

MC/19/2742

Date Received: 15 October 2019

Location: Land West Of Maidstone Road And South Of Stoney Lane
Rochester ME1 3QZ

Proposal: Change of use of land for a transport distribution hub (Use Class B8) together with construction of new vehicular access on Stoney Lane, improvements to both Stoney Lane and Rochester Road/Maidstone Road, levelling and hard surfacing of the site, stationing of a portable building to provide office and employee welfare facilities, and other ancillary development including external lighting

Applicant TBH Real Estates Investments Ltd,
Mr Clifford Thurlow

Agent

Ward: Rochester South & Horsted Ward

Case Officer: Katherine Parkin

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 1st April 2020.

Recommendation - Approval with Conditions

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Drawing numbers 1339 1012 Rev P3, 1339 1260 Rev P5, 1339 1263 Rev P2, 1198-DFL-1300-001 Rev B and SKETCH 001 Rev P2 received 15 October 2019;

7153-P-01 Rev A received 22 October 2019;

T766TCP and T766TPP received 19 November 2019;

KEN 2049 Figure 01 and KEN 2049 Figure 4 Rev D received 21 January 2020.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include amongst other matters details of:

- hours of construction working with construction and delivery vehicles avoiding the local highway network in the peak hours of 0800-0900 and 1700-1800 where practicable

the anticipated number, frequency, types and timing of vehicles used during construction (construction vehicles should avoid the network peak hours of 0800-0900 and 1700-1800 where practicable);

- measures to prevent access for unauthorised vehicles
- ensuring the public right of way along Stoney Lane adjoining the site is open and unobstructed at all times
- provision of vehicle ingress, egress and parking for construction workers and visitors
- a vehicular and pedestrian signage strategy
- measures for wheel cleaning/chassis cleaning for construction and delivery vehicles to mitigate the impact of construction on adjoining public highways
- measures to prevent loose materials and dust passing outside the site boundaries, including the sheeting of loads and damping down of unbound surfaces and materials stockpiles in dry weather
- pollution incident control measures
- measures to avoid any disruption to utilities crossing the site
- areas for the loading and unloading of vehicles and the storage of plant, materials and waste
- details of any temporary site illumination during construction works
- details of temporary security fencing and signage during construction works
- site contact details in case of complaints.

Upon approval of the CEMP all construction activity shall be carried out in accordance with the approved plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and amenity of the area and in compliance with Policies BNE2 and T1 of the Medway Local Plan 2003 and avoiding where practicable any increased congestion on the M2 motorway.

4 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written approval of the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

5 Within 3 months of works commencing on site an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how the enhancements will be established and managed. All enhancement measures shall be undertaken in accordance with the approved plan.

Reason: In order to minimise the impact on wildlife and habitat with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

6 Within 6 months of the date of this permission, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

7 The development hereby permitted shall only be undertaken in strict accordance with the landscape strategy drawing KEN 2049 Figure 4 Rev D and detailed planting proposals drawing KEN 2049 Figure 01. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons

following the first occupation of the development. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations and BS4428 - Code of Practice for General Landscape Operations.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 8 Prior to the commencement of any works on the retaining wall structure, a detailed Retaining Wall scheme based on the information contained in the IDOM Ltd Geo-Environmental Assessment Report Rochester Road - Phase 3 Chatham (report No. GEA-20707B-19-406 dated September 2019) and detailing any recommended further testing shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The scheme shall be implemented as approved prior to first use of the site and retained thereafter.

Reason: To ensure that the M2 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 9 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Those details shall include (if applicable):

- i. a timetable for its implementation (including phased implementation where applicable).
- ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

Reason: To manage surface water during and post construction and for the lifetime of the development in accordance with paragraph 165 of the National Planning Policy Framework 2019, and to ensure that the M2 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

- 10 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with paragraph 170 of the National Planning Policy Framework 2019.

- 11 The developer must ensure a watching brief is carried out by a suitable consultant during earthworks and foundation works. Any measures to control any contamination identified during these activities shall be agreed with the Local Planning Authority before further construction commences.

Reason: To protect underlying groundwater resources in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 12 Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved strategy and the effectiveness of any required remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling carried out in accordance with the recommended actions to demonstrate that any required remediation actions have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, in accordance with paragraph 170 of the National Planning Policy Framework 2019.

