

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 27 February 2014  
Time: 6.00 p.m.  
Venue: Town Hall, High Street,  
Maidstone

### Membership:

Councillors Ash, Black, Chittenden, Collins  
(Chairman), Cox, Harwood, Hogg,  
Moriarty, Nelson-Gracie, Paine,  
Paterson, Mrs Robertson and  
J.A. Wilson

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 6 March 2014

**Continued Over/:**

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**Issued on 19 February 2014**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

*Alison Broom*

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
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**PLEASE NOTE**

**The order in which items are taken at the meeting may be subject to change.**

**The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.**

**BACKGROUND DOCUMENTS: The background documents for the items on the agenda are to be found on the respective planning files for each application and on the files for those applications referred to in the history section of each report.**

**Background documents are available for inspection during normal office hours at the Maidstone Borough Council Gateway Reception, King Street, Maidstone, Kent, ME15 6JQ.**

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 6 FEBRUARY 2014**

**Present:** Councillor Collins (Chairman) and Councillors Ash, Black, Chittenden, Cox, Garland, Harwood, McLoughlin, Moriarty, Paine, Paterson, Mrs Robertson and J.A. Wilson

**Also Present:** Councillors Mrs Blackmore, Munford, Naghi and Newton

263. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Hogg and Nelson-Gracie.

264. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Garland for Councillor Nelson-Gracie  
Councillor McLoughlin for Councillor Hogg

265. NOTIFICATION OF VISITING MEMBERS

Councillor Munford indicated his wish to speak on the reports of the Head of Planning and Development relating to applications MA/11/0511 and MA/11/0512 (if not withdrawn from the agenda) and MA/13/1149.

Councillor Naghi indicated his wish to speak on the report of the Head of Planning and Development relating to application MA/13/1711.

Councillor Newton indicated his wish to speak on the reports of the Head of Planning and Development relating to applications MA/13/0951, MA/13/1149 and MA/13/1523.

It was noted that Councillor Mrs Blackmore had indicated her wish to speak on the report of the Head of Planning and Development relating to application MA/12/2103.

266. ITEMS WITHDRAWN FROM THE AGENDA

MA/11/0511 - CHANGE OF USE OF EXISTING NIGHTCLUB AND APARTMENTS TO 1 DWELLING AND 6 APARTMENTS, INCLUDING EXTENSIONS AND INTERNAL WORKS; CONVERSION AND EXTENSION OF THE EXISTING BALL ROOM TO 2 DWELLINGS; DEMOLITION OF EXISTING GARAGE BLOCK AND ERECTION OF 4 TERRACED PROPERTIES;

CONVERSION AND EXTENSION OF EXISTING GLASSHOUSES TO 6 DWELLINGS; AND THE ERECTION OF 5 DETACHED DWELLINGS TO THE NORTH AND SOUTH OF THE ACCESS TRACK, TOGETHER WITH ASSOCIATED ACCESS AND LANDSCAPE WORKS - WIERTON PLACE, WIERTON ROAD, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

MA/11/0512 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR INTERNAL ALTERATIONS AND EXTENSIONS TO FACILITATE THE CHANGE OF USE OF EXISTING NIGHTCLUB AND APARTMENTS TO 1 DWELLING AND 6 APARTMENTS, INCLUDING EXTENSIONS AND INTERNAL WORKS; CONVERSION AND EXTENSION OF THE EXISTING BALL ROOM TO 2 DWELLINGS; DEMOLITION OF EXISTING GARAGE BLOCK AND ERECTION OF 4 TERRACED PROPERTIES; CONVERSION AND EXTENSION OF EXISTING GLASSHOUSES TO 6 DWELLINGS; AND THE ERECTION OF 5 DETACHED DWELLINGS TO THE NORTH AND SOUTH OF THE ACCESS TRACK, TOGETHER WITH ASSOCIATED ACCESS AND LANDSCAPE WORKS - WIERTON PLACE, WIERTON ROAD, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

The Committee considered the urgent update reports of the Head of Planning and Development requesting that these applications be withdrawn from the agenda. It was noted that this would enable the Officers to seek updated comments from the consultees, and that the Officers hoped to bring the applications back to the Committee in the near future.

**RESOLVED:** That agreement be given to the withdrawal of applications MA/11/0511 and MA/11/0512 from the agenda.

267. URGENT ITEMS

Update Reports

The Chairman stated that, in his opinion, the update reports of the Head of Planning and Development should be taken as urgent items because they contained further information relating to the applications to be considered at the meeting.

268. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application MA/13/1711, Councillor Ash stated that he knew the applicant as he was his doctor. He had been advised by the Head of Legal Services that this relationship did not represent a significant interest, and he intended to speak, but not vote, when the application was discussed.

269. EXEMPT ITEMS

**RESOLVED:** That the information contained in the exempt Appendices to the urgent update reports of the Head of Planning and Development relating to applications MA/13/0951, MA/13/1149 and MA/13/1523 be

considered in public, but the information contained therein should remain private.

270. MINUTES OF THE MEETING HELD ON 16 JANUARY 2014

**RESOLVED:** That the Minutes of the meeting held on 16 January 2014 be approved as a correct record and signed.

271. PRESENTATION OF PETITIONS

There were no petitions.

272. MA/11/0511 - CHANGE OF USE OF EXISTING NIGHTCLUB AND APARTMENTS TO 1 DWELLING AND 6 APARTMENTS, INCLUDING EXTENSIONS AND INTERNAL WORKS; CONVERSION AND EXTENSION OF THE EXISTING BALL ROOM TO 2 DWELLINGS; DEMOLITION OF EXISTING GARAGE BLOCK AND ERECTION OF 4 TERRACED PROPERTIES; CONVERSION AND EXTENSION OF EXISTING GLASSHOUSES TO 6 DWELLINGS; AND THE ERECTION OF 5 DETACHED DWELLINGS TO THE NORTH AND SOUTH OF THE ACCESS TRACK, TOGETHER WITH ASSOCIATED ACCESS AND LANDSCAPE WORKS - WIERTON PLACE, WIERTON ROAD, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

See Minute 266 above

273. MA/11/0512 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR INTERNAL ALTERATIONS AND EXTENSIONS TO FACILITATE THE CHANGE OF USE OF EXISTING NIGHTCLUB AND APARTMENTS TO 1 DWELLING AND 6 APARTMENTS, INCLUDING EXTENSIONS AND INTERNAL WORKS; CONVERSION AND EXTENSION OF THE EXISTING BALL ROOM TO 2 DWELLINGS; DEMOLITION OF EXISTING GARAGE BLOCK AND ERECTION OF 4 TERRACED PROPERTIES; CONVERSION AND EXTENSION OF EXISTING GLASSHOUSES TO 6 DWELLINGS; AND THE ERECTION OF 5 DETACHED DWELLINGS TO THE NORTH AND SOUTH OF THE ACCESS TRACK, TOGETHER WITH ASSOCIATED ACCESS AND LANDSCAPE WORKS - WIERTON PLACE, WIERTON ROAD, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

See Minute 266 above

274. MA/13/1149 - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 600 DWELLINGS WITH ASSOCIATED LOCAL CENTRE COMPRISING CONVENIENCE STORE (USE CLASS A1) (1,300SQM - 1,500SQM GROSS FLOOR AREA (GFA)), RETAIL/COMMERCIAL UNITS (USE CLASS A1, A2, A3, A5 AND/OR D1) (400SQM GFA) AND PUBLIC HOUSE (USE CLASS A4) (550SQM - 700SQM GFA); A TWO FORM ENTRY PRIMARY SCHOOL (WITH PRE-SCHOOL PROVISION AND A COMMUNITY FACILITY); PUBLIC OPEN SPACE; ALLOTMENTS; NATURE CONSERVATION AREA; AND LANDSCAPING, WITH ALL MATTERS RESERVED EXCEPT FOR THE FOLLOWING: MEANS OF VEHICULAR ACCESS TO THE SITE FROM SUTTON ROAD, AND THE SPINE ROAD WITHIN THE SITE; 170 DWELLINGS (PHASE 1) WITH ITS ASSOCIATED OPEN SPACE; DRAINAGE PROVISION,

INCLUDING THE SURFACE WATER ATTENUATION FACILITY, STRATEGIC FOUL AND SURFACE WATER DRAINAGE INFRASTRUCTURE AND PUMPING STATION; EARTHWORKS, TO INCLUDE GROUND RE-MODELLING - LAND AT LANGLEY PARK, SUTTON ROAD, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Councillor Ellis of Boughton Monchelsea Parish Council, Councillor Taylor-Maggio of Langley Parish Council, Mr Marshall, for the applicant, and Councillors Newton and Munford (Visiting Members) addressed the meeting.

**RESOLVED:**

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:

The provision of a minimum of 30% affordable housing;

Contributions of £3,000 per dwelling for highway mitigation works to the A274 corridor to address the impacts of this development;

Contributions of £300 per residential unit for enhancements to the Willington Street junction;

A contribution of £106,200 for phase 1 towards improvements to health care provision within the locality;

Contributions of £360 per person for the remainder of the phases throughout the site (as shown on the submitted formula) towards health care provision within the locality;

Contributions for primary education of £14,285 per pupil (based on the formula set out in the report) – this is to be used to provide a new primary school on site with land of not less than 2.05ha in area. The primary school should be provided prior to the completion of the (cumulative) 350<sup>th</sup> dwelling of this site and the sites to the north of Sutton Road (MA/13/0951 and MA/13/1523);

The transfer to Kent County Council of land of not less than 2.05ha in area for the construction of a primary school, either in a single transfer or two phases, where the first phase consists of not less than 1.4ha. 1.4ha of the site to be transferred at nil value with the remainder transferred at a price agreed by the contributing developers (ss2a,b,c) and the Local Education Authority; or at a value set by the District Surveyor. The primary school should be provided prior to the completion of the (cumulative) 350<sup>th</sup> dwelling of this site and the sites to the north of Sutton Road (MA/13/0951 and MA/13/1523);

Contributions for secondary education of £589.95 per flat and £2,359.80 per house - this would be for the expansion of existing secondary schools that the application site falls within the catchment area of;

Contributions of £128.44 per dwelling for additional book stock within local libraries;

Contributions towards community learning of £30.34 per dwelling to be spent within the Borough of Maidstone;

Contributions towards youth services of £8.39 per dwelling to be spent within the Borough of Maidstone;

Contributions towards adult social care of £97.26 per dwelling to be spent within the Borough of Maidstone;

A suitable marketing campaign to promote the early occupation of the proposed commercial properties to the north of the site - this shall commence once construction of phase 1 has begun;

A contribution of £40,000 for the enhancement of sports and recreation facilities within a 2 mile radius of the application site; and

The provision of a community facility on site that shall be attached to the school. Should this not prove possible, a facility of some 170 square metres shall be provided on site,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report.

2. That a development delivery steering committee formed of stakeholders including the developer, Maidstone Borough Council Officers, Langley Parish Council, Boughton Monchelsea Parish Council, Parkwood Ward Members and Councillors Harwood and Newton should be established to monitor all aspects of the development.

Voting:      6 – For      0 – Against      6 – Abstentions

Note: Councillor Harwood left the meeting during consideration of this application (6.55 p.m.).

275. MA/13/0951 - FULL APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 186 DWELLINGS COMPRISING A MIXTURE OF 2, 3, 4 AND 5 BEDROOM PROPERTIES WITH ASSOCIATED PARKING, LANDSCAPING, AMENITY SPACE AND ENGINEERING WORKS - LAND NORTH OF SUTTON ROAD, OTHAM, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Stevenson, for objectors, Mr Lander, for the applicant, and Councillor Newton (Visiting Member) addressed the meeting.

In response to a question by a Member, the representative of Kent Highway Services confirmed that the possible closure of Gore Court Road to prevent rat-running northwards in connection with this development was a matter that could be put to the Joint Transportation Board for consideration.

**RESOLVED:** That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:

The provision of a minimum of 30% affordable housing;

Contributions of £3,000 per dwelling for highway mitigation works to the A274 corridor to address the impacts of this development;

Contributions of £300 per residential unit for enhancements to the Willington Street junction;

A contribution of £132,372 towards improvements to health care provision within the locality;

Contributions for primary education of £14,285 per pupil (based on the formula set out in the report) - this is to be used to provide a new primary school on the Langley Park site with land of not less than 2.05ha in area. The primary school should be provided prior to the completion of the (cumulative) 350<sup>th</sup> dwelling of this site and the sites to the south and north of Sutton Road (MA/13/1149 and MA/13/1523);

Contributions towards the land acquisition costs for the primary school on the land at Langley Park;

Contributions for secondary education of £589.95 per flat and £2,359.80 per house – this would be for the expansion of existing secondary schools that the application site falls within the catchment area of;

Contributions of £128.44 per dwelling for additional book stock within local libraries;

Contributions towards community learning of £30.34 per dwelling to be spent within the Borough of Maidstone;

Contributions towards youth services of £8.39 per dwelling to be spent within the Borough of Maidstone;

Contributions towards adult social care of £97.26 per dwelling to be spent within the Borough of Maidstone;

A contribution of £132,990 for the enhancement of sports and recreation facilities within a 2 mile radius of the application site;

Contributions towards the provision of a community facility on the Langley Park site (MA/13/1149);

The provision of an equipped play area that straddles this application site and the Redrow application site (MA/13/1523); and

The provision of a pedestrian controlled crossing between the application site (preferably closest to the Redrow site) and the Langley Park site. This crossing should be provided prior to the first occupation of the proposed school, or commercial area, whichever is delivered first. The cost of this provision shall be split equitably between the applicants of this site and the applicants of MA/13/1523,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report as amended by the urgent update report.

Voting:        7 – For        0 – Against        5 – Abstentions

276. MA/13/1523 - THE ERECTION OF 100 DWELLINGS TOGETHER WITH ASSOCIATED NEW ACCESS ROAD, CAR PARKING, LANDSCAPING, AND OPEN SPACE - LAND WEST OF BICKNOR FARM COTTAGES, SUTTON ROAD, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Stevenson, for objectors, Ms Ashton, for the applicant, and Councillor Newton (Visiting Member) addressed the meeting.

**RESOLVED:** That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:

The provision of a minimum of 30% affordable housing;

Contributions of £3,000 per dwelling for highway mitigation works to the A274 corridor to address the impacts of this development;

Contributions of £300 per residential unit for enhancements to the Willington Street junction;

A contribution of £73,656 towards improvements to health care provision within the locality;

Contributions for primary education of £14,285 per pupil (based on the formula set out in the report) - this is to be used to provide a new primary school on the Langley Park site with land of not less than 2.05ha in area. The primary school should be provided prior to the completion of the (cumulative) 350<sup>th</sup> dwelling of this site and the sites to the south and north of Sutton Road (MA/13/1149 and MA/13/0951);

Contributions towards the land acquisition costs for the primary school on the land at Langley Park;

Contributions for secondary education of £589.95 per flat and £2,359.80 per house – this would be for the expansion of existing secondary schools that the application site falls within the catchment area of;

Contributions of £128.44 per dwelling for additional book stock within local libraries;

Contributions towards community learning of £30.34 per dwelling to be spent within the Borough of Maidstone;

Contributions towards youth services of £8.39 per dwelling to be spent within the Borough of Maidstone;

Contributions towards adult social care of £97.26 per dwelling to be spent within the Borough of Maidstone;

A contribution of £40,000 for the enhancement of sports and recreation facilities within a 2 mile radius of the application site;

Contributions towards the provision of a community facility on the Langley Park site (MA/13/1149);

The provision of an equipped play area that straddles this application site and the Bellway application site (MA/13/0951); and

The provision of a pedestrian controlled crossing between the application site and the Langley Park site. This crossing should be provided prior to the first occupation of the proposed school, or commercial area, whichever is delivered first. The cost of this provision shall be split equitably between the applicants of this site and the applicants of MA/13/0951,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report as amended by the urgent update report.

Voting:        8 – For        0 – Against        4 – Abstentions

Note: Councillor McLoughlin left the meeting after consideration of this application (7.50 p.m.).

277. MA/12/1469 - TEMPORARY CHANGE OF USE OF LAND FOR THE STATIONING OF A TEMPORARY DWELLING (MOBILE) FOR FARM OWNER/MANAGER AND PERMANENT USE OF EXISTING AGRICULTURAL BUILDING FOR THE ACCOMMODATION OF LIVESTOCK - NEWSTEAD FARM, COUCHMAN GREEN LANE, STAPLEHURST, TONBRIDGE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Councillor Perry of Staplehurst Parish Council (against) and Mr Dixon, for the applicant, addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions set out in the report.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Councillor Garland was not present during consideration of this application.

278. MA/12/2103 - CHANGE OF USE OF LAND TO RESIDENTIAL CARAVAN SITE FOR ONE GYPSY FAMILY INCLUDING STATIONING OF ONE STATIC CARAVAN, ONE TOURING CARAVAN AND ASSOCIATED HARD STANDING - CHERRY GARDENS, COLLIER STREET, TONBRIDGE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Councillor Ridd of Collier Street Parish Council (against), Mr Hearn, the applicant, and Councillor Mrs Blackmore (Visiting Member) addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions and informatives set out in the report, as amended by the urgent update report, and the additional informatives set out in the urgent update report.

Voting: 10 – For 1 – Against 0 – Abstentions

279. MA/13/1810 - ERECTION OF AN END OF TERRACE DWELLING - 17 LAMBOURNE ROAD, BEARSTED, MAIDSTONE, KENT

Councillor Ash stated that he had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Miss Hill, for objectors, Councillor Spooner of Bearsted Parish Council (against) and Mr Fowler, for the applicant, addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members considered that the proposed dwelling, by way of its scale, siting and proportions, would result in a cramped form of development out of character with the grain and surrounding pattern of development and the terrace it would adjoin, and result in the erosion of open space. For these reasons it would be harmful to the character and appearance of the area contrary to advice within the National Planning Policy Framework 2012.

**RESOLVED:** That permission be refused for the following reason:

The proposed dwelling, by way of its scale, siting and proportions, would result in a cramped form of development out of character with the grain and surrounding pattern of development and the terrace it would adjoin, and result in the erosion of open space. For these reasons it would be harmful to the character and appearance of the area contrary to advice within the National Planning Policy Framework 2012.

Voting:        5 – For        3 – Against        3 – Abstentions

280. MA/13/1711 - AN APPLICATION FOR OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 5 NO. TOWN HOUSES WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - 97 HOLLAND ROAD, MAIDSTONE, KENT

All Members except Councillors Ash, Black and Moriarty stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Hill, for objectors, and Councillor Naghi addressed the meeting.

**RESOLVED:** That consideration of this application be deferred to enable the Officers to investigate whether parking can be provided on-site and the potential highway safety implications of this.

Voting:        10 – For        0 – Against        1 – Abstention

281. MA/13/1635 - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A SINGLE DWELLING (USE CLASS C3) WITH ASSOCIATED LANDSCAPING - BUMPERS HALL, MAIDSTONE ROAD, MARDEN, TONBRIDGE. KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Newton, the applicant, addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed that subject to the advertisement of the application as a departure from the Development Plan, and no representations being received raising new material matters, the Head of Planning and Development be given delegated powers to grant permission subject to conditions to be agreed by the Officers including specific conditions to ensure high quality architectural detailing.

In making this decision, Members were mindful that the proposed development is not in accordance with Development Plan policy. However, the high quality design of the building, the limited harm to the local landscape, the high sustainability credentials of the building, the extensive landscaping proposals, and the lack of a five year housing supply were considered to be grounds to override existing policies in the

Development Plan. In view of this, the proposals were considered to be sustainable in terms of the National Planning Policy Framework 2012.

**RESOLVED:** That subject to the advertisement of the application as a departure from the Development Plan, and no representations being received raising new material matters, the Head of Planning and Development be given delegated powers to grant permission subject to conditions to be agreed by the Officers including specific conditions to ensure high quality architectural detailing.

Voting: 7 – For 4 – Against 0 – Abstentions

Note: The Chairman and Councillors Chittenden, Paterson and Mrs Robertson requested that their dissent be recorded.

282. LONG MEETING

Prior to 10.30 p.m., following consideration of application MA/13/1635, the Committee considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

**RESOLVED:** That the meeting should continue until 11.00 p.m. if necessary.

283. MA/13/1373 - OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING UNITS ON SITE AND THE ERECTION OF 6 DETACHED HOUSES WITH GARAGING, PARKING AND ACCESS, WITH ACCESS TO BE CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - ROOFING CENTRE GROUP LTD, MENDIP HOUSE, LEEDS ROAD, LANGLEY, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

**RESOLVED:**

1. That permission be granted subject to the conditions set out in the report as amended by the urgent update report.
2. That the reason for approval and the departure from the Development Plan be as set out in the urgent update report.

Voting: 11 – For 0 – Against 0 – Abstentions

284. MA/13/0684 - RETENTION AND USE OF SINGLE STOREY BUILDING AS HOME OFFICE/ANNEX - OAKHURST, SCRAGGED OAK ROAD, DETLING, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

**RESOLVED:** That permission be granted subject to the conditions set out in the report.

Voting: 11 – For 0 – Against 0 – Abstentions

285. MA/13/0686 - PART RETROSPECTIVE CONSENT FOR RETENTION OF ACCESS TRACK OVER AGRICULTURAL LAND TO SERVE OAKHURST - OAKHURST, SCRAGGED OAK ROAD, DETLING, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

**RESOLVED:** That permission be granted subject to the conditions set out in the report.

Voting: 11 – For 0 – Against 0 – Abstentions

286. MA/13/1652 - ERECTION OF A DETACHED DWELLING (AMENDED DESIGN FOLLOWING PREVIOUS REFUSAL MA/13/0863) - LAND REAR OF 43 SANDLING LANE, MAIDSTONE KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Falcone, the applicant, addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions and informatives set out in the report as amended by the urgent update report.

Voting: 8 – For 0 – Against 2 – Abstentions

Note: Councillor Garland was not present during consideration of this application.

287. MA/13/1917 - A PLANNING APPLICATION FOR THE INTRODUCTION OF EXTERNAL LED LIGHT FITTINGS - TOWN HALL, MIDDLE ROW, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

**RESOLVED:** That permission be granted subject to the conditions set out in the report.

Voting: 11 – For 0 – Against 0 – Abstentions

288. MA/13/1918 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR THE INTRODUCTION OF EXTERNAL LED LIGHTS - TOWN HALL, MIDDLE ROW, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

**RESOLVED:** That this application be referred to the Secretary of State for determination with the recommendation that listed building consent be granted subject to the condition and informative set out in the report and the additional condition set out in the urgent update report.

Voting: 11 – For 0 – Against 0 – Abstentions

289. MA/13/1541 - OUTLINE APPLICATION FOR A TWO STOREY DWELLING WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - WILLOWS, HOWLAND ROAD, MARDEN, TONBRIDGE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

**RESOLVED:** That outline permission be granted subject to the conditions and informatives set out in the report with the deletion of conditions 1 and 2 and the insertion of the following:

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

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

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

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

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

Voting: 11 – For 0 – Against 0 – Abstentions

290. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting.

**RESOLVED:** That the report be noted.

291. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:

- Arrangements should be made for a meeting of the Chairman and the Political Group Spokespersons to discuss, inter alia, the attendance of representatives of the Environment Agency and Southern Water at meetings of the Planning Committee to explain their views as consultees in the planning process.
- This was the last meeting that Kate Jardine, the representative of the Head of Legal Services, would attend for some time as she was about to commence her maternity leave. On behalf of the Committee he wished Ms Jardine well.

292. DURATION OF MEETING

6.00 p.m. to 10.45 p.m.

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

27 FEBRUARY 2014

#### REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

#### DEFERRED ITEM

- 1.1. The following application stands deferred from a previous meeting of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation. The application may be reported back to the Committee for determination.

1.2. Description of Application

Date Deferred

MA/13/1711 - AN APPLICATION FOR OUTLINE  
PLANNING PERMISSION FOR THE ERECTION OF 5 NO.  
TOWN HOUSES WITH ALL MATTERS RESERVED FOR  
FUTURE CONSIDERATION - 97 HOLLAND ROAD,  
MAIDSTONE, KENT

6 February 2014

Deferred to enable the Officers to investigate whether parking can be provided on-site and the potential highway safety implications of this.

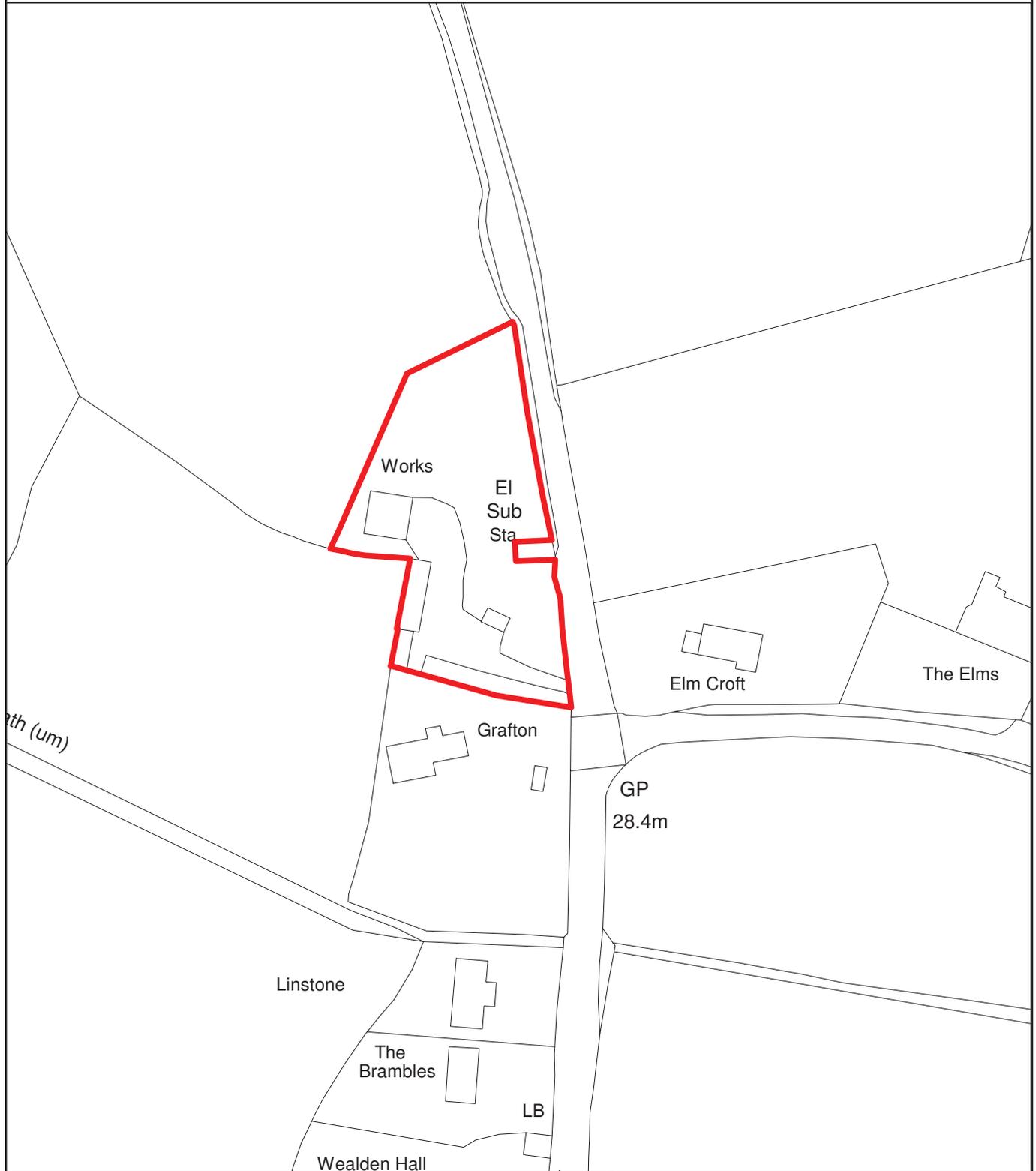
# Agenda Item 13

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0170

GRID REF: TQ7249

THE WOODYARD, EAST STREET,  
HUNTON.



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**Rob Jarman**  
**Head of Planning and Development**

APPLICATION: MA/13/0170 Date: 31 January 2013 Received: 1 February 2013

APPLICANT: Mr Leonard Arnold

LOCATION: THE WOODYARD, EAST STREET, HUNTON, KENT, ME15 0RA

PARISH: Hunton

PROPOSAL: Demolition of existing buildings and redevelopment to provide one dwelling and detached garage as shown on drawing nos. DHA/9241/01, DHA/9241/02, and topographical survey received on 31st January 2013, and DHA/9241/03 RevB, DHA/9241/04 RevB, and DHA/9241/05 RevA received on 21st October 2013.

AGENDA DATE: 27th February 2014

CASE OFFICER: Richard Timms

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

- It is a departure from the Development Plan.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV34
- Government Policy: NPPF 2012

## **2. HISTORY**

MA/11/1374 Outline application for demolition of existing commercial buildings and redevelopment with 7no. B1 starter units within a single storey building and associated parking with means of access, layout and scale to be considered at this stage and appearance and landscaping reserved for future consideration – REFUSED

MA/10/0553 Erection of 1no 4 bedroom detached dwelling and 2no 5 bedroom detached dwellings – REFUSED

MA/06/1171 An application for a certificate of Lawfulness for existing development being the use of land as a woodyard for the manufacture of fence posts and spiles using chestnut coppice timber and for the ancillary storage of vehicles and equipment used in association therewith, a use falling within Class B2 as described in application MA/06/1171 – APPROVED

63/0401/MK3 Outline application for house and garage – REFUSED

### **3. CONSULTATIONS**

- 3.1 **Hunton Parish Council:** *"Wishes to see the application APPROVED. If the MBC recommendation is to refuse the application, then the Parish Council would like the application to be reported to Planning Committee."*
- 3.2 **Kent Highways:** No objections subject to additional turning space.
- 3.3 **Environmental Health:** No objections subject to a contaminated land condition.
- 3.4 **KCC Ecology:** No objections subject to following recommendations of report and securing proposed enhancements.

### **4. REPRESENTATIONS**

- 4.1 **Neighbour Representations:** 5 representations received all offering support for the application and raising the following (summarised) points:
- Support dwelling instead of business.
  - Suitable and sensible development for the site.
  - Site hasn't operated as a business for 7 years and appears unviable commercially.

### **5. CONSIDERATIONS**

#### **5.1 Introduction**

- 5.1.1 This is a full application for the demolition of existing B2 use buildings and redevelopment to provide one dwelling and a detached garage at 'The Woodyard', East Street, Hunton.

#### **5.2 Site Description**

- 5.2.1 The site is an irregular shaped parcel of land on the west side of East Street which is around 1.2km east of the centre of Hunton. The site falls within the countryside for planning purposes and here is designated as a Special Landscape Area.
- 5.2.2 There is a hard surfaced access off East Street in the southeast corner, which runs west into the site and then north forming an L-shape. There are a number

of single storey buildings on the site including a timber shed with tin roof, a fairly dilapidated part tiled pitch roofed building adjacent to an open-fronted structure, and oil tanks in the southern half of the site. Further north in the centre to the west side is a two storey 'Atcost' building and portable cabin. There is also a substation in the centre of the site on the east side. The site was cleared last year of the limited ground vegetation and is largely bare earth in the north part of the site and southeast corner. There are a number of trees within the southern half, on and around the access. The site is higher than the road level by around 1-1.5m at the southern end and by nearly 3m at the northern end.

- 5.2.3 Close-boarded fencing around 2m in height encloses the site with a recently planted beech hedge inside. Along the site frontage this fencing is partly broken by existing vegetation where which sits on an earth bank. Immediately north are a row of conifers around 8m in height, which extend round to East Street.
- 5.2.4 The nearest dwellings are 'Grafton House' immediately south of the site and 'Elm Croft' opposite the site to the east around 30m away. To the west of the site is agricultural land and to the north, grassed land which appears to be associated with the dwelling 'Court Lodge'.
- 5.2.5 The site benefits from a lawful development certificate (Ref. MA/06/1171) for use of land as a woodyard for the manufacture of fence posts and spiles and for the ancillary storage of vehicles and equipment, a use falling within Class B2. Its lawful planning use is therefore for B2 (general industrial use). This is an unfettered use that can occur over the whole site and with no hours of use restrictions. It is however not currently in use.

### **5.3 Planning History**

- 5.3.1 Outline permission was refused for redevelopment of the site for seven B1 units within a single storey building for three reasons under MA/11/1374 in October 2011. It was considered that the site would be an unsustainable location for the amount of development proposed, that the poor layout would harm the area, and that the intensified use of the access, without improvements, would be detrimental to highway safety.
- 5.3.2 Permission was refused for three detached houses under MA/10/0553 in May 2010 as there was not considered to be any overriding justification for housing at the site, which was contrary to local and national policy, and because of the visual harm to the area from the development of three large houses.

## **5.4 Proposal**

- 5.4.1 Permission is sought for a two storey dwelling and detached double garage. The dwelling would be positioned in the centre of the site with garden space to its rear, north. The garage would be towards the southwest corner of the site with turning space in front leading off the existing access in the southeast corner.
- 5.4.2 The dwelling would be two storeys with a ridge height of 8.3m. On the front, south side would be varying eaves heights, a gabled element projecting from the roof and gabled dormers. The rear, north side and west side would have a full two storey elevation with eaves of 4.8m and the east side would have a low eaves of 2.5m. It would have an overall width of 13.8m and depth of 10.3m. Materials proposed are brickwork, tile hanging, plain clay roof, and timber joinery.
- 5.4.3 The garage would have one enclosed parking space and an open space on the north side. It would have a footprint of 6.5m x 6m, ridge height 5.2m, eaves 2.5m with a barn hipped roof. Materials proposed would match the dwelling.

## **5.5 Principle of Development**

- 5.5.1 The application site lies outside any defined settlement boundary and is within the open countryside for the purposes of the Development Plan. Policy ENV28 of the Local Plan restricts development in the countryside to specific types of which new housing is not one. As such, the provision of a dwelling at the site is contrary to the Local Plan.
- 5.5.2 However, it is noted the NPPF advises at paragraph 49 that, "*relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*" At this moment in time the Council cannot demonstrate a 5 year supply and as such policy ENV28, which restricts housing in the countryside, cannot be grounds for a principle objection to the proposals (as was the case for the refused application for three houses).
- 5.5.3 The applicant also considers that redevelopment of the site with a single house will have a more positive impact on the appearance of the site and its relationship with neighbouring dwellings in terms of visual impact, noise, traffic and general disturbance. It is also put forward that under the lawful use of the site, an un-neighbourly use such as car repairs could operate, that the site could generate relatively high numbers of car and HGV movements, and that additional visual harm could arise from external storage and parking. The applicant also cites the NPPF's aim of encouraging the efficient use of previously developed land (paragraphs 17 and 111).

5.5.4 I agree there is merit in considering the fallback position and un-neighbourly nature of the B2 use against the proposals for one house, and the changes since previous applications in respect of the NPPF and lack of a 5 year housing supply.

## **5.6 Visual Impact & Location**

5.6.1 I would not suggest the existing buildings have a significant impact upon the local area but there are five separate structures and they do have a presence from East Street and from public footpath KM171 in the field to the southwest. Also, if the B2 use was taken up at the site it could include open storage of unsightly equipment and materials and much increased visual intrusion. With this fallback position, I consider that one new dwelling, its garage and garden would result in an improvement. The site is also within a small group of houses and so has an existing residential character.

5.6.2 It is also of note that the original proposals have been much reduced through negotiations. The ridge and eaves height of the dwelling has been lowered and the mass has been much reduced by the removal of a large gable previously on the south side, the reduction in width by over 3m, and a reduction in depth. The house therefore has the appearance of a chalet bungalow on the south and east sides, which are those facing East Street. The garage was originally three bays and has been reduced to a two bay garage.

5.6.3 Hard surfacing would be reduced at the site and the landscaping scheme shows new hedge planting along the boundaries, new trees, and retention of trees near the access. This can be secured by condition to improve the appearance of the site.

5.6.4 The site is not well-located in terms of access to services and facilities. Whilst there is a limited bus service past the site, I consider future residents would be heavily reliant on private vehicles to reach shops, employment, doctors etc. For this reason, I do not consider the site is sustainably located. Nonetheless, the existing use would create its own movements, including HGVs, and so again I do not consider the proposal for one dwelling would result in a significantly worse situation in this respect.

5.6.5 Overall, I consider the removal of all buildings and reductions of hard surfacing, and replacement with one modest house, gardens and landscaping would improve the appearance of the site and there would not be an increase in terms of unsustainable vehicle movements.

## **5.7 Residential Amenity**

- 5.7.1 The lawful use (B2 general industrial) by its very nature has the potential to cause noise and disturbance to neighbouring properties from the actual use in buildings and around the site, and from commercial traffic such as HGVs. Whilst there is no active use at present, B2 uses could resume without the need for further permission and without being restricted by planning conditions: for example open storage, external lighting, hours of use etc. are not restricted. As outlined above, there are houses to the south, east and north with 'Grafton' only 10 metres from the south edge of the site. At this proximity, noise and disturbance could potentially be very harmful to these properties. Therefore, my view is that the change in use to one dwelling holds significant benefits.
- 5.7.2 The house itself would be ensured sufficient residential amenity and a contaminated land condition is recommended by Environmental Health to ensure no harmful impacts upon future residents from the former uses. The house would also be sufficient distance from neighbours so as not to harm their amenity.

## **5.8 Economic Considerations**

- 5.8.1 The proposals would result in the loss of a site with lawful commercial use. Whilst the site has not been used for a number of years, the applicant has not advanced the case that it is no longer suitable for such use and states that redevelopment for commercial use remains an option. The proposals for one dwelling would not provide any significant economic benefits and so there would be a negative impact in this respect.

## **5.9 Other Matters**

- 5.9.1 An ecological scoping survey of the site and a bat survey of the buildings and trees have been carried out. The reports conclude that the site contains a variety of habitat types but they provide very few opportunities for protected species and as such no further surveys are recommended. During the building inspections, no evidence of a bat roost was found and only one of the buildings has potential for hibernating, where there is low potential in an expansion joint. It is therefore recommend that the joint is inspected by a licensed bat ecologist prior to any dismantling or the demolition of this building. Two trees have potential bat roosting features but the current plans do not propose to remove any trees so their retention can be secured by condition.
- 5.9.2 KCC Ecology is satisfied with the information provided and requires no additional information. As the buildings and trees on site have a low or negligible potential to be used by roosting bats they are satisfied that there is no requirement for

emergence surveys to be carried out. They advise that the recommendations and enhancements of the report should be followed, including conditions on lighting to limit impact on bats, a bat box, bat tube or brick bat box within the walls of the house, bird nesting boxes, and landscaping that would enhance the site for biodiversity.

5.9.3 KCC Highways have raised issue with turning space for cars, however, in my view there is sufficient space for vehicles to turn in the driveway outside the proposed garage.

## **6. CONCLUSION**

6.1 The development is contrary to Local Plan policy ENV28 for the location of new housing. However, with the lack of a 5 year housing supply, this alone cannot form grounds to refuse the application, and the merits must be weighed up.

6.2 In considering the fallback position, the unfettered lawful B2 use has the potential to be visually harmful to the local area (here designated a Special Landscape Area), notwithstanding the impact of the existing buildings. It also has the potential to be disturbing to the living conditions of adjoining and nearby houses. The removal of all buildings and reductions of hard surfacing, and replacement with one modest house, gardens and landscaping would improve the appearance of the site and is clearly a compatible use with the neighbouring properties. I consider these are significant matters that weigh in favour the proposals. Whilst the location is unsustainable in terms of access to services and facilities, a single house would not result in any increase in movements above the current lawful use, and may mean a reduction. There would be no harmful implications for ecology and suitable conditions could ensure an enhancement to the site, as would decontamination. There would be a loss of a commercial use, which supports the rural economy, but I do not consider this is sufficient to outweigh the benefits of the application.

6.3 Whilst I have reservations as to the introduction of a new residential use in open countryside, in this case I conclude that the advantages outweigh the broad policy objections contained within the Development Plan and I recommend that permission be granted. The application has been advertised as being contrary to Local Plan policy.

## **7. RECOMMENDATION**

GRANT PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

2. Notwithstanding the provisions of 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) no enlargement of the dwelling hereby permitted shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the countryside.

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

Reason: To ensure a satisfactory appearance to the development.

4. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the amenity of adjoining properties.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines, and shall include retention of existing trees to the south of the proposed dwelling as shown on drawing no. DHA/9241/03 RevB received on 21st October 2013;

Reason: No such details have been submitted and to ensure a satisfactory setting to the site.

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

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

7. The development shall not commence until details of all lighting has been submitted to an approved by the Local Planning Authority. The details shall take into account, and seek to minimise any negative impact upon bats.

Reason: In the interests of visual amenity and biodiversity.

8. The recommendations as set out at paragraphs 7.5 to 7.11 of the 'Mountfield Ecology' Ecological Scoping Survey Report shall be followed during the course of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of biodiversity.

9. The development shall not commence until specific details of the type and location of the bird and bat boxes recommended under the 'Mountfield Ecology' Ecological Scoping Survey Report have been submitted to and approved in writing by the Local Planning Authority. They shall thereafter be maintained at the site.

Reason: In the interests of biodiversity.

10. The dwelling shall achieve at least Level 4 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that at least Code Level 4 has been achieved;

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

11. The development hereby permitted shall not be commenced 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.

Reasons: To prevent harm to the health of future occupants.

12. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing nos. DHA/9241/01, DHA/9241/02, and topographical survey received on 31st January 2013, and DHA/9241/03 RevB, DHA/9241/04 RevB, and DHA/9241/05 RevA received on 21st October 2013.

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

The proposed development is not in accordance with Development Plan policy. However, the improvements to the local area in respect of visual and residential amenity, the absence of any overriding harm, and the lack of a five year housing supply are considered to be grounds to override existing policies in the Development Plan. The proposals are considered to be sustainable in terms of the National Planning Policy Framework 2012 and there are no overriding material considerations to indicate a refusal of planning permission.

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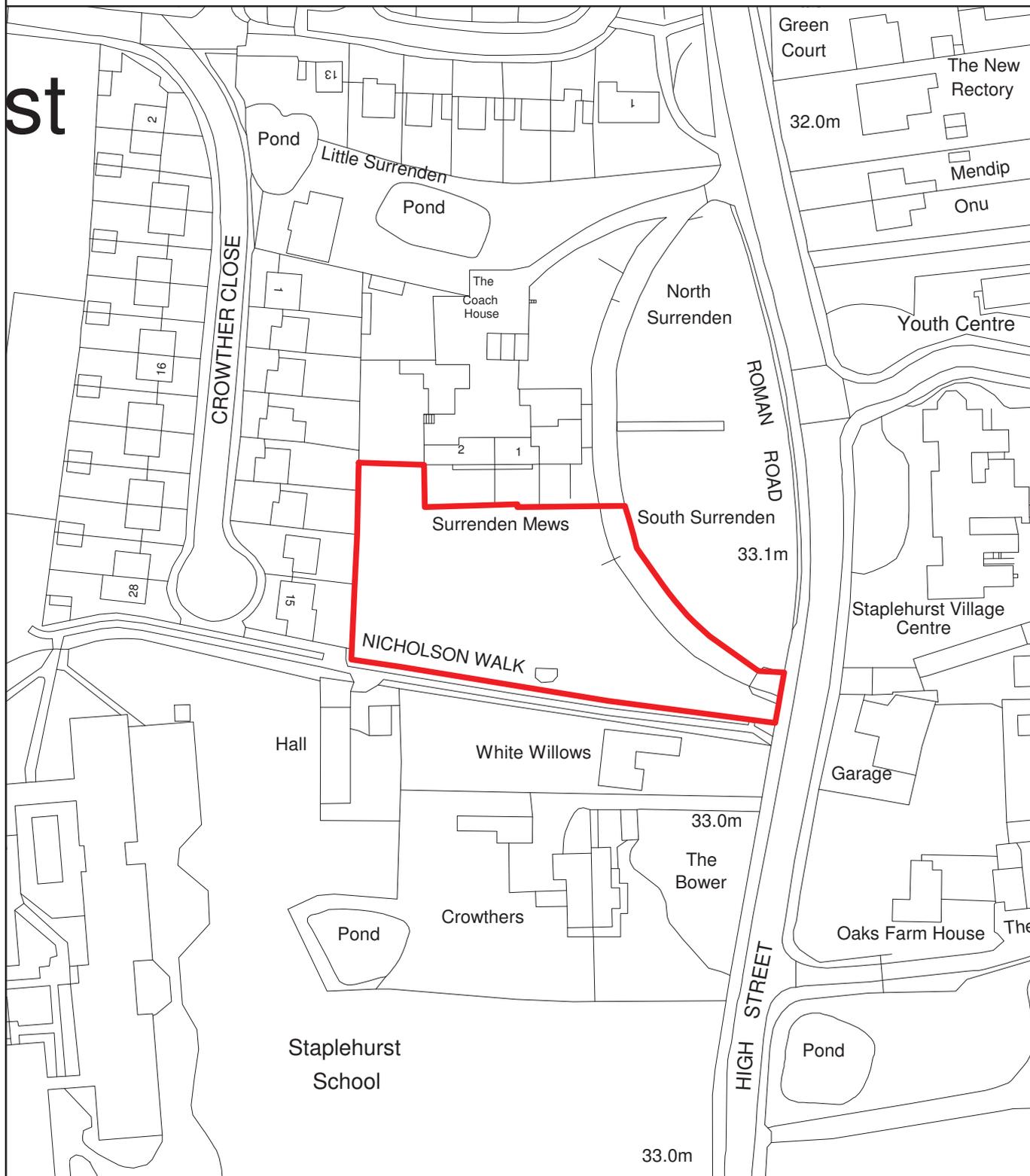
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# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1188

GRID REF: TQ7843

LAND ADJACENT TO SURRENDEN MEWS,  
HIGH STREET, STAPLEHURST.



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**Rob Jarman**  
Head of Planning and Development

APPLICATION: MA/13/1188 Date: 3 July 2013 Received: 20 August 2013

APPLICANT: Clarendon Homes

LOCATION: LAND ADJACENT TO SURRENDEN MEWS, HIGH STREET,  
STAPLEHURST, KENT

PARISH: Staplehurst

PROPOSAL: Erection of 4 detached dwellings (2x 5-bedroom, 1 x 4-bedroom and 1 x 3-bedroom) together with associated garaging and parking and an extension of an existing private access driveway to serve the new dwellings as shown on drawing nos. 12.32.01, 32revB, 33revB, 34revB, 35revA, 210, 211, 212, 213, 214, 222 and Heritage Statement, Design and Access Statement, Bat Survey, GCN Survey, Ecological Scoping Survey, received 03/07/2013 drawing nos. 2135/12/3 and 1235/12/4 revision A received 11/07/2013, Tree Survey received 20/08/2013 and drawing nos. 12.32.SK215revA, 216revA, 217revA, 218revA, 219revA, 220revA and 221revA received 28/11/2013 and drawing no 12.32200revD received 02/12/2013 and drawing no. 12.32.SK213 received 22/01/2014.

AGENDA DATE: 27th February 2014

CASE OFFICER: Steve Clarke

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

- It is contrary to views expressed by Staplehurst Parish Council

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV49, H28, T13  
Government Policy: NPPF 2012

## **2. HISTORY**

- 2.1 The site at Surrenden has an extensive planning history, the most relevant of which is set out below. The premises were used as a nursing home from the mid 1980s until the early 2000s.

- MA/80/0582: Outline application for erection of five detached houses with garages and car parking: REFUSED 23/06/1980: APPEAL DISMISSED 23/02/1981
- MA/80/1657: Outline application for the erection of 3 chalet bungalows: REFUSED 20/11/1980
- MA/81/1216: Two detached bungalows: REFUSED 04/02/1982
- MA/83/0963: Residential development: REFUSED 28/10/1983 : APPEAL DISMISSED 14/09/1984
- MA/86/1522: Change of use from residential to nursing home: APPROVED 30/12/1986
- MA/86/1523: Listed Building Consent for change of use from residential to nursing home: APPROVED 30/12/1986
- MA/88/2089: Residential sheltered housing 24 units: REFUSED 06/04/1989
- MA/98/0576: Demolition of existing outbuildings and erection of 16 terraced houses: REFUSED 20/07/1998: APPEAL DISMISSED 11/01/1999
- MA/00/0815: Demolition of outbuildings and conversion of existing buildings to form 4 no. dwellings and erection of 1 no. detached house: APPROVED 28/03/2001
- MA/00/0816: Listed building consent for demolition of outbuildings and alterations and extensions to cottage with the conversion of main building to 3 no. dwellings: APPROVED 28/03/2001
- MA/02/0869: An application for listed building consent to amend MA/00/0816 to allow for the provision of an additional dwelling within the conversion of main house, to form 4 no. dwellings, and conversion of attached single storey rear store as accommodation and to include minor alterations to the approved scheme: APPROVED 19/07/2002
- MA/02/0933: Amendment of planning consent MA/00/0815, to allow provision of additional dwelling within main house bringing the total No. of dwellings to 4 within the main building: APPROVED 19/07/2002
- MA/03/1470: An application for listed building consent for works involved in the conversion of part of the building to 2 no. dwellings. Works include a first floor

rear extension and weatherboarding to the north & west elevations: APPROVED 08/09/2003

- MA/03/1519: An application for planning consent for works involved in conversion of part of the building to 2No. dwellings, which are to include a new first floor rear extension (to approved house No.3), and weatherboarding to the north and west elevations (to approved house Nos. 3 and 3A): APPROVED 08/09/2003
- MA/04/0501: An application for listed building consent for the amendment of listed building consent MA/00/0816 to change the approved detached double garage to a triple garage and to erect an attached single garage to the approved 1 no. detached dwelling: WITHDRAWN
- MA/04/0502: Amendment of planning consent MA/00/0815 to change the approved detached double garage to a triple garage and to erect an attached single garage onto the approved 1 no. detached dwelling: APPROVED 25/06/2004.
- MA/09/1751: Erection of 5 dwellings with integral parking: APPROVED 07/04/2011
- MA/12/1485: Erection of four 5-bedroom detached houses with integral garages and associated parking and infrastructure: REFUSED 21/12/2012

2.2 The currently submitted scheme has sought to address the reasons for refusal of application MA/12/1485 which was refused on the following grounds:

- 1: The proposed dwellings by reason of their overall design, scale and siting relative to each other and existing adjoining development would result in a development of a cramped appearance out of character with the prevailing pattern of development in the area and which would fail to preserve or enhance the character of this part of the Staplehurst Conservation Area and the setting of the adjacent Grade II listed building Surrenden. To permit the development would therefore be contrary to policies CC6 and BE6 of the South East Plan 2009 and the advice in the NPPF 2012.
- 2: The proposed dwellings on plots 3 and 4 would by reason of their overall scale, siting and proximity to the boundary with the properties at 9-15 (odd) Crowther Close and 2 Surrenden Mews together with the inclusion of windows to habitable rooms at first floor (and on plot 3 at second floor) level result in an overbearing and unneighbourly form of development and result in an unacceptable degree of overlooking that would be detrimental to the amenities that the occupiers of the adjoining properties could expect to be able to continue to enjoy. To permit the

development therefore, would be contrary to policy CC6 of the South East Plan 2009 and the advice in the NPPF 2012.

- 3: Insufficient information has been submitted to demonstrate that the proposed development will not have an adverse impact on protected species, in particular, Great Crested Newts and Bats or that any impact can be appropriately mitigated. To permit the development in the absence of such information, would be contrary to policy NRM5 of the South East Plan 2009 and the advice in the NPPF 2012 and Circular 05/2006.

### **3. CONSULTATIONS**

- 3.1 **Staplehurst Parish Council:** Wish to see the application refused and reported to Planning Committee.

'The Clerk read out the key points of the Committee's recommendation to refuse prior application MA/12/1485 (4x 5-bedroom homes), which Councillors observed were not materially addressed in this new application. The committee noted the comments of residents made by correspondence and in public forum and expressed particular concern about the proposed felling of trees, risk of flooding, shortage of parking and overbearing position of the new houses vis-a-vis neighbouring properties. For these reasons the Committee voted nem con to recommend REFUSAL and asked that the application be reported to MBC Planning Committee.'

- 3.1.2 The Parish Council's views were reiterated in October and again in January following consultation additional information submitted relating to amendments to the scheme. In their most recent comments the Parish Council requested that if permission was approved that a condition regarding appropriate measures to be taken to address the flooding issues in the vicinity should be imposed.

- 3.2 **English Heritage:** Do not wish to comment

- 3.3 **Natural England:** Do not object, and make the following comments

#### **'Protected species:**

##### **Bats**

It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England **does not object** to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect bats.

We note that further survey effort has been provided for one of two trees which is due to be felled as a part of this proposed development. Should work not commence within 12 months or removal of or other works to additional features on site become necessary, then the applicant should be aware that further surveys should be undertaken in order to ensure compliance with the law.

## **Great crested newt**

Natural England **does not object** to the proposed development. On the basis of the information available to us, our advice is that the proposed development is likely to affect great crested newts through disturbance of a European protected species and the damage or destruction of a breeding site or resting place. We are satisfied however that the proposed mitigation is broadly in accordance with the requirements of the Great crested newt mitigation guidelines and should maintain the population identified in the survey report.

We recommend that a condition to secure the following should be appended to any consent:

- Prior to the commencement of any works which may affect great crested newts and or their habitat, a detailed mitigation and monitoring strategy should be submitted to, and approved in writing by the local planning authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

The great crested newt is a European Protected Species. A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided through avoidance (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development.

## **Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.

The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

## **Landscape enhancements**

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources

more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.'

#### 3.4 **KCC Heritage Conservation:** No comments to make

#### 3.5 **KCC Ecology** **Great Crested Newts**

We are satisfied with the results of the Great Crested Newt Surveys. The surveys have identified that there is a low population of GCN and there will be a need for mitigation to be carried out prior to any works starting on site. However we do require additional information on the proposed mitigation to be submitted prior to determination.

The mitigation strategy details that any GCN will be translocated to the woodland area in the SE of the site. Please provide clarification that the proposed receptor site is suitable and if there is a need for any enhancements to be carried out on the site prior to any GCN being translocated. We require additional information to be provided on the location of the exclusion fence – the drawing titled *tree retention, removal and protection during construction* states that there will be the removal of earth along the SW corner of the site and trees will be felled as part of the works.

