

<b>Wouldham</b> Burham Eccles Wouldham	<b>574161 164364</b>	<b>4 March 2008</b> <b>10 March 2008</b>	<b>(A) TM/08/00270/OA</b> <b>(B) TM/08/00881/A10</b>
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Proposal: (A) Outline Application: Change of use and provision of B1 development comprising of 12,000 to 15,000 sq m of floorspace with associated landscaping, vehicular access, internal roads, parking, services and ancillary development  
(B) Article 10 Consultation by Medway Council for Outline Application: Change of use and provision of B1 development comprising of 12,000 to 15,000 sq m of floorspace with associated landscaping, vehicular access, internal roads, parking, services and ancillary development

Location: Land West Of Rochester Road Rochester Kent  
Applicant: TBH Developments Ltd

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## **1. Description (A & B):**

- 1.1 There are duplicate outline planning applications with all matters reserved apart from the means of access for a major B1 light industrial development. The proposal will involve the change in use of the land and the erection of between 12,000 to 15,000 square metres of B1 floorspace. The application site covers some 4.25 hectares and lies partly within TMBC and partly within Medway Council's jurisdiction.
- 1.2 It is proposed to create three vehicular accesses onto Maidstone Road and Rochester Road and provide car parks within a landscape setting. It is envisaged that a series of buildings will be spread across the 4.25 hectare site. The buildings will be approximately 15m wide and are a mix of two and three storey high structures.
- 1.3 The proposed development constitutes a major departure from the Development Plan.
- 1.4 The applicant has submitted an array of supporting documents relating to such matters as highways statement, landscape appraisals, noise assessments, flood reports. The Planning Statement sets out the sub regional need for additional employment development within the Kent Thames Gateway. The main thrust of the applicant case is summarised as follows from the conclusion in their Planning Statement:

*There is an overriding justification in terms of assisting economic development in this part of the Kent Thames Gateway sub region for granting planning permission to this application for high quality B1 development. The development will not prejudice the integrity or purpose of the Strategic Gap between Maidstone and*

*Medway Towns. Neither will there be any significant adverse effect or impact on landscape, wildlife or cultural heritage. On balance, the economic justification for the development and absence of any significant planning policy or other material objection weigh in favour of grant of planning permission for this application.*

**2. Reason for reporting to Committee:**

- 2.1 These applications are being reported to Committee as it is for a major B1 development, where there are conflicting regional and local policies and also as it is a cross boundary site.

**3. The Site (A & B):**

- 3.1 The application site lies outside the urban confines of Chatham, within open countryside and the Strategic Gap. The site lies to the west of Rochester Road and Maidstone Road and the Laker Road Industrial Estate and is also east of the M2 motorway. The Laker Industrial Estate forms part of the Rochester Airfield. The application lies partly with TMBC jurisdiction, with a greater proportion of the site lying in Medway Council's jurisdiction. Stony Lane separates the northern part of the application site. The application site is currently a cleared parcel of land, which forms part of the very steep embankment from the M2 motorway up to Rochester Road and Maidstone Road. The site forms part of the Nashenden Valley and the TMBC element of the site was formerly designated an Area of Local Landscape Importance. This landscape designation still applies to the part of the application site within Medway Council's jurisdiction.
- 3.2 The application site also lies within the Kent Thames Gateway Sub Region as it lies inside the M2 motorway boundary.

**4. Planning History:**

- 4.1 None relevant.

**5. Consultees (A & B):**

- 5.1 PC: The PC question whether the road system will be able to cope with the additional junctions and traffic movements that will arise as, potentially, this could give rise to more 'rat running'. Also the PC asks how justification can be given to developing this Greenfield site when brownfield land exists in the immediate vicinity.
- 5.1.1 The PC continue to be of the opinion that there are serious doubts about the capacity of the road system and feel strongly that brownfield land should be developed before any encroachment onto Greenfield land takes place.

