouse building (21,990m <sup>2</sup> ) and associated offices (2,995m <sup>2</sup> ) with access, service yard, parking and landscaping.			
<b>ADDRESS</b> Waterside Park M20 J8 Ashford Road Hollingbourne Kent			
<b>RECOMMENDATION – Delegated Powers to Approve</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b>			
The proposed development would be contrary to policy ENV28 of the Maidstone Borough-wide Local plan 2000 and advice in the National Planning Policy Framework in that it would be detrimental to the character and appearance of the countryside hereabouts in general, the setting of nearby heritage assets to the south of the site and to the setting of the Kent Downs Area of Outstanding Natural Beauty in particular. However, the economic benefits of the development associated with the local businesses occupying the site and/or the provision of employment space at this location are considered to outweigh this harm. These economic benefits are considered to be sufficient grounds to depart from the Development Plan.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<ul style="list-style-type: none"> <li>• <b>The recommendation is a Departure from the Development Plan.</b></li> <li>• <b>The Head of Planning and Development has referred this application to Committee as consideration of the application is controversial in nature.</b></li> </ul>			
<b>WARD</b> North Downs	<b>PARISH/TOWN</b> Hollingbourne	<b>COUNCIL</b>	<b>APPLICANT</b> Gallagher Properties Ltd <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 16/10/14	<b>PUBLICITY EXPIRY DATE</b> 07/10/14	<b>OFFICER SITE VISIT DATE</b> 16/09/14	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/13/1549	Hybrid planning application (part outline-part detailed) for re-grading of site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 56,000m <sup>2</sup> of B1 office/light industrial, B2 general industrial and B8 storage and distribution uses; ancillary cafe and crèche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath, with access to be determined and appearance, landscaping, layout and scale reserved for subsequent approval. Detailed permission sought for the erection of a new	REFUSED (APPLICATION UNDER APPEAL)	27/02/14

	warehouse building (23,533m <sup>2</sup> ) and associated offices (4,145m <sup>2</sup> ) with access, service yard, parking and landscaping		
MA/13/0050	<p>Scoping opinion sought in respect of an Environmental Statement to be submitted in relation to a proposed development being:</p> <p>1: The creation of a new site access road off the existing A20/M20 link roundabout with associated works to the roundabout as required;                  2: The re-grading of the site to create a level development platform (with the creation of new bunds and batters as required);                  3: The creation of up to 60,000sqm of employment floorspace in use classes B1 (light industrial/research and development/offices), B2 (general industrial) and B8 (storage and warehousing) and;                  4: Internal drainage, road layouts, structural landscaping and diversion of the existing public right of way: Scoping Opinion Issued 15/02/2013</p>	Scoping Opinion Issued	15/02/13

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is located to the south side of the A20 immediately to the south of the roundabout which provides the link from the A20 to M20 Junction 8. It lies within Hollingbourne Parish but is bounded to the south and east by Leeds Parish.
- 1.02 In terms of its general location, the site lies within the foreground to the Kent Downs Area of Outstanding Natural Beauty (AONB) and the escarpment of the North Downs. The site is situated immediately north of the valley of the River Len. It is currently a sloping hillside falling generally west to east and towards its south-eastern corner and the aforementioned Len Valley.
- 1.03 To the east the application site is bounded by a stream, ancient woodland and a pond. Beyond this boundary is situated the Mecure Great Danes Hotel and its grounds. On the north side of the A20, opposite the site, is Old England Cottage. This is a Grade II Listed former public house now in use as a dwelling and enclosed by close-boarded fencing.
- 1.04 To the south of the site lie the River Len and a former mill pond. This pond, the River Len and the stream on the eastern boundary are designated as a Local Wildlife Site (LWS). The site's SW corner is adjoined by two dwellings, a converted oast and a farmhouse. Old Mill Farm buildings (now in commercial use) also lie adjacent to the SW corner.
- 1.05 The western site boundary is formed by Old Mill Road and to the northwest of the site a waste transfer station run by Biffa is located. Old Mill Road is at a significantly lower level than the site.

## Planning Committee Report

- 1.06 The site amounts to just under 17ha in area. The site rises significantly by up to 20metres to the west and northwest from the south east corner. The boundaries to the south and east are formed of mature tree cover, with a small unplanted margin around the perimeter of the field. The northern A20 frontage is formed of a planted bund, which reduces in scale as it runs eastwards towards a field gate that provides vehicular access onto the A20. The northwest and west boundary features some lines of mature trees with open areas between.
- 1.07 Public Footpath KH181 runs across the site south west to north east, exiting onto the A20 verge immediately south of the roundabout serving the M20 Junction 8 link road.
- 1.08 The site lies in the countryside outside a defined settlement and is therefore subject to saved policy ENV28 of the Maidstone Borough-wide Local Plan (Local Plan) 2000. A section of the roadside verge along the A20 frontage of the site is designated as a Protected Roadside Verge under saved policy ENV42 of the Local Plan. The main body of the site has no specific designation or allocation in the Local Plan.
- 1.09 Part of the highway verge on the south side of the A20/M20 link roundabout falls within the North Downs Special Landscape Area (saved Local Plan policy ENV34), as does the roundabout itself and the land north of the A20 Ashford Road either side of the roundabout. The southern boundary of the AONB is the Maidstone East-Ashford railway-line and to the west of junction 8, the M20 Motorway around 800m away.

## 2.0 PROPOSAL

- 2.01 The application is a hybrid application (part detailed and part outline) and seeks permission for the following.
- 2.02 *Hybrid (part outline/part detailed) application for re-grading of the site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 45,528m<sup>2</sup> of B1 light industrial, B2 general industrial and B8 storage and distribution uses with ancillary offices; ancillary cafe and creche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath. Detailed permission sought for erection of new warehouse building (21,990m<sup>2</sup>) and associated offices (2,995m<sup>2</sup>) with access, service yard, parking and landscaping.*
- 2.03 Detailed permission is sought for the erection of a new warehouse building (21,990m<sup>2</sup>) and associated offices (2,995m<sup>2</sup>) with main access, service yard, parking and landscaping on the east part of the site. Outline permission is sought for a manufacturing building (14,045m<sup>2</sup>) with associated offices (2,375m<sup>2</sup>), warehouse and manufacturing unit with offices (1,440m<sup>2</sup>), a warehouse/manufacturing building (1,890m<sup>2</sup>), and a community hub building on the west and northwest part of the site.
- 2.04 The site generally slopes relatively steeply from west to east so it is proposed to alter land levels to create two level platforms for the development to be built upon. Buildings on the west side would be cut into the existing sloping land by up to 12m to create a platform and land raising/levelling by 1-3m is proposed on the east side to provide a platform. Essentially this would be a cut and fill exercise but significant material would need to be taken off site, which is discussed below.
- 2.05 The plans show that a large section in the west corner of the site would not be altered and neither would land around the northwest corner. Moving westwards,

changes would then involve cutting into the land with a 1:3 slope downwards towards the western development platform. Along the south boundary land would be retained as existing along the edges then with a 1:3 slope built upwards to the development areas. On the east side there would be some land raising to create the eastern platform and along the east edge there would be 1:3 slopes built upwards to the eastern development platform. In the north part of the site by the proposed access where there is an existing embankment, land would be cut to level the land. In summary, there would be land cutting over the western and northern parts of the site and land raising/re-modelling in the eastern and southern parts.

- 2.06 The application is accompanied by an Environmental Statement as it is considered to be development requiring an Environmental Impact Assessment under Schedule 2 of the 2011 Environmental Impact Assessment Regulations.
- 2.07 Two potential occupiers of the development are named in the application; ADL (Automotive Distributors Ltd) and Scarab (Scarab Sweepers), both are currently based on the Wheelbarrow Industrial Estate in Pattenden Lane Marden. It is submitted that these companies would occupy the main buildings proposed. However, it must be borne in mind that this cannot be guaranteed as these businesses could decide not to take up any permission if granted, or indeed vacate the site at some point in the future.
- 2.08 The site access would be taken from the existing roundabout on the A20 Ashford Road. A new access arm off the A20 roundabout would be created and the roundabout also improved.
- 2.09 The application proposes the two buildings for ADL and Scarab, two further units and a central 'hub' building for the site.

Unit	Use	Gross External Area (m <sup>2</sup> )	Detailed/Outline
ADL	Office	2,995	Detailed
	Warehouse	21,990	Detailed
	Training	293	Outline
	<b>Total ADL</b>	<b>25,278</b>	
Scarab	Office	2,375	Outline
	Manufacturing	14,045	Outline
	<b>Total Scarab</b>	<b>16,420</b>	
Unit 3	Office	540	Outline
	Warehouse/manufacturing	900	Outline
	<b>Unit-1 Total</b>	<b>1,440</b>	
Unit 4	Warehouse/manufacturing	<b>1,890</b>	Outline
Hub	Ancillary uses	<b>500</b>	Outline
	<b>TOTAL</b>	<b>45,528</b>	

2.10 The proposed floorspace breaks down as follows:

B8 Warehousing (ADL):	21,990m <sup>2</sup>
B2 Manufacturing (Scarab):	14,045m <sup>2</sup>
Speculative Warehousing & Manufacturing:	2,790m <sup>2</sup>
B1 Offices (ADL, Scarab and Speculative):	5,910m <sup>2</sup>
Other uses:	793m <sup>2</sup>

- 2.11 The premises earmarked for ADL form the detailed element of the application. Their premises would be located on the eastern side of the site and would involve land raising/levelling (in the order of 1-3m) to provide a development platform. The building has been designed in two phases with the first phase comprising 13,935m<sup>2</sup> in a building some 104m in width and 130m in length under a series of three curved roofs. Phase 2 would be for future expansion extending the building a further 84m in length (total 214m) and creating a total of 21,990m<sup>2</sup> floorspace. The building would be 13.5m to eaves and would be a maximum of 15.4m height.
- 2.12 A headquarters office facility for ADL is proposed of 2,995 m<sup>2</sup> of office floorspace. This office accommodation is proposed to wrap around the front north-western corner of the main warehouse building. This would be a three storey element set down below the main building at 13.4m above the new land level. There would be a taller section on the northern corner by the main entrance with full height glazing and finished with green walls. Adjoining the office on the west side would be single storey plant and training rooms with green walls on the north side.
- 2.13 A loading yard is proposed on the west side of the building with 16 loading doors of which eight would be for goods in, and eight for goods out. Dock leveller facilities would be provided to 14 of the doors, and a canopy is proposed over this area. The delivery/loading area is set beyond the office building and screened from the road by the plant and training buildings and landscaping.
- 2.14 Car parking for the ADL unit would largely be located to the north of the warehouse building and adjacent to the offices at the front of the site. Some 307 spaces would be provided in this area. A further 20 parking spaces are shown to the south of the warehouse building. Motorcycle and covered cycle parking facilities are also shown on the plan. A travel plan accompanies the application with measures and incentives to reduce single occupancy vehicle travel to and from the site.
- 2.15 The warehouse would be clad externally mainly in horizontal silver grey cladding with dark grey vertical cladding at locations. On the east elevation there would also be full height glazing to allow light into the building. The roof would be three curved spans which would include three shades of green coloured cladding panels.
- 2.16 The office building would be rendered using a combination of pale buff terracotta cladding tiles set within a dark grey metal frame which is fully expressed together with ribbon windows of varying heights. There would be full height glazing sections which locate the various stair cores which run the length of the building. The main entrance is rendered with a full height glazed screen which appears from within a green wall feature which wraps around the glazing. The roof of the office building would be a sedum roof.
- 2.17 The training centre would be fully rendered as a green wall to the northern A20 side of the site, while the rear (southern) elevation would be composed of horizontal silver grey cladding to link into the treatment of the warehouse section of the scheme.

- 2.18 The outline element relates to the western and north-western parts of the site which would need to be remodelled by lowering levels by up to 12m to form a development platform. The applicants have stated that site investigation shows the material to be removed from the site being predominantly sand, which is a material required on other development sites, for example in south east Kent, where land levels need to be raised to take sites out of the floodplain. The applicant states that they believe that the value achieved by extracting this material will mitigate the cost of the cut and fill exercise making it a viable proposition. It is estimated that these works will generate some 423,409m<sup>3</sup> of material for re-grading and batters. Of this, 126,414m<sup>3</sup> is needed on site to create the development platforms, which leaves a surplus of 296,997m<sup>3</sup>.
- 2.19 It was estimated under the previous application that the proposed development would entail the working of some 1.06 million tonnes of material of which 740,581 tonnes of potential building sand would be surplus to site development requirements. These figures are now reduced by approximately 60% under this revised scheme. The re-grading to level the development platform is programmed to be undertaken over a 2-3 year period. In terms of site preparation, the priority is to profile the eastern part of the site to enable construction to begin to ensure that ADL could take occupation of the site by January 2017. This programme means that the windfall of material from the site will be spread over the full 2-3 year period. It will also be necessary to divert an existing gas-main that crosses the site. This has been taken into account in the site layout submitted.
- 2.20 The indicated premises for Scarab would be located to the SW of the ADL site. The Scarab buildings would be some 92m in width and some 125m in length with potential to expand to 150m, with similar ridge and eaves heights to the ADL building. As with the ADL building, this has been designed to be provided in two phases, in order to provide on-site future expansion space. Phase 1 would provide 11,613m<sup>2</sup> of floorspace. The illustrative footprint, layout, and scale parameters have been designed to accommodate Scarab's requirements which include a total of 10 level access loading doors; external storage facilities; and access to the warehouse on three sides in order to allow components to be distributed at different places into the manufacturing process. Offices would be along the east side of the main building.
- 2.21 To the front, and adjoining the Scarab building would be a speculative warehousing/manufacturing unit. Here a total of 341 parking spaces would be provided. The 'hub' building is shown to the northeast of the Scarab building and would accommodate ancillary staff facilities such as a café or crèche. Further north on the west side of the main entrance to the site a speculative warehousing/manufacturing unit with ancillary office space is shown.
- 2.22 The application sets scale parameters for the development, including maximum building heights, to provide certainty and to inform subsequent reserved matters proposals. The submitted parameters plan confirms that no building on any part of the site should exceed a height of 69.0m AOD. Taking into account the proposed development platform levels, this means that the maximum building heights would be 15.25m on the main western platform and 15.7m on the main eastern platform. This will allow a clear internal height of 12m for the ADL building and 12m for the Scarab building, sufficient to allow semi-automation techniques.
- 2.23 To the east of the new access, the site frontage to the A20 would be left open in part, with low grass mounding and parkland tree planting permitting filtered views into the site, though the mounding would screen the car parking in front of the office component of the ADL building. The western site boundary would have re-profiled banking formed by the proposed cut in ground levels and the public footpath would be re-routed around the top of this

newly created banking emerging onto the A20 at the entrance to the site. Swales are indicated to be provided around the site and a drainage pond.

