

APPLICATION: MA/10/0140 Date: 29 January 2010 Received: 20 July 2010

APPLICANT: G Forces Web Management Ltd.

LOCATION: CORBIN BUSINESS PARK, CARING LANE, BEARSTED, ME14 4NJ

PARISH: Thurnham

PROPOSAL: Erection of a two storey rear extension to existing office building including reconfigured site layout, parking and landscaping in accordance with design and access statement; sustainable construction and design and renewable energy assessment; full travel plan; transport statement; economic statement and sequential assessment; plans numbered; 1010083/SK001; 09135/11C; ; 1010083/SK002; 09135/10/C/ 09135/12/C received on the 29 January 2010, and plans numbered 1670/01 Rev A and 09135-02 F received on 4 May 2010, and ecological desktop study as received on the 23 March 2010 and Unilateral Undertaking submitted on 16th July 2010.

AGENDA DATE: 10th June 2010

CASE OFFICER: Chris Hawkins

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

- It is contrary to views expressed by the Parish Council (as set out within the previous report).
- It is a departure from the Development Plan.
- Councillor Horne has requested it be reported for the reason set out in the previous report.

1.0 POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV34, T1
Government Policy: PPS1, PPS4, PPS7, PPS9, PPG13

2.0 BACKGROUND

2.1 For the full planning history of the site see the previous report attached at Appendix A.

2.2 'G-Forces' are a web-based design company that operate in the digital media sector – providing internet advertisement support for companies. The company

presently employ 70 staff, of which 65 are based at their offices in Maidstone. The company has grown rapidly since its founding in 1999, and it is claimed, the company now represents one of the Borough's fastest growing and largest private employers.

- 2.3 The Planning Committee on 10 June 2010 resolved that the Head of Development Management be given delegated power to grant planning permission for the erection of an extension to the existing offices of web design company, 'G-Forces', in Caring Lane, Thurnham subject to the prior completion of a s106 agreement securing workplace training.
- 2.4 A satisfactory and signed s106 Unilateral Undertaking drafted in consultation with the Council's legal services section was completed on 19 July 2010 and has been submitted to the Council. This is attached at Appendix B. However, the South East Plan 2009 was revoked on 6 July 2010. This resulted in the removal of all policies (from within this Plan) from the decision making process, effectively requiring Local Planning Authorities (LPA's) to judge and determine applications against the criteria of adopted Development Plan Documents, saved policies (from Local Plans) and any old style plans that have not lapsed.
- 2.6 When Regional Spatial Strategies (which include the South East Plan) were revoked, guidance was issued by the Communities and Local Government Department on the implications of the move. This advice makes it clear that LPAs in addition to having regard to the Development Plan in determining applications should also have regard to other material considerations including national policy. It goes on to state that 'evidence that informed the preparation of the revoked Regional Strategies may also be a material consideration, depending on the facts of the case.' The same advice states that 'where LPA's have not yet issued decisions on planning applications in the pipeline they may wish to review those decisions in the light of the new freedoms following revocation of the Regional Strategies. The revocation of the Regional strategy may also be a material consideration.'
- 2.7 Within the previous report, policies within this Regional Spatial Strategy (RSS) were highlighted as grounds to approve the application. In light of the removal of these policies, and the fact that planning permission had not formally been granted, advice has been sought from the Department of Communities and Local Government as to whether this resolution needs to be fully re-examined. The advice given was that if sufficient weight was given to the revoked policies, and the planning application has not been determined, then the resolution to grant should be re-assessed. As weight was given to these policies, I consider it reasonable to re-visit the application, although only to address the matters that are influenced by the loss of the South East Plan (2009).

2.8 I have undertaken an assessment of whether or not the SE Plan Policies were the determining factor in Members' resolution following legal advice. However, planning considerations seldom turn on one set of policies and this application is no different. Whilst I consider that the previous resolution did not turn solely on the SE Plan policies a certain amount of weight was given to these now defunct policies.