However the map within the GCN survey report suggests that the fencing will not include this area. The exclusion fencing must incorporate all areas which will be impacted by the proposed development. An updated map showing the location of the proposed exclusion fence must be submitted for comments.

#### **Reptiles**

The ecological survey has detailed that there is potential for a low population of reptiles to be present within the boundary of the site. It is very disappointing that a reptile survey was not carried out to establish if reptiles were present.

We require additional information to be provided detailing how much suitable reptile habitat will be impacted by the proposed development and clarification on why there is no requirement for a reptile survey to be carried out.

It is proposed to translocate any reptiles which are found as a result of the GCN mitigation to the SE of the site within the woodland area – please provide confirmation that this area is suitable to be used as a reptile translocation area.

#### **Bats**

The bat emergence survey identified that no bats were recorded emerging from the tree and as such no mitigation has been proposed. However the tree was assessed as having high potential to be suitable for roosting bats as such there is potential that bats could still use the tree to roost in. We recommend that there is a need for a precautionary

approach to be used when the tree is being felled. If planning permission is granted we recommend that as a condition of planning permission a precautionary mitigation strategy is produced and submitted for comments. As discussed in paragraph 4.8 (ecological scoping survey) lighting can be detrimental to roosting, foraging and commuting bats and the recommendations should be taken into account when designing the lighting scheme. We also advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

### **Enhancements**

One of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". Paragraph 4.10 has provided recommendations for ecological enhancements to be incorporated in to the development site. We recommend that a selection of these enhancements are incorporated in to the development site.

- 3.6 **Southern Water:** No objections advise that the applicant needs to make a formal application for connection to the public sewer. SuDS drainage should be subject to appropriate safeguarding for future management and maintenance.
- 3.7 **Environment Agency:** Have assessed the site as having a low environmental risk and therefore have no comments to make.
- 3.8 **Kent Highway Services:** Have no objections. They recommend that a 2m x2m pedestrian visibility splay is provided at the site access to the A229 along with a passing bay on the site access. Conditions/informatives relating to parking during construction and wheel washing are also recommended.
- 3.9 **MBC Environmental Health:** No objections subject to informatives governing hours of operation and conduct on site during construction.
- 3.10 **MBC Landscape Officer:** Now raises no objections following receipt of a revised tree survey submitted to address previously expressed concerns.  
'It should be noted that paragraph 4.2 of this report confirms the removal of trees T5 and T3 and an incursion into the root protection area (RPA) of tree T2. Whilst I have no objection to the removal of the 2 trees I would want to see an alteration to the alignment of the protective fencing to fully protect the RPA of T2. However, this can be dealt with as a pre commencement condition

In conclusion, I now raise no objection to this application on arboricultural grounds subject to the condition outlined above.'

- 3.11 **MBC Conservation Officer:** Objects  
'Permission was previously refused for 4 detached houses on this site under reference MA/12/1485. The grounds for refusal related to the cramped nature of the development

by virtue of the design, scale and siting of the proposed houses, the proximity to development in Crowther Close resulting in an unneighbourly and overbearing form of development and lack of information regarding potential impact on protected species.

The current scheme still proposes four detached houses. Although these have been reduced somewhat in size and are now closer to the footprint of development previously permitted under reference MA/09/1751 I do not feel that the first two grounds of the previous refusal under MA/12/1485 have been overcome. The 2009 permitted scheme, although partially of 3 storeys, was in a modern idiom and mainly comprised buildings with flat roofs. The current scheme, designed in a "traditional" manner, features steeply-pitched roofs which in 3 of the houses contain bedrooms, and results in higher buildings. Plot 4 in particular is very close to the boundary of the site with the modest back gardens of houses in Crowther Close, which I believe will make it particularly unneighbourly. This relationship could be slightly improved if the proposed house were rotated by 45 degrees. However, I am also concerned at the standard of design proposed – the designs do not convince as interpretations of the local vernacular tradition. I also feel that the steeply-pitched roofs do not complement the parapetted and shallow-pitched roofs exhibited on the listed building as well as the previously permitted scheme's flat roofs. The steep pitches of the current scheme, particularly when allied to the relatively short ridges, result in awkwardly-proportioned buildings having a somewhat top-heavy appearance. In my view, if a more traditional approach is desired, it would be more appropriate to use shallow-pitched slate roofs with hipped ends – this would sit more comfortably with Surrenden, result in buildings of better proportions and also reduce the height of the new houses resulting in a better relationship with adjoining development. It would of course, result in the loss of bedrooms.'

#### 3.11.1 Further comments relating to the changes to Plot 4 were made on 17 January 2014.

'The amendments now made in respect of the house on Plot 4 are broadly in line with my previous suggestions and in terms of design and scale I now consider this dwelling to be acceptable. However, my objections remain in respect of the other 3 plots which are hardly any greater distance away from the listed building. Furthermore, leaving those houses in the original design will make Plot 4 stand out as an oddity, resulting in a loss of coherence in design for the scheme as a whole. In my opinion, all houses should be revised to reflect the design now proposed for Plot 4.'

## 4. **REPRESENTATIONS**

- 4.1 **Two** letters of support for the application has been received noting that plot 4 has been reduced in height, thus reducing impact on Surrenden and Surrenden Mews.
- 4.2 **One** letter states that the reorientation of and the reduction of the windows in Plot 3 in the elevation facing 15 Crowther Close is welcomed, but states that the whole development should be moved to the front of the plot.

- 4.3 **Six** letters and a statement of objection have been received from and on behalf of nearby residents on the original plans and subsequent amendments. Objections are raised on the following (summarised) grounds:
- The proposed property heights are excessive. The 3<sup>rd</sup> floor element and the height of the proposed houses seem in excess to the plot sizes and where sited near boundaries will be detrimental to existing properties.
  - The access to the High Street is on a bend it its increased use could result in accidents it is also liable to flooding necessitating the need for new highway drainage.
  - The intended development is far more intrusive than the last application. It also contains more overlooking windows whereas the previous one had none.
  - It is noted that there are to be four properties whereas last time there were five. Why is it then that these four properties are all closely crowded into the corner directly in front of 11, 13, 15 Crowther Close. The residents feel most strongly that the whole development could now be substantially moved forward utilising the vacant space at the front of the site.
  - Loss of sunshine and light to properties in Crowther Close as the ground on the other side of the wall starts at a higher level already and will have three storey pitched-roof 5 bedroom houses which are very large, overshadowing them.
  - The visual appearance of the proposed properties does not compliment or complement the listed property of Surrenden and the character of the Conservation Area. The proposed properties are too large by far and out of keeping with the listed property. Smaller and less intrusive cottages would be a far more reasonable suggestion and more acceptable to local residents. When looking at plans for the project it is as though residents of Crowther Close do not exist – it is as though they are “invisible”.
  - Lack of parking space at the proposed development will mean ever more congestion with people using Crowther Close as an overflow car park.
  - Even though Highways Department never come up with any support for our objections – the entrance/exits are dangerous. It is very difficult to see oncoming traffic when pulling out particularly traffic approaching from the right and there are often vehicles parked opposite the exit outside the garage. Also there is a distinct bend which means pulling out is a dangerous manoeuvre. There is a 30mph limit here – but this is all too often ignored and vehicles drive speedily through the village. As with the Conservation Department the Highways Department does not appear to do its job properly. Whatever excuse Highways make, the entrance and exit points are dangerously situated.
  - The previous proposals were eco-friendly. The new dwellings are not.
  - The new houses should be sited further away from Crowther Close and as a result would also have bigger gardens.
  - This development will have an adverse impact on the wild life within the conservation area i.e. butterflies, squirrels and numerous species of birds.
  - The recent changes to the scheme do not alter the fact that the development will have a harmful impact on the Conservation Area.

- The houses will cause overshadowing to properties in Crowther Close and will not themselves receive any evening sun.
- Parking space provision remains inadequate
- The changes still do not result in the proposed dwelling on plot 4 being located an acceptable distance from the adjacent properties in Crowther Close.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The application site is located on the west side of Staplehurst High Street (A229). It is within the village confines as defined in the Maidstone Borough-wide Local Plan 2000 Proposals Map. It is approximately 170m north of The Parade. The site entrance is via an open gateway opposite a garage premises on the eastern side of the High Street. The site amounts to some 0.315ha in area.

5.1.2 The proposed site is located to the southern side of Surrenden House. Surrenden House is a Grade II listed building and it and the application site lie within the Staplehurst Conservation Area. The site itself is screened from the A229 by an existing copse of trees. A line of trees runs along the southern boundary of the site which abuts a public footpath (Nicholson Walk). A further line of Lawson Cypress trees forms a tall hedge along the site's western boundary which lies at the rear of properties in Crowther Close. Trees within the site are subject to Tree Preservation Order no.2 of 1973.

5.1.3 The access to the site is as stated above from the A229 High Street via a 3.8m wide existing driveway. There is an existing gap in the copse through which access to the site for the housing itself would be gained. This access would be formed using a geo-grid method of construction. One Lime tree of poor quality may need to be removed. The Council's Landscape Officer agreed in November 2005 that this tree could be removed without harm to the environment. It is not subject to TPO no.2 of 1973 but is subject to Conservation Area notification requirements.

5.1.4 After passing through the gap in the copse the site opens up. It is currently an open grassed area located to the south of Surrenden House, bounded by Nicholson Walk to the south and the wall and cypress trees that form the site's western boundary with Crowther Close.

5.1.5 To the south of Nicholson Walk lies a detached bungalow, 'White Willows.' This is sited close to the footpath and is separated from it by a 1.8m high close-boarded fence which drops in height for a short section (two panels) to accommodate trellis sections adjacent to two north facing windows in an annexe to 'White Willows'. White Willows has a rear conservatory and two other west facing

windows that face out into the garden which runs along a further 45m length (approximately) of Nicholson Walk beyond the house. Beyond the rear boundary of White Willows lies the Staplehurst Scout Hut and this is close to the southwest corner of the application site, but separated from it by Nicholson Walk.

5.1.6 To the west of the site lie properties in Crowther Close. These are two-storeys in height and the rear gardens of numbers 9-15 (odd) directly back onto the site. Number 9 has a rear garden of approximately 15m in length, number 11 of approximately 11m, number 13 of approximately 7.5-8m in length and number 15 of approximately 8.5m in length. The wall at the end of their gardens is approximately 1.8m in height and the existing cypress trees approximately 10m in height.

## **5.2 Proposal**

5.2.1 The application is a full application and seeks permission for the erection of four detached dwellings on the site. The access to the site is the same as for application MA/09/1751 using the southern arm of the two current accesses to Surrenden off the A229 High Street. Entry to the site is gained via an existing gap in the trees.

5.2.2 An access road would serve the four dwellings. Three would front onto the road located on its south side and have rear elevations backing onto Nicholson Walk and the fourth would be located at its western end and backing onto Crowther Close to the rear.

5.2.3 The dwellings proposed are of a more 'traditional' design approach than the approved scheme. Plots 1 and 2 would each have five bedrooms, plot 3 would have 4 bedrooms and plot 4, three bedrooms. Plots 1 and 2 would have three car parking spaces and plots 3 and 4 two car parking spaces each.

5.2.4 Plots 1 and 2 would be approximately 9.5m to the ridge, 5m to eaves and would have accommodation over two floors with bedrooms in the roof which has bonnet hips and a ridge running east-west. Two flat-roofed dormers would face north towards Surrenden and the rear roof space would be lit by roof-lights. These two units would have an integral and an attached single storey garage.

5.2.5 Plot 3 would also be approximately 9.5m to the ridge and 5m to eaves, with accommodation over two floors and in the roofspace. Elevational treatment would be similar to plots 1 and 2 as would the treatment of the roofspace and the ridge and bonnet hips proposed. The garage on this unit would be integral. There would be a single-storey lean-to addition on the west side incorporating part of the kitchen/breakfast room.

- 5.2.6 Plot 4 has been amended and slightly re-sited since the application was submitted. The pitch of the roof on the unit has been lowered and the ridge is now 7.8m (previously 8.8m) and the eaves 4.2m (previously 5m). The ridge on this dwelling runs north south. Plot 4 is now located some 5.5m to 6.8m from the western site boundary compared to the previously approved dwelling (plot 5 of 09/1751) which was set some 4.5m from the boundary.
- 5.2.7 In terms of materials, the roofs would be clad in plain clay tiles with the exception of plot 4 which would be slate. Stock facing bricks and a contrasting red brick would be used. Any tile hanging would also be plain clay tiles.

### **5.3 Principle of Development**

- 5.3.1 The application site is located within the defined village envelope of Staplehurst which is designated in the Maidstone Borough-wide Local Plan 2000 as capable of minor development under saved policy H28.
- 5.3.2 The main change in Development Plan policy since the last permission is the publication of the National Planning Policy Framework in March 2012 and the revocation of the South East Plan 2009 as it affects Maidstone Borough.
- 5.3.3 Members should note however, that garden land had been removed from the definition of Previously Developed Land prior to planning permission being granted for application MA/09/1751.
- 5.3.4 In terms of the pattern and grain of the surrounding development this is varied and comprises the original pattern of linear development along the High Street to the east and south of Surrenden with more recent twentieth century development to the north and west of Surrenden. Surrenden itself has been converted into a number of residential units (6 in total) including 1 & 2 Surrenden Mews which are in buildings that run westwards from the main house and whose gardens face onto the current site. In addition, the existing wooded copse between the site and the High Street is to be retained.
- 5.3.5 The site is clearly open in character and visible from Nicholson Walk. The site is not classified as previously developed land and is considered to be greenfield as part of the garden of Surrenden.
- 5.3.6 A significant consideration is the extant planning permission for five dwellings approved on 7 April 2011 (extant until 6 April 2014) under application MA/09/1751.

5.3.7 Given the varied pattern and grain of development in the area and the extant planning permission, on balance I raise no objections to the principle of residential development on the site.

#### **5.4 Visual impact - General**

5.4.1 Whilst the site will not be visible from the High Street due to the intervening protected woodland area, the development will clearly result in a change to the appearance of the site through redevelopment on what is currently an open area to the south of Surrenden House. Members should however bear in mind that there is an extant consent for development of the site. The impact of the currently proposed development on the Conservation Area and Listed Building is addressed later, as is the likely impact on nearby residential properties.

5.4.2 The site is currently and will still be visible from the public realm by the users of Nicholson Walk. The trees currently sited along the boundary with Nicholson Walk within the site will however be retained with the exception of one Horse Chestnut tree which is in decline and will continue to provide screening and a setting for the site. Further tree planting and a new mixed species native hedgerow are proposed along the southern boundary.

5.4.3 The proposed houses will also bring development closer to Nicholson Walk than it currently is. I do not consider that the houses will be so close to the site's boundary as to unacceptably dominate the footpath. Increased surveillance of the footpath is a likely consequence of the development.

5.4.4 Whilst there would still be space around and between the buildings and to the east of the proposed dwellings as a buffer to the wooded area as well as the retained trees along the footpath, the current openness of the site would clearly be lost. However, on balance, I do not consider that the development would have such an adverse visual impact on the character of the area as to warrant an objection on this ground.

#### **5.5 Impact on Listed Building and Conservation Area**

5.5.1 The proposed houses are sited to achieve an acceptable degree of separation from the listed building in excess of 24m. The ridge height of Surrenden is approximately 10.5m and the eaves 9.2m. Plots 1-3 the tallest proposed houses, are around 9.5m to ridge and 5m to eaves level Plot 4 the closest dwelling to the listed building has a ridge height of 7.8m and an eaves height of 4.2m.

5.5.2 Whilst noting the views of the Conservation Officer, who Members will now note has no objections to plot 4, the minimum 24m separation between the existing buildings to the north of the site and the proposed development has resulted in a

proposed development that maintains in my view sufficient space and setting for the listed building.

- 5.5.3 I do not consider that the development as now proposed with albeit taller dwellings than the approved consent, does adversely affect the setting of the building. The development as now proposed has reduced the number of dwellings and has increased the separation between the dwellings at first floor and roof level providing for a visually more spacious development.
- 5.5.4 On this issue the applicants have submitted a comparison plan showing the massing of the approved dwellings and the proposed dwellings on plots 1-3. This plan indicate that although the proposed ridge of the dwellings on plots 1-3 is higher (1.6m) than the approved dwellings, it is set approximately 6.6m back from the front and rear elevations. There is also greater separation from the main rear elevation at 12.6m (previously 10.8m) from Nicholson Walk to the south of the site. I consider the current design to have less mass overall. The window heights of the attic rooms which are now proposed to be lit by dormer windows to the north elevation facing 'Surrenden' and rooflights to the rear, are no higher than the previously approved third storey windows.
- 5.5.5 In terms of the impact on the wider Conservation Area, as stated above, the development will result in the loss of a currently open area. Clearly there will be a change to the site's appearance when viewed from Nicholson Walk as a result. However, existing tree planting in the site will be retained and enhanced through further tree planting and the proposed hedgerow. The new houses will be seen through these trees and in my view will not harm the character of the area. On balance, I consider that the development will not harm the character of Nicholson Walk. There will be no change as to how Surrenden is seen in the context of the High Street given that the woodland close to the street is to be retained.
- 5.5.6 The orientation of the dwellings has also changed from the refused scheme for 4 dwellings and greater separation has been achieved from the western boundary and the properties in Crowther Close.
- 5.5.7 I consider that consideration of the potential impact on the listed building and the Conservation Area of the currently proposed scheme is balanced. Whilst as stated above, I note the comments of the Conservation Officer, it is my view that the proposed dwellings have a reduced overall mass compared to the approved scheme. Appropriate materials, commonly found in the surrounding area are to be used and the design has drawn on the local vernacular for its inspiration.

5.5.8 Given the fall-back position of the extant planning permission in my view the scheme as proposed does preserve the character of the Conservation Area, in that one fewer dwelling is proposed and that overall the massing of the dwellings is reduced. It is on balance therefore that I do not raise objections to the impact of the development on the Conservation Area or the setting of 'Surrenden.'

## **5.6 Design**

5.6.1 Turning to the design of the dwelling themselves, they are of a traditional vernacular design. The detailing is considered to be appropriate notwithstanding the Conservation Officer's concerns regarding height. The designs as now proposed have vitality and elevational interest, through the use of the elements of the local vernacular, bonnet/barn hips window headers, corbelled eaves etc.

5.6.2 The dwelling on plot 4 has been reduced in height and is now considered to have an acceptable impact on the properties in Crowther Close being of a much reduced scale to the most recently refused consent.

5.6.3 The proposed materials are considered to be appropriate and will provide a good quality external appearance.

5.6.4 Subject to appropriate conditions to safeguard the detailing of the design as now proposed and the quality of the proposed materials, I consider that the development is acceptable in terms of its design.

## **5.7 Residential Amenity**

5.7.1 The use of the access road will not result in any unacceptable impact on the occupiers of the apartments within Surrenden House given the separation from the gardens of the apartments by a landscaped area to the north of the driveway. The proposed houses (plots 1-3) themselves are sited between 24m and 28m from the flank of Surrenden House and Surrenden Mews. Plot 4 is located some 14m from Surrenden Mews. I do not consider that the development would result in a loss of amenity to the occupiers of Surrenden House or Surrenden Mews.

5.7.2 In terms of the impact on the occupiers of the properties to the west of the site in Crowther Close, the closest two units are units 3 and 4.

5.7.3 Number 9 Crowther close would have an angled view of unit 4 and would in fact directly face on its proposed garden area and would be sited approximately 24m from unit 4.

- 5.7.4 Plot 4 is sited closest to 11 Crowther Close and would be located approximately 18.5m from the current rear wall of that property. Given this degree of separation, together with the lower overall height of the building at 7.8m (previously 8.8m) to ridge and 4.2m (5m) to eaves, and the fact that the roof is pitched away from the boundary, I do not consider that the development would have such an unacceptable overbearing impact on the occupiers of that property as to sustain an objection on these grounds. Two first floor windows (serving an en-suite and a secondary window to a bedroom) face towards no 11. These are small windows and can in any event be conditioned to be obscure glazed. Unlike the previous scheme, the cypress hedge is shown to be retained in this development.
- 5.7.5 Unit 3 would be sited to the rear of 13 and 15 Crowther Close. As stated earlier in the report, this is a two storey dwelling with accommodation the roofspace, it would be a maximum of 9.5m in height. There is a single-storey addition on the west side some 4.5m from the boundary with the main flank wall of Plot 3 some 7m from the boundary. The rear garden of 13 Crowther Close is, as stated earlier in the report, approximately 8m in length giving a separation of around 17.5m-18m to the main two-storey flank of the proposed building. Number 15 Crowther Close would be separated from the main two-storey flank of plot 3 by approximately 17m.
- 5.7.6 The other potentially affected property is 'White Willows' lying to the south side of Nicholson Walk. As described earlier, this property is a bungalow which has two rear facing windows and a rear conservatory (sited towards the southern half of the property's rear elevation) as well as a long rear garden that abuts Nicholson Walk. The north west corner of the rear wall of White Willows is situated approximately 15m east of the point where the rear garden of Plot 1 meets Nicholson Walk, and thus would be sited approximately 22m and at an angle to the closest point of the rear wall of Plot 1 which is set some 12.5m in from the site boundary. The rear conservatory on White Willows is sited approximately 8m south of the north west corner of the dwelling and projects approximately 5.7m into the garden from the rear wall of the bungalow. This would mean that the house on plot 1 would be sited approximately 28m north of the westernmost extent of the conservatory, a distance that would not be likely to result in an unacceptable loss of privacy or amenity. Additionally, with the exception of one poor quality (due to its condition and evident decay) Horse Chestnut tree, that is recommended for removal or pollarding, the existing tree planting within the site is to be retained, providing additional screening. Although in the winter months this screening would be reduced I remain of the view that the separation distance and the angles involved are sufficient to maintain an acceptable level of privacy to the occupiers of White Willows.

5.7.7 I do not consider therefore that the development would cause such an unacceptable loss of privacy or amenity to the occupiers of neighbouring properties as to warrant and sustain an objection on this basis.

## **5.8 Highways**

5.8.1 There are no highway objections to the development on highway safety grounds or the impact on the local road network. It is also considered that the level of car parking provision, at two parking spaces/unit, is acceptable. The site is on a public transport route and well sited in relation to local services.

## **5.9 Ecology and landscaping**

5.9.1 An ecological survey has been submitted which has been considered by Natural England. They are content with its findings. The comments of KCC ecology are noted but I consider that they can be addressed though the condition recommend by Natural England. The applicants have proposed to enhance the potential for bats and birds on the site through the provision of nest and roosting boxes within the woodland area and retained trees

5.9.2 Detailed arboricultural information has been submitted in relation to the application. The information shows that only four trees within the site would be removed as a result of the development. The largest tree to be removed is to the rear of Plot 1 (Horse Chestnut) and it has been surveyed and shown to be in decline/dying, its removal has also accepted previously in 2005 by the Landscape Officer. All other trees including the remaining ones along the boundary of the e site with Nicholson Walk are to be retained. It has been demonstrated that the construction can take place with measures in place to ensure that this is the case. I consider therefore that the direct impact of the development on trees within the site is acceptable.

5.9.3 Members will also note that the retained trees not subject to Tree Preservation Order no.2 of 1973 are subject to the normal controls on trees located within Conservation Areas and as such any works would require the Council to be notified.

5.9.4 On balance therefore, I raise no objections to the development on landscaping or ecology grounds.

## **6. CONCLUSION**

6.1 The development will have an impact on the character and appearance of the area. However, I consider the design to be appropriate and well detailed. The proposed houses will not harm the character of this part of the Staplehurst

Conservation Area or the setting of Surrenden a Grade II listed building. There are no highway objections to the development.

- 6.2 The impact of the development on its neighbours has been carefully considered. Whilst the development will have some impact on the outlook of adjacent properties I do consider that, for the reasons assessed earlier in the report, will not be sufficient to warrant and sustain an objection to the development on this ground.
- 6.3 As stated earlier in the report, I consider that consideration of the potential impact on the listed building and the Conservation Area of the currently proposed scheme is balanced in this case. The comments of the Conservation Officer are noted, however, it is my view that the proposed dwellings have a reduced overall mass compared to the approved scheme. Appropriate materials, commonly found in the surrounding area are to be used and the design has drawn on the local vernacular for its inspiration.
- 6.4 Given the fall-back position of the extant planning permission in my view the scheme as proposed does preserve the character of the Conservation Area, in that one fewer dwelling is proposed and that overall the massing of the dwellings is reduced.
- 6.5 It is on balance therefore that I do not raise objections to the impact of the development on the Conservation Area or the setting of 'Surrenden. I also consider the proposed design of the dwellings to be acceptable and subject to appropriate safeguarding conditions the following recommendation is appropriate.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
12.32.01, 32revB, 33revB, 34revB, 35revA, 210, 211, 212, 213, 214, 222 received 03/07/2013 drawing nos. 2135/12/3 and 1235/12/4revA received 11/07/2013, drawing nos. 12.32.SK215revA, 216revA, 217revA, 218revA,

219revA, 220revA and 221revA received 28/11/2013 and drawing no 12.32.200revD received 02/12/2013;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers and the surrounding area.

3. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials; The submitted details shall provide for the use of plain clay tiles for the roofs of plots 1-3 and natural slate for plot 4.

Reason: To ensure a satisfactory appearance to the development.

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

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

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

Reason: No such details have been submitted.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the

occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B, C, D, E and F and Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority;

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

8. The dwellings shall achieve at least code 3 of the Code for Sustainable Homes. A final Code certificate shall be issued not later than one calendar year following first occupation of the dwellings certifying that level 3 has been achieved.

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

9. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction-Recommendations'.

Notwithstanding the details on drawing nos 1235/3 and 1235/12/4revA received 11/07/2013, no work shall take place on site until full details of protection including the RPA of tree T2 have been submitted to and approved in writing by the Local Planning Authority.

The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local

Planning Authority;

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

10. No lighting shall be erected or placed on the site or on the walls and roofs of the buildings hereby permitted unless details have first been submitted to and approved by the Local Planning Authority. The details submitted for approval shall include;

- i) the submission of lighting contour plots showing the site and adjoining development;
- ii) sufficient detail to demonstrate that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2 and;
- iii) measures to demonstrate that light spillage into the proposed landscaped area has been minimised.

The development shall be carried out in accordance with the subsequently approved details and maintained thereafter.

Reason: In the interests of the character of the area, ecology and the amenity of nearby residents.

11. The development shall not commence until details of ecological enhancement measures have been submitted to and approved by the Local Planning Authority. The submitted details shall include:-

- i) the provision of bird and bat boxes
- ii) the provision of hibernacula
- iii) the retention and location within the site of a proportion of the cordwood arising from felled trees

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

Reason In the interests of ecology and biodiversity.

12. Prior to the commencement of any works which may affect great crested newts or reptiles and or their habitat, a detailed mitigation and monitoring strategy should be submitted to, and approved in writing by the local planning authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason In the interests of ecology and biodiversity.

13. Pedestrian visibility splays 2m x 2m with no obstruction over 0.6m above the access footway level shall be provided at the site access with the A229 High Street prior to the commencement of any other development in this application and shall be subsequently maintained thereafter.

Reason: In the interests of pedestrian and highway safety.

14. No unit within the development hereby permitted shall be occupied until the passing bay on the access driveway between the A229 and the entrance to the site as shown on drawing no. 12.32.200revD has been provided. The bay shall be constructed using a no-dig construction method and surfaced with a permeable surface. Details of the construction method and surfacing shall be submitted to and approved by the local planning authority prior to the commencement of the development and the development thereafter undertaken in accordance with the subsequently approved details.

Reason: In the interests of pedestrian and highway safety.

15. The first floor west facing windows to plots 3 and 4 shall be obscure glazed and fixed shut and maintained with the exception of a top-hung opening fanlight sited at least 1.7m above internal floor level.

Reason: In the interests of residential amenity of adjoining occupiers.

### **Informatives set out below**

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

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

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

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide

Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.

A photograph of a road with trees and a house number 59. The road is paved and has white dashed lines. On the left side, there is a white van and a red car. On the right side, there is a sidewalk, a curb, and a dense line of trees. A house number '59' is visible on the trees. The sky is bright and overcast.

59

60

A gravel driveway leads through a wooded area. On either side of the driveway are wooden gates. The trees are mostly bare, suggesting autumn or winter. The number '60' is overlaid on the left side of the image.



61

A photograph of a residential yard. In the foreground, a lawn is covered with patches of snow. A brick fence runs across the middle ground. Behind the fence, there is a row of tall, dark evergreen trees. To the left, there are bare deciduous trees. The sky is bright and overcast. The number '62' is overlaid on the image in a large, black, sans-serif font.

62

63



64

A photograph of a residential property. In the foreground, there is a grassy area with some fallen leaves. A wooden fence runs across the middle ground. Behind the fence, there are several trees, including a large, dark evergreen tree in the center. In the background, a house with a gabled roof and a white porch is visible. The house has some lights on, suggesting it might be dusk or dawn. The overall scene is somewhat dimly lit, with a soft, warm glow from the house's lights.

65

A photograph of a field with snow and trees. The foreground is a grassy field with patches of snow. In the background, there is a dense line of trees, including evergreens and bare deciduous trees. The sky is overcast and grey.

69



A gravel path lined with a wooden fence and trees. The path is covered in fallen leaves, and the fence is made of vertical wooden posts. Large trees with bare branches are visible in the background. A street lamp is visible in the distance on the left side of the path.

67

A photograph of a large, multi-trunked tree with a wooden fence in the foreground and a path covered in fallen leaves. The scene is captured in a warm, golden light, likely during sunset or sunrise. The tree's branches are bare, and the ground is covered in a thick layer of brown and orange leaves. A wooden fence runs across the middle ground, and a path leads away from the viewer on the left. The number '68' is overlaid in the center of the image.

68



69

70

A photograph of a wooden fence in a yard. The fence is made of vertical wooden planks and runs across the middle of the frame. Behind the fence, there is a house with a dark roof and a chimney. Several trees are visible, including some with bare branches and some evergreens. The ground in the foreground is covered with fallen leaves. The number '70' is written vertically on the left side of the fence.



71



72



73

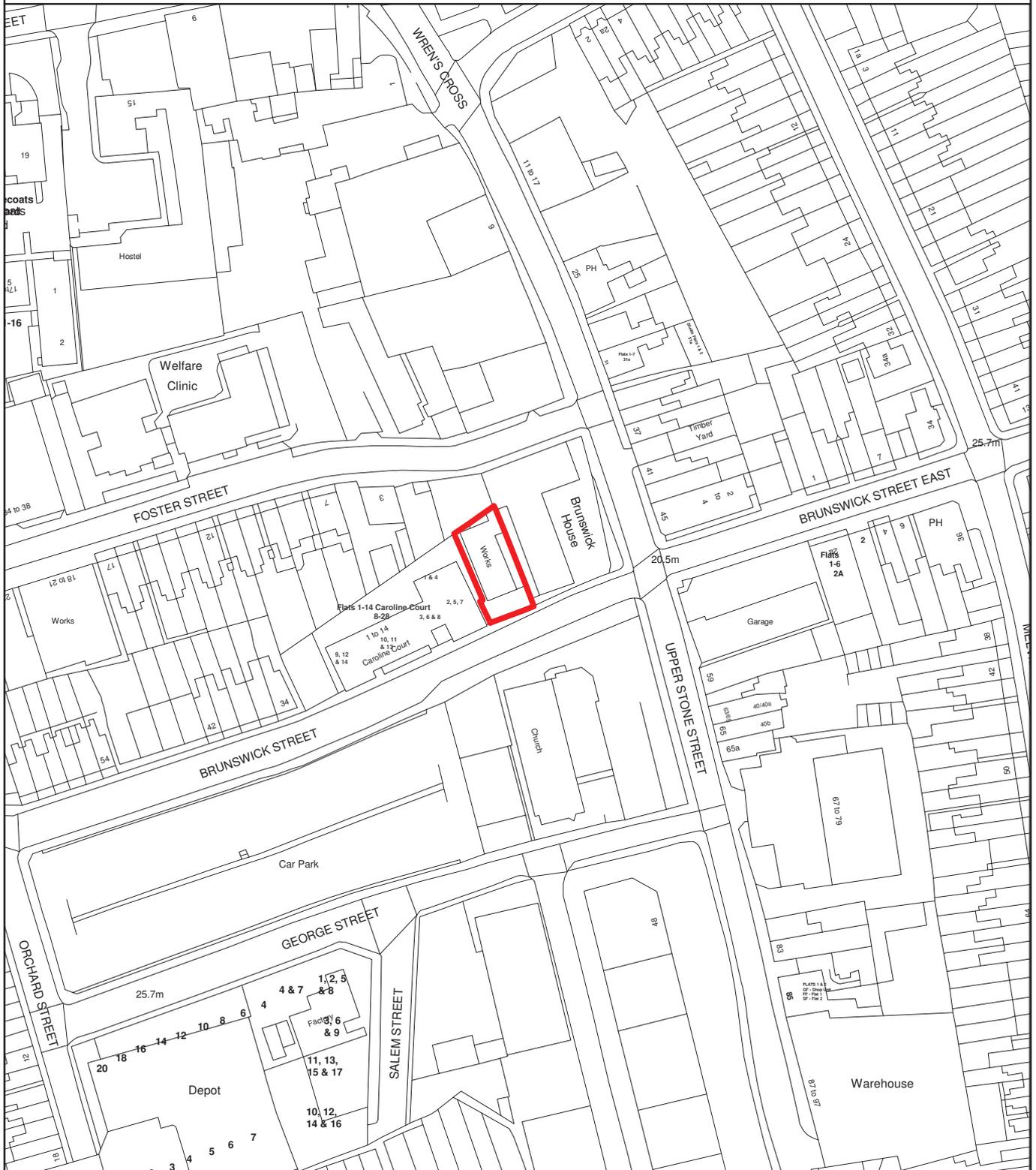
# Agenda Item 15

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1385

GRID REF: TQ7655

2-8 BRUNSWICK STREET,  
MAIDSTONE.



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**Rob Jarman**  
Head of Planning and Development

APPLICATION: MA/13/1385 Date: 6 August 2013 Received: 6 August 2013

APPLICANT: HSW Holding Ltd.

LOCATION: 2-8, BRUNSWICK STREET, MAIDSTONE, KENT, ME15 6NP

PARISH: Maidstone

PROPOSAL: Outline application for the erection of a four storey building comprising eight 1-bedroom flats with access, layout, scale and appearance to be determined and landscaping reserved for subsequent approval as shown on site location plan and drawing nos. 2037/1revD and 2037/2revD, Design and Access Statement and Acoustic Assessment received 06/08/2013.

AGENDA DATE: 27th February 2014

CASE OFFICER: Steve Clarke

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

- Councillor Mrs Wilson has requested it be reported for the reason set out in the report

**1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13, CF1
- Government Policy: NPPF 2012

**2. HISTORY**

MA/13/2095: An application for minor material amendments to permission MA/10/2004 (Construction of a block of eight, one bedroom residential apartments), including a reduction to six, one bedroom apartments: APPROVED 12/02/2014

MA/11/0443: Outline application for demolition of existing building and construction of nine flats with access, appearance, layout and scale to be considered at this stage and landscaping reserved for future consideration: REFUSED 07/07/2011

MA/10/2004: Application to extend the time limit for implementing permission MA/07/2060 being construction of a block of eight, one bedroom residential apartments: APPROVED 06/01/2011

MA/10/1955: An outline application for the demolition of existing buildings and construction of nine flats with landscaping to be considered at this stage and access, appearance, layout and scale reserved for future consideration (Resubmission of MA/10/0608): REFUSED 24/01/2011

MA/10/0608: An outline application for the demolition of existing buildings and the construction of 10 no. one bedroom flats with access, appearance, layout and scale to be considered at this stage and with landscaping reserved for future consideration: WITHDRAWN 15/10/2010

MA/07/2060: Construction of a block of eight, one bedroom residential apartments: APPROVED 27/11/2007

MA/07/1249: Construction of a block of three apartments with parking: APPROVED 09/08/2007

### **3. CONSULTATIONS**

#### **3.1 Kent Highway Services:** No objections

'The application proposes 8 one bedroom flats with nil parking provision for cars and 8 cycle spaces. The Kent Design Guide Interim Guidance Note 3 recommends a maximum of 1 car parking space per dwelling in town centre/edge of centre locations.

The site is in a sustainable location within close walking distance of the town centre facilities, in close proximity to public transport and off street public car parking is available nearby.

In view of this I have no objections to the proposal in respect of highway matters.'

#### **3.2 Southern Water Services:** Have advised that they require a formal application for any connection to the public sewer to be made, and request that the applicant be advised of this and that they are where/how to make the application.

#### **3.3 UK Power Networks:** No objections

#### **3.4 MBC Environmental Health:** No objections

'The previous application for this site, MA/11/0443 (for the construction of nine flats) was withdrawn on the grounds of height & scale, but earlier applications MA/07/2060 and MA/07/1249 were granted with various conditions including those recommended by Environmental Health. This application appears to differ only slightly to the earlier ones in that it involves permission for one less flat.

Previously I had noted that the site is in a mixed residential area and that there is a detached building to the east of the site which is in full commercial use; so there is potential for noise impact on future residents plus the added possibility of noise from traffic in Upper Stone Street. A noise acoustic assessment by Practical Acoustics, dated Nov 2010 entitled PPG24 Assessment, ref 4628.PPG24.01, appears to have been submitted with this latest application. This assessment concluded that the site would be classified as Noise Exposure Category C under the now defunct PPG24, so mitigation will be required for any building at 2 to 8 Brunswick St for which this report was originally written.

With regard to the previously approved applications MA/07/2060 & MA/07/1249, I note that Environmental Health previously recommended air quality, noise and contaminated land conditions; but the planners chose only to apply conditions regarding the latter two subjects. No Air Quality or Contaminated land reports appear to have been received so I can only reiterate the relevant parts of my previous comments:

*The site is also close to, but not in, a known air quality hotspot, and an air quality assessment should be required in this particular case. Any demolition or construction activities will definitely have an impact on local residents and so the usual informatives should apply in this respect. The buildings to be demolished should be checked for the presence of asbestos and any found must only be removed by a licensed contractor.*

*As the proposed redevelopment is on the site of a former works it may have suffered from a past contaminative use; therefore a contaminated land assessment of the site should also be carried out.*

*Rooms with similar uses should be situated above each other to minimise noise disturbance to occupants. If this is not possible, additional sound insulation works should be carried out between areas of the dwellings where there are conflicting uses. This applies to the first floor living rooms being located above the ground floor bedrooms.*

It should also be noted that Section 54 of the Clean Neighbourhoods & Environment requires developers to produce a site waste management plan for any development which is over £300,000. The plan must be held on site and be freely available for view by the local Authority at any time.'

Suggested conditions relate to land contamination and air quality. Informatives relate to conduct and hours of operation on site during construction.

#### **4. REPRESENTATIONS**

4.1 **Cllr Mrs Wilson** has requested that if the application is recommend for approval the application be considered by the Planning Committee for the following reasons.

'By virtue of the strength of local feeling and issues to do with design, amenity space and parking issues, the three High Street Ward Councillors consider this application should be heard in public by the Planning Committee.'

- 4.2 **Two** letters of objection from nearby residents have been received. Objections are raised on the grounds that the lack of car parking for the scheme will cause more problems in the area.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

- 5.1.1 The site is within the urban area of Maidstone close to the town centre. It is located on the north side of Brunswick Street, to the west of Upper Stone Street. The site amounts to approximately 0.023 hectares in area.
- 5.1.2 Opposite the site are car hire/sales premises, immediately to the east is a two-storey flat roofed building in use as a car repair centre and offices. To the north the site is bounded by vacant land fronting Foster Street (at a lower land level) and to the west it is bounded by a recently erected block of residential apartments (Caroline Court).
- 5.1.3 The previously existing single-storey industrial building has now been demolished and the site is currently vacant, in a rather untidy condition and appears to be in use as a temporary car-park/car storage area.
- 5.1.4 The site has no specific designation in the Maidstone Borough-wide Local Plan 2000.

### **5.2 Proposal**

- 5.2.1 This is an outline planning application for the erection of a four-storey block of eight 1-bedroom flats.
- 5.2.2 Approval is sought for access, layout, scale and appearance. Landscaping is reserved for subsequent approval.
- 5.2.3 The proposed building is shown to have a red-brick ground floor with render above under a flat roof, which has a small lantern above the central staircase. There would be projecting bay windows at first and second floor level to the front elevation; to the rear each apartment would have a 'juliette' balcony to the kitchen/dining room. The two ground floor flats would each have an outdoor private amenity area.
- 5.2.4 The two ground floor flats would be accessed from the western and eastern sides of the building and access to the rear outdoor drying, bin store and cycle parking area would also be possible down either side of the building. The upper floor flats would be accessed from the Brunswick Street elevation.

5.2.5 The building is proposed to be set some 1m in from either side boundary of the site and would be 10.8m to the cornice at eaves level and 11.2m to the roof. The building would be set back some 1.8m from the back edge of the footway along Brunswick Street and be set between 9m and 7.5m from the tapering rear boundary of the site. It is shown to be approximately 8m in width and 12.6m in length.

### **5.3 Principle of Development**

5.3.1 The site comprises previously developed land within the urban area of Maidstone on a sustainable site close on the edge of Maidstone Town Centre. There is also an extant permission for the redevelopment of the site for residential purposes. No objections are therefore raised to the principle of development.

### **5.4 Design and visual impact**

5.4.1 Planning permission MA/11/0443 was refused on the following ground.  
'1. The proposed development by reason of its likely height and scale relative to the narrowness of the site and its resultant relationship to the existing buildings to the east and west would result in a form of development that would appear out of character with and cause harm to the appearance of the area. To permit the development would be contrary to policies CC6 and BE1 of the South East Plan 2009 and the advice in PPS1 and PPS3.'

5.4.2 The previous building was a five-storey building comprising 9 flats (8x 1-bed 1 x 2-bed) and included a lower ground floor lit by a light well. The building would have been 10.8m to eaves (at ground level) and 11.4m high overall measured from ground level. From the basement level it would have been approximately 13.6m to eaves and 14.2m approximately in height overall.

5.4.3 The removal of the lower ground floor has in my view lessened the mass and apparent height of the development to an acceptable degree. The relationship between the taller block to the west and the commercial building to the east is now considered acceptable. The proposed transition between the buildings at this end of Brunswick Street will be better in streetscape terms than that which existed previously with the single-storey industrial building.

5.4.4 The provision of the bays to the front elevation has introduced layering and interest to the elevation, details of the fenestration, cills and window heads can be secure by condition. The rear elevation is also considered to be appropriately designed and details of the balustrades can be secure by condition. The projecting eaves and cornice detail is also considered to provide an appropriate relationship with the taller block to the west.

- 5.4.5 The extant permission (MA/102004 as now varied by MA/13/2095) indicates the erection of a three storey building with a pitched roof with the ridge running east to west. The external measurements of the building as approved are approx. 12m 'deep', 8.5m in width, 7.7m to eaves level and 10.4m to the ridge with a gap of 1m to the side boundaries. Six one-bedroom flats are proposed with an internal arrangement similar to the current application, with the ground floor flats being accessed from either side of the building and the upper floors from the Brunswick Street frontage. I consider that the currently proposed design sits better with the adjacent buildings given its flat roof construction and the slightly increased overall height that gives a better transition between Caroline Court, the application site and the commercial buildings to the east.
- 5.4.6 The indicated materials of the current proposals, brick and render, are considered to be appropriate in principle subject to details being agreed.
- 5.4.7 No objections are raised to the development on the grounds of design or adverse visual impact.

## **5.5 Residential Amenity**

- 5.5.1 No significant loss of privacy to adjacent properties will result, nor would there be any significant loss of light or outlook. I note that windows in the flank wall of the residential development to the west (Caroline Court) would be likely to be affected but they appear to be secondary windows rather than windows serving primary accommodation.
- 5.5.2 The amount of garden space is adequate, noting that there would be a significant fall in levels beyond the rear garden boundary which would presumably need to be dealt with by some kind of retaining wall.

## **5.6 Highways**

- 5.6.1 There are no highway objections to the proposals from the KCC Highways Officer. Although there is no off street car parking proposed and there has been none in the previous permissions that have been granted on the site, this edge of town centre site is within walking distance of the town centre and public transport facilities. A 'nil provision' continues to be acceptable here.

## **5.7 Landscaping**

- 5.7.1 This is a reserved matter for subsequent approval. The submitted plans show the provision of a hedgerow and railings to the Brunswick Street elevation and

window boxes for the ground floor flats. Indicative tree and shrub planting is shown to the rear of the building.

5.7.2 I consider that it will be possible to provide some appropriate landscaping to the site, subject to the necessary reserved matters application being submitted.

## **5.8 Other Matters**

5.8.1 The application was accompanied by an acoustic assessment. This has shown that it is possible to provide appropriate mitigation against external noise sources. It would be appropriate to ensure that these measures are secured by means of an appropriate condition.

5.8.2 Although the previously existing building has now been demolished I still consider it appropriate to ensure any contamination is appropriately remediated.

5.8.3 An air quality assessment has also been requested by the Environmental Health team. I do consider that this is appropriate given that the Air Quality Management Area has been extended since the original permissions were granted when the site fell outside the designated area.

5.8.4 The applicant has indicated that they are in agreement to the development achieving Code for Sustainable Homes Level 4. This can be conditioned

5.8.5 The applicant has also indicated that they are content for a condition relating to the provision of bat/swift bricks to be imposed. The provision of these would be an appropriate enhancement. There are no other ecological implications arising from the development.

5.8.6 Given that only eight flats are proposed, no s106 contributions are required as the development is below the relevant thresholds used to seek contributions to development schemes.

## **6. CONCLUSION**

6.1 Residential development on this sustainably located, previously developed, edge of Town Centre site is acceptable in principle.

6.2 The proposed design is now considered to have overcome the previous grounds of refusal. An appropriate relationship between the proposed development and the adjacent buildings has been secured.

6.3 I consider that appropriate landscaping can be provided at reserved matters stage.

- 6.4 The concerns regarding the lack of car parking are noted. However the proposals do accord with the majority of the previous approvals which have not provided any car parking on the site. The site is in a sustainable location on the edge of the town centre and with good access to public transport facilities and services. Kent Highway Services have raised no objections to the lack of car parking provision or on highway safety grounds.
- 6.5 Subject to appropriate conditions, the scheme is considered acceptable and the following recommendation is appropriate.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

- a. Landscaping

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

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

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

2. Notwithstanding the details shown on drawing 2037/1revD, the details of the reserved matters of landscaping submitted pursuant to condition 1 above shall show, inter-alia,
  - i) The provision of a privet hedge (*Ligustrum vulgare*) to the frontage of the site to Brunswick Street.
  - ii) The provision of bat and/or swift bricks on the building in appropriate locations.

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development.

3. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building

hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

4. The development shall not commence until, details of all fencing, walling and other boundary treatments 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. The submitted details shall include the provision of metal railings of between 1.0m and 1.2m in height to the Brunswick Street frontage of the site set to the front of the hedge required by condition 2 above.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

5. The development shall not commence until, details of the proposed slab levels of the building and the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

6. The development shall not commence until:

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

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

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

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

Reason: To prevent harm to human health and pollution of the environment.

7. The development shall not commence until details, in the form of large scale drawings as appropriate, of the following have been submitted to and approved in writing by the local planning authority:
- i) Details of fenestration
  - ii) Details of the glazed balustrades to the rear elevation
  - iii) Details of the eaves and cornice

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

Reason: To ensure a satisfactory appearance to the development.

8. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. The dwellings shall not be occupied until a final Code Certificate has been issued for them certifying that at least Code Level 4 has been achieved;

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

9. The development shall not be commenced until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:

1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter

Reason: To prevent harm to human health.

10. The development shall not commence until details of the acoustic mitigation measures recommended in the acoustic assessment prepared by Practical Acoustics ref 4628.PPG24.01 dated November 2010 have been submitted to and approved by the local planning authority. The subsequently approved mitigation measures shall be implemented prior to the first occupation of the development and maintained thereafter.

Reason: In the interests of the amenities of future occupiers.

11. The development hereby permitted shall be carried out in accordance with the following approved plans:  
2037/1revD and 2037/2/revD;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

### **Informatives set out below**

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

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

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

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.

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

A formal application for connection of the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, the developer is advised to contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel: 01962 858688)

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

**Item no. 15**      **Page no. 51**  
**Reference no. MA/13/1385**

**Address 2-8 Brunswick Street**  
**Maidstone**

### **Representations**

A letter of support for the application has been received which states that the flats will be a benefit to the area, given the gradual decline of Stone Street and adjacent roads that has occurred over the last 19 years the writer has been resident in the area.

### **Recommendation**

My recommendation remains unchanged

88

20. 2. 2014



68

20. 2. 2014



Community Centre

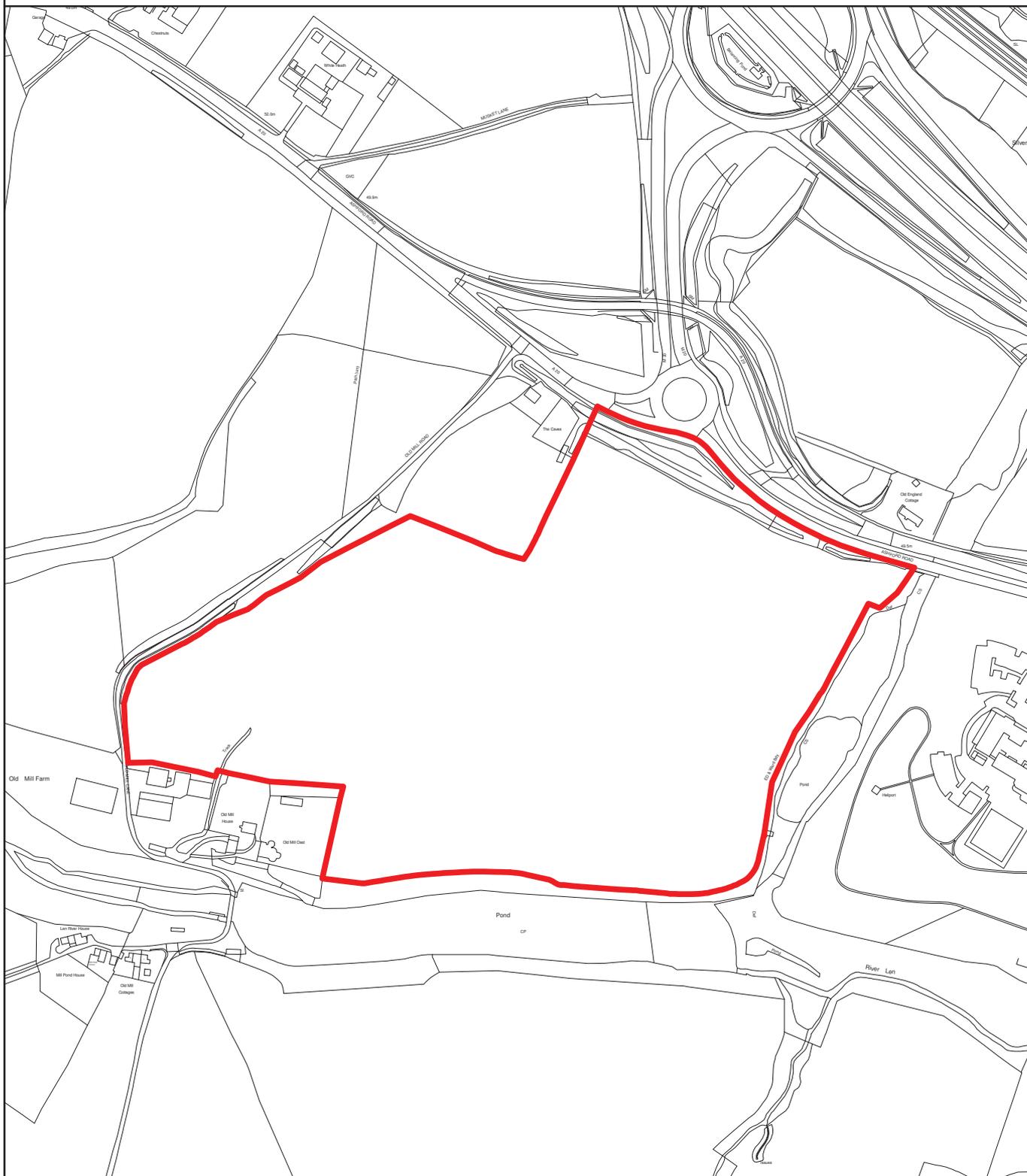
06

20. 2. 2014

# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1549 GRID REF: TQ8154/8254

WATERSIDE PARK M20 J8,  
ASHFORD ROAD, HOLLINGBOURNE.



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**Rob Jarman**  
**Head of Planning and Development**

APPLICATION: MA/13/1549 Date: 6 September 2013 Received: 24 September 2013

APPLICANT: Gallagher Properties Ltd, Automotive, Distributors Ltd & Scarab Sweepers Ltd.

LOCATION: WATERSIDE PARK M20 J8, ASHFORD ROAD, HOLLINGBOURNE, KENT

PARISH: Hollingbourne

PROPOSAL: 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 warehouse building (23,533m<sup>2</sup>) and associated offices (4,145m<sup>2</sup>) with access, service yard, parking and landscaping as shown on drawing nos. 13026/TP/001revA, 002revB, 005revC, 008revB, 009revC, 010revA, 011revB, 014revA, JEC/346/01, Design and Access Statement, Planning Statement, Environmental Statement and Technical Appendices, Economic Impact Statement, Draft Framework Travel Plan, Tree Report, received 24/09/2013, agricultural land classification report received 14/10/2013 and amended Table at Page 62 of ES Technical Appendices 02-08 pt2/TA2 received 15/10/2013, letter and applicant's response to KCC and Kent Downs AONB Unit comments received 21/11/2013, letter dated 28/11/2013 applicant's response to Leeds Castle Foundation representations on heritage issues received 28/11/2013, applicant's response to KCC Highways comments received 04/12/2013, Letter and additional information and drawing nos. 13026/TP/003revD, 004revH, 006revE, 007revC, 012revE, 013revD, 015revB, 117, 118,119revA and 13026/SK/032 received 23/12/2013, applicant's response to Natural England further comments received 17/01/2014 and letter dated 11/02/2014 and Arboricultural Implications Assessment Report received 11/02/2014.