2.24 The applicants have indicated that the ADL building has been designed to achieve a BREEAM Very Good rating and that the remaining buildings on the site would through reserved matters seek to achieve the same level.

2.25 It is currently anticipated that the construction process will take place over a period of approximately 5-6 years. It is anticipated that construction will take place in phases on a plot-by-plot basis. The initial site re-grading activities would comprise the removal of around 297,000m<sup>3</sup> cubic metres of spoil (sand and other materials) from the site over a period of 2 to 3 years. Construction of the ADL building is likely to come forward first, which may be before completion of the full re-grading programme elsewhere on the Site. The phasing of the development has been outlined as in the following order (although there may be some overlap between these phases):

- (1) Re-route public footpath with temporary access point; Designate ecological receptor site;
- (2) Re-route gas pipe; re-model land required for ADL unit; gas pipe relocation; initial perimeter bunding and landscaping work;
- (3) Highways works including service diversions; construct access road to ADL access point; complete footpath works;
- (4) Construct ADL unit;
- (5) Re-profile remainder of Site; extend access road to Scarab unit;
- (6) Construct Scarab unit;
- (7) Construct remaining speculative units;
- (8) Construct ADL and Scarab extension areas.

### 3.0 PLANNING HISTORY (APPLICATION MA/13/1549)

3.01 Application MA/13/1549 was refused at Planning Committee on 27<sup>th</sup> February this year.

3.02 This application was also a hybrid application (part outline-part detailed) for re-grading of site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 56,000m<sup>2</sup> of B1 office/light industrial, B2 general industrial and B8 storage and distribution uses; ancillary cafe and crèche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath, with access to be determined and appearance, landscaping, layout and scale reserved for subsequent approval. Detailed permission sought for the erection of a new warehouse building (23,533m<sup>2</sup>) and associated offices (4,145m<sup>2</sup>) with access, service yard, parking and landscaping.

3.03 This application was refused for the following reason:

3.04 ***“The proposed development, by reason of its overall scale and the mass and design of the proposed buildings, together with the changes to the topography and landform of the site, would be detrimental to the character and appearance of the countryside hereabouts in general, the setting of nearby heritage assets to the south of the site and to the setting of the Kent Downs Area of***

***Outstanding Natural Beauty in particular. To permit the development in the absence of any overriding quantitative need for employment development in this location, would be contrary to policy ENV28 of the Maidstone Borough-wide Local Plan 2000 and the advice in the National Planning Policy Framework 2012.”***

- 3.05 The conclusion within the Committee report states as follows:
- 3.06 *“This is a major development submitted in part in support of two existing firms within the Borough. The two firms in question are growing rapidly in terms of turnover, export sales and also numbers of people employed. They contribute significantly to the local economy and with increasing export levels to the national economy in accordance with central government aspirations and policy.*
- 3.07 *Approval would see the retention of two growing employers in the Borough with the benefits to the local economy set out above. The relocation of the businesses would enable ADL and Scarab to consolidate their operations enabling a more efficient basis to run the respective businesses. The main buildings on the site would be purpose-designed to meet the requirements of the companies.*
- 3.08 *There are also a number of positive factors relating to the site being close to junction 8 of the M20 motorway. It gives good direct access to the strategic road network, the Channel Ports and the companies’ expanding export markets. The companies’ vehicles and other HGVs delivering goods to the site would not need to travel through Maidstone Town Centre, thus potentially assisting in easing congestion and air quality problems in the Town Centre and reducing HGV traffic on local roads. The companies’ operations are likely to be easier given the fact that the temporary Traffic Regulation Orders restricting HGV movements in the Marden and Yalding areas are proposed to be made permanent.*
- 3.09 *The site would enable the provision of larger single user buildings to be provided in addition to those for ADL and Scarab adding to the mix of available units in the Borough.*
- 3.10 *It is the case that a site at Junction 8 is much more likely to be attractive to an inward investor and would be a more prestigious site for the promotion of the borough. This is a significant consideration. A single large site at Junction 8 (in addition to Junction 7) will bring a significant marketing opportunity to promote the borough as a business location. Development at Junction 8 would create a brand new business location and could provide a prestigious, business park form of development and a new business ‘offer’ for the Borough.*
- 3.11 *Development of the site and the retention of the two companies would accord with the Council’s ambition for Maidstone to have a growing economy.*
- 3.12 *Balanced against this is the fact that the site is in the countryside. Development Plan policy which is consistent with the NPPF 2012 seeks to restrict development which harms the character and appearance of the countryside. The proposed buildings are large by any standards and would have in my view an adverse impact on the area.*
- 3.13 *The development would also cause significant harm to the setting of the Kent Downs AONB the purposes of which, the Council has a statutory duty to have regard to. Natural England and the Kent Downs AONB Unit to which the Council is a partner object to the development on this basis and the adverse impact it would have on its*



*setting. In these circumstances impact on the landscape should be given priority over other planning considerations.*

- 3.14 *There would be a clear and unacceptable permanent change to the appearance of the site through the re-modelling and re-profiling/raising/lowering of land levels and the construction of the large buildings in the place of a sloping hillside in agricultural production.*
- 3.15 *In addition, those re-grading/re-profiling works along the boundaries with the LWS could result in an impact on the existing Ancient Woodland that borders the site or the Local Wildlife Site. Natural England the statutory consultee has not raised objections on this issue, and in addition, no objections have been raised by KCC Ecology on this issue. On balance, I am satisfied in this instance that detailed conditions could address the matter.*
- 3.16 *I also consider as set out earlier in the report that the development would unacceptably impact on the heritage assets located to the south of the site, Old Mill Farm, Old Mill Oast, the mill pond area and also the group of heritage assets located further south at the junction of Old Mill Road and Forge Lane.*
- 3.17 *Furthermore, with Council's evidence base preparation having been completed for the draft Local Plan, the work has shown that there is not a quantitative need for development in the vicinity of Junction 8 including this site.*
- 3.18 *Whilst therefore there are qualitative factors in favour of development at this site, or in the general vicinity of junction 8, the overall adverse impact of the development on the character and appearance of the countryside and the setting of the AONB, which the Council has a statutory duty to have regard to its purposes as confirmed by the views of Natural England, together with a lack of a quantitative need lead me to conclude that in terms of the balance a recommendation of refusal is justified."*
- 3.19 An appeal (Public Inquiry) was made against this decision on 25<sup>th</sup> September 2014.

#### **4.0 AMENDMENTS FROM THE PREVIOUS SCHEME**

4.01 The amendments can be summarised as follows:

- The proposed total built form has been reduced by 11,000m<sup>2</sup> (56,000m<sup>2</sup> to some 45,000m<sup>2</sup>), a reduction of around 20% in the proposed total area.
- The total proposed development area has been reduced by 1.5ha (11.7 to 10.2ha).
- The amount of building proposed in the detailed application element is reduced to 25,278m<sup>2</sup>, a reduction of around 10%;
- The amount of speculative floorspace has been reduced by 5900m<sup>2</sup> (9,735 m<sup>2</sup> to 3,830m<sup>2</sup>), with two B2/B8 units removed from the scheme;
- The former standalone office unit has been replaced with a B2/B8 unit;
- The two main development platform levels have been amended so that there is a difference of 2.45m between them.
- The heights of the two larger buildings have been reduced by around 2m in each case.

- The ADL building is set back some 54m from the Ashford Road with office elements integrated into the buildings in order to present an office frontage to the road.
- The training centre takes a more prominent position on the site and is linked to the offices by a green living wall which forms a screen to the delivery yard.
- The ADL building has been moved further from the eastern boundary increasing the buffer to the ancient woodland from 15m to a minimum of 23m.
- The proposed elevation design of the ADL building has been redesigned.
- The amount of landscaping within the site has increased by approximately 19,800m<sup>2</sup> (50,374m<sup>2</sup> to 70,237m<sup>2</sup>).
- The land at the far western end of the site would remain as existing so there would be less excavation with more natural sloping land. Around 30% less land will be excavated, with a reduction in cut of over 150,000m<sup>2</sup>.

### 5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV28, ENV33, ENV34, ENV42, ENV49, ED9, T13, T23

Draft Maidstone Borough Local Plan: SS1, SP5, DM2, DM4, DM10, DM13, DM14, DM17, DM30

### 6.0 LOCAL REPRESENTATIONS

6.01 **60 representations** have been received from individuals raising objections. The main issues are summarised as follows:

- Significant harm to the AONB and countryside.
- Remote location with lack of public transport.
- Harmful increase in traffic and congestion.
- Harm to listed buildings and heritage including Leeds Castle.
- Should not be determined in advance of Local Plan.
- Premature.
- Will set a precedent.
- No need for development.
- There are more suitable sites.
- Noise and disturbance from construction and the development itself.
- Pollution from construction and the development.
- Harm to wildlife.
- Harm to tourist trade.
- Flood risk.

- Loss of privacy and impact upon amenity.
- Loss of good quality agricultural land.
- Drainage.
- Removal of sand and associated lorry movements.
- No guarantee that companies will take up occupancy.

6.02 **36 representations** have been received from individuals supporting the application mainly on the basis of employment/economic benefits.

## 7.0 CONSULTATIONS

### Parish Councils

7.01 **Hollingbourne Parish Council:** Object

7.02 *“Hollingbourne Parish Council has considered this application and wish to object in the strongest possible terms.*

7.03 *We commented on the previous application which was refused. This application differs only in minor details from the last one. There is therefore little point in repeating at length the arguments made by us and other interested bodies. We therefore summarise the main point of objection as below:-*

- *This application is so similar to the one rejected by MBC that it should not receive any serious consideration by MBC Planning Committee.*
- *This is a speculative application primarily put forward to extract sand.*
- *Traffic generated by the extraction is unacceptable.*
- *There is no guarantee that buildings will be constructed.*
- *If they were, modern warehousing offer very few job opportunities.*
- *The land is in productive agricultural use which should take priority over speculative building.*
- *The landscape arguments advanced by the Inspector on rejecting KIG proposals are equally valid on this site*
- *Hollingbourne prefers the A249 Estate for commercial development.*

7.04 *The following pages were our objection to the earlier application:*

7.05 *The planning application for Waterside Park is not dissimilar to the proposals for the land at the KIG/AXA appeal [Appeal by Kent International Gateway Ltd Application REF: 07/2092. Decision issued by Julian Pitt Department for Communities and Local Government 5 August 2010].*

7.06 *As a member of the Joint Parishes Group, Hollingbourne, in common with all the local cultural and community groups reject all the current site specific proposals adjacent to Junction 8 of the M.20. Concern has been expressed about the protection of the area adjacent to the Thurnham Aquifer and for the protection of the River Len and the Mill stream. Extensive and reasoned arguments were presented to the Water Inquiry for the protection of the Aquifer.*

7.07 *This application for development around Junction 8 can be resisted by using the arguments of inspector Andrew Phillipson in rejecting the KIG proposal. After a public*

*enquiry lasting some 3 months Mr. Phillipson had no hesitation in finding the area to be important in the setting of the AONB.*

- 7.08 *The former Deputy Chief Executive of Maidstone Borough Council, Trevor Gasson, rejected an earlier application [when opposing a football stadium and supposed “high tech” development on land in that area in July 1995] stating that development would lead to piecemeal and totally uncontrolled development south of the M20. He then recommended “Rejection of Woodcut Farm as a potential employment allocation”. This argument applies equally to the so called Waterside Park.*

7.09 **Traffic**

*The proposed development when fully operational will generate increased vehicle movements on to a section of road that has a history of road accidents. It will have an adverse impact on the local road network, in particular the A20/M20 Link Roundabout Junction. There is evidence of growing congestion for traffic exiting Maidstone via Junction 8 where traffic backs up at the A20 roundabout near to the Ramada Jarvis Hotel. This is likely to increase significantly as a result of additional traffic exiting the M20 at Junction 8 and heading for the application site. This application, if approved, will inhibit any future initiatives in providing the relief road for Leeds Village.*

- 7.10 *Maidstone and its surrounding area already suffer extensively from traffic congestion. In the event of a motorway accident/closure, the area becomes grid locked in a very short time. This is likely to be exacerbated by traffic generated by the application proposals both during the construction stage and when it becomes operational. The M20 is already subject to frequent traffic congestion, particularly during periods when ‘Operation Stack’ is in place. Any congestion at Junction 8 will invariably result in local traffic exiting or entering the motorway at other Junctions such as 6 and 7 and thereby adding to local traffic congestion and its associated problems, such as noise and air pollution. The area around Grove Green, including New Cut is particularly affected during such times, which often results in a grid lock situation. Similarly, congestion on the M20 often results in traffic diverting to the M2 using various routes including country lanes as well as Blue Bell Hill in order to traverse the North Downs and gain access to the M2.*

- 7.11 *The application offers nothing of benefit to the people living in the surrounding parishes or indeed Maidstone as a whole. It will only result in increased noise, pollution, traffic congestion and the desecration of the rural environment. The proposed location of this development is entirely inappropriate and to allow it to proceed, would be a disservice to the local communities that surround the site and the wider County of Kent as a whole.*

- 7.12 *Hollingbourne do not accept the argument by the developers that Scarab and LEP will relocate elsewhere or that there would be any serious effect on Maidstone if they did.*

7.13 **Landscape**

*The proposed development is of an alien nature and form that will change completely the character of the site and surrounding area. It will involve the loss of natural landscape features such as hedgerows, trees and areas of woodland. These all make a valuable contribution to the rural setting of the area.*

- 7.14 *Given the rural nature of the site and surrounding area, together with the scale and volume of the development, the proposed landscape mitigation works will do little to offset the harm caused to the character and appearance of the site and surrounding*

area. Indeed, if the application were to be approved, we believe that it would lead to piecemeal development along this rural corridor, further eroding its character and landscape setting, whilst also exacerbating matters such as traffic generation, air pollution and noise.

