

Ditton
Ditton

20 August 2020

TM/20/01820/OAEA

Proposal: Outline Application: Hybrid planning application for the following development: Outline planning permission (all matters reserved) for the erection of flexible B1c/B2/B8 use class buildings and associated access, servicing, parking, landscaping, drainage, remediation and earthworks; and, Full planning permission for erection of two warehouse buildings for flexible B1c/B2/B8 use class, realignment of Bellingham Way link road, creation of a north/south spine road, works to the embankment of Ditton Stream, demolition of existing gatehouse and associated servicing, parking, landscaping, drainage, infrastructure and earthworks

Location: Aylesford Newsprint Bellingham Way Larkfield Aylesford Kent ME20 7PW

Go to: [Recommendation](#)

1. Description:

- 1.1 This is a hybrid planning application for the redevelopment of the former Aylesford Newsprint site for the construction of up to 177,280 square metres (sqm) (GIA) of build floorspace for flexible industrial, storage and distribution uses (Use Classes B1(c)/B2/B8). The hybrid format of the application allows for an element of the proposals to be considered in detail at this stage, with the remainder set out in outline. This approach will enable the developer to ensure early completion of the access road and two units whilst being able to tailor the buildings on the rest of the site to the needs of specific occupiers.
- 1.2 The floorspace overall is shown to be limited/assigned as follows:
- Maximum of 15,760 sqm (GIA) of B1c floorspace
 - Maximum of 31,250 sqm (GIA) of B2 floorspace
 - Maximum of 177,280 sqm (GIA) of B8 storage and distribution floorspace and
 - Maximum of 35,000 sqm (GIA) of B8 parcel delivery floorspace.

Outline elements of the scheme:

- 1.3 The outline element is proposed with all matters reserved that allows for up to 159,235 sqm (GIA) of built employment floorspace to be provided, with associated access, servicing, parking, landscaping, other earthworks and site remediation works. This element is proposed in outline form to enable detailed reserved matters to be submitted to ensure maximum flexibility and thereby enable the units to be specified to meet future occupants needs.

- 1.4 This element is supported by a parameters plan that sets out maximum ridge heights (28m in zone A to the east of the site and 18m to the west of the site), landscaped buffer zone between the development and the public right of way to the east of the site, how the access arrangements would work from the site access roads detailed in the full element and potential acoustic screening to the north and south site boundaries.

Full detailed elements of the scheme:

- 1.5 These elements can be summarised as follows:
- Two warehouse units (units 6 and 7) comprising 6,689 sqm (GIA) and 11,355.5 sqm (GIA) respectively of employment floorspace;
 - Full details of the Bellingham Way link road and the north/south perimeter road including associated landscaping;
 - Works to the embankment of Ditton Stream, other earthworks and site remediation works; and
 - Demolition of the existing gatehouse.
- 1.6 The maximum ridge height of the buildings would be 15.5m with a clear internal height of 12.5m. Both units comprise a steel framed, single storey warehouse building with ancillary office accommodation. Externally, the units provide a secure service yard with HGV parking and cycle storage areas, with unit 6 having provision for 60no. car parking and motorcycle spaces and 10no. cycle parking spaces. 8no. trailer spaces are proposed with 2no. level access HGV spaces; and unit 7 102no. car parking and motorcycle spaces and 20no. cycle parking spaces. 56no. trailer spaces are proposed with 4no. level access HGV spaces.
- 1.7 The buildings themselves are proposed to be finished in a mix of white and navy-blue contrast cladding to add visual interest and break up the mass of the buildings. External detailing is also proposed to be used to identify specific areas such as main entrance points and office areas.

Access arrangements and connectivity:

- 1.8 Full details are provided of the proposed Bellingham Way link road, the north/south perimeter road and associated landscaping, demolition of the existing gatehouse building, as well as works to the embankment of Ditton Stream, other earthworks and site remediation works.
- 1.9 The proposed development includes the realignment of Bellingham Way link road which will be opened up for public use. This will enable vehicular access to Station Road and provide an alternative route for vehicles to access the M20

and the A228 north of the M20. Whilst smaller and medium sized vehicles will be able to use the Station Road route, HGV's will be restricted from using this route to access or egress the site. The Station Road junction will be a signalised junction that will include pedestrian crossings.