3.0 CONSULTATIONS

3.1 See previous report.

4.0 REPRESENTATIONS

4.1 Neighbouring properties were notified of the application when submitted, and in addition, when amended plans were submitted. 26 letters of objection were received. The concerns raised within these letters are summarised below:

- The proposal would give rise to a significant level of traffic along Caring Lane;
- The proposal would result in development within the open countryside;
- There are already excessive speeds along this stretch of road, which will be made worse by the additional traffic generated;
- The proposal would have an adverse impact upon the broadband service within the area;
- The design is out of keeping within the locality;
- The proposal would lead to the erosion of the existing verges;
- There is little evidence that the staff are encouraged to car share;
- The training could be outsourced;
- It is disputed that the development would bring money into the area;
- Damage to property;
- Oppressive to the users of the footpath;
- Erosion of the lanes verges;
- The proposal would have a detrimental impact upon the character of the Special Landscape Area.

A petition with 55 signatures was submitted. The main issues raised within this petition are summarised below: -

- The impact upon the highway network;
- The impact upon the countryside.

4.2 It should be noted that this section has been updated from the previous report, as additional letters of objection have been received (these were within the urgent update). The above demonstrates the overall number of letters received since the application was submitted (26).

5.0 CONSIDERATIONS

5.1 Site Description

5.1.1 See previous report.

5.2 Proposal

5.2.1 Members will see from the previous report and may recall that the proposal is for the erection of an extension to the existing B1 (office) operation at what is now known as the 'Corbin Business Park' in Caring Lane, approximately ½ mile outside the village of Bearsted.

5.2.2 The proposed extension would be constructed of the same materials as the existing building, albeit utilising glass to a greater extent. This would therefore see the use of silver/grey metal panelled cladding, with a dark grey metal roof. Full length windows with brise soleil, would be utilised upon the side elevations of the proposal, to both provide a level of articulation, as well as maximising solar gain.

5.2.3 To the front of the site, an increased area for car parking has been proposed, with a total provision of 50 car parking spaces (increased from the existing 26 spaces). It was originally planned that 64 spaces be provided, however this was considered to be an over-provision for a development of this size. Following the previous planning committee, a condition was suggested that would reduce the parking provision to this level – I have suggested the imposition of this condition once more. The parking would be laid out in a square form, with an area of soft landscaping within the centre. Bicycle parking would also be provided on site, with a total of 10spaces proposed. A travel plan has also been submitted with the planning application which demonstrates that the applicant would promote more sustainable forms of transport. It has again been recommended that a condition be imposed requiring the applicant to comply with the travel plan.

5.2.4 A detailed landscaping proposal has also been submitted with the application, which would see the planting of a number of additional trees and shrubs within the site. A number of new sessile oak trees would be planted, as well as a new hedgerow to the front of the site – double staggered consisting of native species. Much of this planting would take place at the front of the application site.

5.2.5 The applicant has now submitted a signed Section 106 Unilateral Undertaking which ensures that the vocational training that takes place is utilised by those studying at Maidstone schools and Kent Based universities which is acceptable to us, and in line with the previous recommendation.

5.3 Revocation of South East Plan (2009)

- 5.3.1 In light of the revocation of the South East Plan (2009), I considered it necessary to re-assess the application, and in doing so, revisited the matter of the 'principle of development.' The removal of the Regional Spatial Strategies (including the South East Plan) from the Development Plan was announced by Eric Pickles MP (Secretary of State for Communities and Local Government) on 6 July 2010. This had an immediate effect of removing all policies from within this Plan from the decision making process, effectively requiring Planning Authorities (LPA) to judge and determine applications against the criteria of their Local Plans (or LDF) and Central Government Guidance. Attached to this letter, a guidance note was provided. This guidance agreed (amongst other matters) that following the loss of the South East Plan '*evidence that informed the preparation of the revoked Regional Strategies may also be a material consideration, depending on the facts of the case.*' As such, should a Local Planning Authority have supported, or did not object to the imposition of the policy at the consultation stage, weight can continue to be given to the *essence* of the policy, and the evidence, or support given by the Local Authority prior to its adoption would be a material consideration in the determination of any subsequent planning application. As such, this report shall re-evaluate the proposal in accordance with the existing Local Plan Policies, and, because we gave weight to policies within the South East Plan in the previous report, to assess the proposal against the evidence we gave at the consultation stage, prior the adoption of the South East Plan.
- 5.3.2 As stated, the previous report gave weight to a number of policies within the South East Plan, which gave support to this application. The relevant policies were RE1, RE2, RE4, RE5, CC2, CC4 and AOSR7. Of particular relevance, and highlighted within the previous report was policy RE4, which related to human resource development, and the joint working of business sectors and education and training providers. This policy was highlighted as the applicant was proposing to use part of the office for training purposes – which forms part of the S106 agreement now submitted. Whilst this was a consideration in the determination of the application previous, I do not consider that this matter alone 'tipped the balance' towards a recommendation of approval, as there were other grounds to support the proposal. In any event, I consider that the proposal still complies with the Council's objectives, as both described within the Council's Economic Development Strategy (July 2008) and also within our submission to the Regional Spatial Strategy of encouraging partnership working with educational establishments.
- 5.3.3 The previous Committee report gave weight to the policies within the South East Plan, in particular those that related to jobs within the Digital Media sector. However, as set out within the guidance produced following the revocation of the South East Plan, the evidence put forward by Local Authorities prior to its