7.15 **Cultural Heritage**

*It is considered that the application proposals will have an adverse impact on the cultural heritage of the site and surrounding area. This area is likely to suffer from increased traffic congestion. These factors will combine to change the character of the area and have an adverse impact on the Conservation Area.*

7.16 *Leeds Castle an important national and international historic monument is likely to be affected by the application proposals. Its present setting, whilst far from perfect, benefits from a rural approach. The destruction of the landscape around Junction 8, together with the increased traffic congestion will seriously detract from the setting of this monument and as a visitor attraction in its own right.*

7.17 **Air Quality**

*Increases in dust transmission and air pollution will result from the proposed development. Dust pollution is likely to be particularly acute during the construction stage arising from the re-modelling of the ground to create the building platforms and during the removal of surplus soil from the site. Air Pollution from construction traffic is also likely to be an issue during this stage. Once operational, additional pollution will be caused by the increased HGV movements, together with the cars of employees and service vehicles/visitors.*

7.18 **Conclusion**

*The application proposals by virtue of their size and scale together with the nature of their operations will introduce an alien form of development to a rural setting completely destroying its character and social function.*

7.19 *The proposals will have a devastating impact on the local landscape including the setting of the North Downs AONB. Other adverse impacts will be in terms of air quality, noise, wildlife and ecology together with traffic generation, both locally and within the wider area.*

7.20 *Hollingbourne, in common with the Joint Parish Group and others, is concerned that MBC will allow such an application for a green field site to be submitted and considered ahead of the completion of the Local Development Framework. We feel that if this application is allowed, this will set precedence and will result in an influx of similar applications for this and other areas within rural Maidstone. Having regard to the forgoing, Hollingbourne formally objects to these proposals and respectfully requests Members refuse this application."*

7.21 **Leeds Parish Council: Object**

7.22 *"We note that the application MA/13/1549 was refused by MBC, Leeds Parish Council strongly objects to this revised application as it doesn't satisfactory address the concerns we had with application MA/13/1549. We wish the following objections to be taken into consideration when determining this application.*

*1. This application is contrary to the arguments of inspector Andrew Phillipson in rejecting the KIG proposal.*

2. *The proposed development will generate increased vehicle movements on to a section of road that has a history of road accidents and it will have an adverse impact on the local road network, in particular we feel that there will be increase traffic and HGV movements through the historic village of Leeds. Maidstone and its surrounding area already suffer extensively from traffic congestion. This is likely to be exacerbated by traffic generated by the application proposals both during the construction stage and when it becomes operational. The M20 is already subject to frequent traffic congestion, particularly during periods when 'Operation Stack' is in place. This has an adverse impact on the B2163. The application will result in increased noise, pollution, traffic congestion and the desecration of the rural environment. We feel that the proposed location of this development is inappropriate.*
  3. *The proposed development will change the character of the site and surrounding area. It will involve the loss of natural landscape features such as hedgerows, trees and areas of woodland. These all make a valuable contribution to the rural setting of the area. If the application were to be approved, we feel that it would lead to piecemeal development along this rural corridor, further eroding its character and landscape setting, whilst also exacerbating matters such as traffic generation, air pollution and noise.*
  4. *An Increase in air pollution will result from the proposed development. Dust pollution is likely to be particularly severe during the construction stage. Air Pollution from construction traffic is also likely to be an issue and once operational, additional pollution will be caused by the increased HGV and vehicular movements.*
  5. *The proposals will have a devastating impact on the local landscape including the setting of the North Downs AONB. Leeds Parish Council support the concerns of the Joint Parish Group that Maidstone Borough Council should not be allowing such an application for a green field site to be submitted and considered ahead of the completion of the Local Development Framework. We too feel that if this application is allowed, this will set precedence and will result in an influx of similar applications for this and other areas within rural Maidstone.*
- 7.23 *Leeds Parish Council therefore reiterates that it is strongly opposed to this application and supports the objections submitted by the Joint Parish Group of which it is a member."*
- 7.24 **Thurnham Parish Council:** Object
- 7.25 *"Thurnham Parish Council strongly objects to the above planning application submitted for Waterside Park and requests that the following objections be taken into consideration when determining this application:*
1. *This application is contrary to the arguments of Inspector Andrew Phillipson in rejecting the KIG proposal.*
  2. *The proposed development will generate increased vehicle movements on to a section of road that has a history of road traffic accidents and it will have an adverse impact on the local road network, in particular the A20/M20 Link Roundabout Junction.*
- Maidstone and its surrounding area already suffers extensively from traffic congestion. This is likely to be exacerbated by traffic generated by the application*

*proposals both during the construction stage and when it becomes operational. The M20 is already subject to frequent traffic congestion, particularly during periods when 'Operation Stack' is in place. The area around Grove Green, including New Cut is particularly affected during such times, which often results in a gridlock situation.*

*The application will result in increased noise pollution, traffic congestion and the desecration of the rural environment. The proposed location of this development is entirely inappropriate and to allow it to proceed, would be a disservice to the local communities that surround the site and the wider County of Kent as a whole.*

- 3. The proposed development will change the character of the site and surrounding area. It will involve the loss of natural landscape features such as hedgerows, trees and areas of woodland. These all make a valuable contribution to the rural setting of the area. Given the rural nature of the site and surrounding farming area, together with the scale and volume of the development, the proposed landscape mitigation works will do little to offset the harm caused to the character and appearance of the site and surrounding area. If the application were to be approved, we believe that it would lead to piecemeal development along this rural corridor, further eroding its character and landscape setting, whilst also exacerbating matters such as traffic generation, air pollution and noise pollution.*
  - 4. An increase in dust and air pollution will result from the proposed development. Dust pollution is likely to be particularly severe during the construction stage arising from the remodelling of the ground and the removal of surplus soil from the site. Air Pollution from construction traffic is also likely to be an issue during this stage. Once operational, additional pollution will be caused by the increased HGV and vehicular movements.*
  - 5. The proposals will have a devastating impact on the local landscape including the setting of the North Downs AONB. Other adverse impacts will be in terms of air quality, noise, wildlife and ecology together with traffic generation, both locally and within the wider area.*
  - 6. The development of this site will compromise the on-going work by MBC in preparing its Local Plan.*
  - 7. Development of the site will seriously compromise the surrounding areas to further commercial development in what is a sensitive rural area as was identified in the Secretary of State's decision in the KIG enquiry 8. The development of this site is contrary to the National Planning Policy Framework in the following respects:- Para 7-9 it is not a Sustainable Development; Para 17 in that there should be a re-use of Brown Field Sites in preference to Greenfield sites and is against the requirement to Conserve Natural Environment; Para 28 in that it is not Supporting a prosperous Rural Economy; Para 120 in that it does not prevent unacceptable risks from Pollution and it is not an appropriate use for its location; and Para 123 in that it does not avoid adverse impacts on Health and Quality of Life.*
- 7.26 Thurnham Parish Council share the concerns of the Joint Parish Group that Maidstone Borough Council should not allow such an application for a green field site to be submitted and considered ahead of the completion of the Local Development Framework Core Strategy. We too feel that if this application is allowed, this will set a precedent and will result in an influx of similar applications for this and other areas within rural Maidstone.*

7.27 *Thurnham Parish Council therefore reiterates that it is strongly opposed to this application and supports the objections submitted by the Joint Parish Group, of which it is a member.”*

7.28 **Bearsted Parish Council:** Object

7.29 *“I can now inform you that Bearsted Parish Council objects in the strongest possible terms to this application because:*

- 1) *it is contrary to the National Planning Policy Framework 2012, Policies SS1 (9), SS1 (10) and SP5 of the Draft Maidstone Borough Local Plan 2014 and saved policy ENV28 of the Maidstone Borough Wide Local Plan 2000 because it is on a green field site in a totally unsustainable and isolated countryside location at considerable distance from the built up area of Maidstone and far from all local services, etc;*
- 2) *the scale and nature of the proposal will seriously erode the unspoilt character of the attractive and open countryside to the east of Bearsted. The need to protect the unspoilt character of this land was a major consideration in the Secretary of State’s emphatic dismissal - just over four years ago - of the KIG planning appeal for the very sound reasons that it would harm the setting of the Kent Downs AONB, the rural setting of Bearsted and the attractive and unspoilt countryside stretching to the east of Bearsted;*
- 3) *if permitted, the nature, scale and location of the proposal will:*
  - i) *severely prejudice and compromise the on-going work by Maidstone Borough Council in preparing the Maidstone Local Plan;*
  - ii) *severely compromise much greater areas of adjoining open and unspoilt countryside for yet further commercial development in a sensitive rural area which will fly in the face of:*
    - (a) *the Secretary of State’s emphatic rejection of the KIG proposal in 2010. In fact, developers have already consulted the public on proposals for further massive industrial development on Woodcut Farm to the immediate north of Junction 8;and*
    - (b) *the policies of both the National Planning Policy Framework 2012 and the Draft Maidstone Local Plan 2014 which presume in favour of sustainable development and emphasise the need to move towards a low carbon economy by reducing carbon emissions;*
- 4) *the isolated and rural location of the application site means that existing and potential public transport links are very limited and the main means of transport will be the unsustainable use of the private car. The application clearly shows this by including over one thousand parking spaces. The potential for sustainable transport such as walking, cycling, rail, and buses is very low or nonexistent. This will lead to a significant increase in noise and air pollution in the surrounding area and in particular along the A20 and M20;*
- 5) *if permitted, the proposal will draw both employees and investment away from the Maidstone urban area, from places like Park Wood where many industrial premises are vacant or derelict, thereby further reducing the commercial demand*



*for, and viability of, such areas which are in very sustainable locations, including those specifically allocated for employment development in the Draft Maidstone Local Plan 2014;*

- 6) *the reduced size of the buildings and the additional landscaping proposed in this revised application cannot overcome the compelling and comprehensive national and local planning objections to this massive and totally unacceptable industrial development in such an unspoilt countryside location; and*
7. *the particular business needs of two firms, Scarab and ADL, however individually laudable, cannot override and, thereby, irrevocably prejudice and severely damage the far wider economic, social and environmental objectives and policies of the National Planning Policy Framework 2012, the Maidstone Borough Wide Local Plan 2000 and the Draft Maidstone Local Plan 2014 which have all been prepared with extensive public consultation to ensure that they work for the much wider benefit of the community as a whole.*

*Furthermore, the Parish Council also wishes to point out that as there is no planning control over the occupancy of the proposed industrial buildings, there is, therefore, no guarantee that once they are built that they will be occupied by Scarab and ADL. Indeed, even if they are initially occupied by these firms, there is, again, no guarantee that they will stay for any length of time and they could move out at any time according to the international business needs of their respective parent companies.*

7.30 *In addition, the Parish Council:*

1. *requests the Borough Council to make urgent progress with its new Maidstone Local Plan to ensure that all new development in the Borough is plan-led and not determined by totally unacceptable major speculative proposals such as at Waterside Park and Woodcut Farm; and*
2. *reminds the Borough Council of its comments about the land to the east of Bearsted which were set out in section 10 of its letter to the Borough Council dated 30 September 2012 concerning the Core Strategy Strategic Site Allocations and which stated:*

*'In view of the highly valued landscape character of this area, as emphasised in the Secretary of State's decision on the KIG appeal, and its value to the setting of Leeds Castle, the Parish Council also considers that the Borough Council should take advantage of the advice contained in sections 9 and 11 of the National Planning Policy Framework to provide long term protection to this area as a valued local landscape and/or as a Green Belt in order to check the unrestricted sprawl of Maidstone to the east; to safeguard this valued area of open countryside from development; to protect the setting and character of Leeds Castle; and to assist with the regeneration of employment land within the Maidstone urban area.'*

7.31 **Detling Parish Council:** Object

7.32 *"Detling Parish Council OBJECTS strongly to this proposal as an industrial development in open countryside will profoundly affect local residents over a wide area. It will have a gravely deleterious effect on the visual attractiveness of the area.*

- 7.33 *We believe that the effect on congestion on our road transport will be serious and that the traffic implications for the village of Detling, both for the A249 and for The Street / Hockers Lane will be severe.*
- 7.34 **EFFECT ON ROAD LINKS**  
*Detling Parish Council is very concerned about the increased lorry traffic that this development will generate. We do not believe that the M20, both east-bound and west-bound from junction 8 and, in particular junction 8 itself, will be able to cope with this HGV traffic without periods of severe congestion.*
- 7.35 *The roundabout linking junction 8 to the A20 near the Ramada Hotel will be under stress, as will the A20 both east and west-bound, affecting Harrietsham, Leeds village, Bearsted and the eastern parts of Maidstone.*
- 7.36 *Increase of HGV traffic will escalate congestion over a wider area of the highway network, M20, M26, M25, A20, A249, A229 and M2/A2.*
- 7.37 *As well as the HGV traffic, there be additional vehicular movements. This will impact on all routes connecting the site with the Maidstone and Medway Towns. Particularly affected will be the Willington St New Cut junctions, junction 7 and the A229 and A249. The lesser “rat-run” lanes leading to and from the Medway Towns will have added traffic. In particular, The Street and Hockers Lane, Detling leading to Ware Street will have greatly increased traffic.*
- 7.38 **EFFECT ON NATURAL RESOURCES**  
*Detling Parish Council is very concerned about the effects on water usage in an area where there is already extreme pressure on available water supplies.*
- 7.39 **EFFECTS ON LOCAL RESIDENTS**  
*Detling Parish Council is very concerned about the effects that will be felt by local residents. The deleterious effect on their environment will be profound. The whole ambience of this part of Kent will be severely damaged.*
- 7.40 *Detling residents will be severely affected by increased traffic through the village. In the surrounding road network they will suffer from increase in traffic congestion with more dangers and delays.*
- 7.41 *Detling Parish Council support the concerns of the Joint Parish Group that Maidstone Borough Council should not be allowing such an application for a green field site to be submitted and considered ahead of the completion of the Local Development Framework. We note that the Borough Council refused the previous application submitted for Waterside Park and believe that this too should be refused. We feel that if this application is allowed, this will set precedence and will result in an influx of similar applications for this and other areas within rural Maidstone.*
- 7.42 *Detling Parish Council is strongly opposed to this application and supports the objections submitted by the Joint Parish Group of which it is a member.”*
- 7.43 **Joint Parishes Group**
- 7.44 *“The Joint Parish Group (JPG) is a consortium of local parish councils south and east of the Maidstone urban area. The JPG comprise of 14 member parishes that collectively represents approximately 23,000 electorate. The JPG has authority to act as directed by its member representatives and with the agreement of their respective*

parish councils. Since the revised application does not differ substantially from the previous refused planning application, the Joint Parish Group maintain its objections as follows:

- 7.45 *The planning application for Waterside Park is not dissimilar to the proposals for the land at the KIG/AXA appeal [Appeal by Kent International Gateway Ltd Application REF: 07/2092. Decision issued by Julian Pitt Department for Communities and Local Government 5 August 2010].*
- 7.46 *The JPG objects to all the current site specific proposals adjacent to Junction 8 of the M20.*
- 7.47 *We have previously stated our concerns for the protection of the area adjacent to the Thurnham Aquifer and for the protection of the River Len and the Mill stream. We have made extensive and reasoned argument to the Water Inquiry for the protection of the Aquifer with adjacent water re-use and storage to provide Aquifer re-charge.*
- 7.48 *This application, for development around Junction 8 can be resisted by using the arguments of inspector Andrew Phillipson in rejecting the KIG proposal. After a public enquiry lasting some 3 months Mr. Phillipson had no hesitation in finding the area to be important in the setting of the AONB.*
- 7.49 *The former Deputy Chief Executive of Maidstone Borough Council, Trevor Gasson, rejected an earlier application [when opposing a football stadium and supposed “high tech” development on land in that area in July 1995] stating that development would lead to piecemeal and totally uncontrolled development south of the M20. He then recommended “Rejection of Woodcut Farm as a potential employment allocation”.*
- 7.50 **Traffic**  
*The proposed development when fully operational will generate increased vehicle movements on to a section of road that has a history of road accidents. It will have an adverse impact on the local road network, in particular the A20/M20 Link Roundabout Junction. There is evidence of growing congestion for traffic exiting Maidstone via Junction 8 where traffic backs up at the A20 roundabout near to the Mercure, Great Danes Hotel. This is likely to increase significantly as a result of additional traffic exiting the M20 at Junction 8 and heading for the application site.*
- 7.51 *Maidstone and its surrounding area already suffer extensively from traffic congestion. In the event of a motorway accident/closure, the area becomes grid locked in a very short time. This is likely to be exacerbated by traffic generated by the application proposals both during the construction stage and when it becomes operational. The M20 is already subject to frequent traffic congestion, particularly during periods when ‘Operation Stack’ is in place. Any congestion at Junction 8 will invariably result in local traffic exiting or entering the motorway at other Junctions such as 6 and 7 and thereby adding to local traffic congestion and its associated problems, such as noise and air pollution. The area around Grove Green, including New Cut is particularly affected during such times, which often results in a grid lock situation. Similarly, congestion on the M20 often results in traffic diverting to the M2 using various routes including country lanes as well as Blue Bell Hill in order to traverse the North Downs and gain access to the M2.*
- 7.52 *The application offers nothing of benefit to the people living in the surrounding parishes or indeed Maidstone as a whole. It will only result in increased noise, pollution, traffic congestion on roads that are reaching saturation point and the desecration of the rural environment. The proposed location of this development is*

*entirely inappropriate and to allow it to proceed, would be a disservice to the local communities that surround the site and the wider County of Kent as a whole.*

**7.53 Landscape**

*The proposed development is of an alien nature and form that will change completely the character of the site and surrounding area. It will involve the loss of natural landscape features such as hedgerows, trees and areas of woodland. These all make a valuable contribution to the rural setting of the area.*

**7.54** *Given the rural nature of the site and surrounding area, together with the scale and volume of the development, the proposed landscape mitigation works will do little to offset the harm caused to the character and appearance of the site and surrounding area. Indeed, if the application were to be approved, we believe that it would lead to piecemeal development along this rural corridor, further eroding its character and landscape setting, whilst also exacerbating matters such as traffic generation, air pollution and noise.*

**7.55 Cultural Heritage**

*It is considered that the application proposals will have an adverse impact on the cultural heritage of the site and surrounding area. This area is likely to suffer from increased traffic congestion. These factors will combine to change the character of the area and have an adverse impact on the Conservation Area.*

**7.56** *Leeds Castle an important national and international historic monument is likely to be affected by the application proposals. Its present setting, whilst far from perfect, benefits from a rural approach. The destruction of the landscape around Junction 8, together with the increased traffic congestion will seriously detract from the setting of this monument and as a visitor attraction in its own right.*

**7.57 Air Quality**

*Increases in dust transmission and air pollution will result from the proposed development. Dust pollution is likely to be particularly acute during the construction stage arising from the remodelling of the ground to create the building platforms and during the removal of surplus soil from the site. Air Pollution from construction traffic is also likely to be an issue during this stage. Once operational, additional pollution will be caused by the increased HGV movements, together with cars of employees and service vehicles/visitors.*

**7.58 Conclusion**

*The application proposals by virtue of their size and scale together with the nature of their operations will introduce an alien form of development to a rural setting completely destroying its character and social function.*

**7.59** *The proposals will have a devastating impact on the local landscape including the setting of the North Downs AONB. Other adverse impacts will be in terms of air quality, noise, wildlife and ecology together with traffic generation, both locally and within the wider area.*

**7.60** *The Joint Parish Group is concerned that MBC will allow such an application for a green field site to be submitted and considered ahead of the completion of the Local Development Framework. The Borough Council refused the previous planning application submitted for Waterside Park and we feel that if this application is allowed, this will set precedence and will result in an influx of similar applications for this and other areas within rural Maidstone. Having regard to the forgoing, the Joint*

*Parishes Group objects to these proposals and respectfully requests Members again refuse this application.”*

**Other Statutory Consultees**

*(Consultation responses have been summarised and the full responses are attached at **APPENDIX**)*

- 7.61 **Natural England:** Raise objections in terms of impact upon the AONB.
- 7.62 **Environment Agency:** No objections subject to conditions.
- 7.63 **Highways Agency:** No objections subject to conditions
- 7.64 **KCC Highways:** No objections subject to conditions.
- 7.65 **KCC Planning:** Raise objections.
- 7.66 **KCC Rights of Way:** No objections subject to conditions.
- 7.67 **KCC Heritage:** No objections subject to condition.

**Internal Consultees:**

- 7.68 **MBC Economic Development:** Supports application.
- 7.69 **MBC Conservation Officer:** Raises objections.
- 7.70 **MBC Landscape Officer:** Raises concerns.
- 7.71 **MKIP Environmental Health Manager:** No objections subject to conditions.

**External Consultees:**

- 7.72 **Kent Downs AONB Unit:** Raises objections.
- 7.73 **KCC Ecology:** No objections subject to conditions.
- 7.74 **Kent Wildlife Trust:** Raises objections.
- 7.75 **Kent Police:** No objections
- 7.76 **UK Power Networks:** No objections
- 7.77 **Rural Planning Ltd:** Will result in the loss of 9.6ha of best and most versatile agricultural land (Grade 2).
- 7.78 **Southern Water:** No objections however the Environment Agency should be consulted.

**Other Representations:**

- 7.79 **Kent Invicta Chamber of Commerce:** Support the application.
- 7.80 **UK Trade & Investment Department:** Supports the application.
- 7.81 **CPRE:** Raise objections
- 7.82 **Leeds Castle:** Raises objections.
- 7.83 **Bearsted & Thurnham Society:** Raise objections.

**8.0 APPRAISAL**

- 8.01 In determining application MA/13/1549, the Council found one reason for refusal which is outlined above. As such, this report and the assessment will focus on whether this amended application overcomes that reason for refusal. However, the local and national policy background and the economic case for the development will be outlined first.

**Maidstone Borough-Wide Local Plan (2000) Policy Background**

- 8.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan in this case comprises the saved policies of the Maidstone Borough-wide Local Plan (MBWLP) 2000.
- 8.03 The site itself is located in countryside where policy ENV28 applies.

***'POLICY ENV28 THE COUNTRYSIDE IS DEFINED AS ALL THOSE PARTS OF THE PLAN AREA NOT WITHIN THE DEVELOPMENT BOUNDARIES SHOWN ON THE PROPOSALS MAP. IN THE COUNTRYSIDE PLANNING PERMISSION WILL NOT BE GIVEN FOR DEVELOPMENT WHICH HARMS THE CHARACTER AND APPEARANCE OF THE AREA OR THE AMENITIES OF SURROUNDING OCCUPIERS, AND DEVELOPMENT WILL BE CONFINED TO:***

- (1) THAT WHICH IS REASONABLY NECESSARY FOR THE PURPOSES OF AGRICULTURE AND FORESTRY; OR***
- (2) THE WINNING OF MINERALS; OR***
- (3) OPEN AIR RECREATION AND ANCILLARY BUILDINGS PROVIDING OPERATIONAL USES ONLY; OR***
- (4) THE PROVISION OF PUBLIC OR INSTITUTIONAL USES FOR WHICH A RURAL LOCATION IS JUSTIFIED; OR***
- (5) SUCH OTHER EXCEPTIONS AS INDICATED BY POLICIES ELSEWHERE IN THIS PLAN.***

***PROPOSALS SHOULD INCLUDE MEASURES FOR HABITAT RESTORATION AND CREATION TO ENSURE THAT THERE IS NO NET LOSS OF WILDLIFE RESOURCES.'***

- 8.04 In this case it is clear that the proposed development does not fall into any of the permitted exceptions set out in the policy. The key theme and requirement from Policy ENV28 is that an assessment of whether proposed development would harm the character and appearance of the area or the amenities of surrounding occupiers is required. Development that would result in harm should not be permitted. Relevant issues are discussed later in the report.
- 8.05 The site is not within the Kent Downs AONB (MBWLP Policy ENV33) or the North Downs Special Landscape Area (MBWLP Policy ENV34) (apart from the A20 roundabout and a section of adjoining highway verge). Policy ENV33 of the MBWLP 2000 itself is silent on the need to respect the setting of the AONB. However, the Council's duty to have regard to the purpose of the AONB is enshrined in s85 of the Countryside and Rights of Way Act 2000 (AONBs) does apply in considering development proposals situated outside Area of Outstanding Natural Beauty boundaries, but which might have an impact on implementing the statutory purposes of these protected areas. Policy ENV42 seeks to protect identified roadside verges from development that would harm them.
- 8.06 Policy ENV6 requires development schemes to be appropriately landscaped and Policy ENV49 requires appropriately designed lighting schemes that reduce light spill/pollution and which do not result in harm to amenity.
- 8.07 In terms of saved employment policies, the only relevant policy is ED9 which states that permission for use Class B8 (Storage and Distribution) is restricted to sites designated for B2 uses (except for the site which is now known as Eclipse Park) and provided that the use proposed is in support of existing manufacturing or commercial operations and is also well related to the primary road network.
- 8.08 Policy T13 of the Borough-wide Local Plan seeks to ensure development is provided with appropriate parking levels and policy T23 requires development to provide for necessary highway or public transport improvements if the need is justified by the development.
- 8.09 Within the Council's Strategic Plan 2011-2015 (2014-15 Refresh), the Council's number one priority is for Maidstone to have a growing economy.

#### **How the Draft Policy Framework Has Emerged: Employment Land Position**

- 8.10 The area around M20 junction 8 was as far back as the draft core strategy consultation document in 2007 identified as a potential area of search for employment sites.
- 8.11 The draft Core Strategy (2011) published for public consultation in September 2011 identified Junction 8 of M20 as a strategic location for employment. At that time, based on the scale of employment land requirements (Employment Land Review Partial Update (2011)) it was considered that land at Junction 8 would be required in addition to a dispersed pattern of smaller sites to accommodate industrial and warehousing floorspace.
- 8.12 In July 2012 Cabinet considered the main issues raised in the public consultation on the Core Strategy. There was some support from the public and the development industry for the identification of junction 8 of the M20 motorway as an employment location along with suggestions that this location could accommodate housing or mixed use development for housing and employment. There was a high level of opposition to development at junction 8 from local residents, who objected on the

grounds of the KIG appeal decision, the impact on the landscape, the loss of Special Landscape Area protection, increased traffic congestion, and the provision of low skilled jobs in this location. Alternative employment sites were proposed by respondents (but not the landowners) at Detling Airfield Estate, Park Wood and Hermitage Lane.

- 8.13 In the Cabinet report, Junction 8 was judged to be the best location for a critical mass of employment uses, including premier office development, industry and warehouse uses, providing for a qualitative scheme in a parkland setting to help mitigate the impact of development on the landscape. Junction 8 has transport capacity.
- 8.14 Cabinet resolved to retain junction 8 of the M20 motorway as a strategic location for economic development to address qualitative and quantitative employment needs and the aspirations of the Council (as set out in the Economic Development Strategy 2008) pending further consultation as part of the Strategic Sites consultation, to enable a more informed decision to be made on the allocation of strategic site(s) at this location.
- 8.15 In March 2013 the outcomes of the strategic sites public consultation were reported to Cabinet. The issues raised in connection with Junction 8 were wide ranging and, to a large extent, focused on public opposition to the principle of development in this location. The main issues raised included the questioning of the need for the development, the availability of alternative sites within and outside the borough, impact on the AONB, impact on the highway network, the loss of countryside, the sustainability (or otherwise) of the location, precedent and concerns over the quality of jobs which would be generated.
- 8.16 In the same report Cabinet was presented with an update of the borough's employment land demand (based on delivering a 14,800 dwelling target up to 2031). The updated evidence pointed to a more modest requirement for employment land overall than previously, with a particular emphasis on office uses. Based on this updated evidence, the justification to release employment land at Junction 8 became less clear cut than previously.
- 8.17 Cabinet took the decision to retain junction 8 as a strategic development location for employment until such time as the work identifying employment land demand and supply was completed.
- 8.18 On 5 February 2014 the proposed consultation draft of the Maidstone Local Plan (Regulation 18) was published. This no longer seeks to allocate any land in the vicinity of Junction 8 of the M20 motorway for employment land.
- 8.19 As reported to Cabinet on 27 January 2014, a further employment land forecast has been undertaken to cover the plan period (2011-31).
- 8.20 The total floorspace demand figure for the whole Local Plan period is shown in the first line of the table below. Whilst the greatest amount of floorspace will be needed for distribution/warehousing uses, these are land hungry uses. Office based development will actually be far more significant in terms of the number of the new jobs generated.

<b>2011-2031</b>	<b>Offices</b>	<b>Industrial</b>	<b>Warehousing</b>	<b>TOTAL</b>
Total floorspace requirement (m <sup>2</sup> )	39,830	20,290	49,911	110,030
Jobs	3,053	226	453	3,733



% B class jobs	82%	6%	12%	100%
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Table: Total floorspace requirements and jobs (excluding KIMS/Medical Campus)

- 8.21 This requirement is for the full 20 year period of the Local Plan. The net requirement to be addressed in the Local Plan results when supply factors are deducted.
- 8.22 The net floorspace/land forecast is set out in the bottom row of the table below. This requirement is additional to the land already identified and granted permission for the KIMS/Maidstone medical Campus proposals.

