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**TM/19/01419/FL**

**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 B1/B2 commercial uses

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## **1. Description of Proposal:**

- 1.1 The aim of this proposal is to deliver a high value employment location in Medway, which is described as being very different and specialised compared to all other employment designations in Medway that have a mix of B1, B2 and B8 uses. This is intended to present 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. The Local Development Order (LDO) will also support Medway 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 to be key target areas with the potential for significant economic growth.
- 1.2 The employment destination seeks to deliver a high-tech cluster of companies sharing similar skills, infrastructure, ambition, and drive. It will comprise Use Class E(g) and Use Class B2 that are 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.
- 1.3 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).

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- 1.4 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).
- 1.5 This LDO is intended to provide a greater degree of 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.
- 1.6 Both authorities have duly considered the need for Habitats Regulation Assessment (HRA) under Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017. Following the advice provided by Natural England, it can be confirmed that HRA will not be required for the proposed development.

## **2. The Site:**

- 2.1 The airport site is located on the south western edge of the Medway towns. The site is adjoined by retail and hotel development fronting Maidstone Road and also the Medway Innovation centre and a complex of industrial buildings. To the south is the Woolmans Wood Caravan Park.

## **3. Planning History (relevant and not including Medway consultation applications):**

- 3.1 TM/14/03341/FL Application Withdrawn 27.04.2017

Formation of a lit paved runway with parallel grass runway, formation of grassed bund, re-siting of helipads, erection of two hangars, a hub building with control tower and associated building, erection of fencing and gates, formation of associated car parking areas, fuel tank enclosure, family viewing area and a memorial garden (detailed submission) plus demolition of a range of structures and removal of portable structures

- 3.2 TM/17/02835/FLEA Application Withdrawn 26 July 2018

The formation of a replacement paved lit runway and parallel grass runway (including a landscaped bund), the demolition of existing buildings (including control tower, two portacabins housing the airport office and Skytrek office) re-siting of helipads and construction of a new control tower and hub building including the provision of a family viewing area

- 3.3 TM/18/02233/CNA Approved 21.12.2018

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Consultation by Medway Council (MC/18/2509): Relocation of two helipads within the airport to include the provision of landing pads together with the decommissioning of an existing helipad

#### **4. Consultees:**

[Responses to the most recent consultation exercise undertaken directly by TMBC are set out below. It should be noted that Medway undertook its own, separate consultation exercise and different, additional bodies made representations to them directly. Those representations have rightly been considered by them as part of their assessment and decision-making process but where appropriate are summarised]

- 4.1 Aylesford PC: No comments made to latest consultation exercise
- 4.2 Highways England (various representations summarised): Originally 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.
  - 4.2.1 Highways England satisfied 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.
- 4.3 KCC (Highways) (most recent, dated 01 December 2020): Mitigating measures are proposed and the delivery of the mitigation will be based on a Manage and Monitor strategy and this strategy is to be agreed with KCC Highways prior to commencement of development. The Monitor and Manage strategy will identify traffic conditions and junction capacity in order to inform when mitigation is required. Subject to the Monitor and Manage Strategy, which is to be conditioned, I would not wish to raise objection on highway grounds.
- 4.4 EA: No objections subject to the imposition of conditions.
- 4.5 Natural England (various representations summarised): 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.

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4.5.1 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.

4.5.2 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.

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

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

4.6 Sport England: No comments to make, general advice provided.

4.7 Historic England: No comments to make

4.8 Maidstone BC: As one of the authorities constituting part of the North Kent Enterprise Zone, MBC is supportive of the Innovation Park Medway LDO and associated Design Code to bring about a fast-tracking of development on the site. Below are comments on the newly presented information as part of this consultation. Comments provided concerning landscape and visual assessment, traffic and transport and the Maidstone Local Plan review and Economic Development Strategy.

4.9 Private Representations: 2 letters received which were sent directly to Medway but also copied to TMBC. One commenting on the content on the LDO and associated design code and one questioning the impact on the future of the airfield because of the proposals.

## **5. Relevant Policies & Determining Issues:**

5.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the LPA is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise. The Development Plan currently in force for the area that is the subject of the LDO insofar as it relates to land within the Borough of Tonbridge and Malling comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the

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Managing Development and the Environment DPD (MDE DPD), adopted April 2010.

- 5.2 The National Planning Policy Framework (“NPPF”) and the associated National Planning Practice Guidance (“NPPG”) are important material considerations.

