

APPLICATION: MA/09/1784 Date: 2 October 2009 Received: 4 February 2010

APPLICANT: Gallagher Properties Ltd

LOCATION: ECLIPSE PARK, SITTINGBOURNE ROAD, MAIDSTONE, KENT

PARISH: Boxley

PROPOSAL: Outline planning permission for the erection of a new hotel with access to be considered at this stage and all other matters reserved for future consideration as shown on drawing nos. DHA/6806/01, 279/PL200, 101062/ENG/SK003, 1010062/SK001revF and design and access statement, planning statement transport assessment and ecological assessment received 02/10/2009 and as amended by letter dated 2 February 2010, Transport Assessment addendum, and drawing nos. T0028/SK002, SK022 and SK023 received 04 February 2010.

AGENDA DATE: 18th March 2010

CASE OFFICER: Steve Clarke

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

- It is a departure from the Development Plan in that the site is allocated for development within Use Classes B1 and B2 whereas a hotel use is Class C1.

Referral to the Government Office for the South East (GOSE) under the Town and Country Planning (Consultation) England) Direction 2009 as the site is an 'out of centre site', would be required if the floorspace of the building comprises 5000 square metres or more.

Referral is also necessary if the floorspace of the building is greater than 2500 square metres and this floorspace, together with existing development of the same type that has been substantially completed or approved within the period of 5 years before the referral application was submitted or has already been provided, or development that is subject to an application for a use of the same type received but not determined, within a 1km radius of the site exceeds 5000 square metres in aggregate.

The issue is covered further in the main body of the report.

## **1: POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV49, ED1, ED17, T13, T17, T23  
South East Plan 2009: SP2, SP3, CC1, CC4, CC6, RE1, RE3, T1, T4, T5, NRM1, NRM5, NRM7, BE1, TSR5, AOSR7  
Village Design Statement: N/A  
Government Policy: PPS1, PPS4, PPS9, PPG13

## **2: HISTORY**

2.1 Relevant planning history relating to the site is outlined below.

MA/09/0017: Change of use of land to provide extension to and remodelling of existing Park & Ride car-park site to provide approximately 150 (net) additional vehicle parking spaces for a temporary three year period: APPROVED 19/02/2009

MA/07/1851: Application to discharge the Section 106 Agreement dated 15th March 2002 attached to the outline planning permission reference MA/01/0249 (for the erection of buildings for use for the purposes of either class B1 or B2). This would allow all new development on the premises to fall within use classes B1 (a), B1 (b), B2(c) and B2 of the use classes order without a stipulation on the quantitative split between these uses (currently no more than 40% B1 (a) and at least 60% falling within classes B1 (b) and B2(c) of the use classes order): APPROVED 07/08/2008

MA/07/1414: Partially retrospective application for the completion of estate roundabout to provide access to park and ride car park: APPROVED 14/08/2007

MA/07/0641: An application for the prior approval of the Local Planning Authority by Orange PCS Ltd to operate a public electronic communications network (raising height of mast from 18 to 23m): REFUSED 14/05/2007

MA/05/1871: Variation of condition 1 of planning permission MA/01/0249 (outline application for erection of buildings for employment purposes - class B1 and class B2 with access and car parking to extend the time within which the development may commence and for imposition of a revised condition 1 to allow a further period in which to submit details pursuant to the outline planning: APPROVED 15/11/2005

MA/04/0258: Variation of condition 11 of planning permission MA/01/0249 (outline application for the erection of buildings for employment purposes, class B1 and class B2, with access and car parking) to allow development to commence before a Section 278 Highways Agreement is completed: APPROVED 05/04/2004

MA/01/0249/02: Application for approval of reserved matters being details of access/estate road to serve Phase 2 of business park, pursuant to outline application MA/01/0249 erection of buildings for employment purposes (class B1 and B2) with access and car parking: APPROVED 21/12/2006

MA/01/0249: An outline application for erection of buildings for employment purposes (class B1 and class B2) with access and car parking, with all matters reserved for future consideration: APPROVED 15/03/2002

MA/99/1551: Erection of 18 metre high telecommunications mast and associated equipment and cabin: APPROVED 07/04/2000

MA/97/1305: Change of use of land from highways/contractors depot to provide a Park & Ride car park and access amended site and layout: APPROVED 30/10/1997

### **Site history considerations**

- 2.2 The application site lies outside the area subject to the original outline planning permission for the business park approved under application MA/01/0249, but is within the area designated for employment purposes (Class B1 and Class B2) under policy ED1 of the Maidstone Borough-wide Local Plan 2000.

## **3: CONSULTATIONS**

### **3.1 Boxley Parish Council:**

Do not wish to object. The Parish Council also confirmed on 2 March 2010 that they have noted the additional highways information and have made no further comment.

### **3.2 Highways Agency:**

- 3.2.1 Commented on 5 November 2009. They do not object to the development. They stated in their response that their interest relates to their management of the Strategic Road Network (SRN) specifically in this case M20 junction 7 and their duty to safeguard the operation and safety of trunk roads. They stated that the submitted Transport Assessment (TA) did not fully consider the likely traffic implications of the proposed development for the following reasons:
- Trip generation associated with the restaurant not considered.
  - They did not consider it appropriate to apply the trip generation associated with the Hilton Hotel to this development site on the basis that the proposed development does not offer the same facilities which would attract local service users. We consider that the consequence of this is that the TA currently underestimates the likely impact at M20 J7.
  - They consider the TA underestimates the expected level of background traffic growth anticipated throughout the review period (2009-2019)

3.2.2 However they then go on to state that sufficient information was provided to allow them to come to a view in responding to the consultation and state:-

“As the future year impact assessments have been carried out on the basis the M20 J7 has the signal controlled layout conditioned on nearby committed development, we are therefore directing the same condition in respect of this proposed development. We are also directing conditions relating to the level of parking and the requirement of a Travel Plan.”

3.2.3 The directed conditions are as follows;

1: No development hereby permitted shall be occupied unless and until the completion and opening to traffic of a scheme of improvements generally shown on drawing no. HTT91271A/1080.1/1A (or other such scheme of works substantially to the same effect which has first been approved in writing in writing by the Secretary of State for Transport (in consultation with the Local Highway Authority) and thereafter approved in writing by the Local Planning Authority.

Reason: To ensure that the M20 motorway continues to be a safe and effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980.

2: No more than 175 parking spaces shall be provided on the site at any time.

Reason: To ensure that no more trips are generated than predicted and in the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to Planning Policy Guidance Note 13.

3: No part of the development hereby permitted shall be brought into beneficial use unless and until a detailed Travel Plan has been prepared and approved in writing by the Maidstone Borough Council in consultation with the Secretary of State for Transport and the Local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained in full respect within 3 months of the occupation of the hotel, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that no more trips are generated than predicted and in the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to Planning Policy Guidance Note 13.”

3.2.4 No further comments have been received to-date from the Highways Agency relating to the additional highway information received on 4 February 2010.