<b>2011-2031</b>	<b>Offices</b>	<b>Industrial</b>	<b>Warehousing</b>
Total floorspace requirement (m <sup>2</sup> )	39,830	20,290	49,911
Supply (m <sup>2</sup> )	24,247 (Includes CIA adjustments at Eclipse Park)	16,595	39,964
Net floorspace requirement (m <sup>2</sup> ) 2013-31	15,583	3,695	12,947

Table: Net employment land requirement 2013-2031

### **Strategic Economic Development Land Availability Assessment (SEDLAA)**

- 8.23 The SEDLAA has been undertaken in parallel with the SHLAA. Some 37 sites were assessed for their potential for employment, retail or mixed use. The submitted sites included two sites at Junction 8: Land at Woodcut Farm and Waterside Park, the current application site.
- 8.24 The sites were assessed following the agreed criteria in the SEDLAA assessment pro forma agreed by the Cabinet Member for Planning Transport and Development on 22 March 2013. As for the SHLAA, the expert input of key statutory consultees was sought (Kent Highways; EA; KCC ecology; KCC archaeology).
- 8.25 Based on the SEDLAA assessment, the new industrial and warehousing floorspace required could be delivered in a dispersed pattern of new employment allocations as set out in the 24<sup>th</sup> February 2014 report to Cabinet. This would include the expansion of the existing successful industrial estates at Pattenden Lane, Marden and at Barradale Farm, near Headcorn. Mixed employment and residential allocations would be made at 'Syngenta' Yalding, helping to bring forward a brownfield site previously in employment use, and at 'Clockhouse Farm', Heath Road, Coxheath. This dispersed selection of sites would meet and indeed exceed the floorspace needs for industrial and warehousing space in the borough across a number of locations, providing some flexibility and choice and enabling the local expansion of firms. Further, the sites at Marden for example could be used for manufacturing type uses or distribution and it would be appropriate to allocate such sites for either use, again to allow for flexibility.
- 8.26 This dispersed approach of allocated sites was included in the Regulation 18 public consultation of the draft Local Plan in March 2014 with Junction 8 having fallen away due to the harm caused by development, in particular in terms of impacts on the AONB and the wider landscape and the relative un-sustainability of Junction 8 as a

new employment location. The 24<sup>th</sup> February Cabinet report acknowledged that Junction 8 did have qualitative benefits as a location for new employment land.

### **Draft Maidstone Local Plan (Regulation 18 stage)**

- 8.27 As outlined above, this is seeking a dispersed approach to employment development allocation and does not identify land at Junction 8 as a strategic employment location unlike previous drafts. The draft allocates sufficient land to provide for industrial and warehousing needs with further work on office requirements to be provided in the latter years of the plan period. Whilst the plan has been out to the first round of public consultation its weight is still limited.
- 8.28 In terms of the named businesses, the Economic Development Manager advises that for either company, expansion is only possible through relocation and there is an absence of any other existing industrial estates in Maidstone capable of accommodating the needs of these local businesses. It is reasonable to conclude that his view is that the draft Local Plan would not accommodate their expansion proposals.

### **Qualitative need and market considerations**

- 8.29 The NPPF directs that local planning authorities need to assess both the qualitative as well as the quantitative need for employment land when drawing up their Local Plans (para 161). Qualitative considerations are set out below.
- 8.30 Connections to the strategic road network: The Junction 8 location clearly has very close access to M20 and thereafter the wider strategic road network. This is an attractive factor for businesses for business efficiency reasons, and HGV movements on local roads would be more limited.
- 8.31 The dispersed selection of sites are located at a distance from the strategic road network. Their development is likely to result in more/longer HGV movements on local roads although it is of note that KCC Highways has not objected to their potential allocation. Key routes to the M20 from Marden (A229) and Headcorn (A274) require HGVs to pass through Maidstone town centre which is a constraint. The 'Syngenta' site has a more direct connection to J4 of the M20 via the A228. Experimental Traffic Regulation Orders have been made around Marden and Yalding with the aim of directing lorries in excess of 7.5 tonnes away from this area and on to the main road network. The Joint Transport Board on 22 January 2014 recommended that this order be retained. If made permanent, this risks reducing the attractiveness of the area for businesses as it increases journey times and adds fuel and driver time costs for some deliveries and exports.
- 8.32 Price: Premises at Junction 8 will be more expensive to purchase/let because of their motorway location. In contrast with a dispersed pattern of development, sites are likely to be more affordable for a wider range of firms.
- 8.33 Range of sites: A site at Junction 8 will be in a single ownership but could be delivered in phases to help stagger supply. The dispersed pattern offers a choice of sites in different locations. It offers a wider geographical spread of potential sites, in different ownerships which could come forward at different times over the plan period in response to demand.

- 8.34 Site capacity: A site at Junction 8 will be capable of meeting larger scale needs, as well as smaller scale requirements. The dispersed sites are less likely to be able to accommodate a single, large end user.
- 8.35 Market Interest: There is clear, current market interest to deliver and occupy new employment floorspace at Junction 8. The site is likely to be more attractive to inward investors than the dispersed sites. Market demand analysis in the Employment Land Review (2013) however suggests that demand for both industrial and warehousing is more likely to be locally generated (existing firms expanding) or of a sub-regional nature.
- 8.36 Existing/new business locations: Development at Junction 8 would create a brand new business location and could provide a prestigious, business park form of development and a new business 'offer' for the borough. The dispersed pattern provides for the localised expansion of existing successful business locations. It could better enable the expansion of firms in situ, and potentially better serve established, local firms.
- 8.37 Promotion of the borough as a business location: A single large site at Junction 8 (in addition to Junction 7) will bring a significant marketing opportunity to promote the borough as a business location. A diversity of smaller sites is likely to be much less marketable.
- 8.38 Junction 8 as a location for new employment floorspace has some significant, qualitative advantages. Key is its location immediately adjacent to the strategic road network. This helps to drive its market attractiveness and will serve to control HGV movements on local roads. It is the case that a site at Junction 8 is much more likely to be attractive to an inward investor and would be a more prestigious site for the promotion of the borough. This remains a significant consideration.
- 8.39 More detailed work has been carried out on the qualitative need in the Borough, which moves beyond solely considering 'capacity' in quantitative terms to understanding how the existing portfolio of employment space or land aligns with future occupier needs. Indications are that despite the strength and breadth of much of the existing offer at a quantitative level, there is a shortfall of supply to meet future needs, which is likely to necessitate new land. These gaps in current provision can be summarised as follows:
- Range of flexible, small scale, good quality office space
  - Capacity for 'design and build' bespoke industrial space
  - Small-medium distribution units
  - Plus, there is lack of supply in the locations most likely to be attractive to the type of occupiers economic growth will attract (i.e. motorway corridor)
  - Allocation of sites should focus on a 'new', diversified offer in preference to replicating the characteristics of the existing portfolio
- 8.40 This emerging evidence points towards:
- Location/s with good strategic road access to markets
  - § Location/s with market visibility to create a distinct new employment location

§ Location/s with minimal development constraints

§ Location/s with ICT connectivity; and

8.41 A key theme that is emerging is that the motorway corridor is the strongest employment market area within the borough, however there is limited availability and scope to deliver new space in the area where the market is looking to develop.

8.42 The findings of the qualitative assessment work are due to be considered at a joint meeting of the Planning, Transport and Development, and Economic and Commercial Development Overview and Scrutiny Committees on 21<sup>st</sup> October.

8.43 Within the Council's Strategic Plan 2011-2015 (2014-15 Refresh), the Council's number one priority is for Maidstone to have a growing economy.

#### **National Planning Practice Guidance (March 2014)**

8.44 This replaced a number of older guidance notes and complements the NPPF. The new guidance is not intended to provide further policy but instead is meant to help clarify issues relevant to the planning regime. I do not consider it has changed the main considerations for this application from the guidance that was relevant under the previous application.

#### **National Planning Policy Framework 2012**

8.45 The NPPF sets out three dimensions to achieving sustainable development: economic, social and environmental. The planning system has a role to play in each of these areas.

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

8.46 There is also a presumption in favour of sustainable development, which for the purposes of decision making advises as follows:

*“approving development proposals that accord with the development plan without delay; and*

*where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.”

- 8.47 The NPPF states that significant weight should be placed on the need to support economic growth through the planning system and local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
- 8.48 Planning authorities are encouraged to support existing business sectors, taking account of whether they are expanding or contracting. Policies should be flexible enough to accommodate needs not anticipated in the Development Plan and to allow a rapid response to changes in economic circumstances. Developments should also be located and designed where practical to accommodate the efficient delivery of goods and supplies.
- 8.49 Relevant to this proposal, the NPPF requires a sequential test for office uses (over 2,500m<sup>2</sup>) outside of town centre that are not in accordance with an up-to-date plan. The application seeks permission for 5,910m<sup>2</sup> of office floorspace. However, the majority (5,370m<sup>2</sup>) is ancillary to the associated B2 and B8, ADL and Scarab uses. As such, I do not consider it should be subject to the sequential test as this provision would come with the associated B2 and B8 floorspace, which could not be provided within the town centre. The speculative office element is for 540m<sup>2</sup> which is below the threshold. The impact upon the town centre was also not grounds for refusal under the previous application.
- 8.50 The NPPF also advises in section 11 that the planning system should contribute to and enhance the natural environment. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 109 is specifically relevant ... in recommending the contribution the planning system can make to protecting and enhancing “...valued landscapes...”
- 8.51 The NPPF sets out core planning principles, including high quality design which should take account of the different characters of different areas whilst recognising the intrinsic character and beauty of countryside and contribute to conserving and enhancing the natural environment (paragraph 17). This is supported by section 7 of the document, which underlines the importance of good design, and its intrinsic role in sustainable development. As well as setting out the need for development proposals to be high quality, the document requires development to add to the overall character of areas, and to respond to local character and reflect the local surroundings in respect of overall scale, massing, height and layout (paragraphs 58 and 59). Paragraph 64 states that “permission should be refused for development of poor design”, which, as set out above, can be in respect of a failure to properly relate and respond to the local area.
- 8.52 The NPPF also seeks to protect and conserve the setting of heritage assets through encouraging development that would result in enhancement (paragraph 137). The publication of the NPPF swept away Planning Policy Statements and Guidance, although the Practice Guide relating to PPS5 Planning and the Historic Environment remains in place for the purposes of determining planning applications.

8.53 Paragraph 123 of the NPPF requires LPAs to, through planning decisions, avoid adverse impacts on quality of life in respect of noise and light pollution (paragraph 123), and protect areas which are prized for tranquillity and intrinsically dark environments.

8.54 As stated earlier, policy ENV28 of the MBWLP is a saved policy. As such on a number of occasions Inspectors have at appeal considered whether it is in conformity with the NPPF and have determined that it is; e.g. in respect of land at Rose Cottages Lenham Heath (MA/12/1463) in a decision dated 5 February 2014, the Inspector concluded that:

*'...I conclude that the proposed development would result in sporadic development in the countryside that would adversely affect the character and appearance of the area. Consequently it conflicts with policy ENV28 of the MBWLP which seeks to restrict development in the countryside which harms the character and appearance of the area. This is consistent with the Framework and in particular paragraphs 17 and 55 which recognise the intrinsic character and beauty of the countryside and the need to protect it from sporadic development.'*

8.55 Other appeal decisions where Inspectors have similarly concluded this is the case include; Millfield House, Headcorn Road, Staplehurst (MA/13/1996) dated 07/07/14, The Estate Builders Yard, Chart Hill Road, Chart Sutton (MA/13/2013) dated 16/06/14; Land at The Meadows Lenham Road Headcorn (MA/12/1772 and MA/12/2113) dated 16/01/2014 following a public inquiry; Land adj. Highfield House, Maidstone Road Marden (MA/12/2100) dated 22/11/2013; and Forsham Farm Stables Forsham Lane Chart Sutton (MA/12/2023)

8.56 I am satisfied therefore that Policy ENV28 of the Local Plan should, as part of the Development Plan that is consistent with the NPPF, be given appropriate weight. Policy ENV28 is clear in its purpose and intent that development that harms the character and appearance of the countryside should not be approved. Given that the site is in the countryside this must be the starting for consideration of the application.

8.57 It is also necessary however, to consider whether there are any benefits in support of the application. A key consideration is the business and economic case, which is considered in the next section the report. The report will then consider the landscape and visual impact of the development, other considerations, and whether the amended proposals have overcome the previous grounds for refusal.

### **The Business' & Economic Case**

8.58 Both the business' specific case for the development and the general economic case for employment provision at this location need to be considered. As outlined above, the local businesses could decide not to take up the planning permission or indeed vacate the site at some point in the future but there is still a qualitative case for development at the site.

8.59 The proposals include two named occupiers for part of the site. These are two existing local companies: ADL: a car part distributor and Scarab: a manufacturer of street cleaning vehicles, based in Marden an existing Rural Service Centre approximately 8 miles south of Maidstone. It is pointed out that the need for new and enlarged premises for both ADL and Scarab remains and is even more acute now than at the time of the 2013 application given the time that has since passed. ADL and Scarab are both rapidly growing businesses in both turnover/sales/exports and employment numbers.