AGENDA DATE: 27th February 2014

CASE OFFICER: Steve Clarke

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

- The Head of Planning and Development has referred this application to Committee as consideration of the application is controversial in nature.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV33, ENV34, ENV42, ENV49, ED9, T13, T23.
- Government Policy: NPPF 2012

## **2. HISTORY**

**MA/13/0050:** Scoping opinion sought in respect of an Environmental Statement to be submitted in relation to a proposed development being:

- 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

## **3. CONSULTATIONS**

### **Parish Councils**

- 3.1 **Hollingbourne Parish Council:** Object and wish to see the application refused. '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]. The cost of that enquiry was almost £4million of tax payers money, which is a fact lodged in the memory of the electorate. The Planning application for Eclipse Park (B1/B2 designation for commercial growth in the Borough, part of the planning statement said that it was unlikely that there would be any need for this type of activity in the future. The planning application for Waterside Park is based on a need for speculative development.

Hollingbourne Parish Council **rejects** all the current site specific proposals adjacent to Junction 8 of the M20.

We have concerns for the protection of the area adjacent to the Thurnham Aquifer and for the protection of the River Len and the Mill stream. 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**.

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".

### **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.

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.

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.

## **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.

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.

## **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.

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.

## **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 remodeling 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.

## **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, amidst a corridor of significant tourism (Leeds Castle, The Great Danes Mercure Hotel and Bearsted Caravan Club site, completely destroying its character and social function.

The proposals will have a devastating impact on the local landscape including the setting of the North Downs ANOB. 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.

Hollingbourne Parish Council 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 Parish Council **objects** to these proposals and respectfully requests Members refuse this application.'

### 3.1.1 Subsequently additional comments were made

'We have formally objected to the above application relating to an area known to the developer as Waterside Park.

At the time of our objection we were not aware of the extent of the excavations and that sand would be extracted as a potential building product. This changes the nature of the application to one of Mineral Extraction which Maidstone is not competent to decide.

The matter is now one where the decision has to be made by Kent County Council and adds to our objection that the application is premature. We suggest that the application should not be verified and referred back for the relevant application to Kent County Council.'

### 3.2 **Leeds Parish Council:** Object

'Leeds Parish Council strongly objects to the above planning application submitted for Waterside Park and 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 ANOB.

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.

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.'

- 3.2.1 Leeds Parish Council reiterated its earlier comments following their consideration of the additional information that was submitted by the applicants on 23 December 2013:

### 3.3 **Thurnham Parish Council:** Object

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 ANOB. 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.

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.

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.'

3.3.1 Thurnham Parish Council reiterated its earlier comments following their consideration of the additional information that was submitted by the applicants on 23 December 2013:

3.4 **Bearsted Parish Council:** Object

'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, saved policy ENV28 of the Maidstone Borough Wide Local Plan 2000 and to interim Local Plan Policy CS5 policy because it is on a green field site in a totally unsustainable and isolated rural 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, open and unspoilt 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 three 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) seriously and comprehensively prejudice and compromise the on-going work by Maidstone Borough Council in preparing its Local Plan; and
  - 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 the Secretary of State's decision on KIG and the policies of the National Planning Policy Framework which presumes in favour of sustainable development and emphasises 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; and
- 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.

In addition, the Parish Council:

1. requests the Borough Council to make urgent progress with its new Local Plan as its existing Local Plan is rapidly becoming overtaken by events resulting in:
  - i) the submission of speculative planning applications, like the one at Waterside Park which is in a totally unacceptable location;
  - ii) the diversion of its planning staff away from local plan work to dealing with such applications and appeals (as happened with KIG);
  - iii) the future development pattern of Maidstone being determined by planning appeals rather than by a locally determined planning policies; 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.'

Bearsted Parish Council will wish to send a representative to address the Borough Council's Planning Committee when this planning application is considered.'

### 3.5 **Detling Parish Council: Object**

'Detling Parish Council OBJECTS strongly to this proposal as a 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.

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.

#### 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.

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.

Increase of HGV traffic will escalate congestion over a wider area of the highway network, M20, M26, M25, A20, A249, A229 and M2/A2.

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.

#### 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.

#### 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.

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.

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 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.

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.'

3.5.1 Detling Parish Council reiterated its earlier comments following their consideration of the additional information that was submitted by the applicants on 23 December 2013:

### 3.6 **Joint Parishes Group**

'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.

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].

The JPG objects to all the current site specific proposals adjacent to Junction 8 of the M.20.

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.

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.

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".

### **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.

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.

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.

### **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.

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.

### **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.

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.

### **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 remodeling 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.

### **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.

The proposals will have a devastating impact on the local landscape including the setting of the North Downs ANOB. 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.

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. 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 refuse this application.'

### **Other Statutory Consultees**

- 3.7 **Kent County Council:** KCC has submitted a lengthy and detailed response to the application. The conclusions state as follows:

'Before discussing the detail of the planning application, we must register our serious and significant objections to this application. In October 2011 KCC expressed strong objections to the concept of a strategic employment site at Junction 8 of M20 when the Borough Council consulted on its revised 'preferred option' for the Local Plan. We objected again in September 2012 in response to the Borough's consultation on Strategic Allocations, in which this site was put forward as one of three options to be considered. KCC has not received any further information that would indicate a change in view and we remain resolutely opposed to this planning application. KCC's areas of concern are

given below. Further detailed comments on each of these along with our requirements in relation to transport, heritage, ecology and minerals are set out in Appendix A.

#### Kent International Gateway (KIG) Inquiry

The development of a significant new site, primarily for B2 and B8 uses near Junction 8, would be contrary to the conclusion of the KIG Inquiry which found in favour of protecting the setting of the AONB, the countryside and local communities.

KCC strongly disagrees with the applicant's view that the KIG decision has no bearing on the consideration of this planning application. The landscape and countryside objections that KCC raised to the KIG application still apply and are of great importance to this application. KCC supported the Borough Council and the local community in opposing the KIG proposal at Junction 8, and gave evidence at the Planning Inquiry in 2009. In dismissing the applicant's appeal the Secretary of State concluded:

*"Given the importance and value of the open countryside which currently forms the appeal site and of the AONB which adjoins it, and given the harm the proposal would cause to them, the Secretary of State agrees (with the Inspector) that substantial weight should be given to these matters in the determination of the appeal" (para 20).*

Development on the proposed site at Waterside Park would be contrary to the conclusions of the KIG inquiry on the importance of protecting the setting of the AONB. This proposed site is in the foreground of the AONB, and development would be visible from the AONB. Furthermore the development would lead to pressure for larger scale development and associated land uses on nearby sites, including the KIG land which would be completely out of character with this rural area.

#### Landscape Impact

The scale and type of development proposed is contrary to national and local policy and the drastic changes proposed would cause significant harm to the landscape and setting of the AONB. Such radical changes to landform suggest the site is simply not appropriate for this scale of development. Further to local site issues the location at the foot of the Kent Downs AONB makes the site very sensitive in visual terms. The applicant has attempted to justify the development in the supporting Landscape and Visual Impact Assessment (LVIA), but none are based on evidence, and occasionally misinterpret the landscape.

The application does not respect the settlement character and introduces a large industrial site into the countryside. The Kent countryside is primarily made up of small-scale scattered settlements (farms, hamlets and small villages). The developed site will be considerably bigger than local villages in terms of area and this difference in scale will have a considerable detrimental impact upon the character of the area.

The proposed development's design appears to have happened separately from any understanding of the landscape on and around the site. This leads to an incongruous and disjointed scheme which jars and indeed often runs contrary to local landscape character and the perception of open countryside. KCC's view is that a lack of vision is

demonstrated in the scheme. These significant impacts upon landscape character coupled with the visual impact of the development particularly from the scarp of the Kent Downs AONB makes the overall impact of this development completely unacceptable. The submitted LVIA is of poor quality and does not adequately complete elements of the Guidelines which were emphasised during scoping, nor does it follow the iterative process required for an EIA. KCC's concerns with the quality of the LVIA are highlighted in appendix A.

### Socio - Economic

There appears to be no justification for the development of a new employment site at this location given that there are alternative sites within the Borough that would be appropriate for the proposed B1, B2 and B8 uses. Development around Junction 8 is also unrelated to key services and facilities, lacks a range of transport choices, and is distant from the Borough's workforce and the main urban areas.

This proposal is simply a relocation of existing employers within the Borough of Maidstone and will not generate any new significant employment opportunities.

It is KCC's view that the harm caused by the development is not justified given that there are alternative locations for the proposed uses. There is a stock of unimplemented permissions for office development (B1 uses) within the Borough at Junction 7 and vacant sites within the urban area. In terms of B2 & B8 uses, there is vacant industrial and warehousing land within both the Borough of Maidstone and surrounding Districts that would be more suitable and more sustainable sites than Junction 8. This was recognised by the MBC March (2013) Cabinet report that states that based on recent employment land review the justification to release employment land at Junction 8 is less clear cut than previously. MBC March (2013) Cabinet Report also acknowledged that there is a stock of industrial and warehousing land both within Maidstone and nearby authorities that would be suitable for B2 and B8 uses.

### **Recommendations**

KCC strongly recommends that MBC **refuse** planning permission for this application for the following reasons:

1. The significant and irreversible harm that this proposed development would cause on the setting of the AONB
2. The planning application is contrary to National and Local Planning Policy which requires MBC to conserve the landscape and scenic beauty of the AONB, '*which have the highest status of protection in relation to landscape and scenic beauty*'.
3. There is no economic justification for an employment site at Junction 8 to be granted planning permission, given that there is a variety of available sites for B1, B2 & B8 uses within Maidstone Borough and surrounding Districts that are more sustainable.
4. The economic benefits of this proposal are minimal and they do not outweigh the significant harm that will be caused to the environment should planning permission be granted.'

3.8 **Environment Agency:** Have confirmed that having reviewed the application and the supporting documentation (including the ES) they have no objections to the development subject to the imposition of the following conditions on any permission that may be granted.

**Condition:** Prior to start of site works, the applicant shall provide 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.

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

**Condition:** Development shall not begin until 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.

**Condition:** 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.

**Condition:** 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

**Condition:** The development hereby permitted shall not be commenced until such time as a 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.

*Without this condition, the impact could cause deterioration of a quality element to a lower status class and/or prevent the recovery of and/or cause deterioration of a protected area because it would:*

- *Result in the potential release of priority hazardous substances*
- *Add additional loading of nitrates to the catchment.'*

### **Informatives**

#### **Contamination**

The preliminary site report or phase 1 investigation has been carried out in line with relevant guidance. The recommendations for further investigations/actions at the site to address any identified contaminated made ground or groundwater should be carried out and relevant detailed proposals agreed with the LPA before any site clean-up works are commenced.

The adjacent landfill has been identified and relevant monitoring carried out to assess potential risks, the conclusions are accepted in principle with respect to impacts on the development. It is recommended that groundwater monitoring is continued around the landfill site during any excavation works on the development site to monitor for any effects of disturbance.

The relevant planning conditions will not be discharged until such time as all relevant works are complete and a closure report submitted and approved by the LPA. Any construction on site should not commence until this approval has been granted.

#### **Drainage**

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.

It is unclear what is proposed for foul drainage but for this type and scale of development there would be a presumption that foul drainage would go to mains sewer, to ensure protection of the groundwater and surface waters at or adjacent to the site.

## **Waste**

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 199.

The CLAIRE 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>.

## **Fuel, Oil and Chemical Storage**

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.

## **NPPF**

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is

presented (NPPF, paragraph 121).'

- 3.9 **Natural England:** Have provided comments (revised from their initial submission) on the application: They have confirmed that the development is unlikely to affect any statutorily protected nature conservation sites. They also advise that the impact on any local wildlife sites should be assessed prior to determination of the application and biodiversity enhancements sought and that the application may also provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

Kent Downs Area of Outstanding Natural Beauty – further information required

'The application site lies within the setting of the Kent Downs Area of Outstanding Natural Beauty and Natural England is concerned that the visual impacts that may result from this proposal have not been fully considered. Whilst we note that a Landscape Character and Visual Impact assessment has been provided, it does not appear to follow good practice guidelines. In particular, Natural England would expect photomontages to be provided at the appropriate focal length, both with and without superimposed plans of the proposed buildings from an appropriate selection of publically accessible view points within the AONB and its setting. These should be selected at various distances and elevations around the development site to provide a robust assessment of the impacts that will result from this proposal. The photographic representations supporting the application do not appear to provide this level of detail.

The assessment should be based on good practice guidelines such as those produced jointly by the Landscape Institute/Institute of Environmental Assessment<sup>1</sup>. Landscape character assessment (LCA) provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change, and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England recommends that this further information should be provided before determination of the application. Once this additional information is available, we will be pleased to comment further on the potential impacts of this proposal upon the Kent Downs AONB.'

- 3.9.1 Following the submission of the further information referred to above, by the applicants on 17 January 2014, Natural England has provided additional comments and these are as follows:

'Thank you for your letter dated 6 January 2014 consulting Natural England on the additional information submitted in support of the above application. In addition, Natural England has also been provided with copies of Figures 4.9, 4.10 and 4.11 from the landscape assessment by the applicant following the comments made in our letter dated 13 November 2013 (our reference 103978).

As mentioned in our letter of the 13 November, Natural England is concerned that the visual impacts that may result from this proposal have not been fully considered. Whilst we note that a Landscape Character and Visual Impact assessment has been provided, it does not appear to follow good practice guidelines. The photomontages we have been forwarded are from limited viewpoints within the Kent Downs Area of Outstanding Natural Beauty (AONB), do not provide details of the focal length at which they were taken and do not provide comparative photographs showing the current and post-construction views from the scarp slope. In the absence of this information, we are unable to advise on the potential implications for the Kent Downs AONB that will result from this proposal.

Consequently, Natural England would expect photomontages to be provided at the appropriate focal length, both with and without superimposed plans of the proposed buildings from an appropriate selection of publically accessible view points within the AONB and its setting. These should be selected at various distances and elevations around the development site to provide a robust assessment of the impacts that will result from this proposal. It would also be appropriate for further consideration of possible mitigation measures such as living roofs, building coloration and so on to be assessed to allow a robust assessment of the landscape impacts that may result from this proposal in respect of the protected landscape. We recommend that this information should be provided before determination of the application. The revised assessment should be based on good practice guidelines such as those produced jointly by the Landscape Institute/Institute of Environmental Assessment.'

### 3.9.2 Natural England's final comments were received on 10 February 2014 and state as follows:

'Protected landscape objection: Natural England has assessed this application and has identified a likely significant impact on the purposes of designation of the Kent Downs Area of Outstanding Natural Beauty (AONB) since the proposed development lies within the setting of the AONB.

Having considered the application and the accompanying landscape and visual impact assessment, Natural England considers that the development proposal will be clearly visible from public rights of way, including the North Downs Way National Trail within the AONB. Views from the scarp slope are part of the special qualities of the AONB the landscape impacts and impacts to the special qualities of the AONB should be fully considered when determining this application.

The landscape and visual impact assessment makes reference to the impacts not being significant as there are existing discordant features such as the polytunnels visible from the Kent Downs AONB. However, these features are, in the main, significantly further away from the AONB than this current proposal which will introduce a large solid block of commercial/light industrial building into the open countryside within the setting of the AONB which will result in significant impacts upon the purposes for designation of the Kent Downs. Natural England therefore objects to this proposal.

The proposal would also appear to be contrary to Policy SDT5 of the 2009 Kent Downs AONB Management Plan (that has been endorsed by the Council as supplementary guidance) which states that 'Proposals that have a negative impact upon the setting and views to and from the AONB will be resisted unless they can be satisfactorily mitigated'. In addition, the proposal would appear to be contrary to Policy SD8 of the 2014 final draft Kent Downs AONB Management Plan (also endorsed by the Council as supplementary guidance) which states that 'Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated'.

Development proposals will need to have regard to the Kent Downs AONB Management Plan.

Development proposals will not be permitted where they lead to adverse impacts on local landscape character for which mitigation measures appropriate to the scale and nature of the impacts cannot be achieved.

Other matters: In addition to our comments above in relation to impacts to the Kent Downs AONB, we also recommend that the comments made in our letter of the 9 October 2013 (our reference 99686) in respect of protected species are fully considered by the Council when determining this application.'

**3.10 Highways Agency:** Do not object to the development subject to appropriate conditions being imposed.

'We have assessed this application and find that whilst it does have some impact upon the strategic road network some of this impact may already exist if the proposed occupants are the ones who ultimately take up occupation at this site. Additionally some of this impact on the adjacent junction and others further afield could be offset by an effective travel plan.

One issue is that junction 8 does not meet current standards. We would normally have to issue a holding direction preventing your council from issuing permission for the application until we had resolved this issue with the applicants. However, having reviewed the nature of the issue and some history surrounding it we are content to make a rare exception in this case and simply direct a condition that requires the road to be brought to standard or a departure issued before commencement of construction.

Conditions

1. No part of the development hereby permitted shall be commenced 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).

2. No part of the development hereby permitted shall be commenced until the completion of the improvements to M20 Junction 8 required under Condition 1 (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.

3. No part of the development hereby permitted shall be commenced until a Construction Management Plan 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.

4. No part of the development hereby permitted shall be occupied until a Travel Plan has 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). The Travel Plan shall include arrangements for monitoring and effective enforcement. Upon first and any subsequent occupation of the development the Travel Plan shall 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 of routes for through traffic in accordance with section 10 of the Highways Act 1980.

#### Informative

This development may require work to the public highway that can only be undertaken within the scope of a legal Agreement between the applicant and the Secretary of State for Transport. Planning permission in itself does not permit these works. It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Asset Development Manager (Kent), Highways Agency, Federated House, London Road, Dorking, Surrey RH4 1SZ. Email [ha\\_info@highways.gsi.gov.uk](mailto:ha_info@highways.gsi.gov.uk) Tel 0300 123 5000.'

- 3.11 **Kent Highway Services:** Their initial comments submitted as part of the detailed KCC response as follows.

'The hybrid application comprises two main elements; the first being the re-grading of the site to provide a level development platform, and the second being the creation of a mixed-use commercial development. A two-part Transport Assessment has been submitted which considers each of these elements in detail.

Extensive pre-application discussions have been undertaken between the applicant, DHA Transport, the Highways Agency and Kent County Council (KCC) Highways and Transportation and the scope of the Transport Assessment has previously been agreed.

#### Part 1 – Site Re-Grading

Personal Injury Accident (PIA) data has been sourced from KCC for the local highway network surrounding the site, including M20 Junction 8, for the three year period up to 30<sup>th</sup> September 2012. A total of 25 PIAs were recorded during this period; 88% of which were classed as 'slight', two (or 8%) as 'serious' and one (or 4%) as 'fatal'. Some 52% of the recorded PIAs, including the fatal accident, occurred on the M20 and its intersection with Junction 8. The majority of these involved either vehicles changing lanes and coming into contact with each other or rear-end shunts on the coast bound off-slip. The fatal PIA resulted from an HGV striking a pedestrian who was walking in the mainline carriageway late at night. It is concluded that there are no discernible patterns of PIAs that indicate a problem with the layout, lighting or surface of the local highway network. KCC Highways and Transportation is in agreement with this assessment.

The site re-grading phase of the development is proposed to take place over a period of approximately two to three years. Around four or five employees would be based at the site on a typical day and would be responsible for operating the on-site excavator machinery. The haulage vehicle drivers would be employed by a company based off-site. The working day is likely to be between the hours of 0700 and 1800. It is currently proposed that the excavated material would be transported to a strategic site situated off the M20 westbound and/or in East Kent. It is therefore anticipated that all haulage vehicles would access the site via M20 Junction 8.

It is proposed that the existing access to the north east of the site from the A20 westbound would be used during the initial site re-grading phase. This would take the form of a left-in-left-out access designed in accordance with the standards prescribed in the Design Manual for Roads and Bridges. This temporary form of access is acceptable in principle, subject to the submission of a satisfactory Stage 1 Road Safety Audit to KCC Highways and Transportation.

During the site re-grading phase, it is anticipated that the construction of the permanent site access would take place. It is proposed that access would be gained from the M20 Link Road/A20 Ashford Road Roundabout, which would be remodelled to provide a fourth arm into the site. This means of access was agreed in principle by KCC Highways and Transportation at pre-application stage, again subject to the submission of a satisfactory Stage 1 Road Safety Audit. The programme of works and construction methodology would be subject to further discussion and agreement with KCC Highways and Transportation.

It is requested that Maidstone Borough Council should include a condition on any grant of planning permission requiring the preparation and submission of a Construction Management Plan (CMP) by the applicant. This should include details of the proposed operational hours, vehicle movements and routings, and staff facilities. A further

condition is sought requiring that a Road Condition Survey is undertaken, based on a programme and methodology to be agreed with KCC Highways and Transportation.

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.

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.

## Part 2 – Commercial Development

Manual Classified Counts and queue measurements were undertaken during May 2013 between 7am and 10am and 4pm to 7pm at the M20 Junction 8; the M20 Link Road/A20 Ashford Road Roundabout; the A20 eastbound flyover bridge; the A20 Ashford Road/Eyehorne Street/Great Danes Hotel Roundabout; and the A20 Ashford Road/B2163 Penfold Hill Roundabout. Automatic Traffic Counts covering the links in and around the local highway network were also undertaken over a one week period during June 2013.

The Transport Assessment states that gates would be installed on the access road, which would be secured overnight and at weekends to prevent indiscriminate access and use of the site (for example, by HGV drivers). In the event that delivery vehicles arrive out of hours, it is proposed that a procedure would be put in place to allow them to park within the site and for their drivers to utilise the on-site wash room and toilet facilities, to dissuade them from using nearby lay-bys as informal waiting areas. Given the scale of the proposed development and the nature of the on-site uses, confirmation should be provided as to whether security personnel would be stationed on the premises during the overnight period to manage these procedures. Furthermore, it is KCC Highways and Transportation's view that additional measures should be implemented on the stretch of road between the M20 Link Road/A20 Ashford Road Roundabout and the site access gates, such as the provision of bollards along the verge, to deter HGV parking in this area.

A foot/cycleway would be provided along one side of the site access road and a conventional 1.8 metre wide footway on the other, which would link to the existing footway on the south side of the A20, to the west of Old Mill Road. It is stated that this would provide a walking connection to Bearsted and Maidstone; however it is apparent that the footway crosses the A20 at an uncontrolled location to the west of Old Mill Road and that the onward route to Bearsted village is not continuous. Given that the missing sections of footway are limited in length, it is requested that the applicant should investigate the feasibility of addressing these deficiencies as part of the wider package of Section 278 highway works proposed.

As part of the site wide Framework Travel Plan to be implemented by the applicant on first occupation, an on-site 'employee hub' is proposed, which would provide ancillary services such as a shared staff canteen to reduce the need to travel off site during the working day. It is also proposed that a staff shuttle bus would be operated at peak times to the destinations and home origins that cater for the greatest numbers of employees. These measures were agreed in principle by KCC Highways and Transportation at pre-application stage.

It is proposed that vehicle and cycle parking for the development would be provided broadly in accordance with the maximum standards prescribed in the Kent and Medway Structure Plan Supplementary Planning Guidance 4, which is acceptable.

The likely trip attraction and distribution associated with the site has been partially based on information provided by the companies intending to occupy the largest commercial units (ADL and Scarab). Details of the potential occupiers of the three remaining buildings on the site, which would accommodate B2 uses, have not been supplied. Therefore an assessment of the likely trip attraction of these units has been carried out using data derived from the TRICS database. Based on this first principles assessment, the cumulative development trip attraction is projected to be as follows:-

	<b>Vehicles</b>			<b>OGVs</b>		
	Arrivals	Departures	Total	Arrivals	Departures	Total
08:00-09:00	323	23	346	11	10	21
17:00-18:00	10	181	191	6	10	16
<b>07:00-19:00</b>	<b>1047</b>	<b>1050</b>	<b>2096</b>	<b>109</b>	<b>112</b>	<b>221</b>

The end users of the site cannot be guaranteed in perpetuity and therefore at the request of KCC Highways and Transportation and the Highways Agency, a further assessment has been carried out using data derived wholly from the TRICS database to present an outcome based on typical trip rates and distributions for comparison purposes. Based on this assessment, the cumulative development trip attraction is projected to be as follows:-

	<b>Vehicles</b>			<b>OGVs</b>		
	Arrivals	Departures	Total	Arrivals	Departures	Total

08:00-09:00	177	39	216	17	14	31
17:00-18:00	40	152	192	12	13	26
<b>07:00-19:00</b>	<b>953</b>	<b>950</b>	<b>1903</b>	<b>190</b>	<b>172</b>	<b>362</b>

The net difference between the first principles assessment and the TRICS derived trip data is as follows:-

	Vehicles			OGVs		
	Arrivals	Departures	Total	Arrivals	Departures	Total
08:00-09:00	+146	-16	+130	-6	-4	-10
17:00-18:00	-29	+29	0	-6	-4	-9
<b>07:00-19:00</b>	<b>+93</b>	<b>+100</b>	<b>+193</b>	<b>-81</b>	<b>-60</b>	<b>-141</b>

Based on the above figures, the Transport Assessment concludes that use of the first principles assessment presents a robust case to carry forward to the traffic impact assessment. Whilst it is acknowledged that there is an appreciable difference in the goods vehicle trips between the two approaches, this is justified on the basis that such trips are known to vary significantly between different users. However, having reviewed the TRICS output provided in the Transport Assessment, it is apparent that this draws heavily on sites within the 'Edge of Town' category, which is not considered comparable to the Waterside Park site. It is therefore requested that this exercise is repeated to provide a comparison between the average trip rates arising from 'Edge of Town' sites and those associated with 'Free Standing' sites. KCC Highways and Transportation's comments on the remainder of the Transport Assessment are subject to the outcome of this further analysis.

Three approaches have been taken to derive the development trip distribution and assignment. Option 1 has utilised the existing staff home postcode data for ADL and Scarab and applied this to the entire development trip forecast. This indicates that a total of 56.1% of staff would route via M20 Junction 8 and the motorway network. Option 2 has derived the home origins of employees at the larger Maidstone area industrial/warehousing employment wards of Park Wood, Aylesford and Ditton and applied the resulting distribution pattern to Waterside Park. This indicates that some

71.1% of staff would route via M20 Junction 8 and the motorway network. Option 3 has examined the employment patterns in Maidstone as a whole and developed a combined gravity / Census origin model. This indicates that 68.9% of lower salaried staff and 73.3% of higher salaried staff would route via M20 Junction 8 and the motorway network. The Transport Assessment concludes that the Option 3 assignment pattern should be carried forward to the traffic impact assessment. Whilst the reasons for this are understood, it is KCC Highways and Transportation's view that the Option 1 assessment presents a more realistic representation of likely distribution and assignment patterns in the short-to-medium term. Therefore it is requested that an average of the Option 1 and 3 distribution patterns is carried forward to the traffic impact assessment as a sensitivity test.

The trip generation, distribution and assignment data has been adjusted to the proposed opening year (2018) and 10-year horizon (2023) using growth factors derived from the TEMPRO and NTM datasets. Capacity assessments have then been undertaken at the M20 Junction 8; the M20 Link Road / A20 Ashford Road Roundabout; the A20 Ashford Road/Eyehorne Street/Great Danes Hotel Roundabout; and the A20 Ashford Road/B2163 Penfold Hill Roundabout for the Do Nothing, Do Minimum (development without mitigation) and, where appropriate, Do Something (development with mitigation) scenarios.

The assessment of M20 Junction 8 indicates that the junction currently operates within its design capacity and that it would operate slightly over its design capacity on some arms during the 2018 and 2023 AM peak hours in both the Do Nothing and Do Minimum scenarios. The Transport Assessment concludes that the development would not lead to significant additional delay to the operation of the junction, nor any safety concerns, and that mitigation would not therefore be required. KCC Highways and Transportation is in agreement with this assessment.

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. KCC Highways and Transportation is in agreement with this assessment.

The A20 Ashford Road/Eyehorne 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 or the post-development operation of the junction can be

judged as 'severe'. KCC Highways and Transportation is in agreement with this assessment.

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.

To summarise, the following information remains outstanding and should be provided by the applicant at the earliest opportunity:-

- Confirmation as to whether security personnel would be stationed on the premises during the overnight period to manage the access and egress of delivery vehicles;
- Details of the additional measures to be implemented on the site access road to prevent informal HGV parking in the area between the M20 Link Road / A20 Ashford Road Roundabout and the site access gates;
- Details of the off-site works to be implemented on the north side of the A20 to provide a continuous footway link between Old Mill Road and Bearsted village;
- A revised TRICS analysis providing a comparison between the average trip rates arising from 'Edge of Town' commercial sites and those associated with 'Free Standing' sites;
- A traffic impact sensitivity test, based on an average of the Option 1 and 3 distribution patterns.

3.11.1 Further information was received from the applicants in response to the above requirements and additional comments from Kent Highway Services have been received. These raise no objections to the development.

The applicant has confirmed that site security personnel would be stationed at the site entrance outside of normal working hours and that access would be given only to vehicles with the required delivery documentation, which is acceptable. The applicant has also confirmed that a range of physical measures would be implemented to prevent informal HGV parking on the site access road, including the installation of 'trief' kerbing, signing in multiple languages and parking/waiting restrictions, which should be discussed with Maidstone Borough Council Parking Services. These measures are also considered to be acceptable.

A further review of the footway link on the northern side of the A20 between Old Mill Lane and Bearsted village has been undertaken at the request of KCC Highways and Transportation. It has been established that a continuous asphalt footway is in place in the general area of the Bearsted Hand Car Wash but that it is in a poor condition, due to the encroachment of vegetation on to the footway. The applicant has agreed to undertake minor clearing works to reinstate this section of footway to its original width, which is acceptable.

The applicant has assessed the implication of alternative TRICS trip rates for the speculative B1 and B2 units assuming 'Free Standing' survey sites only, at the request of KCC Highways and Transportation. It is reported that there is over 30% variation between the trip rates used in the Transport Assessment (which draw heavily on 'Edge of

Town' sites) and those arising from this alternative assessment in respect of the B1 office units. However, the higher trip rates yield a maximum of 12 additional vehicle movements in the evening peak hour, which is not considered to be significant. KCC Highways and Transportation is in agreement with this assessment. In respect of the B2 industrial units, the trip rates arising from 'Free Standing' survey sites are shown to yield a lower trip attraction than those used in the Transport Assessment.

A sensitivity test has been undertaken to examine the implications of the alternative traffic distribution scenario requested by KCC Highways and Transportation. This indicates that an additional 25 vehicles would access the site via Penfold Hill (increasing the total to 50 vehicles) in the morning peak hour. The change in the evening peak hour would be less marked, with an increase of 11 vehicles forecast on Penfold Hill (increasing the total to 27 vehicles). All other links on the local highway network would experience a reduction in vehicle numbers or no net change in the alternative distribution scenario.'

3.12 **Southern Water:** Have advised that there is no public foul water sewer in the vicinity the development and that alternatives means of foul water disposal should be examined. Any proposals for the use of a cess pit should be investigated in conjunction with the Environment Agency. They also comment that if a SuDS method is used for the disposal of surface water, mechanisms should be put in place for long term maintenance and management as such features are not currently adopted.

3.13 **UK Power Networks:** Have no objections to the development. However, they have advised that they do have some overhead equipment in the area and have provided contact details to enable an accurate plan of this apparatus to be provided.

### **Other Consultees**

3.14 **KCC Ecology:**

'The site is a large arable field with field margins and there is a LWS along the south and eastern boundary and a RNR along the northern boundary. The submitted ecological information has detailed that the greatest ecological interest is around the boundary of the site.

The submitted landscape plan shows that the completed development will have a buffer area around the boundary of the site. However this will be impacted by the proposed earth moving works and as such there is a need for detailed mitigation strategy to be submitted, if planning permission is granted, to ensure no protected or notable species are impacted.

There is landscaping proposed for the development – this should be designed to benefit biodiversity and enhance the LWS and mitigate for the impact for the loss of the Roadside Nature Reserve. As the site is currently an arable field it will be high in

nutrients and as such we are concerned that a wildflower meadow will be difficult to establish. As such we require a more detailed plan of the proposed landscaping area to be submitted for comment and provide details on how it will be established and managed.

We are concerned that insufficient consideration has been given to the impact the lighting of the proposed development will have on the LWS and species within the site designated site. The submitted information has detailed that best practice guidelines would be adhered to erecting any lighting but this does not assess the impact. We expect a map to be submitted for comments detailing the expected light spill from the proposed development and assessing the impact it will have on the LWS.'

*(Officer comment: I am satisfied that this matter could be dealt with by means of an appropriate condition and reference to the Institute of Lighting Engineers Guidance as well as the Bat Conservation Trust Guidance.)*

### 3.15 **KCC Heritage Conservation:**

'The site lies within an area of general archaeological potential associated with activity from the Prehistoric Period onwards. Current information suggests there is a remnant patch of River Terrace Gravels within the site and these have potential for rare and important Palaeolithic remains. To the east runs a stream feeding into the River Len which runs along the southern boundary with ground rising to the west end where it forms a plateau. Such river valleys were favourable to early settlement and although at present there is no evidence of prehistoric remains on the site itself, there is some potential for early prehistoric or Iron Age remains. In view of the discovery of a Roman coin hoard of over 5,400 coins and suggestions of Roman pottery and masonry observed to the south of Mill Farm, there is potential for Roman remains on the site.

On the basis of early OS maps, post medieval remains may be encountered on the site. There is considered to have been a post medieval or earlier mill along the River Len to the south, which was later succeeded by Mill Farm. Within the north east corner were some cottages and remains of some of the outbuildings may survive on site. Just beyond the north west corner is a post medieval quarry, known as "Hollingbourne Sand Mines". Remains associated with this quarrying activity may survive within the site.

This application is supported by an Environmental Statement and heritage is covered, including sections within the Planning Statement and in the Non-Technical Summary. Assessment of heritage issues is covered in Chapter 14 which is also supported by an Archaeological Deskbased Assessment, an Archaeological Historic Landscape Assessment, a Geoarchaeological Deskbased Assessment and a Built Historic Environment Assessment. Although the first three assessments are brief, they provide reasonable information on the potential for significant archaeological remains.

The Historic Landscape Assessment is especially brief and it would have been helpful to have had more consideration of the impact of the scheme on the wider historic landscape, including Leeds Castle and the setting of the listed buildings nearby. Assessment of the landscape is covered in the Landscape and Visual Impact Assessment but the historic landscape issues are not covered well.

In summary, the assessment of archaeological issues is reasonable and this has highlighted some potential for Palaeolithic and Roman remains especially. However, on the basis of present, readily available evidence, there is nothing to demonstrate that there are archaeological remains of significance requiring their preservation be taken account of in reaching a decision on the present application. The site has not been formally evaluated and it is possible that important remains may be found which would warrant appropriate mitigation through excavation or recording. I am satisfied that this potential can be addressed through appropriate assessment and mitigation post determination and can be secured through the following condition:

*AR5 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*

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.'

### 3.16 **Kent Downs AONB Unit:** Object to the development

'Comments: Our opinion on this application does not change from that set out in our scoping opinion and pre application response. *Our comments set out below should be read in the context of our previous advice, which still stands.*

#### Physical context

The development site is substantially separate from the urban area of Maidstone. This is an inappropriate location for new industrial development. The SA for this site undertaken to evaluate possible Local Plan allocations in 2012 did not support the allocation of this site. Development here would be contrary to the sequential approach for the identification of sites set out in paragraphs 23, 24, 26 and 27 of the NPPF for office, commercial and other purposes.

Development at the proposed location would increase the likelihood of pressure for development in the area between the site and Maidstone. This too would be inappropriate, not only because much of it is similarly beyond the current urban edge of Maidstone, but also because much of the land is in the immediate setting of the AONB where development has been roundly rejected on appeal following the Kent International Gateway Inquiry.

The proposal would be contrary to Policy CS5 item 5 in the draft Maidstone Local Plan. This states that 'Development in the countryside will retain the setting of and separation of individual settlements in accordance with policy CS1'. The effect of development at the proposed site would be to give the impression, at least from the Kent Downs AONB, that

Eyehorne Street, the Great Danes Hotel and the application site were merging into a single group, as the photograph below shows, from the midslope above Hollingbourne. The whole group would of course risk merging with Maidstone eventually, as noted above.

### Impact on the Kent Downs AONB

The Environmental Statement in chapter 13 makes a series of misjudgements about the impact of the proposed development on the Kent Downs AONB. These call into question the merit of the landscape and visual appraisal.

First, there are various statements that the views towards the site from the AONB are already compromised by the presence of the transport corridors between the site and the Downs: the M20, the A20, the CTRL and the Ashford-Maidstone railway line (e.g. paragraph 13.6.3). The applicant's own photographs demonstrate that this is untrue. The transport infrastructure is virtually invisible in photographs 29, 30, 31, 32 and 33 (i.e. without the aid of a telephoto lens), yet the application site is clearly visible in them. The need to mitigate the impact of views from the AONB is acknowledged in the ES (paragraph 13.5.5 indent 10), but this simply cannot be achieved. This seems to be accepted in paragraph 3.6.11 indent 6 on 'Public Rights of Way'.

Second, the application site is very clearly visible from the AONB, particularly from the North Downs Way and open access land (and also from other rights of way and locations). It is misleading by the applicant to describe the visual impact of the proposed development from this direction as "insignificant" (paragraph 13.6.11, end of 6<sup>th</sup> indent) and to say of views that "it forms a small and distant component only of them" (paragraphs 13.4.27 and 13.6.3). The application site is prominent in views from the AONB, positively sticking out from its surroundings, not least because the land on the application site is elevated on its south and west sides and falls away to the north-east.

Third, the setting of the AONB from the North Downs scarp has enormous value. It was a principle reason why the AONB was designated in this area. The Downs around Hollingbourne provide one of the most impressive sections of both scarp and views. This should be prized. The applicant has given insufficient attention to the value represented by the setting in this location, which includes the application site less than 3km distant from the North Downs Way.

Fourth, the very substantial earthworks on the application site to create platforms for development will be prominent, discordant and damaging when seen from the AONB. The effort to reduce the visual impact of major structures by depressing them in an artificially created hole underneath the western end of the site would create its own damaging visual impact. The proposal is for the excavations to be to a depth of 14 metres at the west end of the site (paragraph 13.5.1), which is a very considerable depth and will necessitate sharp slopes – nearly retaining walls – surrounding the buildings on the platform below. The high buildings accommodated will be prominent at their eastern end, as will those on the platform at the eastern end of the site. Decked parking (paragraph 13.5.3) will be a further intrusion.

Fifth, the assessment of the impact of the development on views towards the AONB is little better. The view towards the AONB from the footpath across the site is illustrated below. Paragraph 13.5.4 of the ES explains that the footpath would be diverted to the edge of the site and then contained within a (doubtless narrow) 'green corridor' bounded on the site of the proposed development by a 1.8m high hedge and with reinforced planting on the edge of the Biffa site. In short views in any direction, including to the AONB, would be minimal. We also consider that views to the AONB from other positions would be more impaired than the ES suggests, including from parts of Leeds to the south.

Further comments below set out our response to the applicant's Chapter 13 'Landscape and Visual Impact' submission.

### **Chapter 13 Policy**

Para 13.7.9

The issue is a strategic one. If this development is permitted on policy grounds any greenfield site whether allocated or not would be eligible for development. Large developments such as this should only be permitted on an allocated site that has been properly assessed and screened through a SA process and where all alternative sites have been assessed. The site is not allocated and the application is premature in advance of the emerging Local Plan. Its release could prejudice the strategic allocation of sites in the MBC area. The proposal does not conform with the provisions of the NPPF which is the framework for the emerging Local Plan. (NPPF Paras 24,26,27).

Para 13.2.2

The NPPF

NPPF Para 109: This paragraph of the NPPF emphasises the importance of protecting and enhancing valued landscapes. Although this site is not within the AONB, by virtue of its location in the setting it will challenge one of the major purposes of designation of the AONB, i.e. the quality of the views from the scarp. The AONB is neither protected nor enhanced by this application.

The applicant fails to mention paras 23,24,26,27,110 and 111 of the NPPF either here or in Chapter 5.

- **NPPF paras 13 and 14** are clear that where any adverse impacts granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies the NPPF indicate development should be restricted, then planning permission should not be granted. In this context we draw your attention to Paras 23 to 27, 110 and 111 of the NPPF:
- **NPPF para 23** indicates the importance of the vitality of town centres and the importance of 'appropriate edge of centre sites'. This application is not an edge of centre site and challenges the intentions of para 23
- **NPPF paras 24,26,27,110 and 111** require LPAs to apply a sequential test to ensure previously developed land and town centre sites, then edge of town sites to be used first. This application challenges the intentions of these paragraphs of the NPPF.

Para 13.2.3-13.2.5,

The applicant sets out MBC policies in these paras and in Chapter 5 of their ES. However the KDAONB Unit fails to see how the application complies with these policies. The Appendix 2 attached discusses this further.

Para 13.6.16 fails to address the importance of strategic allocations of land and the requirements of the NPPF. The policies mentioned in their Section 13.2 indicate the criteria needed to be applied once the development meets the locational tests.

Para 13.6.24

The scale of this development is out of character with the area and the changes in levels conflict with field boundaries and existing hedge lines which thereby destroys all existing landscape character. The drastic changes in levels required in order to hide the site from views and make the site deliverable and accessible are an indication of the sensitivity of the site. Remodeling these levels should not be seen as mitigation. The loss of character is an integral element of the views into and across the site and will impact on the purposes of designation of the AONB. The application conflicts with Draft LP policy CS5

Para 13.6.28

The PRoW across the site. On the AONB site visit there was evidence of use. The applicant has brought no further evidence in figures of useage. The amenity in the long term for future users of this path will be damaged by this application.

Para 13.6.29

- The total effect on the landscape character due to changes in levels will be drastic and unavoidable as mentioned above.
- The new PRoW is likely to have restricted views and more difficult access from the roundabout. There is no doubt that the amenity for users of this route is likely to be so affected as to ensure its future disuse. Currently the users of the path have views both north to the AONB scarp, and south across the Low Weald.

## **Chapter 13 Landscape Character**

Para 13.4.20

We do not agree with the applicant's conclusions in para 13.4.20. The emphasis on 'restoring and improving' the rural setting of the Kent Downs north of the M20 is because this area has already been developed for a service area. It cannot be implied that the area to the south of the M20 is less sensitive. Neglecting to mention the area south of the motorway in the necessity to 'restore and improve' merely emphasises that there is no need to do so since the area has not been developed.

## **Chapter13 Predicted effects**

Para 13.6.14

This conclusion is not supported by the KDAONB. Waterside Park's location is indicated in marked photos attached in Appendix 1 which show how the introduction of an urban element into the otherwise rural vista will impact on the views out from the KDAONB. Polytunnels are both agricultural and of a temporary nature and as a 'detractor' should not be compared to the introduction of an urban and permanent activity, and developed urban form.

### Conclusion

Introduction of urban form and activities to this part of the setting of the AONB will impact on the purposes of designation of the Kent Downs. The Kent Downs AONB Executive therefore has maintained their opposition to the release of this area for development, **objects** to this application, requests that the points raised in this letter and the appendices are reported fully to your committee and that this application is refused.'

3.16.1 The Kent Downs AONB unit have reiterated their strong objections to the development having considered the updated information submitted by the applicants.

'Nothing raised by the applicant changes our original response. I attach responses to each of the rejoinders made on our consultation of 6th November by Jon Etchells (the applicants landscape consultant) and a table which shows our original comment, Jon Etchells' rejoinder and our response (Appendix 1) which we hope will aid you in your consideration. I also enclose a copy of the index of photographs and the KIG report. The enclosed report setting out our response to Jon Etchells' rejoinders indicates that it is comprehensively the case that the Kent Downs AONB Executive's arguments stand. Introduction of urban form and activities to this part of the setting of the AONB will impact on the purposes of designation of the Kent Downs. The Kent Downs AONB Executive therefore maintain their opposition to the release of this area for development and **strongly objects** to this application. The KDAONB Unit requests that the points raised in this letter of response along with our original response of 6th November and its supporting appendices are reported fully to your committee and that this application is refused.'

3.16.2 'Physical context

1. It is obviously correct that the application site is south of the A20. Although the site is not adjacent to (sharing a boundary with) the AONB, the site is within one kilometre of the AONB boundary and clearly in the immediate setting. The Kent Downs AONB Unit argument stands.
2. The Kent Downs AONB Unit submission clearly state that "*The effect of development at the proposed site would be to give the impression, at least from the Kent Downs AONB, that Eyhorne Street, the Great Danes Hotel and the application sites were merging into a single group.*" The photograph used in our November response provides a close-up of the land in question to illustrate this: there was no purpose in including in the photograph land at some distance from the application site. The second paragraph of the rejoinder does not challenge the point made: it merely states that 'on the ground' (i.e. when standing at that point) Eyhorne Street is separated from the site by transport routes. The Kent Downs AONB Unit argument stands.

### Impact on the Kent Downs AONB

3. The AONB Unit consultation response argued that it was “untrue” that views towards the site from the AONB are already compromised by the presence of transport corridors between the site and the Downs. The transport routes are hard to find in the photographs of the site from the AONB taken by both the applicant and by ourselves. The first photograph in the AONB Unit submission, highlighting the site in red, was taken from the North Downs Way in the AONB. It illustrates the point: the M20, A20 and CTRL are simply not visible. The same is true of the other photograph of Waterside Park taken from the North Downs Way further west above Allington Farm [*photograph 16 appendix 2 attached Index to photographs*]. That latter photograph includes more context, yet still the appearance of the setting of the scarp is not marred, in this area, by the transport corridors. The Kent Downs AONB Unit argument stands.
4. There are, of course, places where the transport corridors do intrude into views to or from the AONB, particularly when considering views to the AONB where these corridors form a foreground. It is accepted that there is a noise impact from the transport corridors specifically on those parts of the AONB close to the roads and railways, which photographs cannot capture. That impact should not be overstated, and the thrust of the applicants’ case now being made that the transport corridors somehow separate the application site from the immediate setting of the AONB is not accepted. The Inspector who heard the public inquiry into the non-determination appeal into the Kent International Gateway development, close to the application site, concluded that in this part of the AONB “*I do not agree with the Appellants’ assertion that the motorway/railway line forms a boundary of distinct change in character between the AONB and the appeal site*” (paragraph 18.38).
5. The rejoinder challenges the inevitability of the development having an impact on views from the AONB. The AONB Unit had argued that the mitigation could not be achieved and that this seemed to be accepted in the ES paragraph 13.6.11 indent 6 regarding the impact on Public Rights Of Way. The rejoinder quotes the final sentence of that indent, to challenge the point, but the previous sentence reinforces the AONB Unit case. That states: “*Finally, the new buildings would also be present in views from parts of the North Downs Way as it passes along the crest of the escarpment (and within the AONB) between Broad Street Hill and Hollingbourne, around 2.5 to 3km from the Site, and also from the area of access land which lies to the north and south of the North Downs Way at this point.*” We assert that is an acceptance that mitigation will not happen. The Kent Downs AONB Unit argument stands.
6. The applicant challenges the AONB point that “*the site is prominent in views from the AONB, positively sticking out from its surroundings*”. It is a fact that the land of the application site is elevated on its south and west sides, rising above its surroundings. Its prominence can be appreciated by a site visit to the North Downs Way. The Kent Downs AONB Unit argument stands.
7. The rejoinder claims that the AONB’s “*setting is far from unspoilt at the moment – in my view one of the key points about the setting is that it is in fact quite different from the higher ground of the AONB, which is tranquil and unspoilt, in contrast to the flat land*”

*below, which is a busy transport corridor". We are surprised that a landscape adviser should reach this conclusion, not least because the Inspector at the Kent International Gateway inquiry reached very different conclusions. He said: "I find these views, beyond the AONB itself, are an integral part of its character and attractiveness. They are, without doubt, extremely important to many visitors' enjoyment of this nationally designated landscape. Whilst the M20 and HS1 are visible from many locations along the scarp, they appear to run through otherwise seamless countryside" (paragraph 18.38). He did not consider polytunnels in the area as a visual detractor, and argued "Moreover, the presence of existing features which detract from the landscape does not justify a proposal which itself causes such harm" (paragraph 18.42). There is plenty more in his report to indicate his concern for development in the AONB setting, including that "the overall scale and straight lines of the warehouses on their level development platforms would be very apparent and would appear alien to the countryside and the surrounding built development" (paragraph 18.39), (albeit that the KIG warehouses would have been even closer to the AONB). The Kent Downs AONB Unit argument stands.*

8. The rejoinder invokes the MBC landscape character assessment for emphasising the impact of the transport corridors on landscape character. The KDAONB Unit however agrees with the KIG Inspector who reviewed both Kent CC's 'Landscape Assessment in Kent' and Maidstone BC's 'Maidstone Borough Council Landscape Character Assessment and Landscape Guidelines' and concluded that "*whilst both documents recommend ways in which the condition of the landscape could be improved, there is nothing in either document to suggest that built development is desirable or appropriate or would, in any way, improve the condition of the landscape*" (paragraph 18.30). Overall, the Kent Downs AONB Unit argument that the ES had "given insufficient attention to the value represented by the setting" stands. The suggestion that "the effects of the development on the setting would not be significant" should be rejected.
9. The rejoinder challenges the AONB Unit's point that the earthworks would be "prominent, discordant and damaging when seen from the AONB", and goes on to suggest that they would "simply be vegetated slopes". This is an unnecessary misreading of the point made by the AONB Unit. That was not a criticism of the vegetation on the new slopes, but a serious concern that "the substantial earthworks on the application site to create the platforms for development will be prominent, discordant and damaging. Please refer to point 4 of the consultation response under the heading 'Impact on the Kent Downs AONB'. The Kent Downs AONB Unit argument stands.
10. The rejoinder confirms that there will be significant effects for users of the footpath across the site (the AONB Unit's interest being primarily the views towards the AONB). It then argues that no evidence has been provided in support of the Unit's consultation response that "We also consider that views to the AONB from other positions would be more impaired than the ES suggests, including from parts of Leeds to the south." It is true that photographic or photomontage evidence was not provided. Nonetheless, the AONB Unit argument stands for two reasons. First, the discussion of 'Public Rights of Way' in paragraph 13.6.11 fails to mention any impact of the development on views to the AONB from PRoWs off the site, (though it does mention views to the site from the AONB). Second, a site visit will demonstrate clearly that from the footpaths on the rising ground to the south, towards Leeds, and from highways such as Forge Lane, the

backdrop to all views northwards is the AONB, which will be impaired by the development in the foreground or middle distance if it were to proceed. The Kent Downs AONB Unit argument stands.

11. The AONB Unit argued that "The drastic changes in levels required in order to hide the site from views and make the site deliverable and accessible are an indication of the sensitivity of the site". The rejoinder suggests this means the Unit accepts that the development will be hidden. It would have been better if the words "attempt to" hide the site had been used, but the Unit's position on this matter is clearly expressed a few paragraphs earlier: the fourth point on 'Impact on the Kent Downs AONB' explains why "The effort to reduce the visual impact of major structures by depressing them in an artificially created hole underneath the western end of the site would create its own damaging visual impact". The Kent Downs AONB Unit argument stands.
12. The ground evidence is that PRoW across the site is used, though not heavily. This may be a point of agreement. The Kent Downs AONB Unit argument stands.
13. The diverted public footpath would indeed have "more difficult access from the roundabout", as the AONB Unit argued. At present there is a baulk of grassed land adjacent to the roundabout on the A20. The public footpath strikes south-west from the rear of this: it is perfectly normal in the countryside for footpaths to pass through vegetation, up steps and over a stile, and not something to worry about. Under the planned development, the footpath would emerge from its circuit of the industrial units to meet the main access road to the site amongst the cars using the roundabout. The access is onto/off the southern access splay immediately adjacent to the roundabout. Vehicles will be far more threatening to walkers at this point than they are at present. There is a much greater likelihood of difficulty as walkers will have to dodge vehicles. The Kent Downs AONB Unit argument stands.
14. The rejoinder regarding the AONB Unit's view on paragraph 13.4.20 of the ES is illogical. It is properly addressed in the AONB Unit consultation response at the first point under 'Chapter 13 Landscape Character'. The overall sensitivity of the character area is assessed as 'moderate', though the KIG Inspector's point that "*there is nothing... to suggest that built development is desirable or appropriate or would, in any way improve the condition of the landscape*", noted in paragraph 10 above, in our view remains applicable. The Kent Downs AONB Unit argument stands.
15. The rejoinder claims once again that the setting of the AONB north of the M20 is of greater importance than that to the south, as the area to the north is closer to the AONB. That matter was dealt with in principle by the KIG Inspector: see paragraph 6 above. The KIG Inspector also concluded that "*the M20 Junction 8 and the service area (which are lit) cannot be seen from the AONB*" (paragraph 12.9). The setting in this area extends south of the M20, where the development proposal is sited. West of Junction 8 the AONB boundary follows the M20. From the junction and to the east, the AONB boundary is set back from it, with the service station (on the junction) and Eyhorne Street excluded from the designation. The service station is invisible from views out from the AONB due to its location hidden by Snarkhurst Wood. The 'setting' of the AONB extends to all areas where development would impact on the AONB. In this particular

case the area south of the M20 is just as sensitive as the area nearer to the AONB boundary for reasons of its visibility. The Kent Downs AONB Unit argument stands.'

**3.17 Kent Wildlife Trust:** Objects to the development as contrary to the provisions of the Local Plan. Detailed comments are as follows:-

'I understand that the Council has identified land in the vicinity of junction 8, M20 as a strategic employment development location and that the application site is one of three sites being considered for allocation in the Local Plan. In response to the site options, the Trust expressed a strong preference for the development of land to the west of the junction (EMP03, Woodcut Farm). The Waterside Park site was not favoured because of its sensitive location in very close proximity to the River Len Millpond & Carr Local Wildlife Site (LWS,MA14). The two other employment sites are situated at a greater distance from the LWS and, as a result, they were considered unlikely to exhibit adverse hydrological, pollution and contamination impacts to the degree feared at Waterside Park.

Important wildlife habitats bound the Waterside Park site on two sides. To the east is remnant Ancient Woodland and, to the south, is the wooded Len valley with its large pond. Ancient Woodland supports some of the most bio-diverse habitat in the UK. It is also irreplaceable and, in consequence, earns some of the strongest planning policy protection in the National Planning Policy Framework (NPPF).