adoption can be a material consideration – and in this respect, as the Council supported the adoption of the relevant policies, they have not *completely gone* from the decision making process. Indeed, in responding to the economic development policies within the draft South East Plan (in June 2006), the Council stated the following: -

'The Council's consider that as this is a general policy, supportive provision should be made for the eastern areas outside of the defined sub-regions, as in CC9, to receive economic support. Designating Maidstone as a regional hub recognises its key role within Kent, and it will be essential that the Borough be empowered to balance its economic provision issues on a scale relative to its potential housing growth. Presently, Maidstone retains a large proportion of its residents to work within the Borough, with out-commuting approximately equal to in-commuting, however if there is no provision for future growth and adaptation, the Borough risks being consigned to an unsustainable dormitory status in the face of competition from London, Kent Thames Gateway and the East Kent Area.'

5.3.4 I consider that this clearly sets out the Council's objective to support economic development within the Borough. Within this Economic Development Strategy there is an aim to see the provision of high quality jobs provided within the Borough, in order that firstly the existing residents have to a better 'choice' of jobs, and secondly, that any future residents (Maidstone has been identified as a growth point) have suitable, high quality employment opportunities within the Borough. It should be noted that this Council applied for Growth Point Status – it was not imposed upon us. Again, despite the loss of the South East Plan, this status remains, and is at the forefront of the emerging Core Strategy and subsequent LDF. This in turn is emphasised within the Council's Economic Development Strategy (EDS) which was published in 2008. This Strategy sets out that whilst the Borough of Maidstone has a fundamentally sound economy; it is acknowledged that attractive alternatives are emerging, such as the Thames Gateway and Ashford, for companies to locate. The Strategy is the Council's response and sets out a series of 'priority actions' to strengthen the competitiveness of the Maidstone economy. These include: -

- Developing sector specialisms – including within the media sector;
- Creating a more innovative and entrepreneurial economy;
- Attracting and retaining investment;
- Developing a culture of lifelong learning;
- Investing in transport and infrastructure.

5.3.5 I consider that this proposal meets with the first four of these priority actions. Whilst not a Development Plan Document (DPD) the EDS will be used to inform the preparation of the Local Development Framework, and as such, reflects the aspirations of this Authority (as did the Council's response to the consultation on

the South East Plan). The Council's Economic Development Manager is very supportive of this application, providing a detailed response that is set out within the previous report which is appended. I therefore consider that the proposal, irrespective of the loss of the Regional Spatial Strategy, would meet the objectives of the EDS, and would conform with our response to the South East Plan consultation and thus, the objectives of the developing Local Development Framework.

5.3.6 Central Government guidance, and advice, in particular PPS4, has remained unchanged in the intervening period between the resolution to grant, and now. The previous report highlighted that policy EC17 allowed for economic development not in a town centre and not in accordance with an up-to-date Development Plan, subject to the applicant meeting a set of certain criteria – which they did. I do not consider that the loss of the South East Plan should impact upon the interpretation of Policy EC17.

5.3.7 I am still of the opinion that this was a balanced decision but, I am satisfied that the principle of development remains acceptable. The proposal still meets the objectives of the Council's Economic Development Strategy, and is in accordance with the evidence put forward by the Council prior to the adoption of the South East Plan – I am therefore satisfied that this acknowledges that the Council want high quality jobs within the Borough. The previous application was balanced against the policies within the Maidstone Borough Wide Local Plan, there were no policies within this plan that precluded such a development. I therefore see no reason why the revocation of the South East Plan should alter the previous recommendation for approval.