- 8.60 ADL was established in a shareholder buyout from Mazda cars in 1988. In January 2011 ADL became part of the Billstein Group, a German car parts distributor. It currently employs 221 employees in the UK and had revenues of £75m in 2012 which are forecast to grow to £160m by 2023. The company expects exports (which have increased to the point where they are the majority of sales), will represent 70% of its revenues by 2016. Exports have grown from 29% of turnover in 2008 to 47% in 2012. In terms of employment, the company has recently taken on another 50 staff and expects employment to grow to around 317 by relocation in 2017 and to 581 after three years at the new site.
- 8.61 Scarab was established in 1979 and is now part of the Fayat Group, a French based construction company producing road maintenance and construction equipment. It currently employs 220 staff and it is stated that it would hope to add a further 50 by the time it relocates to the application site and around 43 more (total 313) after three years at the new site. The company earned £27m in 2012 expecting this to grow to £34m in 2013. Exports represented 70% of sales in 2012. In 2012, output has grown by 30% with turnover expected to increase by 25% in 2013.
- 8.62 Being located in 6 buildings in the Pattenden Lane area, ADL as a company consider they are operating inefficiently. ADL have taken the decision not to renew their lease which expires in 2017 on the basis that they need to consolidate operations onto one site/building for increased efficiency and to allow for continued growth. They consider that the Marden site does not allow for this expansion and is also remote from the Strategic Road Network that provides access to its export markets. ADL have identified a site at Sittingbourne, that already has outline planning permission, should Waterside Park not obtain approval.
- 8.63 Scarab occupies 3 buildings on the Wheelbarrow Industrial Estate in Marden and similarly to ADL, cites inefficiency of operation and the need to have room for their continued expansion as the driving force behind the desired relocation as well as the need to have access to the Strategic Road Network providing greater links and speed of access to their markets. Unlike ADL however, Scarab have not identified an alternative site, their leases expire in 2018.
- 8.64 An economic impact report has been submitted as part of the application which seeks to demonstrate that the two companies make a significant contribution to the local economy which is scheduled to increase if the relocation to Waterside Park was to go ahead. As can be seen in the various responses set out earlier in the report, the UKTI department and the Council's Economic Development section also consider that the two companies make a significant and positive contribution to the local economy and the national economy which is export driven and in line with the government's economic policies.
- 8.65 Most of the employees are Maidstone residents and through their combined wages (approximately £13m) buy goods and services which benefit the local economy further. Both companies are using technology and innovation to grow their businesses to safeguard and create local jobs. A range of job opportunities at different skill and wage levels will be created by the expansion of these two companies. The proposed development represents significant investment by the two companies amounting to a combined total of some £35million.
- 8.66 During the construction phase it is anticipated that between 61 and 73 construction jobs per year would be created and that 31-37 indirect jobs would be created per year in Kent and the South East, in addition to the expected employment growth for

the two firms. The economic impact report also advises that after three years in addition to the expected growth at ADL and Scarab, a further 205 jobs would be created at the site.

- 8.67 For Members' information, the August 2014 KCC Digest of unemployment in Kent, (figures taken from the claimant count which measures the number of people claiming benefits principally for the reason of being unemployed), indicates that the August 2014 unemployment rate for Maidstone, which is the most up to date information available, was 1.3%. This is the same as the South East average figure and below the figure for Kent (1.8%) and the national average position of 2.3%. Further the number of claimants in Maidstone has fallen by some 35.7% from the same period in the preceding year.
- 8.68 The Office for National Statistics publishes trend data on unemployment (NOMIS). In these statistics unemployment refers to people without a job who were available to work, not just those claiming unemployment benefits. On this measure, unemployment in Maidstone, Kent, the South East and Great Britain has been gradually increasing over the past 10 years. The rate for Maidstone has been consistently below the rate for Kent over this period and has generally fallen just below the South East figure rate. However since September 2012 the Maidstone rate has marginally exceeded the South East rate. At March 2014 (the latest data available) the rate for Maidstone was 5.7% compared with 7.2% for Kent and 5.4% for the South East.
- 8.69 Based on this data, I do not consider therefore, that there is an overriding case to be made for permitting the development on the basis of the unemployment rate in the Borough.
- 8.70 As indicated in Appendix 4.2 of the Environmental Statement, a search and assessment of potential alternative sites has taken place. The companies' requirements that were considered and assessed are as follows.
- Proximity to the Motorway/Strategic Road Network: Both companies state that their current location adds an additional 1 hour onto journey times (30 minutes each way) through Maidstone Town Centre.
  - A suitable location for a UK HQ building.
  - Location appropriate for staff retention: Scarab staff currently travel an average of 17km to work and ADL 14.8km on average. Both companies have expressed a strong desire to continue to be based in Maidstone Borough.
  - Sufficient space for consolidation and expansion: A single building with improved internal volumes and height for semi-automation with space for significant future expansion.
- 8.71 Eclipse Park adjacent to M20 Junction 7 was considered and was dismissed as unsuitable due to the lack of space to accommodate the required development and also the fact that the relevant MBWLP plan policy ED1 specifically excludes B8. Discounted

*Officer comment: Members will of course be aware that a permission exists for a hotel and that a retail unit is currently under construction on Eclipse Park, indicating that other uses have been permitted as a departure from Policy ED1.*



8.72 'Syngenta' site, Hampstead Lane Yalding. The landowner is unwilling to sell and the ADL requirements do not meet with their aspirations for the site. In any event the site is too remote from the Strategic Road Network. Discounted  
*Officer comment: The site still has an allocation but for a proposed employment element of some 8600m<sup>2</sup> in the recently published draft Local Plan.*

8.73 Woodcut Farm: Was considered in detail by ADL but discounted as being closer to the AONB and within the designated Special Landscape Area, more visible from the M20 and A20 and closer to Bearsted. Industrial development has previously been rejected by the Local Authority and the Secretary of State.

8.74 Land east of M20 junction 8: This site is to the north of the A20 and Old England Cottage. The site does not meet the developer's wishes/criteria.

8.75 Other sites examined in the Borough were:

- Detling Airfield Industrial Estate. Site is however entirely within the AONB and would require extensive (and costly) highway improvements to provide a safe access. Discounted.
- Barradale Farm Headcorn: Not large enough and too far from the M20 Motorway. Discounted
- Land south of Claygate Distribution Marden: remaining area of land not large enough same access to motorway problems as existing sites. Discounted.
- Lenham Quarry Sandway: Has potential for B8 but not B2 use. Access problems to motorway along narrow lanes/roads similar to Marden. Discounted
- Whatman Site Royal Engineers Road: Edge of Maidstone Town centre site, where higher value edge of centre uses are more realistic potential future uses.
- Cobtree Forstal: The applicants have discounted this site primarily in the light of the conclusions of the Local Plan Inspector for the MBWLP 2000, who was concerned that the strategic gap would be eroded and also the adverse impact on the Special Landscape Area arising from development. The applicants consider that similar arguments would apply in respect of development by ADL and Scarab and the size of the buildings required.

*(Officer Comment: This site is administered by the Cobtree Trust and they and the Charity Commissioners would need to be satisfied that its release for development would be in accordance with the stated objectives of the Charity. Officers have been advised that they are unlikely to consent to the release of the land)*

- Land east and north of Wheelbarrow Industrial Estate Marden: Neither area of land was put forward as part of the SEDLAA call-for-sites exercise. The locational disadvantages would also remain unsolved.

*(Members may be aware that a site has been identified in the draft Local Plan with an indication that some 14,500m<sup>2</sup> of B1, B2 and B8 uses may be suitable on land to the immediate west of The Wheelbarrow Industrial Estate. Immediately adjacent to the proposed allocation and north of the adjacent warehousing is a site with an extant permission for some 1,488m<sup>2</sup> of B2/B8 use).*

- Land west of Ham Lane Lenham: Site was promoted for residential development rather than employment development in the call for sites, so there is doubt as to its availability/suitability. *(The site has indeed been allocated for residential development in the draft Local Plan).*

- Parkwood Industrial Estate: The site is in numerous existing and commercial uses. Even if sufficient space could be found and although the site is within 5km of a motorway junction, all traffic would still need to pass through Maidstone Town Centre.
- 8.76 The alternative sites assessment has also examined sites in Swale (including ADL's identified alternative site in Sittingbourne), Medway (Gillingham Business Park and Kingsnorth Commercial Park) and Ashford (Sevington). It is stated that these sites are all too far from Marden at 40-50km and are therefore likely to be unattractive to staff to relocate. Sites in Tunbridge Wells (such as Paddock Wood) have been discounted as being too far from a motorway junction. In Tonbridge and Malling sites at New Hythe Commercial Park, Oast Park Tonbridge and Invicta Riverside Aylesford were assessed and discounted as for a number of reasons such as having insufficient expansion space, being close to scrapyards or a tidal river.
- 8.77 The applicants state therefore that whilst they have undertaken a wide search they have not identified any site as suitable as the proposed location at Waterside Park.
- 8.78 As acknowledged under the last application, there are a number of benefits to the application associated with the named businesses:
- Approval would see the retention of two growing employers in the Borough with the benefits to the local economy set out above.
  - The relocation would enable ADL and Scarab to consolidate their operations enabling a more efficient basis to run the respective businesses.
  - The buildings would be purpose-designed to meet the requirements of the companies.
  - The proposed site has excellent access to the Strategic Road Network and the companies' export markets via the Channel Ports.
  - The companies' vehicles and other HGVs delivering goods to the site would not need to travel through Maidstone Town Centre, thus potentially assisting in easing congestion and air quality problems in the Town Centre and reducing HGV traffic on local roads.
  - The companies' operations are likely to be easier given the fact that the temporary TRO Orders restricting HGV movements in the Marden and Yalding areas are proposed to be made permanent.
  - The site enables the provision of larger single user buildings to be provided adding to the mix of available units in the Borough.
  - Development of the site would accord with the Council's ambition for Maidstone to have a growing economy.
- 8.79 In the event that the local businesses decided not to take up the planning permission or vacate the site at some point in the future, benefits associated with general employment provision at Junction 8 would be:
- It is the case that a site at Junction 8 is much more likely to be attractive to an inward investor and would be a more prestigious site for the promotion of the borough. As stated under the previous application, this is a significant consideration.

- A single large site at Junction 8 (in addition to Junction 7) will bring a significant marketing opportunity to promote the borough as a business location. Development at Junction 8 would create a brand new business location and could provide a prestigious, business park form of development and a new business 'offer' for the borough.
- The emerging qualitative work is indicating that sites focussing on a 'new', diversified offer in preference to replicating the characteristics of the existing portfolio at a location such as this (within the motorway corridor) are needed for the Borough to realise its economic potential.

8.80 The Economic Development Manager advises that:

- *ADL and Scarab must relocate to grow and become more competitive. To avoid the possibility of an interruption to business operations ADL must make a decision on a new site within the next few months.*
- *No other site in the Borough is available to meet their needs. Both business provide significant local employment and planned jobs growth in a wide range of skilled and non skilled occupations.*
- *Both business support the national government agenda to help rebalance the economy through exporting and to compete globally.*
- *Within the context of falling numbers of private sector jobs in the Borough and threats to public sectors employment, the expansion of these businesses is important to the wellbeing of local economy.*
- *Waterside Park represents a £50m investment in the local economy, and will create hundreds of construction jobs and further jobs indirectly raising the profile of Maidstone as a business location.*

#### **Landscape and Visual Impact**

- 8.81 The area around Junction 8 of the M20 is currently a countryside location, removed from the built-up area of Maidstone. As outlined previously, the vicinity of the Waterside Park site is rural in character and appears as a component of the rolling countryside to the south, particularly in views from the south and from the public right of way which crosses it.
- 8.82 To develop the Waterside Park site would require extensive excavation which would be a substantial, unavoidable and permanent alteration to the prevailing form of the landscape, although this is much reduced under this application with land left as existing on the western part of the site. There is no doubt that the buildings together with the infrastructure to serve the development represent a very substantial intrusion of built development in this part of the countryside. The appearance of the site from the A20 will clearly be changed from its current sloping and productive agricultural appearance to a substantial built development significantly larger in scale than anything in the area including the adjacent Mecure Hotel to the east. As stated previously, if permitted, the countryside context would be lost due to the size of the buildings and the development platform proposed. It was also stated previously, that the development as proposed does not constitute good design as it does not work with the landscape instead seeking to provide a new landscape form to fit the development into.

- 8.83 In addition to views from the A20, harm was previously identified from the south where the land to the south of the Len Valley rises towards Leeds village and the isolated farmsteads and dwellings along Caring Lane/Forge Lane. The scarp slope of the Downs and the associated ridge are clear and dominant features in the landscape, viewed from south of the site and the A20/M20 corridor. The site is clearly visible in the landscape as an open undeveloped field rising up behind the dwellings and farm buildings located just beyond the SW corner of the site along the River Len. It was previously considered that in medium-distance views there would be a detrimental impact. From further south along Old Mill Road, there is an attractive view of the kilns associated with Old Mill Oast with the backdrop of the escarpment of the North Downs. The development would be placed immediately behind the oast kilns, and under the previous scheme was judged to compromise this view and adversely affecting the setting of the non-designated heritage asset as well as that of the AONB beyond due to its intrusion into the views towards the scarp slope from the south and the alien angular form of the buildings.
- 8.84 Further south, at the junction of Old Mill Lane and Forge Lane, lies another concentration of heritage assets, the listed Brogden Farmhouse, Brogden Farm Cottages and Brogden Barn together with the converted Brogden Farm Oast which should be considered as a non-designated heritage asset. This very attractive and complete historic group is considered in the Environmental Statement which notes that the attractive views towards the North Downs, which include the proposed development site, contribute to the significance of these heritage assets and accepts that the development would have a moderate adverse impact on their setting.
- 8.85 The latest proposals still seek to provide a new landscape form to fit the development but now much of the western part of the site would not be excavated and remain as existing. The area of land that would be left unchanged varies in width from around 30m to 130m from the west edge of the site here. This results in significantly less excavation than the previous scheme, (30% less and a reduction in cut of over 150,000m<sup>3</sup>) and in addition the remodelling that is proposed here provides a more natural slope. Previously a 2,890m<sup>2</sup> building with parking areas and hardstanding was proposed in this area. The changes mean that the land would now remain with its current topography for a large part and there would be more undeveloped land which would allow for more significant landscaping/tree planting which in time would provide a considerable wooded area on this edge of the site through which the public footpath would pass.
- 8.86 Staying with the west part of the site, the Scarab building has been reduced in height by around 2m and with the level changes would protrude around 3.5m above the highest point of the western land form of the site. The previous scheme showed the Scarab building protruding building around 10m above the highest point and the speculative unit further south around 3.5m. This building has also been reduced in length on the north side by 20m. The landscaped buffer to Old Mill Oast in the southwest corner has also been increased by 8m.
- 8.87 Within the central part of the site more space is shown for parking rather than delivery yards which would allow for more tree planting and landscaping. The delivery/loading area for the ADL building would be partially hidden from the north by the plant and training buildings and landscaping, whereas previously it was more exposed.
- 8.88 The speculative building within the southern part of the site (2,315m<sup>2</sup>) has been removed and replaced with a landscaped area with swales and balancing ponds. This area would allow for increased landscaping including tree planting which would provide a softer edge to this part of the site.