- 1.10 The realignment and opening up of the link road is included in the full element of the submission so that it can be provided at an early stage and be fully in place prior to the completion of the whole development.
- 1.11 Similarly, alterations and upgrades to the footpath network across the site are included in the full element. These include improvements to public rights of way (PRoW) MR 492 and MR493 to the south of the site, MR9 along the eastern edge of the site between the south eastern corner of the site and New Hythe train station with upgraded surfacing, fencing and landscaping.
- 1.12 The detailed element of the application also includes the provision of a 3m wide shared footpath running along the southern/western side of the realigned Bellingham Way Link Road, which connects Station Road with Bellingham Way. A 2m wide footpath will run along the northern side of the realigned link road.
- 1.13 The application also proposes a scheme of off-site PRoW enhancements to MR474 to facilitate pedestrian and cycle links from the site along the river Medway to Mill Hall and Aylesford village and also the addition of a footway link on the north side of Leybourne Way from the junction with New Hythe Lane.
- 1.14 In terms of parking provision, Unit 6 includes provision for 60no. car parking and motorcycle spaces and 10no. cycle parking spaces. 8no. trailer spaces are proposed with 2no. level access HGV spaces.
- 1.15 Unit 7 includes provision for 102no. car parking and motorcycle spaces and 20no. cycle parking spaces. 56no. trailer spaces are proposed with 4no. level access HGV spaces. All cycle parking provision will be secure and well-lit.
- 1.16 For the Outline element of the Development, parking provision is made reflecting the requirements for B8 occupiers, with the overall provision of 1,213 spaces being within the maximum parking standard of 1,447 spaces required by guidance. Full details of car parking provision for each unit will be provided at the reserved matters stage.

Landscape strategy:

- 1.17 The application is supported by a landscape masterplan which sets out the detail of the structural planting approach to the Bellingham Way link road, as well as gateway planting to the main entrance of the site and spine road planting. Full details of the planting both within and on the boundaries of the full element of the planning application around Units 6 and 7 are also provided.

- 1.18 The landscape strategy for the development seeks to provide a tree lined central boulevard along the Bellingham Way link road with native hedgerows planted alongside unit boundaries. Existing vegetation is proposed to be retained and enhanced, where possible. Any significant losses including trees will be mitigated by providing new planting with good wildlife value and any new trees will be native species to provide habitats for native fauna
- 1.19 As well as new tree planting, new native hedging is proposed to enable a 'green grid' to be created across the site. Wildflower areas are proposed in more open areas and formal mown grass areas along the edges of the internal roads to ensure appropriate visibility.
- 1.20 The PRoW along the eastern edge of the site which connects the south eastern corner of the site to the New Hythe train station (MR91) will be cleared of scrub vegetation and improved with a new fence and landscaping making it a more pleasant pedestrian and cycle friendly environment. New greenery will run along the eastern boundary of the site, providing a new wildlife corridor and is further intended to reinforce the green grid.
- 1.21 As part of the detailed element of the development, works will be undertaken to the embankment of the Ditton Stream which is located within the south of the site. A development free 8m easement surrounding the Ditton Stream is proposed, to open up the stream channel and facilitate improved maintenance of the flow route through the site. The works will provide additional flood resilience and ecological enhancement to the stream.

