

**REPORT SUMMARY**

<b>REFERENCE NO - 15/503288/OUT</b>			
<b>APPLICATION PROPOSAL</b>			
Outline application for a mixed commercial development comprising B1(a), B1(b), B1(c) and B8 units, maximum floor space 46,623 square metres. (Access being sought at this stage).			
<b>ADDRESS</b> Land At Woodcut Farm, Ashford Road, Hollingbourne, Kent, ME17 1XH			
<b>RECOMMENDATION</b> – Approve subject to conditions and Section 106 agreement			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
<p>The proposed development would conflict with policies ENV21, ENV28, ENV34 and T21 of the Maidstone Borough-wide Local Plan 2000 to varying degrees, and there is conflict with the environmental aims of the National Planning Policy Framework in that it would be harmful to the character and appearance of the countryside in localised views, and to the setting of the Kent Downs Area of Outstanding Natural Beauty; and the setting of a Grade II listed building to the west of the site.</p> <p>However it is considered that other material considerations being,</p> <ul style="list-style-type: none"> <li>• That the Council has allocated the site for employment development within the submission version of the Maidstone Local Plan (2011-2031), which is considered to carry significant weight and with which the proposals fundamentally accord;</li> <li>• That the Council have accepted the need for employment land at Junction 8 on the basis of there being an identified 'qualitative gap' in the future supply of employment land and a quantitative shortfall in office floorspace;</li> <li>• That significant economic benefits would arise from the proposals which would achieve the economic and social aims of the NPPF; and</li> <li>• That saved policy ENV34 is not proposed to be taken forward as a landscape designation in the submitted Local Plan.</li> </ul> <p>are sufficient grounds to outweigh the harm caused by the development, and sufficient reasons to depart from the Development Plan.</p>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<ul style="list-style-type: none"> <li>• Departure from the Development Plan</li> <li>• Contrary to the views of Statutory Consultees.</li> </ul>			
<b>WARD</b> North Downs	<b>PARISH COUNCIL</b> Hollingbourne	<b>APPLICANT</b> Roxhill Developments Ltd <b>AGENT</b> Hobbs Parker Property Consultants	
<b>DECISION DUE DATE</b> 08/07/16	<b>PUBLICITY EXPIRY DATE</b> 19/02/16	<b>OFFICER SITE VISIT DATE</b> 27/08/15 & 16/05/16	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
13/1076	Request for a Scoping Opinion in respect of an Environmental Statement to be submitted in relation to a	N/A	02/08/13

Planning Committee Report

	<p>proposed development being:</p> <p>Distribution Centre to meet relocation requirements of ADL (principally Use Class B8 but including Use Class B1 offices and training) in the order of 17,000sqm; Business Park comprising B8 storage and distribution (in the order of 6410sqm); Use Class B1c Light Industrial Use (in the order of 4737sqm) and Use Class B1 Offices (in the order of 10,684sqm); New Site Access on north side of A20, west of M20 Junction 8; and Internal drainage, new internal road network, and structural landscaping.</p>		
07/2092	<p>(KIG Site)</p> <p>Outline planning permission for the construction of hardstanding areas to form rail/road freight interchange with freight handling equipment, new railway sidings in part with acoustic enclosure, earthworks and retaining walls, buildings for Class B8 warehousing and Class B1 uses, access works, internal roads and bridges, loading and manoeuvring areas, car and lorry parking, ancillary truck-stop and gatehouse security facilities, electricity substation, realignment of public rights of way and watercourses, drainage works and landscaping with access to be considered at this stage and all other matters reserved for future consideration.</p>	Refused & Appeal Dismissed	05/08/10
07/0682	<p>(KIG Site)</p> <p>Scoping opinion sought in respect of an environmental assessment to be submitted in relation to a proposed rail freight interchange with associated development.</p>	N/A	03/05/07
91/0908	<p>Outline Application for erection of buildings for Multiscreen Cinema Tennis Centre Function Suite/Disco Ten Pin Bowling Cattle Market Restaurants 60 Bedroom Hotel Service Station Railway Station Sports Stadium Athletics Track All Weather Pitch with ancillary car and coach parking.</p>	Refused	12/11/91
14/501895	<p>(Waterside Park Site to South)</p> <p>Hybrid (part outline/part detailed) application for re-grading of the site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 45,528m<sup>2</sup> of B1 light industrial, B2 general industrial and B8 storage and distribution uses with ancillary offices; ancillary cafe and crèche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath. Detailed permission sought for erection of new warehouse building (21,990m<sup>2</sup>) and associated offices (2,995m<sup>2</sup>) with access, service yard, parking and landscaping.</p>	Refused & Appeal Dismissed	22/10/14 & 23/07/15
13/1549	<p>(Waterside Park Site to South)</p> <p>Hybrid planning application (part outline-part detailed) for</p>	Refused & Appeal	27/02/14 & 23/07/15

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

### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site is an irregular shaped parcel of arable farm land with an area of approximately 19 hectares that lies immediately west of junction 8 (J8) of the M20 motorway. The site is around 1.24km east of the urban boundary of Bearsted in the Local Plan 2000 and 5.7km east of Maidstone town centre.
- 1.02 Along the northern boundary is the M20 with the High Speed railway (HS1), J8 service station and the Ashford to Maidstone railway line beyond; to the eastern boundary is the J8 roundabout and its slip roads; along the south eastern boundary is Musket Lane, a narrow track which provides agricultural access to the site; along the southern boundary is the A20 (Ashford Road) and two residential properties; and along the west boundary is further farmland and a number of residential properties including the Woodcut Farm complex of buildings.
- 1.03 Approximately 290m to the south is the 'Waterside Park' site where two appeals were dismissed for large-scale employment development in July 2015. The application site also covers part of the 'KIG' application site where an appeal was dismissed by the Secretary of State for a rail/road freight interchange in 2010. These appeals will be discussed where relevant in the appraisal section of the report.
- 1.04 The M20 is elevated above the site to the north and the site itself gently slopes from the east to its middle, where it begins to steepen down to a dip in the field where there is a small stream. The lowest part of the site is its southern edge, where the land then rises steeply to the sites north western corner at the western part of the site. The site levels range from 49m Above Ordnance Datum (AOD) where the site meets the A20, to 57m AOD in the north western corner of the part of the site proposed for development, and 58m AOD along the north eastern site boundary. In the north western corner, the land rises to a height of 68m AOD where no development is proposed. The site boundaries are formed by a mix of trees and hedges varying in density. Beyond the site to the north the land begins to rise to the steep scarp slope of the Kent Downs, and generally beyond to the west, south, and east the land is undulating.
- 1.05 The two dwellings adjoining the south edges of the site are 'Chestnuts' and 'White Heath' and there is a car wash/garage facility that adjoins part of the south boundary.

On the south side of the A20 are a caravan site and a garage/car sales site. To the north west is the Woodcut Farm complex, set at a higher level with a private driveway (over which PROW KH641 runs) providing access from the A20. There are also around six other dwellings here including Woodcut Farmhouse a Grade II listed dwelling.

- 1.06 In terms of landscape designations, the site falls within a Special Landscape Area (designated under policy ENV34 of the Local Plan 2000). The Kent Downs Area of Outstanding Natural Beauty (AONB) is north of the M20 and the Ashford to Maidstone railway line. At its closest point the AONB is within approximately 120m of the application site. It is considered that the application site falls within the setting of the AONB. There is also a local nature reserve to the north of the railway line.
- 1.07 The site does not contain any designated heritage assets but there are a number within the vicinity, the closest being the Grade II listed Woodcut Farmhouse 80m to the west of the site. The Hollingbourne/Eyehorne Street Conservation Area, which features a number of listed buildings is around 710m to the east, and Leeds Castle (Grade I) and its Grade II\* listed grounds (which features other listed buildings) are around 2km and 1km to the south east respectively.
- 1.08 There are no public footpaths running through the site but some within the local area. There are 5 protected trees (Oak and Scots Pine) along the south east boundary of the site with Musket Lane. A recent Council Agricultural Land Classification Study (November 2014) reveals the site to comprise a mixture of Grades 2 and 3a and therefore falls into the 'best and most versatile' category.
- 1.09 As outlined above, the application site covers an area of 19 hectares but the plans also show two areas of land outlined in blue (being adjoining land within control of the applicant) on the west edges of the site. Their purpose will be outlined below under the 'Proposal' section of the report.

## **2.0 PROPOSAL**

- 2.01 This is an outline application for a mixed commercial development comprising uses of B1(a), B1(b), B1(c) and B8 units, with a maximum floor space 46,623m<sup>2</sup>. For clarity, B1(a) use is offices, B1(b) is research and development, B1(c) is light industry, and B8 is storage and distribution. In addition to the principle of the development, only the specific detail of the access to the site is being considered at this stage and all other matters (layout, appearance, scale, and landscaping) are reserved for future consideration.
- 2.02 Whilst an outline application, illustrative plans have been provided showing a number of buildings across the site and the potential floorspace (amount and use) for the units. This is illustrated as follows:
  - 9 commercial units (A1 to A9) for use either within use class B8 or B1(c) with floor space totalling 22,920m<sup>2</sup> and unit sizes varying from 2130m<sup>2</sup> to 4180m<sup>2</sup>.
  - Two commercial units (B1 and B2) for storage and distribution/warehouse accommodation (use class B8), totalling 15,840m<sup>2</sup>, individual sizes 6225m<sup>2</sup> and 9615m<sup>2</sup>.
  - Two units (C1 and C2) for use in either use class B1(b) or B1(c) totalling 4550m<sup>2</sup>, individual units sized 2140m<sup>2</sup> and 2415m<sup>2</sup>.

- Two units (D1 and D2) for uses in either use class B1(a) or B1(b) totalling 3310m<sup>2</sup>, individual units sizes 1440m<sup>2</sup> and 1870m<sup>2</sup>.

2.03 This can be summarised as follows:

B8 or B1(c) uses	22,920m <sup>2</sup>
B8 uses	15,840m <sup>2</sup>
B1(b) or B1(c)	4,550m <sup>2</sup>
B1(a) or B1(b)	3,310m <sup>2</sup>
Total	46,620m <sup>2</sup>

These proposals for floorspace are only illustrative and are not being considered at this stage. The applicant has tested the following maximum amounts of floorspace within the Transport Assessment and so this would be the maximum amounts that could actually be secured under this outline application:

<b>Warehousing (B8)</b>	<b>24,387m<sup>2</sup></b>
<b>Office (B1 (a))</b>	<b>5,360m<sup>2</sup></b>
<b>Light Industrial (B1(c))</b>	<b>18,004m<sup>2</sup></b>

- 2.04 There would be one main access to the site off the A20 between the dwellings 'Chestnuts' and 'White Heath'. An emergency access would be provided onto Musket Lane. Off-site highways works are also proposed to improve capacity at the A20/Willington Street junction. A package of measures to provide bus stops, financial contributions towards providing increased bus services, pedestrian refuges and improvement to the footway on the northern side of the A20 are also proposed.
- 2.05 Whilst details of layout, appearance, scale and landscaping are reserved, illustrative plans have been provided to show how the proposed amount of development could potentially be accommodated on the site. This shows the two largest buildings on the east side of the site (B units), two smaller units at the eastern edge (C units), small units alongside the access (D units), and 9 medium sized units (A units) within the western part.
- 2.06 Although an outline application, the applicant has stated that key site parameters, including the finished ground levels, and maximum height of buildings would be established through any grant of outline permission. The undulating nature of the site means that ground levels would need to be altered to create level platforms for development. A cut and fill exercise will take place which seeks to achieve a net balance between cut and fill. Buildings would have finished floor levels of between 51.3 AOD and 56.2 AOD. The two largest buildings would have maximum ridge heights of 12m, Units A1-A9 would be 10m to ridge. The C Units would be 7.8m to ridge and the D Units 10.6m.
- 2.07 Internal structural landscaped areas and perimeter landscaping are shown on the illustrative plans. This includes woodland planting along the A20 frontage at the south western edge of the site of at least 20m width; a circa 20m native woodland belt with understorey shrubs and grasses along the western edge of the site; planted landscape buffer zones around 'Chestnuts' and 'White Heath'; to the north west a woodland area would be provided on rising ground (and conveyed to a Trust to maintain and manage in perpetuity); to the south east the protected trees along Musket Lane will be retained and augmented with hedgerows and additional tree planting; creation of a circa 38m-70m landscape buffer between Units A8 and A9 and the M20 which includes the 18m gas pipe easement; a circa 8m wide planting belt of native trees and understorey

would be provided between the easement and units B1 and B2; and a woodland shaw along the northern boundary and the M20 of between 10-24m width.

- 2.08 As outlined above, there are two parcels of land adjoining the west of the site (outline in blue). The larger north western parcel of land would be retained as woodland pasture (agricultural, horticultural or forestry use) with new tree planting and this is proposed to be secured through any Section 106 agreement with long term management. The other parcel of land to the west would be planted up with trees.
- 2.09 The construction programme outlines that Phase 1 of the proposed development (Plots A1 to A9) will be constructed simultaneously along with the supporting infrastructure, while the other smaller plots will be developed later. The construction programme for Phase 1 (Units A1 to A9) is expected to span approximately 12-18 months and is expected to commence in 2016, subject to gaining planning permission. The construction of the rest of the development would be occupier led where demand arises, and taking approximately a further two years to complete.
- 2.10 The application has been amended since its original submission largely in response to consultee response on the application, and also the emerging Local Plan position. Full re-consultation and advertisement was carried out on the amended information.
- 2.11 The application is accompanied by an Environmental Statement in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

### **3.0 POLICY AND OTHER CONSIDERATIONS**

- **The National Planning Policy Framework (NPPF)**
- **National Planning Practice Guidance (NPPG)**
- **Maidstone Borough-Wide Local Plan 2000:** ENV6, ENV21, ENV28, ENV34, ENV49, ED9, T3, T13, T21, T23
- **Draft Maidstone Local Plan 2011-2031 (Submission Version):** SS1, SP17, EMP1(5), DM1, DM2, DM3, DM5, DM7, DM24, DM25, DM27, DM34
- **The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)**
- **Kent Downs AONB Management Plan (2014-2019)**

### **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Local Residents:** 30 representations received from local residents raising the following (summarised) issues:

- Harm to the landscape.
- Harm to the setting of the AONB.
- Contrary to Local Plan policy.
- Greenfield site.
- Loss of agricultural land.
- Harm to wildlife.
- Entirely speculative proposal.

- No proven need for the development.
- Doubt as to delivery of economic benefits.
- Staff will come from other areas and not Maidstone.
- Suitable alternative brownfield sites in and outside the Borough.
- Won't employ large numbers.
- Not served by public transport.
- Car dependant.
- Dangerous access.
- Traffic and congestion on local roads.
- Disruption on local roads.
- Noise and disturbance.
- Pollution.
- Overshadowing.
- Overlooking/loss of privacy.
- Poor outlook.
- Flood risk.
- Harm to heritage assets.
- Archaeology.
- Lack of infrastructure.
- Negative impact upon tourism including Leeds Castle.
- Contrary to KIG decision.
- Worse than Waterside Park site.
- Risk of groundwater pollution.
- Light pollution.
- Harm to quality of life.
- Does not meet sustainability aims of the NPPF.
- Local Plan allocation should not be given weight.
- Precedent.
- Inadequate overnight HGV parking will lead to parking on local roads.
- Litter and increased rats.
- Magnet for illegal immigration.

