

MC/20/0302

Date Received: 4 February 2020

Location: Land Adjacent Royal Mail Depot Bridgewood Site, Maidstone Road Rochester

Proposal: Construction of a part single part 2 storey depot/workshop building with ancillary offices; access, parking, vehicle washing facilities and landscaping.

Applicant Bridgewood Rochester Ltd + NYR Ltd

Agent Ubique Architects

Mr Craig Hunt

11 Ashford House,

Beaufort Court

Sir Thomas Longley Road

Rochester

ME2 4FA

Ward: Rochester West & Borstal Ward

Case Officer: Tom Stubbs

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 20th December 2023.

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:

Received on 22 April 2021:

720-LP 01 - Rev B - Site Location Plan

PD-02 Rev P9 - Proposed Block Plan (not withstanding the final lorry parking layout the subject of Condition 23)

PD-03 Rev P12 - Proposed Block Plan (not withstanding the final lorry parking layout and raised bund the subjects of conditions 23 and 17)

PD-04 Rev P3 - Proposed Plans

PD-05 Rev P2 - Proposed Office Plans

PD-06 Rev P3 - Proposed Elevations

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

- 3 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has first been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved programme.

Reason: To ensure that features of archaeological interest are properly examined and recorded to comply with Policy BNE21 of the Medway Local Plan 2003.

- 4 No development shall take place (including site preparation or clearance) until an ecological mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The plan must include the following:

- Current Preliminary Ecological Appraisal
- Recommended species surveys
- Overview of mitigation required
- Detailed methodology to implement mitigation.
- Timetable of works
- Details of management required following mitigation.

The works must be implemented as approved.

Reason: Required before commencement of development in order to minimise irreversible impact of the development on wildlife and habitat and with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003

- 5 No development shall take place (including site preparation or clearance) until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife, strategic road network and habitat and with regard to Policies T1 BNE2, BNE37 and BNE39 of the Medway Local Plan 2003 and to ensure that the M2 continues to an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980.

- 6 No development shall take place (including site preparation or clearance) until a Geotechnical design has been submitted to and approved in writing by the Local

Planning Authority. Works shall be carried out in accordance with the approved details and retained thereafter.

Reason: Required before commencement of development in order to minimise the impact of the construction period to ensure that the M2 continues to an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980.

- 7 No development shall take place (including site preparation or clearance) until details of external lighting design strategy covering both the construction and operation of the proposed development has been submitted to and approved in writing by the Local Planning Authority. These details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), the rural landscape, bats (including reference to the recommendations of the Bat Conservation Trust) and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: Required before commencement of development in order to minimise the impact of the construction period to ensure that the M2 continues to an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and impact on wildlife in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003

- 8 No development shall take place (including site preparation or clearance) until detailed design for the proposed crash barrier and other safety measures within the development to prevent vehicles from breaching the site boundary has been submitted to and approved in writing by the Local Planning Authority (who shall consult National Highways). The development should be carried out in accordance with the approved details and thereafter retained.

Reason: Required before commencement of development in order to minimise the impact of the construction period to ensure that the M2 continues to an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980.

- 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 should be submitted in conjunction with the site Landscape Plan, and shall include (if applicable):

- i. a timetable and construction method statement 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.
- iv. details of pollution prevention measures for HGV parking areas and wash down zones, site surfacing and a pollution prevention plan and staff training on incident response.

The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: Required prior to commencement to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of NPPF and to ensure that the M2 Motorway continues to be 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.

- 10 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority in consultation with the LLFA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk

Reason: Required prior to commencement to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of NPPF.

- 11 No development shall commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved in writing by the local planning authority (in consultation with the water undertaker and Environment Agency). The development shall be constructed in line with the agreed detailed design and recommendations of the strategy. No occupation of any premises shall take place until the installed scheme is confirmed as meeting the agreed specifications and connections are made to the Southern Water network.

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 in line with paragraph 170 of the National Planning Policy Framework.

- 12 No part of the development shall commence until full details of the following highway works have been submitted to and approved in writing by the Local Planning Authority:

Access arrangements as outlined in drawing 19-162/014 Rev 6.