- 5.1.2 Paragraph 14 of the application indicates that there are no areas within the vicinity of the application that affect the biodiversity and geological conservation nature of the land, whereas this generally falls within the North Downs AONB, which one would have expected to be an important site.
- 5.1.3 Section 15. The PC question whether temporary use as a contractors yard can be regarded as a valid point.
- 5.1.4 Section 16 indicates that there are no trees or hedgerow on the site which is untrue, there is an existing hedgerow.
- 5.1.5 Section 17 states no trade effluent, although at this point we do not know what the proposed usage will be and therefore how can that be stated.
- 5.2 DHH: No objections.
- 5.3 KCC (Highways): The only details to be assessed at this stage are for the vehicle accesses onto the public highway. All other details are 'indicative' and therefore subject to further submissions. Of the three vehicle accesses only the southern priority 'T' junction lies within the Tonbridge and Malling area. I will contain my comments to this and leave the others to Medway to comment on. The applicant has included at this stage a Transport Assessment on which I will make comment.
- 5.3.1 As far as the on site facilities are concerned it is likely that parking provision will need to be to the maximum requirements of Kent Vehicle Parking Standards (KVPS) 2006. I do not consider that the site is particularly well served by alternative means of transport to the car. Indeed in the applicants Transport Assessment it states that nearly three quarters of all trips are likely to be by car and that 'car parking in line with maximum standards would be applied'. Bay sizes are also to accord with KVPS. On site turning facilities are also required. The indicative on site layout shown on drawing number 001 Rev P3 dated Nov 07 appears acceptable in principal although detailed drawings will be required for consideration. An outline of a Travel Plan has been provided in line with current guidelines. Precise details cannot be included at this stage as the prospective occupants are unknown. It will need to be firmed up as the site evolves and incrementally more units are occupied. It will need to be constantly monitored, managed and updated.
- 5.3.2 Drawing number 001 Rev P3 dated Nov 07 shows an indicative layout for the southerly access onto the public highway. A fully detailed engineering plan will need to be submitted for consideration. The works will be subject to a legal agreement and the safety audit procedures. The indicative location appears suitable as it is located on a flat curve and suitable forward vision should be attained. The applicant will need to show this on any submitted detailed plan.

- 5.3.3 The applicant has submitted a Transport Assessment that in part assesses the likely traffic generation and directional split. Nationally recognised programmes and methodology along with actual traffic counts have been used to assess the expected development traffic generation and the likely impact that it may have on the adjacent highway network. The assessment of proposed traffic generation concurs well with my assessment and I therefore find the figures quoted acceptable. I would find the assessed traffic, directional split reasonable with the majority of the traffic heading towards the Bridgewood roundabout and the wider major highway network. The development will have some impact on the adjacent highway network but not to any significant level that cannot be accommodated on the existing highway network.
- 5.3.4 With the introduction of three new junctions onto the existing public highway a comprehensive assessment of the street lighting along this section of Rochester Road is required to ensure that a correct level of street lighting is provided. Any proposed street lighting details will need to be submitted for consideration.
- 5.3.5 A comprehensive survey of the existing highway drainage in Rochester Road is required to ensure that any alterations do not alter the efficiency of the system. It may be necessary for improvements to the existing pedestrian facilities to be assessed. Cycling facilities will need to be looked in to. The applicant has suggested an extension to the 40mph limit zone. This will need further investigation and be subject to a Traffic Regulation Order. Development lighting details will need to be submitted for consideration. I would support this outline application.
- 5.4 Private Reps: 26/0X/0S/0R. No response.
- 5.5 A8 Site Notice & Press Notice: No response.
- 5.6 Union Property (CTRL): No objection.
- 5.7 Medway Council: Proposal represents inappropriate development in the open countryside, and an incursion into the Nashenden Valley of ALLI and Strategic Gap, with a consequent erosion of the local landscape character and countryside function of the area.
- 5.7.1 In the absence of any sequential assessment of alternative sites to demonstrate that no sites are available within or on the edge of town centres or elsewhere within the urban area, and that a site in the countryside is therefore necessary, overriding any need to protect the countryside, the proposal fails to justify the setting aside of relevant Development Plan policies.
- 5.8 GEC: No response.
- 5.9 South East Water: No response.