Environmental impact assessment:

- 1.22 The proposed development falls within Schedule 2 10 (a) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (later amended by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017) and as such has been subject to Environmental Impact Assessment (EIA).
- 1.23 As such, an Environmental Statement (ES) has been submitted as part of the planning application. This is prepared to assess the environmental effects of the development in line with the statutory requirements contained within the Regulations. The purpose of the ES is to inform decision making by explaining the likely significant effects that the development may have on the environment during construction and once it is complete and how they can be avoided or reduced. The EIA has been informed by a series of technical studies which form part of the ES. These studies include surveys, calculations and other forms of modelling as necessary.
- 1.24 An ES is intended to consider the likely effects of the development on its neighbours, local environment, local and regional economy, as well as the wider area. The environmental effects of the development are to be predicted in

relation to sensitive receptors, including human beings, built resources and natural resources. The sensitive receptors considered in the ES should include local residents and businesses, heritage assets and designations, road users, construction workers and future occupiers of the site.

- 1.25 Each topic assessment is designed to attach a level of significance to the identified effects (both positive and negative), i.e. either major, moderate, minor or negligible. Short and long-term (temporary and permanent), direct and indirect effects have been assessed. The EIA Regulations require that 'cumulative' effects are also considered in the ES. 'Residual effects' are defined as those that remain after mitigation measures have been implemented.
- 1.26 The contents and conclusions contained within the ES are considered throughout the detailed assessment of the scheme which follows.
- 1.27 In addition, a number of other supporting plans and documents have been submitted as part of the application.
- Illustrative masterplan
 - Parameters Plan
 - Site plans, floorplans and elevations units 6 and 7
 - Landscaping proposals plans
 - Bellingham Way Link Road improvements
 - Estate Road layout
 - Junction details and swept path analysis
 - Lighting details for Bellingham Way Link Road, Spine Road and units 6 and 7
 - Design and Access Statement
 - Planning Statement
 - Environmental Statement
 - Environmental Statement – Non-Technical Summary
 - Arboricultural Impact Assessment
 - Preliminary Ecological Appraisal
 - Great Crested Newt Survey

- Preliminary Bat Roost Assessment
- Dusk and Dawn Bat Survey
- Reptile Survey
- Water Vole Survey
- Habitats Regulation Assessment Screening Report
- Framework Ecological Mitigation Strategy
- Landscape and Visual Impact Assessment
- Landscape and Biodiversity Management Strategy
- Flood Risk Assessment
- Outline Drainage Strategy
- Unit 6, Unit 7 And Access Road Sustainable Drainage Strategy
- Transport Assessment
- Travel Plan and Mobility Strategy
- Sustainable Distribution Plan
- Air Quality Assessment
- Land Condition Report
- Built Heritage Statement
- Archaeological Desk Based Assessment
- Energy and Sustainability Statement
- BREEAM 2018 Pre-Assessment Report Shell and Core
- BREEAM UK NC 2018 Assessment Scoring and Reporting Tool_v3.2
- Shell and Core BREEAM 2018 DS Tracker
- External Lighting Report
- Utilities Infrastructure Report
- Economic Benefits Statement

- Statement of Community Involvement

2. Reason for reporting to Committee:

2.1 Given the strategic scale and nature of the site and development proposed.

3. The Site:

- 3.1 The site is largely vacant and was previously occupied by Aylesford Newsprint Ltd (B2 industrial use) which manufactured paper until the closure of the plant in 2015. The majority of the buildings at the site have been demolished to slab level. Three buildings still remain, comprising a four-storey high office building and an adjacent two storey ancillary office building, as well as a single open sided shed.
- 3.2 Areas of remnant ornamental planting remain between areas of historic car parking. These remaining buildings have prior approval to be demolished to slab level under planning permission ref. TM/17/00493/FLEA. with the exception of the security office/gatehouse. The demolition of the gatehouse is included within the current development proposals.
- 3.3 The site comprises 36.59 hectares (ha) and forms part of the New Hythe Industrial Estate to the west of the River Medway and to the east of the M20. The site is bound to the east by the Medway Valley railway line, the River Medway and the Medway Valley Walk long distance route (LDR). The southern part of the site boundary is located adjacent to the M20 motorway. The New Hythe Industrial Estate is located adjacent to the west of the site. The site is bordered to the north by New Hythe Railway station and Larkfield Trading Estate.
- 3.4 The Ditton Stream flows across the south east of the site which features areas of planting adjacent to the north and south banks. Footpath MR91 extends along the eastern edge of the site and footpath MR492 and 493 extend along the southern boundary. These connect into an extensive network of Public Rights of Way (PRoW) including the Medway Valley Walk Long Distance Walk and the North Downs Way National Trail.
- 3.5 New Hythe Railway Station is located approximately 250m to the north of the site and Aylesford Railway Station is located approximately 400m to the south east of the site, with both stations serving the Medway Valley line. The nearest bus stop to the site is located along New Hythe Lane.
- 3.6 The site lies within an area safeguarded for employment purposes designated in Policy E1 (d) of the MDE DPD 2010. For clarity the site does not lie within a CA or contain any listed buildings. There are no ecological or landscape designations. Although not abutting the site, an SSSI lies to the north and the site is not covered by any landscape designations. The Kent Downs Area of