4.02 1 representation from a local business offering support for the application for the following (summarised) reasons:

- Development will deliver size and quality of space needed.
- Will enable business to stay in Maidstone.
- Good location for access to strategic road network.

4.03 **Cllr Fort (Leeds Ward):** *"I strongly object to this application which causes harm to the countryside. Development in the proposed location would be visible from various viewing points not to mention the AONB. Proposed commercial development on this site and "Waterside Park" have been previously rejected by MBC and by the inspector at appeal for these various reasons. I am also concerned that there is not sufficient infrastructure in place to cater for this development. The local road network is nearly at breaking point and this development and the increase in homes proposed by the Local Plan will cause misery and a detrimental effect to all in the south and east of Maidstone."*

4.04 **Cllr Cumming (Bearsted Ward):** *"This application is inappropriate in this location, as the buildings are too large and on high ground. It is closer to the Kent Downs AONB than the Waterside Park recently rejected at Public Inquiry, and would have a much*

*more damaging effect on the landscape. This area has been put forward for inclusion as an Area of Local Landscape Value in the draft Local Plan.”*

- 4.05 **Cllr Springett (Bearsted Ward):** *“Following the outcome of the Public Inquiry on the two Waterside Park planning applications, the Planning Inspector gave great weight to the impact that development in this location would have on the setting of the AONB. Warehouses are a totally unsuitable proposal for this sensitive site which sits immediately adjacent to the actual AONB. In addition, a proposal was recently brought to the Strategic Planning, Sustainability and Transportation Committee to re-protect the Special Landscape Area within which Woodcut Farm lies by including it in the Draft Local Plan as an area of Local Landscape value. I am therefore writing to ask that in view of the above matters, that the application by Roxhill Developments is refused.”*

*“I still fully oppose this application despite recently submitted documents. The harm that will be caused to the countryside in this location will be enormous and warehouse type development is totally inappropriate in this rural setting. It will be difficult to mitigate the impact of warehouses when viewed from the Kent Downs AONB as most viewpoints are elevated, and normal screening will not be sufficient. Policies ENV 28 and ENV 34 are still current and apply to this site. The proposal contravenes both these policies. In addition, emerging policy SP17 also applies and as all three are in conformity with the countryside protection elements of the NPPF they are to be considered up to date. The benefit of the development does not outweigh the harm it will cause to the countryside.”*

*“I am concerned that the above planning application may be determined ahead of the inspection of our Local Plan. This strategic site forms a significant part of our employment land allocation. In addition, although this land is not proposed as an area of LLV, it has been protected as a SLA for many years, and an inspector may not agree that this site is suitable for allocation for economic development. An approval would undermine the plan-making process by pre-determining the decision about the scale and location of a major part of our employment land. Therefore, a decision on this application should be a refusal on the grounds of prematurity. This would be in accordance with PPG Para 14. Reference ID: 21b-014-20140306. I appreciate that our plan is yet to be submitted, but we are at Reg19, and only weeks away from submission to the inspector. I request this application is refused on this basis.”*

- 4.06 **Hollingbourne Parish Council:** Object for the following (summarised) reasons:

- Contrary to KIG decision.
- Harm to landscape and AONB.
- More suitable sites available.
- Inadequate local infrastructure to cope with traffic.
- Danger from traffic.
- Speculative.
- Congestion and traffic.
- Air pollution.

- 4.07 **Leeds Parish Council (neighbouring):** Object for the following (summarised) reasons:

- Contrary to KIG decision.
- Congestion and traffic.
- Harm to landscape and AONB.
- Air pollution.

- Noise.

4.08 **Thurnham Parish Council (neighbouring):** Object for the following (summarised) reasons:

- Contrary to KIG decision.
- Congestion and traffic.
- Harm to landscape and AONB.
- Noise and Air pollution.
- Harm to ecology.
- Adverse impact upon cultural heritage.
- Harm to quality of life.

4.09 **Bearsted Parish Council (neighbouring):** Object for the following (summarised) reasons:

- Contrary to KIG decision.
- Will compromise ongoing work on Local Plan.
- Harm to landscape and AONB.
- Congestion and traffic.
- Air pollution.

4.10 **Detling Parish Council (neighbouring):** Object for the following (summarised) reasons:

- Harm to environment.
- Congestion and traffic.
- Impact on natural resources.
- Harm to local residents.

4.11 **Joint Parishes Group (15 Member Parishes):** Objects for the following (summarised) reasons:

- Impact upon aquifer.
- Traffic and congestion.
- Harm to landscape and AONB.
- Adverse impact upon cultural heritage.
- Air quality.
- Light pollution.
- Noise.
- Harm to ecology.
- Contrary to KIG decision.

4.12 **The Bearsted & Thurnham Society:** Objects for the following (summarised) reasons:

- Speculative.
- Would open floodgates.
- Car reliant.
- Harm to landscape and AONB.
- Contrary to Local Plan policy.
- More suitable sites available.

**4.13 CPRE Maidstone District & CPRE Kent:** Object most strongly to the application for the following (summarised) reasons:

- This is an entirely speculative proposal.
- All the details submitted are “illustrative” only which renders many of the submitted documentation pointless and redundant.
- Harm to AONB and countryside.
- KIG grounds for refusal are applicable.
- Contrary to Local Plan policy.
- Jobs won't be created.
- Benefits to wildlife are very questionable.
- Employment sites should be met in agreement with Tonbridge & Malling.
- Traffic increases and reliance on private car.
- Would open the way for further development.

**4.14 Kent Downs AONB Unit:** Strongly objects to the application for the following (summarised) reasons:

- Site forms part of setting of AONB.
- CROW Act 2000 is relevant with duty of regard to AONB setting.
- Valued landscape.
- Kent Downs Management Plan is a material consideration.
- Limited visual impact assessment carried out.
- Detrimental impact on views from the AONB.
- Would neither conserve or enhance setting of AONB.
- Incongruous feature in landscape.
- Harm to views towards AONB.
- Cumulative impact with Waterside Park.
- Mitigation and landscaping is not sufficient.
- Weight to draft allocation should be limited.

**4.15 Leeds Castle Foundation:** Raises objections summarised as follows:

- Detrimental impact on the character and appearance of the surrounding countryside;
- The impact that would occur on Leeds Castle and its associated garden as a result of the development; this relates to the physical impact; this being not just the inter-visibility between the sites but the impact change to the rural landscape within the wider setting of the Castle;
- As a major tourist attraction the potential impact on visitor numbers respect of the perception of the heritage asset within rural Maidstone and not in an industrial location;
- The impact of additional traffic on visitor numbers;
- The potential loss of income directly to the Castle and the subsequent impact on surrounding tourism businesses reliant on tourism from the Castle;
- Contrary to Policy DM10 which seeks to ensure that such historic assets do not suffer any adverse impact
- Contrary to the strategic objectives of the Boroughs tourism objectives which seeks to ensure existing tourism opportunities.

**4.16 DHA Planning:** State that the majority of site falls within agricultural land grades 2 and 3a as shown by MBC evidence.

4.17 **Kent Invicta Chamber of Commerce:** Fully supports the principle of economic development around junction 8 for the following (summarised) reasons:

- Little further scope for economic development around motorway junctions in Maidstone.
- Sites south of Maidstone are unsuitable due to road links.
- Lack of brownfield land.
- Will attract new businesses and provide expansion space for existing businesses.
- Will provide employment opportunities and economic benefits.

## 5.0 **CONSULTATIONS**

***(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)***

5.01 **Highways England: No objections.** *“Highways England are content that proposals for the development of land at Woodcut farm, as submitted, do not represent any severe risk to the Strategic Road Network and consequently we have no objection to this planning application.”*

5.02 **Environment Agency: No objections.** *“We have reviewed the information submitted and note that the site is located over a Principal Aquifer and within SPZIII. We have no objection to the proposed development at this location but request conditions.”* (Conditions covering land contamination and to prevent pollution of the underlying aquifer and groundwater).

5.03 **Historic England: No objections.** Conclude that there would be no harm to the significance of Leeds Castle. Do not wish to raise concerns re. Hollingbourne/Eyehorne Street Conservation Area.

5.04 **Natural England: Raises objection** based on a significant impact on the purposes of designation of the Kent Downs AONB and its setting.

Key points in summary:

- Advise that the proposed development after mitigation is likely to have a residual effect of at least Major/Moderate adverse significance on the AONB and its setting.
- Consider that the amended LVIA as submitted still fails to fully address the impacts of the development during operation on the AONB.
- Consider that the photomontages showing impact have been altered using darker colours and this is likely to be misleading, and that the photomontages fail to provide a realistic representation of the likely view of the proposed development in the surrounding landscape.
- Consider that the significance of visual impact on View Point 3 should be upgraded to Major adverse given its very high sensitivity and high magnitude of change, and that View Point 12 should be at least Major/Moderate adverse.

5.05 **KCC Highways (Highway Authority): No objections** subject to conditions securing off-site highway improvements to the A20 including the site access junction, pedestrian refuge, footway/cycleway, bus stops and A20/Willington Street junction improvement;

provision of a site-wide Framework Travel Plan; a Construction Environmental Management Plan; measures to prevent the discharge of surface water onto the highway; wheel washing facilities prior to commencement of work on site; provision and retention of the vehicle parking spaces; provision and permanent retention of the vehicle loading/unloading and turning facilities; provision and permanent retention of the cycle parking facilities; completion and maintenance of the access; and the provision, by way of a Section 106 Agreement, of a financial contribution to upgrade local bus service frequencies.

5.06 **KCC (Local Lead Flood Authority): No objections** subject to a condition requiring the detailed design of sustainable surface water drainage including details of implementation, maintenance and management; and no infiltration subject to agreement.

5.07 **Kent County Council: Raises objection** based on the following (summarised) grounds:

- *The proposal would have a range of adverse landscape and visual impacts including on the setting of the Kent Downs Area of Outstanding Natural Beauty;*
- *There is no overriding economic need for the proposal which outweighs material planning considerations and there are a range of alternative Employment sites within Kent where development of this type and quantum would be more suitably accommodated;*
- *The proposal would cause substantial harm to the setting of the Grade II Listed Building (Woodcut Farmhouse);*
- *The proposal to site major commercial development on an unallocated site in the open countryside is contrary to the adopted and emerging Local Plan for the Maidstone Borough; and*
- *The proposal would severely undermine the primacy of the Local Plan process by pre determining decisions on the allocation of new land for Employment. This would not be in the interests of delivering sustainable development that reflects the vision and aspirations of the local community.*

5.08 **MKIP Environmental Health: No objections** subject to conditions relating to details of air quality emissions reduction; travel plan; contaminated land; plant and ducting details; construction hours of working; noise relating to plant and equipment; extraction details; and code of construction practice.

5.09 **MBC Conservation Officer: Raises objection** based on harm to the setting of Woodcut Farmhouse (Grade II).

5.10 **MBC Landscape Officer:** Considers the key principles of the LVIA are generally acceptable.

5.11 **MBC Spatial Policy Section: Raises no objections** and recommend that the application is supported. They consider the application broadly complies with the draft policy and that the balance weighs in favour of appropriately controlled development on the application site to meet identified needs.

5.12 **MBC Economic Development Section:** Supports the general location of Junction 8 for a new mixed commercial business park as it would be in a highly accessible and attractive location; would meet quantitative and qualitative needs with a 'new' diversified offer; and supports the Council's adopted Economic Development Strategy 2015-2031.

- 5.13 **KCC Archaeology: No objections** subject to condition.
- 5.14 **KCC Ecological Advice Service: No objections** subject to conditions relating to a GCN survey report and mitigation strategy (if required); precautionary bat mitigation measures; precautionary mitigation measures relating to reptiles; and enhancements.
- 5.15 **Southern Water: No objections** subject to conditions relating to foul and surface water drainage. Advise that there is currently inadequate capacity in the local network to provide foul drainage and that, *“Additional off-site sewers, or improvements to existing sewers will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.”*
- 5.16 **Southern Gas Networks:** High pressure pipeline restrictions must be followed.
- 5.17 **Kent Police:** Recommend a condition to ensure crime prevention is addressed appropriately.
- 5.18 **Rural Planning Ltd:** Detailed agricultural land study should be carried out.
- 5.19 **UK Power Networks: No objections.**

## 6.0 APPRAISAL

### Planning Policy

- 6.01 Relevant to this application, the Development Plan currently comprises the saved policies of the Maidstone Borough-Wide Local Plan 2000.

#### Maidstone Borough-Wide Local Plan 2000 (saved policies)

*Relevant Policies: ENV6, ENV21, ENV28, ENV34, ENV49, ED9, T3, T13, T21, T23*

- 6.02 The site is located within the countryside outside of any settlement boundary within the Maidstone Borough-Wide Local Plan 2000 (LP 2000) and as such policy ENV28 is relevant. Policy ENV28 relates to the protection of the countryside and limits the categories of development that can take place outside the defined development boundaries and states as follows:

*“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*
- (5) Such other exceptions as indicated by policies elsewhere in this plan.*

*Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”*

- 6.03 Policy ENV34 relates to Special Landscape Areas (SLA) and the site falls within the North Downs SLA. The policy states that in this area, *“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.”* This designation derives from previous County Structure Plans dating back to pre-2000.
- 6.04 Policy ED9 relates to storage and distribution uses (B8 uses) and directs them to designated sites in the LP 2000 such as Parkwood Industrial Estate.
- 6.05 Policy ENV6 requires landscaping schemes for developments including surfacing and boundary treatments. Policy ENV21 relates to the protection of the character, appearance and functioning of strategic routes within the Borough. Policy ENV49 relates to external lighting and criteria to minimise the impact upon visual and neighbouring amenities, and highway safety.
- 6.06 Policy T3 requires public transport facilities within major developments. Policy T13 refers to parking standards and states that standards will be adopted generally to ensure minimum provision and development should comply with these standards. Policy T21 refers to new development outside designated or allocated areas and, relevant to business uses, outlines that they will only be permitted where adjacent to railway lines or well related to the primary or secondary road networks and with good access to public transport, has ease of access for cyclists and is well related to existing development which can be reached along safe footpaths that follow pedestrians’ preferred routes. Policy T23 outlines that any necessary highways works will be secured by legal agreement or condition, or by contributions.