**6. Determining Issues (A & B):**

- 6.1 The main issues to be considered are whether the proposal is appropriate development, whether it will harm the visual amenity of the locality and whether it will constitute a highway hazard.
- 6.2 The application site lies within open countryside and is subject to policies CP14 of the TMBCS 2007 and SS8 and EN1 of the Kent & Medway Structure Plan 2006. These policies are very restrictive and set out a limited number of exceptions which might allow new development in the countryside. The proposed B1 development does not fall into any of the acceptable forms of development in the countryside.
- 6.3 Policy CP11 of the TMBCS 2007 seeks to concentrate development within the confines of urban areas. This development is outside an urban area. Although CP11 allows for development adjacent to urban areas in certain circumstances, in this instance the applicant has failed to identify an overriding need, nor has it been shown that there are no alternative sites available within the urban area.
- 6.4 The site also lies within the Strategic Gap where new development will not be permitted where it harms the function of the Strategic Gap as a physical break maintaining the separation and separate identities of the built-up areas of Maidstone, Medway Towns and the Medway Gap. However, new development can be permitted if it is justified by special circumstances. The proposed new development amounts to a significant extent of built and urbanising development which would harm the function of the Strategic Gap.
- 6.5 The application site does not lie within the Kent Downs AONB as implied by the PC, but the northern section of the site lies within Medway Council's jurisdiction and the Nashenden Valley Area of Local Landscape Importance.
- 6.6 Core Strategy policy CP21 states that new employment provision will be met at Kings Hill and on vacant sites within the main employment areas as well as through the intensification or redevelopment of existing employment sites. The Council's Development Land Allocations DPD also highlights that there was no need to identify further sites for employment purposes or release any greenfield sites for employment uses. Therefore, there is no identified need that would justify allowing this development based on the Borough Council's employment land provision.
- 6.7 As the site lies within the Medway Towns side of the M2 motorway it is also subject to the specific policies of the Kent Thames Gateway Sub Region part of the South East Plan. This plan has been subject to an Examination in Public and Inspectors Report, but we are awaiting the SOS publication of her proposed changes to the Plan. Therefore, whilst it is not an adopted document, it does carry a certain amount of weight, but not greater than the Borough Council's adopted Core Strategy and Development Land Allocations DPD.

- 6.8 It should also be noted that Medway Council recently had to withdraw its Core Strategy for further work on their employment land provision.
- 6.9 The applicant has submitted a case of special circumstances related to the overriding need for high quality B1 development in close proximity to the Rochester Airfield high technology hub. In particular, the applicant relies on the policies KTG3 to KTG6 inclusive, which require the Kent Thames Gateway sub region to increase its employment land provision, provide some 58,000 jobs across this sub region by 2026 and provide high quality employment sites adjacent to Rochester Airport. However, the policy KTG3 also states that development should not be sited in the Strategic Gap to the south, east and west of Medway. In addition, paragraphs 6.10.9 and 6.10.10 of the Regional Planning Guidance 9A: The Thames Gateway Planning Framework highlight the importance of the green hillsides and backdrops of the Medway Towns. It also indicates that development should be steered away from the urban fringe which provides locally valuable countryside.
- 6.10 The applicant has also stated that they believe the site to be previously developed land and therefore it should be developed. They consider that the site was used as a temporary contractors' yard during the CTRL and M2 widening works and therefore, it is now previously developed land. There does not appear to be any planning permission or reference to the contractors' yard on this site from our planning records, however, providing a contractors yard for a statutory undertaker adjacent to the site would be permitted development. Since the CTRL and M2 widening works were completed the site has been left to naturally slowly regenerate and forms part of the open countryside.
- 6.11 The applicant has also not submitted any sequential approach or looked at alternative urban sites adjacent to the Rochester Airfield or indeed any other sites within the urban confines of the Medway Towns. Therefore, I do not consider that there is any overriding need to justify this B1 industrial development contrary to the countryside and strategic gap designations.
- 6.12 The proposed two and three storey buildings and associated car parking will be designed to take account of the significant changes in ground levels on this embankment site above the M2 motorway. The visual impact of the development might to a certain extent be reduced by landscaping and tree planting around the perimeter of the development, which may help to screen the development. However, the creation of new build development within the countryside will still be visually intrusive and will be particularly harmful from wider views of the site and the wider landscape. Given the significant change in ground levels of the site, it will be difficult to adequately screen the development to wider views. Therefore, the proposal will detract from the visual amenity of the locality and wider landscape. It is thus in conflict with the objective of TMBCS policy CP24.