TM/20/01227/EASP EIA opinion scoping application 6 August 2020
Request for Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: concerning proposed development

5. Consultees:

DPHEH: Representations made by Highways England, KCC (H+T) and the Kent Downs AONB Unit are reproduced at Annexes 1, 2 and 3 respectively. All other representations received are summarised below.

5.1 Aylesford PC: The Council welcomes the opportunity to comment on application and would make the following comments that are set out below:-

1. The Council welcomes that the applicant supports the principle of this site remaining an Economic Hub and being used for employment purposes only.

2. The Council's main concern in respect of this application is the impact of traffic such a large development would have on an already over capacity road network particularly taking into account other proposed developments along the A20 corridor. The Council does have some reservations about the opening of Bellingham Way as the release of any traffic to this part of the highway network would make the position worse on an already over capacity road network particularly at the junctions with the A20. If Bellingham Way is opened the Council would have the following specific comments:-

(a) that traffic using this road must be restricted to car and light commercial vehicles only (the definition of light to be established) and there must be a total ban on HGV vehicles exiting/entering the site from Station Road.

(b) traffic controls should be put in place at the junction with Station Road and further back along Bellingham Way. Physical measures should be put in place to prevent HGVs from using this road. Height, width and weight restrictions should apply.

(c) the Bellingham Way Link Road Improvements Overview Plan shows an HGV Turning Area near the Station Road junction which, it is assumed, is there to redirect HGVs. Clarification about this feature is sought. The Council believes that HGVs should be physically prevented from getting this far into Bellingham Way and would want consideration to be given to moving this turning area further west.

(d) Ditton Corner has an urgent need for traffic reduction. The proposed improvement works at Ditton Corner will not reduce the volume. Traffic volume will also increase along Station Road in both directions.

(e) The junction of Station Road and Hall Road will require improvement as there is regular queuing far back along Hall Road to The Avenue and beyond. Traffic congestion at this junction is further complicated by the problems caused by the railway level crossing. In particular the Council would ask that serious consideration is given to a scheme previously proposed by KCC Highways using traffic lights and slip road accesses for alleviating this problem.

3. The Council supports the comments by Ditton Parish Council and East Malling and Larkfield Parish Council made in respect of Footpaths and the Ditton Stream and the Old Mill Pond.

4. The Council wishes to ensure that adequate signing for the site is installed in the surrounding road network, especially along Station Road, at Ditton Corner and New Hythe Lane.

5. The applicant should have discussions with Network Rail regarding upgrading Aylesford Station arising from the increased passenger numbers using the station from this new development.

Aylesford Parish Council has met with our neighbours at Ditton and East Malling & Larkfield Parish Councils and have agreed on the above comments. The other parishes may raise additional or different points regarding this application and the Council supports their comments in this regard.

- Further to the above comments APC have commented on the updated highways information and made the following comments:

The Council is pleased to note that the provision of traffic controls at the Station Road/Bellingham Way link road junction has been incorporated in the revised proposal. The Parish still believe though that junction improvement works are needed at Station Road/Hall Road due to queuing traffic and would ask the applicant to seriously consider undertaking these works as part of this development.

