

**Application Number: 19/1556**

**Location: Innovation Park Medway, Rochester Airport, Maidstone Road, Chatham, Kent ME1 2XX**

**Proposal: The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Regulation 38) and the Town and Country Planning (Environmental Impact Assessment) Regulation 2017 as amended - preparation of Local Development Order and accompanying Environmental Statement in support of the creation of a mixed use business park, featuring c101,000sqm of predominantly high tech and innovation oriented E(g)/B2 commercial uses.**

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

### **Proposal**

The aim of this proposal is to deliver a high value employment location in Medway, which is very different and specialised compared to all other employment designations in Medway that have a mix of B1, B2 and B8 uses. This presents a unique opportunity to achieve many aspirations of the emerging Medway Local Plan and the Medway 2035 document including upskilling, skills retention, supporting economic growth, job creation etc. This Local Development Order (LDO) will also support the Council's goals of supporting commerce and encouraging the development of high value technology, advanced manufacturing and engineering and knowledge-intensive businesses which are considered by Medway Council (the Council) to be key target areas with the potential for significant economic growth.

This employment destination seeks to deliver a high-tech cluster of companies sharing similar skills, infrastructure, ambition, and drive. IPM comprises Use Class E(g) and Use Class B2 focused on high value technology industries, engineering, manufacturing, and knowledge intensive industries. All businesses are committed to delivering high GVA and exploring opportunities and synergies for collaboration, innovation, and skills retention with links to universities. Specifically, this LDO will deliver up to 101,000 sqm (GEA) including up to 23,700 sqm (GEA) for Use Class E(g) and up to 76,948 sqm (GEA) for Use Class B2 of buildings falling within the following Use Classes of the Town and Country Planning (Use Classes) Order 1987 (Amendment) (England) Regulations 2020:

- Use Class E(g)(i) – Business (Office);
- Use Class E(g)(ii) – Research and Development of products and processes
- Use Class E(g)(iii) – Industrial processes; and
- Use Class B2 (General Industrial).

Within Innovation Park Medway (IPM) there will also be a small amount of ancillary floor space Use Class E(a) (Sale of cold food and drink only) and Use Class E(b) (Sale of food and drink for consumption (mostly) on the premises).

This LDO provides certainty as to the type, use and form of development that is permitted and in return, facilitate economic growth, enabling it to happen in a timely manner and allowing firms to react quickly to growth opportunities through a simplified planning process. Through the LDO providing certainty to developers, it will stimulate investment by reducing the potential and perceived risks and barriers associated with the formal planning process.

### **Relevant Planning History**

MC/20/1273	Installation of new 2.4m palisade fence to secure the new boundary between Rochester Airport and Innovation Park Medway Approved with conditions
MC/19/1165	Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 – request for a scoping opinion for the creation of a mixed use business park, features c101,111sqm of predominantly high-tech and innovation-oriented B1/B2commercial uses – updated application EIA required 21 June 2019
MC/18/2931	Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 – request for a scoping opinion for the creation of a mixed-use business park, features c101,111sqm of predominantly B1/B2commercial uses Withdrawn

### **Representations**

The application has been advertised on site on the 26<sup>th</sup> October and in the press on the 22<sup>nd</sup> October and by individual neighbour notification to the owners and occupiers of neighbouring properties prior to consultation starting on the 26<sup>th</sup> October.

All statutory consultees including but not limited to Highways England, Natural England, KCC biodiversity, Kent Highways, the AONB unit, Historic England, etc.

### **KCC Biodiversity**

KCC have requested that further information be submitted demonstrating that proposed on-site and off-site habitat mitigation will be implemented and that proposed species mitigation will be appropriate. The applicant has submitted these changes to

KCC including changes to the Environmental Management Plan and a condition within the LDO to ensure the appropriate mitigation is delivered.

### **Kent Wildlife Trust**

Raised some discrepancies about the Biodiversity net gain and the Environmental Management plan. The applicant has sought to amend this.