The Len valley is an undisturbed, species-rich alder carr with thickets of willow carr. The whole area is little disturbed and accordingly supports good populations of wetland birds, including kingfisher, heron, reed warblers, and a varied range of duck species. Many of these birds are of Conservation Concern and Priority Species in both national and local Biodiversity Action Plans. Kingfishers are protected under the Wildlife & Countryside Act. Together, the ancient woodland and the river valley and pond have been adopted, using scientifically determined criteria, by the Kent & Medway Biodiversity Partnership as a Local Wildlife Site of county ecological value. Maidstone Borough Council is member of this Partnership.

In these circumstances, I **object** to permission being granted unless and until the applicant can demonstrate that it is consistent with the adopted Local Plan. Determination of the application would be premature in advance of an Inspector's report following the Examination of the submitted Local Plan.

Notwithstanding (and without prejudice to) this view, I have studied the evidence submitted in support of the application and have come to the following conclusions on the principal areas of concern for the Trust.

I acknowledge the applicant's careful analysis and evaluation of the impact of development on the North Downs SAC and have no reason to question the scale of the impacts predicted. The Council must understand, however, the Trust's continuing frustration at not seeing any evidence of requirements being imposed on major developments that could help put into effect a meaningful mitigation strategy to address

the continuing deterioration of conditions alongside A249 at Detling Hill arising from the cumulative impact of development and traffic growth.

I am satisfied that ground conditions appear to mitigate the risk of harmful water level fluctuations in the River Len and that, subject to the installation and effective operation of appropriate pollution control mechanisms, the contamination of watercourses can also be avoided.

A 'green' buffer is to be planted between the site boundaries and all buildings and hard surfacing to mitigate the loss of existing field margins and support the valuable semi-natural habitats in the wider area. Whilst the width of the buffer appears to be adequate for this purpose, proposals to adjust ground levels in the buffer zone suggest that the considerable amounts of fill will be deposited here before planting is commenced. I am not persuaded that the impact of this fill on vegetation, in particular trees in the Ancient Woodland and the northern side of the River Len valley, has been examined. It may be necessary to realign the proposed fill in order to avoid disturbance to ground conditions above the roots of these trees.

The application site and, especially, the Len valley are widely acknowledged to offer a tranquil escape from the noise of the nearby A20 and M20. Whilst noise disturbance in the adjacent residential properties has been evaluated, no equivalent work appears to have been carried out to enable the Council to judge the impact on wildlife (especially birds) of disturbance from vehicular movement in the open car parks and service areas. The position of service yards close to the eastern and southern boundaries poses a serious risk of light pollution along the woodland edges. Not only can this disturb animals and birds occupying the woodland but can disrupt the movement of bats using these edges for navigation and foraging. This issue does not appear to have been addressed in the Environmental Statement or in the layout of spaces and design of lighting.

I am satisfied that a reasonable assessment has been made of the risk of harm from dust and other contaminants. Subject to implementation of the recommended mitigation measures, I am satisfied that significant harm to wildlife should be avoided.

Finally, I am disappointed not to see a commitment to the use of green and/or brown roofs for the proposed buildings, nor to the use of a wide range of other building and landscape design features to maximise wildlife interest in the site. A much more ambitious strategy for ecological enhancement could be adopted. This might also include, for example:

- An appropriate management regime for the A20 verge to encourage a more varied range of native plants to become established.
- Long grass and/or wildflower habitat corridors throughout the site.
- Species-specific bird boxes for swallow house sparrow, swift and house martin.
- The management of the Local Wildlife Site to increase its overall biodiversity and help to negate residual impacts.
- Measures to prevent direct access from the development site into the LWS.
- Signage to provide information on the ecological value of the Waterside Park's green infrastructure and of the adjacent LWS and advice on ways to cause least impact.'

*(Officer comment: These are issues that can be addressed through an appropriate condition requiring the submission of an ecological mitigation and enhancement plan. I would state however, that the LWS is not within the applicant's control or ownership.)*

- 3.18 **Rural Planning Ltd:** Have provided the following comments in relation to the quality of the agricultural land within the site.

### **Policy Background**

At the local level, it is understood that the Council currently has no saved local plan policy relating to loss of specific grades of agricultural land to development, other than in respect of changes of use to domestic garden, which does not apply in this case.

At the National Level, Para. 112 of the NPPF states:

112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The NPPF does not define (or indeed particularly emphasise) exactly what it means by "significant" development of agricultural land in this context, but there is nothing to suggest anything beyond its ordinary English meaning i.e. sufficiently great or important to be worthy of attention, or noteworthy.

The Government has also reaffirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper The Natural Choice: securing the value of nature (June 2011), including the protection of "best and most versatile" agricultural land (paragraph 2.35). "Best and most versatile" (BMV) agricultural land is defined as Grades 1, 2, and 3a.

Natural England also observes that land protection policy "is relevant to all planning applications, including those on smaller areas but it is for the planning authority to decide how significant are agricultural land issues and the need for field information" (Technical Information Note - TIN 49 19 December 2012).

### **Waterside Park**

The proposals relate to a single field described in the earlier submissions as used intensively for agriculture and horticulture. The site area is said to be 17 ha: I calculate (from the DEFRA Magic website) the actual cultivated area (excluding woodland boundary strips) to be some 16.2 ha. The submissions on behalf of the applicants now include a detailed land classification study by Soil Environment Services which confirms the eastern part of the cultivated area, some 9.6 ha by my calculation (sandy loam) to be Grade 2 quality, whilst the remainder to the west, 6.6 ha by my calculation, (loamy sands and sand) is graded 3b due to the limiting effect of droughtiness in conjunction with the local climate. I note that the Planning Statement mentions that the development site represents a relatively small part of the farming tenant's total farmed

area, but that is likely to be the case for most development proposals involving arable land, and in my view should not be seen as diminishing, per se, the impact of the permanent loss of best and most versatile agricultural land here. The Planning Statement also refers to an established economic need for the development, and the lack of any alternative sites. Those are matters for you, but whilst the Planning Statement suggests that in the area "all potential sites comprise agricultural land", that is not to say that all such land is Grade 2 quality (or better). The broad ALC mapping for the local area suggests other land in the area to be Grade 3 quality, and the detailed Soil Environment Services study of this site confirms that the local land quality can vary, so there may well be other areas of poorer agricultural land in the area, as well as the 6.6 ha or so of Grade 3b land at the western end of this site, the loss of which would not be significant in terms of its ALC grading.'

**3.19 Kent Police Architectural Liaison Officer:** Does not object

I refer to the above planning application and have no objections to make on the principle of the proposal in regard to crime prevention and Crime Prevention Through Environmental Design (CPTED) matters, in accordance with the ODPM (CLG) / Home Office guide – Safer Places, The Planning System and Crime Prevention and the Kent Design Initiative (KDI), Design For Crime Prevention document dated April 2013, however I would like the following comments and recommendations to be taken into consideration.

If planning consent is given for this application

We would suggest that a condition worded something similar to the below is used:

The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason; In the interest of security and crime prevention and to accord with Policies of Maidstone Borough Council Draft Core Strategy Plan.'

**Internal Consultees**

**3.20 MBC Economic Development:** Are in support of the application and state as follows:-

'ADL and Scarab Sweepers, both Marden based businesses, have announced their intention to relocate to enable their growth and to become more competitive. From small beginnings around 25 year ago they have expanded to become two of the most significant employers in Maidstone, and importantly both export around the world.

## **ADL**

ADL has recently become part of a family owned German company called Febi Bilstein enabling it to access the required finance to grow the business in the UK.

ADL is a supplier of automotive vehicle parts for Japanese, Korean and American vehicle brands. Key stats:

- Projected turnover £84m for 2014 (rising to £125m by 2016)
- Current business rates payable £300,000 (expected to rise to £500k if move to junction 8)
- 20% of profit reinvested into product development
- Local employments costs £9m
- 50% of turnover is for export to 100 countries (expected to rise to 65% of turnover by 2016).
- Established apprenticeship scheme
- 230 local employees (expected to employ an additional 100 over next three years)
- Other spend in the local economy of £3m through 10 main local suppliers including £2m through the Maidstone TNT depot and £400k on temporary employees.

ADL's need to secure a new site is pressing. They frequently operate at 90% capacity and are growing rapidly. They already operate from 5 different buildings which is inefficient. Even if they could identify a suitable additional building to add capacity it would exacerbate operational inefficiencies, and add costs. Their parent company's business model requires them to own property freehold. A short term extension to their current leases has been rejected by one of their landlords, Firmin (see attachment)

## **Scarab**

Scarab has recently become part of the Fayat Group, one of France's largest construction companies.

Scarab is the world's largest manufacturer of single engine street sweepers and currently employs 220 staff in the UK. Scarab is going through a period of significant growth in its export markets and plans to add 50 more over the next three years.

Scarab recorded turnover of £27m and expects growth of 25% this year.

Currently Scarab's site restrictions mean that they sub contract work to outside suppliers (not necessary local) rather than expand.

Together, ADL's and Scarab's combined 450 staff earn salaries of £15m per year. Most of these employees are Maidstone residents and buy goods and services which benefit the local economy further.

A significant proportion of employees earn well over the median annual pay for those working in Maidstone (Source Volterra report)

### **Nature of jobs safeguarded and created**

A range of job opportunities are needed at different skill and wage levels if the borough is to increase its employment rates and meet the needs of local residents. The applicant states that 60% of ADLs jobs will be office based or in Quality Control. Greater investment in technology will require IT skills and up skilling employees in technological changes in the automotive industry. A 3000 sq ft training facility is planned on site. Distribution centre roles require a general skill level and therefore are accessible to a wide range of people, including those with limited experience.

Scarab has a wide variety of both manufacturing and office-based roles. Positions require varying skill levels and employees receive excellent training. Manufacturing roles include welders, assembly fitters, painters and inspectors. Office roles are in the areas of sales, administration, IT as well as the in-house design team, which includes highly-skilled mechanical design engineers.

ADL has recently announced an apprenticeship scheme with vacancies in logistics, supply chain, product development and quality control. Scarab has plans to establish an apprenticeship scheme over the next two years that will give opportunities in the fields of mechanical engineering, welding and product maintenance.

### **Need to relocate**

Expansion is only possible if both companies relocate. Currently both occupy a number of buildings in Marden which are poorly related to each other operationally and result in inefficiencies such as double handling incurring avoidable costs.

Expansion in Marden is no-longer desirable due to the constraints of the industrial estate but also because it is some distance from the motorway network (around 20 minutes or more depending on traffic) which results in lorries using rural roads and additional costs in time and fuel. The impact of lorry movements on local communities has resulted in the introduction of Experimental Traffic Regulation Orders around Marden and Yalding with the aim of directing lorries in excess of 7.5 tonnes away this area and on to the main road network. This has reduced the attractiveness of Marden for ADL and Scarabs too as it increases journey times and cost for some deliveries and exports.

### **Maidstone's key competitive advantage.**

Proximity to the M20 motorway, which provides access to London, Greater South East, UK and European markets, is one of Maidstone's key competitive advantages. The borough benefits from four junctions on the M20 as well as quick access to the M2 to the East and the A21 to the west, and also the M25.

Sites along the motorway represent some of the best opportunities for expanding Maidstone's tradable base and export capacity.

In the absence of any other existing industrial estates in Maidstone capable of accommodating the needs of these local businesses, Waterside Park offers significant

business benefits. As stated in the applicant's submission, the 42 acre site offers the following advantages:

- A larger facility to allow future growth;
- A reduction in occupation costs;
- Economies of scale from operating in a larger facility;
- Improvements in operational efficiency;
- Retention of key staff members;
- A prestigious location for their headquarters;
- Fewer truck movements; and,
- Better access for trucks to major sea ports.

### **National context**

The government places significant emphasis on encouraging exporting and greater global competitiveness. It sets four ambitions in the 'Plan for Growth', published at Budget 2011 one of which is to "to encourage investment and exports as a route to a more balanced economy."

In November 2011 the Prime Minister and Lord Green launched the National Challenge - a major initiative to boost the number of Small to Medium Sized Enterprises (SMEs) that export - setting the target of getting up to 100,000 SMEs to either start exporting for the first time or spread to new markets over the next 5 years.

The National Plan for Growth identifies 8 key sectors where growth should be encouraged, one of which is Advanced Manufacturing. Scarab displays many of the characteristics of an advanced manufacturer. The proportion of national output and employment in manufacturing has continued to decline but there is now a greater recognition of the importance of the sector to growth because of its high levels of research and development, its supply chain and propensity to export.

**National Planning Policy Guidance** 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. Planning authorities should support existing business sectors, taking account of whether they are expanding or contracting. These policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. Developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies.

A report commissioned by Maidstone Borough Council and produced by GVA in December 2013 called Economic Sensitivity Testing sets out the economic potential of the Borough and the implications this has on future growth requirements to 2031. The report identifies key sectors which already have a strong concentration, and are expanding. Land Transport, Storage (ADL) and the Manufacture of Transport Equipment (Scarab) are included in this list.

The report goes on to say that businesses servicing regional, national, and international markets from Maidstone tend to seek locations with high quality environments and workspaces and good communication and infrastructure.

Waterside Park would create such desired locations.

### **Regional context**

At the regional level the South East Local Enterprise Partnership policy documents identifies 4 key sectors with high growth potential, and which fit closely with the National Industrial Strategy. These are advanced manufacturing, logistics, low carbon and environmental technologies, and life sciences/med tech. Recent planning decisions to support the Maidstone Medical Campus with its life sciences focus and now this opportunity to support manufacturing and logistics demonstrates that Maidstone is very much aligned to national and regional growth strategies and therefore well placed to benefit from sectors where jobs growth is expected in the future.

### **Kent context**

The importance of growing Kent's export base is reflected in Kent County Council investment in the recently established Kent International Business Service. Kent International Business (KIB) is a Kent-wide initiative which aims to encourage Kent businesses to access overseas markets and to provide information, advice and support to help them do so. KIB is led by Kent County Council in partnership with various business support organisations in the county.

The Kent Freight Action Plan 2012-2016 (KFAP) recognises the significant contribution freight and logistics make to the Kent economy but also the impact lorries can have on local communities. Of the 6 objectives in the KFAP the following are particularly relevant:

Objective 3: To effectively manage the routing of HGV traffic to ensure that such movements remain on the Strategic Road Network for as much of their journey as possible.

Objective 4: To take steps to address problems caused by freight traffic to communities.

The relocation of both these businesses closer to the motoway supports both these objectives.

### **Borough Context**

Maidstone Borough Council's Economic Development Strategy states that it should ensure a supply of readily available sites and encourage the retention of existing businesses and their investment in the Borough. There have been no new employment allocations since the adoption of the Local Plan in 2000.

The Borough needs quality sites in the right places to retain and attract businesses in these growth sectors if Maidstone's economic potential is to be realised.

The 2013 Economic Sensitivity Testing report by GVA states that Logistics and Distribution sector has seen unprecedented growth over the last decade. Future prospects indicate that growth will continue. This sector is forecast to grow by 17% between 2011 and 2031.

The manufacture of transport equipment is forecast to grow as a result of a number of factors including new technologies, changing vehicle requirements and sustainable fuels and increasing costs. Commercial vehicles are increasingly specialised generating a demand for greater ancillary products and adaptation businesses. As technology evolves this is likely to continue to be a niche growth industry. This sector is forecast to grow locally by 16% between 2011 and 2031.

### **Threats to the local economy**

Whilst the Borough's economy remains the largest in Kent (outside of Medway) in terms of Gross Value Added (GVA), number of employees and businesses, the short to medium term trend is one of contraction. Between 2003 and 2008 the number of private sector jobs available in the Borough fell by 5% (source: Location metrics for Regional Growth Fund 4) with employment growth largely coming from the public sector. Between 2008 and 2010 the number of all employees in the Borough fell by a further 3000 jobs (source: Kent County Council, Research & Evaluation, Business Strategy & Support, Business Register and Employment Survey ).

GVA has fallen slightly over the last few years. Job Seeker Allowance claimants stand at 2.0% (Sept 2013) but the underlying number of unemployed residents is in the region of 5400 people (Source Nomis 2013).

Employment opportunities in the Borough are also under pressure due to the Government's proposed reductions in public sector spending and this will inevitably mean job losses. The Borough is highly dependent on public sector employment which provides approximately 30% of all jobs, one of the highest percentages in the South East. It is estimated that between 2011 and 2015 around 2000 direct and indirect jobs will be lost in Maidstone, which supports the case to encourage more private sector jobs in the short to medium term (source: Kent County Council Public sector dependency and an assessment of the effects of public sector job cuts in Kent).

Should Waterside Park not get permission existing jobs will be lost and the opportunity of significant future job creation will be missed locally. The scale of the jobs lost will in part be dependent upon where ADL and Scarab choose to relocate. Clearly if this is some distance from Maidstone the job losses will be greater.

### **Conclusion**

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 businesses provide significant local employment and planned jobs growth in a wide range of skilled and non skilled occupations.

Both businesses 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 welling being 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.'

**3.21 MBC Landscape Officer:** Objects to the application. Originally provided comments were as follows:

Comments:

Land and waterbodies immediately to the east and south of the site are designated as part of the River Len Mill Pond and Carr Local Wildlife Site. The woodland to the east is designated as ancient and semi natural woodland Ancient Woodland and there is another area of ancient and semi natural southwest of the site. In addition, the SLA lies to the north of the site and there is a Protected roadside verge on the northern boundary.

In terms of landscape character, the site is located within detailed area 49-3, Ashbank Fields, of the Maidstone LCA 2012 (amended 2013). This falls within the broader Valleys landscape type. The relevant guidelines and summary of actions are set out below:

Valleys: generic guidelines

- Encourage good water quality and flow through the promotion of sensitive management and avoiding further intensive arable farming
- Enhance rivers and associated tributaries, ditch and pond networks by promoting a 30m natural corridor along the length of a watercourse and large water bodies (extending 15m away from either side of the watercourse). For smaller streams, ditches and ponds the natural corridor should be 20m (extending 10m landward from each water margin)
- Conserve the unfenced interface between the land and river
- Increase habitat connectivity by promoting vegetation links between key wildlife sites, including alongside sections of railway line
- Conserve the rural skyline in views out of valleys

Leeds Castle Parklands (49): Summary of actions

- Conserve the remote qualities of the Len Valley and its setting, and strengthen vegetation along the River Len and adjoining ditches to improve habitat connectivity
- Conserve and restore tree cover, which helps to screen views of major infrastructure routes

Ashbank Fields (49-3):

Key Characteristics

- Open views across arable fields and pasture
- Streams and ditches
- Lines of riparian woodland along streams

- Field boundaries marked by contours and watercourses

#### Summary of actions

- Restore and improve the rural setting to the Kent Downs AONB north of the M20 by avoiding expansion of development
- Improve the integration of infrastructure through native planting where practicable

The landscape and visual impact of the development is a key consideration, particularly with regards to the extent of excavation required to create a level development platform, views of the site from the AONB and the role of the site in providing a setting to the AONB.

The views from the AONB will be considered in more detail by the Kent Downs AONB Unit and to the south there are views from PROWs and Old Mill Road. The adjacent hotel is the sole urbanising feature with some lighting visible at A20/M20 roundabout. The slope of the land is prominent from short views heading east along the A20.

Chapter 13 of the applicant's environmental statement, landscape and visual impact, produced by DHA is generally acceptable in principle but it cannot be considered as a detailed LVIA in accordance with GLVIA3 in that the application does not consider the appearance and layout and scale of buildings at this stage. I would add, though, that the inference at paragraph 13.4.20 is unable to be justified and also suggest that the degree of landscape change has been downplayed. In addition, it should be noted that many of the cross references to section 12 are incorrect.

The Report on Tree Inspections produced by Broad Oak Tree Consultants Limited is considered acceptable in principle subject to clarification on paragraph 6.9.4. There is no evidence to support the view that Ash trees should be downgraded because of Ash Dieback. It is expected that some trees will be more resistant to the disease and could therefore have a safe useful life expectancy in excess of 40 years. Therefore the categorisation given to Ash trees within the report is not necessarily acceptable. Likewise, the comment in bullet point 9, paragraph 13.5.5 of DHA's report relating to landscape and visual impact is not acceptable in the context of replacing Ash trees within the adjoining woodland as a management operation.

There are clearly significant level changes proposed in close proximity to the edge of the Ancient Woodland. Whilst bullet point 1, paragraph 13.5.5 of DHA's report states that most of the existing vegetation around the site would be unaffected by the proposed development (including all the woodland around the southern and eastern boundaries of the site) and bullet point 3 suggests a buffer zone of at least 15m would be adhered to, the site sections suggest otherwise. In order to ascertain the extent of any adverse impact on individual trees more detail is required on the root protection areas (RPAs) of trees closest to the ground level changes. I would, therefore, want to see a site layout plan with the RPAs clearly marked and a proper arboricultural impact assessment (AIA) in accordance with BS5837:2012. Particular reference should be made to BS5837 in terms of section 7, demolition and construction in proximity to existing trees, and section 8.2, drainage.

In terms of proposed landscaping I would need to see evidence to demonstrate that the soil structure and angle of slope is appropriate to support the establishment, maintenance and long term management of new landscaping and that the slope stability is such that it avoids the silting up of the adjacent watercourses.

In conclusion, there is a lack of information to demonstrate that individual trees/woodland will not be harmed in the long term and that the proposal accords with the Council's approved LCA and emerging Local Plan policies DM9 and SP5. I therefore raise an objection accordingly.'

### 3.21.1 Further comments were made on 20 January 2014 following consideration of the additional information that has been supplied by the applicants.

#### 'Comments:

I have assessed the revised details in relation to RPAs and site sections. Whilst the RPAs appear to be appropriate at a generic level I am very disappointed that, considering the size of the site and the value of the adjacent designated Ancient Woodland, the extent the area identified as requiring root protection is limited to the minimum British Standard recommendation. The actual rooting zones haven't been considered, which will extend considerably further than the RPAs, and neither have the potential hydrological impacts of waterlogging or seasonal drying out. Bunding and level changes within the 15m buffer zone for the Ancient Woodland are still shown on the Site Banking Change drawing (13026/TP/004), contrary to Natural England Standing Advice; appendix 4 of which details the adverse impacts of the effects of development on adjacent land. The fact that this area of land to the east of the site shows no indication of having been disturbed since the 1870 maps is also likely to add weight to its value as a buffer zone.

The proposed bunds are marked as either a 1 in 2 or a 1 in 3 slope. Chapter 11 of the applicant's Environmental Statement (Ground Conditions), paragraphs 11.4.16 to 11.4.19 confirm that Folkestone Beds sand can generally be expected to remain stable when cut at profiles no steeper than 1 in 3 during construction without the need for support but some very localised groundwater control measures may be required. However, the bund slopes on the east side, at a 1 in 2 slope, may require local groundwater control measures and possibly some local slope support measures in the area. There are no details as to how the level changes will be phased or achieved. This is contrary to the Council's Landscape Character Assessment Supplement 2012, General Landscape Guidance, 8, Earthworks. This is very clear in its assertion that screening should be achieved as far as possible without bunding and that relaxed profiles (approx. 1 in 5) are preferred, with slopes normally no steeper than 1 in 3. The steeper the slope the more alien it appears within the landscape and the more resource intensive it is to construct and maintain.

In conclusion, an arboricultural impact assessment (AIA) in accordance with BS5837:2012, with particular reference to section 7, demolition and construction in proximity to existing trees, and section 8.2, drainage has not yet been provided. Neither has any evidence been submitted to demonstrate that the soil structure and angle of slope is appropriate to support the establishment, maintenance and long term

management of new landscaping and that the slope construction and profile is such that it is stable and sustainable.'

### 3.22 **MBC Conservation Officer:** Objects to the application.

'The site occupies a prominent ridge-top location where the land falls away steeply from the western boundary towards the east. Considerable re-shaping of the landscape is proposed in order to create large, level platforms for development with large industrial and warehousing units together with substantial areas of car parking and ancillary facilities.

The site lies directly opposite the Grade II listed Old England Cottage in Ashford Road. 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.

Other heritage assets lying further afield may also potentially be affected by this development – these include Leeds Castle and its registered historic parkland; Leeds Conservation Area; the group of listed buildings around Brogden Farmhouse, Leeds; and Woodcut Farmhouse, Hollingbourne.

Old England Cottage has its setting already compromised by its position adjacent to the A20/M20 junction – the dual carriageway road lies very close to the front of the building and is constructed at a significantly higher level than the cottage. The fact that the setting of this listed building is already badly affected does not mean that further impacts can be discounted – English Heritage has produced guidance on the setting of heritage assets and in Section 2.4 of this document it states:-

“Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting...consideration still needs to be given to whether additional change will further detract from...the significance of the asset.”

However, I am in agreement with the assessment of the Environmental Statement that the impact on the setting will be slight, given the intervening dual carriageway road, the topography and screening.

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. In my view the development as proposed is likely to severely compromise this seclusion by its sheer presence and activity associated with it. The large buildings may be visible from the millpond. In medium-distance views there is also likely to be a 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

placed immediately behind the oast kilns, thus compromising this view and adversely affecting the setting of the non-designated heritage asset. 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.

The proposals would not be visible from Leeds Castle itself, but from one point in the Registered Historic Park would be seen beyond the castle. The Environmental Statement gives this fact little weight, on the basis that the view is only available to a relatively low number of golfers. In my view, notwithstanding this, it is the impact on the integrity of the historic parkland which is the relevant consideration; this view is one of the finest views of the castle in its setting and deserves to be protected.

There would be glimpses of the development from a couple of locations within Leeds Conservation Area, but it is accepted that the impact will be slight. Similarly, although the edge of the site is visible from Woodcut Farmhouse, the topography and the “cutting-in” of the development into the existing landform mean that it is unlikely to have any significant impact on the setting of this listed building.’

3.22.1 The Conservation Officer has no further comments having considered the additional information submitted by the applicants.

3.23 **MBC Environmental Health:** Raise no objections to the development subject to a number of suggested conditions and also informatives governing conduct and hours of operation during construction.

**‘Air Quality:**

The air quality assessment generally conforms to current guidelines and best practice and the comments made by this department on the scoping report under MA/13/0050 have been taken into account.

The recommended (in section 12 of the Environmental Statement) mitigation for the operational phase of the development relies on the measures proposed in the transport assessment section 8.6.4. These proposals are supported. However, as the proposals are necessarily vague and strategic we would like the transport framework and travel plans to ensure emission reduction is addressed and not just trip generation. For example, we would like to see Electric Vehicle charging points installed or the enabling cabling to be installed in the least.

We would recommend that contained within any travel plan the emissions related to buildings and transport are directly evaluated either quantitatively or qualitatively to

ensure the target is not just about trip reduction as ultimately the goal is not trip reduction but emission reduction, for which reducing trips plays a significant role.

In order to achieve this we are proposing an emission reduction condition which could be fulfilled within the travel plan component of the decision notice.

In terms of the construction phase emission we recommend that the construction phase mitigation proposed in section 12.6 is fully implemented.

### **Contaminated Land:**

There is no indication from the latest British Geological Survey maps of any significant probability of elevated radon concentrations. But the historical use of the site for agricultural purposes and the position of an historic landfill site within part of the northern corner of the site plus immediately adjacent to it; called The Caves, ref EAHLD19602, indicates that a contaminated land condition should be applied to any planning permission granted.

Our records suggest that landfill site was licensed for inert builders and demolition waste until April 1994; and so is unlikely to produce landfill gas, but should be included in the proposed site investigation (Section 11.6.13).

The ground condition report is a comprehensive desk study and from the information presented we agree with the key issues regarding groundwater and land contamination have been identified.

We therefore support the mitigation recommendations to carry out a site investigation in order to manage the potential risks going forward (Section 11.6.13, 11.6.29, 11.6.30, 11.6.32) and suggest this is brought together in one report and submitted to satisfy the proposed contaminated land condition.

### **Groundwater:**

We note that the Environmental Statement, ref JB/9628, states in section 10.3.2:

*An approach has been made to the EA regarding the groundwater conditions on the site and the Zone III Source Protection Zone. The EA have responded and have asked for the following to be taken into account in the design of the proposed drainage system.*

- (1) As there is not 10m between the proposed infiltration drainage we will need to demonstrate that we have put in the required protection measures in the drainage system to protect the aquifer from contamination.*
- (2) There is to be no infiltration drainage within 50m of the existing landfill site."*

In addition we note that section 10.6.1 states:

*"Without mitigation, there would be a potential risk of contamination from the impermeable surfaces of the proposed site due to accidental spillages of contaminants reaching the ground water and aquifer. The proposed drainage system will be designed with protection from these events which will include natural techniques such as permeable paving swales and wetlands and in areas of high risk such as service yards the use of class 1 interceptors. With these measures in place the predicted impact will be*

*negligible. The construction of swales, ponds and wetland on the site will provide a natural habitat and will be a benefit to the environment."*

Such mitigation is particularly important to protect nearby Private Water Supplies such as that used at Leeds Castle and should definitely be referred to the Environment Agency for them to approve. We therefore support the proposed mitigation of designing an appropriate drainage system and recommend a drainage condition to cover this aspect of the development.

This overlaps with the sections on surface water flooding and the EA may have proposed a suitable condition to cover this aspect from an EH perspective.

#### **Foul Drainage:**

We note that the application form states that foul sewage will be dealt with via a cesspit. Our records show that mains drainage lies immediately adjacent to the site beneath the A20 and we can find no relevant cesspits indicated on the maps/plans supplied with this application. Therefore, further information on this matter needs to be required to ensure the appropriate drainage for this development is implemented.

#### **Recommendations:**

No objections subject to the comments above.

- 3.23.1 The suggested conditions relate to the submission for approval of foul and surface water drainage details, light spillage, contamination and air quality emissions reduction strategy.

#### **4. REPRESENTATIONS**

- 4.1 **Helen Grant MP** has written in support of the proposals stating that everything should be done to keep the ADL and Scarab within the Borough of Maidstone. They employ 450 people and is likely to grow to 600 over the next few years, their existing location is restricting their growth. Being foreign owned they could relocate to Europe. The economic and employment benefits to the Borough are substantial with multi-work disciplines including engineering which is desperately needed.
- 4.2 **County Councillor Jenny Whittle** objects to the proposals on the following (summarised) grounds:
- The Council and KCC in conjunction with Stop KIG and local residents and Joint Parishes Group spent considerable time and money defeating the Kent International Gateway application. This application rides roughshod over the commitments given to local residents to protect the countryside from inappropriate development and the findings of the Inspector for the KIG appeal.

- An industrial estate in the shadow of Leeds Castle one of the country's leading visitor attractions certainly constitutes inappropriate development.
- There will be an unacceptable increase in traffic movements supply chain lorries despite assurances to the contrary given in the application are likely to use roads and country lanes that are not able to accommodate such traffic.
- The businesses that are relocating are existing in the Borough, so how would the development achieve employment growth.
- The 400 jobs would create significant traffic growth in the area and have an adverse impact on M20 junction 8.
- There are other sites in the Borough whether there are unutilised planning permissions and/or space for B1 B2 and B8 employment space, so there is little to justify development of junction 8 for these purposes

4.3 **Mid Kent Chamber of Commerce:** Support the proposals on the following (summarised) grounds:

- There is a pressing need for the two companies to relocate from their existing premises, due to inefficiencies of multi-building operations and the inability to expand further.
- As far as the Chamber is aware there are not other sites in Maidstone that can accommodate the companies' specific needs.
- There is a current lack of allocated employment land in the Borough that should not frustrate the companies' future growth potential.
- Both companies are substantial and key employers within the Borough.
- If permission is not granted it will breach two fundamental planning principles:
- Need to maintain a growing economy:
  - Maidstone is a growth point in the Region and the absence of appropriate employment land in the right location close to the national highways infrastructure will affect not only the two companies involved, but also potentially frustrate the growth aspirations of other companies in the Borough.
  - Need to grow the range as well as the number of employment opportunities.  
There is an on-going need to expand and diversify the employment opportunities within the Borough. Not making land available will frustrate the growth aspirations of Maidstone by damaging the potential growth in employment opportunities.
- The Chamber is satisfied that the growth needs of ADL and Scarab are now urgent and that appropriate consent on land at junction 8 is an overriding necessity.
- The application is considered to be well thought-out in environmental terms and is acceptable.

- The Chamber understands that there is no overriding objection from the Highways Agency to this proposal which would also fund enhanced road access between Junction 8 and Leeds Castle.

#### 4.4 **UK Trade & Investment Dept: (Planning & Infrastructure Consent Specialist)**

I write in support of the above planning application on the grounds that it conforms with the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

The role of UK Trade and Investment (UKTI) as the Government department that assists overseas companies to bring their high quality investment to the UK, as well as helping UK based companies succeed in the global economy, relates directly to this pro-growth presumption, which supports national economic growth to meet global competition and provide jobs and prosperity. Through UKTI, Government places significant importance on attracting, developing and retaining, mobile overseas inward investment to create jobs and wider economic development, including exporting into overseas markets as emphasised in the 'Plan for Growth', published at Budget 2011.

My interest in this application relates to Scarab Sweepers and Automotive Distributors (ADL), two important overseas owned companies relationship managed by UKTI. Additional investment from both companies is extremely important for the national economic recovery and both businesses support the national government agenda to help rebalance the economy through exporting. Their expansion will also undoubtedly provide local economic benefits including jobs and investment and help to open-up a new strategic employment site for Maidstone.

ADL and Scarab Sweepers are both based at Marden and need to relocate to enable their growth and to become more competitive. ADL's need to secure a new site is pressing as leases on some of their current buildings end in January 2017, with no scope for extending them. Currently both companies occupy several buildings, which are poorly related to each other operationally and result in inefficiencies such as double handling incurring avoidable costs. Expansion in Marden is non-preferred due to the constraints of the industrial estate but also because it is some distance from the motorway network (around 20 minutes or more depending on traffic) which results in lorries using rural roads and additional costs in time and fuel.

ADL is owned by German company Febi Bilstein and Scarab has recently become part of the French Fayat Group. ADL is a supplier of automotive vehicle parts for Japanese, Korean and American vehicle brands and currently employs 236 staff in the UK. ADL expects that by 2016 exports will represent 70% of its revenues. They expect to employ an additional 120 people by 2023 if their expansion plans are not constrained. Scarab is the world's largest manufacturer of single engine street sweepers and currently employs 220 staff in the UK. Scarab has recently achieved sales growth of around 25% and further expansion could add up to 50 staff over the next 3 years.

Most of these employees are Maidstone residents and through their combined wages (£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.

At ADL in addition to distribution centre jobs, 60% will be office based or in Quality Control. Distribution centre roles require a general skill level and therefore are accessible to a wide range of people, including those with limited experience. ADL has recently announced an apprenticeship scheme with vacancies in logistics, supply chain, product development and quality control. Greater investment in technology will require IT skills and up-skilling employees in technological changes in the automotive industry. A 3000 sq ft training facility is planned on site which will be used to deliver world-class training courses to both Bilstein group employees and automotive technicians alike from across the globe on such highly technical topics as emissions sensing and high speed CAN and LIN networks used on all modern vehicles.

Scarab has a wide variety of manufacturing, engineering and office-based roles. Positions require varying skill levels and employees receive excellent training. Manufacturing roles include welders, assembly fitters, painters and inspectors. Office roles are in the areas of sales, administration, IT as well as the in-house design team, which includes highly-skilled Design Engineers. Scarab finds it very difficult to source staff with these wide range of skills and has a desire to introduce a formal training scheme and are keen to work with local Education providers to influence course content in their fields.

Both companies have undertaken extensive site searches including analysis of labour costs, land and property costs, supply chain, and distance travelled to work by staff to find the optimum location. The preferred location for both is the subject of this planning application. In the absence of any other existing industrial estates in Maidstone capable of accommodating the needs of these local businesses, ADL and Scarab have stated that Waterside Park will offer the following advantages:

- A larger facility to allow future growth;
- A reduction in occupation costs;
- Economies of scale from operating in a larger facility;
- Improvements in operational efficiency;
- Retention of staff members;
- A prestigious location for their headquarters;
- Fewer truck movements; and,
- Better access for trucks to major sea ports.

The potential economic benefits of allowing both companies to grow at their preferred location is clearly set out above. However, there are also several environmental and community benefits including:

- Fewer HGV movements on local roads resulting in less congestion, pollution, noise and safety concerns.
- Opportunity to run the businesses in a more environmentally friendly manner from modern premises.

- Landscape, design and bunding to mitigate landscape and visual impact.
- Conservation of the adjacent Local Wildlife Site.
- Sustainable design and construction features to attain a BREEAM 'Very Good' rating.
- No significant impacts arising with regard to noise, vibration or air quality.
- Sustainable travel initiatives delivered via a Framework Travel Plan.
- Ecological mitigation to deliver biodiversity benefits through new planting.
- Drainage to replicate greenfield run-off rates and preserve the water quality and hydrogeology.

After careful consideration, it is clear that this application has significant benefits for the economy, plus the environment and community, which all together amount to sustainable development justifying approval and I strongly encourage the granting of planning permission for the development of these important overseas investors.'

**4.5 CPRE Protect Kent:** Object to the proposals on the following (summarised) grounds.

- They continue to regard this application as failing to properly describe the proposed use of the site by failing to refer to mineral extraction.
- It is clear that any potential use of the site for industrial use is several years away, and that this part of the application should be regarded as premature. The duration of the minerals extraction period is dependent on the permitted hours of working and the availability of a market for the sand extracted. The application is for 7 day working, 24 hours a day. As the site is adjacent to a major hotel this must be completely unacceptable and sensible conditions applied, consequently extending the duration of the extraction.
- This site is a field in the open countryside and is some distance from the defined Maidstone urban area. It is not allocated for development in the 2000 Local Plan, and although it was included as an option for development in the strategic sites consultation for the emerging new Local Plan, development at J8 was overwhelmingly rejected by those responding. It was not subsequently included in the Interim Plan agreed by the Council's Cabinet in March 2013.
- At the same meeting it was acknowledged in the officers report that more recent employment forecasts show a reduced need for warehouse development and for employment land overall, and that further work was being undertaken to identify potential employment sites. It was further acknowledged that there is a stock of industrial and warehousing land in nearby authorities in particular in Swale, Medway and Ashford which is currently available to meet market needs. The need for the development is, therefore, highly questionable, and the acceptance of this site now would be prejudicial to the Local Plan process.
- The site is and has always been in agricultural use, and it is best and most versatile land. It also adjoins a designated Special Landscape Area (SLA) and is in close proximity to the Kent Downs Area of Outstanding Natural Beauty (AONB). Consequently, it is a rural and environmentally sensitive site, where industrial development of this scale and nature would be incongruous and alien in the landscape. Indeed, in including it as an option for development in the

strategic sites consultation the Council did so despite recognising that it was an unsustainable location for development.

- As a Core Planning Principle, the NPPF requires development to recognise the intrinsic character and beauty of the countryside, which this development fails to do. The NPPF (paragraph 112) also requires development proposals to take account of the economic and other benefits of the best and most versatile agricultural land, which again the application fails to do.
- One of Maidstone's principal attractions is its countryside setting, especially the approach to the town from M20 J8, which runs mainly alongside the edge of the AONB and in the SLA. Should this application be approved it would create a precedent, initially for the other two sites already being put forward nearby, which would be difficult to resist. This would open up the whole area in towards Bearsted, a distance of about a kilometre. However much MBC wish to control this spread it would be likely to be approved on appeal.
- The application proposes the removal from site of 740,500 tonnes of minerals. This would result in some 75,000 lorry movements. The NPPF paragraph 32 states "*All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment*". Although the Environmental Statement chapter 8 appears to include this it is wholly and totally inadequate. It considers, very superficially, only the immediate roundabouts and junctions close to the site. It does not mention or consider where the traffic might be going, and the effects on the wider road network and the destination points. It clearly is not sufficient for the determination of the planning application by MBC, and must require a comprehensive analysis and report by KCC as the highways authority. We have no knowledge of this being done.
- The NPPF has introduced economic considerations in to planning. Two companies are parties to the application, both based in Marden. They are both growing, although we suspect "optimism bias" in their projections. This growth is surely dependent on their markets, not buildings, but they state that working from multiple buildings is inefficient. This means that moving to a single site should allow them to reduce staff numbers, whatever those numbers may be at the time (several years hence), rather than add to them. Additionally a site at M20 J8 will allow recruitment from all over Kent and even beyond, further reducing any benefits to Maidstone compared to the Marden sites.
- Furthermore both companies have recently been taken over by European groups. Because the large majority of their output is exported to the continent it must be considered very likely that they will "do a Pfizer" and transfer their operations to the other side of the Channel (Scarab Sweepers are already rumoured to be in this position). Any economic benefits to Maidstone are unlikely to be achieved.
- We believe it extremely important that this application should be refused. The whole issue of development at M20 J8 should not be determined in this ad hoc way. The future employment growth of the Borough, and where that growth

should occur, are matters that must be tested through the plan making process which allows for public consultation and independent examination.

**4.6 Leeds Castle Foundation:** Consultants acting on behalf of the organisation have objected to the proposals on the following (summarised) grounds:

- The current application is clearly contrary to the existing development plan, Maidstone Borough Wide Local Plan 2000, as the land is not allocated for employment purposes. Whilst the Council has given consideration for development around Junction 8, this only formed part of the early public consultation exercise in 2012. The Council is now in the process of updating the evidence base for the new Local Plan.
- Development of the scale and nature proposed as part of this planning application would have a significant and strategic impact on the nature of growth and development within the Borough.
- Development of this scale must be considered premature prior to a thorough assessment of all the potential employment sites within the Borough. This should form part of the new Local Plan process and be subject to full public scrutiny.
- The impact that would occur on Leeds Castle and its associated garden and parkland that are recognised heritage assets as a result of the development. This relates to the physical impact as well as the potential impact on the Castle as a result of increased traffic, both for visitors from around the world and other event-related customers.
- The nature of the uses proposed and the physical impact and perception on the heritage assets in the immediate area.
- The impact of additional traffic on the local road network.
- The disruption that would be caused during construction and how this would impact on people considering visiting or staying at the Castle.
- The potential loss of income directly to the charity that is charged with the Castle's preservation, and the knock-on impact to surrounding business that also rely on tourism. The castle's local economic impact is assessed at being over £50m a year, which is jeopardised by this construction.
- The submission of the application prior to the thorough analysis of all the potential employment sites across the Borough is prejudicial to the future allocation of employment land in the new Local Plan.
- The lack of substantive evidence to demonstrate that the development proposed is required and in accordance with the requirements of the National Planning Policy Framework.
- Is the mix of development proposed required? Is the amount required? Should it be in this location?
- Dust, noise and disturbance that would result from construction activities.
- The application is justified by the applicant in landscape terms, on the basis of mitigation but there is no landscape argument that can support the introduction a large industrial estate in the open countryside. The applicant has attempted to

support their case by stating the need for this type of employment facility within the Borough and that it is essential for two existing companies. The evidence within the response from Kent County Council, (KCC), however clearly demonstrates that there is not the need for a new employment site at this location and there are alternatives within the Borough far more suitable for this type of development. In addition, the KCC response continues that there is vacant land within Maidstone and surrounding districts that would be more suitable and in sustainable locations than the current proposal.

- Concerns have already been raised about the suitability of any additional traffic on the B2163 and if this proposal goes ahead, it is inevitable that this route will end up a local cross country feeder for the industrial estate. The B2163 was only ever intended as a rural road due to its limited width and character. With the structural problems that have now been identified with this road, it is essential that the Council seriously considers the situation regarding a relief road for the Village. The proposed development is of strategic significance and should therefore fund to a relief road for the Village if it goes ahead.
- We therefore hope the Council will not only consider that this significant proposal is premature in advance of the Local Plan, but there is existing employment land in the area and surrounding districts that could be used for employment purposes. Significant harm would be caused to the area and this is not outweighed by the evidence forming part of the application. The Council is therefore requested to refuse the application that is clearly contrary to the guidance within the National Planning Policy Framework.

4.7 **Thirty** representations from individuals have also been received. All raise objections to the proposals on the following (summarised) grounds:-

- The area in question is and has been for many, many, years fertile agricultural land, the government supported by local authorities should be resisting the concreting over of such land and positively encourage the farming of it to enable crops for home consumption rather than the incessant drive to import them, this only drives up prices up and increases air pollution.
- The development would result in the loss of good quality Grade 2 agricultural land.
- The proposal will without question increase the traffic volume in and around the surrounding area, the two companies vying for occupation are presently based at Marden so once the new proposed warehouses are occupied the traffic through Leeds village on the B2163, already well in excess for the design of a B road, will increase resulting in yet more congestion, heightening of accident risk and increase of pollution which already must be around the maximum as laid down by the European Union.

- The amount of preparation works needed just to get to base build is enormous and will involve large plant and removal lorries imposing noise, dust and congestion in and around the site location for months, not to mention the high risk of contaminants entering the lake which forms part of the River Len at the Old Mill end of the proposed site.
- Any development in or around Junction 8 will impose an eyesore on the approach to Leeds Castle one if not the best medieval buildings and surroundings in the UK let alone Kent, surely the jewel in the crown for Maidstone and the KCC when it comes to tourist attractions, we understand the Castle generates over £20M per year. It's in the County's best interests to keep this area looking as picturesque as it is at present and not subject it to yet more traffic and bland looking warehouses.
- This development, if approved, will again without doubt set a precedent for other proposals in the surrounding area. There is, it is understood, already an application for thousands of solar panels in the field parallel to the M20 adjacent to J8 with yet more agricultural land being threatened, not to mention the eyesore from the North Downs with these and massive warehouses appearing
- Why new industrial buildings when there is acres of unused space going begging in Parkwood. Local officers should take a walk or drive in there and see for themselves before signing away yet more valuable green space.
- The position and appearance of the proposed development is totally inappropriate for the area. Although much is made of screening the site from the A20 and surrounding area the site is clearly visible from nearby properties' front gates, back garden and bedroom window.
- It is also visible from the entrance to Leeds Castle and The Great Danes Hotel. No amount of new bunds and batters will disguise the fact that this is a large industrial factory placed in the heart of the Kent countryside, on the very edge of the North Downs.
- The area is very popular with tourists both local and countrywide and international.
- The area is popular for walkers and cyclists and it's character would be ruined by the development.
- If development is allowed, the impact will be similar to that of the industrial development around Aylesford, which has harmed its character and tourist potential.
- The beautiful nature that we have in the area is being used as a justification to destroy it and render it inaccessible to both local residents and tourist alike.

- Building an automotive factory directly adjacent to these streams, ponds and woodlands, which will be reduced to a mere barrier to further development seems beyond parody. The screening, batters & bunds proposed will at best, leave us with a wall of ugly uniform conifers and man-made earthworks and at worst, with a thinly disguised area of industrial sheds and giant boxes.
- Unacceptable number of lorry movements to remove the sand over a two-year period.
- Being without tree cover, the site is clearly visible all year round from a wide area.
- There is no guarantee that the two named firms will in fact take-up occupancy. And if they do relocate abroad or elsewhere, a sizeable area of countryside would have been destroyed to no avail.
- The identification of sufficient land to satisfy the employment needs of the Borough, commensurate with new housing provision, is a key issue for the Borough Council's Core Strategy/Local Plan to resolve. Furthermore, it is clear that the quantum of employment land sought for allocation for employment purposes is, in the context of this Plan, strategic in nature.
- Also, the size of the application site and the suggested quantum of development floorspace, again, is clearly of strategic value. It follows therefore that in the context of this Plan, to grant planning permission for employment development on this site would pre-empt the selection of alternative sites via the Plan making process.
- The Council's current emerging Plan has not yet progressed to a stage where any particular weight can be given to its policies. As far as the application site is concerned, the site and its general location has been the subject of significant and, as yet, unresolved objections and therefore any (even limited) recognition given to the site (or location) by the emerging Plan is of no weight in this determining process. Consequently, to grant planning permission on the application site would be premature to the formal processes of the Plan and would pre-empt and prejudice the consideration of reasonable alternative development proposals that, in due course, would be tested for soundness at an Examination In Public. Thereby, the grant of planning permission now would be premature and prejudicial to the completion of the formal Local Plan process. It is not the role of the Local Plan Examination In Public to judge the relative merits of reasonable alternative development proposals, ie to take decisions on behalf of the Council. Site selection is the responsibility of the Local Planning Authority and the Council cannot abrogate that duty to the Examination In Public. The function of the Examination In Public is to assess the soundness of the Plan, including whether reasonable alternatives have been considered. The Council must therefore allow that consideration to take place. Consequently, at present,

and in current circumstances, the Council has no alternative but to follow the advice in NPPF and to refuse planning permission.

- The Council should first undertake a review of existing employment sites such as Detling Airfield which has good road connections and has been developed since WWII and develop these in preference.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

- 5.1.1 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.
- 5.1.2 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.
- 5.1.3 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 which is enclosed by a recently erected close-boarded fence.
- 5.1.4 To the south of the site, lies 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.
- 5.1.5 The western site boundary is formed by Old Mill Road and to the NW of the site a waste transfer station run by Biffa is located. Old Mill Road is at a significantly lower level than the site.
- 5.1.6 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.

- 5.1.7 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.
- 5.1.8 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 (MBWLP) 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 Borough-wide Local Plan. The main body of the site has no specific designation or allocation in the Borough-wide Local Plan.
- 5.1.9 Part of the highway verge on the south side of the A20/M20 link roundabout falls within the North Downs Special Landscape Area (saved Borough-wide 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.

## **5.2 Proposals**

- 5.2.1 The application is a hybrid application (part detailed and part outline) and seeks permission for the following.

'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 is 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.'

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.

- 5.2.2 Two potential occupiers of the development are named in the application; ADL and Scarab, both are currently based on the Wheelbarrow Industrial Estate in Pattenden Lane Marden.

5.2.3 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.

5.2.4 The application proposes the two buildings for ADL and Scarab, Four further units and a central 'hub' building for the site.

Unit	Use	Gross External Area (m <sup>2</sup> )	Detailed/Outline
ADL (Unit 6)	Office	4,145	Detailed
	Warehouse	23,533	Detailed
	Training	282	Outline
	<b>Total ADL</b>	<b>27,960</b>	
Scarab (Unit 5)	Office	2,566	Outline
	Manufacturing	15,759	Outline
	<b>Total Scarab</b>	<b>18,325</b>	
Unit 1	Office	450	Outline
	Warehouse/manufacturing	2,440	Outline
	<b>Unit-1 Total</b>	<b>2,890</b>	
Unit 2	Office	200	Outline
	Warehouse/manufacturing	2,115	Outline
	<b>Unit-2 Total</b>	<b>2,315</b>	
Unit 3	<b>Office</b>	<b>2,170</b>	Outline
Unit 4	<b>Warehouse/manufacturing</b>	<b>1,860</b>	Outline
Hub	<b>Ancillary uses</b>	<b>500</b>	Outline
	<b>TOTAL</b>	<b>56,020</b>	

The proposed floorspace breaks down as follows:

B8 Warehousing (ADL):	23,353m <sup>2</sup>
B2 Manufacturing (Scarab):	15,759m <sup>2</sup>
Speculative Warehousing manufacturing:	6,415m <sup>2</sup>
B1 Offices (ADL, Scarab and Speculative):	9,531m <sup>2</sup>
Other uses:	782m <sup>2</sup>

- 5.2.5 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 some land raising/levelling (in the order of 1.5m-5m) to provide the development platform. The first phase would comprise some 14,864m<sup>2</sup> in a building some 110m in width and 135m in length under a series of three curved roofs. The building would be 15m to eaves (14m internal clearance at eaves level) and would be a maximum of 17.23m height. Ultimately the submitted plans show the building could be extended to 210m in length, creating an additional floorspace of 8,669m<sup>2</sup> in a second phase to allow for future expansion.
- 5.2.6 The majority of the offices serving the ADL unit would be located to the west side of the building over 3 floors linked to the warehouse building. Some of the offices would be located in the warehouse in a mezzanine at second floor level. In total, the offices would comprise some 4,145m<sup>2</sup>.
- 5.2.7 Car parking for the ADL unit would largely be located to the north of the warehouse building and adjacent to the offices. Some 278 spaces would be provided in this area. A further 72 parking spaces are indicated to be provided towards the southern end of the site adjacent to the proposed training building and the phase two section of the warehouse. Motorcycle and covered cycle parking facilities are also shown on the plan.
- 5.2.8 The warehouse would be clad externally in profiled metal cladding of contrasting profiles. To quote from the design and access statement submitted with the application:  
'The main warehouse is clad at the lower section in vertical profiled cladding which is sub-divided into sections by horizontally clad geometric shapes. The horizontal band leading from the office parapet is treated in a flat panel cladding to add a variety of texture to the materials. The upper section reverts to a vertical profiled cladding but set at a wider interval.'
- The three curved roof sections of the warehouse would be clad in three different shades of green coloured cladding and lit by linear translucent panels.
- 5.2.9 The office building would be brick-clad with tall window elements to each floor, copings and brise-soleil would be coloured to blend with the warehouse elements. The horizontal band mentioned above, leads from the height of the office parapet around the warehouse. The roof of the office building would be a sedum roof.
- 5.2.10 In addition to the proposed glazing to office elements, there are vertical glazed sections at intervals along the warehouse cladding to aid light and also provide relief to the elevation. The mezzanine offices in the warehouse would be lit by a

band of horizontal glazing on the west side of the building at just below eaves level. The east elevation of the warehouse building facing the LWS would be largely imperforate apart from the 4 sections of vertical glazing mentioned above that rise to eaves level and which also incorporate means of escape doors at ground floor level.

5.2.11 A loading yard is proposed. The building would have 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 landscaping. The building mass screens the yard from the surroundings.

5.2.12 The remainder of the site would need to be levelled 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 573,683 m<sup>3</sup> of material for re-grading and batters. Of this, 188,047 m<sup>3</sup> is needed on site to create the development platforms, which leaves a surplus of 435,636 m<sup>3</sup>.

5.2.13 The proposed development will therefore entail the working of some 1.06 million tonnes of material of which 740,581 tonnes of potential building sand will be surplus to site development requirements. 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.

5.2.14 The indicated premises for Scarab (Unit 5) would be located to the SW of the ADL site. The Scarab buildings would be some 92m in width and some 134m in length with potential to expand to 170m, 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 12,542 m<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.