- 13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, in accordance with paragraph 170 of the National Planning Policy Framework 2019.

- 14 No part of the development hereby permitted shall be brought into use until a travel plan is submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The travel plan to be submitted shall also set out how the plan will be regularly reviewed and approved by the Local Planning Authority. The measures in the approved travel plan shall be implemented.

Reason: To ensure that construction of the development does not result in avoidable congestion on the M2, to ensure that it continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 15 The proposed development shall not be occupied until highway improvements along Rochester Road (drawing 2019/4886/007) have been secured via a Section 278 agreement.

Reasons: To ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local Plan 2003.

- 16 The proposed development shall not be occupied until the area shown on the submitted layout as vehicle parking spaces has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2018 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003

- 17 Prior to any part of the development being occupied details of secure private cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 18 Prior to any part of the permitted development being occupied details of the provision of 2 electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of National Planning Policy Framework 2019.

- 19 Other than temporary lighting approved for use during site construction under the Construction Environmental Management Plan referred to in condition 3, the only external lighting or illumination of any part of the site to be installed or operated shall be that shown on drawing number 1198-DFL-1300-001 Revision B.

Reason: To ensure that any lighting does not detrimentally affect the amenity of the area and is not a hazard to drivers on the M2 motorway in accordance with Policies BNE2, BNE5 and T1 of the Medway Local Plan 2003.

- 20 Prior to any change in the type of materials to be stored at or distributed from the site from those proposed in this planning application to one involving chemicals and/or organic liquids and/or mineral oils, a management scheme which incorporates measures to minimise risks to groundwater and surface water of any accidental spillages of these materials shall be submitted to, and approved in writing by, the local planning authority prior to that change in storage or distribution commencing. The scheme shall, where necessary, be supported by detailed designs/specifications and include a programme for future maintenance. The scheme shall be fully implemented and subsequently maintained, in accordance with timing and phasing arrangements embodied within the scheme. Following approval, any subsequent change to the scheme must be approved in writing by the local planning authority prior to implementation.

Reason: To ensure that the risks from the stored materials specified does not harm the water environment.

- 21 External materials for the portacabin shall match those of the adjacent building on the southern boundary.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 22 No materials, plant or other equipment of any description shall be stored in the open other than in areas and to such heights as have been approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality in accordance with Policy BNE1 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This is an application for the change of use of the land for a transport distribution hub (Use Class B8) together with construction of new vehicular access on Stoney Lane, improvements to both Stoney Lane and Rochester Road/Maidstone Road, levelling and hard surfacing of the site, stationing of a portable building to provide office and employee welfare facilities, and other ancillary development including external lighting.

The site will be used as a transport distribution hub for Wren Kitchens' products in the south-east of England.

The development of the site would require some regrading (cut and fill) to create a level development platform and there will be retaining structures in places. A concrete hardstanding would be constructed over the levelled site for vehicle parking and vehicle loading and unloading.

The proposed transport distribution hub would operate 24 hours a day on weekdays. Bulk deliveries of kitchens ready for installation in customers' homes would be made overnight in trailers. There would be 20 delivery vehicles of either 7.5 tonnes or 18.5 tonnes permanently based at the site which would be loaded overnight from the trailers ready for deliveries to be made to customers the next day. The delivery vehicles would leave the site between 6am and 8am and would all return by 6pm. Each delivery vehicle would have a driver and a driver's mate, requiring 40 full-time employees. There would also be 3 other employees either acting as loaders of the delivery vehicles or as administrative staff.

A portacabin building of 60sqm is proposed as an office and to provide welfare facilities for staff.

Due to the overnight working involving vehicle unloading and loading the site will also be illuminated.