### **3.3 Kent Highway Services:**

3.3.1 Initially commented on 12 November 2009 and sought further information as follows:

"A Transport Assessment and Travel Plan have been submitted in respect of this application for a 150 bedroom hotel with 175 parking spaces. Trip rates have been calculated using TRICS 85%ile data which is considered to be acceptable. The traffic distribution and assignment has been based on survey data of the existing Hilton Hotel traffic which was agreed at the scoping meeting and is considered to be acceptable.

Growth rates have been applied to the traffic data in order that capacity assessments could be completed for the 2009 and 2019 scenarios. Committed development traffic has been included in the capacity assessments.

Capacity assessments have been completed on the following junctions:-

1. M20 junction 7
2. Bearsted Road roundabout
3. Chiltern Hundred roundabout
4. Proposed new signalised junction to access the site from Bearsted Road

1. The M20 junction 7 has been tested with the previously agreed improvement scheme and the results indicate that the hotel traffic would not have a significant impact.

2. The Bearsted Road roundabout has been assessed assuming the previously agreed improvements to the roundabout have been made. The results indicate that the introduction of the traffic signal junction along Bearsted Road to access Eclipse Park will actually improve capacity at the Bearsted Road roundabout both in 2009 and 2019. This is due to the reassignment of the Eclipse Park traffic and removal of u-turners.

3. The proposed new signalised junction along Bearsted Road has been modelled with a 70 second cycle time and assuming pedestrian phases are called every cycle; this being a 'worst case'. The results indicate that the introduction of the new traffic signal controlled junction will not have an unreasonable effect of capacity in the 'worst case' scenario in the design year 2019.

4. The Chiltern Hundreds roundabout has been tested both with and without the previously agreed modifications. The modifications include the replacement of the existing single lane, free flow exit from the Eclipse Park access onto Sittingbourne Road with a 2 lane give way exit and signing/lining alterations on the roundabout. In addition to this a signalised bus exit from Eclipse Park was proposed. The signalisation element of the proposal would no longer be required if the new signalised junction is provided as part of the hotel application as buses will be able to use the new junction to access the Park and Ride site.

The results of the capacity assessments indicate that there would be sufficient capacity at this roundabout to accommodate the hotel traffic if the agreed improvements to the roundabout are implemented. Without the improvements the hotel traffic will have a detrimental effect on capacity.

In summary the previously agreed modification are required to the junctions of the M20 junction 7, the Bearsted Road roundabout and the Chiltern Hundreds roundabout prior to the implementation of the development. The modifications to both the Bearsted Road roundabout and the Chiltern Hundreds roundabout are subject to safety audit and it is considered that a Stage 1 safety audit should be provided prior to the granting of any permission for this site.

Further information is also required in respect of the following:-

- A stage 1 safety audit and technical approval is also required in respect of the proposed new signalised junction to the site off Bearsted Road. This is a new junction on a principal route, therefore, this should be provided prior to any permission being granted.
- Plans should be provided indicating a cycle link which is required between the development site and the existing cycle route on Hampton Road, including crossing facilities on Bearsted Road.
- Measures are required to improve bus services between the site and Maidstone Town Centre during evenings and Sundays.
- An Interim Travel Plan is required in respect of this site.”

3.3.2 Additional information was supplied by the applicant on 4 February in response to the above requests and following the undertaking of a Stage One safety audit of the scheme.

3.3.3 Revised comments have been received from Kent Highway Services as follows: - Kent Highway Services do not object to the development.

“Trip rates have been calculated using TRICS data which is considered to be acceptable. The traffic distribution and assignment has been based on survey data of the existing Hilton Hotel traffic which was agreed at the scoping meeting and is considered to be acceptable. Growth rates have been applied to the traffic data in order that capacity assessments could be completed for the 2009 and 2019 scenarios.

Committed development traffic has been included in the capacity assessments. Capacity assessments have been completed on the following junctions:-

1. M20 junction 7
2. Bearsted Road roundabout
3. Chiltern Hundred roundabout
4. Proposed new signalised junction to access the site from Bearsted Road

1. The M20 junction 7 has been tested with the previously agreed improvement scheme incorporating the provision of traffic signals, and the results indicate that the hotel traffic would not have a significant impact.

2. The Bearsted Road roundabout has been assessed assuming the previously agreed improvements to the roundabout have been made. The results indicate that the introduction of the traffic signal junction along Bearsted Road to access Eclipse Park will actually improve capacity at the Bearsted Road roundabout both in 2009 and 2019. This is due to the reassignment of the Eclipse Park traffic and removal of u-turners.

3. The proposed new signalised junction along Bearsted Road has been modelled with a 70 second cycle time and assuming pedestrian phases are called every cycle; this being a 'worst case'. The results indicate that the introduction of the new traffic signal controlled junction will not have an unreasonable effect of capacity in the 'worst case' scenario in the design year 2019.

4. The Chiltern Hundreds roundabout has been tested both with and without the previously agreed modifications. The modifications include the replacement of the existing single lane, free flow exit from the Eclipse Park onto Bearsted Road with a 2 lane give way exit and signing/lining alterations on the roundabout. In addition to this a signalised bus exit from Eclipse Park was proposed. The signalisation element of the

proposal would no longer be required if the new signalised junction is provided as part of the hotel application as buses will be able to use the new junction to access the Park and Ride site.

The results of the capacity assessments indicate that there would be sufficient capacity at this roundabout to accommodate the hotel traffic if the agreed improvements to the roundabout are implemented. Without the improvements the hotel traffic will have a detrimental effect on capacity.

In view of this information I can confirm that I have no objections to the proposals in respect of highway matters subject to the following condition(s) being attached to any permission granted:-

1 No work shall commence on the development site until the highway works listed below have been carried out and a full stage 1 approval is attained, in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

1. Improvements to Junction 7 of the M20 incorporating the provision of traffic signals.
2. Improvements to the A249 Bearsted Road roundabout incorporating the replacement of the dedicated left turn lane on the eastbound approach to the roundabout with a 3 lane give way entry and signing and lining alterations to the roundabout as shown in principle on Drawing Number T0042/SK002 dated January 2010.
3. Improvements to the A249 Sittingbourne Road/ Bearsted Road/Penenden Heath Road roundabout (Chiltern Hundreds roundabout), incorporating the replacement of the existing single lane, free flow exit from the Eclipse Park onto the A249 Bearsted Road with a 2 lane give way exit and signing and lining alterations to the roundabout, as shown in principle on Drawing Number T0028/SK023 dated January 2010.
4. Provision of a new signalised junction forming the new access to the site from the A249 Bearsted Road and replacing the existing left in/left out access as shown in principle on Drawing Number T0042/SK002 Rev A dated January 2010.
5. Provision of a new pedestrian and cycle lane on the east side of the access road into the Eclipse Park site as shown in principle on Drawing Number T0042/SK002 rev A.