5.2.15 Unit 2 would be located to the south of the ADL building, Unit 4 immediately to the north of the Scarab building and Unit 1 located in the SW corner of the site. Between Unit 1 and the Scarab building a decked car park over 3 levels is indicated. Unit 3 (offices) would be located on the west side of the site access road opposite the ADL site close to the entrance from the A20. The 'hub' building would be located to the south of Unit 3.

5.2.16 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 16.7m on the western platform and 17.7m on the eastern platform. This will allow a clear internal height of 14m for Unit 6 (the ADL building) and 13m for Unit 5 (Scarab), sufficient to allow semi-automation techniques.

5.2.17 Bunds and landscaping would be provided along the A20 frontage and alongside the eastern and southern boundaries. The western site boundary would be the 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 on the east side of the main access road and the southern side of the spur serving Units 1 and 4 and the decked car park, together with a balancing pond.

5.2.18 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.

### **5.3 Policy**

5.3.1 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.

5.3.2 As indicated earlier 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.'**

- 5.3.3 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.
- 5.3.4 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.
- 5.3.5 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.
- 5.3.6 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.

- 5.3.7 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.

Emerging policy framework: employment position

- 5.3.8 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.
- 5.3.9 The draft Core Strategy (2012) 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.
- 5.3.10 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.
- 5.3.11 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.
- 5.3.12 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.

- 5.3.13 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.
- 5.3.14 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.
- 5.3.15 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.
- 5.3.16 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.
- 5.3.17 As reported to Cabinet on 27 January 2014, a further employment land forecast has been undertaken to cover the plan period (2011-31).
- 5.3.18 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%

Table: Total floorspace requirements and jobs (excluding KIMS/Medical Campus)

5.3.19 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:

5.3.20 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)

5.3.21 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.

5.3.22 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).

5.3.23 Based on the SEDLAA assessment, the new industrial and warehousing floorspace required could be delivered in a dispersed pattern of new employment allocations. 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. It is recommended that all these sites are appropriate for allocation in the draft Maidstone Borough Local Plan, with necessary mitigation measures set out in the site specific allocation policies.

5.3.24 Either of the two sites submitted at the Junction 8 location could accommodate the full requirement for industrial and warehousing floorspace.

Qualitative need and market considerations

5.3.25 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.

5.3.26 *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.

5.3.27 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.

5.3.28 *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.

5.3.29 *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.

- 5.3.30 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.
- 5.3.31 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.
- 5.3.32 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.
- 5.3.33 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.
- 5.3.34 Junction 8 as a location for new employment floorspace has some has 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 is a significant consideration;

One of the council's three key objectives is for Maidstone to have a growing economy.

- 5.3.35 However, it is considered that the harm caused by development in the location of Junction 8 would be substantial, in particular in terms of impacts on the AONB and the wider landscape. Local Planning Authorities have a duty to have regard to the conservation and enhancement of the natural beauty of AONB landscapes. This duty equally applies to development proposals outside the boundary of an AONB but which may impact on the designated qualities of the AONB. Coupled with the relative unsustainability of Junction 8 as a new employment location, the harm caused by development here is not considered to be over-ridden by the acknowledged qualitative benefits. There is therefore now an objection in

principle to development of the sites around Junction 8 for employment related development.

5.3.36 The employment sites proposed for allocation in the draft (Regulation 18) Local Plan are due to be considered by Cabinet on 24<sup>th</sup> February 2014

5.3.37 The proposed employment sites in the draft Local Plan follows a dispersed pattern of new allocations as set out in paragraph 5.3.25 above.

National Planning Policy Framework 2012

5.3.38 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.

5.3.39 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.'

5.3.40 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.

- 5.3.41 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.
- 5.3.42 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..."
- 5.3.43 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.
- 5.3.44 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.
- 5.3.45 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.

5.3.46 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 most recent occasion, 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.'

5.3.47 Other appeal decisions where Inspectors have similarly concluded this is the case include; 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; Forsham Farm Stables Forsham Lane Chart Sutton (MA/12/2023) dated 20/08/2013, Land north of Le Portel/east of East Barn Heath Road Boughton Monchelsea (MA/12/1924) dated 20/08/2013 and Land r/o 166 and 168 Ashford Road Bearsted (MA/11/1237) dated 18/07/2011.

5.3.48 I am satisfied therefore that Policy ENV28 of the MBWLP 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.

5.3.49 It is also necessary however, to consider whether there are any benefits in support of the application. The primary area for this application is the business case put forward which is considered in the next section the report. I then deal with the landscape and visual impact of the development.

## **5.4 The Business' case**

5.4.1 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.

5.4.2 ADL and Scarab are both rapidly growing businesses in both turnover/sales/exports and employment numbers.

- 5.4.3 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.
- 5.4.4 Scarab, which was established in 1979. Scarab 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.
- 5.4.5 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.
- 5.4.6 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.
- 5.4.7 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.

- 5.4.8 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.
- 5.4.9 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.
- 5.4.10 For Members' information, the January 2014 KCC Digest of unemployment in Kent indicates that the December 2013 claimant count unemployment rate for Maidstone, which is the most up to date information available, was 1.8%. This is the same as the South East average figure and below the figure for Kent (2.4%) and the national average position of 2.9%. Further the number of claimants in Maidstone has fallen by some 24.7% from the same period in the preceding year.

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 September 2013 (the latest data available) the rate for Maidstone was 6.8% compared with 8.1% for Kent and 6.2% for the South East.

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.

- 5.4.11 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.

5.4.12 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.*

5.4.13 '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.*

5.4.14 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.

5.4.15 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.

5.4.16 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.

5.4.17 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.

5.4.18 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.

5.4.19 There are in my mind a number of clear benefits to the application.

- 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.
- 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
- Development of the site would accord with the Council's ambition for Maidstone to have a growing economy.

## **5.6 Landscape and Visual Impact**

5.6.1 As stated earlier in the report, the area around Junction 8 of the M20 is currently a countryside location, removed from the built-up area of Maidstone. Development of either of the previously identified candidate sites at Woodcut Farm, Waterside Park or Land east of Junction 8 (on the north side of the A20), would substantially alter their established character and are both sited in the foreground of the North Downs escarpment and the AONB.

5.6.2 Land east of junction 8 (north of the A20) was considered to be too small and also have inappropriate access and have a detrimental impact on the setting of

Old England Cottage which it adjoins to the rear. The vicinity of the Waterside Park site to my mind is more rural in character to that of Woodcut Farm which is bounded to the north by the M20 motorway and to the south by the existing residential and minor commercial development on the A20. The Waterside Park site 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.

- 5.6.3 It is the case that officers have previously advised Members that the size and characteristics of the Woodcut Farm site do offer an opportunity for the landscape impacts of development to be mitigated. This could be achieved by ensuring the existing topography of the site is respected through minimal site levelling, through significant additional structural landscaping and through careful design in terms of the buildings' scale, siting, orientation and materials.
- 5.6.4 The context for this advice was a substantive and over-riding need for additional industrial and warehousing development which could not be met on alternative sites. That need as can be seen from earlier in the report is not now substantive or overriding. Hence the move towards a dispersed pattern of employment development allocation as recommend in the draft Local Plan.
- 5.6.5 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. 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. There is significantly less opportunity on this site to soften the impacts of development through enhanced landscaping.
- 5.6.6 It is a fact that the application site is further away from the AONB boundary than the Woodcut Farm site. Nevertheless, s85 of the Countryside and Rights of Way Act 2000 (AONBs) requires that 'in exercising or performing any functions in relation to, or so as to affect, land' in Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes. This duty is particularly important to the delivery of the statutory purposes of protected areas. The duty applies to all local planning authorities. The duty is relevant in considering development proposals that are situated outside Area of Outstanding Natural Beauty boundaries, but which might have an impact on implementing the statutory purposes of these protected areas.
- 5.6.7 The Council is therefore required to have regard to the functioning of the AONB and its setting in determining this application. In this regard it has consulted Natural England and the Kent Downs AONB Unit as well as considered the Landscape and Visual Impact Assessment submitted with the application as part of the Environmental Statement.

5.6.8 To remind Members, the first phase of the ADL building would comprise some 14,864m<sup>2</sup> in a building some 110m in width and 135m in length under a series of three curved roofs. The building would be 15m to eaves (14m internal clearance at eaves level) and would be a maximum of 17.23m 5n height. Ultimately, the submitted plans show the building could be extended to 210m in length, creating an additional floorspace of 8,669m<sup>2</sup> in a second phase to allow for future expansion.

5.6.9 The Scarab building would be some 92m in width and some 134m in length with potential to expand to 170m, 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 12,542 m<sup>2</sup> of floorspace.

5.6.10 As Members will be aware, land levels within the majority of the site will be lowered by some 12m or so to provide the development platform with the ADL side of the site actually being raised by between 1.5m-5m. In addition to the ADL and Scarab buildings, a number of other units are proposed to bring the development up to the 56,000m<sup>2</sup> proposed in the application. 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. If permitted, the countryside context would be lost due to the size of the buildings and the development platform proposed which as stated earlier does not work with the existing landscape but provides a new land form into which the development has been set. In my view clear harm to the character and appearance of the countryside will result.

5.6.11 The land to the south of the site lies within the Len Valley. The Conservation Officer considers the area around the former mill pond and Old Mill Farm as a group of non-designated heritage assets:

'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.'

5.6.12 I concur with the Conservation Officer's observations regarding the heritage assets immediately to the south of the site and the quality of this area. He states:

'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. In my view the development as proposed is likely to severely compromise this seclusion by its sheer presence and activity associated with it. The large buildings may be visible from the millpond.'

- 5.6.13 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. I consider that in medium-distance views there is also likely to be a detrimental impact.
- 5.6.14 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 placed immediately behind the oast kilns, thus compromising this view and adversely affecting the setting of the non-designated heritage asset as well as that of the AONB.
- 5.6.15 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.
- 5.6.16 The development will result in a significant change to the topography and appearance of the site with the reduction in land levels as proposed to provide the development platform for the substantial buildings and supporting infrastructure. The undeveloped farmland nature of the site will be replaced with buildings and retaining embankments and the natural form of the landscape lost.
- 5.6.17 Whilst land levels within the site are to be reduced, the further west the deeper the cut, the buildings will be substantially higher than the proposed platform level at around 15m to eaves and 17m to ridge from the new ground level. Their overall height combined with their mass and scale, will, as can be seen from the comments of the Conservation Officer, Landscape Officer, the

Kent Downs AONB Unit and Natural England, harm the setting of the AONB beyond due to their intrusion into the views towards the scarp slope from the south and the alien angular form of the buildings. Objections have also been raised to the impact of the development on views from within the AONB and the scarp slope of the ridge.

5.6.18 The applicants make the point that they consider that the area is heavily intruded into by existing built development and the transport corridor. The Inspector at the Kent International Gateway inquiry reached very different conclusions. He said:

"I find these views, beyond the AONB itself, are an integral part of its character and attractiveness. They are, without doubt, extremely important to many visitors' enjoyment of this nationally designated landscape. Whilst the M20 and HS1 are visible from many locations along the scarp, they appear to run through otherwise seamless countryside" (paragraph 18.38). He did not consider polytunnels in the area as a visual detractor, and argued "Moreover, the presence of existing features which detract from the landscape does not justify a proposal which itself causes such harm" (paragraph 18.42). There is plenty more in his report to indicate his concern for development in the AONB setting, including that "the overall scale and straight lines of the warehouses on their level development platforms would be very apparent and would appear alien to the countryside and the surrounding built development" (paragraph 18.39). It is acknowledged that the KIG site was closer to the AONB boundary than the current site, but the same principles apply in my view to the current site.

5.6.19 Natural England in their latest comments come to a similar conclusion as the KIG Inspector, stating:

'Having considered the application and the accompanying landscape and visual impact assessment, Natural England considers that the development proposal will be clearly visible from public rights of way, including the North Downs Way National Trail within the AONB. Views from the scarp slope are part of the special qualities of the AONB the landscape impacts and impacts to the special qualities of the AONB should be fully considered when determining this application.

The landscape and visual impact assessment makes reference to the impacts not being significant as there are existing discordant features such as the polytunnels visible from the Kent Downs AONB. However, these features are, in the main, significantly further away from the AONB than this current proposal which will introduce a large solid block of commercial/light industrial building into the open countryside within the setting of the AONB which will result in significant impacts upon the purposes for designation of the Kent Downs. Natural England therefore objects to this proposal.'

5.6.20 I consider that the development, if approved, would unacceptably change the context of the site and countryside around it forever. The development would have an unacceptable visual impact on the character and appearance of the

countryside hereabouts contrary to policy ENV28 of the MBWLP 2000 and that in addition it would cause harm to the setting of the Kent Downs AONB, contrary to the advice in the NPPF and Natural England guidance.

## **5.7 Highways**

5.7.1 Both the Highways Agency (HA) and Kent Highway Services (KHS) were consulted and have commented on the application. The Transport Assessment and the additional information requested by Kent Highways have both been considered.

5.7.2 The Highways Agency comment that Junction 8 is not to current standards. However, they have not issued a holding direction in this case. Having reviewed the nature of the issue and some history surrounding it, they state that they are content to make a rare exception in this case and simply direct a condition that requires the road to be brought to standard or a departure issued before commencement of construction. I would advise Members that the Highways Agency have now issued five departures relating the scheme and the junction allowing development to proceed without a scheme of improvements due to the likely traffic impact not having an adverse impact on existing highway safety or flow through the junction.

5.7.3 Kent Highways have considered the two phases of the development, construction and post construction. In respect of the site preparation/construction phase they have no objections and conclude:

'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.

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.'

5.7.4 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.

- 5.7.5 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'.
- 5.7.6 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.
- 5.7.7 No objections are raised to the development on highway safety or capacity grounds.

## **5.8 Ecology and impact on Ancient Woodland and existing trees**

- 5.8.1 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.
- 5.8.2 In terms of ecology the impact of the development on the LWS and the Ancient Woodland are key areas of concern. The submitted ecological information has detailed that the greatest ecological interest is around the boundary of the site. The submitted landscape plan shows that the completed development will have a buffer area around the boundary of the site.
- 5.8.3 Whilst the width of the proposed buffer to the LWS and Ancient woodland appears to be the minimum required and thus potentially adequate for this

purpose, the proposals to adjust ground levels in the buffer zone suggest that the considerable amounts of fill will be deposited here before planting is commenced. This is evidenced by the existing and proposed contour plans which show some raising of levels between 1.5m and 5m. I am not persuaded in conjunction with the Landscape Officer and Kent Wildlife Trust that the impact of this fill on vegetation, in particular trees in the Ancient Woodland and the northern side of the River Len valley, has been properly examined.

5.8.4 The Landscape Officer in particular, is concerned about the banking on the eastern side of the site.

'Bunding and level changes within the 15m buffer zone for the Ancient Woodland are still shown on the Site Banking Change drawing (13026/TP/004), contrary to Natural England Standing Advice; appendix 4 of which, details the adverse impacts of the effects of development on adjacent land. The fact that this area of land to the east of the site shows no indication of having been disturbed since the 1870 maps is also likely to add weight to its value as a buffer zone.'

5.8.5 There is a need for detailed mitigation strategy to be submitted, if planning permission is granted, to ensure no protected or notable species are impacted.

5.8.6 There is landscaping proposed for the development, this should however, be designed to benefit biodiversity and enhance the LWS and mitigate for the impact for the loss of the Roadside Nature Reserve on the A20. KCC ecology consider that as the site is currently an arable field it will be high in nutrients and as such are concerned that a wildflower meadow will be difficult to establish. A more detailed plan of the proposed landscaping area should be submitted for comment and details provided on how it will be established and managed. I consider that this can be dealt with by means of an appropriate condition.

5.8.7 The Landscape Officer has also expressed concerns about the proposed gradients and subsequent stability of the bunding. I understand that additional information is being prepared by the applicant to address these issues. I will update Members further at the meeting.

5.8.8 The lack of detail on the impact of lighting within the site on the LWS and the edge of the woodland has also been raised. I am satisfied however, that detailed lighting proposals and mitigation strategy could be adequately secured and assessed by means of an appropriate condition.

5.8.9 I do not consider that objections can be raised to the development on particular ecological impacts on protected species. There are concerns that the proposed land-raising within the proposed buffer zone could have an adverse and unacceptable impact on the Ancient Woodland and the LWS adjacent to the site. Natural England, the Statutory Consultee, have not however, objected on this

basis. I have concluded in this instance that precise details of any work in this area could be managed through detailed conditions.

## **5.9 Residential Amenity**

5.9.1 Old England Cottage is a Grade II listed dwelling located on the north side of the A20 opposite the application site. It is set at a lower level than the carriageway of the A20 which was built-up when the bridge to its west was constructed in the early 1960s, when the Maidstone by-pass was built. This dwelling is already clearly affected by the existing traffic on the dual carriageway, the owners having recently erected a close-boarded fence to provide some screening. In noise and disturbance terms therefore, I do not consider that the development would have such a significant additional effect as to warrant refusal. Clearly the outlook from the house will change, however, given the set-down of the house, the intervening dual-carriageway road, lighting and the proposed landscaping and bunding, I do not consider that in the medium to long-term that the development would so adversely affect the outlook from Old England Cottage as to warrant refusal.

5.9.2 I do have concerns regarding the impact on the residential dwellings located to the south of the site however. As stated earlier in the report, 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. These heritage assets are secluded, in an almost secret location in an attractive landscape. This is all the more valuable and surprising given the close proximity to the A20/M20 junction. This feeling of isolation is an important component of their setting. In my view the development as proposed is likely to unacceptably and severely compromise this seclusion by its sheer presence and activity associated with it, being located immediately to the north of the two dwellings.

5.9.3 No other residential properties would be directly adversely affected by the development.

## **5.10 Minerals**

5.10.1 As part of the formation of the development platform described earlier in the report, significant lowering and re-grading of the existing land form of the site will be required.

5.10.2 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 573,683 m<sup>3</sup> of material for re-grading and batters. Of this, 188,047 m<sup>3</sup> is needed on site to create the development platforms, which leaves a surplus of 435,636 m<sup>3</sup>.

5.10.3 The proposed development will therefore entail the working of some 1.06 million tonnes of material of which 740,581 tonnes of potential building sand will be surplus to site development requirements. The re-grading to level the development platform is programmed to be undertaken over a 2-3 year period.

5.10.4 Concerns have been raised in a number of the representations that the 'extraction' of this material constitutes mineral development and should be determined in a separate application by the Minerals Planning Authority Kent County Council.

5.10.5 In their response to the application KCC have commented and concluded as follows:

'Having reviewed the information contained in the Planning Statement, Environmental Statement, Appendices 11.1 and 11.2 (Minerals Assessment) and associated drawings, KCC are satisfied that the applicant has addressed the matters requested previously in respect of the potential mineral reserves at the site and that any mineral extraction can reasonably be regarded as incidental to the primary purpose of the development of a business park. On this basis, it is considered appropriate for the Borough Council to determine the application and KCC would not recommend that the County Council seek to retrieve the minerals element for its own determination as Mineral Planning Authority. Having regard to the same information, KCC further consider that no objection should be raised by the County Council as Mineral Planning Authority in respect of the proposed development. However, it remains for the Borough Council to satisfy itself that the proposed development is acceptable in all respects (including the minerals elements).'

5.10.6 Given this conclusion, it is appropriate for the removal of the material from the site to be considered as incidental to the development process and not require a separate minerals application. Clearly, if permission was to be granted for the development, the operations for the removal of the material and working it around the site would need to be subject to appropriate safeguarding conditions.

## **5.11 Planning Obligations**

5.11.1 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 5 and 6 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. Establish a monitoring committee to be set up to review all aspects of the development.
- 5.11.2 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.
- 5.11.3 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. In any other circumstance in the absence of a designated land allocation and the site's location in the countryside permission would not be granted. I consider the three tests are met.
- 5.11.4 I also 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.
- 5.11.5 The inception of a monitoring committee would seek to ensure that the quality of the development is maintained during implementation. I consider that this Head of Term would also meet the three tests outlined above.

## **6. CONCLUSION**

- 6.1 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.

- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 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.
- 6.8 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.

- 6.9 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.
- 6.10 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.
- 6.11 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.
- 6.12 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.
- 6.13 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.

## **7. RECOMMENDATION**

Planning Permission be REFUSED on the following ground:

1. 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.



7. 5. 2013

A landscape photograph showing a dirt path on the left side of a large, open field. The field is divided into sections by rows of crops, some appearing green and others brown. In the background, there are rolling hills and a small cluster of buildings. A utility pole with power lines is visible on the left side of the path. The sky is overcast and grey.

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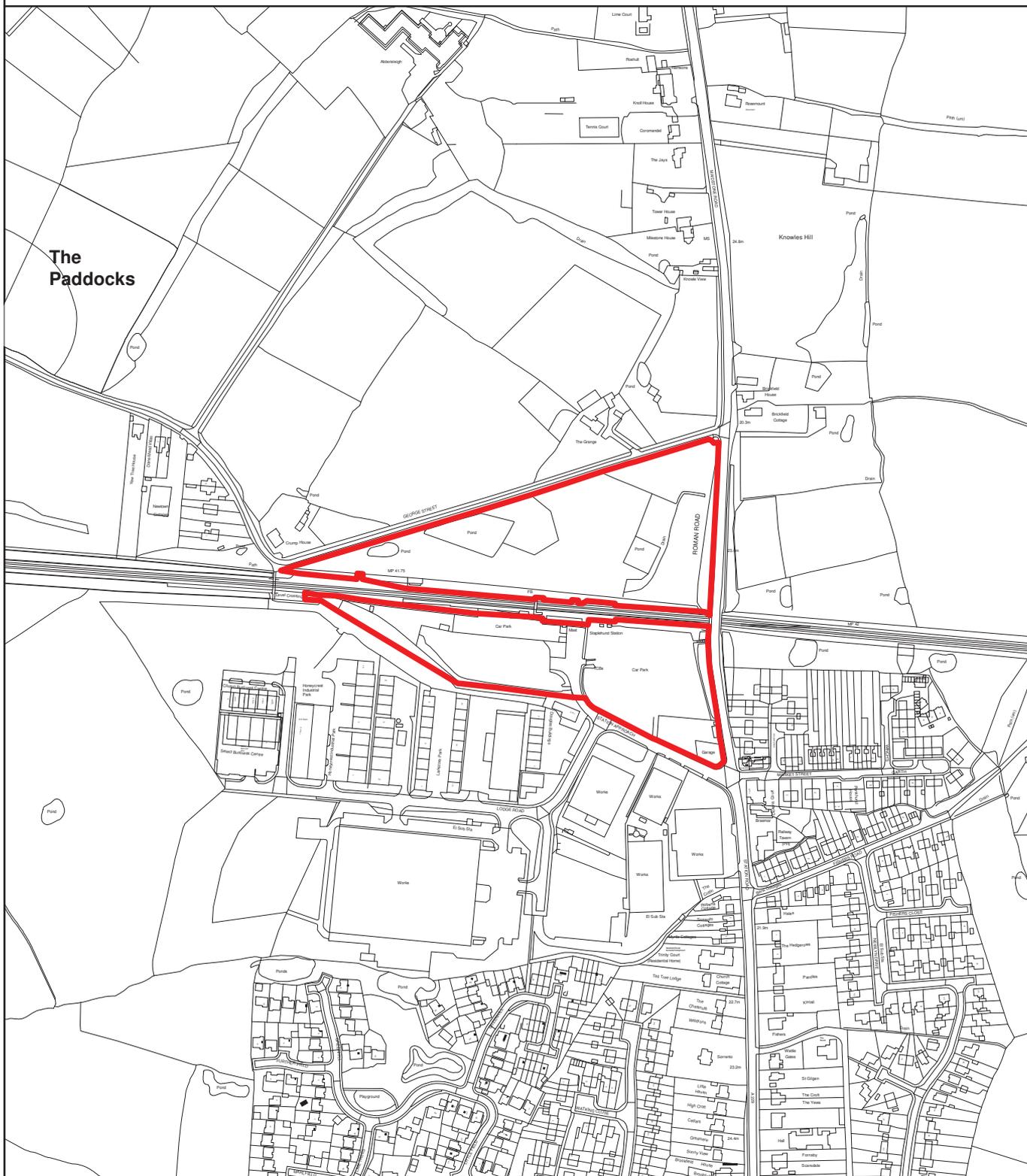
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# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1726

GRID REF: TQ7844

LAND AT STATION APPROACH AND,  
GEORGE STREET, STAPLEHURST.



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**Rob Jarman**  
Head of Planning and Development

APPLICATION: MA/13/1726 Date: 8 October 2013 Received: 8 October 2013

APPLICANT: Tesco Stores Ltd.

LOCATION: LAND AT STATION APPROACH AND, GEORGE STREET,  
STAPLEHURST, KENT

PARISH: Staplehurst

PROPOSAL: Construction of a class A1 retail store, associated parking and petrol filling station; transport interchange comprising bus and taxi drop-off/pick up facilities, railway station car parking spaces, and covered walkway to existing railway station building (to the south of the railway line); and commuter car park and publicly accessible nature area (to the north of the railway line). Resubmission of application MA/12/0232.

AGENDA DATE: 27th February 2014

CASE OFFICER: Amanda Marks

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

- Staplehurst Parish Council wish to see the application reported to Committee.
- If approved, it would be a departure from Policy ENV28 of the Development Plan.

**1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: T7, T13, ENV6, ENV28, ENV49,
- Draft Core Strategy 2011: CS1, CS, CS5, CS6, CS7, CS8
- Draft Integrated Transport Strategy (2012)
- Government Policy: National Planning Policy Framework 2012; Ministerial Planning for Growth Letter; Planning for Town Centres: Practice guidance on need, impact and the sequential approach (December 2009)

**2. HISTORY**

MA/12/0232 Land at Station Approach, New superstore, petrol filling station, and station car parking Refused 16.5.13 Appeal Pending

**'Site A' – the eastern section of 'land to the north of the railway line'**

MA/97/1102 Application to vary condition 01 of MA/94/0960 to allow a further 3 years for the submission of detailed design and landscaping for the erection of a health centre (incorporating 6 squash courts, ponds and landscaping). Approved.

MA/97/0457 Variation of condition 01 attached to MA/94/0341 to allow a further period in which to commence the development originally permitted under MA/90/1627E. Approved.

MA/94/0960 Application under S73 of the Town & Country Planning Act 1990 to develop land without complying with conditions 1b & 2 of Outline Permission MA/91/0419E.

MA/94/0341 An application to carry out development permitted under MA/90/1627 E without compliance with condition 1 to allow a further time period in which to commence the development. Approved.

MA/91/0419 Outline Application for 2 storey squash and health club with car parking. Approved.

MA/90/1627 Change of use to open air recreation, tennis courts with landscaping. Refused. Allowed on Appeal.

**'Site B' – the western section of 'land to the north of the railway line'**

MA/92/1374 Erection of stable block (portable building) for five horses. Approved.

MA/98/0443 Variation of condition 01 of planning permission reference MA/92/1374s to allow a further time period in which to commence the development of a stable block. Approved.

**Site A and Site B – land to the north of the railway line**

MA/03/1232 Relocation of existing station user car park to provide 600 station user car park spaces, ticket machine, taxi office, waiting shelter, new platform access, enhanced landscaping, security lighting and associated highway improvements. Withdrawn.

**'Site C' – Existing Station Car Park**

MA/03/1282 Redevelopment of land to provide a foodstore with associated parking, transport interchange and highway improvements with means of access, siting and landscaping for consideration now, with external appearance and design reserved for future consideration. Withdrawn.

MA/96/1304 Outline application for demolition of existing garage and erection of new supermarket with means of access and siting to be determined. Approved.

MA/96/0694 Change of use of car park to open market on Sundays only between the hours of 0700 and 1500. Approved.

**'Site D' – Land to the West of the Station Car Park**

MA/08/0895 Stationing of portable office building for use as taxi booking office (Renewal of MA/03/0717). Approved.

MA/05/0836 An application for the prior approval of the local planning authority for the installation of a 15m high telecommunications mast, 6 No panel antennae, 1 No 600mm dish antenna, 1 No 300mm dish antenna, 3 No outdoor Vodafone equipment cabinets, a 2.1m high compound fence and other development ancillary there. Approved.

MA/03/0717 Stationing of portable office building for use as taxi booking office. Approved.

MA/96/0266 Stationing of portable office building. Approved.

MA/92/0035 Change of use from storage and distribution (B8) to retail (market use). Approved.

MA/86/2034 Change of use for siting of tarmac production plant. Approved.

MA/82/0680 Outline application for erection of small industrial units. Approved.

MA/76/1452 Outline application for residential development. Refused.

### **3. CONSULTATIONS**

#### **3.1 Staplehurst Parish Council:** Recommend refusal for the following reasons:

- 1 – The resubmission shows no material change from application MA/12/0232 and fails to address the Parish Council’s concerns expressed in its responses to that application;
- 2 – The resubmitted application fails to take account of the new planning context of the permission granted to Sainsbury’s. Such a large additional store is far in excess of what is needed to serve Staplehurst and nearby settlements and would potentially attract shoppers from further afield, thereby increasing traffic rather than reducing it;
- 3 – The sustainability and desirability of two supermarkets are questioned by the applicant’s forecast that they would only operate at 65% capacity. The case for Staplehurst being able to sustain two supermarkets lacks evidence when there is currently no agreement on what future housing levels will be nor on a core strategy to support any assumptions.
- 4 – As previously stated, the proposed commuter parking north of the railway line is located on completely unsuitable land which is already liable to flooding and would be placed even more at risk; to build here would destroy an important ecological site and contravene existing MBC policies ENV28 and ENV41;
- 5 – The highways issues should be resubmitted for critical examination by Kent Highways at Senior level in the context of the planning permission given to Sainsbury’s and potential increased occupation of the nearby industrial estate. The Parish Council also retains serious concerns about safety issues at the George Street A229 junction.
- 6 – The proposed parking arrangements are inadequate for the increasing number of commuters using Staplehurst station. The claim that there is no outer space to increase capacity fails to consider possibly 200 spaces that could be generated by Network Rail installing a second deck above the western parking area, with scope perhaps for a third deck in due course, which would be an option clearly unfeasible on the northern meadow.

#### **3.2 Upper Medway Internal Drainage Board:** ‘Although I am not opposed to the principle of the above development proposal, should the Council be minded to approve this application I would be grateful to receive further details of drainage proposals when available (to ensure that downstream flood risk will not be affected).’

**3.3 Kent Highways:** The application proposes amendments to a previous application for a Tesco foodstore on this site (application MA/12/0232). The previous application was refused by Maidstone Borough Council, although not on highway grounds.

The amended application proposes a smaller foodstore of 2983m<sup>2</sup>; a reduction of 519m<sup>2</sup> with 203 car parking spaces.

The Kent & Medway Vehicle Parking Standards recommends a maximum parking requirement of 1 space per 14m<sup>2</sup>. This equates to a maximum requirement of 213 spaces. The 203 spaces proposed are not far short of the maximum requirement and are considered to be acceptable.

Cycle parking provision is in excess of the recommended minimum and this too is acceptable.

The new application proposes fewer parking spaces in the station car park north of the railway to allow for more landscaping. 621 spaces are proposed, a reduction in 39 spaces compared to the previous scheme. The station car park to the east of the proposed store would provide 61 spaces. An increase of 22 spaces compared to the previous application.

Overall the number of car parking spaces for the station is reduced from 699 spaces proposed in the previous planning application to 682 spaces in the current planning application, a reduction of 17 spaces. The station currently has space for approximately 650 cars to park comprising of 446 formal spaces and 204 overspill spaces. The current application would therefore see an increase in the station parking provision of 32 spaces when compared to existing.

The traffic generated by this amended proposal will be less than that generated by the previous proposal due to the smaller size of the foodstore.

Capacity assessments were completed at the proposed ghosted right turn lane at the junction of the A229/George Street and the proposed traffic signals at the A229/Station Approach/Market Street junction. The results indicated that the development would not lead to any significant congestion or safety issues. Additionally an assessment was made of the cumulative impact of both the Sainsbury store, which now has planning consent, and the Tesco store at the proposed traffic signals at the A229/Station Approach/Market Street junction and the mini roundabout at the A229/Sainsbury access. The results indicated that the traffic generated by both foodstores would not lead to significant delay at these junctions.

In view of the above I can confirm that I do not wish to raise objection to this application subject to the following conditions:-

1. The agreed highway works are to be provided as part of a Section 278 Agreement, with details to be agreed with Kent County Council (KCC) Highways and Transportation.  
These include the provision of traffic signals and pedestrian crossing facilities at the A229 Station Road / Station Approach / Market Street junction, a ghosted right turn lane at the A229 / George Street junction, widening and footway along George Street between the A229 and the car park access, the extension of the existing speed limit along the A229 Station Road to the north of George Street together with associated gateway treatment, a transport interchange at Staplehurst Station incorporating bus and taxi drop-off/pick-up facilities, and a puffin crossing facility on Marden Road.
2. A Draft Travel Plan has been prepared and a monitoring fee of £5,000 is required. Details of the final Travel Plan shall be approved by KCC prior to any beneficial occupation of the development.
3. Before any work is commenced a Method Statement showing the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority and the development shall not proceed other than in accordance with the approved programme.
4. During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.
5. Prior to the works commencing on site details of parking for site personnel / operatives /visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.
6. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.
7. As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

8. The area shown on the submitted layout as vehicle parking space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.
9. No dwelling/building shall be occupied or the approved use commenced until space has been laid out within the site in accordance with the details shown on the application plan(s) for cycles to be parked.
10. The area shown on the approved plan as vehicle loading, off-loading and turning space, shall be paved and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land or in such a position as to preclude its use.
11. The access details shown on the approved plans shall be completed to the satisfaction of the Local Planning Authority prior to the commencement of any other works authorised by this permission, the occupation of any buildings hereby approved, the use of the site being commenced, and the access shall thereafter be maintained.'

#### **3.4 Kent Reptile & Amphibian Group:**

'The comments made in this letter are for and on behalf of the Kent Reptile & Amphibian Group (KRAG). As Kent's specialist amphibian & reptile conservation group I have restricted the comments to factors relating to the legally protected reptile & amphibian species identified in regard to this planning application.

**KRAG wishes to highlight its concern to the council regarding a number of important factors relating to the ecological survey submitted with this planning application and covering Great Crested Newts (GCN), a European protected species.**

- 1) I note that the ecological assessment dated September 2013 ( Aspect Ecology September 2013ECO1272.EcoAss2013.dv3), contains exactly the same habitat assessment and photographs of the site (see PLAN 1272/ECO3a) , which appeared in an earlier ecological assessment ( Aspect ecology January 2012

ECO1272.EcoAss.vf) submitted with planning application MA/12/02320. None of the photographs show a date as to when they were taken and given this site has been reviewed on three previous occasions since 2002, I wonder when the photographs were actually taken: 2002 / 2007 / 2009 / 2011?

**On a visit to the area made on 30th November 2013 I noted that these photographs do not appear to reflect the current state of the site and wonder why both updated photographs and an update habitat assessment were not included in the September 2013 ecological assessment?**

This matter is all the more important if the advice provided to the council by Natural England and KCC ecologists is based upon information which has not been updated by Aspect Ecology, rather than recent site visits by Natural England & KCC. Perhaps the council may feel that an updated habitat assessment with recent photographic evidence relating to the site is an important consideration, before making a decision regarding this planning application.

- 2) It appears that no additional great crested newt survey work appears to have been carried out on this site since 2009, with no great crested newt survey work on surrounding ponds (within 250 – 500m) having been conducted by the ecologists. In KRAG's experience this is unusual and I wonder why recent survey work has not been carried out to support this planning application.

Aspect ecology acknowledge that such survey work will need to be conducted as a requirement for any future Natural England great crested newt licence application request, however the council may feel that more up to date information may be required now, rather than later, before deciding on this planning application.

- 3) The size of the area proposed for a great crested newt mitigation proposal appears to be based on the ecologists assessment as to the suitability of the site for great crested newt and indeed I note that they have assessed large parts of the site (situated in the middle of the site and between the main ponds) as 'unsuitable amphibian habitat' (PLAN 1272/ECO5). I fail therefore to understand why this area is planned to be trapped for great crested newts (& reptiles), as suggested in the report PLAN 1272/ECO4. Either it is suitable and needs trapping, or unsuitable and does need trapping.

In addition to this, it is KRAG's understanding of current Natural England advice regarding GCN mitigation proposals, that **the whole of the area where habitat is to be lost must be considered when considering mitigated**

**proposals**, particularly when considering the size of any proposed receptor areas.

Natural England standing advice for GCN's, dated April 2011, section 5.9 states : ***'The receptor site will need to support an equivalent population as that of the existing donor site. The receptor site should, as a minimum, be of an equivalent size to the donor site and ideally be significantly greater to compensate for the lower quality habitat that is likely to be present in the short to medium term.'***

PLAN 1272/ECO4 Great Crested Newt and Reptile Capture and Relocation Strategy of the ecological assessment shows that the receptor area is far smaller than the donor area, so I remain uncertain as to how this mitigation plan meets current Natural England guidelines.

The council may therefore wish to seek independent ecological advice to clarify this matter and thus assess if the area being set aside for mitigation is of a sufficient size to meet current Natural England guidelines. If it does not, then the council may consider it prudent to defer making a decision regarding this planning application, until Natural England indicate acceptability of any GCN mitigation plans, for it seems the size of any proposed receptor site is a critical consideration for this planning application.

- 4) The National Planning Policy Framework (March 2012), section 110, indicates that councils should consider the following : *'Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework'*.

According to the ecological assessment the land to the north of the railway, in which the car park is planned to be built, contains a medium population of great crested newts and is classified as a key reptile site for Kent and is therefore of high ecological / environmental value. The reason that a car park is planned to be built on this area is because the existing car park is to be used for a new supermarket store and car park. Therefore if no new supermarket and car park were to be built, the need for a car park on this ecologically sensitive area would not be required.

I ask whether the council has considered if the use of the land for a new car park, fits with NPPF section 110? Is this the best place for a new supermarket within village of Staplehurst, or are other sites available which would cause less environmental damage?'

**3.5 Kent Wildlife Trust:** 'Earlier this year, I wrote in response to application 12/0232 that the applicant at that time had agreed ...

- 1) to fund an appropriate management regime for the wildlife area adjacent to the proposed commuter car park, and

- 2) to make a financial contribution to a living landscape project aimed at ensuring the continued survival of Great Crested Newts in the area of countryside surrounding the proposed development site.

The Trust's proposals for these initiatives were contained in a document (KWT Proposals.Retail store.Staplehurst Station.MBC version.July.12), copy attached. The costs agreed in July 2012 for both the management regime and the living landscape project will not now be the same, in consequence of changes in the cost and availability of resources and equipment. Subject to a revised agreement between the applicant and the Trust, I am mindful to reaffirm the Trust's willingness to accept development on the land in George Street. Unless and until such an agreement is reached, I would ask you to report to Members an **objection** from the Trust on the following grounds. The proposed commuter car park will cause the loss of a significant amount of the most valuable parts of this habitat (drawing 1272/ECO4). Measures recommended for enhancing the habitat undisturbed by the development go some way to providing compensation for this loss and measures to mitigate the impact of development on protected species appear, subject to the endorsement of Natural England, to follow 'best practice'.

However, I am not persuaded that these measures are sufficient to maintain let alone achieve an overall enhancement of local biodiversity. As an example, there will be a loss of 0.87ha of "suitable amphibian habitat" in the development footprint area yet only 0.69ha of "unsuitable amphibian habitat" is available as compensation. It is normal to demonstrate a 2-for-1 replacement in such circumstances. Furthermore, measures to extend the amount of suitable amphibian habitat outside the development footprint will not necessarily provide a suitable and adequate habitat to support other valuable species, such as bats, badgers, hedgehogs and breeding birds.'

**Updated Comments from KWT: Further to the comments above, the following comments have now been received from KWT:**

'I indicated I was prepared to re-affirm the Trust's willingness to accept development on the land in George Street in the event the applicant and the Trust could come to an agreement about the funding of an appropriate management regime for the wildlife area adjacent to the proposed commuter car park. Details of the management regime were contained in a document prepared by KWT in July 2012, a copy of which I attached to my November 2013 letter.

I am able to confirm that an agreement has been reached. The applicant is willing to provide funding for 10 years of on-site management of the undeveloped parts of the George Street site amounting to £8,900.00 per year, in addition to £3,500.00 for the first year only. The applicant had already agreed, additionally, to make a financial contribution to a living landscape project aimed at ensuring the continued survival of the Great Crested Newt metapopulation in the wider area.

The Trust's understanding is that the fund for on-site management would be made available to the Borough Council for allocation to a suitable organisation willing to undertake responsibility for the operation. This may or may not be KWT.

In consequence, I am prepared to withdraw the Trust's holding objection to this planning application **in the event that** the Borough Council secures the management and living landscape project funding **in full** by way of conditions of a planning permission and/or a legal agreement.

**3.6 Southern Water:** No objection

**3.7 Kent County Archaeology:** The site of the application lies close to the projected line of a Roman road and associated Roman remains may survive on the site. The site also lies south of a post medieval farm complex, Moat Farm and a managed stream or "leat" seems to run through the site. Some targeted historic environment enhancement measures would be welcome with consideration of preservation of this water channel to Moat Farm with retention of its historic character.

Archaeological remains may survive on site and I recommend a condition is placed on any forthcoming consent.

**3.8 The Environment Agency:** 'We have **no objection** to the application, subject to conditions requiring the development to be carried out in accordance with the FRA; a contaminated land assessment to be undertaken; and details of underground tank to be submitted.

Additional information

Petrol Filling Station

The applicant has not supplied adequate information in this application to demonstrate that the risks posed to groundwater can be satisfactorily managed. In particular we are concerned about the proposed petrol filling station and the lack of information provided on the detailed design of this development. This is required to enable us to assess the risk to the groundwater environment.

Although this site is situated above an unproductive aquifer, the groundwater is perched across this site and any fuel storage proposed to be constructed below

ground has the potential to be below the water table. This presents a particular hazard to groundwater due to the difficulty associated with detecting and dealing with leaks that may occur. The storage of hazardous substances below the water table is therefore not acceptable.

Our approach to groundwater protection is set out in Groundwater Protection: Principles and Practice (GP3). In implementing the position statement in this guidance we will oppose development proposals that may pollute groundwater especially where the risks of pollution is high and the groundwater asset is of high value. It also states that we will object to storage of hazardous substances below the water table in principal or secondary aquifers. We seek to enable development by ensuring that applicants provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed.

We require the construction details for the proposed petrol filling station. This should show what measures are in place to protect the groundwater environment, above ground fuel storage tanks may need to be considered. The information required shall include the full structural details of the installation, including details of: the tank(s), tank surround, and associated pipework, monitoring system, drainage strategy and operating procedures.

The following guidance documents should be used during the design and operational phases of the site - Institute of Petroleum document "Guidelines for soil, groundwater and surface water protection and vapour emission control at petrol filling stations" and our document "Wetstock reconciliation at fuel storage facilities". The applicant should also utilise the information in Pollution Prevention Guidelines (PPG) 7: Refuelling Facilities.

We would welcome communications with the operator regarding the design of the petrol filling station to find a suitable solution for this site.

### **Contamination**

Although the site lies within a relatively low risk groundwater protection area, the nature of the proposed development and previous use of the site are considered to be high risk. The Phase I Desk Study Environmental Assessment, dated December 2011, confirms that contamination was found within the southern half of the site during a previous investigation undertaken in 2001. It also notes that it was recommended at that time to remove the impacted ground from the site, but does not state whether this work was completed. The Phase I report concludes that the previous Phase II report needs to be updated and that groundwater monitoring should also be undertaken.

These recommendations are agreed within in principle, and we look forward to receiving the updated report in due course.

## **Foul Drainage**

We assume that foul water drainage will pass to main sewers. If this changes we wish to be re-consulted.

## **Surface Water Drainage**

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

There must be no discharge into land impacted by contamination or land previously identified as being contaminated. There must be no direct discharge to groundwater, a controlled water. There must be no discharge to made ground. If permeable paving is to be used, then we would expect it to be demonstrated that any contaminants in run-off from any areas discharging to the paving would be sufficiently attenuated prior to discharge into the groundwater.

In this case we would expect the any sustainable drainage systems to be constructed at a shallow depth as to maintain a suitable unsaturated zone between the drainage system and groundwater.'

- 3.9 Network Rail:** 'I am writing to inform you of Network Rail's response to planning application **MA/13/1726**. After consideration, Network Rail wishes to express our full support for the proposal due to the following reasons:

### **Staplehurst Station**

Staplehurst Station is located on the South Eastern main line connecting London Charing Cross to Ashford International via Tonbridge, approximately 2 trains per hour call at Staplehurst with services to Ashford and 2 trains per hour call at Staplehurst with services to London Charing Cross via Tonbridge. It is also noted the station serves a large catchment of rail users from the outlying villages of Cranbrook, Hawkhurst and Sissinghurst which travel to that station by car.

The proposed site is Staplehurst station car park and land immediately North of the railway line. The development on the existing car park will be offset by the applicant retaining existing spaces and a new 660 space car park, which will result in an increase of 20% in spaces. The new car park will be located on the land North of the railway line. This land is outside the settlement boundary, but

has no designation to suggest any environmental value or that would protect its current state. The benefit of this additional car parking is that it would ease pressure currently placed on the existing station facility.

The applicant has also offered to provide additional ticketing facilities for the station on the North platform. This again would improve the station facility as a whole and allow for better access from the North of the station, where the majority of car parking will be provided.

The development would therefore accord to policies R1, R2 and T3 of the Maidstone Development Plan 2000 Saved Policies document, which is an integral component of Maidstone's development plan.

#### **National Planning Policy Framework (NPPF) Section 4**

The National Planning Policy Framework sets out the guidance to inform plan making and decision making. Section 4 of this document outlines the Government's approach to promoting sustainable transport. Section 4 highlights how patterns of development should facilitate the use of sustainable modes of transport, by concentrating development around transport nodes. Furthermore, the proposed benefits of the station improvements would be supported by the NPPF.

Overall, the planning application clearly demonstrates that the scheme meets all criteria in line with the Government's definition of sustainable development and accords to the policies of the NPPF and Maidstone's development plan.

#### **Further letter from Network Rail:**

We were both surprised and disappointed by the Planning Committee's decision in May 2013, particularly given the clear benefits which would accrue to the local community from the proposal. As you would appreciate, Network Rail's principal interest in the application is the new commuter car park and interchange which the proposal would bring forward. As is shown in paras. 3.12 to 3.18 of the Planning and Retail Statement submitted with the application, the proposal will bring forward a net increase of at least 82 spaces, which as we have indicated previously, is both much needed and cannot be funded by ourselves in the foreseeable future. We are already aware of the parking pressures at Staplehurst Station which are likely to increase in coming years as more new housing comes forward in Staplehurst and the surrounding hinterland. Without additional provision, station users are more likely to be forced to park in nearby residential roads which we expect would not be popular with local residents. As far as the

site of the proposed new commuter car park is concerned, we would like to make it very clear that Network Rail is completely satisfied that the construction method and materials proposed will not lead to flooding problems. Furthermore, as Tesco's Planning Consultants have made clear, we cannot see how the development of the site north of the railway can create a precedent in planning terms as the chances of another railway commuter car park coming forward are for practical purposes non-existent.

**3.10 Kent Police:** No objection

**3.11 Natural England:** is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 06 June 2013.

The advice provided in our previous response applies equally to this resubmission although we made no objection to the original proposal.

The resubmitted application is unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

**3.12 Maidstone Borough Council Spatial Policy Team:** No further comments to add to those previously made under application MA/12/0232.

**3.13 Maidstone Borough Council Environmental Health:** The site is in an Industrial Estate with some residential. Whilst the site is outside the Maidstone Town Air Quality Management Area, the scale of this development and/or its site position warrants an air quality assessment. An Air Quality Assessment by URS, ref 47042278-0036-1, has been submitted with this application. This report notes that the Maidstone Town Air Quality Management Area was declared in 2008 with respect to the air quality objective for Nitrogen Dioxide (NO<sub>2</sub>) (annual mean) but does not note that this AQMA was also declared in respect of Particulate Matter (PM<sub>10</sub>) (24 hour mean). Whilst there is currently no particulate matter objective, it is now recognised that there is no absolutely safe level for particulate matter. However, the report does address the issue of predictions in changes of both NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> levels as a result of this development going ahead. It concludes that although local receptors are predicted to experience a

small to medium magnitude change in annual mean concentrations of NO<sub>2</sub> and a small change in annual mean concentrations of PM<sub>10</sub> and PM<sub>2.5</sub> levels, all levels should be well below any Air Quality Objective values. The report also acknowledges the potential for construction phase activities to generate fugitive dust emissions which can be mitigated to a certain extent through relevant site management practices. Environmental Health accepts the validity of this report and its conclusions.

There are 3 areas on the land at Station Approach which have been identified as having had potentially contaminating activities: one area due to coal storage and depot (a low priority), another due to road haulage business (a low priority) and another due to the presence of railway sidings (a medium priority). A Phase I contaminated Land report by Delta-Simons, ref 2588.03 has also been submitted with this application. The Phase I report notes that the site is bisected from east to west by a railway line plus the various current and historical potentially contaminative uses in the area. It is also noted that Delta-Simons (formerly QDS Environmental Ltd) previously undertook an intrusive investigation on the area of land which covers the southern half of the site. The Phase I report concludes that an up to date Phase II Environmental Assessment is required and its recommendations on how this should be done should be followed.

There is significant potential for noise from the proposed commercial activities on this site to affect local residents, and so I recommend that a noise strategy condition should be imposed on any permission granted.

This development proposal would seem to be a good opportunity to encourage the use of low carbon sustainable transport. This could be done as a component of the Travel Plan, for example the use of gas or electric delivery vehicles and/or the use of a 106 agreement for the installation of electric vehicle charge points for use by the business and/or public. Environmental Health would welcome the opportunity to discuss the travel plan proposals with the applicant.

No objection subject to the imposition of conditions requiring the submission of an acoustic survey and contaminated land investigation.

**3.14 Kent Ecology:** The *Ecological Assessment* report has been submitted in support of this application. No new survey information has been undertaken to inform the ecological appraisal. Given that the site's application history is relatively recent, we do not consider it necessary to require the full suite of surveys to be redone, but we advise that confirmation is sought as to whether the availability and extent of habitats on site remain as previously assessed. In particular we query whether the semi-improved grassland habitat areas remain closely grazed; if these areas have been able to develop into a more ruderal habitat this could have consequences for the ecological impact assessment and in the appropriateness of the proposed mitigation.

If we can be satisfied that the ecological appraisal remains valid, we advise that sufficient ecological information has been provided to inform the determination of this application. We would ordinarily expect protected species survey data to

be no more than 2-3 years old, and while the most recent great crested newt survey is over 4 years old, we agree with the conclusions in the report that there is sufficient, relatively consistent, great crested newt survey result history to adequately inform the determination.

Officer Comment: Confirmation has been received from the applicant's ecologist that the previously submitted information still stands.

#### **4. REPRESENTATIONS**

24 letters of support have been received from residents and 14 letters of objection.

In summary the letters of support state:

- The store will benefit the community;
- The creation of jobs;
- Support new homes planned;
- Tidy up the area;
- Less distance to travel than currently for a supermarket;
- Competition;
- A well thought out scheme;
- Traffic flows will be safer;
- A great idea with the transport interchange.

In summary the letters of objection state:

- Misleading information; TA questionable;
- Flooding;
- Better use of land would be for affordable housing;
- Harm to the countryside and biodiversity;
- Road network will not cope;
- No interrogation of employment numbers and salary bands;
- Prefer a community centre;

- Shoehorning development;
- Inadequate catchment to support two supermarkets;
- Tesco made no contribution to the Parish Council Rural Settlement Planning Event in October 2013.

## **5. CONSIDERATIONS**

### **5.1 Background**

- 5.1.1 This is a full application for planning permission for the erection of a new supermarket and associated car parking, a petrol filling station, and a new station car park. The application is a resubmission of a similar scheme that was refused by Members of the planning committee on the 16 May 2013. The previous application MA/12/0232 is currently at appeal; an Informal Hearing is scheduled for two days commencing on 18 March 2018.
- 5.1.2 The previous application was refused for the following reason:  
*The proposed station car park would result in the loss of a significant amount of open countryside through the provision of hardstanding, and other associated paraphernalia, to the detriment of the character and appearance of the site, located on a primary arterial route into Staplehurst. There is no overriding need for the provision of A1 retail at this location, and as such the proposal would be considered to conflict with Policy ENV28 of the Maidstone Borough Wide Local Plan (2000) and the aim of sustainable development as set out within the National Planning Policy Framework.*
- 5.1.3 It should be noted that the application was initially deferred by Members of the planning committee in order that the applicant could consider amending the scheme to overcome concerns of visual harm that were raised at the meeting. After a site meeting had been held and a revised scheme submitted with additional landscaping, the application was re-reported to committee and refused. The scheme has been amended again and it therefore needs to be considered whether the amendments contained in this current application are sufficient to overcome the previous reason for refusal.
- 5.1.4 The substantial majority of detail contained in the previous reports to planning committee remains the same. Rather than reiterate all the detail, I have included the two previous reports as an appendix to this report. The detail of the previous application was assessed by independent retail impact advisors DTZ. I have been advised that due to the relatively short time lapse between this and the former application, the conclusions drawn on retail issues still stand. The application was not refused on retail grounds.

5.1.5 The description of the site remains as per the previous report unless otherwise stated.

## **5.2 Proposal**

5.2.1 This revised application has not come about through any pre-application discussion between the applicant's and the Council. It has been submitted in response to the previous ground of refusal. The applicant has submitted an updated Design and Access Statement, Planning and Retail Statement and amended plans. The submitted elevational drawings for the proposed superstore are as per those considered under application MA/12/0232. There has been no change in terms of the proposed siting of the supermarket and petrol filling station on the southern part of the application site. Members may recall that the overall size of the store was reduced during the course of consideration of MA/12/0232. The proposed development is summarised in the Design and Access Statement as follows:

- A foodstore extending to 2,983 sq m gross;
- 203 customer parking spaces, including 13 for disabled people and 8 parent and toddler spaces;
- A petrol filling station;
- Junction improvements to accommodate existing and post-development traffic, including a signal controlled junction to reduce the speed of traffic entering the village from the north;
- Servicing to the rear of the store in an enclosed service yard;
- 61 parking spaces (comprising 17 short term and 44 long term including spaces for the disabled) for railway station users to the south of the railway line;
- A purpose built drop-off point for the station;
- A taxi rank and new bus stopping facilities linked to the station entrance by way of a covered walkway;
- A 621- space commuter car park to the north of the railway line, including 30 spaces for disabled people;
- A publicly accessible nature area to the north of the railway line, including measures to create improved habitats for a protected species;

- Trees and landscaping using native species where possible;
- Improved walking routes, including a route between the railway station and the industrial estate; and
- A Network Rail compound to the rear of the service yard to accommodate maintenance vehicles and allow access to the railway line.