Revised plans/transport/ecological/pollution information have been submitted due to initial concerns from various consultees. This includes additional planting proposals and revised landscaping strategy

Relevant Planning History

Application site and land to the south/north

MC/08/0968 Outline application for construction of 9,500 to 12,000 square metres of floorspace for B1 use; new vehicular access to the public highway, internal roads and vehicle parking; services and ancillary development
Decision: Refused
Decided: 25.09.2008

Adjacent sites to the north

(North of Stoney Lane)

MC/20/0234 Construction of a new vehicle access onto classified road (B2097 Maidstone Road) including earthworks and landscaping
(Pending decision)

(Adjacent Royal Mail Depot)

MC/20/0302 Construction of a part single part 2 storey depot/workshop building with ancillary offices; access, parking, vehicle washing facilities and landscaping

(Pending consideration)

Adjacent site to south in Tonbridge and Malling (known as Pelican View Business Park)

17/02655/FL Hybrid planning application: (A) Full planning application for the creation of a new vehicular access to Rochester Road, the erection of buildings with up to 2,226spm of floor space for storage, distribution use and wholesale trade distribution (Class B8) and/or use for general industry (Class B2) including layout of internal road and hardstanding with the installation of services (Phase 1). (B) Outline planning application with all matters except access reserved, for the erection of buildings with up to 2,021spm of floor space for use with storage, distribution, wholesale trade distribution (Class B8), general industry (Class B2) and/or offices (Class B1) including the change of use of up to 1,470spm of open land to storage and distribution (Class B8) and the layout of internal roads and hardstanding with the installation of services (Phase 2)
Approved 02.02.2018

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Rochester Airport, KCC Biodiversity, EDF Energy, Southern Gas Networks, Southern Water Services, Environment Agency, Royal Society for the Protection of Birds, Kent Wildlife Trust, Kent Downs AONB Unit, Natural England, Tonbridge & Malling Borough Council, Highways England and Peel Ports have also been consulted.

Three neighbour representation letters have been received with the following objections:

- The site is in a prominent position on top of the scarp slope of the North Downs, which is an AONB, and is clearly visible from the other side of the valley.
- The proposal would be visually intrusive.
- Any development should be restricted to the other side of the road as it would be screened by the roadside trees/hedges.
- Traffic along the Maidstone/Rochester Road has increased over time and access from Lankester Parker Road/Laker Road can be hazardous with excessive traffic speeds and poor visibility. This development is likely to worsen the situation.
- The proposed access point at Stoney Lane will be very dangerous for an articulated lorry.
- It would be preferable for the access point to be opposite Lankester Parker Road, via the installation of a round-a-bout with traffic management to allow safe access from the site. This would reduce the risk of accidents and allow the safe access on and off the site, whilst improving the access on to the Rochester Airport Industrial Estate and slowing the flow of traffic on the Maidstone Road.

The **Environment Agency** has removed their initial objection relating to the risks of pollution to controlled waters, and is satisfied subject to the imposition of conditions relating to contamination and informatives.

KCC Biodiversity initially requested additional ecological information, and further to the submission of this, has reviewed it and advises that sufficient information has been provided to determine the planning application, subject to an ecological enhancement plan condition.

Natural England has no comments to make.

The **Kent Downs AONB Unit** initially requested strengthened boundary planting in the form of a tree belt, and now confirm the additional planting proposals and revised landscaping strategy address the concerns raised in their original response.

Highways England's initial informal advice was that the application should not be approved because of the potential for harm to the strategic road network. They required the worst case trip generation assessment to be undertaken to determine the trip movements associated with the proposed development onto the M2; robust evidence that any additional trips on the M2 associated with the proposal will not impact upon the safe operation of the SRN; and further information regarding the potential impact of the site on SRN operation and assets. Further to the submission of the requested information, Highways England now recommends conditions to be attached to any planning permission.

Southern Water records show the approximate position of a water trunk mains within the site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water. Attention is drawn to restrictions on proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Conditions/informatives are recommended.

Southern Gas Networks comments that there may be low/medium/intermediate pressure gas mains near the site and recommends safe digging practices.

UK Power Networks has submitted a copy of their record to show the electrical lines and/or electrical plant at the site and enclose a fact sheet regarding the use of their plans and working around their equipment.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 (NPPF) and are considered to conform.

Planning Appraisal

Background

Historically, planning permission was refused for an employment use on this site under planning application MC/08/0968, and Medway Council objected to similar development across the boundary to the south in Tonbridge and Malling. However, more recently, Tonbridge and Malling has approved employment uses on the land adjoining the application site to the south, and this has been implemented as can be seen from the presence of Screwfix and the development of the Pelican View Business Park immediately adjacent to the southern boundary.