In addition to the above a full Travel Plan should be submitted and approved prior to first occupation of the development.

2 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.

3 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.

4 The area shown on the submitted layout as vehicle parking space or garages 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.

5 No dwelling/building shall be occupied or the approved use commenced until space has been laid out within the site for cycles to be parked in accordance with the Kent & Medway Vehicle Parking Standards."

### **3.4 Natural England:**

3.4.1 Have commented as follows on the ecological surveys submitted with the application. They have not objected to the development proposals.

**"Bats:** The survey information provided by the applicants indicates that bats may be utilising trees in an adjacent area that may be indirectly affected by these proposals through lighting and other effects. However, it should be possible to mitigate these effects by the use of appropriate lighting during construction and operation of the development. Therefore, subject to the condition listed below, Natural England is satisfied that these proposals should not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range (as defined in Regulation 44 of the Habitat Regulations). The following condition is required to ensure that development does not breach English or European legislation.

*Prior to the commencement of any works which may affect bats or their breeding sites or resting places, a detailed lighting strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.*

**Dormice:** Natural England is satisfied that the survey information provided by the applicants demonstrates that no dormice are present within the application site. However there is the potential for dormice to be present in the boundary hedge/tree line. Although it is indicated that this area will not be affected by the proposals, and is in fact not in the applicant's ownership, the Council should seek confirmation that this is the case. Provided that the hedge line is not affected and that a suitable buffer zone is in place then, Natural England is satisfied that these proposals should not be detrimental to the maintenance of the population of dormice at a favourable conservation status in their natural range (as defined in Regulation 44 of the Habitat Regulations). However, if the hedge will be encroached upon then it will be necessary to ascertain the presence or absence of dormice before the determination of this application in accordance with Natural England's Standing Advice

**Widespread Reptiles:** Natural England is satisfied that the survey information provided by the applicants demonstrates that no reptiles are present within the application site.



**Breeding Birds:** Whilst no specific breeding bird survey was conducted at the application site, it is likely that a number of species of bird nest within the application site. However, providing any site clearance works are conducted outside of the breeding bird season and replacement nesting opportunities are provided through the landscaping strategy at the detailed application stage, Natural England is satisfied that this proposal should not be detrimental to local breeding bird populations."

**Biodiversity Enhancements:** This application has many opportunities to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting, for example. As such we would recommend that should the Council be minded to grant permission for this application, measures to enhance the biodiversity of the site are secured from the applicant. This is in accordance with Paragraph 14 of Planning Policy Statement 9. 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) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

**Summary and conclusions:** Based on the information provided, **Natural England has no comments to make** regarding protected species subject to the conditions described above."

### **3.5 Environment Agency:**

3.5.1 Confirm that they have no objections to the proposals but have provided advice in respect of foul and surface water drainage, contamination on the site.

#### "Surface water

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.

A minimum amount of unsaturated zone should be maintained at all times during the year, between the invert level of the soakaway and the maximum height of groundwater. This zone should be at least 10m in depth.

Prior to being discharged into any soakaway system, all surface water drainage from parking areas, roads and hardstanding areas shall be passed through trapped gullies to BS 5911:1982, with an overall capacity compatible with the site being drained.

There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

### Foul

There is no objection to the foul drainage draining directly to the foul mains sewer as indicated in the planning application.

### Land Contamination

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 LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, details of how this unsuspected contamination shall be dealt with. Reason: This site lies on the Folkestone Sandstone Formation, which is classified as a principal aquifer in the Groundwater Protection: Policy and Practice. This site also lies in a Source Protection Zone (SPZ) 3 for the Hockers and Springfield Mill public water abstraction. Public water abstractions are therefore at risk from activities and all precautions must be taken to prevent discharges and spillages to ground both during and after construction.

### Storage of Fuels/chemicals

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.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials (such as detergents) should be stored in bunded areas secured from public access, so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.”

### **3.6 Southern Water:**

3.6.1 Have not made detailed comments as the development appears to be a low risk development. They have requested that the developer makes appropriate checks in relation to ascertain the location of public sewerage and water supply apparatus.

### **3.7 Southern Gas Networks:**

3.7.1 Have provided a plan showing their plant and apparatus in the vicinity of the site. There is none adjacent to or within the site.

### **3.8 EDF Energy:**

3.8.1 No objections

### **3.9 MBC Environmental Health:**

3.9.1 No objections subject to informatives governing hours of operation and conduct on site during construction.

### **3.10 MBC Landscape Officer:**

3.10.1 “The access point as shown on the site plan which is part of the design statement indicates that the access point will be at an existing entry point which

is along the southern boundary. There are no trees of significance which will be affected by the access point. There are however a group of trees to the east which are subject to TPO 32 of 2008. The proposed footprint suggests that they will not be affected, however in order that no unnecessary damage occurs during the construction a tree protection plan and associated documents should be supplied."

### **3.11 MBC Economic development**

3.11.1" The principle of this proposed development is acceptable in economic development terms and accords with the thrust of local economic development objectives for Eclipse Business Park and more generally in terms of supporting Maidstone's profile as a modern business location with facilities to meet the identified needs of business users.

These comments are, however, underpinned by our understanding that suitable alternative park and ride provision will be made. This is essential to the management of town centre congestion and hence Maidstone's wider economic vitality and sustainable development.

Our support for this proposal is based upon the following:

- As a strategic employment site, the future success of Eclipse Business Park in terms of attracting commercial investment will be supported by the development of a dedicated business hotel, providing convenient accommodation/meeting room services to adjacent businesses and their clients.
- As a high profile development in a key strategic location adjacent to the M20, this proposal would help to visibly improve Maidstone's profile and growth point plans.
- For a town of its size and commercial aspirations, Maidstone lacks a significant concentration of business hotels to service business needs and so this development would serve a wider strategic need within the hotel sector locally.
- Tourism is a significant employer important to the local economy (supporting approximately 3,500 FTE jobs and 4,700 actual jobs) and a key component of the recently adopted Economic Development and Tourism Strategy. A new hotel would generate employment in the sector and provide a significant additional asset."

## **4: REPRESENTATIONS**

### **4.1 Cllr Naghi has made the following comments on the application:-**

"I am writing to you to outline my concerns relating to the above Outline Planning Application at Eclipse Park. Firstly I believe it is unfortunate that the applicant has chosen to submit an outline application and to reserve most matters for later consideration. If this application is approved it is important to set down firm guidelines for the development in terms of its design, particularly in relation to the height and elevations of the building, landscaping and materials. Whilst this is an outline application I would urge the planning department to set firm guidelines at this stage and not to sign any blank cheques.

Secondly, I believe this application should in fact be refused at this point. Whilst some progress has been made there are still outstanding highways issues relating to safety concerns for both drivers and pedestrians. In addition, there are still some areas where

there are likely to be capacity problems for example at the Notcutts roundabout. In addition it is very likely that the increased traffic movements caused by additional development at this site will rapidly catch up with the capacity produced by the proposed highway works.