5.2.2 The majority of the development set out above is as per the previously considered amended scheme. Changes between that scheme currently at appeal and the scheme subject to this application are as follows:

- The replacement of a strip of car park spaces/hard standing/pick up point with green space on the western side of the application site; additional planting throughout the northern car park comprising green strips to delineate between the rows of parking spaces; additional planting at the northern end of parking spaces on the eastern side of the car park – close to the entrance
- 61 long and short term parking spaces in the southern station car park along with taxi rank and drop off point as opposed to the previous long term spaces
- 621 station spaces in the northern car park as opposed to 660

5.2.3 It is therefore a question of whether the alterations in 5.2.2 overcome the previous reason for refusal.

### **5.3 Principle of Development**

5.3.1 Since the previous report to planning committee, the South East Plan has formally been revoked, the NPPF has been in situ in excess of one year and the emerging Maidstone Borough Local Plan is shortly due to be subject to a consultation.

5.3.2 The balance between assisting economic development and protecting the countryside was previously explored in full. The applicants' place great weight on the NPPF to support this application as it would support the aims of contributing to the local economy and provide jobs for people within the Borough. However, Policy ENV28 of the MBWLP 2000 has not been discarded, it remains a 'saved' policy and the NPPF still affords protection to the countryside. Policy ENV28 is clear in its intention to protect the countryside from inappropriate development. I do not consider there has been any significant change or shift in policy since the previous considerations in the report to planning committee.

5.3.3 In my colleague's previous report the proposed housing projection for Staplehurst and Marden as Rural Service Centre's was given as 195 and 320 respectively. It is now proposed to allocate 905 dwellings over two sites within Staplehurst through the Councils' SHLAA and 550 dwellings in Marden. It has been suggested that the increase in housing numbers would give greater weight to the acceptability of the proposed development. I would disagree. There is now permission for a new supermarket to be built in close proximity to the applicants' site; I understand that work has begun/is imminent on implementing the permission. Until now, the village has managed with the local 'Spa' store in the village centre. Even could an argument be mounted for retail 'Need', this in itself is not a reason to override the Policy and concerns of harm to the countryside.

#### **5.4 Visual Impact**

5.4.1 As previously described, the application site is very much in two halves – the previously developed land and that under Policy T7 to the south of the railway line, and the northern meadow very much read as being within the open countryside.

5.4.2 No harm was considered to result from the development proposed on the land to the south of the railway line and the minor changes in station parking layout do not, in my mind, alter this view. The development of the land to the north of the railway line was however the reason the application was refused.

5.4.3 The proposal is for a 621 space car park; this is not an insignificant number of vehicles. In addition to the spaces themselves, there clearly needs to be adequate spacing between rows, entry and exit points, barriers, ticket machines and lighting. Even with the highest quality landscape scheme this is a vast level of hardsurfacing together with use of the site to try and mitigate against.

5.4.4 Since the refusal the applicant has introduced a wider landscape buffer on the western side of the car park. Within this car park there are a greater number of trees within and also green delineating strips. I acknowledge the efforts that the applicant has made in terms of attempting to soften the impact of the development in this northern meadow further. However, this land is very much rural in character; it contains a number of ponds, grassland, shrubs and trees. The applicant has commissioned Aspect Landscape Planning Ltd to undertake a landscape/townscape character and visual appraisal of the site; it is their conclusion that the site has the ability to accommodate the proposed car park development. I am unable to reconcile the views of Aspect Landscape with my own observations of this site.

5.4.5 The demarcation of the railway line is a strong defining feature to the village. Whilst it may not mark the actual outer limit to the village settlement in terms of the local plan (this is set in), it signifies the end of previously developed land and the station itself. The character north of the railway line would be substantially altered by the loss of the very 'green' unmanaged countryside to a significant scale tarmac site. I have walked the public footpath KM290 and along George Street and surrounding areas; I have considered views from the approach to and from the village. It is my view that the development will be visible where presently the land blends into the open countryside north of the railway line.

## **5.5 Residential Amenity**

5.5.1 The revised scheme has no greater/lesser impact than that previously refused.

## **5.6 Highways**

5.6.1 I note that the Parish Council have requested Kent Highways revisit the application in light of the approval for a Sainsburys supermarket on the site to the south. At the time when both applications were being considered in tandem, the highway impact of both schemes and a possible scenario of two permissions being granted/implemented was taken into consideration. Kent Highways raised no objection subject to conditions previously and continue to raise no objection on highway grounds to the current submission.

## **5.7 Landscaping**

5.7.1 I believe that effort has been made to screen the proposal and introduce landscaping where possible on the northern site. However, the reality is that the development requires a significant area of land to replace the existing station car park in order for the supermarket to be built. The number of car park spaces has been reduced on the northern site to allow for greater landscaping and a wildlife area. The scale of the car park required however, is unable to respect the existing character of this site.

## **5.8 Other Matters**

5.8.1 There are no significant changes in terms of the technical studies which have been resubmitted with the current application. The sole reason for refusal related to the visual harm that would be caused to the countryside if the land north of the railway line was developed for a replacement station car park. However, when the previous application was considered by Members of the planning committee one of the matters discussed related to the number of existing car park spaces that the railway station provides and there was a

difference of opinion over the net increase of the existing and proposed station parking numbers. The current submission has revisited this issue in order to provide clarification on the matter. However, whilst helpful for some, I do not consider the additional clarification to have a bearing on the decision made either previously or on the current submission. For information I advise as follows:

5.8.2 The applicant has obtained from Network Rail their intentions for the existing site. The plans declared by Network Rail have been in response to the refusal of planning permission, the table below is produced in the supporting statement by the applicants' agent.

<b>Baseline</b>	<b>Spaces</b>
Existing laid-out parking areas <i>Less spaces removed to allow for road alignment, taxi rank etc</i>	450 <i>Minus c. 68</i>
Improved (currently informal) area – number of spaces to be marked out	c. 218
<b>Total</b>	<b>600</b>
<b>Proposed</b>	
North of railway line	621
South of railway line	61
<b>Total</b>	<b>682</b>
<b>Increase</b>	<b>82</b>

5.8.3 The table shows an increase of 82 spaces if comparing a proposed scheme by Network rail vs the submitted proposals forming part of the Tesco scheme. I do not consider this to bear any significant weight in reaching a decision on the application. The Network Rail scheme has not been formalised and there is no certainty it would come forward. The needs of Network rail are not justification to substantially relocate a new car park in the open countryside.

### **Ecology**

5.8.4 With regard to ecological interest, a number of representations have been received. However, there has been no new evidence or significant change on site from the previous determination of the application to now. Of importance is that application MA/12/0232 was not refused on harm to ecological interests. KCC Ecology have confirmed that they are satisfied that the previous studies undertaken still stand. They have proposed detailed conditions if the application were to be approved to ensure ecological interests are protected, mitigation and enhancement carried out. The comments from Kent Wildlife

confirm that subject to management the proposal does not give rise to objection. The advice of KRAG has been undertaken in terms of gaining confirming from KCC Ecology of their acceptance regarding the GCN community. I see no reason why circumstances would now warrant refusal on ecological grounds.

## **6. CONCLUSION**

- 6.1 The application has been assessed in accordance with the development plan and found to be contrary to Policy ENV28 of the MBWLP 2000. The development of a 621space surface car park with associated hard standing, lighting and paraphernalia cannot be hidden. Regardless of a proposed nature area and a scheme for landscaping both within the car park and around the site boundaries, this proposal would cause harm to the character of the countryside. The amendments of some additional planting within the northern car park and a wider 'green buffer' on the northern edge of this with George Street has minimal impact in terms of softening the harm the development causes. The slight change in proposed car park numbers does not carry any significance in reaching the recommendation. It is therefore considered that the development would still cause harm to the character of the countryside and be contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

## **7. RECOMMENDATION**

Refuse Planning Permission:

1. The proposed station car park would result in the loss of a significant amount of open countryside through the provision of hardstanding, and other associated paraphernalia, to the detriment of the character and appearance of the site, located on a primary arterial route into Staplehurst. There is no overriding need for the provision of A1 retail at this location, and as such the proposal would be considered to conflict with Policy ENV28 of the Maidstone Borough Wide Local Plan (2000) and the aim of sustainable development as set out within the National Planning Policy Framework.

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APPLICATION: MA/12/0232 Date: 10 February 2012 Received: 14 February 2012

APPLICANT: Tesco Stores Ltd

LOCATION: LAND AT STATION APPROACH AND, GEORGE STREET,  
STAPLEHURST, KENT

PARISH: Staplehurst

PROPOSAL: Erection of a class A1 retail store, associated parking and petrol filling station; transport interchange comprising bus and taxi drop-off/pick up facilities, 39 short stay railway station car parking spaces, and covered walkway to existing railway station building; and 660-space commuter car park and nature area the Phase 1 desk Study Environmental Assessment; Transport Assessment; Community Consultation Statement; Planning and Retail Statement; Flood Risk Assessment; Ecological Assessment; Interim Travel Plan; Landscape Supporting Statement; Design and Access Statement; site location plan; plan number 1674/P/09 A; 1674/P10 A; as received on 13 February 2012, plan number 1674/P/01 J; 1674/P/07 B; AA TPP 04; 1674/P/02 F; 1674/P/10 B; 1674/P/08 E; as received on 17 May 2012; Cumulative Impact Assessment (retail); Cumulative Impact Assessment (highways) as received on 7 September 2012, additional landscape and visual information submitted on the 13 December 2012, and draft Heads of Terms submitted on 17 December 2012.

AGENDA DATE: 10th January 2013

CASE OFFICER: Chris Hawkins

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

- Staplehurst Parish Council wish to see the application reported to Committee.
- If approved, it would be a departure from Policy ENV28 of the Development Plan.

## 1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: T7, T13, ENV6, ENV28, ENV49
- South East Plan 2009: BE4, RE3
- Draft Core Strategy 2011: CS1, CS4, CS5, CS6, CS7, CS8
- Draft Integrated Transport Strategy (2012)

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- National Planning Policy Framework 2012 (NPPF); Ministerial Planning for Growth Letter; Planning for Town Centres: Practice guidance on need, impact and the sequential approach (December 2009).

### 2. HISTORY

#### **'Site A' – the eastern section of 'land to the north of the railway line'**

MA/97/1102	Application to vary condition 01 of MA/94/0960 to allow a further 3 years for the submission of detailed design and landscaping for the erection of a health centre (incorporating 6 squash courts, ponds and landscaping). Approved.
MA/97/0457	Variation of condition 01 attached to MA/94/0341 to allow a further period in which to commence the development originally permitted under MA/90/1627E. Approved.
MA/94/0960	Application under S73 of the Town & Country Planning Act 1990 to develop land without complying with conditions 1b & 2 of Outline Permission MA/91/0419E.
MA/94/0341	An application to carry out development permitted under MA/90/1627 E without compliance with condition 1 to allow a further time period in which to commence the development. Approved.
MA/91/0419	Outline Application for 2 storey squash and health club with car parking. Approved.
MA/90/1627	Change of use to open air recreation, tennis courts with landscaping. Refused. Allowed on Appeal.

#### **'Site B' – the western section of 'land to the north of the railway line'**

MA/92/1374	Erection of stable block (portable building) for five horses. Approved.
MA/98/0443	Variation of condition 01 of planning permission reference MA/92/1374s to allow a further time period in which to commence the development of a stable block. Approved.

#### **Site A and Site B – land to the north of the railway line**

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MA/03/1232 Relocation of existing station user car park to provide 600 station user car park spaces, ticket machine, taxi office, waiting shelter, new platform access, enhanced landscaping, security lighting and associated highway improvements. Withdrawn.

Prior to being withdrawn the application was recommended for refusal on the following grounds:

- 1) *The proposal would involve development in the open countryside outside the extent of any settlement defined in the development plan and contrary to policies ENV1, RS1 & RS5 of the Kent Structure Plan 1996 and ENV28 of the Maidstone Borough-Wide Local Plan 2000.*
- 1) *The proposal would have a detrimental impact on the character and visual amenities of the area contrary to policies S2 & ENV1 of the Kent Structure Plan 1996 and ENV28 & ENV49 of the Maidstone Borough-Wide Local Plan 2000.*
- 2) *It is not considered that the full impact of the proposed development on nature conservation interests has been assessed. As such the development may have a detrimental impact on nature conservation interests contrary to policy ENV2 of the Kent Structure Plan 1996.*
- 3) *The design of the access road to the car park is detrimental to road safety and prejudicial to the free flow of traffic on George Street.*
- 4) *The proposal would be likely to have a detrimental impact on the amenity of nearby residential property by reason of noise and would therefore be contrary to policies ENV4 and ENV28 of the Maidstone Borough-Wide Local Plan 2000.*

### **'Site C' – Existing Station Car Park**

MA/03/1282 Redevelopment of land to provide a foodstore with associated parking, transport interchange and highway improvements with means of access, siting and landscaping for consideration now, with external appearance and design reserved for future consideration. Withdrawn.

Prior to being withdrawn the application was recommended for refusal on the following grounds:

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- 1) *The proposal would result in a large new convenience store for which it is not accepted that there is a demonstrated need and is likely to lead to adverse impact on the vitality and viability of nearby centres contrary to policies R1, R2, R10 and R15 of the Maidstone Borough Wide Local Plan and policies R1 and R2 of the Kent Structure Plan 1996.*
- 2) *The proposal would result in the loss of car parking facilities for the railway station requiring the provision of new facilities in the countryside detrimental to the character and appearance of the area and contrary to policies ENV28 of the Maidstone Borough-Wide Local Plan 2000 and ENV1, RS1 and RS5 of the Kent Structure Plan 1996;*
- 3) *The proposed layout is considered to be unsatisfactory and detrimental to the character and appearance of the area contrary to policy ENV2 of the Maidstone Borough-Wide Local Plan 2000 and policy ENV15 of the Kent Structure Plan 1996;*

\*It should be noted that the policy 'landscape' has altered since these applications were previously considered (although not determined). As such, any recommendation on this current application should be determined in accordance with the most recent government guidance and existing policy.

MA/96/1304      Outline application for demolition of existing garage and erection of new supermarket with means of access and siting to be determined. Approved.

MA/96/0694      Change of use of car park to open market on Sundays only between the hours of 0700 and 1500. Approved.

### **'Site D' – Land to the West of the Station Car Park**

MA/08/0895      Stationing of portable office building for use as taxi booking office (Renewal of MA/03/0717). Approved.

MA/05/0836      An application for the prior approval of the local planning authority for the installation of a 15m high telecommunications mast, 6 No panel antennae, 1 No 600mm dish antenna, 1 No 300mm dish antenna, 3 No outdoor Vodafone equipment cabinets, a 2.1m high compound fence and other development ancillary there. Approved.

MA/03/0717      Stationing of portable office building for use as taxi booking office. Approved.

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MA/96/0266	Stationing of portable office building. Approved.
MA/92/0035	Change of use from storage and distribution (B8) to retail (market use). Approved.
MA/86/2034	Change of use for siting of tarmac production plant. Approved.
MA/82/0680	Outline application for erection of small industrial units. Approved.
MA/76/1452	Outline application for residential development. Refused.

### 2.1 Planning History Considerations

- 2.1.1 Whilst both the application for the car park and the foodstore were proposed to be refused, the applicants withdrew the applications prior to determination. Neither application was formally presented to Members, and as such are considered as an officer view (at that point in time). These proposed reasons for refusal therefore carry no weight in the determination of this application – they are included for background information only. Nonetheless, the similarities between the previous submissions and this application are noted.

### 3. CONSULTATIONS

- 3.1 **Staplehurst Parish Council** were consulted and made the following comments on 14<sup>th</sup> March 2012:

- 3.1.1 Having heard verbal submissions by members of the public over the previous two hours, Councillors then considered their recommendations to Maidstone Borough Council. The first proposal to approve the application in principle was not supported by a majority (4 voted to approve, 8 against, 1 abstention and 1 non-voter). It was considered that more work needed doing on the application, so would be safer to refuse it at present. A second proposal was then put by Councillor John Kelly, seconded by Councillor Sam Lain to recommend REFUSAL of the application. This proposal was carried by 10 voting for refusal of the application and 4 voted against the proposal. Councillors requested that this application be reported to MBC Planning Committee. The reasons for refusal were agreed as follows:-

- The proposal would result in a supermarket on land which would be a 'departure' from the development plan and the proposal in itself does not mitigate for that departure. The draft Core Strategy and the former

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Borough-wide Local Plan do not show any development on this greenfield site, the railway boundary of which is a defined northern boundary to Staplehurst. Major development north of this boundary would encourage other development north of the village.

- The proposal would result in the loss of car parking facilities for the railway station requiring the provision of new facilities in the countryside detrimental to the character and appearance of the area.
- The proposal would result in substantial development taking place for the net gain of 10 formal car parking places but ignores additional informal car parking spaces currently available; this is deemed inadequate for future growth. It is considered that at least 800 spaces are required and feasible either south of the railway (by better use of space or on the proposed site by the applicant). Insufficient commuter parking would cause increased displacement parking in neighbouring roads and residential areas.
- The proposed layout is considered to be unsatisfactory and detrimental to the character and appearance of the area. There is insufficient detail of landscaping and screening. Removal of existing landscaping beside the London-bound platform near the proposed transport interchange is not welcome. No detail of the style and design of the proposed covered walkway from the transport interchange to the existing station.
- The scale of the store is considered to more than adequately serve the area and whilst many people want a supermarket; this proposal is considered to be too large for the needs of the area and is not sustainable with the current infrastructure. This assumes customers coming from other locations. This would have a detrimental impact on the feel and well-being of this rural location. The proposal would lead Staplehurst into becoming a transport and retail hub for the weald. The proposed scale of the development does not adequately promote a thriving, inclusive and locally distinctive rural community whilst continuing to protect the open countryside for the benefit of all (PPS4 EC15.1).
- The proposed new highway arrangements for Station Approach and George Street give great cause for concern. Egress from George Street southwards is considered difficult, unsafe and needs to be reconsidered. Paragraph CS7 of the draft Core Strategy states that development proposals must show how they do not create an increased risk to road safety. Insufficient detail is given for the siting and phasing of the traffic-light junction on the A229 with Station Approach, Market Street and nearby factory. The relationship of this junction with existing bus stops in Station Road is not made clear and the retention of bus stops on the A229 Station Road is considered

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necessary. There are real concerns regarding highway safety and congestion that the proposals would create for A229 traffic through-put, commuters, shoppers, residents, commercial and delivery vehicles to/from the industrial estate. A major concern is the highway aspect, due to the agreed further expansion of the Lodge Road Industrial Estate (Ref: MA/09/0455 Drawing No DHA/6962/02). This will create a further 93,625 sq/ft (8,698sq/mtr). The proposed Tesco development is approx. 36,414 sq/f of retail unit only. (Tesco Montague Evans; Ref ED2 Page 6) This does not include the Petrol Station on Station approach. The new industrial units would be of a mixed usage scheme due to sizes, thus creating a large amount of movement from cars and lorries, in and out on a regular basis along a shared piece of common road. Station Approach will not be able to accommodate such volumes in the near future if the Tesco development takes place, even with the proposed traffic light system in place. PPS4 EC6.2/D refers. In addition traffic from the proposed North/commuter car park trying to access the Store and petrol station throughout the day, which will be exacerbated at peak times. This in turn could precipitate the industrial units not being let or sold therefore potentially hindering the expansion of job creation in the local community.

- The proposed new car park would be on a greenfield site north of the railway line which is of great concern for reasons of flooding and drainage. There is insufficient detail in the proposals and particularly the Pinnacle survey, was considered superficial for the drainage needs of the area which is low-lying. The water run-off into local ditches that feed into the river Beult (that has a history of flash flooding) will cause back up flooding of the site and along the path of the ditch as it flows as a tertiary river into the river Beult. No geological survey of the site was apparent.
- The Ecological solution for the newts is unacceptable – To be sited so close to the road bridge embankment and the car park itself, it was considered that road salt run off could cause problems for the newts. It would be better if the newts were moved elsewhere and additional commuter car parking provided (with suitable landscaping/screening). Relocation of the newts would make it possible to plant a dense tree belt between the car park and the top of the embankment.
- There was no pre-application meeting with the Parish or Maidstone Borough Councils which is a requirement as mentioned in the documentation.

3.1.2 Some Councillors were not opposed in principle to a retail development on Network Rail land south of the railway and noted that a number of members of the public favoured such a development. However, a majority of Councillors considered that the application as submitted did not adequately address the

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serious concerns listed above. Nevertheless, if Maidstone Borough Council decided to approve the application, the following conditions and further research be carried out to mitigate the impact of the development:

- That the petrol station would not sell newspapers (to safeguard the viability of the existing local newsagents).
- Negotiations with Arriva take place with a view to improving the overall bus service and addressing the 1½ hour gap in service between 0800 & 0930 whilst extending the weekend service provision.
- Before the replacement station car park north of the railway is brought into use, Network Rail and/or the rail franchise operator shall provide rail and car park ticketing facilities on the north side of the railway/Ashford-bound platform.
- To research potential demand and future-proof the development by looking at the long-term impact of the proposal in all areas but mainly the traffic issues.
- In case the applicant's view (that there will not be any flooding problems in the commuter car park) proves to be wrong or miscalculated, there would need to be a mitigation provision that remedial works would be undertaken to deal with it, so that local residents wouldn't pay the price.
- Off-site improvement works to upgrade the existing footpaths and traffic-light crossroads (Marden and Headcorn Road – with motion sensors) to enable disabled people from Sobell Lodge to reach the Tesco store by themselves.
- No mezzanine floors to be added within the proposed building.
- Consult the local community on store and petrol filling station opening times.
- Signage should not project above the rooflines of any building.
- Improved landscaping or substantial shelter belt for the screening of both sites and bridge embankments, including details for the siting of acoustic fencing.
- Electric charging points in both car parks and at the store.
- That the new northern car park should be complete and fully open to users before any works are started on the existing three southern car parks.
- That consideration be given to the location of the bus stops in Station Road.
- Section 106 Agreement to be negotiated with the Parish Council with reference to its approved list (to be submitted with this response to MBC). Remove all references to S106 funding being spent on Network Rail Car park and Travel Plan.
- The store should sell primarily food with no pharmacy.
- Liaison with other businesses in Lodge Road should take place regarding delivery times to the store to reduce traffic conflicts and to minimise delays at the traffic lights caused by exiting Tesco customers.

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- A free bus service to serve local villages such as Frittenden (that had no commercial bus service) would be appreciated.
- Light pollution concerns were expressed. It would be appreciated if the local impact of the commuter car park north of the railway in particular, could be checked and improved upon.
- Recycle Area to be re-sited to a place where it does not impact on traffic flows at entrance/exits to car park or petrol station and at a location where it can be suitably screened.
- Removal of the proposed Lorry Lay-By as there is no perceived need.
- The inclusion of cycle ways adjacent to footpaths and link up to neighbouring communities.
- The inclusion of traffic light sites on all plans.
- Consultation with Network Rail as to the implementation of a Clustered rail services/ticketing provision for Headcorn, Staplehurst and Marden.
- Review traffic management at George Street junction to include temporary/full time traffic light system or substantial roundabout.'

3.1.3 Further comments were received by the Parish on 1 June 2012, following the receipt of amended plans:

3.1.4 'Thank you for your letter dated 17<sup>th</sup> May with enclosures. Councillors have now considered the amended plans and made the following recommendation:

3.1.5 To recommend *refusal*, observing that the amended application did not materially change the first application and therefore all the original objections recorded by the Council remained. Please refer to this Council's letter dated 13<sup>th</sup> March 2012 for full details. Councillors requested that this application be reported to MBC Planning Committee.'

3.1.6 As Members are well aware, these are purely the comments of the Parish Council, which have not been influenced by the case officer. It is acknowledged that their views on this application may differ from that of the adjacent application (ref MA/11/1944). Whilst there are similarities between the two applications, the Parish Council are clearly entitled to come to a different conclusion on each should they wish.

**3.2 Maidstone Borough Council Landscape Officer** was consulted and made the following comments upon the application:

3.2.1 'There are no arboricultural constraints on this site in relation to Tree Preservation Orders, veteran trees or designated ancient woodland.

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- 3.2.2 The three hedgerows (H1 to H3) identified within the applicant's ecological assessment are considered not to qualify as 'important' under the current criteria of the Hedgerows Regulations 1997.
- 3.2.3 The arboricultural assessment statement appended to the Landscape Supporting Statement produced by aspect landscape planning, January 2012, indicates that all trees on the site, with the exception of T70, fall into category C (trees of low quality and value). It is therefore very important that sufficient new structural planting is included in the landscape scheme to succeed these trees which generally would have a relatively short lifespan.
- 3.2.4 Whilst tree protection fencing is denoted on plan AA TPP 03 there is some inconsistency in terms of which trees are to be retained and removed, particularly in the area where bunding is proposed around the pond to the north of the site. A revised plan showing the location of tree protection is therefore required.
- 3.2.5 The detailing of the hard landscaping in conjunction with the new tree planting is very important, specifically to ensure trees are not damaged within areas of parking. I would suggest a strong form of vertical delineation, whether in the form of raised kerb edging or knee rails.
- 3.2.6 In my view the principles of the proposed landscaping are generally acceptable but a fully detailed hard and soft landscaping scheme should be required by condition to ensure the long term success of the scheme. The details should also include the provision of a maintenance specification and a long term management plan, specifically addressing the tree succession issues.
- 3.2.7 In conclusion, I **RAISE NO OBJECTION** to this application on landscape detail or arboricultural grounds and recommend pre-commencement conditions as detailed above.
- 3.3 Maidstone Borough Council Spatial Policy Team** were consulted and raised no objections to the proposal in so far as the impact upon the existing retail centres, but acknowledged the position of the site, being one within the open countryside. The details of their comments are provided within the main body of the report.
- 3.3.1 The comments identify the following matters are being of the principal planning policy issues:

- A. The application site lies substantially outside the limits of Staplehurst as defined in the Maidstone borough-wide Local Plan

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- A. The availability of sequentially preferable alternative sites for the proposed supermarket
- B. The impact of the proposed supermarket on Staplehurst village centre and other identified retail centres

3.3.2 With regards to the first matter, the following comments were made:

3.3.3 'Apart from the showroom site at the corner of Station Approach and Station Road, the application site lies outside the limits of Staplehurst village as defined on the Local Plan proposals map. Outside these built limits, restrictive countryside policies apply with development generally limited to that requiring a countryside location (Policy ENV28).

3.3.4 To the south of the railway line the proposal is to redevelop the existing site to provide the store, store parking, station drop off facilities and short stay station parking. This part of the proposal is therefore a redevelopment of previously developed land and the NPPF directs that planning decisions should encourage the effective use of such land (paragraph 111). To this extent the proposal could deliver the more efficient use of a PDL site, which, whilst clearly outside the boundary in the MBWLP is immediately related to the built up area of the village.

3.3.5 The development to the south of the railway line would result in the loss of the existing car parking area for users of the station. To address this loss, the creation of a substantial commuter parking area to the fields to the north of the railway line is proposed. The proposed commuter car park would constitute a substantial incursion of built development into a greenfield site in the countryside into an area with known ecological value. The railway line defines a clear change in character with the land to the north of it comprising open rural landscape with only sporadic development. This development would cause harm the rural character of this locality and would be contrary to Policy ENV28 which states that planning permission will not be granted for development which harms the character and appearance of the area. In addition to not causing harm (which it is considered this proposal would), the policy lists the specific categories of development into which a proposal must fall to be acceptable. Criterion (4) states 'the provision of a public or institutional use for which a rural location is justified'. In this case it could be argued that the commuter car park is a public use however a rural location is not justified because this facility is already in existence in a more suitable location on the south of the railway line.

3.3.6 In addition, ponds are present on the site to the north of the railway line and Policy ENV41 affords specific policy protection to ponds on the grounds of their

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visual or ecological value. Mitigation should be sought if development would result in their loss.

- 3.3.7 MBWLP Policy T7 applies to the station building and parking areas and seeks to prevent redevelopment when a station closes. The railway station is not closing as part of this proposal so the policy is not directly relevant in this case.
- 3.3.8 The points regarding the sequential approach, and the impact upon the town centre are addressed within the main body of the report.
- 3.4 **Maidstone Borough Council Environmental Health** were consulted on the application and raised no objection subject to the imposition of suitable conditions.
- 3.5 **Maidstone Borough Council Economic Development** were consulted and support this application in so far as the provision of extra jobs is encouraged.
- 3.6 **Kent Highway Services** were consulted and made the following comments:
- 3.6.1 'I refer to the above named planning application for a Tesco foodstore and petrol filling station on land at Station Approach and a new station car park on land at George Street in Staplehurst.
- 3.6.2 Access to the foodstore would be made via the existing A229 Station Road / Station Approach / Market Street junction, which would be widened and signalised to increase its operational capacity and upgraded to current highway standards. Access to the new station car park would be made via the existing A229 Station Road / George Street junction, which would also be upgraded to current highway standards.
- 3.6.3 The trip rates and traffic generation methodology have been accepted. Capacity assessments and Road Safety Audits have been carried out on the upgraded A229 Station Road / Station Approach / Market Street and A229 Station Road / George Street junctions. The results indicate that the proposal would not be detrimental to highway capacity and the Designer's Response to the Road Safety Audit has been accepted.
- 3.6.4 Additional highway works are proposed and these include the provision of pedestrian crossing facilities at the A229 Station Road / Station Approach / Market Street junction, a transport interchange at Staplehurst Station incorporating bus and taxi drop-off/pick-up facilities, and a puffin crossing facility on Marden Road. The applicant is required to provide these works as

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part of a Section 278 Agreement, with details to be agreed with Kent County Council (KCC) Highways and Transportation.

3.6.5 A Draft Travel Plan has been prepared and a monitoring fee of £5,000 is required. Details of the final Travel Plan shall be approved by KCC prior to any beneficial occupation of the development.

3.6.6 Parking is proposed for 235 cars at the foodstore and 660 cars at the new station car park, including disabled spaces. A Car Park Management Plan is to be implemented at the foodstore car park to discourage long stay parking and 30 cycle stands are to be provided, which is acceptable.

3.6.7 I can confirm that subject to the above, I do not wish to raise objection to this application. I would recommend that the following conditions be attached to any consent granted:-

1. Before any work is commenced a Method Statement showing the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority and the development shall not proceed other than in accordance with the approved programme.

2. During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

3. Prior to the works commencing on site details of parking for site personnel / operatives / visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

4. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

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6. The area shown on the submitted layout as vehicle parking space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

7. No dwelling/building shall be occupied or the approved use commenced until space has been laid out within the site in accordance with the details shown on the application plan(s) for cycles to be parked.

8. The area shown on the approved plan as vehicle loading, off-loading and turning space, shall be paved and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land or in such a position as to preclude its use.

9. The access details shown on the approved plans shall be completed to the satisfaction of the Local Planning Authority prior to the commencement of any other works authorised by this permission, the occupation of any buildings hereby approved, the use of the site being commenced, and the access shall thereafter be maintained.'

3.6.8 Following the submission of a cumulative transport assessment, the following comments have been received:

3.6.9 'I have reviewed the Cumulative Transport Assessment submitted by Waterman Boreham on behalf of Tesco. The assessment reaches similar conclusions to those reported in the Sainsbury's Cumulative Transport Assessment, in that the proposed Sainsbury's access roundabout is forecast to operate close to its design capacity in the opening year (2014). It is accepted, however, that the junction will still allow for daily variations in traffic flow.

3.6.10 The proposed Station Road / Station Approach / Market Street signalised junction would operate within its design capacity with both foodstores in place in the opening year. Indeed, there would be a slight improvement in its operation in comparison to the 'Tesco only' scenario, as the majority of foodstore traffic would be distributed to the south.

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3.6.11 On this basis, I can confirm that I am satisfied with the revised information provided.'

**3.7 Kent County Archaeology** were consulted and raised no objections subject to the imposition of a suitable condition requiring a watching brief to be undertaken.

**3.8 Kent County Council Ecology** were consulted and made the following comments:

3.8.1 'The Ecological Assessment report has been submitted in support of this application. The format lacks clarity in places so our response attempts to summarise the ecological interest of the site and the impacts identified before advising on the adequacy of the survey and the appropriateness of the proposed mitigation.

3.8.2 Of the habitats identified on the site, the following were assessed as having some interest, or as having potential to support protected species:

- Hedgerows – assessed as of low ecological value in themselves, but likely to provide habitat for bats (foraging and commuting) and birds (foraging and nesting).
- Scrub – assessed as of low ecological value in itself, but provides structural diversity to the site and nesting and foraging habitat for birds. Although not stated in the evaluation (section 4.5.3), this resource also provides opportunities for great crested newts (GCN) and reptiles;
- Trees – most are immature specimens through there is a mature English oak and a line of semi mature English oaks present, overall the trees are assessed as of low/moderate ecological value that adds to the structural diversity of the site and provides good nesting and foraging habitat for birds;
- Grassland – the grassland is close-grazed and assessed of low species diversity. In the north east and the south west of the northern half of the site (north of the railway line), there are areas of greater potential interest and there are 'several large anthills' present. Overall the grassland is assessed as of low ecological value, although it is acknowledged that a botanical survey at the correct time of year may have identified increased botanical interest in some areas. It is not acknowledged that the grassland is likely to provide a commuting route for great crested newts and reptiles.
- Tall ruderal – assessed as of largely low ecological value with some areas of greater species richness. It is not explicitly acknowledged that these areas add to the structural diversity of the site of that they provide opportunities for GCN or reptiles.

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- Ponds – four ponds are present on the site, all of which are assessed as species poor. Pond 1 is assessed as of limited wildlife value. Ponds 2 and 3 are assessed as of low wildlife value and pond 4 is of low/moderate value as it provides habitat for species associated with dense reeds.
- Wet ditch – the northern section of the wet ditch is assessed as species poor, but no value is assigned. No evaluation is provided for the southern section of the wet ditch, although '*aquatic/emergent species are more abundant along the length*'. No ditch is shown on the *Habitats and Ecological Features* drawing 1272/ECO3B.

3.8.3 The report provides an evaluation of the potential for protected species impacts, with some specific surveys undertaken. The following were assessed as potentially (or confirmed as) using the site:

- Bats – the site contains no suitable structures (buildings or trees) that are considered suitable for roosting bats. It is concluded that the ponds and the boundaries of the site provide the greatest opportunities for bat use of the site. No activity survey was undertaken and trees with the potential for roosting bats present adjacent to the site (reported as 'south-east of the site – but we assume this is meant to read 'south-west') were not assessed.
- Badgers – a specific survey was undertaken that found no evidence of badger use of the site, though it is acknowledged that there are suitable habitats present.
- Hedgehogs – suitable habitats and hibernation sites were recorded on the site. The habitats of value to hedgehogs are not detailed within the evaluation.
- Amphibians – the most recent surveys during 2009 recorded GCN breeding in two of the four ponds within the site, with the previous population assessment indicating a medium population (peak count 22). Previous GCN surveys in 2007 and 2003 have recorded peak counts of 79 and 39 respectively (also indicating medium populations). It is suggested that the ponds are deteriorating in their quality and suitability for GCN. The 'detailed investigation' of the status of GCN within the site is provided in a separate section of the report. The habitat proposed to be lost to the development provides opportunities for GCN, primarily as a commuting route (the grassland) but also as foraging and sheltered habitat (scrub and hedgerow). As such, the development works will require a European protected species licence to derogate from offences.
- Reptiles – suitable reptile habitat was identified on the site, primarily outside of the grazed grassland areas. No reptile survey has been undertaken, despite numerous biological records in the area and the incidental sightings of grass snake and slow worm during 2009.

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- Birds – the evaluation concludes that the site is unlikely to be of special ornithological interest, although there are habitats present on the site which provide suitable nesting and foraging habitats for common bird species.
- Invertebrates – the site is assessed as containing 'a number of habitat niches for invertebrates', although it is not expected that these would include any rare or notable invertebrate assemblages.

### 3.8.4 Evaluation of the submitted reports:

3.8.5 With regards to Botanical Interest – section 4.17.5 states that 'it may be desirable to undertake further botanical survey prior to the clearance of vegetation' and that any found should be trans-located to retained areas of natural habitat on the site. Whilst KCC Ecology would often require further information prior to the determination of the application, in this instance they have enough information, both provided by the applicant, and provided from field surveys that updated the Kent Habitat Survey 2011 to agree with the recommendations within the report.

3.8.6 With regards to Bats - The ponds and the boundaries of the site have been assessed as of the greatest areas of value to foraging bats on the site. The ponds are being retained and the report considers that the proposed habitat improvement works will result in increased opportunities for foraging bats. As such, the primary source of potential impacts to bats is from lighting of the proposed development.

3.8.7 No lighting proposals have been submitted with the application and as such we consider that the opportunity to ensure that the lighting is designed to have a limited impact on bats must be secured. Some recommendations are provided in 6.1.3, however while "*reduced wattage*" and "*reduced number of lamps*" may help to limit the potential for impacts, there is no qualifier to indicate what these are 'reduced' from.

3.8.8 It is stated that close-board wooden fencing will be used to reduce light spill and that landscape planting (once mature) will also shelter the sensitive habitat areas from the lighting necessary to the development. All these factors must be included in the lighting proposals. We also advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

3.8.9 The implementation of the recommendation to erect bat boxes on the site (section 6.1.6) would serve as an ecological enhancement, providing opportunities for roosting bats that are not currently available on the site.

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- 3.8.10 'Other mammals' were assessed, and the recommendations relating to badgers (section 6.1.7) and hedgehogs (section 6.1.8) must be implemented to reduce the potential for impacts to these species.
- 3.8.11 Great crested newts were also considered. Section 7 of the *Ecological assessment* considers the potential impacts to great crested newts (GCN) and proposed mitigation. No confirmed breeding ponds will be lost to the development. The development of the car park in the northern part of the site will present a barrier to dispersal between the on-site ponds. Section 7.3.10 concludes that "*good dispersal opportunities are available via the hedgerow and ditches*" but that the potential remains for a high scale of impact on GCN as a result of the loss of terrestrial habitat. We advise that the conclusion that the effect on connectivity is considered to be low requires further consideration in relation to on-site between-pond interactions, particularly given that the mitigation proposal includes the use of permanent exclusion fencing and the inclusion of culverts to facilitate GCN movement between the eastern and western retained habitat in the area north of the railway. There has been no attempt made to assess any of the 25 ponds that are present within 500m of the proposed development site for their suitability or use by GCN; clarification is required to ensure that consideration has been given to the potential for the site acting as a dispersal corridor for the population of GCN in the area as a whole.
- 3.8.12 Outside of our concern regarding the potential barrier effect of the car park in the area of the site north of the railway, we consider that the proposed enhancements to the ponds and to the retained terrestrial habitat should ensure that the site provides an improved environment for great crested newts post-development. The identified potential for post-development interference from pedestrians, litter and general disturbance are of some concern and we would expect these to be addressed through the ongoing management of the site. There will also be a need to ensure that checks of the permanent fencing are regularly carried out.
- 3.8.13 No reptile survey has been undertaken at the site and as such there is no assessment of the potential level of impact to reptiles that are present. Given that translocation of reptiles is proposed, we do not consider this to be acceptable as Maidstone BC need to be able to adequately address all material considerations in their determination of this application. With no understanding of the species and populations of species currently using the site, the impacts cannot adequately be assessed. We advise that a reptile survey is undertaken and the results made available to inform the determination of this application.
- 3.8.14 The nesting bird mitigation detailed in section 6.1.18 must be adhered to.

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- 3.8.15 In addition to the ecological enhancements required to mitigate for impacts, additional enhancement measures are proposed in section 6.2. We advise the inclusion of these in the development proposals as they will support Maidstone BC in meeting the key principles of Planning Policy Statement 9; not only to avoid, mitigate or compensate for harm to biodiversity but also to incorporate ways to enhance and restore it. We advise that the ecological enhancement proposals are detailed in the landscape strategy as a condition of planning, if granted.
- 3.8.16 If you have any queries regarding our comments, please contact me.'
- 3.8.17 Further comments were received on the 18 December 2012:
- 3.8.18 'While we have not been provided with a reptile distribution map, it has been emphasised that the area of unsuitable reptile habitat within the proposed wildlife area is horse and rabbit grazed. Ecological enhancements would provide replacement habitat for some of that lost, and along with appropriate management the area does have potential to support the reptiles. We advise that the detailed specification for the mitigation, to ensure that the area's potential for wildlife is optimised, could be secured by condition.
- 3.8.19 We still query the need for the footpath within the wildlife area; the wildlife benefits are likely to be greater without it and will be more achievable.
- 3.8.20 The culvert specification must be required as a condition of planning. As an informative we advise that evidence of existing schemes that have incorporated such features should be provided by the applicant.
- 3.8.21 The maintenance (in perpetuity) of the permanent reptile and great crested newt exclusion fencing must be secured by planning condition/obligation.'
- 3.9 Kent Wildlife Trust** were consulted and object to the proposal in its current form. It is stated that there is no objection in principle to the development of a retail store and a new car park to serve the station, subject to suitable mitigation and measures to enhance local biodiversity, however it is not considered that the measures suggested at present are sufficient to maintain, let alone enhance local biodiversity.
- 3.10 Natural England** were consulted and acknowledge that Great Crested Newts are present within the application site.
- 3.10.1 They state that Great Crested Newts (GCN) are protected under Schedule 5 of the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations. This protection covers both the species themselves and

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the places that they use for breeding and shelter (including ponds and associated terrestrial habitat). These species can only be disturbed, or their places of shelter interfered with under a licence issued by Natural England. In order to obtain a licence, the following tests must be met:

- The consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';
- There must be 'no satisfactory alternative'; and
- The action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

3.10.2 The survey information provided by the applicants indicates that great crested newts (GCN) are present within the application site and utilising ponds or terrestrial habitat that are likely to be affected by the proposals. The proposals set out in the application, however, appear sufficient in principle, to mitigate any potential impacts on GCN populations. This is based on; the survey findings that the potential terrestrial habitat to be occupied by the proposed car park on the northern part of the site, adjacent to the retained and improved ponds, is currently of limited value as GCN habitat, and; that habitat connectivity between the ponds can be maintained through mitigation measures.

3.10.3 In the circumstances, and subject to an appropriately worded condition to secure the details of the GCN mitigation measures as set out in the Aspect Ecology's Ecological Assessment, January 2012 at Section 7, Natural England is now satisfied that these proposals should not be detrimental to the maintenance of the population of GCN at a favourable conservation status in their natural range (as defined in Regulation 53 of the Conservation of Habitats and Species Regulations 2010).'

**3.11 The Environment Agency** were consulted raised no objections subject to conditions.

**3.12 Southern Water** were consulted and raised no objection to this proposal subject to the imposition of suitable conditions.

**3.13 EDF Energy** were consulted and raised no objection to this proposal.

**3.14 Network Rail** were consulted and raised no objections to this proposal.

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### 4. REPRESENTATIONS

4.1 Neighbouring occupiers were notified of the application, and to date 173 letters of representation have been received. Of these letters, 149 are in favour of the development and 24 object to the proposal. The points raised within the letters of support are summarised below:

- These proposals are the best plans for a supermarket for the village;
  - The proposal would result in more job opportunities within the village;
  - Residents would be able to walk to the store, rather than rely on the private motor car or public transport;
  - The village needs more shops;
  - The proposal would allow for a cheaper weekly 'shop' for those on a budget;
  - The proposal is better for those without a car;
  - The proposal would support an expanding village;
  - The proposal would save petrol and be more sustainable for those within the village;
  - The supermarket would be beneficial to those with disabilities;
  - The proposal would enhance the entrance of the village.
- It should also be noted that a further **175 representations of support** have been received. These are pre-prepared slips created by the applicants, and have been returned by households within the vicinity to the Council. Whilst supporting the application, they give no specific grounds.
- A petition containing **501 signatures** was submitted in favour of the planning application. The petition encouraged the provision of jobs and greater convenience for the residents of Staplehurst and the surrounding area.

4.2 The main points of concern within the objections are summarised below:

- The site is inappropriate for the location;
- Previous development within the site was dismissed on appeal – these grounds remain relevant;
- Traffic generation, and highway safety are a concern;
- The proposal would have an adverse impact upon ecology;
- The proposal would have an adverse impact upon the rural character of the area;
- There are concerns about drainage from the site;
- There are concerns flooding within the proposed car park site;
- The impact of the lighting would be detrimental to the character of the area;
- The impact upon the rural community would be detrimental;

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- The store is too large, and would impact upon the existing shops and services within the area;
- The monopolisation of the Borough by the applicants is a concern;
- The proposal would result in more rubbish within the streets;
- The proposal would result in more noise within the locality;
- There is not enough parking proposed for the station;
- The retail impact assessment is not exhaustive;
- There would be a detrimental impact upon residential amenity.

### **5. CONSIDERATIONS**

#### **5.1 Background**

- 5.1.1 This is a full application for planning permission for the erection of a new supermarket and provision of car parking, both for the store and the erection of a new station car park. The application was initially submitted to the Authority on the 13 February 2012, with amended plans reducing the size of the store subsequently received on the 17 May 2012.
- 5.1.2 This application was submitted shortly after the Authority received the application (MA/11/1944) for a new Sainsbury's supermarket on land to the south of this application site (on the existing DK Holdings site) – this application was received on 10 November 2011. The Sainsbury's application is for a supermarket of 1,784 sqm (net sales), and for the relocation of the existing factory building. A separate application (MA/11/1943) for the relocation of the factory building was approved on the 14 September 2012.
- 5.1.3 Maidstone Borough Council has sought a legal opinion on the merits of hearing the applications separately, or together, and it was concluded that it would be most appropriate for Members to be able to hear both applications at the same meeting. However, in order for a decision to be made on the evening, both applicants have been required to provide us with cumulative impact assessments, both in terms of highways impact, and retail impact. All information has now been submitted, and as such both applications are now able to be determined.
- 5.1.4 In terms of the applications, an officer recommendation is given on each proposal, and it is suggested that each application is presented and discussed prior to a determination of either application. As such, on each application conditions and reasons for refusal are appended, which could be used should Members disagree with the recommendations. These are for the purposes of Members being able to make a decision on the evening of Committee, not 'options' *per se* – the recommendations have been fully considered, with all material considerations balanced fully, and carefully. The applicants of the Tesco

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scheme have requested a side-by-side analysis of each of the two schemes and within each report there is a description of the main aspects of the schemes. This should not be used as a substitute for reading the full reports.

### 5.2 Site Description

- 5.2.1 The application site consists of two distinct parts – one upon which the new store, store car park, southern station car park and petrol filling station would sit, and one to the north where the new proposed car park for Staplehurst station would be located.
- 5.2.2 Firstly the land to the south of the railway line. This land falls substantially outside of the defined village boundary of Staplehurst, although is very much read as being within the settlement of Staplehurst. The land encompasses the existing station car park, the access road into the car park, and land to the west, which is, in part currently used as informal car parking for the station.
- 5.2.3 This land is considered to be, in part, previously developed. Part of the existing station car park is provided with a tarmacadem surface (the part nearest to the A229), and there is an element of lighting within. A low rail surrounds the parking area. There is little soft landscaping within the car park, and what has grown around the perimeter appears as self-seeded. The car park covers an area of approximately 1 hectare and is covered by policy TR7 of the Maidstone Borough Wide Local Plan 2000, which ensures that no development takes place upon the land that would preclude the use of the land as a transport 'hub'. To the north of this part of the site is the railway line, and station platforms, and to the south of the site are the buildings that form part of the DK Holdings factory. It should be noted that the DK Holdings site is the land that forms part of the application for the Sainsbury's supermarket, under application reference MA/11/1944. This application is discussed in more detail, later in the report.
- 5.5.4 The station building itself would not be repositioned as a result of this proposal, although small physical works are proposed to the station in the form of the access points of the station. The existing station building is a relatively nondescript, functional building that is constructed of brick with a plain tile roof. This single storey structure appears to have been constructed in the mid to late 20<sup>th</sup> Century. There is a single storey, pitched roof structure to the south of the station building which serves as a taxi office. The station itself contains a bridge which allows for disabled/pedestrian access across the railway line.
- 5.5.5 There is a single storey part pitched roof/part flat roof building on the corner of Station Approach and the A229 which currently houses 'Premier Domestic Appliances'. This building has a small service yard/car park to the side and the rear, which is bounded by a 1.8metre wire mesh fencing along the highway, and

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backing on to the car park. Adjacent to this is an area utilised by a hand car wash facility. This land falls within the village confines.

5.5.6 The informal car parking area in the west of the application site does contain some trees and shrubs, although again, these appear to be self-seeded, and of little merit. This part of the site covers an area of approximately 0.5 hectares. This part of the site is bounded to the south by some two storey commercial buildings, and some of the commercial sheds that form part of the Lodge Road Trading Estate.

5.5.7 To the north of the railway line is the area in which the proposed main station car park would be relocated. This land is 'greenfield' with a large number of trees and shrubs within the centre, as well as a number of ponds. This part of the site covers approximately 3 hectares. This part of the application site is bound to the north by George Street, which contains one large residential property, and by the A229 to the east. The A229 rises as it heads southwards past this element of the site, rising at its highest point as the bridge crosses the railway line.

5.5.8 This part of the site has no specific designation upon it but it adjacent to the land covered by Policy T7 of the Borough Plan. The land appears unused at present, although does contain a telegraph pole in the south eastern corner, with a telecommunications mast in the south western corner (although the red line goes around this feature, so it is not actually within the application site).

5.5.9 In terms of its location, Staplehurst is approximately 15km from Maidstone, 5km from Marden, 6km to Headcorn, 9km to Cranbrook and 15km to Hawkhurst. In terms of public transport provision, buses run once an hour from Staplehurst to Maidstone (and to Cranbrook), and trains run to Ashford and London every 30 minutes during the day (with increased frequency during peak hours).

### 5.3 Proposal

5.3.1 The proposal is a full planning application and is for the erection of a new supermarket of approximately 1795sqm (net sales), including café. The supermarket would have an overall footprint of 2817.78sqm (which would include the entrance lobby, café, and back of house/plant room. The net sales area of this proposal would be split up in the following ways:

- Convenience: 1,513sqm
- Comparison: 227sqm
- Flexible (seasonal): 55sqm
- Total: 1,795sqm

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- 5.3.2 The applicants have indicated that they would be happy for this split to be conditioned should planning permission be granted.
- 5.3.3 The proposal would bring a significant number of jobs should the store be constructed. Whilst no specific numbers have been submitted as part of submission made by the applicants (the application form suggests approximately 150 jobs), it is understood that this would result in a variety of jobs, including managerial, team leader and 'shop floor' employees. This would also result in both full time and part time opportunities. The matter of the employment generated is discussed in full later within the report.
- 5.3.4 The proposed building would have a large section of glazing to the front of the store, with a projecting café on the northern side of this elevation. This elevation would have a maximum width of 48.8metres (although the canopy width would be 53metres). The café would project by approximately 7.5metres. The entrance lobby would project by approximately 4.5metres.
- 5.3.5 The southern elevation of the building would be constructed of grey panels and larch timber cladding. There would be high level windows along part of this elevation. Again, the roof would overhang this elevation, providing an element of interest. This elevation would have a length of approximately 61metres, although this would be splayed for the 'final' ten metres of the building.
- 5.3.6 To the western end of the building would be the loading bay, which would be provided with a 3.5metre high boundary treatment, and large gates. The 'rear' elevation would be functional in form, but would not be highly visible from the public domain. This elevation would be finished with a grey metal cladding.
- 5.3.7 The remaining elevation (north) would face onto the station platform, and would consist of a number of individual elements. Firstly the café would be a single storey element, with a gently sloping mono-pitched roof. The main body of the building would then run alongside the platform, with the applicants proposing some artwork along this elevation, as well as high level glazing (as on the southern side). The canopy of the roof would run along the length of the main store itself. To the rear of this, the flat roof element of the building, and the internal loading area. This elevation would have an overall length of approximately 87metres.
- 5.3.8 Passive ventilators are proposed upon the roof of the building, as are rooflights. Some signage is also proposed upon the roof (although this would be subject to a separate application for advertisement consent should permission be granted).
- 5.3.9 The car park for the supermarket would contain 203 parking spaces, and these would be set out within three main aisles. These parking spaces would consist of

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13 disabled bays, 8 parent and child bays, and 182 standard size bays. There would be an element of tree planting through the car park, with an element of tree planting (it is proposed that 27 trees be planted within the car park area). The access roads would be constructed of tarmac and the spaces would be constructed of porous block paving.

- 5.3.10 The proposed filling station (PFS) would be located within the south-eastern corner of the application site. This would contain a small kiosk – which would have a footprint of 86.8 square metres, and a height of 3.45 metres. This kiosk would contain services tills for the petrol station, as well as a small area for some retail sales. Due to the restricted scale of this proposal, these sales would be likely to be limited to newspapers, drinks and snacks and other smaller items that one associates with PFS sales. The kiosk would be clad in timber larch panels, and would have a flat roof.
- 5.3.11 The garage would be provided with 16 pumps, within four clusters (four on each cluster). These would be set under a large canopy that would measure 21.8 metres by 14.8 metres, and would have an overall height of 5.1 metres. It is proposed that this be in Tesco's livery, with the plans showing an advertisement above (although this would be subject to a separate advertisement consent application should permission be granted). The PFS would absorb approximately 500 sqm of the application site, and would be served from an internal roundabout that would also serve the store car park.
- 5.3.12 It is proposed that a strip of landscaping be provided along the eastern edge of the site, adjacent to the PFS, as well as trees on either side of the kiosk, along the southern boundary of the site.
- 5.3.13 The applicants are proposing enhancements to the junction of Station Approach and the A229 (Station Road). These enhancements consist of providing traffic signals that would control traffic flows into and out of Station Approach. This is to address the significant increase in traffic flows out of this junction, which at present has no controls. It is also proposed that a pedestrian crossing be provided at this point, in order that those on foot are able to cross this well used road in a safe manner.
- 5.3.14 Access into the site would be 50 metres west from the junction, which would be provided with brick paving. This would be provided with a pavement on either side, and a central traffic island.
- 5.3.15 The applicants are proposing a service access road to be provided along the southern boundary of the site. This would be a two-way road, with an area of staff parking along its northern side, a lorry waiting area, and access to the service area for the supermarket, and also the network road compound retained

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at the western end of the application site. It is proposed that a zebra crossing be provided close to the junction with Lodge Road.