- 8.89 The ADL building has been reduced in footprint by around 10% and reduced in height by around 2m. It has also been set back slightly further from the front of the site and would have office elements integrated into the buildings in order to present an office frontage to the road rather than a warehouse frontage as previously proposed. The height of the building from the A20 has reduced slightly and its mass has been reduced with the horizontal and vertical lines from the windows and facing materials to the office frontage, green walls and glazing which provide interest and a much improved face to the development from here. The building has also been moved a further 8m from the east boundary with the Ancient Woodland which provides more landscaping on this part of the site.
- 8.90 Overall, there have been considerable changes to the scheme, with the development area reduced by 1.5ha allowing more space for landscaping (19,800m<sup>2</sup>), floorspace reduced by 11,000m<sup>2</sup>, including speculative floorspace reduced by 5,900m<sup>2</sup>. One of the key changes is the retention of a large part of the western part of the site in its current form with a much increased undeveloped area here and potential for landscaping. This means significantly less excavation at the western end of the site. There would also be reductions in height and size of buildings, and a much improved frontage to the A20. However, there is no doubt that there would still remain a significant intrusion into the landscape from the development and harm to the countryside and setting of the AONB and therefore conflict with policy ENV28 of the Local Plan, advice in the NPPF and Natural England guidance. The changes mean this would be lessened however with more opportunity to soften the impacts of the development through landscaping, particularly on the west side. I will return to the visual impact of the development in the balance of matters towards the end of the report.

### Heritage

- 8.91 Under the last application, the heritage assets where harm was identified in the committee report related to the area around the former mill pond and Old Mill Farm, and the listed Brogden Farmhouse, Brogden Farm Cottages and Brogden Barn together with the converted Brogden Farm Oast both to the south of the site. Comments from the Conservation Officer on these assets is outlined below:
- 8.92 The land to the south of the site lies within the Len Valley. The area around the former mill pond and Old Mill Farm has been considered to be a group of non-designated heritage assets. The Conservation Officer outlines that,
- 8.93 *“Immediately to the south of the site lies the historic farm group formed by Old Mill House and Old Mill Oast, which in my opinion should be considered as non-designated heritage assets. This group lies adjacent to a large millpond which formerly served a watermill which existed until the 19<sup>th</sup> or early 20<sup>th</sup> Century and of which some archaeological remains survive. This millpond and mill site should also be considered as non-designated heritage assets in my view.*
- Old Mill House and Old Mill Oast, together with the millpond, lie close to the River Len, which at this point is deeply incised into a narrow valley. This gives these heritage assets a very secluded, almost secret, location in an attractive landscape, all the more valuable and surprising given its close proximity to the A20/M20 junction. This feeling of isolation is an important component of their setting.*
- 8.94 *In my view the development as now proposed is likely to have a slightly reduced impact on their setting although it is still likely to compromise this seclusion by its sheer presence and the activity associated with it. The large buildings may be visible from the millpond, although the “pulling back” of the scheme from the southern boundary of the application site might enable additional screen planting to be*

*implemented to mitigate this potential impact. In medium-distance views there is also likely to be some detrimental impact – for example, from further south along Old Mill Road, there is an attractive view of the kilns associated with Old Mill Oast with the backdrop of the escarpment of the North Downs; the new development would be likely to be visible alongside the oast kilns, thus compromising this view and adversely affecting the setting of the non-designated heritage asset.*

- 8.95 *Further south, at the junction of Old Mill Lane and Forge Lane, lies another concentration of heritage assets – the listed Brogden Farmhouse, Brogden Farm Cottages and Brogden Barn together with the converted Brogden Farm Oast which should be considered as a non-designated heritage asset. This very attractive and complete historic group is considered in the Environmental Statement which notes that the attractive views towards the North Downs, which include the proposed development site, contribute to the significance of these heritage assets.*
- 8.96 *It remains my view that there will be some adverse effect on the settings of various heritage assets in the vicinity, particularly to the south of the application site. This would amount to less than substantial harm and in coming to a decision on this application it will be necessary to balance this harm against any public benefit of the proposals in line with the advice in the NPPF paragraphs 134 and 135.”*
- 8.97 The Conservation Officer also raises some concerns regarding the setting of the historic parkland around Leeds Castle and views from one point on the golf course where the castle can be seen, which was not discussed in the previous report.
- 8.98 As was the case under the previous application, the Conservation Officer still considers there will be some adverse effect on the settings of various heritage assets in the vicinity, particularly to the south of the application site but acknowledges that this is slightly reduced and the harm is ‘less than substantial’. I note that since the previous decision, there has been case law, in the context of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to the effect that considerable importance and weight should be given to the desirability of preserving the setting of listed buildings (East Northants DC v SSCLG [2014] EWCA). Essentially, ruling that when harm is identified, that harm must be given “considerable weight” in the balance, creating a “strong presumption” against the grant of planning permission. This case will be taken into account in the balance of matters.

#### **Other Material Considerations**

- 8.99 Under the previous application the impacts upon the highway network, ecology (including the Ancient Woodland), and residential amenity were not considered grounds for refusal. This proposal is for a reduced development and there are no grounds for refusal on these matters once more.

#### **Highways**

- 8.100 In terms of highways, Kent Highways have raised no objections and recommend the same conditions as under the previous application. Under the previous scheme, they considered the two phases of the development, construction and post construction.
- 8.101 In respect of the site preparation/construction phase they have no objections and conclude:
- 8.102 *‘The vehicle trips that could be associated with the site re-grading phase have been calculated using a ‘first principles’ approach. Based on the volume of material to be*

*removed and the types of vehicles that would be used, it has been projected that approximately 60 HGV loads per day would be required (i.e. 120 vehicle trips per day). This would equate to approximately 12 vehicle trips per hour.*

- 8.103 *In view of the proposed number and routing of vehicle trips associated with the site re-grading phase of the development, it is not considered that this activity would result in any significant impacts on the local highway network requiring additional mitigation measures. This position would however be reviewed by KCC Highways and Transportation following the submission of a Construction Management Plan by the applicant.'*
- 8.104 Post construction, the assessment of the M20 Link Road/A20 Ashford Road Roundabout indicates that the junction currently operates over its design capacity during the AM peak hour on the A20 (east) arm and that the situation would worsen considerably in the 2018 and 2023 AM peak hours in the 'Do Nothing' scenario. A 'Do Something' scenario has therefore been modelled, assuming the reconfiguration of the junction to create an enlarged roundabout to current design standards with a fourth arm providing access to the development site. The modelling indicates that the revised junction layout would fully mitigate the impact of the development and provide an element of planning gain over the baseline situation.
- 8.105 The A20 Ashford Road/Eyhorne Street/Great Danes Hotel Roundabout and the A20 Ashford Road/B2163 Penfold Hill Roundabout have been assessed collectively because of their close proximity to each other. This exercise indicates that the Penfold Hill Roundabout currently operates over its design capacity during the AM peak hour on the A20 (east) arm and that this situation would worsen slightly in the 2018 and 2023 'Do Nothing' and 'Do Minimum' scenarios. However, the Transport Assessment concludes that the level of additional delay that is attributable to the proposed development is negligible and that neither the existing nor the post-development operation of the junction can be judged as 'severe'.
- 8.106 The impact on Leeds village has also been assessed. The Transport Assessment states that the development proposals are predicted to add a total of 26 car trips during the AM peak hour and 15 car trips during the PM peak hour to the B2163 through Leeds. This equates to a percentage uplift of less than 2% in the AM peak and just over 1% in the PM peak in the 2023 horizon year. This level of traffic increase would not normally be considered as significant. There should also not be any impediment from the development at times when Leeds Castle is running large events, such as evening concerts and fireworks functions, as largely these would take place at times outside of the main business operating times.
- 8.107 The Highways Agency has issued the same advice as before. They comment that Junction 8 is not to current standards but have not issued a holding direction and recommend conditions requiring improvements to the junction, a construction management plan and travel plan.
- 8.108 The applicant is also proposing a mini-bus service for staff, which would act to reduce single occupancy vehicle transport to and from the site, and could be secured under a legal agreement. The precise scope would need to take account of the specific needs of the companies on site, but the applicant envisages that this would operate primarily around shift changeover times and provide links with locations with the best prospect of maximising opportunities for sustainable travel by staff. These locations could include local railway stations, bus stations and Maidstone town centre, with the precise locations likely to depend on the staff demand.

- 8.109 Overall, no objections are raised to the development on highway safety or capacity grounds subject to conditions securing road improvements via Section 278 agreements.

### **Ecology**

- 8.110 The ES submitted with the application considers ecology and arboricultural matters and a tree survey has also been submitted as part of the application. These have been considered by the KCC ecology team and the Landscape Officer. Natural England and the Kent Wildlife Trust have also commented.
- 8.111 Previously, there were some concerns regarding the impact the land level changes within the buffer zone on the eastern part of the site would have on the Ancient Woodland (AW) and the LWS, particularly the root protection zones of trees and this has been raised again. The applicant's evidence indicates that harm to trees would not occur and any impact would not be any worse than ploughing that has occurred over the years close to tree. As was previously considered the case, I conclude that precise details of any work in this area could be managed through detailed conditions to ensure no harm to trees. The applicants have provided detailed assessments which have concluded that the development will not result in an increase in nitrogen deposition or a change in hydrology and therefore there will not be a negative impact on the adjacent AW habitat, and the buffer zone has been increased from 15m to 23m. On the basis that the assessments are accurate, KCC Ecology considers there is unlikely to be any negative impact upon the AW and no objections are raised by Natural England. Therefore, as was previously considered the case, the impact upon AW would be acceptable and is not considered grounds for refusal.
- 8.112 In terms of reptiles, surveys have recorded a low population of slow worms, common lizards and grass snake. The proposal is to translocate them to an area at the western edge of the site, which would be appropriately prepared and KCC Ecology are satisfied the area will be suitable. They outline that as the reptile translocation will not be implemented until 2016 (if planning permission is granted) it is advised that an updated reptile survey must be carried out prior to the reptile translocation being implemented. Conditions are recommended to cover these issues. Mitigation through conditions is recommended in terms of badger (setts recorded within surrounding area), and lighting to be designed to take into account bats which use surrounding land.
- 8.113 Overall no objections have been raised from KCC Ecology or Natural England subject to conditions. I consider further ecological enhancements should form part of the development including bird and bats boxes, woodpiles, proper boundaries to the AW and LWS, and a long term management plan.

### **Residential Amenity**

- 8.114 No grounds for refusal were previously raised in terms of the impact upon the residential amenity of nearby houses. The main impact was, and still is acknowledged to be dwellings located to the south of the site (Old Mill Oast & Old Mill House). The latest proposal has much reduced development in the southwest corner near to these properties. These properties are set within a valley and have landscaping along their boundaries, and as such I do not consider there to be any significant harmful impact upon outlook or privacy. There would be an inevitable increase in noise and disturbance to these properties but I note the nearest goods yard is illustrated at over 100m away and other potential parking/goods areas could be shielded by the proposed Scarab building. I consider disturbance would not be to



such a level to warrant a reason for refusal as was previously considered the case. The development would have a lesser impact upon neighbouring properties, and it remains that this is not grounds for refusal.

### **Minerals**

- 8.115 Concerns were raised previously that the 'extraction' of sand through re-grading of the land constitutes mineral development and should be determined in a separate application by the Minerals Planning Authority Kent County Council. Previously KCC advised that the removal of material from the site was considered as incidental to the development process and did not require a separate minerals application. This clearly remains the same for this application.

### **Public Footpath**

- 8.116 The proposals involve the diversion of public footpath KH181 around the development. Policy ENV26 of the Local Plan states that any diversion should be no less attractive, safe or convenient for public use. The proposed diversion would not be unsafe and would extend the length of the path marginally so I do not consider it would result in any inconvenience. It would be less attractive due to the close proximity of the development and this adds to appreciation of the harmful landscape impact outlined above. The actual diversion of the path, if permission was granted, would be dealt with under Section 257 of the Town and Country Planning Act 1990. The Local Planning Authority has power to make an Order for the diversion of the footpath if it is necessary to enable the development to be carried out, as would be the case here. I also note that KCC Rights of Way consider the diversion is entirely appropriate for the application and it is likely that they would fully support such a diversion.

### **Planning Obligations**

- 8.117 The applicants, following discussion with officers, have offered the following Heads of Terms for a s106 agreement. Namely, the provision of a legal agreement to:
1. Ensure that units 1 and 2 completed as part of the development shall not be first occupied by any companies or organisations other than ADL/Scarab, unless otherwise agreed with the Council;
  2. Require the developer to use its reasonable endeavours to employ local contractors and sub-contractors and local people during the construction works;
  3. Require the developer to use its reasonable endeavours to procure that occupiers of the development identify employment and training opportunities that can be accessed by local people, and to provide details of employment vacancies to Maidstone Borough Council and its identified partners on a regular basis.
  4. Require the developer to provide a shuttle bus service for staff to and from the site.
- 8.118 Members will be aware that all potential s106 obligations must be assessed against and meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012. All obligations must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and

- Fairly and reasonably related in scale and kind to the development.
- 8.119 If permission were to be granted, given the circumstances of the application and the particular case put forward by the two businesses, I do consider it necessary for a 'first-user' clause to be invoked and the three tests are met.
- 8.120 I consider potential Heads of Terms 2 and 3 also meet the tests. Both would fit with the Council's aim for a growing economy and seek to ensure that a proportion of the workforce and contractors would be local and following completion would seek to ensure local people are given priority for recruitment and training improving the local skills base.
- 8.121 I also consider potential Heads of Terms 4 also meets the tests as it would facilitate the use of sustainable modes of transport and act to reduce single occupancy travel in accordance with the NPPF.

### **Balance of Issues**

- 8.122 There have been considerable changes to the scheme, with the development area reduced by 1.5ha allowing more space for landscaping (19,800m<sup>2</sup>), floorspace reduced by 11,000m<sup>2</sup>, including speculative floorspace reduced by 5,900m<sup>2</sup>. There would be significantly less excavation at the western end of the site, reductions in height and size of buildings, and a much improved frontage to the A20. However, I remain of the view that the development would cause significant harm to the countryside and setting of the AONB, there would be less than substantial harm to heritage assets, and the footpath would have a less attractive route. However, the harm is much lessened than under the previous scheme with a key change being that a large part of the western end of the site would not be excavated and so there is more opportunity to soften the impacts of the development through landscaping, particularly on this side. Objections are still being raised by the Kent Downs AONB Unit and Natural England in terms of harm to the setting of the AONB and as before, the Council's evidence base preparation for the draft Local Plan shows there is not a quantitative need for the development.
- 8.123 This is a major development submitted in part in support of two existing firms within the Borough. The two firms in question are growing rapidly in terms of turnover, export sales and also numbers of people employed. They are two of the most significant employers in Maidstone and contribute significantly to the local economy and with increasing export levels to the national economy in accordance with central government aspirations and policy.
- 8.124 Approval would see the likely retention of these growing employers in the Borough with the benefits to the local economy set out above. The relocation of the businesses would enable ADL and Scarab to consolidate their operations enabling a more efficient basis to run the respective businesses. The main buildings on the site would be purpose-designed to meet the requirements of the companies.
- 8.125 There are also a number of positive factors relating to the site being close to junction 8 of the M20 motorway for these businesses. It gives good direct access to the strategic road network, the Channel Ports and the companies' expanding export markets. The companies' vehicles and other HGVs delivering goods to the site would not need to travel through Maidstone Town Centre, thus potentially assisting in easing

congestion and air quality problems in the Town Centre and reducing HGV traffic on local roads.

