

MC/20/0234

Date Received: 29 January 2020

Location: Land To West Of Maidstone Road And To The North And East Of Stoney Lane Rochester Medway

Proposal: Construction of a new vehicle access onto classified road (B2097 Maidstone Road) including earthworks and landscaping.

Applicant Property & Capital Projects, Medway Council,
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Case Officer: Wendy Simpson

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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: 100006186-2-000-00 rev P2 (Site Location Plan), 100006186-2-000-01 rev P2 (Layout and Detail), 100006186-2-010-01 rev P2 (Landscape and Vision splay), 100006186-2-050-01 rev P2 (Drainage), 100006186-2-611-01 rev P2 (Swept Path Analysis) received on 3 February 2020

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

- 3 Within 2 weeks of the commencement of development, including removal of vegetation, details of the soft landscaping and fencing for the eastern side of the site, based on the planting strategy shown on drawing 1000006186-2-010-01 rev P2 (Landscape and Vision Splays), including implementation and maintenance details, shall be submitted to and agreed in writing with the Local Planning Authority. These details shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The development shall be implemented in accordance with the approved details within the first planting season following the completion of the access or within 6 months following the removal of the eastern field hedgerow, whichever is sooner, and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 4 Notwithstanding drawing 1000006186-2-000-01 rev P2, no development shall commence until details of any temporary road surfacing and any surfacing changes to allow for the construction works area to be operational have been submitted to and agreed in writing with the Local Planning Authority. The surfacing shall be carried out in accordance with the agreed details. Prior to the permanent access hereby approved become operational, or within 2 months of the completion of the permanent access hereby agreed, whichever is sooner, all of the temporary surfacing shall be removed from the site and the site returned to a level grassed field, to the satisfaction of the Local Planning Authority, and the temporary access shall be made inaccessible by the erection of the fencing agreed under condition 3.

Reason : The proposal does not include any change of use of the land and therefore the land needs to be returned to its pre-development state, to accord with policy BNE25 and BNE34 of the Medway Local Plan 2003.

- 5 Prior to the permanent access hereby approved become operational, or within 2 months of the completion of the bitumen surfacing of the access hereby agreed, whichever is sooner, the surface water drainage scheme shall be completed and maintained in accordance with the details shown on drawing 1000006186-2-050-01 rev P2 (Drainage) and the report 'Drainage Strategy - Maidstone Road Access' (Project Centre/VolkerHighways ref 100006168 Drainage Strategy, dated 14.01.20).

Reason : To ensure no contamination of the ground or water source to accord with Policy BNE23 of the Medway Local Plan 2003.

Recommendation

Resolution to Approve the application, subject to delegated powers being granted to the Head of Planning to resolve the outstanding ecological matters and to amend or attach new conditions as necessary.

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

Proposal

This application includes the closing off of the existing field access and the construction of a new, larger vehicle access closer to the northern end of the field, providing access onto a classified road (B2097 Maidstone Road Rochester).

The proposed access would provide a formal bellmouth and would provide two marked lanes on a bituminous surface, together with land banking to provide a suitable longitudinal gradient for the access and drainage in the form of a below ground rain-crate block area.

The width of the access would be 9.8m and the depth of the access back into the field, from the back edge of the B2097 carriageway, would be about 18m.

The applicant's supporting statements advise that the access 'has been designed to facilitate future two-way flow' and 'has been designed to accommodate an articulated lorry.'

The proposal will require the clearance of some of the existing mature field hedge, to achieve the required vision splays, and a new planting scheme is proposed between the highway verge and the new fence line.

The application submission also shows the area for a temporary construction compound and temporary access during the construction period.

Relevant Planning History

Application Site and land to the south

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 (Refused)

Adjacent site to the north (adjacent to 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. (Under consideration)

Adjacent site to the south:

MC/19/2742 Land West Of Maidstone Road And South Of Stoney Lane Rochester
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.
Also on this agenda

Adjacent site in Tonbridge and Malling area (to the south)

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 February 2018)

Representations

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

The Environment Agency, Natural England, Tonbridge and Malling District Council, Kent Down AONB Unit, KCC Biodiversity and the Lead Local Flood Authority have also been consulted.

One letter has been received objecting to the proposal as development on this site would be visible across the Medway Valley and there is a history of refusal of development on this site due to the harm to the landscape character and the setting of the AONB.