5.3.16 Within the northern part of the car park is a proposed 'transport interchange' and enhancements to the existing station area. This consists of both long and short term parking, taxi waiting area, bus stops, a covered walkway to the station, and a bicycle shelter. This element of the proposal would cover an area of approximately 6750sqm.

5.3.17 Due to the development being proposed within the existing station car park, it this application also includes the provision of a new car park serving passengers to the north of the railway line. The existing car parks hold approximately 550 cars (although some of these are set out within a relatively informal manner. This proposal would see the creation of 660 parking spaces (which includes 30 disabled parking bays). This would be an increase of 20% on the existing provision. The car park would be constructed solely of tarmac albeit of a permeable form.

5.3.18 It is proposed that the access to this car park be provided from George Street, which itself would need to be upgraded at the junction with the A229 (Maidstone Road). This would include a right hand filter lane on the A229 into George Street as well as changes to the bell mouth to improve visibility.

5.3.19 To the east of the proposed car park is an area set aside for ecological 'enhancements'. This area would be approximately 14,000sqm and would contain two ponds and a watercourse, together with a meandering footpath (for public access) and a significant level of landscaping. Much of the landscaping proposed would be positioned so as to soften the appearance of the car park beyond from views from the A229. It is proposed that this land be managed in conjunction with the Parish Council or Kent Wildlife Trust should permission be granted.

### 5.4 Supporting Documents

5.4.1 In addition to the submitted plans and drawings the application is accompanied by (not exclusively) the following documents:

- Design and Access Statement
- Planning and Retail Statement
- Transport Assessment and Travel Plan
- Renewable Energy and Efficiency Statement
- Flood Risk Assessment
- Statement of Community Involvement
- Tree Survey

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- Phase 1 Desk Study Environmental Assessment

5.4.2 These documents can be viewed via the planning pages on the Council website.

5.4.3 Following the initial submission, the applicants have now submitted a response to the release of the National Planning Policy Framework, cumulative impact assessment relating to both the retail impact and the highway impact of two stores of a comparable size being provided adjacent to one another within the village.

### 5.5 Principle of Development/Planning Policy

#### 5.1 Planning for Growth

5.5.1 On 23 March 2011 when the Chancellor of the Exchequer announced the Budget, the Minister for Decentralisation, Greg Clark, delivered a written statement. This statement sets out the steps the Government expects all local planning authorities to take (with immediate effect) in order to rebuild Britain's economy. Relevant extracts from the statement are given below as they are material to the consideration of this application.

*'The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should, wherever possible be 'yes', expect where this would compromise the key sustainable development principles set out in national planning policy.'*

*The Chancellor has today set out further detail on our commitment to introduce a strong presumption in favour of sustainable development in the forthcoming (now released) National Planning Policy Framework, which will expect local planning authorities to plan positively for new development; to deal promptly and favourably with applications that comply with up-to-date plans and national planning policies; and wherever possible to approve applications where plans are absent, out-of-date, silent or indeterminate.'*

5.5.2 The statement goes on to advise that:

*'When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:*

- (i) *Consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust*

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- growth and employment, given the need to ensure a return to robust growth after the recent recession;
- (ii) Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
  - (iii) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);
  - (iv) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;
  - (v) Ensure that they do not impose unnecessary burdens on development.

*In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably, and that they can give clear reasons for their decisions.'*

5.5.3 Finally, the statement concludes by saying:

*'Benefits to the economy should, where relevant, be an important consideration when other development-related consents are being determined, including heritage, environmental, energy, and transport consents. The Secretary of State for Culture, Olympics, Media and Sport, the Secretary of State for the Environment, Food and Rural Affairs, the Secretary of State for Energy and Climate Change and the Secretary of State for Transport have consequently agreed that to the extent it accords with the relevant statutory provisions and national policies, decisions on these other consents should place particular weight on the potential economic benefits offered by an application. They will reflect in principle in relevant decisions that come before them and encourage their agencies and non departmental bodies to adopt the same approach for the consents for which those other bodies are directly responsible.'*

### **2) National Planning Policy Framework (NPPF)**

5.5.4 The National Planning Policy Framework, which was published by the Government on 27 March 2012 (after the application was submitted) and now constitutes national planning policy. This policy seeks to promote sustainable development, both within town centre locations, and rural areas. The Framework sets out the three 'dimensions' to sustainable development, which sets out the roles that 'planning' should perform:

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- *An economic role – with development 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.*
- *A social role – with development supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and future generations, and by creating a high quality built environment with accessible local services that reflect the communities need.*
- *An environmental role – with development 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 adapt to climate change.*

5.5.5 Whilst the NPPF sets out that the Government expects local authorities to support the delivery of sustainable development, it does highlight that this requirement does not simply override the existing policies within the Development Plan. The Maidstone Borough Wide Local Plan was adopted in 2000, however, the policies were 'saved' (and thus revisited) in 2007. The South East Plan was adopted in 2009 – however, the fact that the Government intends to revoke this document is a strong material consideration. It is on this basis that I consider the aims of the NPPF to carry significant weight in the determination of this planning application.

5.5.6 The NPPF states that:

*The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meet the twin challenges of global competition and of a low carbon future.*

*The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.*

5.5.7 Whilst 'significant weight' should be given to delivering economic growth, the NPPF does not state that this should override existing planning policy, but that it should be a strong material consideration.

5.5.8 In order to address the matter of the rural economy, the NPPF requires for planning policies to support economic growth in rural areas in order to create

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new jobs and prosperity by taking a positive approach to sustainable new development. In order to promote a strong rural economy local plans are (relevant to this application):

- *Support sustainable growth and the expansion of all types of businesses and enterprise in rural areas, both through the conversion of existing buildings, and well designed new buildings;*
- *Promote the retention and development of local services and community facilities in villages such as local shops, meeting places, sports venues cultural buildings, public houses and places of worship.*

5.5.9 The NPPF also requires that a sequential test be carried out for out of town uses that are not in an existing centre and not in accordance with an up-to-date Development Plan. This requirement is the same as set out in the now superseded Planning Policy Statement 4 (PPS4) – the practice guidance remains extant. This states that local planning authorities should require planning applications for main town centre uses to be located in town centres, then edge of town centres, and only if not suitable sites are available out of centre sites should be considered. In addition, the NPPF states that when considering edge of centre and out of centre sites preference should be given to accessible sites that are well connected to the town centre, and that flexibility should be given on issues such as format and scale.

5.5.10 It should be noted that the NPPF does re-iterate the Governments requirement for the impacts of development upon the open countryside to be carefully considered, with protection for undeveloped land where there is no overriding need. It also stresses the importance of protecting ecology and supporting biodiversity – within the three 'golden threads'.

5.5.11 In order to interpret the NPPF, it is necessary to understand what is meant by 'sustainable development'. Sustainable development encompasses a number of elements, including (not exhaustive) the land upon which it would be built, its proximity to settlements, the manner in which it is constructed, the methods by which people can travel to the site. This matter is fully considered within the remainder of the report.

### **Development Plan Policies**

5.5.12 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The current Development Plan comprises the saved policies of the Maidstone Borough Wide Local Plan 2000 (saved in 2007) and the South East Plan 2009.

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The Government has indicated however that it intends to abolish the South East Plan and this Statement of intent should be regarded as a material consideration.

- 5.5.13 The application site lies substantially outside of the settlement boundary, and is therefore considered as 'open countryside' for the purposes of planning policy. The specific policy that refers to development within the countryside is ENV28 of the Maidstone Borough Wide Local Plan (2000). This policy sets out that development within the rural area will not be permitted if it causes harm to the character and appearance of the area, and if it does not fall within 5 categories (retail/car parking does not fall within these categories). One category refers to a public use being allowed in the countryside if a rural location is justified. I do not consider that the station car park requires a rural location - indeed the existing station car park is not in a rural area and car parking does not have to be sited in a rural area. I am aware that a requirement for additional capacity of about 100 car parking spaces at Staplehurst station has been identified (and is included in the draft Integrated Transport Strategy referred to below). However, whether this additional car parking proceeds into an adopted document is not yet known and where it might be provided has not yet been fully explored. The Tesco scheme would potentially provide one option but I do not consider that a rural location for the proposed car park has been justified in terms of policy ENV28.. The policy also requires that habitat restoration and creation should be provided to ensure that there is no net loss of wildlife resources.
- 5.5.14 Whilst almost the whole site falls outside of the defined village confines, part of it is previously developed land and part of it is undeveloped virgin land.
- 5.5.15 Part of the site also falls within an area designated under policy T7 of the Local Plan. This policy relates to the closure of train stations, and so is not applicable in this instance.
- 5.5.16 In terms of retail provision, Policy R1 of the Local Plan states that retail provision will be permitted within the defined urban or village areas providing that a certain criteria are met. This requires that the proposed development does not threaten the overall vitality and viability of established retail centres; that access arrangements are satisfactory; that the site is accessible from a mode of transports; and that there is no significant detrimental impact upon neighbouring land uses.
- 5.5.17 Policy R2 of the Local Plan refers to major retail proposals (exceeding 500 sqm) and states that they will be approved if in accordance with the criteria of Policy R1 subject to the following criteria being met:

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- That the proposed development meets the requirements and the trade potential of the appropriate convenience, comparison or bulky goods sector;
- That a sequential approach to siting has been followed;
- That out-of-centre locations are chosen adjacent to existing out-of-centre and free standing retail development.

5.5.18 Policy R10 of the Local Plan refers to the designated local centres, (Staplehurst High Street is categorised as one) and the requirement for planning applications to ensure the long term vitality and viability.

5.5.19 The site is adjacent to land allocated as employment land through policy ED2 of the Local Plan. This proposal has no impact upon these designations.

### **Emerging Core Strategy Policies**

5.5.20 Whilst the Core Strategy remains at the draft stage, with much of the work that is ongoing, due to the fact that it has now been through a public consultation, and that Members have had an opportunity to agree much of the background information, I consider it to be a material consideration in the determination of this application. This isn't to suggest that it carries as much weight as the existing policies or the NPPF; but it does need to form part of the consideration prior to determination.

5.5.21 Within the Core Strategy, Staplehurst is identified as a Rural Service Centre (herein referred to as RSC). Staplehurst is acknowledged as the largest RSC within the Borough in terms of population and size, and has a number of key services and facilities. The specific policy (CS4) that relates to RSC sets out that there will be:

- A focus on new housing and employment development within or adjacent to village settlements, and to ensure that a mix of house types and tenures are provided;
- Support applications for local needs housing on appropriate sites;
- Retain and enhance existing employment sites and encourage new employment opportunities;
- Resist the loss of local shops and facilities, whilst supporting new retail development to meet local need;
- Ensure development assists with the creation of vibrant and sustainable communities;
- Ensure that development does not cause harm to natural assets and that development is not located in areas liable to flooding.

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5.5.22 A report was given to the Cabinet to consider in July 2012, which set out the proposed consultation draft of the Core Strategy. Within this document, the housing projections for each rural service centre were provided as follows:

- Harrietsham 315 dwellings
- Headcorn 190 dwellings
- Lenham 110 dwellings
- Marden 320 dwellings
- Staplehurst 195 dwellings

(Those villages affected by this proposal are highlighted)

5.5.23 This report was agreed by Members, and as such the consultation draft was completed accordingly. I consider it important to acknowledge the proposed further growth of these villages – with Staplehurst, Marden and Headcorn all within the catchment area of this proposal. Whilst consultation is ongoing with this draft, it is unlikely that the numbers of units proposed will fall. As such, further expansion at these villages will clearly result in greater demand for convenience shopping to be provided within the locality.

### **Draft Integrated Transport Strategy**

5.5.24 The draft integrated transport strategy (herein referred to as the ITS) was released for public consultation on the 17 August 2012. This consultation period closed on 1 October 2012. The ITS covers the whole Borough, and addresses the measures to be undertaken to enable additional development to be accommodated within the Borough, including the RSCs.

5.5.25 The ITS remains a consultation draft and its contents may change, but it does have some weight when borne in mind against current planning applications. It does not however, override existing policy within the Development Plan.

5.5.26 The ITS indicates the improvements that are requested within Staplehurst to address the proposed growth within the village (as a RSC). These improvements include the following:

- An increase of approximately 100 car parking spaces at Staplehurst Railway Station to accommodate the additional movements expected as a result of new development in the village;
- A new pedestrian and cycle link between the railway station and the residential area to the south of the Lodge Road Industrial Estate;
- Improvements to the ease and quality of bus/rail interchange within the vicinity of the railway station;

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- Construction of a new pedestrian crossing of Marden Road in the vicinity of its junction with Limetrees.

5.5.27 A number of representations have been received with regards to the ITS, however, there has not been a significant response to these particular matters.

5.5.28 Clearly this proposal would bring forward these objectives in advance of the adoption of this strategy. This is a material consideration in the determination of this planning application to which I have attached weight.

### **Sequential Sites Assessment**

5.5.29 The NPPF requires a sequential test to be applied to applications for retail uses which are not in an existing centre and not in accordance with an up to date Local Plan (paragraph 24).

5.5.30 The sequential test directs that retail uses should be located in town (or village) centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered (NPPF paragraph 24). MBWLP Policy R1 specifically directs retail development to sites within existing town and village boundaries. Policy R2 states that a sequential approach to siting should be followed.

5.5.31 The application site is an out of centre site according to the definition in Annex 2 of the NPPF.

5.5.32 According to the PPS4 Practice Guidance the area of search for alternative, sequentially preferable sites should be sites in existing centres within the catchment area of the proposal (paragraph 6.22). The applicants sequential assessment does not identify any alternative sites within or at the edge of Staplehurst centre as defined on the MBWLP proposals map. It is the case that the centre is tightly defined, encompassing the existing retail units and associated service-type uses in the vicinity of The Parade. The applicant's conclusion that there are no known available and suitable sites within or at the edge of the centre is accepted.

5.5.33 The identified catchment area for the proposal extends to include the identified centres at Headcorn, Marden and Coxheath and, outside the borough, Cranbrook. The applicant undertook a sequential assessment of sites within and edge of Headcorn, Marden and Cranbrook centres, as well as Harrietsham which does not have a defined centre in the MBWLP, and found that there were not any suitable alternative sites available (NPPF paragraph 24). The assessment did not extend to Coxheath which also falls within the proposals

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potential catchment area, however, I do not consider that this materially impacts upon validity of the work undertaken.

- 5.5.34 This work has identified that there are no alternative viable sites within the area that are available to accommodate this retail provision. Firstly within the village of Staplehurst there are no sites within the village centre, or adjacent to the village centre that could accommodate such a development. As such, there are no suitable sites, therefore failing the first test (sites should be suitable, available and viable). Likewise, within the villages of Marden and Headcorn, there are not sites within the village centres, or on the edge of the village centres that could accommodate a proposal of this nature.
- 5.5.35 Due to the level of existing built form within these villages, there is a lack of available land to accommodate a development of this scale, so any development would need to take place away from the village centre in each case. I am mindful that the adjacent site (subject to application MA/11/1944) is suitable (although the allocation for employment purposes needs to be borne in mind), and viable (as an alternative occupier has submitted an application) however, it is clearly not available for this occupier due to the land ownership/options on the land.
- 5.5.36 In terms of pedestrian access, the proposal would be a significant distance from the village centre, which would not encourage linked pedestrian trips. Nonetheless, the site is located within a short walk of residential areas, although due to the location, this would be further than the proposal on the adjacent land, which would be marginally closer to the bulk of residential properties. Whilst it is noted that the proximity of a retail use to residential properties is not a specific test as set out within the *Practice Guide on Need, Impact and the Sequential Approach (2009)*, it does have a clear bearing on its sustainability.
- 5.5.37 This site is the one available closest to a transport hub (and a transport hub that is proposed to be enhanced), within the villages identified, which carries some weight when looking at a site sequentially. However, that said, it is (slightly) further from the village, and from the main thoroughfare (the A229) than the proposal on the adjacent site. Sequentially therefore, I do not consider that this site is unacceptable in broad terms and to my mind there is little to choose between the two sites when considering overall accessibility by foot from the town centre or main residential areas, by bus and by train..

### **5.6 Impact on Character and Appearance of the Area**

- 5.6.1 The application site falls substantially within the open countryside, however, the position of the proposed supermarket is upon previously developed land

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and is not read as '*open countryside*', irrespective of its designation as such. However, the land to the north of the railway line is undeveloped, and is seen as being open rural countryside - with ponds, grass land and trees/shrubs within.

- 5.6.2 To my mind therefore, there are two distinct parts to this site which would be affected differently by the proposal.
- 5.6.3 Firstly, I would assess the impact of the supermarket on the character and appearance of the area. The store would be located within open countryside according to the local plan, however, on site the land is not read as having such a designation. The land is developed, with a station building on its northern part (outside the application site), and much of the area used informally as a station car park. The area currently has no distinct character, and does not contribute positively to the locality. The introduction of a store, and a formalisation of the area would not therefore have a detrimental impact upon the character of this area, and would certainly not erode any sense of openness normally associated with countryside designations.
- 5.6.4 Whilst the supermarket building is of a significant scale - being 6.8metres to the ridge, and 59metres in width, from the public domain it would be predominantly glazed which would lighten its appearance. Nonetheless, it would still be visible from longer distance views to the north, and to the west, but would again be seen against the backdrop of existing built form - and built form of a similar (and larger) scale. It is on this basis that I raise no serious concern about the visual impact that the store would have upon the wider area.
- 5.6.5 The proposed store car park, and petrol filling station (PFS) would be located in the area where there is an existing large surface car park, and a rather functional building (at the junction of Station Approach and the A229). The loss of this building, and its replacement with a PFS would not, in my opinion have a detrimental impact upon the character of the area. A PFS would not appear as an incongruous feature, being to the front of a supermarket, near to a main thoroughfare is an expected location for such a facility. Likewise, a car park, with more soft landscaping than at present, and enhanced public realm would be welcomed in the location - enhancing the character of the area from the present situation.
- 5.6.6 I therefore consider that the development proposed to the south of the railway line would have no detrimental impact upon the character and appearance of the locality.

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- 5.6.7 The loss of the field to the north of the railway line following the provision of a new station car park would see both the loss of existing habitat and the loss of the soft character at this key entry point into Staplehurst both by car (from the north) and by rail (east and west). The key question is therefore whether this change is acceptable, and if not, whether the benefits of the scheme as a whole are sufficient to warrant an approval.
- 5.6.8 The railway line provides at present a very obvious boundary to the village (notwithstanding the designation within the Local Plan) with only sporadic development – as one would expect within the countryside – beyond. The land is currently overgrown with a significant number of small trees and shrubs growing within. There are also a number of water bodies within the site – although some of these do not contain water at all times. The land is read very much as 'open countryside' and has a distinctly rural character. There is little activity upon it and although it is adjacent to railway lines, it is generally tranquil.
- 5.6.9 The car park proposed would provide 660 spaces (including 30 disabled spaces), be constructed of tarmac (permeable where necessary), and would include lighting, barriers, and a barrier controlled entry point. There is no significant landscaping proposed within the car park itself. Pedestrian access to the site would be from within the station itself – there is both a pedestrian bridge and a bridge for disabled passengers. A further pedestrian access is proposed to the north-east of the car park – however due to the proposed use of the site, I don't consider that this would be particularly well used. It is noted that there would be a landscaped buffer to the east of the car park, some of which would consist of existing vegetation, – which would provide an element of screening from the A229. However, irrespective of this proposed (albeit not detailed – species etc have not been indicated) landscaping, I consider that the proposed car park, by virtue of the level of hardstanding, the loss of a significant level of existing open space, and the proposed lighting, would still be visible through this landscaped buffer, and as such, the character of the locality would clearly be significantly altered. What is now a relatively tranquil rural space would be permanently altered by the introduction of activity and noise-generating vehicles. It should be noted that the applicant has suggested that the lighting could be controlled by condition, in terms of hours of use, however, by their very nature these would have to be on until late into the evening, thereby altering the character of the area. This is not to say that lighting on its own would unacceptably harm character and visual amenity but cumulatively the change from rural character and change from countryside views from public vantage points would be marked.
- 5.6.10 This change in character would result in the village being effectively extended some 150metres to the north, to the junction with George Street. The railway

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line does present a very robust, definitive boundary to the village. The levelling of the site, with the provision of such a wide expanse of tarmac would result in the loss of countryside that contributes significantly to the setting of the village of Staplehurst. The loss of this 'soft buffer' and the provision of a car park in its place would have a significant and detrimental impact upon the character and visual amenity of the area, from both short and medium distance views. These views would be from the north and west from George Street, and from the east from the A229. Public footpath KM290 also runs to the west of this part of the application site, although views are limited due to the level of existing screening along this footpath.

- 5.6.11 This impact would be significant, with a very noticeable change in character from the existing. I consider that the railway line acts as a very clear division between the open countryside and the built up more urban area. The open field can be viewed from both short and medium distance views from the east, and from, in parts, the footpath to the west. Whilst it is not highly visible from long distance views at the moment, to my mind this is in part because it blends in with the surrounding countryside. Should lighting and other paraphernalia be provided within the site, the impact upon long distance views may well be detrimentally impacted to a greater extent.
- 5.6.12 I am therefore of the view that the proposal would not fall within any category as set out within Policy ENV28, and would cause significant harm to the character and appearance of the area. I therefore consider this proposal to fail to comply with this policy.

### **5.7 Architectural Quality**

- 5.7.1 The buildings that surround the southern section of the application site are, by the nature of their use, functional in their design. There is little architectural quality within the immediate vicinity of the application site. However, it is important that the proposal within this site, responds to both the height, and massing of these building, so as to not appear as out of keeping – i.e. overly dominant, or of alien form.
- 5.7.2 The building proposed, like those around it, would essentially be a large box that would be clad in timber, with metal panelling, and provided with fenestration on key elevations to provide interest. I would suggest that the building has two key elevations – the elevation facing the car park, and the elevation facing onto the railway station – as these will be those that would be most visible to the public.
- 5.7.3 The front elevation of the building would have a large section of glazing, with the remainder of the wall finished in timber cladding. The elevation would have

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projecting elements, including the entrance lobby, and the café, which would break up the frontage, and provide layering to the building.

5.7.4 The side elevations of the proposed store would be blank, although it is proposed that artwork be provided along the station platform elevation in order to provide some visual interest.

5.7.5 This is effectively a box with an element of detailing on the 'public' elevations. However, due to the proposed use, and the surrounding development, I do not consider that this would appear at odds with the surrounding development. Whilst falling outside of the village confines, it is read in association with the Lodge Road industrial estate, which is characterised by large functional buildings. The erection of a building of this form and design would not therefore appear as out of character with the locality. I therefore raise no objection to the design of the proposed building.

### 5.8 Overview of Retail Provision in Locality

5.8.1 *Staplehurst* - Within the defined retail centre of Staplehurst is a Spar convenience store which has approximately 250 sqm of retail floor space, an off-licence (Murcatto), a greengrocer (Spuds and Buds), a newsagents (Martins). In addition to this, there are service outlets including a pharmacy, a post office, a bank, an estate agency, a hair salon, and a turf accountant.

5.8.2 Outside of the defined area there are additional retail outlets including an opticians, solicitors, public houses, and a butchers. I therefore consider that Staplehurst currently has a broad offer for local residents. However, it is noted that there is very little convenience floor space within the village itself - particularly for a village with a population of in excess of 4,000.

5.8.3 *Headcorn* - The village of Headcorn falls within the catchment area of the proposed store. This village is again well served by a variety of shops, however, there is limited convenience floorspace; the largest offer being within the Sainsbury's Local which is approximately 275 sqm.

5.8.4 *Cranbrook* - Located approximately 8.5km from the centre of Staplehurst, Cranbrook contains a co-operative supermarket of approximately 1,600 sqm. This is the largest retail store within the catchment area.

5.8.5 *Hawkhurst* - Located approximately 14.5km from the centre of Staplehurst Hawkhurst contains a Tesco supermarket of approximately 850 sqm and a Budgens store of approximately 830 sqm (net sales).

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5.8.6 *Tenterden* – The small town of Tenterden is 20km away from Staplehurst, and so would fall outside of the catchment area of the proposed supermarkets. However, due to the fact that there are two existing supermarkets – a Tesco (1,700sqm) and Waitrose (1,300 sqm) does draw in existing trade from the catchment area.

5.8.7 *Maidstone* – It is noted that the majority of residents within the Staplehurst area, and the catchment area of this store would currently undertake their convenience shopping within Maidstone, which lies 15km to the north of Staplehurst. The closest supermarket within Maidstone to Staplehurst is the Morrison's on the Sutton Road. This has a sales area of 3,456 sqm, and has an extensive food offer, together with some non-food retail. There are a number of other stores within the town, including a Sainsbury's, Tescos, and an Aldi store.

### 5.9 Retail Impact

5.9.1 The proposal would see the creation of a new food store within a village, and area in which there is no current provision of this nature. National planning policy aims to ensure that the vitality and the viability of the town/village centre is not threatened by any edge, or out of centre proposal. The village of Staplehurst does currently contain a relatively small retail area that is designated within the Local Plan as a district/local centre by Policy R1 (xix). This policy seeks to maintain these existing centres for retail purposes, and to resist development that would harm their vitality and viability. The policy then states that proposals for further Class A1 retail development will be permitted in, or immediately adjacent to existing district or local centres.

5.9.2 Policy R10 also allows for the provision of new district centres anchored by a convenience store or supermarket, particularly in areas deficient of such facilities, subject to the criteria set out within policies R1, R2, R11 and R15.

5.9.3 In assessing this proposal with regards to the impact upon the existing retail provision within the Borough, the Council are satisfied that there is at present a significant level of 'leakage' from this area, with the majority of 'weekly shops' taking place outside of the locality; either in Maidstone, Tenterden or Cranbrook. This leads to a significant number of journeys away from the village, and also restricts choice for those with greater difficulty travelling longer distances. This provision would clearly assist in reducing the number of miles travelled by car, and would also be more accessible for those that are less mobile. It is therefore understood that there are clear benefits for providing such a facility within the village – not just for the village itself, but for the residents of surrounding villages such as Headcorn and Marden.

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- 5.9.4 It is important however, to assess the applications in terms of the impact upon the existing retail provision within the immediate catchment area. To this effect a retail impact assessment has been submitted, and has been fully considered in the determination of this application.
- 5.9.5 This report sets out its methodology which included 1,000 interviews being undertaken within the six identified catchment areas (a minimum of 100 interviews in each). The responses from these interviews identified that 21.8% undertook their weekly shop in the Morrisons store on Sutton Road, 10% at the Co-operative in Cranbrook, 9.3% in the Tescos in Tovil, 6.4% in the Tesco and Grove Green, and 6.3% in the Sainsbury's in Maidstone town centre. It was also identified that 8.4% of respondents undertook their shopping via the internet.
- 5.9.6 Within zone 1 of the identified areas (which covers Staplehurst and the immediate vicinity) only 6.4% of respondents indicated that they undertook their main shop within the centre of Staplehurst. Clearly this indicates that the majority are shopping either in Maidstone, or further a field closer to their places of work/travel etc.
- 5.9.7 A number of other questions were asked within the survey that identified the shopping patterns of both the residents within zone 1, and also those within all other zones identified. These results identified that the role of Staplehurst's retail centre was to provide both a 'top-up shop' and also to provide a wider range of comparison goods, and services.
- 5.9.8 This sets out that whilst trade will be diverted to a certain extent from the existing village centres, the majority will be diverted from large supermarkets from outside of the catchment area. Weight has been given to the fact that the villages are generally trading well at present, with a diverse offer within each (particularly Staplehurst and Headcorn) that allows for both 'top-up' shopping to take place, and also more diverse products and services to be provided (that would not be available within a convenience supermarket).
- 5.9.9 It is not considered that there is any evidence that shops within the existing centres would close should this planning permission be granted and the supermarket built.
- 5.9.10 It is on this basis that I consider the retail impact of this supermarket on its own to have no materially detrimental impact upon the existing retail provision both within the village itself, and within the surrounding area.
- 5.9.11 The proposal would draw the majority of its trade from outside the catchment area, with most shoppers travelling to Maidstone. This would inevitably result

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in a loss of trade from these stores, both in terms of convenience and comparison shopping. However, there is no evidence that this change in shopping patterns would result in the closure of any existing retail provision within Maidstone. There is the possibility that the draw of a more convenient store – i.e. less congestion and adequate parking might draw trade from south Maidstone (Coxheath/Linton or Loose Road) however, I consider that this draw is unlikely to be significant due to the scale of the provision, and the distance to travel.

- 5.9.12 As there is a very similar proposal for a supermarket adjacent to the application site, which is also to be heard at this planning meeting, I consider it essential to understand the cumulative retail impact should both applications be approved. In order to fully consider this matter, the applicants have submitted a cumulative retail impact assessment. This identifies the impact that the provision of two stores, with a cumulative size of 3,579sqm would have upon the surrounding area.
- 5.9.13 For the purposes of clarity this report does not suggest that doubling the amount of floor space, would double the impact of the proposal, as due to the size of the sales areas of the representative stores (approx 1,700 sqm each) there would still be a relatively limited offer – i.e. most convenience shopping, with only ancillary comparison – rather than the wider offer that one might expect from a supermarket of 3,400sqm which may for example sell more clothes, electrical goods etc. Nonetheless, the provision of two supermarkets of this scale, together with an increase in parking provision may make these stores slightly more desirable to shoppers, and as such, a small uplift has been assumed.
- 5.9.14 Even with this uplift in sales, I consider this would be likely to draw trade from areas further a field rather than drawing additional trade from the immediate vicinity – as those who live locally would presumably use a new supermarket if only one were permitted. It might be more desirable for residents of say Linton to travel to Staplehurst if they consider that parking would be more straightforward/there would be less congestion. This uplift however, has been identified as small.
- 5.9.15 I am therefore satisfied that should both supermarkets be constructed (which is unlikely), this would in effect lead to a cannibalism of trade between the two stores, as they offer a specific product, rather than a significant impact upon the existing retail offer within the catchment area.

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### 5.10 Residential Amenity

- 5.10.1 Due to the location of the site, being relatively detached from residential properties, there is little impact upon residential amenity that arises from the proposal to build the supermarket. Indeed, the nearest residential property is over 300metres from the proposed supermarket building. I am therefore satisfied that the proposed store, in relation to noise and disturbance, and overshadowing, creation of a sense of enclosure and overlooking, would not have a detrimental impact upon residential amenity within the vicinity.
- 5.10.2 The location of the proposed station car park would however be relatively close to a residential property to the north of George Street; 'The Grange'. This building would be impacted by additional noise and disturbance by this development, as at present the site is effectively an empty, and unfarmed piece of land. The separation distance between this property and the proposed car park would be approximately 40metres, and there would be a public highway that would separate the two uses. This together with the existing and proposed landscaping along both boundaries (north and south of the highway) would ensure that this noise and disturbance, whilst regrettable, would not be so significant as to warrant a refusal of this planning application on this ground.
- 5.10.3 In terms of the impact of the additional lighting within the application site, I am again satisfied that whilst the proposal would change the character of the area through the introduction of illumination, this would not be to the detriment of the residential amenity of this neighbouring property, nor any other within the immediate vicinity. Again, I see no reason to therefore object to this proposal on this basis.

### 5.11 Highways and Transport

- 5.11.1 The proposed access to the store car park would be served from Station Approach Road, close to the junction with the A229. This junction is proposed to be altered with the provision of traffic signals, that would control the flow of traffic from Station Approach Road, to the A229, and vice versa. This would also require the widening of the junction (following the removal of the existing building to the north of the junction), and would allow for pedestrian access to be made to the store more readily from the south – as refuges would be provided within the roadway itself.
- 5.11.2 The proposed junction improvements would see the installation of traffic light controls that would allow for improved access into and out of Station Approach on to the A229. This proposal has been fully assessed (stage one safety audit) by Kent Highways Services, and is not considered to give rise to any highway

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safety concerns, and in fact may give rise to some improvements to the safety of this part of the A229.

- 5.11.3 In terms of the parking provision proposed within the development, it is considered that there would be sufficient parking to ensure that there would be no overspill to the local highway network, to the detriment of highway safety. It should be noted that Network Rail have indicated that they may seek to formalise the car parking arrangements within the existing car parks should this application fail, with a tariff introduced.
- 5.11.4 With regards to deliveries to the site, these would be made to the rear, served through a new access road formed along the southern side of the supermarket. There would be sufficient space within the proposed service yard for lorries to enter and leave in a forward gear, therefore not detrimentally impacting upon highway safety.
- 5.11.5 As with the retail assessment, cumulative work has been undertaken (that is intrinsically linked to the cumulative retail analysis) which indicates that this proposal could take place, alongside the neighbouring proposal without any detrimental impact upon highway safety. It is acknowledged that there would be some increase in traffic flows should both stores be permitted, however, this would not result in an unacceptable level of congestion, nor increased risk of accidents. I am therefore satisfied that whether the proposal came forward in isolation, or whether it was provided alongside the neighbouring proposal, there would be no detrimental impact upon highway safety.
- 5.11.6 The applicants are proposing significant enhancements to the station car park, and to create a 'transport interchange' between rail and bus travel. I do consider these to be significant benefits, as at present the majority of buses are not able to run up to the station. This interchange would see the provision of real time bus information, turning areas, enhanced/widened pavement areas and would make the opportunities for public transport connections to be enhanced. Furthermore, the provision of a larger car park is considered to be of some benefit to the passengers that currently use the station. As set out previously many of the enhancements proposed form part of the Council's draft ITS and it should be noted that from comments received from both the applicants and Network Rail, there would appear to be little prospect of these enhancements being brought forward in the short term should this permission not be granted.
- 5.11.7 I am therefore of the opinion that this element of the proposal would be of some significant benefit to the village, insofar as it would see enhancements to both public transport, and to the car parking at the station brought forward at an early stage.

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- 5.11.8 If not brought forward as part of a package with this application, it is likely that it would not be until the introduction of the Council's Community Infrastructure Levy that these measures would be provided.
- 5.11.9 The enhancements to the station itself are also to be welcomed, with a shelter provided, and new public realm proposed. This public realm enhancement would see the provision of wider pavements constructed of block paving. This would be a significant enhancement to the existing situation.
- 5.11.10 Collectively, these proposals would lead to a welcome enhancement to the current public transport provision, both for public transport users and motor car users. They would also improve pedestrian convenience and safety.

### **5.12 Landscaping and Ecology**

- 5.12.1 The proposed northern car park area for the station would see the development of the field and the loss of a significant number of trees and shrubs within the site. This site also contains a number of ponds – although not all of these contain water at all times and the replacement proposals would contain ponds. More than 60% of the land would be 'lost' as a result of this proposal, which would see the removal of a significant amount of habitat, and also soft landscaping.
- 5.12.2 The majority of the landscaping within the site is self seeded, but nonetheless it gives a verdant and rural character to the area and contributes to the visual amenity particularly when viewed from the A229. Whilst the applicants acknowledge the loss of the landscaping would have an impact upon the character and appearance of the locality, they propose mitigation in the form of an area of open land that would become publicly available once complete. This would contain two ponds, and a stretch of waterway that would run north to south through the site, and then run westwards towards the parking area.
- 5.12.3 No specific details have been submitted in terms of the qualitative landscaping enhancements to this area, rather illustrative plans. Nonetheless, from this plan, an understanding of the impact that this planting would have can be fully assessed. At its widest point the landscaped area would be 90metres deep, and at its narrowest point 30metres. This landscaping would soften the development to the west, although as stated, I am of the opinion it would remain visible. It would not in any event alter the fundamental change in character of the land that would be caused by the introduction and creation of a large car park.

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- 5.12.4 Due to the changes in levels, it would not be possible to have a significant level of substantial planting close to the highway, however, it is proposed to incorporate this into the central area of the proposed public open space. Whilst qualitative enhancements could be made within this area, the loss of such a substantial area would undoubtedly have a detrimental impact upon the character and appearance of the locality.
- 5.12.5 In terms of the ecology within this part of the application site, it is clear that the loss of the land itself would result in the loss of significant habitat. There are Great Crested Newts (GCN) within the ponds, and suitable reptile habitat is identified within the application site.
- 5.12.6 An ecological report was submitted with the planning application, which has been assessed by Kent County Council Ecology (their comments are recorded at paragraph 3.8 of this report). This report acknowledges that the following habitats are to be found on the site:
- Hedgerows – assessed of low ecological value, but likely to provide habitat for bats and birds;
  - Scrub – assessed of low ecological value but providing some structural diversity to the site, and nest and foraging habitat for birds. The areas of scrub would also provide opportunities for GCN and reptiles;
  - Trees – most are immature specimens although there is a mature oak within the site and a line of semi-mature oaks also. Overall, the trees are assessed as low/moderate ecological value;
  - Grassland – this is assessed as being of low species diversity, although within the north east and south west of the south west of the northern half there are areas of greater potential interest – including several larger anthills. It is not considered that the grassland would be likely to be used by GCN.
  - Tall ruderal – again, assessed as being of low ecological value, although again, there would be some areas which have greater species richness.
  - Ponds – four ponds are present within the application site, all of which are assessed as species poor, although GCN are acknowledged to be within these ponds.
  - Wet Ditch – the northern section of this ditch is recorded as having low ecological value and the southern section has not been fully assessed, although it is acknowledged that aquatic/emergent species are more abundant along this length.
- 5.12.7 As can be seen, KCC Ecology have assessed the submission, and raise some concerns over the proposal, and the impact that it would have upon the existing ecology. In addition, Kent Wildlife Trust were consulted and have raised objections to the proposal on the basis that they do not consider the

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mitigation proposed to be of a sufficient standard to maintain biodiversity within the site, let alone enhance it. Likewise, Natural England raises concern that the proposal, in its current form would not meet the three specific tests that would allow a licence to be granted under their regulations. Concern is raised in particular with regards to the impact that the separation of the ponds would have upon the population of GCN.

5.12.8 Whilst it is proposed that long grasslands and hedgerows be created in the retained area, this would clearly be a much smaller area than the existing site. It is also proposed that hibernacula and refugia be created within the application site, to further enhance the remaining land. The applicants argue that this would actually lead to an enhancement of the ecology within the locality (not just within the application site). Whilst there is clearly a loss of habitat as a result of this proposal, I consider that the qualitative mitigation can be provided to ensure that there would be negligible harm to ecology (it may be that the qualitative enhancements may be of overall benefit, but I do not consider the information submitted clearly indicates this, at this point in time).

5.12.9 Further work has now been undertaken by the applicants, which have addressed the concerns of Natural England, Kent Wildlife Trust and Kent County Council Ecology, subject to the imposition of suitable safeguarding conditions. Kent County Council Ecology do however retain concerns that the footpath would lead to the possibility of harm to the ecology within the future, and as such this would need to be carefully managed should permission be granted, to ensure that any users of this area do not stray from the paths. The applicants are currently engaged with Kent Wildlife Trust in order to ensure suitable management should the proposal be brought forward.

### **5.13 S106 Contributions**

5.13.1 The applicant has submitted draft Heads of Terms following discussions with the Authority. Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criteria that sets out that any obligation must meet the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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5.13.2 The applicant is proposing the following items as part of an overarching package that would be provided to mitigate against the impact to the village centre (and surrounding area). The proposals are:

- The provision of a community bus for a period of five years to serve the outlying areas;
- A contribution of £70,000 for enhancements to the village centre of Staplehurst.
- The provision of a new puffin crossing;
- The provision of a contribution of £50,000 towards the long term maintenance of the nature conservation area which would be spent in partnership with the Kent Wildlife Trust.

5.13.3 In terms of whether these proposals meet the test as set out above, the applicant initially proposed a contribution of £50,000 towards a community bus that would link the supermarket to the town centre (or village centre). The applicants have been advised that the Council would not be prepared to operate such a facility, and that the onus would be on the applicant to provide it. As such, the applicant has now agreed to provide a community bus for a minimum period of 5 years, which the Council consider to be reasonable, and also to ensure that the supermarket is accessible to those within the outlying areas.

5.13.4 With regards to the provision of a contribution of £70,000 towards the enhancement of the village centre. It has been agreed that in order to make the existing offer more attractive, and to therefore mitigate this proposal to a certain extent, it is necessary to see such a provision. It is noted that 'The Parade' is privately owned land, however, the applicants have agreed to work with both the Parish Council and the owners (if possible) to provide suitable enhancements to the public realm within the vicinity of this shopping area. The applicants have submitted a proposed plan which indicates that the following enhancements would be made:

- Replacement lighting;
- Provision of additional planters;
- Replacement tree grills;
- New hard surfacing to enhance the public realm;
- Additional tree planting;
- High quality seating to replace the existing
- Replacement litter bins to be provided.

The enhancements proposed here are significant, and would result in significant improvement to the village centre, mitigating the impact of the proposed supermarket. I also consider that the enhancements proposed to

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relate to the provision of extra retail floorspace within the locality. I therefore consider this element of the proposal to be in accordance with the CIL regulations as set out above.

- 5.13.5 With regards to the provision of a contribution towards the maintenance of the nature area adjacent to the car park; again the applicant has been advised that the authority would not be willing to take ownership of this land. The applicants have identified a partner who they would work alongside (Kent Wildlife Trust) to manage this land, although no management strategy has yet been forthcoming. I am also unsure as to the length of time that a contribution of this nature would enable the management of the land. Whilst the provision of contributions is welcomed, in order to meet the specific CIL regulations, I consider that greater clarity is required.
- 5.13.6 With regards to the provision of a 'puffin crossing', whilst this has been suggested as part of a package within the S106 agreement, I have suggested to the applicant that this could well be provided through a S278 agreement with the Highways Authority. I consider that the provision of such a crossing, on the Marden Road would enable safer pedestrian access to the store, and would be reasonable to be provided. The applicant agrees to this, and as such, whilst it would still be provided, it would not form part of the 'S106 package' as such, but would still be provided, by condition, prior to the occupation of the store.
- 5.13.7 The proposed 'package' that has been submitted as mitigation for the proposed supermarket is a material consideration in the determination of the planning application. Significant enhancements to the village centre are proposed, and the provision of a puffin crossing would also be of significant benefit. However, there are concerns about how the provision of contributions towards the nature reserve would be spent. Nonetheless, to my mind the enhancement to the village, and the package of enhancements to the highways (including the provision of a community bus) would be likely to have the greatest impact upon the continued vitality, and viability of the village centre should the supermarket be permitted and constructed.

### **5.14 Sustainability**

- 5.14.1 The applicant has submitted information with regards to the sustainable elements of the construction of the new supermarket. They have not however, identified whether the proposal would reach a certain level within the BREEAM standards. However, they have identified the following features that would be incorporated should planning permission be granted:

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- Enhanced building envelope – this would reduce the thermal movement through walls, roofs and floors, helping the store to stay warm in winter and cooler in the summer – reducing the demands upon mechanical heating and cooling.
- The design of the lobby would help with heat loss/gain by creating a delay time lock – minimising the amount of heat loss through the front of the store.
- The use of natural light through the provision of roof lights and clerestory glazing. The roof lights would be organised in a checker board fashion across the roof, maximising natural light.
- Natural ventilation would be incorporated within the store.
- Cold aisle retrieval which would allow other areas of the store to be cooled, would be utilised.

5.14.2 Whilst the applicants have not indicated that the store would achieve a BREEAM 'very good' standard, and whilst this Authority does seek to achieve the highest standard of sustainable construction on all new buildings, I do not consider this in itself to represent a reason to refuse planning permission.

### **5.15 Employment**

5.15.1 The proposed supermarket would be likely to generate approximately 150 jobs, which would be a mixture of part time and full time. There would be a significant number of managerial positions, team leaders, and 'shop floor' staff. To my mind, this is a significant benefit that this proposal would bring and as this scheme is deliverable these jobs are likely to come forward should planning permission be granted. Furthermore, the development would be economic development in terms of the NPPF which is proactively encouraged and is at the heart of Central Government's Plan for Growth. The provision of this number of jobs, particularly at present, within this period of limited economic growth is a weighty material consideration in the determination of this planning application.

### **5.16 Other Matters**

5.16.1 Consideration has been given to the impact of light pollution that could occur as a result of this proposal. This has been touched upon previously, with regards to the visual impact of the proposed car park to the north of the railway line and the change in character of that area, however it also needs to be considered in relation to the supermarket, and the car park that serves it. To my mind the introduction of lighting within this area would not have a significantly detrimental impact upon the character and appearance of the area. It is noted that there is no significant lighting within the existing car parking areas, however, it is in an area that is well developed (albeit

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designated within the open countryside in policy terms), with significant street lighting etc. I do not see the provision of lighting within this area to be detrimental to either the character and appearance of the area, nor residential amenity (due to the separation distances previously discussed).

### **5.17 Public Representations on the Application**

- 5.17.1 As indicated within the 'Representation' section above, over 350 individual representations have been submitted, with the majority indicating support for the proposal. Responses to consultation need to be taken into account in reaching a decision on the application.
- 5.17.2 Many of the responses are identical letters, and many are submitted on flyers provided by the applicant. The substance of these letters is set out in Section 4 of this report.
- 5.17.3 It is considered that the expression of public support for the application – which such a significant demonstration of support – does weigh in favour of the application. It should also be noted that the proposal has seen more positive responses received than for the similar application, MA/11/1944, however this has to be seen in the context that many of these letters are identical, or give no reason for supporting the proposal. Whilst the level of support is a consideration, this does not necessarily override any material harm that the proposal may cause.

### **5.18 Side-by-side analysis of main aspects of Tesco Scheme and Sainsbury's Scheme**

- 5.18.1 This analysis is intended to aid members in their understanding of the applications but reference to, at least, the full reports on each scheme is essential as this is not an exhaustive list. A knowledge by Members of the elements, layout, elevations, proposed landscaping and siting of each scheme is assumed as well as an appreciation of the suggested conditions, highway and public transport improvements and headings of a s.106 agreement.
- 5.18.2 The retail floor space of each scheme is broadly similar. Both schemes would provide a similar retail offer. The Council's retail consultants indicate that there is a quantitative and qualitative need for the type and floorspace of shopping to be provided by each scheme.
- 5.18.3 Both schemes are likely to lead to a more sustainable pattern of food shopping in terms of converting food shopping trips by Staplehurst residents from more distant supermarkets such as within Maidstone.

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- 5.18.4 Both schemes are likely to provide a similar number of jobs and to provide an injection of investment into the economy, welcomed by the Government in its 2011 growth agenda.
- 5.18.5 Both schemes would have some impact on the stores in Staplehurst but both schemes are proposing highway-related enhancements and enhancements to the public realm which would to some extent mitigate those impacts.
- 5.18.6 Neither scheme would harm the vitality or viability of Staplehurst town centre or any other centre. If both schemes proceeded (which is unlikely) then they would be likely to take trade from one another rather than unduly harm the vitality or viability of Staplehurst town centre or another centre.
- 5.18.7 The Sainsbury scheme is wholly within the settlement boundary of Staplehurst as shown in the Local Plan. The Tesco scheme is substantially but not wholly outside that settlement boundary. The Tesco scheme involves development of land to the north of the railway line which is wholly outside the settlement boundary.
- 5.18.8 The Tesco scheme is in part on greenfield land and the Sainsbury scheme is wholly on previously developed land.
- 5.18.9 The Tesco scheme is physically closer to the railway station than the Sainsbury scheme.
- 5.18.10 The Sainsbury scheme is physically closer to the town centre of Staplehurst than the Tesco scheme.
- 5.18.11 The Sainsbury scheme is physically closer to the majority of housing within the Staplehurst settlement.
- 5.18.12 The Tesco scheme includes a petrol filling station and the Sainsbury's scheme does not. Each scheme has a cafe.
- 5.18.13 Sainsburys scheme includes parking for 171 cars, cycle parking, new bus stops, a taxi pick up point, new pedestrian crossing and a small roundabout.
- 5.18.14 The Tesco scheme includes cycle parking, parking for 235 customer cars at the foodstore and 660 cars at the new station car park to the north of the railway line. It also proposes a station car park to the south of the railway line with a new station drop off arrangement with some short and long stay parking adjacent to it, and the drop off arrangement would include a bus and taxi pick up area. The scheme would provide a puffin crossing and other pedestrian crossing facilities. The Tesco scheme would include traffic signals controlling

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flows into and out of Station Approach. The Tesco scheme would provide improvements that are sought for Staplehurst that are in the draft Integrated Transport Strategy.

- 5.18.15 The Tesco scheme would provide real time bus information, turning areas, enhanced/widened pavement areas and the new bus arrangement would be situated close to the station building entrance.
- 5.18.16 The Officer Reports in relation to each scheme consider that the Tesco scheme is in conflict with Local Plan policy ENV 28 (development in the countryside) and that the Sainsbury scheme is in conflict with Local Plan policy ED2 (land in employment use). The full reports must be referred to.
- 5.18.17 Sainsburys scheme would involve the demolition of two DK Holdings buildings and a GMS building (B8). The GMS business is coming to an end and the operator is closing down the company irrespective of the Sainsbury scheme. A purpose built factory for DK Holdings on an adjacent site has planning permission and would be erected prior to the operation of a Sainsbury supermarket.
- 5.18.18 The Sainsbury scheme would involve the loss of about 3360 sqm of class B floor space in a location which the Local Plan identifies as an existing area of economic activity/ an area with planning consent for economic development.
- 5.18.19 Sainsburys scheme will enable DK Holdings to operate from modern purpose built premises enabling them to consolidate their operations to become more efficient and expand.
- 5.18.20 The Tesco scheme involves the loss of ecological habitat. The Sainsbury scheme does not. The Tesco scheme offers ecological mitigation.
- 5.18.21 As to matters which would be secured by s.106 agreement or by highway agreement, the full reports must be referred to. Of particular note are:
- Tesco scheme offering £70,000 towards village improvements.
  - Sainsbury's scheme offering £50,000 towards village improvements.
  - Sainsbury's scheme would provide a free shuttle bus service for customers for a minimum of five years serving the local area.
  - Tesco scheme proposing to operate community bus.
  - Sainsbury scheme providing new bus stops and real time information and a new pedestrian crossing.

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### 6. Balance of Considerations

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the determination of the application is to be made in accordance with the Development Plan insofar as it is material to the application unless other material considerations indicate otherwise.
- 6.2 The proposed supermarket would be constructed on previously developed land, albeit land that falls substantially outside of the village confines of Staplehurst. The main station car park is proposed upon greenfield land, north of the railway and outside of the village confines. This would harm the character and appearance of that area and would be in conflict with policy ENV28 of the Local Plan. As such, the development would represent a departure from the provisions of the Development Plan.
- 6.3 A number of matters are given full consideration within the report, in particular the impact upon the existing retail provision within the locality, and beyond, and the impact upon the character and appearance of the area.
- 6.4 From the information submitted it is apparent that a supermarket of this scale could be provided to serve the village of Staplehurst, and the surrounding area, without a significant detrimental impact upon the existing retail offer. It is also acknowledged that a similar size of store could also be provided in close proximity without a significant detrimental impact. That said, a single supermarket would provide a suitable provision for the catchment area.
- 6.5 Whilst the provision of the store itself, and the accompanying supermarket car parking would not have any significant visual harm, the car park to the north of the railway line would have a much more detrimental impact. As there would be considerable and significant visual harm and harm to the character of the area as a result of this proposal, through the erosion of the countryside and the introduction of an urban use into the rural area. The question has to be asked as to whether there is overriding justification for this proposal to be approved.
- 6.6 In addition to providing a quantitative and qualitative improvement to food retailing in Staplehurst, it is acknowledged that this scheme would bring forward a number of considerable benefits, including a new station car park to the north of the railway, a new station car park to the south, enhanced transport infrastructure at the station including bus facilities, and traffic controls on the Station Road/Station Approach junction (for which there has been public pressure to be provided for some time and a number of which are identified within the Council's draft ITS), a significant number of jobs, enhancements to the village centre and better accessibility, and I do not view it as harming retail interest in terms of the sequential test. However, I do not consider these factors

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override the substantial harm that the proposal would have to the character and appearance of the countryside. To my mind, that harm, given its location and significance, is not outweighed by the benefits of the scheme. Even if there was no current application for a supermarket of a similar size on other land in Staplehurst, I would recommend refusal of this application. Furthermore, the uncertainty in relation to maintaining biodiversity in that northern area adds to my concern, but even without that uncertainty the scheme is unacceptably harmful.

6.7 As such, I consider that this application should fail, and planning permission refused for the reason set out below.

### 7. **RECOMMENDATION**

REFUSE planning permission.

1. The proposed station car park would result in the loss of a significant amount of open countryside through the provision of hardstanding, and other associated paraphernalia, to the detriment of the character and appearance of the site, located on a primary arterial route into Staplehurst. There is no overriding need for the provision of A1 retail at this location, and as such the proposal would be considered to conflict with Policy ENV28 of the Maidstone Borough Wide Local Plan (2000) and the aim of sustainable development as set out within the National Planning Policy Framework.

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Page 91****LAND AT GEORGE STREET AND  
STATION APPROACH  
STAPLEHURST  
KENT****Reference number: MA/12/0232**

Further correspondence has been submitted from the applicants raising concern about the recommendation before Members. Their concerns centre on the following matters:

- 1) The tone of the report.
- 2) The visual assessment of the proposal.
- 3) The station car park.

Concern has been raised that the tone of the report appears to be rather negative towards the proposal. As set out within the report, there are a number of benefits to this scheme, but these have to be balanced against the dis-benefits – i.e. the harm. It is my opinion, and an opinion shared by the Council's legal representative, that the report, in its current state represents a balanced appraisal of these factors, through which Members can make a balanced, and informed decision.

With regards to the visual impact of the proposal, this matter has been dealt with, within the main body of the report. Nonetheless I would like to take the opportunity to re-enforce the view that I consider the railway line to be a distinct boundary between the village and the open countryside. A breach of this boundary, with built development of this nature, is considered to be to the detriment of the character and appearance of the area.