The approved details shall thereafter be implemented in full prior to first occupation of the development.

Reason: 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.

- 14 No development above slab level shall commence until a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference P19-715-R01 dated January 2020, has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure protection of amenity for the area in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 14 No development shall take place (including site preparation or clearance) until a tree report has been submitted to and approved in writing by the Local Planning Authority. The report must include the following:

- a) A plan showing the location of all existing trees on site or on land adjacent to the site which have a stem with a diameter exceeding 75mm when measured over the bark at a point 1.5m above ground level. The plan shall provide a reference number for each tree and shall identify which trees are to be retained and the crown spread of each retained tree.
- b) The species, diameter (measured in accordance with paragraph a), the approximate height and an assessment of the general state of health and stability of each retained tree.
- c) Any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site.
- d) Any proposed alterations in existing ground levels and the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site where the alterations and/or excavations are

within a root protection area of any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree.

- e) The specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this Condition "retained tree" means an existing tree which is to be retained in accordance with paragraph a) above. The development shall be carried out in accordance with the approved details.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

- 15 No development shall commence above slab level until an Air Quality Emissions Mitigation Assessment and Statement has been submitted to and approved in writing by the Local Planning Authority. The Mitigation Assessment and Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and shall specify the measures that will be implemented as part of the development to mitigate the development related road transport emissions/plant emissions. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost value calculated as part of the Air Quality Mitigation Assessment. The Mitigation Statement shall include full details of all mitigation to provided. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: To ensure a suitable amenity for future occupiers of the development and adjacent properties in accordance with Policy BNE24 of the Medway Local Plan 2003.

- 16 No development above slab level shall commence until a Soil Resource Survey has been submitted to and approved in writing by the Local Planning Authority that confirms analysis of the condition of existing site topsoil, subsoils and its appropriateness for landscape use; the sourcing, quality and use of imported material; with outline recommendations for the stripping, stockpiling, remediation, amelioration, movement, profile and use of soils, relative to the planting proposals. The development shall be carried out in accordance with the approved details.

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

- 17 No development above slab level shall commence until full details of a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority The scheme shall include:
 - i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, finalised lorry parking,

other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting, and services (including drainage), tree grilles, minor artefacts, and structures (e.g., seating, and refuse receptacles). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare, and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.

- ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard and soft landscape), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).
- iii. A timetable for implementation.

The development shall be implemented in accordance with the approved details and timetable 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.

- 18 No development above slab level shall take place until details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality and the ANOB, in accordance with Policy BNE1 of the Medway Local Plan 2003 and paragraph 176 of the NPPF.

- 19 The proposed commercial unit shall not be occupied, until details of the provision of the electric vehicle charging points (33% active and 66% passive) has been 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 112E of National Planning Policy Framework 2023.

- 20 Prior to the first occupation of the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas (including management of reptile mitigation area with regarding litter), for a minimum period of five years, with arrangements for implementation and future review. The development shall thereafter be managed in accordance with the approved details.

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

- 21 No part of the development shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected within that phase has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details before any dwelling or building within that phase is occupied and shall thereafter be retained.

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 part of the development shall be occupied until details of cycle storage have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details.

Reason: to ensure satisfactory cycle storage in accordance with Policy T4 of the Medway Local Plan 2003.

- 23 No part of the development shall be brought into use until the finalised parking spaces and lorry parking has been 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 2015 (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

- 24 Prior to first occupation (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved in writing by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage

infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 167 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 25 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate change statement ref 720-CCS-V1 received on 23 November 2023. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2023.

- 26 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.

Reasons: 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 line with paragraph 170 of the National Planning Policy Framework.

- 27 If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 28 No piling or any other foundation designs using penetrative methods shall 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 by a piling risk assessment that there is no resultant unacceptable risk to groundwater. 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 line with paragraph 170 of the National Planning Policy Framework.

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 construction of a part single part 2 storey depot/workshop building with ancillary offices; access, parking, vehicle washing facilities and landscaping.

The proposed use is for the commercial headquarters and lorry park for Neil Yates Recovery whom are a recovery and transport specialist providing 24 hours commercial rescue and recovery services across the UK and Europe.