*Draft Maidstone Borough Local Plan (2011-2031) – Submission Version*

*Relevant Policies: SS1, SP17, EMP1(5), DM1, DM2, DM3, DM5, DM7, DM24, DM25, DM27, DM34*

- 6.07 Policy SS1 (Spatial Strategy) of the draft Local Plan (DLP) outlines that over the Plan period (2011-2031) provision will be made for 39,830m<sup>2</sup> floorspace for office use; 20,290m<sup>2</sup> floorspace for industrial use; and 49,911m<sup>2</sup> floorspace for warehousing use. It states that, *“a prestigious business park at Junction 8 of the M20 that is well connected to the motorway network will provide for a range of job needs up to 2031, and will help to diversify the range of sites available to new and expanding businesses in the borough to help accommodate future demand.”*
- 6.08 Following on from this, specific policy EMP1(5) allocates the application site for development for up to 49,000m<sup>2</sup> mixed employment floorspace (B1a; B1b; B1c; B2; and B8 uses). It includes criteria relating to design and layout; landscape and ecology; archaeology; access; and highways and transportation. The policy is set out in full below:

***Policy EMP1(5)***  
***Woodcut Farm, Ashford Road, Bearsted***

*Woodcut Farm, as shown on the policies map, is allocated for development for up to 49,000m<sup>2</sup> mixed employment floorspace (B1c; B2; B1a; B8). In the event of a demand arising, an element of hi-tech and/or research and development (B1(b)) would be appropriate as part of the overall*

*mix of B class uses on the site. The employment, landscaping and infrastructure elements will be delivered in an integrated and co-ordinated manner that respect the site's visual and physical relationship with the Kent Downs AONB.*

*Planning permission will be granted if the following criteria are met.*

### **Design & layout**

- 1. The proposals create a spacious parkland setting for development through the addition of substantial internal landscaping which will help to break up the visual appearance of the development in particular in views from the AONB; buildings will cover not more than 40% of the developed site area.*
- 2. The development proposals will respect the topography of the site by minimising the need for site excavation.*
- 3. Landscape buffers of at least 15m in width are established along the site's boundaries to M20 and to Musket Lane which will also help to secure the setting to Woodcut Farmhouse (Grade II listed) and the amenity of residential properties at Chestnuts and White Heath. Development will have a landscaped frontage to A20.*
- 4. An area of 9ha to the north and north west of Woodcut Farm is secured as an undeveloped landscape area in the form of open woodland including the addition of a landscape buffer of at least 30m along the eastern boundary. Future management of this area will be secured by means of legal agreement and maintained in perpetuity.*
- 5. Larger footprint buildings are accommodated in the field to the east of the stream up to a maximum unit size of 10,000sqm with building ridge heights not to exceed 12m. Units should be orientated end-on to predominant views to and from the AONB.*
- 6. Development on the field to the west of the stream comprises smaller units with graded building heights that take account of the site's topography with building ridge heights not to exceed 8m. The siting, scale and detailed design of development must have regard to Woodcut Farmhouse (Grade II) and its setting.*

### **Landscape and ecology**

- 7. The development proposals are designed to take into account the results of a landscape and visual impact assessment (LVIA) undertaken in accordance with the principles of current guidance. The assessment will specifically address the impact of development on views to and from the Kent Downs AONB escarpment. This will include environmental enhancements of the wider landscape beyond the allocation boundaries through financial contributions using the mechanism of a S106 agreement.*
- 8. The development proposals are designed to take account of the results of a phase 1 habitat survey and any species specific surveys that may as a result be necessary, together with any necessary mitigation and significant enhancement measures.*

### **Archaeology**

- 9. The proposals are designed to take account of the archaeological interest on the site as revealed through appropriate survey.*

### **Access**

- 10. Vehicular access to the site will be from A20 Ashford Road.*

### **Highways and transportation**

- 11. Improvements to capacity at the A20/Willington Street junction.*
- 12. Package of measures to provide bus stops, pedestrian refuges and improvements to the footway on the northern side of the A20 Ashford Road.*
- 13. Development will contribute, as proven necessary through a Transport Assessment, to improvements at the following junctions:*

- i. *the M20 Junction 8 (including the west-bound on-slip and merge);*
  - ii. *the A20 Ashford Rd/M20 link road roundabout;*
  - iii. *the A20 Ashford Rd/Penford Hill junction;*
  - iv. *the A20 Ashford Rd/Eyehorne Street/Great Danes Hotel access; and*
  - v. *the Willington Street/A20 Ashford Rd junction.*
14. *Development will deliver a significant package of sustainable transport measures to secure access to the site by a range of sustainable modes, including the provision of a subsidised bus route, and must be supported by the implementation of a Travel Plan.*

- 6.09 Under the DLP, SLAs are not carried forward in their current form and are replaced by Landscapes of Local Value (LLV). The North Downs SLA is not carried forward and so within the DLP the site does not fall within a designated landscape. However, policy SP17 that relates to the countryside recognises the distinctive character of the Kent Downs AONB and its setting outlining that this will be rigorously conserved, maintained and enhanced where appropriate.
- 6.10 Other relevant policies relate to more detailed matters such as design, heritage, air quality, lighting and transport/highway matters.

*National Planning Policy Framework (NPPF)*

- 6.11 The NPPF is a material planning consideration that sets a presumption in favour of sustainable development with three dimensions to sustainable development being economic, social and environmental roles. The NPPF states that the planning system supports this by contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; creating a high quality built environment; and contributing to protecting and enhancing our natural, built and historic environment.
- 6.12 In relation to development that could affect the setting of listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) places a duty on decision takers to pay special regard to the desirability of preserving that setting before granting planning permission.
- 6.13 Section 85 of the Countryside and Rights of Way Act 2000 requires a relevant authority, when exercising any functions in relation to, or affecting land in, an AONB to have regard to the purpose of conserving or enhancing the natural beauty of the AONB.

**Weight to be attached to Development Plan Policies**

- 6.14 Paragraph 215 of the NPPF states that, *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*
- 6.15 With regard to policy ENV28, in relation to the aim of protecting the countryside, by controlling harmful development within it, the policy is not out of step with the NPPF, which at paragraph 17, recognises the intrinsic character and beauty of the countryside. On this basis, it is considered that as a countryside protection policy, ENV28 carries full weight.
- 6.16 With regard to policy ENV34, paragraph 109 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. So such a policy that designates SLAs is

not out of step with this requirement. On this basis, it is considered that as a landscape protection policy, ENV34 carries full weight.

- 6.17 Policy ED9 relates to storage and distribution uses (B8 uses) and directs them to designated employment sites in the LP 2000. This is based on their lower employment generation and such sites being better connected to the primary road network. The NPPF at paragraph 21 in relation to economic development outlines that, *“policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.”* It is considered that policy ED9 is very much a restrictive policy and not flexible and as such it is considered to attract low weight.
- 6.18 The policy ENV6 requirement for landscaping schemes for developments is considered to be in line with the NPPF in achieving high quality design, and policy ENV21 in relation to protecting of the character and appearance of strategic routes within the Borough is not out of step with the NPPF aim of protecting and enhancing the natural and built environment and so would attract full weight.
- 6.19 Policy ENV49 relates to external lighting and criteria to minimise the impact upon visual and neighbouring amenities, and highway safety. This is considered to be consistent with the NPPF aims of protecting and enhancing the natural and built environment and a good standard of amenity and so would attract full weight.
- 6.20 Policy T3 requires public transport facilities within major developments, which is in accordance with section 4 of the NPPF and so attracts full weight.
- 6.21 Policy T13 refers to parking standards and states that standards will be adopted generally to ensure minimum provision and development should comply with these standards. Parking standards are permissible under the NPPF so this policy attracts full weight.
- 6.22 Policy T21 refers to new development outside designated or allocated areas and, relevant to business uses, outlines that they will only be permitted where adjacent to railway lines or well related to the primary or secondary road networks and with good access to public transport, has ease of access for cyclists, and is well related to existing development which can be reached along safe footpaths that follow pedestrians’ preferred routes. The NPPF at paragraphs 32 and 34 states that decisions relating to developments that generate significant amounts of movement should take account of whether opportunities for sustainable transport modes have been taken up; safe and suitable access can be achieved; and improvements can be undertaken that cost effectively limit the significant impacts of the development. It also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Decisions should also ensure that developments generating significant movement are located where the need to travel will be minimised and sustainable transport can be maximised. It is considered that the NPPF is not as restrictive as policy T21 but nonetheless the policy seeks to achieve the aims of locating development at more sustainable locations and so it attracts significant weight.
- 6.23 Policy T23 outlines that any necessary highways works will be secured by legal agreement or condition, or by contributions, which is considered to be in line with the NPPF paragraph 32 and attract full weight.

**Weight to be attached to Draft Local Plan Site Allocation**

6.24 Paragraph 216 of the NPPF states that,

*“from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

6.25 The DLP was submitted to the Secretary of State for examination on 20<sup>th</sup> May 2016 with examination expected to follow in September, and is the agreed Local Plan the Council considers is appropriate to meet the needs of the Borough. As such the Local Plan is considered to be at an advanced stage but it is acknowledged that it must be examined and could be subject to change. However, it indicates that the Council considers an employment allocation at the site is appropriate subject to safeguards.

6.26 In terms of unresolved objections to the emerging allocation policy for the site (EMP1(5)), statutory consultees under this planning application, Natural England and Kent County Council, have objected to the allocation. In addition, the Kent Downs AONB Unit, ward councillors, the local MP, residents, and parish councils have also objected. No objections have been raised from neighbouring authorities.

6.27 More detailed issues relating to other policies within the NPPF will be discussed below but generally, the proposed allocation is considered to be in accordance with the NPPF aims of building a strong and competitive economy and is based on an up-to-date evidence base for employment needs, as is required. However, inevitably any major development on a greenfield site will clearly have an impact upon the environment. In this respect at paragraph 152 the NPPF advises that,

*“Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.”*

6.28 It is considered that the NPPF acknowledges that adverse impacts may occur but every effort should be made to avoid this. The Council has followed this process in its Local Plan preparation and considers allocation of the site is appropriate subject to the criteria outlined within the draft policy to mitigate the impact as far as possible. On this basis, it is considered that in general, the proposed allocation is consistent with the principles and policies set out in the NPPF when taken as a whole.

6.29 The DLP has been submitted for examination and the emerging allocation policy for the site is considered to be generally consistent with the principles and policies set out in the NPPF when taken as a whole. Whilst there are unresolved objections and two of these are from statutory consultees, it is considered that the emerging Local Plan evidence based and the proposed allocation for the site attracts significant weight and

clearly indicates that the Council considers an employment allocation at the site is appropriate subject to suitable mitigation.

**Need for Employment Floorspace & Evidence Base for Employment Land at Junction 8 & MBC Economic Development Strategy (2015)**

6.30 As stated at paragraph 4.7 of the DLP, *“it is important to achieve a balance of sustainable housing and employment growth throughout the borough whilst protecting the environment, to ensure that there are enough dwellings to accommodate the economically active workforce required to fill new jobs. The scale of sustainable employment growth required will be met through a range of employment sectors. The evidence base includes updated employment land forecasts which examine the local economy to see which sectors will grow or contract (in terms of jobs). The jobs forecast is then converted into a land requirement for those sectors that require new office, industrial or warehousing and distribution space between 2011 and 2031. The assessment has taken account of the new Kent Institute of Medicine and Surgery (KIMS) and an expanded medical campus at junction 7 of the M20 motorway. The creation of 14,394 jobs is forecast across all employment sectors, of which 7,933 will be in the office, industrial and warehousing based sectors and at the Maidstone medical campus (including KIMS). These provisions are set out below (total figures vary due to rounding).”*

<b>2011-2031</b>	<b>Job creation</b>	<b>Floorspace (m<sup>2</sup>)</b>	<b>Land (hectares)</b>
Offices (B1a/b)	3,053	39,830	2.7
Industry (B1c/B2)	226	20,290	5.1
Warehousing (B8)	453	49,911	10.0
Medical (KIMS/MMC)	4,200	98,000	19.0
<b>Total requirement</b>	<b>7,933</b>	<b>208,030</b>	<b>37.0</b>

6.31 Part of the office, industry and warehousing floorspace provision can be met through the occupation of vacant buildings and land, redevelopment and planning permissions granted 2011-14 and the net requirements are shown as follows:

	<b>Offices</b>	<b>Industry</b>	<b>Warehousing</b>
Gross requirement (m <sup>2</sup> )	39,830	20,290	49,911
<b>Net requirement (m<sup>2</sup>)</b>	<b>24,000</b>	<b>-15,600</b>	<b>6,500</b>

6.32 The net requirement in the table above demonstrates that there is a current and future need for office and warehousing floorspace in the Borough. The total quantitative floorspace requirement equates to 30,500m<sup>2</sup> (24,000m<sup>2</sup> office, 6,500m<sup>2</sup> warehousing).

6.33 As outlined in the DLP at paragraphs 15.1 and 15.2, the Strategic Employment Land Availability Assessment (SELAA) assessed the potential of a range of sites to accommodate new office, industrial and warehousing/storage development. Overall, sites have been put forward for allocation in the DLP to deliver approximately 83,800m<sup>2</sup> of employment floorspace to meet employment needs during the plan period as follows:

<b>Policy Ref.</b>	<b>Site address</b>	<b>Approximate amount of employment floorspace (m<sup>2</sup>)</b>
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EMP(1)	Mote Road, Maidstone	Up to 8,000m <sup>2</sup> (B1)
EMP(2)	West of Barradale Farm, Maidstone Road, Headcorn	5,500 m <sup>2</sup> (B1, B2, B8)
EMP(3)	South of Claygate, Pattenden Lane, Marden	6,800 m <sup>2</sup> (B1, B2, B8)
EMP(4)	West of Wheelbarrow Industrial Estate, Pattenden Lane, Marden	14,500 m <sup>2</sup> (B1, B2, B8)
EMP(5)	Woodcut Farm, Bearsted Road, Bearsted	Up to 49,000 m <sup>2</sup> (B1c; B2; B1a; B8)

6.34 In terms of qualitative need, the Council's evidence base (*Qualitative Employment Site Assessment' - GVA September 2014*), concludes:

*"When qualitative factors are taken into account it is clear that the current portfolio is also unlikely to provide the appropriate range and choice of accommodation for the expected nature of future demand. Whilst much of the stock is fit for purpose, when considered in the light of likely sectoral requirements there are a number of factors which suggest the Borough would benefit from new land provision:*

- *Elements of the stock are of poorer quality and unlikely to be reoccupied;*
- *There is a considerable oversupply of office floorspace of a typology that does not meet future needs;*
- *The majority of identified development capacity is poorly located for likely occupier needs;*
- *A number of sites suffer from strategic access constraints;*
- *'extending' or 'redeveloping' sites will limit the ability to deliver new types of offer and will largely support space of a similar character;*
- *Development sites are dispersed across the borough and may not provide the scale or critical mass to accommodate larger occupiers; and*
- *A number of sites are no longer in B class use."*

6.35 In relation to the 'Woodcut Farm' proposed allocation, and as outlined in the Council's 'Employment & Retail Topic Paper' submitted with the DLP in May 2016, it is stated that,

*"To achieve the stated ambition in the Council's Economic Development Strategy (EDS) of enabling 14,400 new jobs depends on four named factors, one of which is 'filling the gap in our portfolio of employment sites to meet modern business needs.' The EDS explicitly links its ambitions for job creation with developing a site at Junction 8 as follows:*