5.2 Ditton PC: No objection to the land being used for employment purposes. The main concern, which is shared by neighbouring Aylesford and East Malling & Larkfield Parish Councils, is the impact of traffic such a large development would have in light of other proposed developments along the A20 corridor. Specifically:

(i) We approve that Bellingham Way be upgraded to a public highway but traffic using this road must be restricted to car and light commercial vehicles only (the definition of light to be established) and there must be a total ban on HGV vehicles exiting/entering the site from Station Road.

(ii) Traffic controls should be put in place at the junction with Station Road and further back along Bellingham way. Physical measures should be put in place to prevent HGVs from using this road. Height, width and weight restrictions should apply.

(iii) The Bellingham Way Link Road Improvements Overview Plan shows an HGV Turning Area near the Station Road junction which, it is assumed, is there to redirect HGVs.

We feel HGVs should be physically prevented from getting this far into Bellingham Way and would like consideration to be given to moving it further west.

(iv) Ditton Corner has the most urgent case for traffic reduction. The proposed improvement works at Ditton Corner will not reduce the volume. Traffic volume will also increase along Station Road in both directions.

(v) The junction of Station Road and Hall Road will require improvement as there is regular queuing far back along Hall Road to The Avenue.

Footpaths

(i) MR91 runs next to the railway from New Hythe to Station Road and is also used by cyclists as well as pedestrians. It is a fenced path and the route at present runs over land that may belong to the railway. It would greatly benefit the community if this path could be widened for walkers and cyclists.

(ii) MR493 runs from Ditton Sewerage Works then by the M20 boundary across a footbridge over the Old Mill Pond stream and connects with MR492. This is an important route as it connects with MR95 leading up to New Hythe Lane and at the eastern end of MR492 and MR491, giving a link over the footbridge to Ditton Corner, Station Road and Aylesford Station.

The route over the footbridge gives an interesting view of the Old Mill Pond and is a focal point along the path. An information board could be provided here, detailing the history of Millhall Mill that stood here dating back to at least the 1600's.

(iii) With MR95 this route would be a green corridor though from Larkfield to Station Road, linking with the relatively new footbridge to Millhall and the towpath into Aylesford village avoiding the road. It is overgrown in parts and very unsatisfactory at the junction with MR492 and needs to be properly reinstated.

The route out to Station Road needs to be kept clear and well defined. The steps down the bank at the junction of MR491/492, outside the application site, need a good clear up.

These paths are likely to be used by employees walking to the new development and should be put in good order.

(iv) There is good scope for cycle use. The bridge over the M20 (obtained when the motorway was built to provide a crossing point) provides a useful link to Ditton Corner. We also seek a cycle route through the site between New Hythe/Larkfield and Aylesford avoiding the A20.

(v) Paths should be properly signed and waymarked. Any permission should include an informative that they should not be altered in any way without the necessary consents being obtained under highway legislation.

(vi) Ditton Parish Council would like to see a new footway created on Station Road opposite the K Sports Ground under Section 106 to improve employee access from Ditton Corner.

(vii) Where possible, footpaths should be up-graded to include cycle paths or be 'dual use'.

(viii) Priority must also be given to encouraging the use of public transport. There is currently no bus service along Station Road and we feel this would be beneficial in enabling employees to use public transport and thereby reduce traffic along Station Road.

Ditton Stream and the Old Mill Pond

Ditton Stream rises in East Malling and flows down to the Medway via the site.

Ditton Stream and the Old Mill Pond north of the M20 are two of the few features of this site. They are of local historical significance and would provide attractive features within the site. There are willows adjacent to it north of Bellingham Way, and local wildlife interest.

The Old Mill Pond has been enjoyed for fishing and as one crosses the footbridge over the M20 on public footpath MR493 there is a view of the Mill Pond with its trees. We would wish to see all these features, including trees and wildlife, protected and enhanced.