Principle

The site lies outside the urban boundary within the countryside, and within the Nashenden Valley Area of Local Landscape Importance (ALLI) and Strategic Gap. It is within the Medway Landscape Character Assessment (Nashenden Scarp), and lies opposite the Kent Downs Area of Outstanding Natural Beauty (AONB).

The B8 use proposed under this application falls outside the categories of land use that are normally acceptable in the countryside, as set out in Local Plan Policy BNE25.

However, given the history of approved employment development to the south of the proposal site within the Tonbridge and Malling boundary, and the Royal Mail depot further to the north within the Medway boundary, it must be recognised that the character of this area is changing. There are also further current applications for employment uses on the sites immediately to the north of the application site as set out in the Planning History Section above, and it must be considered that the site lies opposite the Laker Road Industrial Estate, which is an existing employment area (Local Plan Policy ED1).

It should also be noted that the site was historically used as a contractor's compound for the M2 widening/CTRL development, and more recently has been used as a contractor's depot during the construction of the new Pelican View Business Park to the south. The site has the appearance of disused land and contains little natural vegetation. It is well screened as it is bounded by hedgerow along the Maidstone and Rochester Road frontage. On the western boundary of the site there is a steep slope down to the M2 motorway, which is densely planted with trees and shrubs.

Medway's Strategic Land Availability Assessment (SLAA) is used as evidence to support land allocations, though does not provide actual allocations. Within the SLAA 2019 the application site is classed as suitable for B2/B8 employment uses. There are landscape concerns for any development on this site due to the close setting of the AONB, but it is felt that these can be overcome through the development of a buffer on the ridge line and sensitive design in relation to heights.

The Medway Employment Land Needs Assessment 2015 did not review this site specifically, but does conclude there is a need to look for employment sites with easy access to the road network, subject to a transport assessment.

NPPF paragraph 82 also sets out that in order to help create the right conditions for businesses to invest, expand and adapt, planning decisions should recognise and address the specific locational requirements of different sectors. For storage and distribution operations, this includes making such provision at a variety of scales and suitably accessible locations.

The principle of redevelopment of the land to the west of Maidstone Road for employment uses has already been established by the previous permission granted by Tonbridge and Malling. The site is well located for access to the regional motorway network and town centres, and given its location and the wider context of the area, the proposed B8 employment use is considered to be appropriate here, despite the land not being specifically allocated for such a use, subject to an appropriate landscape buffer. This will be considered in more detail below.

Design

Development Plan policy places considerable emphasis on the importance of achieving high quality buildings and places. Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 127 adds that developments should add to the overall quality of the area, be visually attractive, and sympathetic to local character, including the surrounding built environment and landscape setting.

Local Plan Policy BNE1 seeks to ensure that the design of development is appropriate in relation to the character, appearance and functioning of the surrounding area. The countryside location of the site together with the ALLI designation necessitates appropriate protection for development here. Local Plan Policy BNE25 requires that development should maintain, and wherever possible enhance, the character, amenity and functioning of the countryside.

Similarly, in relation to ALLIs, Local Plan Policy BNE34 states that development will only be permitted if it does not materially harm the landscape character and function of the area, and development within an ALLI should be sited, designed and landscaped to minimise harm to the area's landscape character and function.

In terms of the design of the development, the scheme will not have a significant visual impact. There will only be one building on the site, which will be a single storey portacabin sited next to the much larger new building to the south in Pelican View Business Park. The proposed layout of development includes 20 parking spaces for delivery vehicles based at the site, an unloading area for trailer towing vehicles bringing goods for distribution to the site from which the delivery vehicles will be loaded, and spaces for employee vehicle parking. Lorries and employee vehicles will be present on the site, though their numbers will vary over each day.

The main change in the appearance of the site will be on the Stoney Lane frontage with the creation of the new site access and improvement of the Stoney Lane junction with Rochester/Maidstone Road. Boundary planting will be retained and enhanced, which will mitigate the visual impact of these works.