The proposal includes a two storey office block including eight HGV workshop bays with mixed flat and pitched roofs . The building would measure approx. 32.3m in maximum width, approx. 67.3m in length and approx. 10.2m in maximum height. The ground floor would consist of office space, changing rooms/toilets, mess hall for drivers, meeting rooms and visitor areas and the eight HGV workshop bays. The first floor would consist of various offices, training rooms, meeting rooms, toilets and kitchen area.

The remainder of the site is predominantly proposed for parking including parking for staff (55) and 28 bays for 17.5m HGVs and 27 bays for 11m HGVs. The following activities would take place onsite: a control room, general administration, base for 24hour road assistance, HGV repair, fleet maintenance and a lorry park.

The proposal includes a landscape management plan which seeks to provide buffering to the western boundary to screen the development from the Area of Outstanding Natural Beauty (AONB) opposite and habitats for reptiles on the southern boundary. The boundary to east facing Maidstone Road proposes to retain and enhance the existing trees and shrubs.

A new ghost lane access into the site is also proposed off Maidstone Road. The supporting documents indicate the use would provide approx. 55 jobs.

Relevant Planning History

Application site and land to the south

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| 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 September 2008 |
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Adjacent site to the south

- MC/21/1286 Change of use of land for operational depot (sui generis) including erection of building to provide office and welfare facilities, hard surfacing for the parking of vehicles and plant storage, together with construction of new vehicular and pedestrian access onto Maidstone Road and Stoney Lane, other ancillary development including gatehouse, external lighting and landscaping.
Decision: Approved with conditions
Decided: 10 September 2021
- MC/20/0234 Construction of a new vehicle access onto classified road (B2097 Maidstone Road) including earthworks and landscaping.
Decision: Approved with conditions
Decided: 7 January 2021

Site South of Stoney Lane

- MC/19/2742 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.
Decision: Approved with conditions
Decided: 3 April 2020

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)
Decision: Approved
Decided: 2 February 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 Archaeology, KCC Biodiversity, Tonbridge & Malling Borough Council, EDF Energy, Southern Water, Southern Gas Networks, Natural England, Royal Society for the Protection of Birds, Kent Wildlife Trust, National Highways and Kent Downs AONB Unit have also been consulted.

One letter of objection has been received with the following objections:

- Impact on views from the North Downs ANOB which is an important national designation.

The **Environment Agency (EA)** has removed their initial objection relating to the risks of pollution to controlled waters that a HGV use poses to principle aquifer and source protection zones.

Following from the submission of additional information, the EA are now satisfied subject to the imposition of conditions relating to contamination and informatives which would be included in any recommendation for approval. These include pollution prevention measures from HGV parking area and wash down zones, no infiltration other than those permitted via the LPA, foul drainage strategy, drainage survey, unexpected contamination and finally no piling unless approved with details on impact on risk to water sources.

National Highways initial advice was that there were concerns with the proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network in this case being the M2 and junction 3. These were regarding the impact of traffic generated from the site and safety caused by the location adjacent to the M2 at a higher level.

The applicants provided the additional information and National Highways are satisfied that the concerns can now be dealt with via conditions and raise no objection. The conditions include being consulted on the final drainage schemes and geotechnical designs, details of crash barriers and other safety measures to prevent lorry's falling down onto the M2, lighting strategy during operation and construction and a Construction Environment Management Plan. The response also provides details about agreements needing to be entered with National Highways and an informative will be added to this application.

The **Kent Downs AONB Unit** have indicated that commercial uses to the west side of Maidstone Road would have an impact on the sensitive skyline visible from the opposite side of the valley within the AONB. They note that the existing and proposed tree covering are on lower grounds than the proposed building and lorry parking limiting the effectiveness. They raise concerns regarding the proposed landscaping details regarding mounding which would obliterate the existing vegetation, additional planting should be sought via the Landscaping Masterplan, which the LVIA supports, without the mounding. They finally raised concerns about the pale grey colour for the building which could make the development more prominent and they suggest a darker colour would be more appropriate.