This is a very old site within Ditton Parish. A local historian has charted the connection with the old paper mill to the continued industry in this area until the closure of Aylesford Newsprint.

The earth at the Bellingham Way end of the old mill pond, if disturbed, may uncover items of historic interest. We therefore consider any work in this area should be the subject of an archaeological watching brief. AN ARCHEOLOGICAL INVESTIGATION MUST BE UNDERTAKEN PRIOR TO ANY WORK BEING UNDERTAKEN.

Other issues

(i) We wish to ensure that adequate signing for the site is installed in the surrounding road network, especially at Ditton Corner and along Station Road and New Hythe Lane.

(ii) The colour scheme of the buildings and roofs should complement the park theme and the surrounding area when viewed from the North Downs.

(iii) Better crossing facilities at the roundabout of Bellingham Way/New Hythe Lane/Leybourne Way for residents of Leybourne Park and others (which did not exist when the current junction was devised).

(iv) Heavy HGV traffic is already seen along New Hythe Lane between the Bellingham Way and Papyrus Way roundabouts.

(v) Potential increase in HGV traffic heading south along New Hythe Lane to the A20 junction (Morrisons). Better signage will be required to direct HGVs along Leybourne Way.

(vi) Construction Traffic – times should be restricted (no overnight working).

Ditton Parish Council has met with our neighbours at Aylesford and East Malling & Larkfield Parish Councils and we agree on the above points. The other parishes may raise additional points regarding this application and we would like it noted that we support our neighbours' comments in this regard.

5.3 EM&L PC:

- We particularly wish to stress that this site is served by both Aylesford and New Hythe stations and it is likely people may come to the site from these stations. We think it is important that everything be done to try to reduce traffic to the site and to encourage the use of public transport where possible. Wish to see bus services serve New Hythe Station and have services routed through the site. Wish to also see improvements to railway stations and public rights of way in the area.
- The Parish Council has discussed this application with both Ditton and Aylesford Parish Councils and has also noted the provisional comments of Kent County Council in their letter of 29th October 2020. Most of the site is of course in Ditton Parish and there are concerns about the impact of traffic as a result of the development as proposed. Although this parish council had no objection in principle to the previous mixed housing/commercial development in common with the other two parish councils has no objection to the land being used for employment purposes.

- In support of this position we would record that much but not all of the site has been in employment use for many years and it is allocated as a safeguarded site for employment in the current 2008 Local Plan. Furthermore, it is also shown in the draft Local Plan currently before the Planning Inspectorate under Policy No LP35 which also requires that the unadopted road, called originally the Perimeter Road, open out to its junction with Station Road. The Parish Councils we understand accept this proposal but strictly subject to HGVs being banned from using the section out to Station Road as the proposed developers record.
- As background to this position we would also record that Bellingham Way is now adopted nearly as far as the current security entrance building to what was Aylesford Newsprint so that section is already available for public use. Furthermore when permission was given when KCC was the Planning Authority to the Perimeter Road being built there was no restriction on its use and indeed before the construction of the M20 general traffic including lorries exited from that road out to Station Road using both Teapot Lane and Hall Road. The other access was via New Hythe Lane before Leybourne Way was built as part of the M20. The restrictions that applied to using the Station Road entrance were imposed by the site owners as it was a private road. It is essential that a HGV ban should be imposed by a Weight Limit Order before the road is open to the general public.
- In respect of this we are concerned that the turning area shown on the existing plans is too close to Station Road and would tempt drivers to break a ban and this should be reconsidered. There should also be adequate signing paid for by the applicants and in the general area.
- It is also important that construction traffic is routed to the site by clear signage so that it avoids using New Hythe Lane from the A20 which is subject to an existing Weight limit and HGVs from Station Road.
- In respect of highway matters we endorse all the points made under the heading Accessibility raised by KCC in their letter of 29th October 2020. We support what is said about bus services but the routes of such services should be subject to local consultation including with the parish councils. It is important to secure a route which has long term viability which did not occur when the former route 76 was adopted.
- It is agreed the whole of Bellingham Way should be subject to a 30mph limit.
- We would also emphasise that it is crucial in looking at the junction of Bellingham Way/Leybourne Way/New Hythe Lane that pedestrian crossing facilities be included especially to serve the Leybourne Park development which came after this junction was provided. We also agree the missing link pavement on the north side of Leybourne Way between the Old Coal Yard site entrance