*"The strategic case for a new employment site at Junction 8 has been established and its development is critical to ensuring that the principal aim of the Strategy is achieved i.e. the creation of 14,400 jobs by 2031 in a range of sectors and occupations" (emphasis added)*

*The decision to include Land at Woodcut Farm as an allocation in the Local Plan was taken by the Strategic Planning, Sustainability and Transport Committee on 19<sup>th</sup> August 2015. Prior to this decision, the overall strategic approach to development at Junction 8 of M20 and the merits of making a specific site allocation had been considered by the Council on a number of occasions.*

*The economic justification for a site allocation which is well connected to the strategic road network is provided by the analysis in the Qualitative Assessment. The SHEDLAA demonstrates that the only candidate sites which could realistically address this specific requirement are both at Junction 8 of M20 and both fall within the setting of the Kent Downs AONB. These sites are 'land at Woodcut Farm' (SHEDLAA reference ED-12) and 'Waterside Park' (reference ED-6). For anticipated economic needs to be met, as directed by paragraph 21 of the Framework, an allocation at Junction 8 is required."*

6.36 In their comments on this application the Council's Economic Development Section also state that,

*"The planning application supports the findings of the 'Qualitative Employment Site Assessment' (GVA September 2014), which concluded that there is an identified lack of employment land supply in the locations most likely to be attractive to the type of occupiers economic growth will attract. The key characteristics of these locations include being highly accessible with good support amenities and optimum physical and digital infrastructure. It is recognised that the prime locations for business sectors that need good access to the national road network for transporting goods and services are around the M20 motorway junctions.*

*The existing capacity for industrial and warehousing use is all in the south of the borough where the road links are the weakest and where weight restrictions have been placed on some secondary rural roads making these sites less attractive for some larger scale manufacturing and logistics operations. The Qualitative Employment Site Assessment states "whilst this does not make these sites redundant, it does potentially limit their future attractiveness to businesses and could restrict the role they play in accommodating employment growth.*

*The Qualitative Employment Site Assessment finds that there is both quantitative and qualitative need for additional employment land. New site/s should focus on a 'new', diversified offer in preference to replicating the characteristics of the existing portfolio. This points towards:*

- a. A range of flexible, small scale, good quality office space*
- b. Capacity for 'design and build' bespoke industrial space*
- c. Small-medium warehouse/distribution units*
- d. Location/s with good strategic road access to markets*
- e. Location/s with minimal development constraints*
- f. Location/s with ICT connectivity*
- g. Creation of a distinct new employment location*

*The Assessment concludes that "there is likely to be demand for a new high quality, well serviced mixed use employment development area that accommodates small business orientated space, standalone industrial and manufacturing provision (albeit likely to be a design and build demand) and smaller scale distribution and ancillary workspace and office space."*

*“The Council’s adopted Economic Development Strategy 2015 – 2031 sets out a clear economic vision and strategy for the Borough. The Locations for Growth section reflects the findings of the evidence base supporting the Local Plan, which has incorporated discussions with local businesses and other key stakeholders. The Economic Development Strategy supports the general location of Junction 8 for a new mixed commercial business park.”*

- 6.37 It must also be noted that the allocation at Woodcut Farm will help towards the quantitative demand for office floorspace (24,000m<sup>2</sup>) as the other proposed allocations would not secure the floorspace requirement alone. This being because all but one of them is for a range of B uses as this is more suitable for these sites due to them being expansion of established employment areas and/or in more rural locations, and to provide flexibility.
- 6.38 In conclusion, the Council’s employment land evidence supports the need for employment land and a new high quality, well serviced mixed use employment development at Junction 8 on the basis of there being an identified ‘qualitative gap’ in the future supply of employment land and quantitative shortfall in office floorspace.
- 6.39 The application would potentially provide 24,387m<sup>2</sup> of B8 floorspace, 5,350m<sup>2</sup> of office floorspace, and 18,004m<sup>2</sup> of light industrial floorspace. (These are the maximum floorspace amounts that have been tested under the Transport Assessment). So the maximum amounts tested for this application would go towards meeting the office requirement of 24,000m<sup>2</sup> and both provide for, and exceed the warehouse floorspace requirement of 6,500m<sup>2</sup>. This would be in line with the economic aim of the NPPF of, *“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.”*
- 6.40 With regard to the location, there is some conflict with policy ENV28 of the LP as it does not fall within one of the exceptions allowed for in the countryside. However, there is considered to be a justified need for an employment site at this location which is why the site is proposed for allocation in the DLP. As such, the development/allocation boundaries set in the LP 2000 are proposed for change to satisfy the identified need. Whilst the DLP and therefore the proposed allocation needs to be examined by an Inspector, in the Local Planning Authorities view there is an need for employment provision which will require changes to development/allocation boundaries whether deemed appropriate at this site or elsewhere by an Inspector. There would be some conflict with policy ED9 of the LP in terms of locating B8 uses outside of an allocated employment site but as outlined at paragraph 6.17 this policy is considered to attract low weight. I will return to these issues in the balancing exercise at the end of the appraisal.

### **Impact upon Town Centre**

- 6.41 Paragraphs 24, 26, and 27 and of the NPPF state that,

*“24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible*

*sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.*

*26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:*

- 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; and*
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.*

*27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”*

6.42 The application could potentially provide over 2,500m<sup>2</sup> of office floorspace. Whilst the current Local Plan is not considered to be up to date in respect of the current evidenced need for employment land as outlined above, the DLP has not been adopted and so strictly speaking the proposal is not in accordance with an ‘up-to-date’ Local Plan. In terms of a sequential approach, as outlined above, the evidence base points to a quantitative and qualitative need for additional employment land with good strategic road access to markets, and a new distinct employment location and offer in preference to replicating the characteristics of the existing portfolio. The Local Plan process has explored other locations for such provision and has concluded that Junction 8 is the only feasible option to meet the employment needs. On this basis it is considered that Junction 8 as an out of centre location is acceptable. Indeed national guidance in the NPPG advises that market requirements should inform the application of the sequential test as follows,

*“Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations”.*

6.43 In terms of impact upon the town centre, as advised by the Spatial Policy Section in their comments on this application, *“the economic evidence which has been prepared in support of the Local Plan identifies that there are two distinct markets for office floorspace operating in the borough. Town centre locations are particularly suited to the types of businesses which rely on a degree of passing trade and/or which clients need to visit whereas outside town centre locations may be favoured by back office type functions where wider strategic road links are important. In order to achieve a balance within the employment land supply, the submission Local Plan aims to provide for both these markets. Indeed, the evidence underpinning the Local Plan states that it would be undesirable to direct all future new office development to the town centre as such an approach is unlikely to provide the necessary choice and flexibility to respond to the needs of the market. It can be expected that occupiers favouring an out of centre location would be more likely to consider locations beyond the borough rather than to look towards the town centre as an alternative. In these circumstances, a strictly sequential approach to site identification would fail to adequately address the distinct types of need which have been identified. In terms of impact, the application*

*site could be expected to have a complementary role, rather than a competing one, to that of the town centre. Overall, the application site can make a significant contribution to the need for office based uses as part of an overall mix of uses on the site and as part of the overall portfolio of employment sites provide for by the emerging Local Plan.”* On this basis, it is not considered that the proposed development would have an unacceptable impact upon the town centre. Indeed currently there is an acknowledged over-supply of poorer quality office stock in Maidstone town centre. In the shorter term, the rationalisation of town centre office stock can be expected to continue with offices converted to residential uses through the means of Prior Notifications. Further, the market has not delivered new office floorspace of any scale in the town centre for a number of years; the last significant office development in was County Gate in the early 2000s. Taking all these factors into account , it is not considered that the proposed development would have an unacceptable impact upon the town centre.

### **Prematurity**

6.44 The National Planning Policy Guidance (NPPG) notes that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.

6.45 It advises that, *“such circumstances are likely, but not exclusively, to be limited to situations where both:*

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.”*

6.46 The site is allocated within the ‘submitted’ Local Plan and so any positive decision is not considered to undermine the plan-making process or warrant an objection to the application on the grounds of prematurity from the Local Authority’s point of view. There are unresolved objections to the allocation of the site, however, it is not considered that this is sufficient to justify a refusal of planning permission on prematurity grounds. It is also noted that the Inspector for the ‘Waterside Park’ Inquiry stated last year that it has, *“taken over 10 years for the Plan to reach the stage it is at present and it is clearly unsatisfactory that there is a vacuum of allocated land for employment uses when local companies are keen to grow and remain in the Borough. I therefore conclude that refusal on the grounds of prematurity in the face of this policy vacuum would not be justified.”*

### **Alternative Locations/Sites**

- 6.47 Representations have been received which assert that there are alternative sites and so development of the site is unnecessary and that there is the potential to use vacant industrial floorspace in adjoining boroughs under 'duty to co-operate' arrangements. This was also highlighted by the Planning Inspector in the 'Waterside Park' dismissed Public Inquiry appeal to the south east of the site. In response, it is important to recognise that the first option should be for the Council to meet its own needs within its own boundaries. Only if there is clear, defensible reasons why this cannot be achieved should provision be sought in adjoining boroughs through duty to co-operate discussions. Importantly, nearby authorities are under no obligation to accommodate Maidstone's needs. Employment land within their boundaries may already be accounted for as part of their own functional supply, contributing to the growth needs of their own population and economy. Further, these councils may also elect to use vacant or underused employment land for alternative uses, including for housing as a way of contributing to their own 'objectively assessed need'.
- 6.48 Detling Aerodrome was also discussed at the Waterside Park Inquiry and has been suggested in representations under this application. This is an existing employment site (13.4 ha) which is actually within the AONB. It is considered that substantial redevelopment would be required and that this would be likely to result in serious visual and landscape harm to the AONB itself. It is therefore not considered to be a realistic alternative to making an allocation at Junction 8 or sufficient grounds to object to this application.

### **Economic Benefits**

- 6.49 In summary, there are considered to be economic benefits arising from the development from the operation of the development (employment), the construction phase, and from business rates, which are outlined below.

#### *Operation (Employment)*

- 6.50 Under section A8.0 of the Environmental Statement (ES), the applicant has undertaken an estimate of the employment that will potentially be supported by the proposed development and the benefits to the economy. The analysis suggests that the total employment effect to the Borough as a result of the proposal is estimated to be between 746 and 1,020 FTE jobs and that only around 10% would be from outside the Borough based on around 91% of job seekers being in occupation categories which would be required within the proposed uses (August 2015 data). The input to the economy associated with employment has been estimated applying an annual GVA of £19,835 per full time employee. In terms of the input to the general economy, this is considered to represent a contribution of between £18.27 million and £24.96 million annually. Within the Borough itself, it is considered that the net GVA will amount to between £14.79 million and £20.23 million each year.

#### *Construction*

- 6.51 The applicant's evidence considers that the construction phase of the proposed development will have a minor impact on employment levels within the Borough, and this will obviously be a temporary impact.

#### *Business Rates*

- 6.52 An estimate of the Business Rates for the development indicates that MBC and KCC will potentially be in receipt of between £0.4 million and £0.8 million annually, depending on the mix of different uses when completed and

occupied. This income (50% of the Business Rates) could be used towards support of existing or new services/facilities within the Borough and Kent.

- 6.53 Overall, it is considered that there would be significant economic benefits associated with the development as outlined above, which would be in line with the NPPF. Indeed, paragraph 19 states that, “...*significant weight should be placed on the need to support economic growth through the planning system.*” It is also noted that for the ‘Waterside Park’ Inquiry the Inspector considered that for a potential 520 jobs, “*the numbers of jobs are clearly of importance in a Borough that is aiming to encourage growth in order to become less reliant on public sector employment and out-commuting. Therefore the proposals would be of considerable economic benefit to the Borough and would be supported by those policies in Chapter 1 of the Framework aimed at building a strong competitive economy.*”

### **Landscape and Visual Impact**

- 6.54 Under the *Maidstone Borough Landscape Character Assessment (2012, amended 2013)*, the site is located within the Leeds Castle Parklands (49) which is further refined into the White Heath Farmlands (49-2), which has its overall guideline to restore and improve the landscape. The key characteristics for the White Heath Farmlands are described as follows:

- *Major infrastructure*
- *Vegetation belts along the head of the Len valley*
- *Urban influences including car dealership*
- *Modern development*

- 6.55 In terms of the condition of the landscape it outlines that this is ‘Poor’ and states that, “*fragmentation is caused by the heavy transport infrastructure. There are habitat opportunities to the south at the head of the Len Valley, although hedgerow boundaries have been removed in part. Although some of the woodland is designated as ancient woodland, there are few other heritage features.*”

- 6.56 In terms of sensitivity of the landscape it outlines that this is ‘Moderate’ and states that, “*this is a sensitive location in that the landscape provides the setting to the Kent Downs AONB to the north. Whilst the transport corridors and service area provide little in the way of local distinctiveness, the dense vegetation belts along the drains which form the head of the Len Valley form localised distinctive features.*”

- 6.57 The following summary of actions is stated in order to restore and improve:

- *Improve the rural setting of the Kent Downs AONB through avoiding further urban edge influences and expansion of motorway services to the north of the M20.*
- *Improve ecological connectivity between existing woodland blocks.*
- *Restore, improve and appropriately manage ancient woodland and dense vegetation belts along drains.*

- 6.58 ‘*The Landscape Capacity Study: Sensitivity Assessment*’ (study into the sensitivity of areas to potential development) specifically assessed the application site and states that key constraints are considered to be:

- *Elevated views from the Downs would be difficult to mitigate*

- *Development would not be in keeping with the existing low density pattern of development in the area*
- *It is a sensitive location close to and forming the setting of the AONB*
- *Remoteness from other large scale developments on the edge of Maidstone*
- *The site is considered generally unsuitable for development.*

6.59 In terms of mitigation it advises:

- *Retain and reinforce streamside vegetation, other tree belts and significant vegetation*
- *Retain the rural landscape character and the distinctive landform which forms an integral part of a wider pattern of undulations along the scarp foot of the Kent Downs*
- *Respect the setting of surrounding heritage assets*
- *Respect views from, and the setting of, Kent Downs AONB*

6.60 The applicant has carried out a Landscape & Visual Impact Assessment (LVIA) within the ES. The Council's Landscape Officer considers that the key principles of the LVIA are acceptable and that sufficient information has been provided to reach a decision. The LVIA includes assessment of the impact of the development from 15 viewpoints in the local area. These viewpoints are considered acceptable by the Council's landscape officer and have included additional viewpoints recommended by Natural England. The conclusions of the LVIA are summarised as follows:

A7.358

*"Magnitude of impact on the immediate area will be high but on the wider areas will be moderate, reflecting that the Proposed Development will have some impact upon the character of adjacent areas where views towards the Application Site are possible. The nature of the effects will be adverse as the Proposed Development will not contribute to local character without mitigation and results in the introduction of new uncharacteristic features."*