Thirdly I am unhappy at the robustness of the proposed travel plan for the development and the refusal of the applicant to consider any financial contribution to local bus services. Additionally I believe that the under provision of car parking spaces for the development is very likely to cause overspill parking in to the surrounding area. Perhaps under providing parking spaces or not supporting local bus services might be logical but not both at the same time.

Thank you very much for your time and consideration."

**4.2** **Six** letters were received from Maidstone CPRE and local residents to the original consultation and a further **two** letters have been received as a result of the consultation on the additional details received 4 February from local residents who had written previously. The issues raised are summarised as follows:-

- There is no need for another hotel as the Hilton is close-by and there are others within a short drive of the site
- The proposed traffic signals would be detrimental to traffic flows along Bearsted Road especially at peak times
- Old Sittingbourne Road should be heavily traffic-calmed to ensure people don't use to as a rat-run to avoid the traffic lights and cut speeding
- The design of the building is too modern inappropriate materials are proposed
- The building is too high at 7 storeys, obstructing views of the North Downs, it should be a maximum of 4-5 storeys
- The development would attract even more traffic into an already busy area and make air quality worse
- The development would not provide the high quality jobs that Maidstone needs
- The site is not close to the town centre or good public transport links
- The hotel should not be approved until the future of the Park & Ride site has been determined
- The parking spaces should be below ground under the hotel enabling greater green areas around the hotel for the guests to use

## **CONSIDERATIONS**

### **5: Site location and description**

5.1 The application site is located to the north west of the Eclipse Business Park, Sittingbourne Road. It is currently occupied by the western section of the existing park and ride car park (an area of approximately 4000m<sup>2</sup>) and a telecommunications mast together with its associated equipment and access road. To the north of the site lies the M20 motorway which is in a cutting at this

point and lower than the site. The motorway carriageway is approximately 4-5m lower than the highest point of the site as currently exists. There is also a National Grid electricity pylon located to the west of the 'phone mast outside the site boundary.

- 5.2 To the east of the site is the remainder of the existing park and ride car park, the Townergate building and beyond, the A249. To the south lie the other three occupied units of Eclipse Park and to the west an open area bounded to its west by Hoath Wood. Shaw Close a residential development constructed approximately 7 years ago is located some 150m to the south west of the site.
- 5.3 The site is currently on two levels with the higher level where the existing 'phone mast is located and the lower level within the Park and Ride car park site. The difference is approximately 4-5m. The site also generally falls from north to south away from the motorway in a gentle gradient.
- 5.4 The site is within the urban area as defined by the Maidstone Borough-wide Local Plan 2000 and is allocated under policy ED1 for employment development and also as a Park & Ride site under policy T17.

## **6: Proposals**

- 6.1 The application has been submitted in outline with all matters except access reserved for subsequent approval. Permission is sought for the erection of a 3-star 150 bedroom business hotel. It is classified as a business hotel because it contains no leisure complex and smaller restaurant/bar facilities. This is in contrast for example to both the nearby 'Hilton' hotel and the 'Village' hotel at Junction 6 of the M20 which have extensive restaurant/bar and leisure suites. The proposals are not intended as a replacement for the Hilton Hotel.
- 6.2 The building would be up to 7 storeys in height. The illustrative details indicate that there would be a small fitness room, a restaurant/bar, 2 meeting rooms and a 300m<sup>2</sup> function room on the ground floor of the building. It would accommodate 30 bedrooms on each floor from the 1<sup>st</sup> up to the 5<sup>th</sup> floors. The plant would be located on the 6<sup>th</sup> floor at roof level.
- 6.3 The submitted drawings indicate 175 car parking spaces
- 6.4 It is indicated that the development would employ in the region of 56 full-time equivalent employees.
- 6.5 The application indicates that the hotel will not be higher than 23m from ground level (taken from the level of the park and ride site) and therefore no higher than the existing telephone mast located on the higher ground, the top of which is some 23m higher than the M20 carriageway level and its base, as stated earlier, some 4-5m higher than the level of the park and ride site.

- 6.6 The ground level of the hotel would therefore be approximately the same level as the main motorway carriageway beyond the embankment and the J7 London-bound slip road to the north of the site and its top approximately 23m above carriageway level.
- 6.7 The building would sit on a ragstone plinth and the upper elevations would utilise metal rain-screen cladding and timber cladding and extensive glazing which also provides an opportunity to use subtly coloured glazing.
- 6.8 A wildlife pond of approximately 55m<sup>2</sup> would be formed within the site located close to the building, two other ponds of approximately 36m<sup>2</sup> and 28m<sup>2</sup> are also indicated. Due to the lowering of ground levels within the site, retaining walls would be necessary and the application indicates that the retaining walls would be formed using gabions enabling the provision of planting to provide green walls. An avenue of existing trees along the western site boundary would be continued and comprehensive tree planting provided along the northern boundary with the M20 motorway linking with established planting and the planting on the motorway embankment.
- 6.9 As part of the proposals a number of improvements to the local highway network are proposed. These are as follows
- The alteration of the existing left-in one-way access to Eclipse Park off Bearsted Road to allow two-way operation and the ability through the provision of signal control at the junction with Bearsted Road to allow traffic to turn right from Bearsted Road into Eclipse Park and to allow Eclipse Park traffic to turn right on exiting the road towards Maidstone.
  - Alterations to the 'Notcutts' roundabout to remove the existing free flow lane towards M20 junction 7 and alterations to the exit lanes from the section of Bearsted Road travelling westbound past The Crematorium.
  - Alterations to the 'Chiltern Hundreds' roundabout and the exit from Eclipse Park to remove the free flow lane and to replace it with a two-lane 'give way' junction.
  - The proposals also assume that the previously approved partial signalisation of the M20 junction 7 will be in place prior to the opening of the hotel.
- 6.10 Illustrative plans have also been submitted that show the replacement of the car parking spaces in the Park & Ride car park lost to the hotel site to the east of the current car park on an area of land north of the 'Towergate' building.
- 6.11 The application was accompanied by a design and access statement, a planning statement, transport assessment, an ecological assessment and a market

assessment report incorporating a sequential test on the suitability of the site as hotel site.