KCC Biodiversity initially requested additional ecological information, and further to the submission of this, has reviewed it and advised that sufficient information has been provided to determine the planning application, subject to an ecological mitigation strategy condition and the site lighting to be in line with the Bat Conservation Trust.

Natural England have written to raise no objection and consider that the proposal would not have significant adverse impacts on statutory protected nature conservation sites.

KCC Archaeology advise that the site lies in an area of archaeological potential based on archaeological remains found in the surrounding area and its topographical position on high ground in close proximity to historical forts such as Fort Horsted and Fort Borstal. The site is also to the south of the now unfortunately lost Fort Bridgewood. These forts formed the defences to the Chatham Dockyard. Due to this potential for finds of archaeological interest if the application were recommended for approval a condition for a programme of archaeological works would be required.

Tonbridge & Malling have written to raise no objection.

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. An application for connection to foul water is required. The site lies within a Source Protection Zone for public water supply and Southern Water rely on the Environment Agencies comments regarding protection of this supply. An informative should be included with any decision to bring the points raised to the applicants attention.

Southern Gas Networks comments that there may be low/medium/intermediate pressure gas mains near the site and recommends safe digging practices. An informative should be included with any decision to bring this to the applicants attention.

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. An informative should be included with any decision to bring this to the applicants attention.

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 2023 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

Principle

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is currently an agricultural field (fallow) but has not used for agriculture for some time. 'Agricultural land' is excluded from the definition of 'previously developed land' in the Annex 2 of the National Planning Policy Framework and as such the site is a greenfield site.

The site abuts the urban boundary but falls 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 site is not designated as an existing or proposed commercial site under either Policies ED1 or ED2 of the Local Plan however the site lies opposite the Laker Road Industrial Estate and adjacent to the Royal Mail site which both form existing employment areas under Policy ED1 of the Local Plan. To the south the new Council depot has been constructed while further to the south is land which has now been developed for Wren's kitchens (within Medway) and a small employment park (within Tonbridge and Malling)

Policy S1 of the Local Plan ('Development Strategy') seeks for development to be located in the urban area with land use and transport being closely integrated. It states that "*Outward peripheral expansion onto fresh land, ... will be severely restricted.*" Policy S1 also states that "*In recognition of their particular quality and character, long-term protection will be afforded to: (i) areas of international, national or other strategic importance for nature conservation and landscape;*" Policy S2 relates to the implementation of Policy S1 and in part requires a sustainable approach to location.

Policy BNE25 of the Local Plan indicates that development in the countryside will only be permitted if it maintains, and wherever possible enhances, the character. It also provides other criteria for development on allocated sites, development essential to the countryside location, re-use of buildings, and institutional use for which the countryside location is justified. The proposal does not meet these criteria. Policy BNE34 of the Local Plan states that development will only be permitted within ALLIs 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 or the economic and social benefits are so important they outweigh the local priority to conserve the areas landscape.

Paragraph 176 of the NPPF indicates that "*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.... The scale and extent of development within all these designated areas should be*

limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”

The proposed use under this application falls outside the categories of land use that are normally acceptable in the countryside and ALLIs as set out in Policies S1, S2, BNE25 and BNE34 of the Local Plan. However, given the age of the Local Plan, the recognised need for employment uses, especially B2 and B8 uses, in Medway and the approved employment development to the west side of Maidstone Road in recent years within both Tonbridge and Malling and Medway and the Royal Mail depot adjacent to the site, it must be recognised that the character of this area is changing and the ALLI and strategic Gap has diminished. The guidance from the NPPF would be most relevant for this specific application.

Paragraphs 81 and 83 of the NPPF 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. In this instance for the proposed B2 use which operates as a recovery service across the UK and Europe a location with good access to the main motorway network from M2 and M20 for access to Dover and Channel Tunnel is required.

The proposed use would help meet the Councils identified need for B2 uses, while the principle of redevelopment of the land to the west of Maidstone Road for employment uses has already been established by the previous permissions granted by both Medway and 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 employment use is considered on balance to be appropriate here despite the land not being specifically allocated for such a use, subject to an appropriate landscape mitigation to minimise its impact on the ANOB as per paragraph 176 of the NPPF.