- 8.126 As outlined previously, it is acknowledged that the local businesses could decide not to take up the planning permission or indeed vacate the site at some point in the future. The legal agreement could ensure first occupation but an application could be made to vary or remove this at some point in the future. However, In terms of general economic benefits for this location, a site at Junction 8 is much more likely to be attractive to an inward investor and would be a more prestigious site for the promotion of the borough. As outlined previously, this is a significant consideration. A single large site at Junction 8 will bring a significant marketing opportunity to promote the borough as a business location. Development at Junction 8 would create a brand new business location and could provide a prestigious, business park form of development and a new business 'offer' for the Borough. The emerging qualitative work indicates that despite the strength and breadth of much of the existing offer at a quantitative level there is a shortfall of supply to meet future needs, which is likely to necessitate new land. There is a lack of supply of a 'new', diversified offer at an attractive location such as within the motorway corridor.
- 8.127 As such, if the permission was not taken up by the named business or the situation changed in the future, the development could still provide significant employment for the Borough and associate economic benefits, and based on emerging signals, could fill a gap in the qualitative business offer for Maidstone providing employment uses at a location where the market is looking to develop (motorway corridor). I therefore consider that if this situation was to arise, the development can still provide significant qualitative economic benefits, and this is not only a case of the economic benefits associated with the named businesses.
- 8.128 As with the previous application, the Economic Development Manager strongly supports the application outlining that within the context of falling numbers of private sector jobs in the Borough and threats to public sectors employment, the expansion of these businesses is important to the welling being of local economy and Waterside Park represents a £50m investment in the local economy, and will create hundreds of construction jobs and further jobs indirectly raising the profile of Maidstone as a business location. Moreover, development of the site and the retention of the two companies would also accord with the Council's number one priority for Maidstone to have a growing economy.
- 8.129 This is a balanced case between the economic benefits, and the landscape and heritage harm. In carefully considering these issues, it is considered that the significant changes to the scheme to reduce the landscape impact are now sufficient such that the balance tips in favour of the economic benefits outweighing the harm. This would be both the economic benefits associated with the local businesses occupying the site, or if this did change in the future, the benefits of providing employment space that meets a qualitative need at this location. I have carefully considered the harm to the setting of listed buildings in the context of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and have given this considerable weight. I consider that the strong economic benefits of the development would sufficiently outweigh the level of harm identified to the setting of listed buildings.
- 8.130 As such, it is considered that the economic benefits associated with the development override the harm to the countryside, setting of the Kent Downs AONB and heritage assets. This is considered to be sufficient grounds for a departure from the Development Plan (and the application has been advertised as such).

## Conditions

- 8.131 Along with the standard time limit, conditions are considered necessary to cover the following key matters and are detailed in full below:

Materials; Boundary Treatments; Surfacing; Lighting; Landscaping (Details, Implementation & Management); Tree Protection; BREEAM Level; Height Parameters; Ecology (Mitigation, Management & Enhancement); Highways Improvements (M20 J8, Roundabout, & Footway); Highways (Securing Parking, Travel Plan & Construction Management Plan); Drainage; Contaminated Land; Archaeology; No Open Storage; Removal of PD Rights for Extensions; Restriction of Use of Café & Creche.

## 9.0 CONCLUSION

- 9.01 This is a balanced case. For the reasons outlined above it is considered that the economic benefits associated with the retention of the named companies or the benefits associated with employment floorspace at this location are sufficient to outweigh the harm to the countryside, setting of the Kent Downs AONB and heritage assets. In reaching this conclusion, careful regard has been given to the Local Planning Authorities duty to consider the purposes of designation of the Kent Downs AONB to conserve and enhance the natural beauty of this area and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I have also carefully considered all other material considerations and all representations submitted under the application, none of which lead me to an alternative conclusion. The economic benefits are considered to be sufficient grounds for a departure from the Development Plan. It is therefore recommended that planning permission be approved subject to a legal agreement to secure the matters listed below and subject to the conditions listed below. Delegated powers are sought from Members in order to finalise the legal agreement with the Head of Legal Services.
- 9.02 If approved by Members, the application will need to be reported to the Secretary of State before planning permission can be granted as it involves office uses that total over 5,000m<sup>2</sup> (5,910m<sup>2</sup>), which are outside of the town centre, and the decision is not in accordance with the Development Plan.

## 10.0 RECOMMENDATION

Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following;

1. Ensure that units 1 and 2 completed as part of the development shall not be first occupied by any companies or organisations other than ADL/Scarab, unless otherwise agreed with the Council;
2. Require the developer to use its reasonable endeavours to employ local contractors and sub-contractors and local people during the construction works;
3. Require the developer to use its reasonable endeavours to procure that occupiers of the development identify employment and training opportunities that can be accessed by local people, and to provide details of employment vacancies to Maidstone Borough Council and its identified partners on a regular basis.

4. Require the developer to provide a shuttle bus service for staff to and from the site.

**The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below:**

1. The detailed element of the development hereby permitted shall be begun before the expiration of three years from the date of this permission and no development of the remainder of the development shall take place until approval of the following reserved matters has been obtained in writing from the Local Authority:

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

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

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. No development shall take place until a detailed phasing plan for the whole site has been submitted to the Local Authority and agreed in writing.

Reason: To ensure a suitable development of the site.

3. The detailed element of the development hereby permitted shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

4. Any subsequently approved reserved matters development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

5. The detailed element of the development hereby permitted shall not commence until details of all fencing, walling and other boundary treatments relating to it have been submitted to and approved in writing by the Local Planning Authority and development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development.

6. Any subsequently approved reserved matters development shall not commence until details of all fencing, walling and other boundary treatments relating to it have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development.

7. The detailed element of the development hereby permitted shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, relating to the detailed element, have been submitted to and approved by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter.

Reason: To ensure a high quality external appearance to the development.

8. Any subsequently approved reserved matters development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, relating to it, have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter.

Reason: To ensure a high quality external appearance to the development.

9. The detailed element of the development hereby permitted shall not commence until details of any lighting to be placed or erected within the site in relation to the detailed development has 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 and in the interests of biodiversity. 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 and biodiversity.

10. Any subsequently approved reserved matters development shall not commence until details of any lighting to be placed or erected within the site in relation to the detailed development has 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 and in the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details.

11. No development shall take place until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The landscape scheme shall follow closely the principles of the illustrative landscape proposals plan (Drawing no. JEC/365/01 RevA) and specifically address the need to provide:

- Woodland planting along the east, south, west and northwest boundaries of the site.
- Tree planting along the site frontage with the A20.
- Tree and hedge planting within vehicle parking areas.

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- Areas of wildflower grassland.
- Planted 'green' roofs to the office components of the buildings.
- Planted 'green' walling to buildings as shown on drawing no.13026/TP/213.
- Areas of reinforced grass surfacing.
- Swales and balancing ponds including the provision of shallow areas, and deeper, cooler areas, as well as the planting regimes.
- Planted 'green' retaining walls.

Reason: No such details have been submitted and to ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

12. The use or occupation of each phase of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory setting and external appearance to the development.

13. Any existing trees or hedges retained on site which, within a period of five years from the first occupation of a property, commencement of use or adoption of land, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

Reason: To safeguard existing landscaping and to ensure a satisfactory setting and external appearance to the development.

14. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures 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 protected areas. No alterations shall be made to the siting of barriers and/or ground protection, 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.

15. No development shall take place until an Arboricultural Impact Assessment (AIA) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. This shall specifically address section 7, demolition and construction in close proximity to trees, and section 8.2, drainage. It shall

detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and take account of site access, demolition and construction activities, foundations, service runs and level changes. It shall also detail any tree works necessary to implement the approved scheme and include a plan showing protection of trees and ground designated for new structural planting.

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

16. All buildings shall achieve a Very Good BREEAM UK New Construction 2011 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM UK New Construction 2011 rating has been achieved within 6 months of the first occupation of the building.

Reason: To ensure a sustainable and energy efficient form of development.

17. The development platforms at the site shall not exceed the height levels outlined at paragraph 4.1.30 of the 'Proposed Development Chapter: Tracked Changes Version' of the Environmental Statement (Appendix A4.1) and no building on any part of the site should exceed a height of 69.0m AOD.

Reason: In the interests of visual amenity.

18. Prior to the translocation of any reptiles an up-dated reptile survey for the application site and the proposed receptor site, and full mitigation strategy, shall be submitted to and approved in writing by the Local Planning Authority prior to removal of any reptiles from the application site. The subsequently approved strategy shall be strictly adhered to unless otherwise agreed in writing with the Local Planning Authority;

Reason: In the interests of biodiversity.

19. No development shall take place (including any demolition, ground works, site clearance) until a method statement for reptiles and badgers has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Clarification that the proposed works will not result in a decline in suitable habitat.
- c) Details of the results of updated surveys to inform the method statement
- d) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- e) Extent and location of proposed works shown on appropriate scale maps and plans;
- f) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- g) Persons responsible for implementing the works;
- h) Initial aftercare and long-term maintenance (where relevant);
- i) Disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In the interests of biodiversity.



20. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity.

21. No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to ensure the LWS and Ancient Woodland adjacent to the proposed development will not be negatively impacted by the proposed works. The content of the Strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity.

22. No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to, and be approved in writing by the local planning authority. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed.
  - b) Map clearly showing the area to be managed and where all the features will be located.
  - c) Ecological trends and constraints on site that might influence management.
  - d) Aims and objectives of management.
  - e) Appropriate management options for achieving aims and objectives.
  - f) Prescriptions for management actions.
  - g) If the management actions will be phased over a number of years – a map must be supplied clearly showing how the work will be phased.
  - h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - i) Details of the body or organization responsible for implementation of the plan.
  - j) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity.

23. No development shall take place until a scheme of improvements to M20 Junction 8 have been submitted to and approved in writing by the local planning authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport).

Reason: To ensure that the M20 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. The scheme shall either comply with Design Manual for Roads and Bridges or have a departure from those standards agreed in writing by the local planning authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport).

24. No development shall take place until the completion of the improvements to M20 Junction 8 required under Condition 22 (or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority who shall consult with the Highways Agency on behalf of the Secretary of State for Transport).

Reason: To ensure that the M20 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

25. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority (who shall consult

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with the Highways Agency on behalf of the Secretary of State for Transport). The approved plan shall be fully implemented.

Reason: To ensure that the M20 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety

26. There shall be no occupation of the development hereby permitted until the provision, by way of a Section 278 Agreement between the applicant and Kent County Council Highways, of the off-site mitigation works to the M20 Link Road/A20 Ashford Road roundabout, and the left-in, left-out construction vehicle access as identified in the original Transport Assessment, including the provision of bollards and trief kerbing to deter informal HGV parking on the site access road, at a trigger point to be agreed with the planning and highway authorities has been provided. Full details of the proposed details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

27. There shall be no occupation of the development hereby permitted until the provision of the minor improvement works to the footway on the northern side of the A20 between Old Mill Road and Bearsted village as identified in the original Transport Assessment, at a trigger point to be agreed with the planning and highway authorities has been provided. Full details of the proposed details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

28. There shall be no occupation of the development hereby permitted until a site-wide Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be thereafter be implemented.

Reason: To minimize traffic generated by the development and to ensure that the M20 continues to be an effective part of the national system

29. The approved details of the vehicle parking/turning, vehicle loading/unloading and turning areas, and cycle parking 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 (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.

30. No development shall take place until details to demonstrate the finished site levels across the entire site shall be no lower than 300mm above the estimated flood level under the 100yr (+20% to account for climate change) flood return period have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To minimise the risk of flooding to the site.

31. No development shall take place until specific details of a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local

planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

32. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect vulnerable groundwater resources and source protection zones, and ensure compliance with the National Planning Policy Framework.

33. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect vulnerable groundwater resources and source protection zones, and ensure compliance with the National Planning Policy Framework

34. No development shall take place until such time as a detailed scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure protection of controlled waters including groundwater and the River Len, and the Medway river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies.

35. No development shall take place until precise details of the SUDs system has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable design.

36. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.'

37. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should 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;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

38. No development shall commence until a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport and building related air pollutant emissions of the development during construction and when in occupation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: In the interests of pollution mitigation.

39. No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land;

Reason: To safeguard the character and appearance of the surrounding area.

40. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no extensions to any buildings shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area.

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41. The café and crèche uses hereby permitted shall only be used for ancillary purposes by staff associated with the use of the site for employment purposes and shall not be for use by the general public.

Reason: Such unrestricted uses would not normally be permitted.

42. No development shall take place over public right of way KH181 until the confirmation of its diversion has taken place.

Reason: In order to protect the public right of way.

43. The development hereby permitted shall be carried out in accordance with the plans listed at paragraph 2.1.3 of the Planning Statement Addendum.

Reason: For the purposes of clarity, in the interests of visual amenity and the interest local amenity.

### Informatives:

1. Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. Drainage from service yards may require additional measures such as in-line storage and pollution control valves.
2. Waste from the development must be re-used, re-cycled or otherwise disposed of in accordance with section 34 of the Environmental Protection Act 1990 and in particular the Duty of Care Regulations 1999. The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
  - excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
  - treated materials can be transferred between sites as part of a hub and cluster project
  - some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to our position statement on the Definition of Waste: Development Industry Code of Practice which can be found on our website. Please note, if any waste is to be used on site, the applicant will be required to obtain the appropriate waste exemption or permit from us. The applicant is advised to contact our Environment Management South London Waste Team for further information or to refer to guidance on our website at:

<http://www.environment-agency.gov.uk/subjects/waste>.

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3. Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The area's for storage should not drain to any surface water system. Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.
4. No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
5. There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
6. The surfacing of the proposed PROW must be completed with the approval of the PROW and Access Service.
7. The applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, I would need six weeks notice to process this.

Case Officer: Richard Timms

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.