The **Environment Agency** advise that the proposal is of low environmental risk and make no further comment.

Natural England advise no objection based on the plans submitted there will be no significant adverse impacts on the Kent Downs AONB but note that the impact of any further development on the AONB, as a result of the proposed access, may result in significant implications for the AONB and their advice on this proposal does not prejudice any subsequent comments on future proposals.

Kent Down AONB Unit advise that the site lies adjacent to the Kent Downs AONB and they are concerned that permitting the access would open up the site for future development which would be harmful to the AONB, due to the site being visible from the AONB on the opposite side of the valley and bringing built development closer to the boundary of the AONB. They consider that the application site is more prominent in views than the land to the south and the topography of the site would make it difficult for appropriate mitigation of impacts of development of the site on the setting and views from the AONB to be achieved.

KCC Biodiversity Officer advises that more information is required prior to the determination of the application in respect to the removal of the mature hedgerow and replanting. The supporting ecology report noted common lizards and slowworms on the site and the potential for the presence of for dormice cannot be ruled out. The report needs to be updated to assess the impact and on these species and provide details of any further surveys/mitigation which is required.

The **Lead Local Flood Authority** do not object to the proposal but require planning conditions.

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 and are considered to conform.

Planning Appraisal

Background

Historically planning permission has been refused for a change of use of this site (in addition to land to the south of stoney land) due to the impact on the ALLI and the wider

countryside The creation of the access itself in that application was not a reason for the refusal of the application.

In more recent times Tonbridge and Malling Council have granted planning permission for a site to the south of the application site under reference 17/02655/FL. (However, it does appear that Tonbridge and Malling Borough Council did not consult the Kent Downs AONB unit or Natural England, as would be expected for a site in this location. As such these bodies had no opportunity to review and comment on the application prior to a decision being made.)

Principle

The site is located within the countryside, on the urban edge, and within an Area of Local Landscape Importance (ALLI).

The site is not allocated for employment use nor any use other than its current agricultural use. The site therefore does not meet the definition of 'Previously Developed Land' (Brownfield) in the glossary of the National Planning Policy Framework, which specifically excludes agricultural land, and as such is 'greenfield' land.

Policy BNE25 of the Local Plan requires that development within the countryside is development essentially demanding a countryside location 'such as agriculture, forestry, outdoor or informal recreation'.

It is key to note that this application is not for a change of use of the site but is only for a new and enlarged access to the agricultural field. (The red line of the application site appears to have been drawn larger than was necessary for the development as the applicant has included the temporary construction compound area within the red line, rather than leaving it within the blue line on the site location plan, indicating the same land ownership.)

Whilst the granting of a new access to the site without the consideration of an end use for the site is not ideal it does tend to moderate itself. If the proposed access were to be granted planning permission that does not presume any/every development on the site would be acceptable. Any future developments would need to be considered through the planning process on their own merits with all statutory consultees given the opportunity to consider the proposed details.

The only development being considered at this time is the proposed access. This is not contrary to the principles of policy BNE25 of the Local Plan and as such the proposal is not unacceptable in principle. However, the details of the application also need to be considered.

Design/Impact on the countryside and ALLI

As well as being within the rural area the site lies within an Area of Local Landscape Importance (ALLI), covered by policy BNE34 of the Local Plan. That policy states that development will only be permitted if : it does not materially harm the landscape character and function of the area; **or** the economic and social benefits are so important that they outweigh the local priority to conserve the area's landscape. Policy BNE25 requires that development would maintains, and wherever possible enhance, the character, amenity and functioning of the countryside.

The application proposes the construction of a new access to the field of a larger size and of a more engineered design than the existing field access. The field hedgerow to the Maidstone Road is be removed and replanted with hedgerow and trees outside of the vision splay for the access.

Whilst there will be some change to the character of the site from Maidstone Road, with the re-provision of the hedgerow and tree planting the impact would be moderate and, with the maturing of the planting, will not materially harm the character of the rural area as seen from the east. From the west, and the Kent Downs AONB, the proposed access will not be readily apparent due to its relative location, limited scale and low level construction and therefore will not result in a material harm to the character of function of the Area of Local Landscape Importance or the landscape of this rural area.

Therefore, there is no objection raised to the design and appearance of the proposed access not its impact on the rural area or ALLI in which it is located under Policies BNE1, BNE25 or BNE34 of the Local Plan.