Comments have been made with regards to the landscape quality of the site in question. To my mind, this land contributes to the setting of the village, and contributes to the character of George Street. Whilst the applicants have submitted a visual assessment of this land, to my mind, the change proposed would clearly change the character of the area, to its detriment. It is for this reason that I consider that the application should be refused.

For the purposes of clarity, in terms of the parking numbers within the existing station car park, I can confirm that the pay and display car parks, which are set out formally, can accommodate 438 cars. The applicants have indicated that the existing parking provision is for 650 cars, which includes the informal parking area to the west of the station. I visited the site on the 9 January 2013 and counted 198 cars within this informal car park – although it was noted that a number of these cars were parked in tandem, reliant on others to move in order to move their vehicles. The applicants state within their transport assessment that in reality the new car park will see an increase in 10 spaces from the existing provision, although these would all be laid out formally.

It is acknowledged that the provision of an additional 100 car parking spaces at the Station have been identified within the Integrated Transport Strategy. However, this document is in draft form at present, and so no site has been identified for this additional provision. It would be incorrect to therefore speculate at this point in time as to where this would be located.

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An additional letter of support has been received with regards to this application. The points raised within this letter are as follows:

- The nearest Tesco to Staplehurst is in Tovil – a 20 minute drive;
- There is a preference for Tesco over Sainsbury's as they tend to be cheaper;
- The supporter of the application collects 'clubcard' tokens;
- There is a need for a large supermarket in Staplehurst to cut down on travelling times and cost.

The issue of sustainability has been addressed within the main report. The other issues raised are not considered to be material considerations in the determination of this application.

It should be noted that in the side by side analysis it indicates that Sainsbury's would have a café. This is not the case.

It should also be noted that the report suggests that conditions would be appended, but have not been. It was considered more appropriate to fully consider the debate prior to suggesting such conditions.

**My recommendation remains unchanged.**

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APPLICATION: MA/12/0232 Date: 10 February 2012 Received: 14 February 2012

APPLICANT: Tesco Stores Ltd

LOCATION: LAND AT STATION APPROACH AND, GEORGE STREET,  
STAPLEHURST, KENT

PARISH: Staplehurst

PROPOSAL: Erection of a class A1 retail store, associated parking and petrol filling station; transport interchange comprising bus and taxi drop-off/pick up facilities, 39 short stay railway station car parking spaces, and covered walkway to existing railway station building; and 660-space commuter car park and nature area the Phase 1 desk Study Environmental Assessment; Transport Assessment; Community Consultation Statement; Planning and Retail Statement; Flood Risk Assessment; Ecological Assessment; Interim Travel Plan; Landscape Supporting Statement; Design and Access Statement; site location plan; plan number 1674/P/09 A; 1674/P10 A; as received on 13 February 2012, plan number 1674/P/01 J; 1674/P/07 B; AA TPP 04; 1674/P/02 F; 1674/P/10 B; 1674/P/08 E; as received on 17 May 2012; Cumulative Impact Assessment (retail); Cumulative Impact Assessment (highways) as received on 7 September 2012, additional landscape and visual information submitted on the 13 December 2012, and draft Heads of Terms submitted on 17 December 2012.

AGENDA DATE: 16th May 2013

CASE OFFICER: Chris Hawkins

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

- It is a departure from the Development Plan.
- The Parish Council requested that the application be reported to Planning Committee.

**1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: T7, T13, ENV6, ENV28, ENV49
- Draft Core Strategy 2011: CS1, CS4, CS5, CS6, CS7, CS8
- Draft Integrated Transport Strategy (2012)

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- National Planning Policy Framework 2012 (NPPF); Ministerial Planning for Growth Letter; Planning for Town Centres: Practice guidance on need, impact and the sequential approach (December 2009)

### 2. **HISTORY**

#### **'Site A' – the eastern section of 'land to the north of the railway line'**

- |            |   |
|------------|---|
| MA/97/1102 | Application to vary condition 01 of MA/94/0960 to allow a further 3 years for the submission of detailed design and landscaping for the erection of a health centre (incorporating 6 squash courts, ponds and landscaping). Approved. |
| MA/97/0457 | Variation of condition 01 attached to MA/94/0341 to allow a further period in which to commence the development originally permitted under MA/90/1627E. Approved.   |
| MA/94/0960 | Application under S73 of the Town & Country Planning Act 1990 to develop land without complying with conditions 1b & 2 of Outline Permission MA/91/0419E.   |
| MA/94/0341 | An application to carry out development permitted under MA/90/1627 E without compliance with condition 1 to allow a further time period in which to commence the development. Approved.   |
| MA/91/0419 | Outline Application for 2 storey squash and health club with car parking. Approved.   |
| MA/90/1627 | Change of use to open air recreation, tennis courts with landscaping. Refused. Allowed on Appeal.   |

#### **'Site B' – the western section of 'land to the north of the railway line'**

- |            |   |
|------------|---|
| MA/92/1374 | Erection of stable block (portable building) for five horses. Approved.   |
| MA/98/0443 | Variation of condition 01 of planning permission reference MA/92/1374s to allow a further time period in which to commence the development of a stable block. Approved. |

#### **Site A and Site B – land to the north of the railway line**

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MA/03/1232 Relocation of existing station user car park to provide 600 station user car park spaces, ticket machine, taxi office, waiting shelter, new platform access, enhanced landscaping, security lighting and associated highway improvements. Withdrawn.

### **'Site C' – Existing Station Car Park**

MA/03/1282 Redevelopment of land to provide a foodstore with associated parking, transport interchange and highway improvements with means of access, siting and landscaping for consideration now, with external appearance and design reserved for future consideration. Withdrawn.

MA/96/1304 Outline application for demolition of existing garage and erection of new supermarket with means of access and siting to be determined. Approved.

MA/96/0694 Change of use of car park to open market on Sundays only between the hours of 0700 and 1500. Approved.

### **'Site D' – Land to the West of the Station Car Park**

MA/08/0895 Stationing of portable office building for use as taxi booking office (Renewal of MA/03/0717). Approved.

MA/05/0836 An application for the prior approval of the local planning authority for the installation of a 15m high telecommunications mast, 6 No panel antennae, 1 No 600mm dish antenna, 1 No 300mm dish antenna, 3 No outdoor Vodafone equipment cabinets, a 2.1m high compound fence and other development ancillary there. Approved.

MA/03/0717 Stationing of portable office building for use as taxi booking office. Approved.

MA/96/0266 Stationing of portable office building. Approved.

MA/92/0035 Change of use from storage and distribution (B8) to retail (market use). Approved.

MA/86/2034 Change of use for siting of tarmac production plant. Approved.

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MA/82/0680 Outline application for erection of small industrial units. Approved.

MA/76/1452 Outline application for residential development. Refused.

### 2.1 Background

2.1.1 This application was submitted in 2012, and has previously been brought before Members (on 10 January 2013). At this meeting, Members resolved to defer the application on the basis that they were not satisfied that the landscaping and ecological mitigation was sufficient to address the impact of the proposal.

2.1.2 As such, further negotiation was undertaken with the applicant which has resulted in the submission of amended plans. These amended plans show an increase in landscaping provision within the car parking area, and also additional ecological enhancements to the proposal. These plans have now been sent out to a further public consultation (21 days) and have been considered once again by the necessary consultees.

### 3. CONSULTATIONS

3.1 **KCC Ecology** were consulted and made the following comments:

3.1.1 'Thank you for the opportunity to provide comments regarding the revised layout proposed for the northern section of this application.

3.1.2 The proposal now retains a wider corridor along the George Street boundary which provides improved connectivity between the east and west of the site than the previously submitted layout. We still have some reservations regarding the use of a culvert under the car park's entrance road to enable animals to move between the east and west sides of the site. This structure is now shown as being an 'oversized' culvert of approximately 1m wide by 0.75m high which again is an improvement on the previously submitted details, though in the annotation to drawing 1272/ECO6 Rev B it is stated that this will contain "a suitably low level of water", which would restrict the use of the culvert by reptiles.

3.1.3 We advise that Maidstone BC will need to be satisfied that the proposed permanent fencing and/or double-height kerbs around the car park can be maintained in perpetuity, if permission is granted.

3.1.4 In addition, if permission is granted, planning conditions/obligations should be used to require the submission for approval and implementation of a detailed

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mitigation strategy and a habitat management plan. We have been informed by Aspect Ecology that Kent Wildlife Trust has agreed to take on the management of the wildlife areas. This has not been verified and we advise that the habitat management arrangements will need to be confirmed and secured for the long term, including the financial agreements.'

3.2 **Maidstone Borough Council Landscaping Officer** was consulted and made the following comments:

3.2.1 The decision on this application was originally deferred to enable the following to be sought in respect of the area to the north of the railway line:-

- a) An improvement to the layout of the proposed car park and natural area;
- b) Mitigation for the damage to the countryside (including light pollution); and
- c) A re-examination of the results of the ecological surveys.

3.2.2 In addition to my previous comments on landscape details I would add the following comments which relate primarily to point a) above:-

3.2.3 Tree protection fencing is denoted on plan AA TPP 05. Whilst this is acceptable in principle the scheme could be improved by the continuation of protective fencing around entire areas proposed for soft landscaping. This will protect the ground from compaction and contamination and ensure optimal conditions for planting and seeding. This plan also shows parking bays located within the RPAs of tree nos. 47 to 49- details of levels are required to ensure that the construction of these bays do not compromise the trees' health and longevity.

3.2.4 The car park planting plan, drawing no. 5002/ASP5 revision E, does list native species but does not fully comply with the adopted LCA guidelines. I would particularly like to see the use of standard Oak trees within the hedgerow mix and the use of *Salix caprea* within the woodland/scrub mix. For the proposed tree planting, a small proportion of *Betula pendula* and *Salix fragilis* (in place of *Salix caprea*) should be included in appropriate locations. I would also add that there is no reference to marginal planting as shown in the landscape supporting statement.

3.2.5 Whilst previously I mentioned the importance of the detailing of the hard landscaping in conjunction with the new tree planting I would also like to see the use of linear tree planting trenches linking car park trees instead of individual planting pits. This is a way of maximising the rooting capacity of new trees thereby ensuring that they establish properly and are long lived.

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3.2.6 The landscape details above can however still be dealt with through a pre commencement condition alongside the provision of a maintenance specification and a long term management plan'.

### 4. **REPRESENTATIONS**

4.1 A further round of public consultation has taken place. This has resulted in an *additional* 16 letters of objection being received. The contents of these letters are summarised below:

- There is no need for an additional petrol station in the village;
- The proposal is inefficient as passengers would have to cross the railway line to buy tickets;
- There is no need for an additional supermarket in the village;
- There is no need for a nature reserve in the village;
- The proposal would harm the countryside;
- The benefits of the proposal do not outweigh the harm caused;
- There are already Tesco supermarkets nearby;
- The existing taxi office would be lost;
- Development here would open the floodgates to further development north of the railway line;
- There would be an increase in traffic movements by virtue of this proposal;
- Is there really a need for a new car park for the station?

4.2 There have been five additional letters of support received since the previous planning meeting. The contents of these letters are summarised below:

- The proposal would result in increased competition within the village and lower prices;
- There would be increased custom within the village;
- There are no Tescos within the vicinity of the village;
- A nature reserve is most welcome within the village;
- The decision as to whether people prefer a Tesco's or Sainsbury's is not a planning consideration;
  - Greater opportunities for employment in the village;
  - The existing open space is a mess and needs tidying up.

4.3 **Staplehurst Parish Council** were consulted on this amended application and made the following comments:

4.3.1 Further to your letter of 28<sup>th</sup> February the Parish Council considered the amended plans enclosed with your correspondence at its meeting on 18<sup>th</sup> March 2013 and voted to maintain its recommendation of REFUSAL of the application to MBC Planning Committee with only one councillor supporting the amended plan.

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### 4.3.2 The reason for the Parish Council's recommendation were as follows:

- 1) The amended plans do not address in a satisfactory way the reasons for refusal set out in the Parish Council's recommendations on the original proposal (letter dated 12<sup>th</sup> March 2012). In its meeting the councillors particularly mentioned previously voiced concerns about the proposed highway arrangements, especially at the George Street/A229 junction; the flooding and drainage issues arising from the planned development north of the railway line; and the incomplete approach to station parking that ignores the current informal overflow car park. Under the amended proposal there is no real increase in parking spaces; if the current 'free area' were to be properly developed to the number could be increases in that way without encroaching to the north. The Parish council reiterates all th points set out in its previous recommendation of which a copy is enclosed for reference.
- 2) The application should take account of the context created by the planning consent for the Sainsbury's supermarket and particularly its new roundabout access to Station Road. It is clear that a new set of traffic lights would be incompatible with the consented roundabout about 50m away. The Parish Council believes the applicant should have adapted its plans to existing planning consents and, as it has not done so, the Parish Council objects for this further traffic reason.
- 3) The applicant has not revised paragraphs 5.0 and 8.0 of its Planning and Retail Statement. As the Borough Council's Planning Committee has granted consent to the adjacent Sainsbury's store, the Parish Council believes the Planning and Retail Statement now needs rewriting as it no longer addresses the latest existing shopping provision or the sequential approach to site selection.
- 4) The plans of the car park demonstrate no real consideration of the needs of fauna and flora on the north side of the railway line. Run-off from the car park surfaces, including salt and fuel spills, would adversely affect the ecology of the surrounding area. At the MBC Planning Committee on the 31<sup>st</sup> January 2013, Borough Councillor Harwood gave evidence that he had personal knowledge of the presence on site of a number of rare species including nesting nightingales, in addition to the great crested newt. News have a wide hinterland extending to 500m around their breeding ponds, yet the layout of car parks combined with the A229, George Street and the railway will prevent the newts travelling to and from their hinterlands. The Parish Council believes the development and subsequent contamination of the area would lead to a significant decline in the number of newts, possibly to zero, irrespective of the suitability of their ponds.

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- 5) The application's renaming of the proposed wildlife area as a community garden suggests an area surrounded by a large car park, a main road and a railway will not be viable for wildlife. The Parish Council has no evidence of community support for a garden in this location. With open countryside all around and a peripheral setting, it is difficult to see any real incentive that will attract a significant community involvement in the garden.
- 6) The Parish Council has concern with the application in respect of policy:
  - a) At MBC's Planning Committee in January some Members gave weight to the emerging local plan and un-adopted Integrated Transport Strategy (ITS). The Parish Council questions the validity of basing decision upon un-adopted policy and believes in any event that the demands of such policy could be met under existing arrangements and that the amended plans add nothing to the case; indeed they put the disabled parking area and drop off point for the station further from the station entrance than they are at present.
  - b) The adverse environmental impact of the proposed development runs counter to one of the core planning principles of the Government's National Planning Policy Framework to 'take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.'
  - c) The potential flooding risks associated with the proposed cart-park development north of the railway line do not satisfy the flood management requirements of the NPPF (section 10, sections 100-103). S101 appears particularly appropriate: 'The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.' There are already parking sites (formal and informal) to the south of the railway line.
  - d) Nothing in the original proposal or the amended plans demonstrates that the application can satisfy the criteria for exceptions to policy ENV28 '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.' Neither does the applicant offer satisfactory proposals for 'measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.'
  - e) With specific reference to pond areas, the Parish Council submits that approval of the application would run counter to policy ENV41 'Development will not be permitted which would lead to the loss of ponds, wetlands or marshland, or

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which would harm their visual and wildlife functions. Where the loss of a pond or area of wetland cannot be avoided, a condition will be imposed to ensure that a replacement is created.' The Parish Council questions how and where an effective replacement could be created.

Please contact me if you have any questions about the comments.'

### **5. CONSIDERATIONS**

#### **5.1 Site Description**

5.1.1 The site description is as per the appended report.

#### **5.2 Proposal**

5.2.1 The proposal remains as set out within the appended report, save for a number of amendments to the car parking area. These amendments are set out below.

5.2.2 As set out above, the application was deferred by Members on the basis that the level of landscaping and ecological enhancements should be revisited around the proposed station car park. Amended plans have now been submitted, which show the following landscaping to be provided:

- Tree planting within the north-east corner of the site – to the north of the proposed open space.
- The retention of the existing trees within the western part of the open space – to the north of the water body.
- Additional tree planting to the southern side of this retained woodland.
- Clusters of native tree planting within the southern end of the open space.
- A seating area within the north-western portion of the open space.
- Wildflower meadow along the eastern boundary of the open space.
- Whip planting along the bank, adjacent to the A229 which will form new habitat.
- Proposed fence and hedge and fence planting around the existing water bodies.
- Pond re-profiling at the western end of the site.
- Permeable paving to all car parking spaces.
- A sensitive lighting scheme – details yet to be submitted.
- A re-alignment of some car parking to allow for wider landscaping strips.

#### **5.3 Principle of Development/Policy Background**

5.3.1 The application was previously heard at Planning Committee in January 2013, with an Officer recommendation for refusal. The ground for refusal was on the basis that there would be significant visual harm as a result of the proposal, and that the application would therefore prove to be contrary to Local Plan Policy

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ENV28, as well as the guidance set out within the National Planning Policy Framework. Concern was also raised by Members with regards to the impact upon ecology within the site.

- 5.3.2 Since this report was taken, and the application deferred a report has been taken to Cabinet which gives further weight (although still less weight than the Maidstone Borough Wide Local Plan) to the emerging Policies within the new Local Plan. In particular, policies relating to Strategic Sites have been 'banked' for Development Management purposes. However, the Maidstone Borough Wide Local Plan (2000) remains the Development Plan for decision making purposes.
- 5.3.3 I do not consider that the decision made would have a significant impact upon the decision made upon this planning application.
- 5.3.4 Furthermore, since the previous Planning Committee meeting, the South East Plan (2009) has been revoked. Again, I do not consider that this change in the policy landscape would have a significant impact upon this proposal, nor its recommendation.
- 5.3.5 Since this application was taken to Planning Committee, the planning application for the Sainsbury's supermarket (MA/11/1944) which was resolved to grant at that meeting, has been approved. This does alter the background to this application to the extent that there is now greater certainty that this neighbouring proposal is more deliverable. However, in terms of the determination of this application (MA/12/0232), the matter of cumulative impact, both in terms of retail and highways impact, was fully considered in the previous report. I do not consider that the fact that there is greater certainty that the other proposal could be delivered results in the need for further work to be undertaken on this proposal in terms of cumulative impact. In terms of the sequential assessment, the fact that permission has been granted on neighbouring land does not significantly impact upon this application, as it was not considered that there was a significant difference between the sites sequentially in any event.
- 5.3.6 I therefore consider that the key points for consideration remain as per the previous report, and the discussion that took place at the previous Planning Committee meeting – i.e. the balance of the benefits of the proposal when assessed against the harm that it would cause to the character and appearance of the countryside, and ecology. The proposal will therefore continue to be assessed against the provisions of the existing Development Plan and the National Planning Policy Framework.

### **5.4 Visual Impact**

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- 5.4.1 The proposal has been amended in order to address the ground for refusal set out within the papers; together with Member's concerns about the impact that the proposal would have upon the character and appearance of the locality. Concern was raised with regards to the impact that the provision of car park would have to the north of the railway line, within this undeveloped area. The additional proposed landscaping would result in further screening from both the A229 and from George Street.
- 5.4.2 Negotiations have taken place between the Council and the applicants, which have sought to create an increased visual buffer within the proposed open space. The additional tree planting now proposed would further restrict views into the site from the A229, but this would not, in my opinion screen the car park from view. There would be a softening of this development, but the provision of a significant level of hardstanding, and lighting would remain visible from this busy highway.
- 5.4.3 The removal of a large amount of tree and shrub planting from within the centre of the site would have a significant impact upon the character and appearance of this parcel of land, irrespective of the amendments made to the development. This would be particularly apparent from the raised section of the A229. I therefore consider this to result in significant harm to the character and appearance of this parcel of land, and to result in the erosion of the open nature of this area of countryside.
- 5.4.4 With regards to the impact when viewed from George Street. The increased planting along this hedgerow would have a significant benefit. As set out within the previous report, the hedgerow along this stretch of road is sparse in places, with clear views through to the site. However, the provision of additional infilling, as well as more robust planting for the whole length of the site would significantly reduce the impact of this proposal when viewed from this country lane.
- 5.4.5 I remain of the opinion however, that the creation of a new access, together with the provision of lighting within the development would ensure that the site would remain visible, and that the character and appearance of this lane would fundamentally alter should this application be granted. This would have an urbanising effect upon the character of the locality, particularly during the winter months, when the lights would be on for longer periods, and when the trees/hedges have shed their leaves.
- 5.4.6 The efforts made by the applicant would reduce the impact of the proposal, however I remain of the view that the proposal would still have a significantly detrimental impact upon the character and appearance of the locality, and it is

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for this reason, that I consider that it conflicts with both Local Plan Policy ENV28 as well as government guidance.

### **5.5 Residential Amenity**

- 5.5.1 No concern was previously raised with regards to the impact of the proposal upon residential amenity. This proposal would result in an increase in additional landscaping, which would further reduce the impact of the proposal upon the neighbouring occupiers.
- 5.5.2 I therefore consider that the amendments would not result in an unacceptable impact upon the neighbouring occupiers.

### **5.6 Highways**

- 5.6.1 The impact upon highways has previously been discussed within the previous report which is appended to this report. The amendments do not impact upon parking provision, or upon highway safety.

### **5.7 Landscaping**

- 5.7.1 This proposal has sought to address Members concerns about the impact upon the appearance of the locality. This matter has been assessed within the visual assessment. In terms of the layout of the landscaping and the landscape officer raises some concern with regards to the tree protection measure proposed. I have spoken with the applicants who are content to address this measure, and have suggested that this be done by way of condition.
- 5.7.2 Furthermore, the applicant has proposed a small number of species that the Landscape Officer would wish to see altered. Again, the applicant has indicated that they would be willing to amend the species accordingly by way of condition.
- 5.7.3 Should these changes be implemented, then no objection is raised to the type and location of the planting.

### **5.8 Ecology**

- 5.8.1 The impact upon ecology was raised by Members at the previous Planning Committee meeting. Whilst no concern was raised at that point by KC Ecology, it was noted that there were some outstanding concerns.
- 5.8.2 The applicant has sought to address these matters with the addition of further landscaping within the open areas, and also through the provision of new bunding between the car park and existing water bodies. Furthermore, an

## APPENDIX

enhanced culvert is proposed beneath the car park entrance to link the area to the east of the site to that at the west. Whilst KCC Ecology consider this a step forward, concern has been raised with regards to the provision of water within this culvert. Should permission be granted, it has therefore been agreed that this be amended, with full details to be submitted and agreed in writing by the Local Planning Authority.

- 5.8.3 It has been agreed that the Kent Wildlife Trust would manage the land in the long term should permission be granted. As such, I would expect them to be party to any legal agreement, or to be part of the management plan that would form part of any legal agreement should permission be granted.
- 5.8.4 As set out within the previous report, KCC Ecology, Natural England and the Kent Wildlife Trust raise no objection to this proposal, as they consider that the mitigation proposed would address the harm of the development. The further work undertaken by the applicant does not alter this view, and as such, no objection is raised on this basis.

### **6. Balance of Considerations**

- 6.1 Whilst the applicant has made a significant effort to address the concerns raised within the previous report; and by Members at the January Planning Committee meeting, it remains the case that the proposal would result in the loss of the existing field. Consideration therefore needs to be given as to whether the amendments made to the plans are sufficient to overcome the concerns raised, and to reduce the level of harm to a level not considered to outweigh the benefits of the proposed store (and the enhancement of the parking provision).
- 6.2 It is my opinion that the loss of this field, and the encroachment of further development to the north of the railway line remains unacceptable. The provision of a significant level of hardstanding, together with lighting will fundamentally change the character and appearance of this currently undeveloped area of land. As set out within the previous report, it is acknowledged that there would be significant benefits of providing a retail unit within the village, both in terms of sustainability, and also in terms of the local economy through the provision of a significant number of jobs. It is also noted that the applicants are proposing enhancements of the station, and its links to the surrounding area. This does carry significant weight. Nonetheless, when considering the application against Policy ENV28 of the Maidstone Borough Wide Local Plan, and indeed the National Planning Policy Framework, the harm to the character and appearance of the locality also carries significant weight. I remain of the view that the railway line is a definitive physical boundary where the character changes from village/urban to countryside as one heads northwards. I remain of the view that the harm of this proposal is still of a level that overrides the benefits, for the reasons set out

## APPENDIX

within the report, and indeed within the previous report. I therefore recommend that the application be refused for the grounds set out below.

### **7. RECOMMENDATION**

REFUSE planning permission for the reason given below:

1. The proposed station car park would result in the loss of a significant amount of open countryside through the provision of hardstanding, and other associated paraphernalia, to the detriment of the character and appearance of the site, located on a primary arterial route into Staplehurst. There is no overriding need for the provision of A1 retail at this location, and as such the proposal would be considered to conflict with Policy ENV28 of the Maidstone Borough Wide Local Plan (2000) and the aim of sustainable development as set out within the National Planning Policy Framework.

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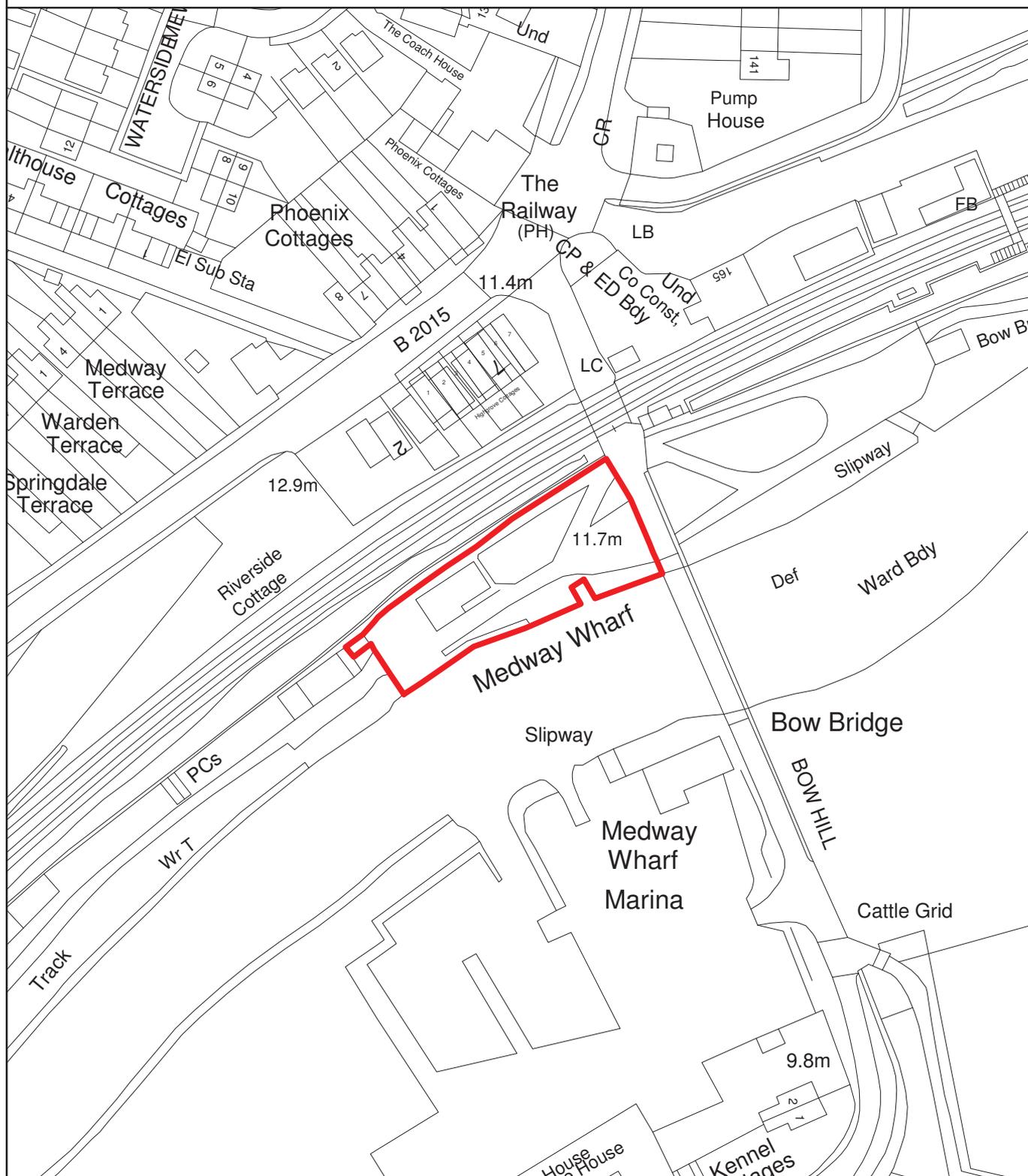
# Agenda Item 18

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1867

GRID REF: TQ6952

RIVERSIDE RESTAURANT, BOW BRIDGE,  
WATERINGBURY.



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**Rob Jarman**  
Head of Planning and Development

APPLICATION: MA/13/1867 Date: 31 October 2013 Received: 31 October 2013

APPLICANT: Mr David John Evans, Riverside Restaurant

LOCATION: RIVERSIDE RESTAURANT, BOW BRIDGE, WATERINGBURY, KENT, ME18 5ED

PARISH: Nettlestead

PROPOSAL: Change of use of restaurant at ground floor level to domestic use in connection with the existing residential accommodation at first floor level as shown on drawing received on the 31st October 2013.

AGENDA DATE: 27th February 2014

CASE OFFICER: Graham Parkinson

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

- It is contrary to views expressed by the Environment Agency

#### **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV 28, ENV 30, H18
- Government Policy: NPPF

#### **2. RELEVANT HISTORY**

2.1 None

#### **3. CONSULTATIONS**

3.1 Nettlestead Parish Council: No objection

3.2 Environmental Health- No objection

3.3 Environment Agency: Objects and its comments are summarised below:

- The property lies within Flood Zone 3b and is land where water has to flow or be stored during times of flood.
- The applicant confirms that the restaurant to be converted to residential use, has flooded 24 times in the past 30 years. This will not improve and the home would continue to flood during a 1 in 20 year (5%) event.

- Residential use is classed as "more vulnerable" and therefore not permitted within flood zone 3b.
- Objections on flooding grounds could be overcome subject to demolition and rebuild the existing property, installation of a solid concrete base and that finished floor levels were at least 300mm above the design flood level (and 600mm above the design flood level for sleeping).

#### **4. REPRESENTATIONS**

4.1 Neighbours: 9 properties consulted- No representations received.

#### **5. CONSIDERATIONS**

##### **5.1 SITE DESCRIPTION:**

5.1.1 The application site is occupied by a two storey building sited abutting the northern bank of the River Medway and situated on a level area between the River Medway and the railway embankment set at a higher level to the north west. Abutting the site to the east is Bow Bridge.

5.1.2 Currently the property is in use as a restaurant at ground floor level with living accommodation used by the proprietors in connection with running the restaurant at 1<sup>st</sup> floor level.

##### **5.2 DESCRIPTION OF PROPOSAL**

5.2.1 The applicants advise that they ceased trading as a restaurant on the 31<sup>st</sup> October 2013 and wish to convert the restaurant to residential use in connection with their existing residential occupation of the 1<sup>st</sup> floor.

5.2.2 The following supporting information has been submitted:

- Have run the restaurant for the last 30 years.
- Applicants have now retired both being 74 years of age.
- Restaurant has been flooded 24 times in the last 30 years interrupting trade.
- There will be no change to the exterior of the premises, all restaurant furniture will be removed but the kitchen will be used as a domestic kitchen.

##### **5.3 DISCUSSION**

5.3.1 The key issues in relation to this proposal are considered to be (a) principle and (b) flooding concerns.

#### 5.4 **Principle:**

5.4.1 Given the prominent riverside setting and rural backdrop, the restaurant occupies a prestigious position in tourism terms. As such its loss from this purpose is regrettable and normally the Council require evidence of market testing before accepting an alternative use.

5.4.2 However given (a) the evidence of almost continual yearly flooding (which is not disputed by the Environment Agency) (b) the severe disruption to the business over the years due to flooding and (c) the significant investment required to make the building flood resistant building to meet the requirements of the EA, it is considered that there is no objection to the principle of residential use subject to the concerns of the Environment Agency (EA) being addressed.

#### 5.5 **Flooding considerations:**

5.5.1 The EA's response makes clear that residential is considered to be a vulnerable use which should not be permitted in flood zone 3b. The applicants have also confirmed that the ground floor of the premises has again been flooded in the protracted flooding event currently being experienced.

5.5.2 Clearly if an entirely new residential presence was being proposed at this location the EA's advice would be given great weight. The means of securing EA support for the proposed change of use involving demolition and rebuild of the property is not an option which the applicants can countenance.

5.5.3 It should be taken into account that the restaurant was run by the applicants who live on the first floor above it. In the circumstances, what is being proposed can be seen as an extension to an existing dwelling rather than the creation of an entirely new dwelling.

5.5.4 It would normally be the case that where extensions are proposed finished floor levels above known flooding levels are required along with flood 'hardening' measures to minimise damage in the event of flooding. In this case no new works are proposed with floor levels and external appearance of the building remaining the same. The applicants have already carried out flood damage minimisation works as part of their longstanding occupation of the restaurant which includes raising of power sockets and wall tiling.

5.5.5 Taking into account that the building already exists, the applicants long term experience of flooding and that they are already signed up to the various flood warning measures currently in operation, that subject to the residential use of the ground floor being tied to the first floor accommodation and that no sleeping

accommodation shall be provided at ground floor level, that on balance, this is considered to be a case where the EA's objections can be justifiably set aside.

- 5.5.6 Concerns have been raised regarding occupation of the premises by persons other than the applicants who may be unaware of the flooding risks in purchasing the property. However given the need for disclosure as part of the sales process and the high level of awareness to flood related issues it is not considered that this is likely.

## **6. CONCLUSIONS**

- 6.1 Notwithstanding that the proposal involves loss of a tourist attraction in a prominent popular riverside setting, that for the reasons set out above there is considered to be no objection to the principle of the proposed change of use subject to the EA's concerns being addressed.
- 6.2 That notwithstanding the EA's objection to the proposed change of use, it is considered that the circumstances justify setting aside its objections in this case and that, on balance, it is recommended that planning permission be granted.

## **7. RECOMMENDATION:**

GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: drawing received on the 31st October 2013.

Reason: To ensure the quality of the development is maintained and to prevent harm to amenity.

3. The ground floor accommodation hereby approved shall only be occupied in connection with the existing 1st floor accommodation and shall not be let or sold separately and shall not be used for sleeping accommodation.

Reason: To minimize the exposure to flood risk.

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



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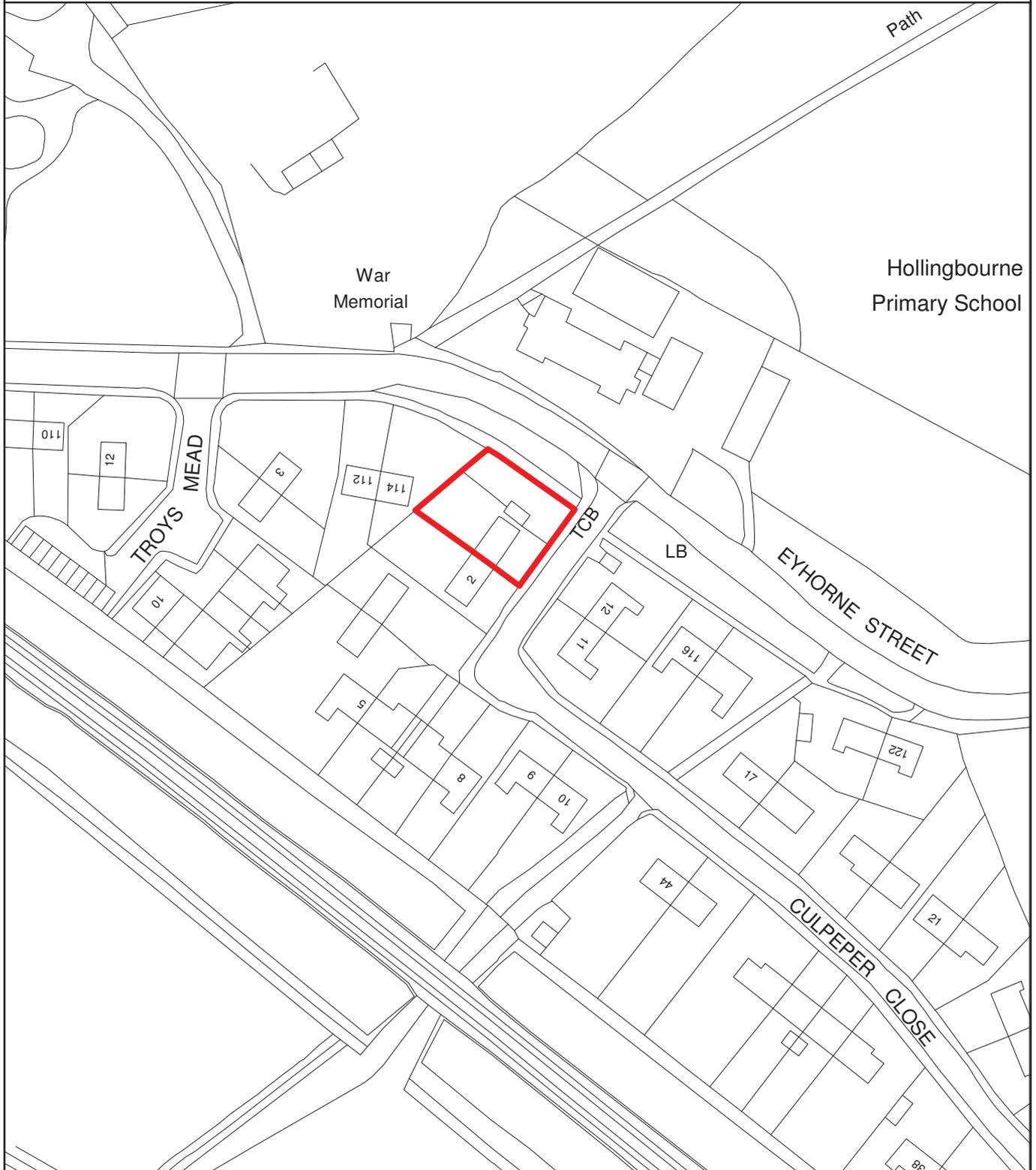
# Agenda Item 19

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/2043

GRID REF: TQ8454

1 CULPEPER CLOSE,  
HOLLINGBOURNE.



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**Rob Jarman**  
Head of Planning and Development

APPLICATION: MA/13/2043 Date: 27 November 2013 Received: 9 January 2014

APPLICANT: Mr R Young

LOCATION: 1, CULPEPER CLOSE, HOLLINGBOURNE, MAIDSTONE, KENT, ME17 1UD

PARISH: Hollingbourne

PROPOSAL: Demolition of existing garage and erection of attached house with associated works including roof extension to 1 Culpeper Close as shown on Planning Statement and Design & Access Statement received 27/11/13 and drawing nos. CP1 & CP2 received 15/01/14.

AGENDA DATE: 27th February 2014

CASE OFFICER: Kathryn Altieri

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

- It is a departure from the Development Plan.

**1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV33, ENV34
- Government Policy: National Planning Policy Framework

**2. HISTORY**

None.

**3. BACKGROUND INFORMATION**

- 3.1 The applicant did seek pre-application advice under PA/13/0364 for a dwelling in this location. The proposal was generally accepted with the suggested amendments incorporated into this proposal (reduced dormer window to side and retention of catslide roof).

**4. CONSULTATIONS**

- 4.1 **Hollingbourne Parish Council:** Do not wish to object.
- 4.2 **KCC Highways Officer:** Raises no objections.
- 4.3 **Landscape Officer:** Raises no objections;

4.3.1 *"In the absence of any details relating to the Leyland Cypress tree and based on the proposed layout plan and your photographs, I consider that it is unlikely that the tree will be successfully retained in its current form. The excavation that would be required for the construction of the driveway will potentially cause significant root damage that could lead to its decline or, in the worst case, destabilise the tree. It might survive, if reduced in size to minimise the risk of such failure. However, I do not consider that the tree makes a significant contribution to amenity. Its potential loss is not, therefore, a reason to refuse the application, but the application should not be considered on the assumption that the tree can be retained. I suggest the use of a condition that requires a replacement tree be planted in the event that the Cypress needs to be removed, or dies within 5 years of the completion of the development. The specification of any replacement tree should be agreed in writing with the LPA prior to planting."*

4.4 **Environmental Health Officer:** Raises no objections

## **5. REPRESENTATIONS**

5.1 No representations made.

## **6. CONSIDERATIONS**

### **6.1 Site description**

6.1.1 1 Culpeper Close is a semi-detached property with a catslide roof and tile hanging at first floor level; and a front drive and garage to the side. This style of property is a strong characteristic of Culpeper Close, be it as semi-detached or terraced properties. The property itself is a corner plot on the western side of Culpeper Close; and, with a grass verge in between, Eyhorne Street is to the north of the site. The northern and western boundaries of the site are enclosed with 1.8m high close boarded fencing.

6.1.2 The site is part of a cluster of residential properties, with Culpeper Close stretching some 260m to the south-east of the site; and 'Troys Mead', a quiet cul-de-sac, located to the west of the site. Hollingbourne Primary School is immediately to the north of the site.

6.1.3 The application site is not within any defined settlement, and is also within the North Downs Special Landscape Area (SLA), the Kent Downs Area of Outstanding Natural Beauty (AONB) as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

### **6.2 Proposal**

6.2.1 The proposal is for the erection of an attached (2-bed) house and would include a roof extension to 1 Culpeper Close, to make a terrace of three properties.

- 6.2.2 The proposed house would have a general 'L' shape, measuring some 9.3m wide from the front; and when viewed from the side (northern) flank, some 10m in depth. The rear projection would measure some 4.3m in length whilst being set away some 3.5m from the shared boundary with 1 Culpeper Close. The side elevation would have a catslide roof element with two small (flat roofed) dormer windows, bringing the eaves height down to 2.3m from ground level; and the new dwelling would be set 1.7m off from the site's northern boundary.
- 6.2.3 Overall, the proposal would continue the ridge and eaves heights of the existing semi-detached properties, some 7m and 5.5m respectively; and externally would be built from matching materials.
- 6.2.4 2 off-road parking spaces would be provided for the new dwelling and 1 Culpeper Close. The existing garage would be removed; and the first floor extension to 1 Culpeper Close would provide the occupants with ensuite facilities to 2 existing bedrooms.

### **6.3 Relevant policy and guidance**

- 6.3.1 The application site lies outside any defined village boundary and is within an AONB and SLA for Development Plan purposes. Development in the countryside, especially new housing, is tightly controlled under the terms of Development Plan policy and central government guidance in the form of the National Planning Policy Framework (NPPF).

#### *National Planning Policy Framework*

- 6.3.2 The NPPF states that there should be a presumption in favour of sustainable development, which in the context of decision making is defined as approving development proposals that accord with the Development Plan without delay, and where the Development Plan is silent, granting planning permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits. So, although the NPPF identifies the provision of new housing by way of various means of delivery as a priority, it also sets out that this is not to take place at the expense of either the built or natural environment.
- 6.3.3 Moreover, paragraph 53 of the NPPF seeks to resist inappropriate development of residential gardens, particularly where development would cause harm to the local area; and paragraph 55 of the NPPF is clear that new isolated homes in the countryside should be avoided unless there are special circumstances. This proposal does not qualify as one of these special circumstances (as listed in paragraph 55 of the NPPF). The NPPF also makes it clear that proposed development needs to respect the intrinsic character and setting of the countryside (paragraph 17); and should seek to conserve the landscape and

scenic beauty of the AONB (paragraph 115). Garden land is also considered to be greenfield land.

- 6.3.4 It is my view that this proposal is not in an unsustainable or isolated location. Indeed, the site is directly opposite a primary school; it is within 700m of Hollingbourne train station; and within 800m of the defined village of Eyhorne Street, with its public houses; village hall; osteopath; and shop. Furthermore, the proposal site is within 200m of a play area; and although not well served by footpaths, Hollingbourne village is within 800m with its church; and public house. Eyhorne Street, the main road that runs past the application site is also on a bus route; and there are three doctor surgeries and 1 dentist surgery within 3 miles of the site. With this considered, I am satisfied that this proposal is not contrary to paragraph 55 of the NPPF.
- 6.3.5 In taking the view that the proposal would not represent a wholly unsustainable development, enough to justify refusal, I will also discuss further on in the report why the development would not cause significant visual harm to the surrounding area. I therefore consider this proposal to be in accordance with the NPPF and acceptable in principle.

#### Development Plan

- 6.3.6 Policy ENV28 of the MBWLP restricts new residential development in the countryside for which there is no Development Plan policy justification, to prevent harmful sporadic development within the countryside. Policy ENV28 seeks to restrict certain uses in the countryside, and this sentiment is in accordance with the NPPF. The proposal is contrary to policy ENV28 and to recommend approval of it is therefore considered to be a departure from the Development Plan.
- 6.3.7 Policies ENV33 and ENV34 also seek to protect and conserve the scenic quality of AONB's and SLA's.

#### 5-year housing land supply

- 6.3.8 Until such times as a 5-year supply can be demonstrated, planning applications on greenfield sites must be assessed on individual merit; and whilst the issue of the Council's 5-year land supply is a material consideration in determining this application, it is not the main or singular issue to consider.

#### Summary

- 6.3.9 The proposal is contrary to policy ENV28 of the Development Plan. However (as set out above) the site is very much read in context with the existing built

development, and I am of the view that the specific circumstances of this application lead me to recommend conditional approval of the development. To clarify, I am satisfied that this proposal would not consolidate sporadic development within the countryside, or have a detrimental impact on the setting the AONB hereabouts.

6.3.10 This is a balanced application but to weighing everything up, the proposal would not cause significant visual harm; the site is not in a truly unsustainable location; and the Council cannot currently demonstrate a 5 year land supply. In my view the balance tips in support of this application, and I therefore consider the principle of this proposal to be acceptable and will go on to discuss the detail of the proposal.

#### **6.4 Design, siting and appearance**

6.4.1 The proposal would have a clear frontage onto Culpeper Close, much like the other properties in the street; and whilst it would project beyond the building line of the nearest properties in terms of the Eyhorne Street frontage, there is no uniform building line and the proposal would not project beyond the pair of semi-detached properties (120 and 122 Eyhorne Street) to the east. I am therefore satisfied that the new dwelling would be read very much in context with the existing built development in the area, and take the view that it would not appear adversely prominent or visually harmful, particularly as the catslide roof would further reduce the overall bulk of the development. There are also other terraced properties in Culpeper Close. Therefore, in terms of the impact on the wider area, I am satisfied that the proposed development would not have a detrimental impact upon the pattern and grain of development of the surrounding area.

6.4.2 Moreover, the scale and design of the proposed dwelling is in keeping with the character of the surrounding area, with the existing ridge and eaves heights maintained; and to ensure that appropriate external materials are used a pre-commencement condition will be imposed requesting details of the brick and tiles to be used. The width of the proposed dwelling and the shown fenestration detail is also very much in proportion with the surrounding properties; the rear projection is well scaled and not excessive in depth; and the catslide roof would not only relate well with the locality, but would also ensure that the bulk of the development is reduced particularly when viewed from Eyhorne Street. In addition, the existing 1.8m high close boarded fencing would provide a certain level of screening; and the proposal's 1.7m set in from the existing northern boundary together with an appropriate landscaping scheme would further soften the proposal.

6.4.3 The first floor extension of 1 Culpeper Close is considered to be of a reasonable scale, appropriate design and necessary in terms of the overall development, and I raise no objections to the proposal in this respect.

6.4.4 I am of the view that the proposal would not appear over dominant, cramped or adversely prominent within the street; and cannot argue that it would be at odds with the prevailing pattern of built development within the surrounding area. I am therefore satisfied that the new dwelling would not appear incongruous or cause unacceptable visual harm to the character and appearance of the countryside hereabouts that falls within an AONB and SLA.

## **6.5 Residential amenity**

6.5.1 I am satisfied that the appropriate use of boundary treatments would ensure acceptable levels of privacy at ground floor level for all neighbouring residents; and I will condition the bedroom window that is directly facing onto 1 Culpeper Close to be obscure glazed and fixed shut to further ensure acceptable levels of privacy. All of the other first floor openings do not directly overlook into any habitable rooms or private amenity space of neighbouring properties.

6.5.2 The BRE daylight elevation and plan tests were carried out to see if there would be any impact upon 1 Culpeper Close in terms of loss of daylight to the nearest ground floor opening to the rear that serves a habitable room. The proposal passed both these tests and so I am satisfied that this proposal would cause a significant loss of light to the occupants of this property. The orientation of the proposed dwelling would also ensure that it would not cause a significant loss of sunlight to any neighbouring property.

6.5.3 I am also satisfied that the proposal, given the modest scale and depth of the rear projection, and its 3.5m set back of the shared boundary would not appear overbearing or cause a significant loss of outlook to the occupants of 1 Culpeper Close (internally or when in the garden).

6.5.4 No other residential property would be adversely affected by this proposed development.

6.5.5 I am therefore satisfied that this proposal would not appear overwhelming, or have a significant detrimental impact upon the residential amenity of any neighbour, in terms of general disturbance, and loss of privacy, outlook, and light.

## **6.6 Amenity for future occupants**

6.6.1 I am of the view that the new dwelling would provide acceptable levels of outdoor (private) amenity space for future occupants; and that there would be an acceptable level of internal living accommodation with sufficient privacy and light being achieved for each habitable room. I therefore raise no concerns on this issue.

## **6.7 Highway safety implications**

6.7.1 The proposed dwelling would make use of the existing vehicle access for 1 Culpeper Close, with a widened driveway providing 2 car park spaces for both properties. I am satisfied that this arrangement would not result in any highway safety concern and therefore raise no objection in this respect. The KCC Highways Officer also raised no objection to this proposal on highway safety grounds.

## **6.8 Arboricultural/landscape implications**

6.8.1 The submitted plans show the Leyland Cypress tree to the front of the site to be retained. However, based on the information available, the Council's Landscape Officer is of the view that it is unlikely to be successfully retained in its current form. Indeed, the excavation work required for the construction of the driveway would potentially cause significant root damage resulting in the tree's decline. Notwithstanding this, the tree is not considered to make a significant contribution to amenity, and so its potential loss is not a reason to refuse this application. However, please note that the application should not be considered on the assumption that the tree can be retained. I therefore consider it reasonable to impose a condition that states in the event of the tree dying within 5 years of the completion of the development that an appropriate replacement tree should be planted.

6.8.2 To ensure a satisfactory appearance to the proposal, I also consider it justified to request a landscaping scheme to be submitted prior to the commencement of the proposed development.

## **6.9 Other matters**

6.9.1 The applicant has confirmed that the proposed dwelling would achieve a minimum of Level 4 in terms of the Code for Sustainable Homes.

6.9.2 Given the nature of the proposal and the condition of the application site, I do not consider it necessary to request any further information in terms of any potential impact on protected species. However, in accordance with the NPPF which seeks biodiversity enhancements, details of swift bricks have been requested by way of condition. There are no flood risk concerns.

## **7. CONCLUSION**

- 7.1 The proposed development is not in accordance with Development Plan policy. However, the proposed development would not represent an unsustainable form of development that would cause unacceptable harm to the character and appearance of the countryside that falls within an Area of Outstanding Natural Beauty. For the reasons set out, it is considered that more weight should be given to the National Planning Policy Framework and I therefore recommend approval of this proposed development subject to the appropriate conditions.

## **8. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

3. The development shall not commence until, details of all fencing, walling and other boundary treatments 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 and to safeguard the enjoyment of their properties by existing and prospective occupiers.

4. Before the development hereby permitted is first occupied, the proposed first floor side window that faces in a south-western direction shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

5. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping using indigenous species which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' with indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

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

6. Should the existing conifer tree to the front of the site die, be removed, or become seriously damaged or diseased within 5 years of the completion of the development then it shall be replaced with a suitable replacement to be agreed in writing with the Local Planning Authority;

Reason: in the interests of visual amenity.

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

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

8. The development shall not commence until details of the following have been submitted to and approved in writing by the Local Planning Authority;

i) details of the provision of bird/bat boxes within the development.

Reason: In the interests of ecology and biodiversity.

9. The dwellings shall achieve Level 4 or better of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 or better has been achieved;

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

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

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class(es) A, B, D, E and F shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers and surrounding neighbours.

12. The development hereby permitted shall be carried out in accordance with the following approved plans: CP2 received 15/01/14;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

### **Informatives set out below**

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites.

Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Team regarding noise control requirements.

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

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

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

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

The proposed development is not in accordance with Development Plan policy. However in this specific case, the proposed development would not represent an unsustainable form of development that would cause unacceptable harm to the character and appearance of the countryside that falls within an Area of Outstanding Natural Beauty. For the reasons set out, it is considered to represent circumstances that can outweigh the existing Development Plan policies and there are no overriding material considerations to indicate a refusal of planning consent.

**Reference number: MA/13/2043**

Condition 9 should be amended to read;

*"The dwelling shall achieve Level 4 or better of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 or better has been achieved;*

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

**My recommendation remains unchanged**

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# Agenda Item 20

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE - 27<sup>th</sup> FEBRUARY 2014**

### **APPEAL DECISIONS:**

- 1. – MA/12/1463** Stationing of a caravan for residential use as shown on site location plan received on 9/8/12 and drawing 1210-1 received on 20/9/12.

**APPEAL:** DISMISSED

YARD ADJ ROSE COTTAGES, LENHAM FORSTAL ROAD,  
LENHAM, MAIDSTONE, KENT, ME17 2JL

(DELEGATED POWERS)

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- 2. - MA/13/0231** Outline application for the erection of a detached dwelling with all matters reserved for future consideration as shown on drawing number(s) 2148/100 A received on 12/03/13.

**APPEAL:** DISMISSED

1, CEDAR DRIVE, BARMING, MAIDSTONE, KENT,  
ME16 9HD

(DELEGATED POWERS)

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- 3. – MA/13/1930** Single storey side extension as shown on plan numbers KJM09371 001d, KJM09371 002d and Application Form received 8th November 2013.

**APPEAL:** DISMISSED

72, SHEPPEY ROAD, MAIDSTONE, KENT,  
ME15 9SR

(DELEGATED POWERS)

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