**7: Principle of development**

- 7.1 The site is within the defined urban area of Maidstone, and contains development in the form of the phone mast and associated equipment. The park and ride car park whilst not falling within the definition of previously developed land does constitute development and following the approval granted under application MA/09/0017 for the enlarged car park, the previous form and topography of the site changed. The main issue to be considered is whether development of a hotel use (Class C1) on an employment site designated for B1 and B2 uses would be acceptable.
- 7.2 Since designation in the Borough-wide Local Plan, the nature of the employment market has changed, for example, no class B2 development has been forthcoming on the adjacent Eclipse Park or on the larger site designated in the Borough-wide Local Plan, in fact, no class B2 uses have come forward on any allocated site in the Borough-wide Local Plan. Members will note from the site history that the s106 agreement which restricted B1 development to 40% of the floorspace within the site has been revoked.
- 7.3 In addition the development should be assessed against policy ED17 of the Borough-wide Local Plan as follows:-

**POLICY ED17: WITHIN THE URBAN AREA AND VILLAGE BOUNDARIES AS DEFINED ON THE PROPOSALS MAP, A NEW HOTEL, GUEST HOUSE OR OTHER SERVICED ACCOMMODATION AND SELF-CATERING ACCOMMODATION FOR VISITORS, THE EXTENSION OR UPGRADING OF SUCH ACCOMMODATION OR THE CHANGE OF USE OF A BUILDING TO PROVIDE SUCH ACCOMMODATION WILL BE PERMITTED IF ALL THE FOLLOWING CRITERIA ARE MET:**

- (1) IT IS COMPATIBLE WITH ITS SURROUNDINGS IN SITING, SCALE, DESIGN, MATERIALS AND LANDSCAPING; AND**
- (2) IT WILL NOT HARM THE AMENITIES OF PEOPLE LIVING NEARBY; AND**
- (3) IT WILL NOT HARM BUILDINGS OR AREAS OF HISTORIC OR ARCHITECTURAL INTEREST; AND**
- (4) IT WILL NOT IMPAIR ROAD SAFETY OR THE FREE FLOW OF TRAFFIC; AND**
- (5) IT WILL HAVE ENOUGH VEHICLE PARKING IN THE CURTILAGE OF THE PROPERTY; AND**
- (6) IT WILL NOT CAUSE THE LOSS OF RESIDENTIAL ACCOMMODATION IN A TOWN CENTRE COMMERCIAL AREA; AND**
- 7) ACCESS IS AVAILABLE BY A CHOICE OF MEANS OF TRANSPORT.**

**IN THE CASE OF SELF-CATERING ACCOMMODATION A HOLIDAY OCCUPANCY CONDITION WILL BE ATTACHED, PREVENTING THEIR USE AS A SOLE OR MAIN RESIDENCE. THE CONDITION WILL LIMIT OCCUPATION TO A SPECIFIED TEN MONTH PERIOD IN ANY CALENDAR YEAR.**

- 7.4 Members will note that this policy, whilst now clearly of some considerable age since it was adopted, does not preclude development of hotels on non-allocated hotel sites or sites designated for other uses.
- 7.5 Government advice has also changed in the form of PPS4 published in December 2009. This advice is clearly more up-to date than the saved policies in the Borough-wide Local Plan. It is important also because it has expanded the definition of economic development within which, hotel development as an 'arts, culture and tourism development use' is included and also includes development that creates employment opportunities.
- 7.6 I consider therefore, that despite not being a Class B1 or B2 use, the provision of a hotel on the site would not be contrary to recently published government policy, which makes no distinction between the various Use Classes in terms of employment generation and economic development and is therefore acceptable in principle subject to the tests set out in PPS4 and ED17 of the Borough-wide Local Plan being satisfied.
- 7.7 In terms of PPS4, this site has been assessed as an 'out of centre site' as it is not within the main town centre but is within the urban area. The initial requirement of policy ED17 that the site be located within the urban area is also therefore met.
- 7.8 PPS4 sets out a number of policy requirements that should be considered when assessing planning applications for economic development. The PPS states that development on out of centre sites and not in accordance with an up to date Development Plan should be assessed against the following criteria;
- A) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal
  - B) the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer
  - C) the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan
  - D) in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy
  - E) if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres
  - F) any locally important impacts on centres under policy EC3.1.e"



- 7.9 Whilst the proposed hotel clearly does not compete with existing retail facilities in the town centre and therefore criteria 'B', above does not largely apply here, it is necessary to address the impact of the development on the town centre in terms of its vitality and viability.
- 7.10 There is no direct competitor to the proposed hotel within the town centre. The submitted market assessment report and alternative sites assessment has therefore been taken into account in accordance with the advice in PPS4. This assessment has looked at a range of sites such as Maidstone East, Lockmeadow, the former Council offices at 26 Tonbridge Road, the Peugeot garage, Mill Street, Land off Mote Road (27), Haynes garage, Land at St Peters Street, Terrace Road, Bower Terrace, land north of Rocky Hill, 24-32 Well Road, Wrens Cross, Medway Street Car Park and Springfield.
- 7.12 The conclusion of the assessment is that of the sites identified and examined, none are capable of providing the type of hotel that would fill the market need identified, and which the proposals seek to fill.
- 7.13 Of the sites assessed in the report, there is an extant permission for a hotel on the site at 26 Tonbridge Road/Terrace Road (the former Council offices), but this is for a different type of hotel at the budget end of the market. Members will be aware that the future of the Maidstone East site is currently uncertain. Whilst possibly large enough to support a hotel on part of the site, to be viable it would need to be part of a wider redevelopment scheme. Part of the Lockmeadow employment area is allocated for a hotel use but the allocated area is currently in active use and there seems little prospect of the site or part of the site coming forward. Members may recall that the site at the Medway Street car park was approved under application MA/98/0524 (on 24/07/1998) for a hotel development which also sought to replace the previous multi-storey car park on the site. This site remains potentially suitable for a hotel development, but it currently in active use as a well-used car park facility.
- 7.14 Well Road has an extant permission for a supermarket and is not available. Springfield is considered not to have a strong relationship to demand generators and therefore not suitable for the type of hotel proposed in this application. Sites at the Peugeot garage and Wrens Cross and Bower Terrace are constrained by the presence of listed buildings on the site. The sites identified at St Peters Street, Rocky Hill, Mote Road and the Haynes site, are not currently available.
- 7.15 I am satisfied that the assessment is comprehensive and I concur with its conclusions.

- 7.16 Members will have noted the comments of the Council's Economic Development section set out in paragraph 3.11.1 above. They consider that the development would increase Maidstone's offer in terms of business hotels which it currently lacks and would serve a wider strategic need within the hotel sector locally. It is their view that the vitality of the local economy would not be prejudiced by the construction of a hotel of this type on this site, in fact they state that it will help generate employment in this important sector of the local economy that supports some 4500 jobs (3700 Full Time Equivalent) and provide a significant additional asset.
- 7.17 Given these conclusions, I do not consider that the development of a hotel on the application site would be contrary to criteria D (which primarily relates to turnover/trade of retail and leisure development) and E (whether the scale of the development is acceptable) set out in paragraph 7.8 of the report above.
- 7.18 Criterion 'C' is not relevant as there are no sites for hotels outside the town centre allocated in the development plan. There are currently no other proposals for hotels in the town centre other than the extant planning permission for the former Council offices at 26 Tonbridge Road which was for a different type of hotel at the budget end of the market, I consider therefore that criterion 'A' has also been satisfied. I do not consider that there will be any impact in terms of Criterion 'F'.
- 7.19 It is recognised that whilst the hotel development does not directly impact on the town centre, the accommodation of people outside the town centre will to a certain extent, prevent them utilising retail, restaurant and leisure facilities in the town centre. This is not significant in terms of the advice in PPS4 and in any event the site does have transport links to the town centre allowing trips to be made.
- 7.20 The development of a hotel on the application site would not be contrary to the advice in PPS4. It is not a retail or leisure development and would not have a direct impact on existing town centre uses or their vitality or viability. A reasonable level of employment would also be generated. Further more with the required travel plan and restrictions on car parking provision within the site, and the provision of pedestrian and cycle links from existing facilities, the development does contain measures to reduce car-borne traffic as encouraged in the PPS. The replacement of the Park & Ride car park spaces is also welcomed.
- 7.21 I also consider that the proposals comply with the remaining criteria of policy ED17 of the Borough-wide Local Plan as set out above.
- The proposed siting is acceptable and the indicated design, materials and landscaping will secure an acceptable development that will not detract from its surroundings.