- 6.13 In highway terms, the applicant has submitted a detailed transportation statement and KCC Highways has not raised any objections to the proposed increase in traffic movements, as they consider the local highway network can accommodate this proposal. KCC Highways also raises no objection to the proposal overall subject to submission of fully engineered details, full KVPS parking provision and submission of a Travel Plan. Such matters could be controlled by condition if the Council was minded to approve.
- 6.14 There are no nearby residential properties and given the nature of the proposal, ie, B1 light industrial uses, the proposed development will not result in any adverse amenity impacts.
- 6.15 The applicant has submitted a whole series of reports relating to surface water run off, nature conservation, external lighting, and renewable energy. I do not have any concerns relating to the conclusions of these reports and if the Council was minded to grant outline planning permission, the majority of the matters raised within these reports could be controlled by condition.
- 6.16 In light of the above considerations, I am unable to support this proposal and recommend refusal of the application submitted to the TMBC, and that objections be raised with Medway Council in relation to their element of the proposal.

**7. Recommendation:**

(A) TM/08/00270/OA:

**7.1 Refuse Planning Permission** for the following reasons:

- 1 This B1 proposal is an unacceptable form of development outside the urban confines and within the countryside and does not fall into any of the categories of appropriate development in the countryside. As such the proposal is contrary to policies CP11 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007, EN1 and SS8 of the Kent and Medway Structure Plan 2006.
- 2 The proposal represents a significant incursion into the Strategic Gap and will harm its function to provide a physical break, maintain the separation between urban areas and separate identities of the built up areas of the Medway Towns and the Medway Gap. There are no special circumstances to override the policy. As such the development is contrary to policies CP5 of the Tonbridge and Malling Borough Core Strategy 2007, SS3 of the Kent and Medway Structure Plan 2006 and KTG3 of the emerging South East Regional Plan.
- 3 The proposed extent of development in this rural location will be very visually obtrusive and will harm the visual amenity of the site, its surroundings and the wider landscape. As such the proposal is contrary to policies CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and QL1 of the Kent and Medway Structure Plan 2006.

- 4 The Local Planning Authority does not consider that there is any justification, in the circumstances of the present application for overriding the planning policy objections.

(B) TM/08/00881/A10:

7.2 **Raise Objections** for the following grounds:

- 1 This B1 proposal is an unacceptable form of development outside the confines of an urban area and within the countryside and does not fall into any of the categories of appropriate development in the countryside.
- 2 The proposal represents a significant incursion into the Strategic Gap and will harm its function to provide a physical break, maintain the separation between urban areas and separate identities of the built up areas of the Medway Towns and the Medway Gap. There are no special circumstances to override the policy objections. As such, the proposal is contrary to policy KTG3 of the emerging South East Regional Plan.
- 3 The proposed extent of development in this rural location will be very visually obtrusive and will harm the visual amenity of the site, its surroundings and the wider landscape.
- 4 The Local Planning Authority does not consider that there is any justification, in the circumstances of the present application for overriding the planning policy objections.

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