### **KCC Archaeology**

Supportive response received and sought minor tweaks to the relevant archaeology conditions, which was undertaken to their satisfaction.

### **Historic England**

No comments made but pointed to the need to seek comments from KCC archaeological officer.

### **Environment Agency**

No further comments made except for the conditions to be captured as suggested.

### **Kent Downs AONB unit**

The AONB unit still raise concerns regarding the visual impact on the AONB particularly about the proposed built form on the western edge of the site and the 6-storey building, identified as the 'gateway' building. As set out below, much work has been done in collaboration and further minor tweaks will be undertaken.

### **North Kent Enterprise Zone & Thames Gateway Kent Partnership**

Supportive response received.

### **Kent Fire and Rescue**

Satisfied with the off-site access requirements and point to building regulations for on-site compliance.

### **Maidstone BC**

Supportive of the Innovation Park Medway being part of the North Kent Enterprise Zone.

## **Gravesham BC**

No objection.

## **Frindsbury Parish Council**

Supportive of the Innovation Park Medway and the job opportunities it will create.

## **Theatre Trust**

No comment

## **BAE Systems**

Identify issues that are more operational as well as surface flooding and drainage. The LDO is supported by a drainage strategy which addresses this.

## **Sheppey Industries**

Sheppey Industries raised issues on the LDO specifying the prescriptive nature of the design code, the focus on innovation and the requirement to satisfy innovation and commented on the need to broaden the scope of the use class order. It is noted and recognised that should the LDO mechanism not be appropriate, the interested party could apply via the normal planning application route instead.

**7 letters** have been received raising the following objections:

## **Highways England**

Highways England objected on the grounds of impact on M2 junctions 2, 3 and 4 and appropriate mitigation measures needing to be identified with necessary safety audits, etc.

Highways England were happy with the transport modelling undertaken to address issues raised at M2 junctions 2, 3 and 4. It was suggested that the applicant be clear on whether the IPM or the Local Plan would deliver the required mitigation at M2 junction 2. As a way forward they recommended a monitor and manage approach alongside conditions. This would set out the worst-case scenario derived from modelling that included the Local Plan planned growth as the baseline with no mitigations. The monitor and manage approach would be triggered at various points to confirm when the mitigation would be required at various junctions and other. With this in mind Highways England required changes to the LDO to clarify the approach already consulted upon. All changes have been made by the applicant and has satisfied Highways England resulting in the removal of their objection.

## **KCC Highways**

Concerns were expressed regarding the timing of mitigation measures proposed for Bridgewood Roundabout including uncertainties about land ownership where land is required for implementation of part of the mitigation package. The impact on the local road network at the junction of Laker Road and Rochester Road was highlighted. KCC also raised the issue of the Bluebell Hill scheme coming forward and the need for the IPM to either deliver mitigation measures or make a financial contribution toward the Bluebell Hill scheme, depending on which would come forward first. Objections were made on these grounds but have subsequently been removed on the basis of the applicant submitting and clarifying a means to address the above by means of conditions within the Local Development Order coupled with a monitor and manage strategy, which will monitor traffic flows and identify the appropriate mitigation required at the appropriate time.

## **Natural England**

Following previous comments made by both Natural England and the AONB unit, the applicant has been working alongside both in addressing their concerns and has resulted in a substantial amount of work taking the form of an additional chapter in the Design Code supported by a colour study.

In response Natural England acknowledge this work done and suggest a few minor tweaks. Reference is made to the height of buildings along the western edge of IPM and it is suggested that design “be sympathetic to the environment in which they sit” and includes applicability to all other buildings that could have a visual impact on the AONB. Natural England seek consistency between the new chapter of guidance and the chapter that provides guidance for the ‘Gateway’ building, i.e. seeking sympathetic treatment of the gateway building as well.

Natural England advise that the building heights on the western side of Innovation Park Medway are kept as low as possible given the visual impacts that will result from taller buildings.

In terms of lighting, Natural England suggests the Design Code should ensure detailed guidance is set out to avoid light pollution.