5.4 Harm to the Countryside

5.4.1 As can be seen from the proposal section above, this is development within the open countryside, and as such, the proposal has to be fully assessed against Policy ENV28 of the Maidstone Borough Wide Local Plan (2000). This policy states that:

'In the countryside planning permission will not be given for development which harms that character and appearance of the area or the amenities of surrounding occupiers.'

5.4.2 This policy then also provides five criteria that that would also permit development within the open countryside, including that which is reasonably necessary for agriculture, open air recreation etc. Inspectors give considerable weight to this aspect of the policy, i.e. the impact of the development upon the character and appearance of the countryside, when determining Appeals.

5.4.3 In addition, the site lies within a Special Landscape Area (SLA), and as such, the proposal should also be determined with Policy ENV34 in mind. This policy states that:

'In the North Downs, Greensand Ridge, Low Weald and High Weald, Special Landscape Areas, as defined on the proposals map, particular attention will be given to the protection and conservation of the scenic quality and distinctive character of the area and priority will be given to the landscape over other planning considerations.'

5.4.4 With the above in mind, one has to make the assessment as to whether the proposal would harm the character and appearance of the area.

5.4.5 The site is located within a ribbon of development, within which there are dwellings, together with the gardens and paraphernalia associated with such a use. Furthermore, a golf course is located to the rear of the site which has a number of trees along its boundary, and also within its grounds that provide a high level of screening of the application site from the west.

5.4.6 In terms of short distance views of the application site, I will assess the proposal from each direction. There are a number of large trees running along the rear (western) boundary, and along the side (northern) boundary. The trees along the southern boundary are well established, but these are not as dense as on the north and west of the site. As such, obscure views through the site can be obtained from the south (although from the road these are obscured by residential properties which front on to Caring Lane, and a significant hedge – views are only of the front part of the site – which is to remain undeveloped). A public footpath runs along the northern boundary of the site, however, there are limited views from this path into the site, due to the level of landscaping provided at present. Having walked the path views into the site are possible, but there are no 'views' rather glimpses of the existing building and surrounding site. In addition, it is proposed that further soft landscaping be provided along the front boundary of the application site, which would include 5 Quercus pertraea (Sessile Oaks) which can grow up to 40metres in height, as well as an enhanced hedgerow (upon a small bund) that would include a number of native species. This would further soften views of the application site from the east, and in particular, the adjacent public highway.

5.4.7 In addition to this, the positioning of the extension, adjacent to the existing office, would further restrict the impact of the proposal, from the public domain. When viewed from the south, only the end of the extension would be visible (of that not obscured by the soft landscaping), which would have a width of 18metres (compared with the width of the existing building which is 21.5metres). This impact is further reduced as the building would be articulated along this elevation where the extension links into the existing building.

5.4.8 When viewed from the highway (west) 44% of the extension would be obscured from view by the existing building (this extension would be no higher than the existing office), with a length of approximately 20metres visible. This would, in effect, be the 'worst' impact that the proposal would have upon the surrounding area. The development would be set back approximately 91metres from the Highway, behind a significant level of landscaping which would soften this impact significantly, from short distance views.

5.4.9 In assessing the impact of the proposal upon the medium to long distance views to/over the site, I have viewed the application site from a number of vantage points that include (a plan is attached at Appendix C): -

- Point A - Approx 500m to the south of the application site (within Caring Lane);
- Point B - Approx 250m to the south east of the application site (within residential curtilage);
- Point C - Approx 700m to the east of the application site (within Old Mill Road);
- Point D - Approx 500m to the north of the application site (within Caring Lane);
- Point E - Approx 600m to the south west of the application site (within Caring Road).

5.4.10 From Point A, no views of the application site can be obtained. A substantial hedge runs along the edge of Caring Lane, and there is a residential property with a further a hedge that runs westwards towards the golf course, creating an additional barrier. From this distance (some 500m from the site), the development would have no detrimental impact upon the character and appearance of the locality. I have travelled further southwards along Caring Lane and have found no locations where longer distance views of the application site are obtained, due to the fall in land levels (a steep hill runs southwards beyond this point).

5.4.11 Again, from Point B, there are only obscure views of the application site. Whilst the land is relatively flat at this point, by virtue of the existing trees and shrubs, the existing building not visible through this landscaping. Irrespective of the landscaping, from this viewpoint, the majority of the proposed extension would be hidden from view by the existing office building. I am therefore satisfied that from medium distance views the proposal would not have a detrimental impact. The land does not rise significantly to the south-east of this point, and as such, I do not consider that longer distance views from this direction would be compromised.