The revised landscape strategy for the development includes the following:

- The retention and management of the existing vegetation and grass verge along the Maidstone/Rochester Road frontage.
- A mixed native hedge along northern boundary with Stoney Lane consisting of a mix of holly, privet and yew. Larger specimen native trees planted behind with shrub underplanting. This area to be bunded with excess soil to improve screening.
- A strong, green infrastructure will be established with habitats including chalk wildflower meadow verges, and tree and scrub planting of locally appropriate native species to increase biodiversity on-site and provide connectivity to existing wildlife corridors in the surrounding landscape.
- Existing bank and vegetation to be retained with infill planting.

The submitted lighting strategy shows lighting columns (10m high) are proposed to the perimeter of the development, which include shields to prevent excess illumination. The revised landscape strategy also includes reference to a 'Dark sky at night' lighting policy, which will be used to reduce light pollution.

Whilst the countryside and ALLI designations must be certainly be considered, in particular there is a duty to take account of the AONB designation in determining the application. Paragraph 172 of the NPPF specifically relates to AONBs and gives great weight to the conservation and enhancement of these areas of natural beauty. The Kent Downs AONB Unit is satisfied that the revised landscape strategy and strengthened boundary planting will help protect the views of the site and its proposed development from the AONB, and will be in keeping with the local landscape character.

On this basis, the design and impact of the proposed scheme upon the character and appearance of the area, and in particular the AONB, is considered to be acceptable and in accordance with the NPPF and Policies BNE1, BNE5, BNE25 and BNE34 of the Local Plan.

Amenity

Paragraph 127(f) of the NPPF asserts that achieving well-designed places should include creating a high standard of amenity for existing and future users. According to Local Plan Policy BNE2, all development should secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

With regard to the impact on amenities, due to the employment nature of the area, the proposed development would not cause any harm in this regard. Therefore, the proposal is in accordance with Policy BNE2 of the Local Plan and paragraph 127 of the NPPF.

Highways

In terms of the access, the arrangement would be a priority junction onto Stoney Lane whereby vehicles turn left into the site and right out of the site only. Vehicles would then proceed to the Stoney Lane/Rochester Road junction to exit onto the wider highway network. At this junction, it is proposed to widen Stoney Lane to 7.3m on the southern side of the existing carriageway and extend the bellmouth to ensure all vehicles can safely manoeuvre into and out of Stoney Lane, as well as provide a ghosted right turn arrangement. The new arrangement has been reviewed by a Road Safety Audit and is considered to be acceptable and therefore no objection is raised.

With regards to trip generation, the applicant has provide details of the likely movements, which are:

- i. Each day up to 4 large HGVs each with a draw-bar trailer will arrive on site which will contain up to 10 kitchens on each vehicle; therefore up to a maximum of 40 kitchens will arrive each day in total. These vehicles will travel from the main manufacturing plant in Barton-upon Humber and will arrive at the site between 21:00-23:00hrs.
- ii. There will be 10no. 18 tonne vehicles and 10no. 7.5 tonne vehicles operating from the site which will drive the kitchens out to customers' homes. The 18 tonne vehicles can carry up to 4 kitchens per vehicle and 7.5 tonne vehicles can carry up to 2 kitchens per vehicle.
- iii. Each vehicle requires one driver and one porter for assisting with heavy lifting; therefore there will be 20 drivers and 20 porters associated with the delivery aspects of the site operations.
- iv. The kitchens delivered overnight by the large 45ft drawbar trailer vehicle will be sorted on site overnight into the specific loads ready for drivers to arrive the following morning. Drivers will arrive for work at the site between 04:00 and 06:00 and park their private cars (although there would be some car sharing amongst staff) on site for the day before making their day's deliveries.
- v. The first customer delivery slot of the day is 07:30hrs, meaning that company vehicles will start to depart the site from 06:00hrs onwards, therefore all company vehicle departures will occur before the morning network peak hour.
- vi. Delivery vehicles will arrive back in the depot between 11:00 – 18:00hrs from customer visits after which drivers and porters then go home for the day in their private vehicles.
- vii. There will be an additional 2-3 members of staff on the site fulfilling administration and on-site roles.
- viii. The 4 large HGVs will leave the site during the day deliberately avoiding peak times to ensure arrival back up in Barton-upon-Humber within the driving regulations time restrictions.

Given the above, it is not considered that any significant impact on the local highway network would occur and therefore no objection is raised.