A7.362

*"The views from the neighbouring higher ground, particularly those within the Kent Downs AONB, are of higher sensitivity to change but, due to the intervening distance or the intervening landform, the magnitude of impact upon these views tends to be lower. Impacts upon receptors which are closer to the Application Site tend to be of a greater magnitude but these receptors tend to be of lower sensitivity to change. The two key exceptions are the predicted effects upon receptors represented by viewpoints 8 and 9. These viewpoints relate to receptors on the footpath to Woodcut Farm and on those within residential dwellings adjacent to the Application Site. The proximity of the viewpoints to the Application Site means that the proposed buildings associated with the Proposed Development will form notable elements which obstruct longer distance views towards the countryside beyond. The resulting predicted effects on these receptors are major/moderate and major adverse significance."*

A7.374

*"The Proposed Development will have an impact upon the surrounding landscape and on views from the local area, including the Kent Downs AONB. For receptors within dwellings adjacent to the Application Site, these effects are predicted to be 'significant'. The majority of predicted effects are assessed not to be significant, and there is scope to reduce them further during detailed design by careful choice of materials and through comprehensive planting. The example of the nearby motorway services (MSA)*

*demonstrates that large buildings can be entirely screened from view through the use of planting, but those at the Proposed Development are larger than those at the services site, and cover a greater geographical area. Although no significant effects were identified upon Kent Downs AONB or the North Downs SLA (apart from those from the adjacent dwellings), effects of moderate significance were identified on views from the Kent Downs AONB. Although these effects are not assessed as being significant, they will still be accounted for when implementing mitigation measures.*

A7.375

*The proposed planting scheme will, in the long term, improve upon the existing landscape structure, increase the quantum of trees, shrubs and hedgerow on the Application Site, and reduce and visual baseline through the improvement of the existing landscape structure and the reduction in the visual impact of the M20/HS1 corridor, albeit within the context of a developed site. This will be in line with the existing planning policy and published landscape character assessments, but the planting works will not entirely screen the Proposed Development to all views."*

6.61 Natural England (NE) has raised an objection to the proposals in terms of the impact upon the AONB and considers that the impact for two viewpoints (3 & 12) is underestimated by the applicants. They consider that,

*"the proposed development during operation is still likely to have a significant impact on the purposes of designation of the Kent Downs AONB and its setting." They go on to state, "we advise the LVIA continues to underestimate the significance of visual impacts on the AONB and its setting. Given the scale of the proposed development, its close proximity to the AONB and that it is out of character with the surrounding landscape, we advise the proposals are likely to have a Major/Moderate adverse significant effect on the AONB and its setting during operation."*

6.62 In terms of mitigation, NE state,

*"we still consider it is questionable whether the landscaping and planting scheme would sufficiently screen the proposed development given the amount of time required for the planting to mature and that it would not be fully effective when the leaves are not on the trees. We also note no significant tree planting will be possible between the northern perimeter of the proposed development and the M20 along the high pressure gas pipeline easement."*

6.63 Clearly there is a disagreement between the applicant and NE in terms of the impact on the AONB and its setting.

6.64 From my assessment, in localised views from the A20, M20, the access to the Woodcut Farm complex, (over which PROW KH641 runs), and Old Mill Lane around 400m to the south the development would inevitably have a significant visual impact. The landscape mitigation would in time soften views of the development and in some places on the A20 where the road is generally level with the site, potentially screen the development in time. However, from higher sections of these vantage points, landscaping could not screen the development. It is acknowledged that in views from the M20 this is a view for a short period of time when passing in a vehicle at speed. Views from the A20 are more expansive across the site, particularly from the fly-over road to the SE of the site. I do however consider that when using the A20 and M20, one's visual experience is not of a high quality undeveloped landscape and as outlined in the Council's Landscape Assessment, the presence of heavy transport infrastructure and some urban influences are noticeable. This infrastructure also serves to have a negative effect on the setting of the AONB hereabouts. Nonetheless there is no major

development of the scale proposed in the vicinity and the development would be prominent, and it is considered would result in relatively significant harm to the landscape from these localised vantage points. It would also significantly interrupt views towards the AONB from the Old Mill Lane and the A20, and therefore have a detrimental impact upon its setting.

- 6.65 In longer range views from the AONB there are few visual detractors as the M20, CTRL and motorway services are largely screened from view, although one can see traffic on the M20 in places and the tower of the 'Great Danes Hotel' to the east of the site is prominent in places. Polytunnels further south on the rising slopes are extremely prominent although they are temporary in nature.
- 6.66 From open viewpoints to the north within the AONB as identified within the LVIA, and mainly on the Pilgrims Way National Trail, the site is largely screened, mainly by 'Snakehurst Wood'. This is a deciduous wood on the north side of the M20 and CTRL and is on a hill, which serves to block views of the site. Views of the development would either be obscured or negligible. The main exceptions to this are from Thurnham Castle (viewpoint 1), Cat's Mount (viewpoint 12), and West of Hollingbourne Hill (viewpoint 3) where the eastern and western parts of the site would be visible. The proposal would introduce major development that could not be entirely screened with landscaping due to the higher views, and where at present there is not any significant development. However, it must be noted that these views are from some 3.1km, 2.3km and 2.5km away at these points respectively, and as such the development would form a small part of one's panoramic view. For these reasons, I would not consider the development to be overly intrusive from here.
- 6.67 In viewpoints from the southeast and south between 1.3km and 3km away, views are generally sporadic of parts of the site and the majority of the site is obscured by intervening landform and vegetation. Viewpoints 6 (Old Mill Lane) and 7 (Forage Lane/Caring Lane) would offer clearer views of the west and east parts of the site. Some views of the Woodcut Farm buildings and the M20 are possible but the proposed development would introduce significantly more development. Some views of the buildings or roofs would be possible but from these distances, it is considered that the development would not be unduly prominent and I agree with the LVIA conclusion that there would be a negligible to moderate impact.
- 6.68 The illustrative plans have been amended since submission to show the larger buildings on the east side of the site which is flatter and orientating them 'end-on' to the AONB to reduce impact, and with the smaller units on the west. In addition building heights have been reduced to no higher than 12m to ridge. The buildings have also been subdivided into more buildings with smaller areas, to be broken up with more planting between the buildings. Whilst layout and scale are not being considered, parameter conditions can be imposed to limit heights, developable areas and to essentially follow the concept of the illustrative plans if deemed appropriate. In addition, the site does not involve extensive land alterations so would not result in obvious engineered land forms that could be significantly out of character with the local landform.
- 6.69 The main mitigation proposed is essentially in the form of landscaping and the indicative landscape proposals for the site show a series of buffers as follows:
- Dense woodland planting along the Ashford Road frontage at the south western edge of the site in excess of 20m width.

- A circa 20m native woodland belt with understorey shrubs and grasses along the western edge of the site to help protect the setting of Woodcut Farm
- Planted landscape buffer zones to the west north and east of Chestnuts and White Heath adjacent to the site to help protect the amenity of these properties.
- To the north west an area of heavily treed native woodland planting is proposed on rising ground to help screen the larger units A1 and A2 from the west and north west and to provide a substantial buffer - this will be conveyed to a Trust to maintain and manage in perpetuity (approximately 2.5ha).
- To the south east the protected trees along Musket Lane will be retained and augmented with hedgerows and additional tree planting.
- Creation of a circa 38m-70m landscape buffer between Unit A2 and the M20 which includes the 18m gas pipe easement. This easement corridor will be managed as long grass with indigenous wild flora.
- A circa 8m wide planting belt of native trees and understorey will be provided between the easement and units B1, B3, B5 and B6.
- A woodland shaw along the northern boundary and the M20, of between 10-24m width, will be enhanced with native species such as oak, hornbeam, birch, small leaf lime, hawthorn, holly, field maple and cherry.
- The access road will have an avenue of tree planting.
- Approximately 6.6ha of land to the northwest of the site being maintained as wooded pasture and not used for any purpose other than agriculture, horticulture or forestry.

6.70 Whilst landscaping is not being considered at this stage, this demonstrates mitigation that could be secured by condition as a parameter of any outline consent and this would serve to provide some mitigation for the development. As outlined above, this would not serve to screen nearby views from higher vantage points or distant views of building roofs from the AONB but it would soften the effect of the development and reduce severity.

6.71 The applicant also considers that careful use of materials could assist in limiting the impact of the development such as non-reflective materials on roofs, colours that match with the tones of the landscape and nearby agricultural buildings such as grey/green/blue/brown. To my mind this would not serve to camouflage the development but a scheme could be designed to limit the impact as far as possible. Smaller office buildings, office pods to warehouses and the main amenity hub building are proposed to incorporate green roofs which would serve to reduce impact.

6.72 In terms of lighting, the development would inevitably bring lighting to fields where none currently exists. However, there is lighting present in the local area both on the A20, M20, at the motorway services and at nearby properties. A lighting strategy has been submitted which shows lighting will be designed to minimise light pollution in the form of spill and glare. Light fittings would be of the directional type that emits all their light downwards. They would be mounted on buildings and standard height lighting columns and would be arranged to maximise the amount of light reaching trafficked hard surfacing while minimising spill light onto adjacent green areas. High mast lighting will not be used and mounting heights will never exceed the eaves height of adjacent buildings. Wherever possible lighting controls will be employed to dim or switch off any lighting that is not needed. The luminaires will be located so that they face away from the AONB where practicable. With this context and mitigation in mind, I do not consider that the impact of light on the local and wider area would be objectionable.

- 6.73 Overall, and having viewed the site from the viewpoints from the AONB, I would agree with the LVIA conclusion that whilst views from the AONB and Pilgrim's Way National Trail are sensitive, due to the intervening distance or the effect of intervening landform and vegetation, I would not consider the development to be overly intrusive from the AONB. In viewpoints from the southeast and south views are generally sporadic of parts of the site and the majority of the site is obscured by intervening landform and vegetation. Some views of the buildings or roofs would be possible but from these distances, it is considered that the development would not be unduly prominent. So in longer distance views, whilst the proposals would cause some harm to the landscape it is considered that the development would not be significantly intrusive or prominent in views from the AONB or from vantage points to the south and southeast. Nonetheless this clearly represents a conflict with policies ENV28 and ENV34 of the Local Plan which seek to protect the character and appearance of the countryside and landscape, and the environmental aims of the NPPF.
- 6.74 In terms of policy ENV34, this protects successive SLA designations from County Structure Plans the last of which was adopted in 2006 and fell away in 2009. Relevant to the application site, policy ENV34 protects the setting of the North Downs AONB rather than the AONB itself. The Council is not proposing to take forward the North Downs SLA designation, and this is a material consideration when considering any conflict with this policy, and in the overall balancing exercise. (The AONB and its setting is afforded statutory protection under Section 85 of the Countryside and Rights of Way Act 2000 as outlined above)
- 6.75 In localised views, the development would inevitably have a significant visual and landscape impact, although the presence of transport infrastructure is experienced from some of these local vantage points. Nonetheless there is no major development of the scale proposed in the vicinity and the development would be prominent and would significantly interrupt views towards the AONB. It would result in relatively significant harm to the landscape and harm the setting of the AONB from these localised vantage. This represents a conflict with policies ENV21, ENV28 and ENV34 of the Local Plan which seek to protect the character and appearance of the countryside and landscape, strategic routes within the Borough, and also with the NPPF, and the aims of Section 85 of the Countryside and Rights of Way Act 2000. I will return to the landscape impacts in the balancing exercise at the end of the appraisal.

### **Design**

- 6.76 The application is in outline form and so the specific layout, scale, and appearance of the development are not being considered. However, the illustrative plans show how the quantum of development could potentially be accommodated over the site.
- 6.77 The layout shows a spacious development covering less than 40% of the site with landscape buffers around the boundaries and feeding into the site to break up development areas, and with new waterbodies which would provide a 'parkland setting'. Landscaping strips with trees are shown breaking up parking areas and a planted bund is shown in the south west corner by the A20 to soften any development here. Landscape mitigation including buffers around the boundaries of the site and newly landscaped areas to be maintained as such in perpetuity are outlined at paragraph 6.69. It is considered that more structural landscaping coming into the development areas than is shown would be appropriate not only to improve the layout but also to further reduce the impact of the development from outside the site. In terms of topography, the indicative proposals indicate that changes to ground levels would be kept to a minimum with a cut and fill exercise seeking to achieve a net balance

between cut and fill. On this basis it is considered that the indicative proposals would minimise the need for site excavation. As outlined above, parameter conditions can be imposed to direct the layout of any development. In terms of the layout, topography and landscaping it is considered that the indicative proposals are in accordance with criterion 1, 2, 3, 4, and 7 of draft policy EMP1(5) 1.

- 6.78 In terms of scale, the largest buildings are shown on the east side of the site, indicated to have a maximum height of 12m, footprint under 10,000m<sup>2</sup>, and orientated end-on to the AONB. This is in accordance with criterion 5 of the draft policy and is appropriate bearing in mind this is the flatter part of the site. Smaller footprint and height buildings are shown on the west side and shown to be separated in places to reduce mass. Heights are indicated as being a maximum of 10m which would be 2m beyond the heights under criterion 6 of the draft policy so would not be in accordance with this criterion. The applicant considers that this height is required to meet modern operator's requirements for industrial buildings. Again, conditions could be used to set parameters on the footprint and height of any buildings.
- 6.79 With regard to appearance, and as the applicant outlines in the Design & Access Statement (DAS), the warehousing and light industrial buildings have a relatively generic specification which reflects general occupier requirements. The main visual characteristics of these buildings are their 'operational' facilities; loading and offices. They would have loading bays which normally occupy one side of the buildings and are high security areas away from public access and view. Office components may be incorporated within the envelope of the building or as an extruded office 'pod' which sits in front of the warehouse building. These areas are bounded by the site car parking and form the visual 'front door' to the buildings and therefore although private premises can form the more attractive and animated frontages of such buildings. The office and research and development buildings are more animated in elevation, with larger areas of glazing and limited servicing requirements.
- 6.80 The DAS outlines that the general roof forms of buildings would be of a curved type to, *"echo the natural contours of the location and appear as a softer form in the landscape"*. Office elements on the warehouse and light industrial buildings would be used as a separate form to the front of the main building. These offices would be predominantly glazed to provide attractive frontages to the buildings. For materials, the DAS outlines that such buildings are generally clad in profiled metal sheets and the majority of buildings would be clad as such. However, office elements will be predominantly glazed and additional materials could be used to create contrast and local identity in specific locations, such as around entrances, offices or vista stops. The external facing wall cladding material will mainly be coloured sheet steel, varied in profile, orientation and colour. The applicant considers a limited palette of colours and profiles is appropriate and restricted to shades of green becoming darker closer to the ground. Illustrative plans have been submitted showing how this might look. I consider the general concepts outlined would be appropriate. I consider it would be important to have 'active' and glazed building frontages with detailing on buildings visible from the A20 but also not to ignore the M20. This would also be the same for building frontages within the site itself. The use of vernacular materials such as ragstone could also provide a quality appearance to elements of buildings, walls etc. Again, conditions could be used to set parameters on the appearance of any buildings.
- 6.81 The DAS outlines that for hard landscape materials, *"heavy vehicular use areas will be predominantly blacktop tarmac with standard concrete kerbs. Contrasting materials and colours will be used to clearly distinguish the pedestrian and cycle routes and will include variations in tarmac surface dressings and colours, permeable block paving and occasional areas of feature paving and bound gravel in high priority pedestrian*

*nodes.*” There would be a strategy for breaking up the hard landscape areas. The DAS states that, *“feature paving, incorporating textured slabs and small sett detailing will provide a feature element at the gateway and to the public realm areas.”* The DAS also outlines that where non-secure fencing is required more sympathetic treatments could be used such as railings and post and rail fencing. Again some use of ragstone walling would be appropriate to incorporate a local material.