Design and impact on ANOB

Development Plan policy places considerable emphasis on the importance of achieving high quality buildings and places. Paragraph 126 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 130 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.

Policy BNE1 of the Local Plan 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. Policy BNE25 of the Local Plan requires that development should maintain, and wherever possible enhance, the character, amenity and functioning of the countryside.

Similarly, in relation to ALLIs, Policy BNE34 of the Local Plan 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.

The proposed development would result in the loss of a greenfield site within the ALLI and countryside. However due to the evolving character of the western side of Maidstone Road the development, including the two storey building and lorry parking would not appear out character with the evolving industrial area surrounding the site. The main consideration is therefore the impact the development would have on the adjacent ANOB.

The revised landscape strategy for the development includes the following:

- The retention and management of the existing vegetation and grass verge along the Maidstone Road frontage with grassland behind.
- Northern boundary to be boosted with native planting.
- Existing Western vegetation to be retained and infilled with native mature tree planting and shrub species to form a dense visual barrier to development and also allow wildlife movement and biodiversity. Southern and south western corner to be retained and enhanced for reptiles.
- Southern Boundary trees minimised to provide reptile habitat out of shade.

Paragraph 176 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 had some concerns about the attempted full landscape proposal regarding the mounding of planting of trees which would result in the loss of some of the existing screening. This is demonstrated within the supporting tree removal plan. Consequently, these will not form any part of the approved documents if the application were to be approved. However, from the details in the LVIA it is considered that the above stated proposed landscaping masterplan could provide suitable boundary screening along the western boundary of the building, HGVs and required boundary treatment to prevent HGVs falling onto the motorway below. With regard to the building the ANOB unit have requested a darker pallet of materials for the building to reduce its dominance from views from the ANOB and an appropriate condition is recommended.

It is considered that the final detailed landscaping and tree protection measures can be suitably resolved by condition subject to also conditioning the final lorry parking areas to ensure suitable mitigation planting depths can be achieved. The applicant has agreed that this can be conditioned. In addition to the landscaping and landscape management conditions, a soil profile condition would also be required to ensure appropriate growing mediums are provided. With regard to the Maidstone Road boundary, the success of the proposed retained and enhanced boundary would depend on the services including the current Southern Water trunk main and consequently services details would be required to be provided within the landscaping package.

On this basis, subject to the above mentioned conditions, 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 with Policies BNE1 and BNE6 of the Local Plan and paragraph 126, 130, 131 and 176 of the NPPF.

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.

Due to the distance to neighbouring residential properties and the employment nature of the area, the proposed development would not cause any harm in this regard. A noise assessment has been submitted to show how suitable levels of noise can be achieved for the noise sensitive areas of the development such as the proposed office space. An appropriate condition is recommended to secure that the mitigation in the noise report is provided.

Subject to the recommended condition above the proposal would be in accordance with Policy BNE2 of the Local Plan and paragraph 127 of the NPPF.

Highways

In terms of the access, the applicant is proposing a comprehensive road widening scheme which includes a ghost right turn lane which is considered to be acceptable with regard to both functionality and road safety. An appropriate condition is recommended to secure full details and provision of the access.

In terms of the parking provision, the applicants have outlined 55 car parking bays to cater for on-site staff, recovery vehicle drivers and visitors. Whilst it is noted that the provision is above the maximum standard, given the site location and the operational requirement of the site, the over provision is not considered unacceptable. With regard to the HGV while this provision is in excess of the daily vehicles entering the site it allows for an overlap of vehicles being repaired and vehicles being recovered. As indicated in the design section the final layout of these bays will be conditioned to ensure there is sufficient landscape buffer on the western boundary. A further condition is recommended to secure electric parking spaces.

With regard to cycle storage, while none are included within the proposed plans, the climate change statement includes their provision. Given the size of the site this could be easily accommodated and an appropriate condition is recommended.