The suggested way forward is considered reasonable and supported by Natural England. This therefore confirms removal of their objection.

## **Residents**

A few comments received relating to the impact on the road network, i.e. increased traffic congestion, access issues to their place of residence, etc. Comments also related to the impact of the proposed built form on their properties by way of visual obstruction.

The LDO has very detailed guidance that will ensure neighbouring properties are not impacted upon and a significant amount of work has been put into the transport study to inform the proposal. The impacts and mitigation measures as the worst-case scenario has been accepted by KCC Highways and Highways England. The approach suggested ensures that the Strategic and Local Road networks are not significantly impacted upon.

## **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**

### *Principle*

#### Policy ED1

Rochester Airfield is an employment designation as detailed under Policy ED1 in the 2003 Local Plan, (B,xi). The policy identifies the site as delivering E(g) and B2 uses and is therefore compliant with the Local Plan. The Local Plan evidence base (Employment Land Needs Assessment - ELNA) quotes the proposal offering the opportunity to provide the type of specialised use supported by the employment land review, i.e. 'high value engineering will provide a new catalyst for economic activity'. The ELNA describes IPM as 'a new economic hub within the area provides a strategic driver for increased advanced manufacturing activity'.

The proposal is a key economic opportunity for opening up higher value employment in Medway, via the delivery of high value technology, advanced manufacturing, engineering, and knowledge-intensive businesses.

As an innovative employment site, in a key location, IPM will offer up to 101,000 sq.m of high-quality commercial space. The proposed plan will provide a variety of employment uses including offices, research and development, light industrial uses and general industrial uses. This will be delivered via a range of varied employment spaces, between 400 sq.m to 2,100 sq.m. The design will incorporate future proofed features allowing for conversion into additional employment spaces should the market dictate it. The site will be brought forward with an exemplary design quality with enviable complementary facilities to attract and retain skilled staff.

As an employment allocation under the Medway Local Plan, this key site will contribute strategically to Business (use Class B1) and General Industrial (use North Kent Strategic Housing and Economic Needs Assessment Employment Land Needs Assessment Medway (December 2015) Class B2) floor space as part of the new

employment growth portfolio of sites to come forward in the Local Plan period (to 2030).

### *Design*

Local Plan Policy BNE1 'General Principles for Built Development' requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment. The Government attaches great importance to the design of the built environment. Paragraph 127 of the National Planning Policy Framework (NPPF) is key to the achieving well designed places.

The Local Development Order for the Innovation Park Medway is supported by a very detailed Design Code. Quality of the public realm is one of the main objectives. A specific section of the design code also addresses the sympathetic treatment of buildings that would be visible from the AONB.

### *Amenity*

Policy BNE2 of the Local Plan relates to the protection of the amenities of future occupiers of the development and of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions. Paragraph 127 of the NPPF requires that development functions well over its lifetime and provides a high standard of amenity for neighbours.

The Design code prepared considers the impact on neighbouring properties appropriately by the placing of taller buildings in suitable locations. The arrangement of future occupiers has also been considered in the Design Code in a lot of detail ensuring no impact on neighbouring units and sufficient space for operation of businesses.

### *Highways*

Saved policy T1 of the Local Plan relates to the highways impact of new development. Saved policy T13 relates to the council's adopted vehicle parking standards. Paragraph 127 of the NPPF requires that new development functions well within the area in which it is situated. Paragraph 109 of the NPPF clarifies that development should only be prevented or refused on highways grounds if: there would be an unacceptable impact on highway safety; or the residual cumulative impacts on the road network would be severe.

The applicant has submitted a transport modelling report with mitigation measures and safety audits undertaken. Various changes have now been made to the Local Development Order to better describe the approach taken. Further monitoring will be

set out in a Monitor and manage strategy which will point to the exact time and place that agreed mitigation will be required.

A site wide travel plan has also been produced and will require each developer to produce their own detailed travel plan in compliance with the site wide in consultation with Highways England and KCC where relevant.