- There will be no harm to the occupiers of residential properties in Shaw Close and
- There are no listed buildings close to the site and it is not within or adjacent to a conservation area.
- The issues of highway safety and parking are addressed below.
- There would be no loss of residential accommodation.

7.22 In conclusion on the issue of the principle of the development whilst located within an area designated for employment purposes and therefore strictly contrary to the provisions of the Borough-wide Local Plan 2000, I do consider that the hotel would constitute an acceptable form of economic development as defined in and tested against PPS4 which is more recent government advice. In addition, the proposals comply with policy ED17 of the Borough-wide Local Plan.

7.23 No objections are therefore raised to the principle of the development.

## **8: Highways**

8.1 This is a key consideration in relation to the application. Members will have noted the views of both the Highways Agency and Kent Highway Services set out in the report. Neither organisation has raised objections to the development or the proposed changes to the local road network.

8.2 There are two elements to the highway considerations, parking and the alterations to the local network in the vicinity of the site.

8.3 In respect of parking, The advice in PPS4 states under Policy EC8: Car Parking for non-residential development

“EC8.1 Local planning authorities should, through their local development frameworks, set maximum parking standards for non-residential development in their area, ensuring alignment with the policies in the relevant local transport plan and, where relevant, the regional strategy. Local planning authorities should not set minimum parking standards for development, other than for parking for disabled people.”

PPS4 also states that local parking standards should apply and in the absence of a local standard (as is the case with Maidstone) the maximum standards set out in Annexe D to PPG13 should be applied. However, there is not a maximum standard for Class C1 Hotel development.

8.4 Notwithstanding the above, and the lack of a locally adopted standard, Members will have noted that the Highways Agency have directed that a condition be imposed limiting the total number of spaces on the site to 175. This is on the basis of seeking to reduce reliance on the use of the private car in conjunction with the required Travel Plan (also a conditional requirement). Kent Highway Services have raised no objections to the condition and have not raised road

safety as an issue in relation to parking levels on the site. I am satisfied that with this level of provision which still amounts to greater than 1 space per bedroom there will be no adverse impact on road safety on surrounding roads.

- 8.5 I consider therefore that the level of parking provision for the development is acceptable.
- 8.6 The other element of highway consideration relates to the proposed changes to the local road network. The main element of this is the enabling of right turns into and right turns out of the existing access road located east of the Hilton Hotel via a new signal controlled junction on Bearsted Road. Other changes to the 'Chiltern Hundreds' and 'Notcutts' Roundabouts along Bearsted Road are also proposed.
- 8.7 It has been assumed as directed by the Highways Agency that the previously approved partial signalisation of M20 Junction 7 would be in place before the proposed hotel is first occupied and brought into use. I would remind Members that this is a requirement on the extant planning permissions for the Kent Clinic Institute and the residential development at the TV studios.
- 8.8 Members will have noted from the Kent Highway Services comments set out earlier in the report that these proposed changes have been subject to an initial safety audit and capacity assessment. Committed development traffic (such as the Kent Clinic and TV Studio development) has been included in the capacity assessments.
- 8.9 Capacity assessments have been completed on the following junctions:-
1. M20 junction 7
  2. Bearsted Road roundabout
  3. Proposed new signalised junction to access the site from Bearsted Road
  4. Chiltern Hundreds roundabout
- 8.10 The M20 junction 7 has been tested with the previously agreed improvement scheme incorporating the provision of traffic signals, and the results indicate that the hotel traffic would not have a significant impact.
- 8.11 The Bearsted Road roundabout has been assessed assuming the previously agreed improvements to the roundabout have been made (Plot 4 Eclipse Park, application MA/08/1732). The results indicate that the introduction of the traffic signal junction along Bearsted Road to access Eclipse Park will actually improve capacity at the Bearsted Road roundabout both in 2009 and 2019. This is due to the reassignment of the Eclipse Park traffic and removal of 'u-turners'.
- 8.12 The proposed new signalised junction along Bearsted Road has been modelled with a 70 second cycle time and assuming pedestrian phases are called every

cycle; this being a 'worst case'. The results indicate that the introduction of the new traffic signal controlled junction will not have an unreasonable effect of capacity in the 'worst case' scenario in the design year 2019.

- 8.13 The Chiltern Hundreds roundabout has been tested both with and without the previously agreed modifications suggested under application MA/08/1732 (Plot 4, Eclipse Park). The modifications include the replacement of the existing single-lane, free-flow exit from the Eclipse Park onto Bearsted Road with a two-lane 'give-way' exit and signing/lining alterations on the roundabout. In addition to this a signalised bus exit from Eclipse Park was proposed. It has been confirmed that the signalisation element of the proposal would no longer be required if the new signalised junction is provided as part of the hotel application as buses will be able to use the new junction to access the Park and Ride site. The results of the capacity assessments indicate that there would be sufficient capacity at this roundabout to accommodate the hotel traffic if the agreed improvements to the roundabout are implemented. Without the improvements the hotel traffic would have a detrimental effect on capacity.
- 8.14 Kent Highway Services have raised no objections to the proposed road changes and that they are satisfied that there will be no adverse impact on conditions of highway safety or congestion.
- 8.15 An illustrative plan showing how the park and ride car park spaces lost to the development could be replaced on land to the east of the existing car park has been submitted as part of the application. Given that the land in question is in the ownership of the applicant it is possible to impose a suitably worded condition to ensure replacement parking is available before development of the hotel commences.
- 8.16 No objections are therefore raised to the development on highway capacity or safety grounds subject to the conditions requested by both the Highways Agency and Kent Highway Services.

## **9 Design and site layout**

- 9.1 The indicated elevations are illustrative. The design is contemporary and reflects the development that has already taken place or has been approved within the adjacent Eclipse Park.
- 9.2 The height and massing of the proposed building are key elements for consideration. The proposals have been subject to detailed discussion by your officers with the applicants to ensure the development does not result in an unacceptable impact on the skyline particularly in views from the Chiltern Hundreds Public House looking towards the North Downs escarpment and the impact of the development from the M20 motorway. The maximum height parameter set at 23m will ensure that the hotel does not intrude into the skyline

and most importantly will not breach the top of the escarpment of the North Downs ridge.