now proposed and entrance to The Lakes be provided at the applicant's expense. There is also a case for a crossing facility in New Hythe Lane north of the Bricklayers Arms PH to the country park.

- We have already made comments about the public footpaths within this site and those leading into it. Some of these are in a poor condition and need to be put into good order. This means there needs to be a joint effort of KCC and the applicant, it should involve local consultation.
- We are not entirely clear of the relationship of this application and the ownership of SE Water of the old pond area and the Ditton Stream between it and the railway, but this area should be kept and improved as a local feature and historic part of Ditton. We refer to the previous comments submitted.
- We also repeat our previous comment about the two stations at New Hythe and Aylesford which serve this development and that there needs to be real engagement about how these stations can be improved such as the access to New Hythe and facilities such as more cycle storage provision.
- It is noted that under Accessibility KCC record the desirability of upgrading the existing footpath, actually MR 474, by the river to Aylesford Village to allow cyclists and hence to provide a missing link for cyclists into Maidstone. It would also provide an off road route with also a recreational value.
- We would support this concept but would point out that it does pass over the open space opposite the Friars owned by the Borough Council so TMBC would need to co-operate as landowner. This should take place. It should also be recorded the first section of the path where it leaves Millhall is down a slope and quite a height above the river and the path is confined by the river wall. There is a basic railing for the slope part of the path but it is felt for safety reasons this should be extended to the end of Friars View.
- The Parish Council would wish the whole of Bellingham Way right out to Station Road to be made subject to a 30mph limit and the approach along Leybourne Way to the Bellingham Way roundabout so the whole of that roundabout is covered by at least a 30mph limit. This would help reduce the speeds of vehicles who approach the roundabout from the west and in our opinion drive too fast across it into Bellingham Way. This makes crossing Bellingham Way for those going to Leybourne Park residential area difficult as well as those walking north/south along New Hythe Lane.

5.4 EA: No objection subject to conditions.

5.5 KCC (SUDS): No objection subject to conditions.

5.6 South East Water: Based on the evidence presented to date within the application, it is clear that the flood risk associated with the River Medway and

associated tide locked conditions are presented in a relatively detailed manner and are understood. It would appear that there is less information relating to the Ditton Stream, such as the existing condition of assets on it, detailed modelling and recent asset data information. Whilst discussions between South East Water and the applicant are ongoing, one aspect that needs further consideration is that the flood risk solution should not be restricted to only addressing flood levels for the applicant's site. It should comply with local policy and development plans to seek a wider catchment solution. The Ditton Stream drains an area of approximately 14km², incorporating the eastern parts of Kings Hill, East Malling and parts of Ditton before entering into the site underneath the M20. Collaboration with a number of landowners and stakeholders would find the optimum sustainable solution.

5.6.1 South East Water consider that a more inclusive future collaborative flood risk scheme that involved landowners to the south of the M20, Highways England (in relation to any existing surface water flood risk concerns relating to overland flooding across the M20, as well as the condition of the culverts beneath the M20), South East Water and the applicant would be preferable. This inclusive approach would also involve working closely with the relevant stakeholders including the EA, NE, LLFA and LPA, and would provide a more holistic long-term sustainable solution. The solution would satisfy several positive key objectives and outcomes, namely

- achieve flood risk policy requirements
- ensure the most efficient and best use of existing watercourses in the area
- safeguard and provide certainty for the South East Water WRMP proposals for this site
- safeguard future demand for water and satisfy TMBC's future growth plans
- provide significant ecological and environmental enhancement to the watercourse and surrounding environment in line with all relevant local and national policy and guidance.