6.82 In terms of sustainability credentials, it is outlined that the development would achieve a BREEAM ‘Very Good’ standard and would include the use of photovoltaic cells incorporated into the design of the roofs. Smaller office buildings, office pods to warehouses and the main amenity hub building would also incorporate green roofs. It is acknowledged that that the outline application does not cover the design of individual buildings, but the DAS states that, *“it is the applicants expressed desire to promote buildings of the highest sustainable credentials that:*

- *utilise the most appropriate orientation*
- *are designed to operate as passively as practical*
- *are constructed to utilise energy sources as efficiently as possible*
- *utilise low carbon systems*

*To achieve these aspirations a robust building specification will be provided that can deliver:*

- *highly insulated cladding systems*
- *high degree of air-tightness to building fabric*
- *roof lighting and general good day lighting*
- *solar shading and high performance glazing*
- *energy efficient heating systems*
- *intelligent, daylight-sensing and presence/detecting lighting systems*
- *renewable energy systems”*

6.83 Overall, whilst the detailed design is not being considered at this stage, it is considered that the applicant’s illustrative proposals and DAS demonstrate that a high quality development could be achieved and this could be driven through appropriate parameter conditions on any outline consent. This would be in line with the aims of the NPPF in terms of securing high quality design. There would be a minor conflict with criterion 6 of the draft policy but otherwise the design and layout would meet the requirements of the policy.

## **Heritage**

6.84 In relation to development that could affect the setting of listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) places a duty on decision takers to pay special regard to the desirability of preserving that setting before granting planning permission.

6.85 There are no saved policies within the LP 2000 that relate to heritage assets and as such the NPPF is the main consideration along with the LBC Act.

6.86 Paragraph 132 of the NPPF states that,

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.*

*The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.....”*

6.87 Historic England considers that there would be no harm to the significance of Leeds Castle and raises no concerns regarding the Hollingbourne/Eythorne Street Conservation Area.

6.88 The Council's Conservation Officer objects to the application on the basis of the harm to the setting of Woodcut Farm (GII Listed) to the west of the site. No objections are raised in respect of any other heritage assets. He states,

*“In my opinion the development would fundamentally alter the outlook from the listed building, adversely affecting its setting and destroying its contextual relationship with the landscape. The proposals would have a similar effect on the setting of Woodcut Farm to those formerly submitted for the KIG scheme. The Inspector and the Secretary of State, in dismissing the appeal into that scheme agreed that those proposals would not preserve the setting of this listed building. Although the submitted plans indicate a buffer planting strip between this building and Woodcut Farmhouse, it is considered that because of the scale of the development and the elevated position of Woodcut Farmhouse this would be ineffective in screening the proposals.*

*The Heritage Statement submitted with the application recognises that the wider landscape which includes the application site is “historic” and that Woodcut Farm sits in relatively open farmland “in something approaching its original landscape context” but that the original setting has been eroded by the M20 and Channel Tunnel Rail Link to the extent that “the significance of the asset has been reduced from high to medium”. I do not agree with this assessment and consider that the impact of these modern infrastructure elements is overplayed. Visually they have only a low impact in the overall scene from the listed building; the main impact is aural from the motorway. The Heritage Statement accepts that the proposed development will impact yet further on the setting by reason of its scale and proximity yet comes to the conclusion that the significance of the listed building will not be noticeably further reduced. I do not agree with this assessment and believe that the proposed development will have a far greater detrimental impact than do the motorway and railway.”*

6.89 The KCC Conservation Architect also considers that the proposal would harm the setting of Woodcut Farm.

6.90 The MBC Conservation Officer has clarified that he considers the level of harm to the listed building to be ‘less than substantial’, in this instance Paragraph 134 of the NPPF states that,

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”.*

6.91 KCC also draws attention to the Mortuary building of the former Hollingbourne Union Workhouse. This is not listed but considered to be a non-designated heritage asset by KCC and is located immediately south of the site in the rear garden area of ‘White Heath’. KCC consider that the proposals do not respect its setting although the latest proposals slightly improve the mitigation to reduce the impact on the setting of this building. The NPPF at paragraph 135 states that,

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

- 6.92 Clearly there is considered to be conflict harm to the setting of the listed Woodcut Farm and to the non-designated heritage asset, the Mortuary building and I will return to the heritage impacts outlined above in the balancing exercise at the end of the appraisal.
- 6.93 Regarding archaeology, the applicant has worked closely with the County Archaeologist carrying out trial trenching on site. The broad results suggest that the potential for highly significant and extensive archaeology which would be a constraint on the proposed development is not high. However, some Bronze Age remains located close to Ashford Road may prove to be significant. It is advised that further archaeological fieldwork and assessment would be appropriate prior to any detailed designs being agreed (reserved matters) but it is considered that sufficient information has been produced at this stage, and that archaeological issues can be addressed through design measures and with conditions. This is in accordance with the NPPF and the draft policy for the site.

#### **Highways & Sustainability of Site**

- 6.94 Highways England have raised no objections to the development in terms of any impact upon the M20 motorway and the local Highways Authority (KCC) have raised no objections in relation to the local road network, subject to securing off-site highway improvements to the A20 including the site access junction, pedestrian refuge, footway/cycleway, bus stops and improvements to the A20/Willington Street junction. For these reasons there are no highways objections in terms of the capacity of the highways network or safety.
- 6.95 The Inspector for the Waterside Park appeal considered its location to be such that traffic generation in respect of private car/motorcycle journeys would be high. This was based on it being considered that there is limited public transport access to the site. To improve this situation the application proposes two new bus stops outside the site, and a financial contribution to increase the bus frequency at peak times to half hourly (10X service). The proposals also include the potential provision of a private staff shuttle bus service to accommodate shift patterns. A comprehensive Travel Plan to reduce car trips to/from the site with a range of initiatives and strategies, including on-going monitoring to ensure that the success can be continually tested and further mitigation measures required if necessary, is also proposed. It is also proposed to enhance the footway on the north side of the A20 to provide an attractive foot/cycle link between the site access and the A20/Roundwell junction, and provide cycle parking and shower/changing facilities to encourage such use.
- 6.96 The above measures would serve to improve the scope for public transport use at the site which would be in accordance with policy T3 of the LP. Parking provision is not set at this stage but it is considered that appropriate parking could be provided in line with policy T13 of the LP and draft policy DM27 under any reserved matters. There would be some conflict with policy T21 in that the site is not adjacent to a railway line but the site is well related to the primary and secondary road network and would have access to public transport. Proposed improvements to the footway would also accord with this policy. The proposed off-site highways works would be in accordance with policy T23

of the LP. The proposals would also comply with the highways and transportation requirements of the draft policy for the site.

- 6.97 The Inspector for the Waterside Park appeal also considered that when Operation Stack was in place, there remains a possibility that developments on the scale proposed could have an adverse impact on congestion levels on the main traffic arteries. Whilst Operation Stack occurred for its longest period last summer with unprecedented disruption to the Kent, the frequency and length of events from my knowledge of using the M20 for the last 12 years is not so high such that this is grounds to refuse permission. Neither Kent Highways nor Highways England has raised an objection on this issue.

### **Ecology**

- 6.98 The site does not have a high ecological value due to it mainly being arable farmland. The KCC Ecological Advice Service have reviewed all the ecological information which has been submitted and confirm the applicant has a good understanding of the ecological impacts relating to this site including:

- Low population of common lizards and slow worms
- Breeding Birds – including skylark and yellowhammer (Priority Species – capable of being a material consideration in the determination of a planning habitat)
- Low- moderate levels of bat foraging/commuting within the site and boundaries.
- Suitable terrestrial GCN habitat within and adjacent to the site.

- 6.99 With the regard to Great Crested Newts (GCN) low numbers of GCN were recorded in 2005 but no GCN were recorded during the 2013 surveys. However, as GCN have previously been present and there is suitable terrestrial habitat for GCN the submitted reports have recommended updating the GCN surveys in 2016. It is advised by KCC that as the most recent survey concluded that GCN are likely absent from the ponds and there has been no significant changes to the habitats present on site since the GCN surveys were carried out they are satisfied with the proposed approach. It is advised that if planning permission is granted a GCN survey report and mitigation strategy (if required) is submitted as a condition of planning permission. No works can commence on site until the GCN survey has been approved by the LPA.

- 6.100 In respect of bats, the ecological scoping survey highlighted that one tree had potential to be used by roosting bats and due to arboricultural works required there was a need for an emergence survey to be carried out. The survey was carried out in July 2015 and no bats were recorded emerging/re-entering the tree during the surveys. However the survey evidence highlighted that it is likely that bats are roosting within adjacent trees as such it is possible that bats may occasionally roost within the tree. Therefore it is advised that precautionary mitigation detailed within the submitted report must be implemented if planning permission is granted (condition).

- 6.101 With regard to breeding birds the proposed development will result in the loss of ground nesting bird habitat and skylark were recorded during all of the surveys. KCC advise that due to the proposal to create a park land it is unlikely that this area will be used by ground nesting birds as such with the current site plan there is no potential within the proposed development site for ground nesting bird habitat to be created. Such habitat could be provided on site and this could be secured by condition, to which the applicant is agreeable.

- 6.102 In respect of reptiles, they have been recorded within the proposed development site. It is proposed that the area where reptiles were recorded will be retained and a parkland area will be created, which will result in an increase in suitable reptile habitat. KCC advise that there is a need to ensure that, if planning permission is granted, the works to create the parkland do not result in the killing and injuring of reptiles. It is therefore recommended that if planning permission is granted a precautionary mitigation approach is produced to ensure the construction works avoid impacting reptiles (condition)
- 6.103 In terms of enhancements, one of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". The application is proposing to create a grazed parkland as part of the development with ponds, semi-improved grassland (just under 9ha) in addition to planting hedgerows and trees throughout the proposed development and KCC advise that, if managed correctly, this will increase the habitat suitable for protected/notable species. They recommend that if planning permission is granted a detailed management plan is submitted as a condition of planning permission, which would also cover any construction period.
- 6.104 Overall, the development would not cause any harm to protected species or ecology subject to mitigation through conditions and based on the majority of the site being arable farmland, the proposals overall, would serve to enhance the ecological value of the site. This is in accordance with the NPPF and the draft policy for the site. The proposals shows tree planting within an area of land outlined in blue immediately west of the site and whilst this does not constitute financial contributions to environmental enhancements as outlined under criterion 7, it does provide some landscape enhancement beyond the draft allocation boundaries.

### **Residential Amenity**

- 6.105 The main impacts would be on nearby dwellings through the introduction of noise and disturbance from a 24 hour site from road traffic, vehicles and HGV's accessing the site, reversing, loading and manoeuvring within loading yard areas. Although it is submitted that HGV movements would be low overnight. It is submitted that the noise environment is dominated by traffic travelling on the M20 motorway and punctuated by the passing of high speed trains using the CTRL that runs parallel to the motorway, and to a lesser extent, there is noise from passing vehicles using the A20 and various farming activities. Noise assessments and modelling has been carried out and this concludes that daytime noise from the development would be within guidelines and not be objectionable but that night time noise would require mitigation.
- 6.106 To mitigate therefore and reduce the significance of effects and avoid the likely possibility of disturbance and/or annoyance to the residents in close proximity to the site, it is proposed to include acoustic mitigation for 'Chestnuts' and 'White Heath', the 'Bearsted Caravan Club', 'Woodcut Cottage', 'Little Woodcut', and 'Woodcut Farm'. This would involve acoustic barriers ranging between 2.4m and 3.5m in height and be positioned to protect these properties.
- 6.107 With the implementation of the mitigation measures the assessment of operational activity determined that there is one moderate-minor adverse effect during the night-time period at 'Little Woodcut' and a minor-adverse effect on 'Woodcut Farm' being 1dB above the recommended guidelines, and a minor-adverse effect on 'White Heath' and 'Chestnuts'.

- 6.108 MBC Environmental Health has been consulted and has raised no objections in terms of noise and disturbance subject to conditions and on this basis I do not consider there are any grounds to object to the proposals in this respect.
- 6.109 In terms of privacy, outlook, and light, it would be possible at the detailed design stage to position and design buildings so that they would not cause any unacceptable impacts in these respects, particularly bearing in mind the distance from these properties. Indeed the indicative plans show this is achievable. Whilst the current outlook over arable fields would be fundamentally changed, the loss or change to a view is not a material planning consideration warranting objection.
- 6.110 For the above reasons, the proposals are considered to be in accordance with the NPPF aim of providing a good standard of amenity for existing residents and draft policy DM1.

### **Flood Risk and Surface Water Drainage**

- 6.111 The site is not within a high risk flood zone and as such the main issue relates to surface water drainage. KCC as Lead Local Flood Authority (LLFA) are the Statutory Consultee in this respect. A Flood Risk Assessment (FRA) has been submitted and states the drainage strategy for the site has been based upon the principle of controlling the post development runoff rate to that of the existing greenfield site. The LLFA approve of this principle but the currently outlined drainage strategy involves the runoff from the newly impermeable areas being held in various attenuation features (ponds) prior to being discharged to the existing watercourse that runs through the site. They advise that although the rate at which this water enters the watercourse will be controlled, the volume of water that ultimately has to be accommodated by the receiving network will be increased. It is advised that this is likely to result in an exacerbated flood risk downstream of the development site.
- 6.112 Therefore, it is advised that some discharge to groundwater is likely to be possible and that this should be explored in the detailed design. They acknowledge that drainage from some areas of the site may be considered to be hazardous to the underlying groundwater, but the disposal of the roof-water and the runoff from other clean areas of the site should be preferentially dealt with via infiltration into the ground, even if only shallow infiltration features prove possible. They also advise the use of swales and rainwater harvesting. I have clarified that this information can be provided by condition with specific details at any reserved matters stage and the LLFA have confirmed that this is acceptable bearing in mind this is an outline application. This is in accordance with the NPPF.

### **Foul Drainage**

- 6.113 Southern Water advises that following initial investigations there is currently inadequate capacity in the local network to provide foul sewage disposal to service the development. They advise that additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development, and that the Water Industry Act provides a legal mechanism through which the appropriate infrastructure can be provided. They recommend a condition requiring foul drainage details are submitted for approval.
- 6.114 The applicant has also provided details of the infrastructure likely to be required through initial investigations in consultation with Southern Water. This would involve the upsizing of a 105m stretch of existing pipes to provide additional storage volume

as recommended by Southern Water. On this basis, sufficient foul drainage can be provided to the development and there are no objections in this respect.