Amenity

Policy BNE2 of the Local Plan and paragraph 127 of the NPPF require the amenities of both neighbours be taken into account.

The proposal is for an access in a rural area but at the edge of the urban area and business units. The nature of the proposal is such that it will not impact on the amenities on neighbours and no objection is raised under policy BNE2 of the Local Plan.

No objection is therefore raised in relation to Policy BNE2.

Contamination

Paragraphs 178 and 179 of the NPPF and Policy BNE23 of the Local Plan require that decisions should ensure that new development is appropriate for its location and takes account of the likely effects of pollution on health, living conditions and the natural environment. Policy BNE23 requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies

contaminants. This is in accordance with the NPPF requirements to take the likely effects into account in decision making.

The application has been accompanied by a Phase 1 Geoenvironmental Report and a Drainage Strategy Report. These reports identify that the site is located within Source Protection Zone 2. The surface water for the proposed access is proposed to be drained to a below ground block of rain-crates which would be encased in a 'permafilter' membrane to filter out hydrocarbon pollutants.

The Environment Agency advise that the application is low risk and do not raise objections.

Therefore subject to a condition to ensure the drainage is carried constructed in accordance with the proposed drainage solution no objections are raised to the proposal under Policy BNE23 of the Local Plan.

Highways

Policy T1 of the Local Plan requires (in part) that the impact of proposed development will not significantly add to the risk of road traffic accidents. Policy T2 relates to the formation of new accesses and that they should not be detrimental to vehicle occupant, cyclist or pedestrian safety. Paragraph 109 of the NPPF states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

The application is not related to a change of use of the land and as such does not result in an increase in the volume of traffic. The consideration in relation to highway matters of the application are therefore of a more technical nature.

The proposed bellmouth access has been designed to facilitate future two-way traffic flows and to accommodate an articulated lorry. A swept-path analysis has been carried out to ensure the geometry is suitable for both a 16.5m articulated vehicle and a 12m rigid truck. A 2m wide footway and 1m wide verge will be provided around the access.

No details have been provided for the land use as yet and therefore whilst the bellmouth access is acceptable, any future application may need to reassess the current highway layout to include improvements once the traffic flows for a future site use are known.

No objections are raised to the proposal in relation to Policies T1 or T2 of the Local Plan or paragraph 109 of the NPPF.

Ecology

Policy BNE37 of the Local Plan states that development will not be permitted which would cause a loss of important wildlife habitats and features unless: there is an overriding need for the development that outweighs the importance of these wildlife resources; and the

development is designed to minimise the loss; and appropriate compensatory measures are provided. NPPF Paragraph 175 states that 'the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.'

In this case the Kent County Council Biodiversity Officer advises that more information is required prior to the determination of the application in respect to the removal of the mature field hedgerow and replanting proposals. The supporting ecology report notes common lizards and slowworms are likely to be present on the site and there is also the potential for the presence of dormice in the hedgerow to be removed and elsewhere in the site. The report needs to be updated to assess the impact of the works on these species and provide details of any further surveys/mitigation which is required.

It is therefore requested that if the Committee are agreeable to the principle of the proposal that they grant delegated powers to the Head of Planning to resolve the outstanding ecological matters and to amend or attach new conditions as necessary.

Local Finance Considerations

No Local Finance considerations.

Conclusions and Reasons for Resolution to Approve

The proposal would not result in a change of use of the field but would provide a new access to that agricultural field and, whilst it does suggest more development coming forward on the site, it is not contrary to policy and guidance.

The details of the access and works are such that they do not result in hazard to highway users, cyclists or pedestrians and do not harm the character or function of the countryside and ALLI, subject to the reinstatement of the eastern boundary hedgerow and tree belt. Matters of drainage are acceptable and without resulting in contamination risk.

However, the matter of the full ecological impact and the level and form of any ecological mitigation and biodiversity enhancement measures are not yet understood. Further details and explanation are required before the matter of impact of the development in environmental terms can be fully addressed.

The application would normally be determined under delegated powers but is being referred for Committee determination as Medway council are the owners of the site and at the request of the Head Of Planning reflecting on the sensitivity of the site and previous decisions on this and adjacent sites both by Medway Council and the neighbouring Authority.

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/>