Highways England also considers that the development can be made acceptable subject to the application of necessary conditions, which will ensure that the development will not have a material impact on the safe and efficient operation of M2 which forms part of the Strategic Road Network.

Accordingly, there is no objection in transport terms with regard to paragraph 109 of the NPPF, and Policies T1 and T13 of the Local Plan, as the proposal is unlikely to have a significant impact on parking or highway safety in the immediate area.

Trees

The submitted Tree Report confirms it will not be necessary to remove any trees to allow for development. The submitted plans show the retention and enhancement of trees and hedgerow and this can be conditioned for completeness, together with the proposed mitigation measures. The proposal is therefore acceptable in terms of the impact on trees, in line with Policies BNE42 and BNE43 of the Local Plan 2003.

Ecology

Paragraph 175 of the NPPF expects local authorities to conserve and enhance biodiversity. Policy BNE37 of the Local Plan relates to the protection of wildlife habitats, and Policy BNE39 concerns protected species.

The submitted ecological information has confirmed that the site has been cleared of vegetation and there is no suitable habitat present for protected/notable species. As such there is no requirement for specific species surveys or mitigation to be submitted as part of this application.

An ecological survey carried out in 2017 assessed the site as having some vegetation present and considered the site as having suitable habitat for foraging/commuting bats and hedgehogs. No specific mitigation was proposed as it was assessed that the majority of the ecological interest was adjacent/within the woodland along the western boundary. This woodland is outside the application site boundary and therefore will not be lost as a result of the proposed development.

If planning permission is granted a detailed ecological enhancement plan should be submitted as a condition of planning permission.

On the basis of the above, the application is considered acceptable in terms of its nature conservation impact, under the provisions of Paragraph 175 of the NPPF and Policies BNE37 and BNE39 of the Local Plan.

Environmental Protection

The environmental health issues with this application include contaminated land. This is assessed through Policy BNE23 of the Local Plan.

The submitted Geo-Environmental Assessment Report concludes that contaminants on the site were below significant levels for the proposed end use regarding human health. Whilst the results of the report are accepted, there is a lot of made ground in the area and therefore a watching brief condition is recommended.

The Environment Agency have also recommended conditions in order to prevent water pollution.

On this basis, the proposal is acceptable in relation to Policy BNE23 of the Local Plan and paragraphs 178 and 179 of the NPPF.

Flooding

The Lead Local Flood Authority have recommended conditioning the application based on the proposals outlined in the submitted drainage statement. On this basis, the proposal is acceptable in relation to paragraph 165 of the NPPF.

Climate Change

The agent has set out the aspects of the proposed development that take account of climate change and energy efficiency:

- 1) Site construction will use locally sourced materials using as much recycled construction materials as possible;
- 2) Surface water drainage will be discharge to ground following treatment through interceptors which is at the top of the sustainable urban drainage system hierarchy;
- 3) Site lighting has been minimised and designed with energy efficiency in mind;
- 4) As a logistics hub, the objective of the end user is to reduce the distances smaller commercial vehicles travel in delivering direct to customers' homes;
- 5) Times of departure and return of these smaller commercial vehicles will be planned to avoid adding to congestion in peak periods and reduce vehicle exhaust emissions arising from idling in traffic jams;
- 6) Employees will be recruited locally in the Medway Towns to reduce distances travelled in journeys to work, and car sharing or alternative transport to the private car (motor cycles/cycling) will all be encouraged.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

It is considered that the proposed development is acceptable in principle and in relation to the design and impact on the character and appearance of the site and surrounding area, including the Kent Downs AONB, and that there are likely to be no adverse effects on amenities, parking or highway safety, trees, ecology, contamination or flooding. As such the proposal is considered to be in accordance with the provisions set out in paragraphs 82, 109, 124, 127, 165, 178 and 179 of the National Planning Policy Framework, and the Medway Local Plan 2003, including Policies BNE1, BNE2, BNE5, BNE25, BNE23, BNE34, BNE37, BNE39, BNE42, BNE43, T1 and T13. Therefore the application is recommended for approval subject to conditions.

This application would normally fall to be determined under delegated powers but has been referred to Committee due to the Committee determination of the previous outline application and the number of representations contrary to the Officers recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>