- 6.115 The site is located over a principal aquifer which provides drinking water and within a groundwater source protection zone, and as such the Environment Agency advises conditions to prevent any pollution to the groundwater. This is in accordance with the NPPF.

### **Planning Obligations**

- 6.116 The applicant has submitted draft Heads of Terms to form a Section 106 legal obligation to include the following:

*1) Creation of buffer zone and landscaping, land within the application boundary and land west of the application boundary*

- 6.117 This would involve approximately 2.5ha of land at the west edge of site (within the red outline) being conveyed to either:

- (a) Bearsted Parish Council or Hollingbourne Parish Council or
- (b) An independent Trust or
- (c) Maidstone Borough Council

- 6.118 The land would be maintained in perpetuity as woodland and not for any other purpose and its future maintenance including the provision of a commuted sum would be submitted to the Council for approval and the conveyance of the land would be subject to the approved maintenance details. If none of these bodies took on the land it would be managed by a management company.

- 6.119 Within the land outlined in blue on the site location plan to the northwest of the site (area approximately 6.6ha), a management plan would be submitted to the Council for approval, with the plan to include provision for additional tree planting to create an area of wooded pasture. The management plan would include provisions for the long term management of the land as wooded pasture in perpetuity and would not be used for any purpose other than agriculture, horticulture or forestry.

### *2) Transport*

- 6.120 This would be a financial contribution to 'Stagecoach' who operate the 10X bus service past the site to secure increased frequency of buses in the morning and afternoon peak travel periods. The contribution would be sufficient to provide two additional bus services between the application site and Maidstone East Station, in each direction, and two additional bus services over the same route in the afternoon peak period. It would be provide a sufficient subsidy to secure the viability of the additional bus services for a period of three years.

- 6.121 The applicant has held discussions with Stagecoach and they have advised that the maximum contribution to increase the peak time frequency of the service for three years is £165,000. Stagecoach has advised that they would review such a proposal at the point at which timescales for the development became clearer. They advise that there are a number of possibilities on this corridor that they would look at which could give a potential cost reduction but they could not commit at this stage. As such the figure they have provided is an indicative maximum.

*3) Phasing, Marketing and Implementation*

- 6.122 It is proposed to provide a draft Phasing, Marketing and Implementation Plan, which would demonstrate that marketing of the site shall include the provision of new floor space in each of the five use class categories comprising:
- Use Class B1 (a) offices
  - Use Class B1 (b) research and development
  - Use Class B1 (c) light industrial
  - Use Class B2 general industrial
  - Use Class B8 storage and distribution
- 6.123 The Phasing, Marketing and Implementation plan will include provision for laying out the site in a manner which enables development in each of the use class categories to be commenced without constraint, in response to confirmed occupier interest.
- 6.124 As outlined above, the Transport Assessment also includes the potential provision of a private staff shuttle bus service to accommodate shift patterns. It is considered that this should form part of any Heads of Terms.
- 6.125 It has also been agreed with the applicant that reasonable endeavours are used to employ local contractors and sub-contractors and local people during the construction works, and to procure that occupiers of the development identify employment and training opportunities that can be accessed by local people, and to provide details of employment vacancies to Maidstone Borough Council and its identified partners on a regular basis. This could provide local benefits to the economy.
- 6.126 Any contributions or measures requested under Section 106 obligations need to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. These provide that any obligation must meet the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

\*And

*A planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that —*

- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and*
- (b) five or more separate planning obligations that—*
  - (i) relate to planning permissions granted for development within the area of the charging authority; and*
  - (ii) which provide for the funding or provision of that project, or type of infrastructure have been entered into before the date that obligation A was entered into.*

- 6.127 \*This section came into force on 6<sup>th</sup> April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).
- 6.128 The landscape obligations are considered to be necessary in order to provide mitigation for the development and would meet the CIL regulations tests. The transport measures are necessary in order to improve the sustainability of the site and would meet the tests. The phasing, marketing and implementation plan, and local employment/training opportunities are considered necessary in order to promote all uses to come forward to meet the identified employment needs, and to provide local benefits to the economy, and would meet the tests

### **Other Matters**

- 6.129 The development would involve the permanent loss of approximately 15.5ha (development area) of best and most versatile land (Grades 2 and 3a). The NPPF at paragraph 112 states that the economic and other benefits of the best and most versatile agricultural land should be taken into account. Whilst a relatively large area of such land would be lost, it is considered that the significant economic benefits of the proposal would outweigh this loss in this case.
- 6.130 The Environmental Health Section has considered the impact the development would have upon air quality and an air quality assessment has been carried out by the applicant. Whilst Environmental Health query some of the assumptions within the assessment, no objections are raised and conditions are recommended for measures to reduce air pollution including electric car charging points and on-site monitoring, which is considered appropriate. The site could have some contamination from agricultural use and therefore a contaminated land condition is recommended both by Environmental Health in terms of the impact upon future users, and the Environment Agency in terms of protecting groundwater. This would be in accordance with the NPPF and draft policies DM1 and DM5.
- 6.131 Matters not generally considered above and raised in local representations relate to the impact upon tourism including Leeds Castle. There is no specific protection in the NPPF for tourism attractions but ‘support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors’, and clearly such attractions contribute towards the economic aims of the NPPF. Nonetheless, I do not consider that the presence of the development next to the M20 and existing transport infrastructure would significantly deter people from visiting Leeds Castle or other local tourism sites so as to warrant any objection to this application. I also note the Inspector for the ‘Waterside Park’ Inquiry stated, *“I am not persuaded that visitors would avoid the Castle and its grounds, together with the numerous special events that are hosted there, only because they would see an industrial park on their drive to and from the venue.”*

## **7.0 Overall Balancing of Issues and Conclusion**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. As discussed above, the NPPF is a material consideration and the Submission Version of the Local Plan is considered to carry significant weight in terms of the allocation of the site for employment purposes and the evidence base behind this. Clearly there is harm resulting from the development due to its location and size but there are also benefits associated with it.

- 7.2 As outlined above under the 'Landscape and Visual Impact' section, in localised views, the development would be prominent and would significantly interrupt views towards the AONB. It would result in relatively significant harm to the landscape and harm the setting of the AONB. In longer distance views and from the AONB, whilst the proposals would cause some harm to the landscape it is considered that the development would not be significantly intrusive or prominent in views from the AONB or from vantage points to the south and southeast. Overall this represents conflict with policies ENV21, ENV28 and ENV34 of the Local Plan and the environmental aims of the NPPF, and also the aims of Section 85 of the Countryside and Rights of Way Act 2000. Although as outlined at paragraph 6.74, the Council is not proposing to take forward the North Downs SLA designation so I do not consider conflict with ENV34 is an overriding factor.
- 7.3 In terms of the location of the site, there is conflict with policy ENV28 of the Local Plan as it does not fall within one of the exceptions allowed for in the countryside. There is some conflict with part of policy T21 in that the site is not adjacent to a railway line but the site is well related to the primary and secondary road network and would have access to public transport with improvements that can be secured. Proposed improvements to the footway would accord with this policy and can be secured. There is considered to be a justified need for an employment site at this location which is why the site is proposed for allocation in the DLP. As such, the development/allocation boundaries set in the LP 2000 are proposed for change to satisfy the identified need. Whilst the DLP and therefore the proposed allocation needs to be examined by an Inspector, in the Local Planning Authorities view there is a need for employment provision which will require changes to development/allocation boundaries whether deemed appropriate at this site or elsewhere by an Inspector. There would be some conflict with policy ED9 of the LP in terms of locating B8 uses outside of an allocated employment site but as outlined at paragraph 6.17 this policy is considered to attract low weight. These material considerations are judged to weigh against the policies in the overall balance.
- 7.4 Otherwise the proposals would be in accordance with remaining relevant policies ENV6, ENV49, T3, T13, and T23 of the Local Plan.
- 7.5 In terms of heritage impact, there is no relevant saved Local Plan policy. The Council's Conservation Officer considers there to be 'less than substantial harm' to the setting of Woodcut Farm (GII Listed) to the west of the site. I do not disagree with this conclusion and this is a factor against the development. However, the NPPF advises that this harm should be weighed against the public benefits of the proposal.
- 7.6 There would be minor-adverse impacts in terms of noise to some neighbouring properties but no objections have been raised by Environmental Health and this is not considered to be a determining factor in the overall balance.
- 7.7 Otherwise there are no unacceptable impacts in terms of highway safety or congestion, ecology, flood risk or drainage, archaeology, air quality, or residential amenity subject to conditions or planning obligation.
- 7.8 In favour of the application, the Council have accepted the need for employment land at Junction 8 on the basis of there being an identified 'qualitative gap' in the future supply of employment land and quantitative shortfall in office floorspace. There is considered to be a need for employment provision at Junction 8 and this would be in line with the economic aims of the NPPF. Importantly, the Council's submitted Local Plan recognises this and allocates the site for employment purposes subject to criteria.

- 7.9 There are significant economic benefits associated with the proposals and due to their scale these are also considered to represent public benefits to the economy. This would be through the creation of between 700-1000 FTE jobs with it being predicated that a large proportion would be from the Borough. The input to the economy associated with employment has been estimated applying an annual GVA of £19,835 per full time employee. In terms of the input to the general economy, this is considered to represent a contribution of between £18.27 million and £24.96 million annually. Within the Borough itself, it is considered that the net GVA will amount to between £14.79 million and £20.23 million each year. There would also be a receipt of business rates of between £0.4 million and £0.8 million annually, depending on the mix of different uses when completed and occupied. The Council's Economic Development Strategy (2015) explicitly links its ambitions for job creation with developing a site at Junction 8 and so the proposals would significantly contribute towards meeting the aims of the EDS.
- 7.10 The development would contribute towards meeting the social role of the NPPF through the creation of a significant number of jobs that could meet local needs.
- 7.11 The proposals would be in accordance with the draft Local Plan policy for site apart from a minor conflict with the height of buildings on the east part of the site by 2 metres, which has been justified and is not considered objectionable. Otherwise the proposals would accord with all other relevant policies in the draft Local Plan.
- 7.12 In conclusion, the proposals are not in accordance with the Development Plan (Maidstone Borough-Wide Local Plan 2000) as outlined above and there is conflict with the environmental aims of the NPPF. All planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. Material considerations are that the Council has allocated the site for employment development within the submission version of the Local Plan, which is considered to carry significant weight and with which the proposals accord subject to paragraph 7.10 above; saved policy ED9 is considered to attract low weight; saved policy ENV34 is not proposed to be taken forward as a landscape designation in the DLP; the Council have accepted the need for employment land at Junction 8 on the basis of there being an identified 'qualitative gap' in the future supply of employment land and quantitative shortfall in office floorspace; and significant economic benefits would arise from the proposals which would achieve the economic and social aims of the NPPF.
- 7.13 Carefully balancing the conflict with the Development Plan, and all other material considerations, and having fully taken into account all representations received on the application, it is considered that the economic and public benefits associated with the application are sufficient to outweigh the conflict with the Development Plan and harm identified above. As such, the balance falls in favour of recommending approval of the application. The benefits are considered to be sufficient grounds to depart from the Development Plan.
- 7.14 In reaching this conclusion, special regard has been given to the desirability of preserving nearby listed buildings and their settings, or any features of special architectural or historic interest which they possess, as required by sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and regard has been given to the purpose of conserving or enhancing the natural beauty of the AONB as required by Section 85 of the Countryside and Rights of Way Act 2000.

- 7.15 The 'Waterside Park' (2015) and 'KIG' (2010) appeal decisions have been taken into account as material considerations and have been fully considered and referenced where considered relevant in the appraisal above.
- 7.16 The KIG appeal related to a vastly different development proposal (Strategic rail/road freight handling interchange) on a significantly larger site (approximately 113 hectares) which extended from the edge of Bearsted to the current application site, and to its south. The considerations and weighing of harm against benefits were therefore different. In the conclusion, the Inspector found harm to the landscape and AONB; harm to footpaths and bridleways; some impact to residential amenity; impact upon the Bearsted settlement; modest harm to the setting of two listed buildings (including Woodcut Farm); and harm to the Bearsted Conservation Area. This is clearly a different scale of harm than is considered to occur for this application. The decision was made in the context of pre-NPPF national policy and the South East Plan, and although it is not argued that this meant significantly different considerations, it was nonetheless under different policies, and the draft Local Plan with its evidence base is considered to attract significant weight and the site is allocated for economic development. For all these reasons, it is considered that, whilst a material consideration, this decision should not lead to a refusal of this application as has been suggested under many representations on this application. The proposals are significantly different and therefore it is reasonable for different conclusions to be reached.
- 7.17 The Waterside Park appeal related to a similar scale of development to the south of the site. The Inspector found harm to the landscape and AONB, however, this site is more prominent in viewpoints from the AONB and the Inspector took issue with the significant earthworks and change to the topography and landform, which would not be the case for the application proposal. The Inspector also considered the development would cause harm to the setting of Leeds Castle, Grade I listed and therefore in the highest category of heritage assets, and it's Park, Grade II\* listed. This is not the case for the application proposal as confirmed by Historic England. Matters relating to traffic congestion and the sustainability of the site have been considered at paragraphs 6.94 to 6.97. The Inspector also found more minor harm relating to ecology and residential amenity. The draft Local Plan has been submitted for examination since that decision and is considered to attract significant weight and the site is allocated for economic development. The proposals are considered to be materially different and for the above reasons it is considered that, whilst a material consideration, the appeal decision should not lead to a refusal of this application as has been suggested under many representations on this application. It is reasonable for a different balancing of matters and conclusions to be reached in this case.
- 7.18 For the above reasons, it is recommended that planning permission be approved subject to a legal agreement to secure the matters listed below and subject to the conditions listed below. Delegated powers are sought from Members in order to finalise the legal agreement with the Head of Legal Services.
- 7.19 If approved by Members, the resolution to approve will need to be reported to the Secretary of State before issuing planning permission as it involves office uses that potentially total over 5,000m<sup>2</sup> (5,360m<sup>2</sup>), which are outside of the existing urban area, and the decision is not in accordance with the Development Plan. This is required under the Town and Country Planning (Consultation) (England) Direction 2009 and gives the Secretary of State an opportunity to consider using the power to call in the application.