- 9.3 Viewed from the M20, the hotel will not be readily visible travelling London-bound until Junction 7 has been passed, and then only upper floors of an 'end-on' elevation will be seen. Travelling coast-bound, due to the woodland at Hoath Wood and the alignment of the carriageway, the hotel will not be visible until the start of the slip road to the junction when the upper parts of the west flank elevation will be visible. The building will be lower than the existing national grid pylons but clearly have more mass. The building is indicated to have a higher feature tower at its northern end to provide interest and vitality and an identity to the building and a further taller element on the south east elevation to mark the entrance. I do not consider that the massing of the building will be unacceptable.
- 9.4 The material elements introduced into the illustrative design, namely, the ragstone plinth, the use of rainscreen cladding, timber cladding and glazed curtain walling are all acceptable materials. The metal rainscreen cladding elements would frame the curtain glazing and face the motorway with the more natural elements used on the entrance elevation. Ragstone would be used to form a solid base to the building and the entrance tower feature would be timber clad. The juxtaposition of the materials would provide visual interest and together with elements of the design that project or are recessed provide layering on the building, giving it vitality. The green roofs will also add interest to the building and with appropriate species support biodiversity and ecology.
- 9.5 No objections are therefore raised to the indicated design or height of the building as proposed.

## **10 Impact on residential amenity**

- 10.1 The development will be located some 150m from the nearest dwelling. There will be no loss of privacy to any dwelling or overshadowing.
- 10.2 Concern has also been expressed regarding traffic levels. However, Members will have noted that neither the Highways Agency nor Kent Highway Services have raised objections to the impact of traffic likely to be generated by the development on the existing road network. In the context of existing traffic using Eclipse Park and the Park and Ride car park, the proposed hotel development would not significantly add to levels. Furthermore with the provision of the signal controlled entrance/exit to Eclipse Park from Bearsted Road, it is possible that there will be a reduction in traffic past Shaw Close.

## **11 Ecology and Landscaping**

- 11.1 An ecological assessment of the site has been undertaken and submitted with the application. This has been assessed by Natural England. They have voiced no

objections to the application subject to a specific lighting condition to ensure any lighting scheme would not adversely affect bats. They also recommend that opportunity in accordance with PPS9 is taken to ensure biodiversity enhancement as part of the scheme.

- 11.2 The submitted illustrative details indicate that there would be planting along the northern site boundary to provide greater connectivity with existing planting on the north side of Eclipse Park and along the motorway embankment, that a wildlife pond would be included and that planting would take place on the gabions proposed to be used as retaining walls around the site particularly on its western side. Living/green roofs are also proposed for the hotel building.
- 11.3 I consider these to be beneficial in terms of biodiversity and that they can be secured by means of an appropriate condition relating to the submission of the reserved matter of landscaping.
- 11.4 As indicated above, the indicative landscaping shown will provide greater robustness to the site's northern boundary and provide an avenue of trees along the northwest boundary and planting to the retaining gabion walls.
- 11.5 Elsewhere within the site other than at the site access point from the Eclipse Park access road, there will be low-level and tree planting around the site's perimeter. The frontage to the Eclipse Park access road will provide for the planting of trees that would mirror the tree planting agreed for the development plots on the south side of the road and thus provide an avenue of trees along the both sides of the estate road. The car parking area and the bays are also shown to be broken up by low-level and tree planting. Landscaped areas are also indicated adjacent to the building.
- 11.6 I consider that subject to the submission of a fully detailed planting scheme at reserved matters stage that is designed in accordance with the Council's adopted Landscape Guidelines, the indicative provision shown on the submitted site layout plan shows that it will be possible to provide an appropriate and attractive landscaped setting for the development.

## **12 Sustainability**

- 12.1 There is not a direct BREEAM standard for hotel development. A statement has however been included within the Design and Access statement relating to sustainable construction. It is the intention of the architects to design a building that exceeds the requirements of Part L of the Building Regulations using a number of energy efficient measures and ensuring the building fabric reduces space heating demands. Energy efficient lighting and appliances would be used in the building. The use of low carbon and renewable energy technologies and systems will be analysed including biomass heating, wind, ground source heat pumps, solar thermal and photovoltaics.

- 12.2 The materials to be used including hard landscaping and boundary treatment are to be selected in accordance with the BRE's Green Guide to Specification. Any timber used will be sustainably sourced and FSC or PEFC certified wherever possible. A waste management system will be implemented.
- 12.3 In terms of water use a number of measures will be included such as dual flush toilets all taps except kitchen taps, cleaners' sinks, and external taps will be designed with a water flow of less than 6ltrs/min. Low water use washing machines and dishwashers will be specified. Water metering with a pulsed output will be provided which will help to accurately monitor water use and identify systems that are not performing as expected, sub metering will also be provided to areas of high water use. A leak detection system will also be employed on site, grey water recycling proposals will also be considered and finally the use of sedum/green roofs will attenuate surface water discharge.
- 12.4 Adoption of these suggestions at detailed design stage should ensure a sustainably constructed development.
- 12.5 Members may also be aware of Policy NRM11 of the South East Plan 2009. This requires all commercial buildings of greater than 1000m<sup>2</sup> to provide a minimum of 10% of their energy requirements from renewable sources. I consider it appropriate for a suitable condition to be imposed requiring this.

### **13 Other issues**

- 13.1 Reference was made at the start of the report to the Town and Country Planning (Consultation) England) Direction 2009. The development is contrary to policy ED1 of the Maidstone Borough-wide Local Plan as it not Use Class B1 or B2 development. The development has been advertised as a departure and no representations were received as a result of the advertisement.
- 13.2 Under the Direction it is necessary to refer the development to GOSE as a leisure development if the floorspace of the proposed building exceeds 5000 square meters.
- 13.3 Although the floor plans are only illustrative, they do indicate that the building is likely to exceed the threshold of 5000 square metres, this has been confirmed by the applicant. I consider therefore, that whilst a hotel development is a Class C1 development and not within the 'Assembly and Leisure' Class D2, it is a form of leisure related development and in my view it is necessary to formally refer the application to GOSE before any planning permission can be issued.

### **14 Conclusion**

- 14.1 The proposed development is considered acceptable in principle as economic development on this site. There are no highway objections to the proposals. The



illustrative elevations indicate that a building of quality can be secured and that the development will not have an adverse impact on ecology or biodiversity.

- 14.2 Subject to the referral to GOSE, I consider the development to be acceptable and recommend permission subject to appropriate conditions.