### *Flood risk*

The Local Development Order has been supported by a flood risk assessment and appropriate strategy to address surface water flooding and drainage. Appropriate conditions are also in place to guide site wide and on plot developers as to their responsibilities.

### *Contamination*

Site wide investigations and studies have been undertaken and appropriate conditions put in place to require site wide strategy and on plot investigations and mediation where necessary.

### *Climate Change and Energy Efficiency*

The Design Code identifies various means to address climate change, by requiring sustainable travel, prioritising pedestrian movement, planting of trees, through the design of buildings, etc.

### *Conservation of Habitats and Species Regulations 2017 Habitats Regulation Assessment Screening*

In its capacity as Competent Authority, Medway Council and Tonbridge and Malling District Council have considered the need for Habitats Regulation Assessment (HRA) under Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017.

Assessment has been provided within ES Addendum Chapter 6 on the likely effects (including cumulative and in-combination effects) of the Innovation Park Medway development on the North Downs Woodland Special Area of Conservation (SAC). This assessment concluded that the increase in traffic within 200 metres of the North Downs Woodland SAC (when considered alone and in-combination with other plans and projects) falls below the threshold where a likely significant effect may result.

The assessment provided within the ES Addendum has been reviewed by Natural England through the statutory consultation process. In its consultation response dated 26 November 2020; Natural England has advised that the proposal is not necessary



for the management of the European site. On the basis of the information provided within the ES Addendum, Natural England has advised that the Innovation Park Medway proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further HRA.

This is based upon advice within Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (<http://publications.naturalengland.org.uk/publication/4720542048845824> ).

Following the advice provided by Natural England, Medway Council and Tonbridge and Malling Council have confirmed that HRA will not be required for the proposed development.

### **Conclusions and Reasons for Approval**

As an employment designation the site provides the opportunity to provide this type of specialised use supported by the Local Plan employment land review. Medway Councils existing supply of employment designations do not lend themselves to such a degree of diversification and therefore this site is a unique opportunity to bridge that gap for employment creation but also provides for skills retention and upskilling alongside job creation and providing an overall economic boost to the authority over time. In this way the site also helps contribute toward addressing many socio-economic issues in the authority.



## **Decision Notice**

MC/19/1556



Regeneration  
Medway Council  
Gun Wharf  
Dock Road  
Chatham  
Kent  
ME4 4TR

**Applicant Name:**  
Regeneration

Planning Service  
Physical & Cultural Regeneration  
Regeneration, Culture, Environment &  
Transformation  
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### **Town and Country Planning Act 1990**

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### **Notification of Grant of Planning Permission to Develop Land.**

Take Notice that the Medway Council in pursuance of its powers under the above Act HAS GRANTED PERMISSION for the development of land as described above in accordance with your application for planning permission received complete on 17 June 2019.



David Harris  
Head of Planning  
Date of Notice 4 December 2020

# TOWN & COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS) (ENGLAND) (AMENDMENT) (REGULATIONS 2013)

## TOWN AND COUNTRY PLANNING ACT 1990

### *Appeals to the Secretary of State*

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks** from the date of this notice for appeals being decided under the **Commercial Appeals Service** and **6 months** from the date of this notice for all other **minor and major applications**.
  - However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
    - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
    - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
  - Appeals must be made using a form which you can obtain from the Planning Inspectorate by contacting Customer Support Team on 0303 444 50 00 or to submit electronically via the Planning Portal at

[https://www.planningportal.co.uk/info/200207/appeals/110/making\\_an\\_appeal](https://www.planningportal.co.uk/info/200207/appeals/110/making_an_appeal)

### **Commercial Appeals Service**

- This type of appeal proceeds by way of written representations, known as the "Commercial Appeals Service". Third parties will not have the opportunity to make further representations to the Planning Inspectorate on these.

### **All other Minor and Major Applications**

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the

proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based on their decision on a direction given by him.

### ***Purchase Notes***

- If either the Local Planning Authority or the Secretary of State refuses permission to development land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.