### **Conditions**

- 7.20 Along with the standard time limit, conditions are considered necessary to cover the following key matters and are detailed in full below:
- 7.21 Parameters relating to landscaping, building areas, building footprints, building heights, building frontages, building and hard surfacing materials (including use of ragstone, green walls and roofs); and boundary treatments; Lighting; Landscaping (Details, Implementation & Management); Tree Protection; BREEAM Level; Ecology (Mitigation, Management & Enhancement); Off-site Highways Improvements (access, pedestrian refuge, footway/cycleway, bus stops and A20/Willington Street junction improvement); Other Highways (Site-wide Framework Travel Plan, Construction Environmental Management Plan, Wheel washing facilities prior to commencement of work on site; Completion and maintenance of the access); Foul and Surface Water Drainage; Contaminated Land; Pollution Groundwater Control; Air Quality; Plant & Ducting Details; Noise; Extraction Details; Archaeology; Crime Prevention; No Open Storage; Removal of PD Rights for Extensions;
- 7.22 It is also considered necessary to secure the maximum amount of floorspace for office/research (uses B1(a) and B1(b)) assessed under the Transport Assessment at this stage, this being a significant benefit arising from the development in meeting the evidenced need for office space, and a significant factor in allocating the site in the draft Local Plan. A condition can be used to require a minimum of 5,360m<sup>2</sup> of B1(a) or B1(b), which could be increased under any reserved matters application subject to further assessment being carried out and evidence being submitted by the applicant to support any increase.

## **8.0 RECOMMENDATION**

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

1. The creation of buffer zone and landscaping using land within the application boundary and land west of the application boundary:
  - a) Approximately 2.5ha of land at the west edge of site (within the red outline on the site location plan) being conveyed to a Parish Council, Trust, Maidstone Borough Council or Management Company to be maintained in perpetuity as woodland. Future maintenance including the provision of a commuted sum will be submitted to the Council for approval and conveyance of the land subject to the approved maintenance details.
  - b) Approximately 6.6ha of land (within the land outlined in blue on the site location plan) to the northwest of the site not to be used for any purpose other than agriculture, horticulture or forestry in perpetuity including submission of a management plan to the Council for approval, with the plan to include provision for additional tree planting to create an area of wooded pasture and long term management of the land as wooded pasture.
2. Financial contribution (amount to be finalised by officers) to provide two additional bus services between the application site and Maidstone East Station in each direction (10X Service) in the morning and afternoon peak periods for a period of three years.

3. Provision of a shuttle bus service for staff to and from the site to public transport links.
4. Provision of a Phasing, Marketing and Implementation Plan.
5. Require the developer to use its reasonable endeavours to employ local contractors and sub-contractors and local people during the construction works;
6. Require the developer to use its reasonable endeavours to procure that occupiers of the development identify employment and training opportunities that can be accessed by local people, and to provide details of employment vacancies to Maidstone Borough Council and its identified partners on a regular basis.

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

1. The 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 two years from the date of this permission.

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

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

2. The details of layout submitted pursuant to condition 1 shall show no more than 40% of the site being covered by buildings and shall follow the principles of the 'Development Plots Parameter Plan' (PL002 Rev A) dated 18.12.15. There shall be no buildings with a footprint of over 10,000m<sup>2</sup> and any buildings on the eastern part of the site (east of the existing stream) shall be orientated end-on to the M20 motorway.

Reason: To ensure a satisfactory appearance to the development.

3. The details of scale submitted pursuant to condition 1 shall show no buildings over a height of 52.6m AOD on the western part of the site (west of the existing stream) and no buildings over a height of 56.2m AOD on the eastern part of the site (east of the existing stream) and shall follow the principles of the 'Building Heights Parameter Plan' (PL007 Rev A) dated 18.12.15.

Reason: To ensure a satisfactory appearance to the development.

4. The details of appearance submitted pursuant to condition 1 shall follow the principles of the Design & Access Statement and include:
  - Curved roof forms.
  - Glazed building frontages to buildings and active frontages addressing both the A20 and M20.

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- The use of vernacular materials including ragstone on buildings and in boundary treatments.
- High quality surfacing materials.

Reason: To ensure a satisfactory appearance to the development.

5. The details submitted pursuant to condition 1 shall provide for vehicle and cycle parking spaces in line with the Council's adopted standards.

Reason: In the interests of highway safety and to promote sustainability.

6. The details of landscaping submitted pursuant to condition 1 shall be designed in accordance with the principles of the Council's landscape character guidance. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The programme of implementation shall include boundary planting being established under the first phase of any development. The landscape scheme shall follow closely the principles of the illustrative landscape proposals plan (Drawing no. 2080 DR 003 Rev G) and Design & Access Statement and specifically address the need to provide:

- Dense woodland planting along the Ashford Road frontage at the south western edge of the site in excess of 20m width including a planted bund.
- A 20m native woodland belt with understorey shrubs and grasses along the western edge of the site to help protect the setting of Woodcut Farm.
- Planted landscape buffer zones to the west north and east of Chestnuts and White Heath adjacent to the site to help protect the amenity of these properties.
- An area of heavily treed native woodland planting in the north west corner of the site of approximately 2.5ha.
- Retention of the protected trees along Musket Lane and augmented with hedgerows and additional tree planting to the south east corner of the site.
- Creation of a circa 38m-70m landscape buffer between any development and the M20 which includes the gas pipe easement.
- A woodland shaw along the northern boundary and the M20 of at least between 10-24m width.
- A circa 8m wide planting belt of native trees and understorey between the gas pipe easement and any development.
- The gas pipe easement corridor managed as long grass with indigenous wild flora.
- An avenue of tree planting along the access road.
- An area of wooded pasture of approximately 6.6ha within the land outlined in blue to the northwest of the application site.
- An area of tree planting within the land outlined in blue to the west of the application site.
- Swales and balancing ponds including the provision of shallow areas, and deeper, cooler areas, as well as the planting regimes.
- Planted 'green' roofs to buildings.
- Planted 'green' walling to buildings.
- Areas of structural landscaping extending into the development areas.

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

7. The details submitted pursuant to condition 1 shall include at least 5,360m<sup>2</sup> of B1(a) or B1(b) floorspace.

Reason: The provision of this type of floorspace is a material ground for allowing the development.

8. The details submitted pursuant to condition 1 shall incorporate measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED).

Reason: In the interest of security, crime prevention and community safety.

9. No development shall take place until a phasing plan for the whole site has been submitted to the Local Planning Authority and agreed in writing. The approved phasing plan shall be followed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a suitable development of the site.

10. No phase of the development shall take place until details of the proposed slab levels of the buildings and the existing site levels relating to that phase 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.

11. No phase of the development above damp proof course level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces relating to that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The materials shall follow the principles of the Design & Access Statement.

Reason: To ensure a satisfactory appearance to the development.

12. No phase of the development above damp proof course level shall take place until details of all fencing, walling and other boundary treatments relating to that phase 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. The boundary treatments shall follow the principles within the Design & Access Statement and include the use of ragstone walling.

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

13. No phase of the development above damp proof course level shall take place until details of any lighting for the site relating to that phase has been submitted to and approved in writing by the local planning authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to

prevent light pollution and in the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details. All external lighting shall be installed in accordance with the specifications and locations set out in the details, and these shall be maintained thereafter.

Reason: To prevent light pollution in the interests of the character and amenity of the area and biodiversity.

14. No phase of the development shall take place until an Arboricultural Impact Assessment (AIA) in accordance with the current edition of BS 5837 relating to that phase has been submitted to and approved in writing by the local planning authority. It shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and take account of site access, demolition and construction activities, foundations, service runs and level changes. It shall also detail any tree works necessary to implement the approved scheme and include a plan showing protection of trees and ground designated for new structural planting.

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

15. No development shall take place until the specific details of the off-site highway improvements to the A20 including the site access junction, pedestrian refuges, footway/cycleway enhancements, bus stops, and the A20/Willington Street junction improvement have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The subsequently approved details shall be carried out in full prior to the occupation of any of the development.

Reason: In the interests of highway safety and to promote sustainability.

16. No development shall take place until a Construction Management Plan and Code of Construction Practice, including the provision of wheel washing facilities, has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway

## Planning Committee Report

- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: In the interests of highway safety and local amenity.

17. No development shall take place (including any demolition, ground works, site clearance) until an updated Great Crested Newt survey report and mitigation strategy (if required) has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation shall be carried out in full and thereafter maintained.

Reason: In the interests of biodiversity.

18. No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to, and be approved in writing by the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Map clearly showing the area to be managed and where all the features will be located.
- c) Ecological trends and constraints on site that might influence management.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) If the management actions will be phased over a number of years – a map must be supplied clearly showing how the work will be phased.
- h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- i) Details of the body or organization responsible for implementation of the plan.
- j) Ongoing monitoring and remedial measures.

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

Reason: In the interests of biodiversity.

19. No development shall take place until an ecological design strategy (EDS) addressing ecological enhancements for the site has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;

- c) Detailed design(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used, e.g. native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with any proposed phasing of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long term maintenance;
- i) Details for monitoring and remedial measures.
- j) Provision of ground nesting bird habitat.
- k) Follow the principles of the biodiversity enhancement plan as outlined under the 'Lloydbore Ecology Report Revision E'

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity.

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

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

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

Reason: In the interests of biodiversity.

21. No development shall take place (including demolition, ground works, vegetation clearance) until a precautionary reptile mitigation strategy has been submitted to and agreed in writing by the Local Planning Authority. The precautionary mitigation strategy must include the following:

- Map showing the areas of suitable reptile habitat (both retained and lost by the development)
- Methodology to clear the reptile habitat
- Time of year the works will be carried out
- Confirmation that an experienced reptile worker will carry out the works

- Details of how the retained habitat will be protected during construction works.

The approved strategy shall be adhered to unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity.

22. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that both the rate and volume of run-off leaving the site post-development will be restricted to that of the existing site, with the rate of runoff not exceeding 87l/s for any rainfall event (up to and including the climate change adjusted 100yr critical storm).

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

23. No development shall take place until it has been appropriately demonstrated that the existing on-site surface water flow-routes and accumulation points will not be altered in such a way that the development places adjacent properties at risk of flooding during any rainfall event, up to and including the climate change adjusted critical 100yr storm.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

24. No development shall take place until details of foul water drainage for the site has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved prior to occupation.

Reason: To ensure protection of controlled waters including groundwater.

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

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

and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

26. No development above damp proof course level shall take place a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport and building related air pollutant emissions of the development during construction and when in occupation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.

Reason: In the interests of pollution reduction and local amenity.

27. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

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

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

29. Any existing trees or hedges approved to be retained on site which, within a period of ten years from the first occupation of a property, commencement of use or adoption of land, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February),

## Planning Committee Report

with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

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

30. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority;

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

31. All buildings shall achieve a Very Good BREEAM UK New Construction 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM UK New Construction 2014 rating has been achieved within 6 months of the first occupation of the building.

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

32. The approved details of the access to the site as shown on drawing no. PL 102 dated 18.12.15 shall be completed prior to the occupation of the site and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

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

Reason: To minimise traffic generated by the development in the interests of sustainability.

34. The precautionary bat mitigation as detailed within the 'Lloydbores Bat Report Revision A' shall be strictly adhered to unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of biodiversity.

35. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and

- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

36. Details of facilities for the charging of electric vehicles in this development shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The approved facilities shall be provided before the first use of the building(s) or land and should conform to the latest standards and conform to best practice. The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 or latest equivalent.

Reason: In the interests of sustainable transport use, pollution reduction and local amenity.

37. 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 for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

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

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

39. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

40. Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 1999 Sound Insulation and Noise Reduction for Building Code of Practice and the

Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity.

41. The rating level of noise emitted from any proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Authority will accept 23:00 – 07:00 hours as covering the night time period

Reason: In the interests of residential amenity.

42. The rating level of noise emitted from any proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the day time period. For the purpose of the assessment the Authority will accept 07:00- 23:00 hours as covering the night time period

Reason: In the interests of residential amenity.

43. Prior to the first operation of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

Reason: In the interests of residential amenity.

44. No open storage of plant, materials, products, good for sale or hire or waste shall take place on the site.

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

45. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extensions to any buildings shall be carried out without the permission of the Local Planning Authority;

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

46. In respect of the access only, the development hereby permitted shall be carried out in accordance with the drawing no. PL102 dated 18.12.15.

Reason: For the purposes of clarity.

**INFORMATIVES:**

1. No construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.
2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.)
3. Advice re. Bats and Lighting in the UK

Bat Conservation Trust and Institution of Lighting Engineers  
Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.
- 

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal

halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels. Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided. If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

#### Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
  - Lamps of greater than 2000 lumens (150 W) must not be used;
  - Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
  - Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
  - Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
  - Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
  - Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.
4. There is a high pressure gas pipeline in the vicinity of the proposed development which has a Building Proximity Distance (BPD). The building proximity distance (zone 1) is 9 metres either side of the pipeline. This should not however be confused with the HSE consultation zones 2 & 3 which will be considerably greater. Zone 1 is a safety factor with reference to habitable buildings as recommended by IGE/TD/1. It is calculated from the diameter, material, wall thickness and pressure of the particular pipeline. Under Pipeline Safety Regulations 1996 this distance is declared to the HSE. Any intrusion within this safety zone should not be taken lightly and any intention to proceed should be accompanied by a risk assessment or provision of other supporting evidence especially in the event of any legal proceedings at a later date. I have attached a copy of our plans showing the pipeline in relation to this site. Pipelines laid in private land are protected by a Deed of grant, which prohibits certain activities within the easement strip like no addition to or removal of surface levels, no structures over or within the specified distance of the pipeline. Further details are available if you require them. A request to us for any copies could incur a small fee, payable in advance. Any vehicle crossings over the pipeline will require: calculations to prove that no additional stresses will be incurred; a design showing the roadway in relation to the pipeline; and method statements to be agreed with SGN before it goes ahead. Road crossings need to be kept to a minimum. This pipeline is of prime importance to the gas supplies of this area. Should any work be contemplated it is essential that you comply with the restrictions detailed below and in the document SGN/SP/SSW22 in order to protect our plant and equipment and for the safety of your own operatives.
- 1) No mechanical excavation is allowed within 3 metres either side of pipeline.
  - 2) No plant or storage of equipment shall be made within any easement strip.
  - 3) If any metallic pipes or cables are being laid in proximity to gas pipelines then interference testing will be required, the cost of which to be borne by the promoter of the works. A minimum clearance of 600mm is required.

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- 4) All precautions stated in publication SGN/SP/SSW22 (Safe Working in the Vicinity of High Pressure Gas Pipelines) shall be fully complied with in all respects. Acceptance of SSW22 shall be acknowledged by the responsible site person signing and returning the form Appendix A (back page) to the SGN representative contacted in (7).
- 5) No thrust boring shall take place within three metres of the pipeline.
- 6) All planting within the easement strip should comply with "Notes for Guidance on Tree Proximity".
- 7) Before commencing work on site you must contact our Pipeline Maintenance Section on 0141 4184093 at least three days before work commences. A Southern Gas Networks representative will then contact you to arrange to visit site. Details of working near to high-pressure gas pipelines can then be discussed.
- 8) Pipeline sections that are planned and agreed by SGN to be permanently covered (i.e. by road surface) will require a coating survey. SGN will repair any indicated coating defects free of charge. The survey costs will be borne by the promoter of the works. Prior to any surface cover cathodic protection coupons and reference cells will require installation at no cost to SGN.
- 9) This pipeline is cathodically protected and as such has test cables located in surface boxes, were these to be lost through this work we would look to you for remedial action at no cost to SGN.
- 10) Intrusive construction methods will require an agreed method statement prior to work starting.

Case Officer: Richard Timms

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.