- 5.4.12 There is no view of the application site from any point along Old Mill Lane (Point C). As such, I do not consider that medium-long distance views of the application site would be compromised from the east.
- 5.4.13 Standing at Point D, to the north of the application site, again, no views of the application site are gained from this point, due to the existing dwellings, and screening provision. However, to the north of the A20, lie the North Kent Downs, which rise sharply. Almost immediately opposite the Caring Lane junction is Crismill Lane, which runs at almost 90° to the A20, northwards. I have walked up and down this lane, and no views of the application site can be obtained from this northern point. I am therefore satisfied that longer distance views of the site are also unaffected by this proposal.
- 5.4.14 From Point E, within Caring Road, there are no views of the application site. Medium distance views are therefore unaffected by this proposal. Again, the land does not rise significantly to the south, or west, and as such the site is not visible from further away in these directions. I am satisfied that long distance views from the south-west and west are unaffected by the proposal.
- 5.4.15 With regard to the design of the extension, in terms of its detail, the proposal replicates the form and design of the existing building with the use of glazing throughout, which ensures that the bulk of the building is somewhat broken up. Other detailing such as brise soleil is included within the design, which further breaks up the elevations, and provides an element of depth and layering to the building. The proposal has been designed in such a way as to provide the floor space required, without appearing unduly bulky or dominant, and I consider that the extension would not appear obtrusive within the application site, nor within the wider area.
- 5.4.16 The roof has been designed in such a way as to minimise the height of the structure. This is broken up into three distinct parts, and ensures that the proposed extension is no higher than the existing building.
- 5.4.17 I therefore conclude that whilst the proposal is of a significant floorspace, as previously determined, the proposal would not have a detrimental impact upon the wider character and appearance of the area – short, medium and long distance views of the site have been fully assessed - and as such, would comply with the requirements of policies ENV28 and ENV34. Furthermore, the proposal would provide high quality jobs, within a sector that the Council continues to support, and concurs with the comments raised by this Authority at the consultation stage, prior to the adoption of the South East Plan (and which can therefore be considered a material consideration).

5.5 Other Matters

- 5.5.1 All other matters (such as Highways, Ecology, Landscaping, and Sustainability) for consideration were addressed within the previous report. As set out above, as these matters are not influenced by the loss of the South East Plan, I do not consider it appropriate to re-evaluate these matters – the previous report is appended.
- 5.5.2 As set out above, as these matters are not influenced by the loss of the South East Plan, and because they were not overriding considerations in the determination of the application previously, I do not consider that it is necessary to once again make assessment on these elements of the proposal.

6.0 CONCLUSION

- 6.0.1 To conclude, whilst the revocation of the South East Plan (2009) results in the loss of policies that supported this application, I am of the opinion that this proposal, in any event, accords with the requirements of the remaining policies within the Development Plan, in particular policies ENV28 and ENV34 of the Maidstone Borough Wide Local Plan (2000), and central government guidance, as well as the Council's existing overarching Economic Development Strategy (which is influencing our Core Strategy and future LDF). Whilst I consider that this remains a balanced decision, I do not consider that the 'balance has been tipped' in favour of a refusal, as the proposal would not have a detrimental impact upon the wider area, and would be supported by the evidence put forward by this Authority. I am therefore satisfied that it is still appropriate to recommend that Members give this application favourable consideration, and grant planning permission. As the S106 Unilateral Undertaking has been signed and submitted, there is no need to seek delegated powers to grant planning permission.

7.0 RECOMMENDATION

Grant Planning Permission subject to the unilateral undertaking submitted and the conditions as set out below:

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

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 in accordance with PPS1 and ENV34 of the Maidstone Borough Wide Local Plan (2000).

3. Notwithstanding drawing number 1670/01 RevA received on 4th May 2010 the development shall not commence until an amended landscaping scheme has been submitted to and approved in writing by the Local Planning Authority reflecting the reduced car parking provision required under condition 12 and showing the extent, profile and planting of the proposed bund adjacent to Caring Lane.

Reason: In the interests of visual amenity and biodiversity in accordance with PPS9 and policies ENV6 and ENV34 of the Maidstone Borough Wide Local Plan 2000.