With regard to traffic impact, the proposed development comprises the relocation of the existing operation of NYR from two sites to one. The applicants for the purpose of these assessments have treated all the trips new to the network and therefore the assessment is considered robust. The applicants have used the trip generation from the existing site to determine the likely vehicle movements, it has also provided an TRICS database assessment to provide a sensitivity Test. It is estimated that the site would generate a total of 100 two-way car trips on a weekday and 20 two-way car trips at weekends, and 80 two-way HGV trips per day (weekdays and weekends).

Therefore, in total the site is anticipated to generate 180 vehicle trips each weekday and 100 vehicle trips at weekends. On an annual average daily (7-day average) basis, the AADT flows generated by the site are 157 vehicle trips.

Given the current flows along this section of Highway, the percentage change in traffic would be approx. 1% in the peak periods and 0.2% during the day. It is therefore considered that this minimal increase would not materially impact Medway's Highway network and National Highways are satisfied this would not have a detrimental impact on the Strategic Road Network (M2) subject to a Construction Environment Management Plan condition.

National Highways have requested further conditions to ensure that the development itself does not impact the safety or functionality of the M2 below the site. These conditions include final site lighting details, SUDS details to prevent surface water flooding of the M2, excavation works details to prevent landslides during construction and crash barrier details to prevent HGVs falling onto the road network below.

Accordingly, there is no objection in highways terms with regard to paragraph 111 or 112 of the NPPF, and Policies T1, T2, T4 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 or to the strategic network subject to the conditions recommended above.

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 is considered to be acceptable. With regards to bats, the scrub located adjacent to the east of this site contains trees that are more conducive to support roosting bats and this area is outside the scope and will not be lost as a result of this proposed development. However, there would be a need to ensure that lighting plans are sensitive to this location and it is recommended that light levels should be 1 lux or less along the site boundaries.

With regard to reptiles, common lizards and slow worms have been recorded within the site and the current site plan details indicate that the population cannot be retained entirely within the site. The supporting information indicates a receptor site will be created within the southern boundary of the site and confirmed that suitable habitat will be established within the eastern and western boundaries of the site post construction to provide suitable reptile habitat. A water main easement is located along the western boundary and the submitted information has confirmed that no hibernacula will be created within this area and the grassland will be cut once a year to minimise the risk of reptiles hibernating directly within areas which may have to be cleared if access to the easement is required. The landscaping plan has confirmed that the areas directly adjacent to the reptile habitat will have extra large curb stones installed to reduce the risk of trucks driving into it. There is a risk that rubbish/waste from lorries may be thrown within the grassland habitats which would need to be cleared as soon as possible. This can be addressed within a general site wide

management condition. No details have been provided regarding the management of the reptile receptor area, however it is considered that effective management can be achieved, and this will be secured as part of the ecological management strategy. It is recommended that this area receives limited management to create a tussocky grassland.

There is potential for dormice present onsite, however, as the majority of hedgerows are to be retained and enhanced no specific survey is required. The proposed precautionary measures submitted in support of this application are acceptable to minimise the risk on dormice during clearance of vegetation. The applicant should however include these again in the ecological mitigation condition, to ensure that all the ecological mitigation is in one document.

On the basis of the above and the recommended conditions regarding ecological mitigation strategy, bat lighting and management of waste 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.

Contamination

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment.

The application is supported by a desk study and risk assessment and various reports regarding contamination and controlled waters.

The site is over a principle aquifer and within both Special Protection Zones 1 and 2, the Environment Agency (EA) have indicated that the proposed HGV use of this site could present high risk of contamination to controlled waters and that all activities onsite should be undertaken with this in mind and pollution measures adopted for the site operations and drainage. They removed their objection subject to a pollution prevention strategy to be secured by condition. Other conditions are recommended from the EA regarding no infiltration, foul drainage, no piling and an unexpected contamination condition.

Subject to the imposing the abovementioned conditions, the proposal is acceptable in relation to Policy BNE23 of the Local Plan and paragraphs 178 and 179 of the NPPF.

Flooding and SUDS

The application is supported by a Flood Risk Assessment and Preliminary Drainage Strategy.

Infiltration tests have been undertaken and have shown the geology to be suitable for soakaways which is supported as long as there are no groundwater and/or contaminated land issues which would preclude use.