### **RECOMMENDATION**

Subject to the referral of the application to the Government Office for the South East and the subsequent expiry of the formal referral period and receipt of no Direction preventing the grant of planning permission, I BE GIVEN DELEGATED POWERS TO 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. Layout b. Scale c. Appearance d. Landscaping

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

The development hereby permitted shall be begun before the expiration of three 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. No development hereby permitted shall be occupied unless and until the completion and opening to traffic of a scheme of improvements generally shown on drawing no. HTT91271A/1080.1/1A (or other such scheme of works substantially to the same effect which has first been approved in writing in writing by the Secretary of State for Transport (in consultation with the Local Highway Authority) and thereafter approved in writing by the Local Planning Authority.

Reason: To ensure that the M20 motorway continues to be a safe and effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980.

3. No more than 175 parking spaces shall be provided on the site at any time.

Reason: To ensure that no more trips are generated than predicted and in the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to Planning Policy Guidance Note 13.

4. No part of the development hereby permitted shall be brought into beneficial use unless and until a detailed Travel Plan has been prepared and approved in writing by the Maidstone Borough Council in consultation with the Secretary of State for Transport and the Local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained in full respect within 3 months of the occupation of the hotel, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that no more trips are generated than predicted and in the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to Planning Policy Guidance Note 13.

5. The development shall not commence until the highway works listed below have been carried out and a full stage 1 safety audit approval is attained, in accordance with a design and specification to be approved in writing by the Local Planning Authority in consultation with the highway authority and to be fully implemented thereafter to the satisfaction of the Local Planning and Highway Authorities.

1. Improvements to the A249 Bearsted Road roundabout incorporating the replacement of the dedicated left turn lane on the eastbound approach to the roundabout with a 3 lane give way entry and signing and lining alterations to the roundabout as shown in principle on Drawing Number T0042/SK002 dated January 2010.

2. Improvements to the A249 Sittingbourne Road/ Bearsted Road/Penenden Heath Road roundabout (Chiltern Hundreds roundabout), incorporating the replacement of the existing single lane, free flow exit from the Eclipse Park onto the A249 Bearsted Road with a 2 lane give way exit and signing and lining alterations to the roundabout, as shown in principle on Drawing Number T0028/SK023 dated January 2010.

3. Provision of a new signalised junction forming the new access to the site from the A249 Bearsted Road and replacing the existing left in/left out access as shown in principle on Drawing Number T0042/SK002 Rev A dated January 2010.

4. Provision of a new pedestrian and cycle lane on the east side of the access road into the Eclipse Park site as shown in principle on Drawing Number T0042/SK002 rev A.

Reason: To ensure appropriate means of access to the site and to ensure an acceptable impact on the local highway network in the interests of highway and pedestrian safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

6. The details of the reserved matter of landscaping which shall accord with the principles indicatively shown on drawing no. 279/PL200, shall show the use of indigenous species and 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. The submitted scheme shall include inter-alia, the following details:-
- i) The provision of a wildlife pond and associated planting,
  - ii) The provision of additional planting on the site's northern boundary to add robustness to the established planting on the motorway embankment and to provide connecting habitat corridors
  - iii) Planting on the proposed gabion walls
  - iv) The provision of an avenue of lime trees along the site's north western boundary
  - v) Details of the specification and planting mix for the green roofs to the building
  - vi) Details of the external surfacing materials to be used for all pathways, roadways, parking spaces and terraced areas within the site.
  - vii) Retention of a proportion of the cordwood arising from the felling of any existing trees
  - viii) The provision of bat and bird boxes including swift boxes within the site

Reason: No such details have been submitted and to ensure a satisfactory visual appearance to the development in the interests of biodiversity and ecology pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000, policies CC6 and NRM5 of the South East Plan 2009 and the advice in PPS9.

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 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 pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

8. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction- Recommendations'. No work shall take place on site until full details of protection and a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policies CC6 and NRM7 of the South East Plan 2009.

9. The development shall not commence until, details of all fencing, boundary treatments and walling, which shall include the use of gabions for the retaining walls, 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 pursuant to policy CC6 of the South East Plan 2009

10. The details submitted pursuant to condition 1 above shall show a building no higher than 23m above ground level and of no greater than 150 bedrooms.

Reason: To ensure a satisfactory visual impact to the development pursuant to policy CC6 of the South East Plan 2009 and to accord with the parameters set out in the application.

11. The development shall not commence until, details of the proposed slab levels of the buildings 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 and the proposed reductions in land levels within the site pursuant to policy CC6 of the South East Plan 2009.

12. The development shall not commence until, details of any external lighting to be placed or erected within the site or on the building have been submitted to and approved by the local planning authority. The submitted details shall specifically address the impact of the lighting scheme on bats, including their breeding and resting places within and adjoining the site. The development shall thereafter be undertaken in accordance with the approved details and no additional lighting shall be placed or erected within the site or on the buildings at any time without the prior approval of the local planning authority.

Reason: In the interests of the character and visual amenity of the area and in the interests of ecology and biodiversity pursuant to policies ENV49 of the Maidstone Borough-wide Local Plan 2000 and policy NRM5 of the South East Plan 2009.

13. 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, and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with.

Reason: This site lies on the Folkstone Sandstone Formation, which is classified as a principal aquifer in the Groundwater Protection: Policy and Practice. This site also lies in a Source Protection Zone (SPZ) 3 for the Hockers and Springfield Mill public water abstraction. Public water abstractions are therefore at risk from activities and all precautions must be taken to prevent discharges and spillages to ground both during and after construction and pursuant to policy NRM1 of the South East Plan 2009..

14. The development shall not be commenced until details of a scheme to provide for the displaced Park & Ride vehicle parking provision resulting from the construction of the hotel, to be provided on land identified on drawing 1010062/ENG/SK03, has been submitted to and approved by the local planning authority. The subsequently approved details shall be provided prior to the commencement of construction of the hotel.

Reason: To safeguard the existing park and ride car park facilities pursuant to policy T17 of the Maidstone Borough-wide Local Plan 2000.

15. The development shall not commence until details of cycle parking spaces have been submitted to and approved by the local planning authority. The building shall not be occupied or the approved use commenced, until the approved spaces have been implemented and they shall be maintained thereafter.

Reason: In the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to Planning Policy Guidance Note 13.

16. The development shall not commence until details have been submitted showing that a minimum of 10% of the energy requirements of the building are to be met from renewable sources. The development shall not be occupied until the subsequently approved details have been implemented and they shall be maintained thereafter.

Reason: In the interests of sustainability and to provide an energy efficient form of development pursuant to policy NRM11 of the South East Plan 2009.

### **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.

Only clean uncontaminated water should drain to the surface water system. Roof water shall discharge direct to any 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 unless collected as part of a rainwater harvesting system. Open gullies should not be used. A minimum amount of unsaturated zone should be maintained at all times during the year, between the invert

level of any soakaway and the maximum height of groundwater. This zone should be at least 10m in depth.

Prior to being discharged into any soakaway system, all surface water drainage from parking areas, roads and hardstanding areas shall be passed through trapped gullies to BS 5911:1982, with an overall capacity compatible with the site being drained.

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.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials (such as detergents) should be stored 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.

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.

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.