4. The development hereby permitted shall not be occupied until the highway works indicated on drawing number 1010083/SK002 received 29 January 2010 and the provision of additional light/backing boards to existing 30mph speed limit signs in Caring Lane have been undertaken to the satisfaction of the Local Planning and Highway Authorities.

Reason: In the interests of highway safety in accordance with PPG13 and Policy T23 of the Maidstone Borough Wide Local Plan 2000.

5. No part of the extension hereby permitted shall be brought into beneficial use unless and until a detailed Travel Plan has been prepared and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority reflecting the reduced car parking provision required by condition 12. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained in full within 3 months of the first occupation of the development and by its subsequent occupiers, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The proposal is within an area of open countryside, and as such it is considered important to ensure that the site operates in a sustainable manner, as this forms part of the justification for permitting this development. The Travel Plan is required to ensure that no more trips are generated than predicted and in the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to PPS4, PPS7 and PPG13.

6. No development shall take place until details of the 'high' kerb stones to be used around the landscaped areas have been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that the landscaped areas are maintained as such, and only the parking spaces shown on the submitted plans are utilised, to ensure a high quality finish to the development, and to promote sustainable forms of transport, in accordance with PPS1, PPS4, PPS7, PPG13 and Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

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

Reason: The use hereby permitted would not normally be allowed and permission has been granted, in part, because of the exceptional need for this type of employment.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To prevent harm and pollution to the environment in accordance with PPS23.

9. No development shall take place until details of the proposed means of foul and surface water drainage, which shall include a SUDS incorporating significant elements of natural filtration, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent harm and pollution to the environment in accordance with PPS23 and in the interests of biodiversity in accordance with PPS9.

10. 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).

11. The building shall remain as a single unit and at no point in the future shall the building be subdivided.

Reason: In view of the particular circumstances of the applicant and in the interests of ensuring a sustainable form of development in accordance with PPS1.

12. Notwithstanding drawing number 09135-02 received on 4th May 2010, the development shall not commence until amended plans have been received showing a reduction of the car parking provision from 53 spaces to 50 spaces. The subsequently approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: In the interests of sustainable transport objectives and development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with PPG13.

13. 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 in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000, and PPS1.

14. 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' and as per the recommendations set out within the arboricultural report ref SA/0168/08 received on the 21 September. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with PPS1.

- 15.No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, a replacement tree shall be planted and that tree shall be of such size and species, and shall be planted at such time and in a position to be agreed with the Local Planning Authority, as may be specified in writing by the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with PPS1.

- 16.No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area in general pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000.

- 17.The proposed development shall be carried out in accordance with the recommendations as set out within the ecological report submitted to the Local Planning Authority on the 22 March 2010.

Reason: In the interests of biodiversity within the locality in accordance with PPS9.

- 18.No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority;

Reason: In the interest of a high quality finish of the development hereby permitted, in accordance with Policy BE1 of the South East Plan and PPS1.

- 19.The vehicular access to Caring Lane shall be provided with visibility splays of 59m x 2m x 59m with no obstruction over 0.6m in height within the splays. The visibility splays shall be provided prior to the first occupation of the development hereby permitted and shall be subsequently maintained thereafter;

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

20. The building hereby permitted shall achieve a minimum BREEAM for Offices rating of 'Very Good'. The building shall not be occupied until a final certificate has been issued for it certifying that a minimum BREEAM for Offices rating of 'Very Good' has been achieved.

Reason: In the interests of good design, in accordance with PPS1.

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.

Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

The developer shall 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.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorscheme.org.uk

No further development will be permitted in front of the existing building on the site.

Suitable natural features required by condition 9 could include the use of swales and gullies.

REASON FOR APPROVAL

The development, subject to the conditions stated, would be an extension of an existing business, and is considered to provide high quality jobs within the locality, whilst not significantly harming the character and appearance of the countryside. I do not consider that the proposal would have a detrimental impact upon the character and appearance of the locality. The proposal would also comply with evidence put forward forward by this authority to the consultation of the South East Plan, prior to its adoption. Furthermore, the proposal would meet the aims and objectives of the Council's Economic Development Strategy. Whilst the development would not be in strict accordance with the Development Plan, it is therefore considered that these matters override this conflict and there are no overriding material considerations to indicate a refusal of planning consent