The applicant should ensure that means of water quality treatment are included to the best practice industry guidance set out in the CITIC Manual with respect to water quality and will need to be revisited ahead of detailed design stage likely necessitating a combination of SuDs and other proprietary features. Given the site nature and scale, it is expected this can be achieved.

It should be ensured that there is a maintenance schedule in place for the lifetime of the development to maintain any SuDs and unadopted parts of the drainage system, which serve it. All SuDS should be located in publicly accessible areas, unless deemed inappropriate or not possible, to allow for suitable access for maintenance and a detailed plan provided of the frequency of maintenance for each SuDS feature on site based on guidance in the CIRIA SuDS Manual as well as details of who would be carrying out the maintenance.

The use of rainwater harvesting, grey water recycling and water butts where practicable are also recommended in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies.

The submitted drainage drawing includes the sizes of the cellular storage areas but there are no calculations submitted to evidence the sizing. MicroDrainage outputs (or other industry appropriate software) should be provided for the critical duration for a 2-year, 30 year and in 100 year + 40% intensity climate change scenarios. The latest Flood Estimation Handbook (FEH2013) should be used for the design storms and runoff, as opposed to FSR.

A set of SUDs conditions is accordingly recommended, including to ensure a SUDs scheme, verification report and construction surface water management plan. Subject to these conditions, the proposed development is in accordance with paragraphs 167 and 169 of the NPPF.

Air Quality

Policy BNE24 of the Local Plan and paragraphs 174 and 186 of the NPPF requires new development to take account of the impact on air quality.

The application has been supported by an air quality assessment which predicts that existing air quality at sensitive location is unlikely to deteriorate significantly as a result of the development. However, as the development will result in an increase in more than 100 vehicle movements a day there is a potential for cumulative air quality impacts associated with Innovation Park Medway Development, air quality mitigation would therefore be required as per the Medway Air Quality Planning Guidance. An appropriate condition is therefore recommended to secure an air quality emissions mitigation assessment and statement.

Subject to the abovementioned condition no objection is raised to the proposal under Policies BNE2 and BNE24 of the Local Plan and paragraphs 174 and 186 of the NPPF.

Archaeology

Policy BNE21 of the Local Plan seeks to account for and protect/mitigate from harm/record findings at archaeological sites, from and during development, as do paragraphs 189 and 192 of the NPPF.

The site lies in an area of archaeological potential based on archaeological remains found in the surrounding area and its topographical position on high ground in close proximity to historical forts such as Fort Horsted and Fort Borstal. The site is also to south of the now unfortunately lost Fort Bridgewood. These forts formed the defences to the Chatham Dockyard. Due to this there is potential for finds of archaeological interest and an appropriate condition is recommended to secure a programme of archaeological works.

Subject to the recommended condition the proposal is considered to comply with Policy BNE21 of the Local Plan and paragraphs 189 and 192 of the NPPF.

Climate Change

The application is supported by a Climate Change Statement which sets out the measures to tackle climate change and energy efficiency including, but not limited to, meeting part L of the building regulations by providing high performing insulating materials, thermal efficient glazing, low energy LED lighting, low water use fittings and appliances. It also states the uses of electric vehicle charging points and cycle storage.

Appropriate conditions are recommended to secure the measures proposed in accordance with paragraph 154 of the NPPF.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

Although contrary to the Local Plan, it is considered that the proposed development is acceptable on balance in principle, helping to achieve our current employment need and reflecting the evolving commercial development of this side of Maidstone Road. In relation to the design and impact on the surrounding area, including the Kent Downs AONB, the proposed landscaping management plan should allow for the ability to provide suitable screening. There is likely to be no adverse effects on amenities, parking or highway safety, trees, ecology, contamination or flooding subject to other appropriate conditions. As such the proposal is considered to be in accordance with the provisions set out in paragraphs 11, 81, 83, 111, 112, 126, 130, 131, 154, 167, 169, 174, 176, 178, 179, 186, 189, 192 of the National Planning Policy Framework, and Policies BNE1, BNE2, BNE6, BNE21, BNE23, BNE24, BNNE37, BNE39, T1, T2, T4 and T13 of the Local Plan. 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 due to the conflict with the Local Plan.

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/>