Matters of principle:

- 5.3 Insofar as the site lies within the boundary of Tonbridge and Malling, it falls within the urban settlement confines. Policies CP11 and E1 of the TMBCS and the DLA DPD 2010 respectively refer. The site is designated for employment purposes within Medway local plan insofar as it relates to the wider site.
- 5.4 Policy CP11 of the TMBCS sets out that development will be concentrated in the urban areas as defined. Policy E1 of the DLA DPD safeguards the land for employment use and states that any new development or redevelopment for employment purposes must not result in unacceptable impact on residential or rural amenity by virtue of noise, dust, smell, vibration or other emissions or by visual intrusion or the nature and scale of traffic generation.
- 5.5 Draft local plan policy LP36 (j) also allocates the site for employment purposes (B1 and B2 uses) although at this time the policy can only be afforded limited weight for decision making purposes.
- 5.6 The proposal as set out by the LDO is recognised as being a key economic opportunity for providing higher value employment, via the delivery of high value technology, advanced manufacturing, engineering, and knowledge-intensive businesses. It will provide for 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. Consequently, the site will contribute strategically to the provision of employment floorspace within the area.
- 5.7 The principle of the development contained within the LDO is policy compliant on this basis.

Character, appearance and design:

- 5.8 TMBCS policy CP24 sets out the general criteria for all new development including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:
- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;

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- the distinctive setting of and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.

5.9 In addition, 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.

5.10 The LDO is informed and supported by a very detailed Design Code. Quality of the public realm is clearly 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.

5.11 In these respects, the development subject to the LDO complies with these adopted development plan requirements.

5.12 Turning to the potential impact on the setting of the AONB specifically, policy CP7 of the TMBCS states that development will not be proposed within the LDF, or otherwise permitted, which would be detrimental to the natural beauty and quiet enjoyment of the AONB including their landscape, wildlife and geological interest other than in exceptional, specified circumstances.

5.13 Furthermore, the NPPF at paragraph 172 states 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.

5.14 It goes on to state that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

5.15 I am aware that much negotiation has taken place between Medway Council and the appropriate bodies concerning potential for the development to impact on the setting of the AONB. This is summarised in respect of Natural England representations at section 4.5 of this report and on this basis, subject to conditions I am satisfied that the development subject of the LDO is acceptable in this respect although I note that in representations made to Medway Council (and not to TMBC) the Kent Downs AONB Unit still raised concerns about the proposed

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built form on the western edge of the site and the 6-storey building, identified as the 'gateway' building.

Amenity

- 5.16 Policy CP24 of the TMBCS requires that development be designed in such a way that respects the site and its surroundings. More generally, one of the core principles contained within paragraph 17 of the NPPF sets out that a good standard of amenity for all existing and future occupants of land and buildings should be sought. There are also criteria specific elements of policy E1 of the DLA DPD that relate to impacts on amenity.
- 5.17 The design code referenced elsewhere in this report prepared in connection with the LDO fully considers the impact on neighbouring properties by the placing of taller buildings in suitable locations. The arrangement of future occupiers has also been considered in this document by ensuring suitable relationships between buildings and uses are retained and created.
- 5.18 Furthermore, the broader nature of the type of use provided for by the LDO will suitably ensure that acceptable levels of amenity will prevail.
- 5.19 In terms of air quality, policy SQ4 of the MDE DPD states that development will only be permitted where prescribed criteria are met. Additionally, at paragraph 181 the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- 5.20 I consider that the development when taken with all necessary mitigation measures will ensure compliance with these requirements.

Impact on highway network:

- 5.21 Policy SQ8 of the MDE DPD states that
1. Before proposals for development are permitted they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided.

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2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

3. Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.

4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

5. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.

5.22 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.

5.23 Detailed transport modelling with mitigation measures and safety audits have been 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.

5.24 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.

5.25 It is clear that HE and KCC (H+T) are now satisfied with the evidence as set out and the mitigation arising from that technical work as being necessary.

*Flood risk and drainage:*

5.26 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.

*Contaminated land:*

5.27 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.

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*Climate Change and Energy Efficiency:*

- 5.28 The Council's draft Climate Change Strategy and the Corporate Strategy are not adopted for Development Management and decision-making purposes. Once the draft Climate Change Strategy is adopted by the Council (in corporate terms rather than expressly for Development Management purposes), it will be a material consideration carrying some weight.
- 5.29 In any event, 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 and so on. This is considered to be wholly in accordance with the thrust of the Council's strategies in these respects.