5.6.2 South East Water hope that through the continued discussions with the applicant and other key stakeholders it will be possible to achieve an optimal outcome.

5.7 Southern Water: No objection subject to condition.

5.8 Network Rail: Requests that the applicant continues to engage with our Asset Protection (ASPRO) Team and follows the attached Asset Protection informatives found in the Appendix of this letter.

5.8.1 Within the application's Transport Statement, it is predicted that the proposed development will generate a total of 11 and 13 rail trips in the AM and PM peaks respectively (2% of the total modal split). However, following discussions between Network Rail and the Train Operating company Southeastern, who manage New Hythe and Aylesford stations, we would expect a proposed development which has 2,460 employees situated within 200m of a railway station to generate a significant amount of rail trips. As a result, Network Rail would expect a development of this size to contribute to improvements at the stations. It should be noted that improvements to the stations would not only encourage employees to use one of the most sustainable modes of transport, but also provide benefits for the local community.

5.8.2 Network Rail's Business Development team have identified some improvements at each station

Aylesford station:

- Improvements\refurbishment or additional waiting areas
- Additional cycle parking, which could be sheltered
- Off the railway, but provision of bus shelters at the bus stop

New Hythe station

- Improvements\refurbishment or additional waiting areas
- Additional cycle parking in addition to the existing sheltered cycle storage
- Not sure if this station is suited to a bus stop especially with people either having to use either a footpath parallel to New Hythe Lane for station access or the bus goes to end of New Hythe lane which doesn't appear to suit a bus turning or a stop on the bridge which wouldn't be great
- Improvements to lighting and footpath that run to the station running parallel to New Hythe Lane
- Another option to promote sustainable commuting may be to implement a shuttle bus for employees between the proposed development and a railway station. Network Rail would suggest that a shuttle bus would be better directed at Aylesford station with the better access on Station Road.

5.9 Kent Community Rail Partnership: Support the development subject to it delivering improvements to Aylesford and New Hythe stations and improvements to the local bus services.

5.10 Medway Council: No objections

- 5.11 Maidstone Borough Council: Objections raised on the following grounds:
- Highways England require further information including relating to the impact upon the M20 Junction 5, which it is considered must be addressed with any appropriate mitigation to ensure there is not a severe transport impact from the development.
 - KCC Highways require further information which it is considered must be addressed with any appropriate mitigation to ensure there is not a severe transport impact from the development and full assessments should be carried out at the following junctions within Maidstone Borough with any necessary mitigation secured
 - A20/Coldharbour Roundabout; A20/Hermitage Lane; Poppyfields Roundabout; A229/Forstal Road/Sandling Lane (Running Horse Roundabout); and M20 Junction 5.
 - It is unclear whether the traffic modelling in the Transport Assessment includes all allocated Maidstone Local Plan housing sites within the North West Strategic Development Location, which it should.
- 5.12 British Horse Society: raise the following concerns.
- Disappointed that the applicant has not engaged with the BHS to include equestrians within the outline permission
 - There is no indication on the plans that either of the proposals made at the time has been considered
 - Equestrians should be provided for the footway/cycleway alongside Bellingham Way a multiuse route turned into a bridleway
- 5.13 KCC (Heritage): This application is supported by some new heritage assessments. They provide basic broad assessment of the site. I recommend that further specialist assessment is needed to ensure informed decisions are made but archaeological concerns could be addressed through conditions.
- 5.14 KCC (PROW): No objection subject to conditions.
- 5.15 Natural England: No objection subject to appropriate mitigation measures being secured.
- 5.16 HSE: No objections subject to standing advice.
- 5.17 KFRS: I can confirm that on this occasion it is of my opinion that the off-site access requirements of the Fire & Rescue Service have been met.

5.18 Environmental Protection:

Noise:

- 5.18.1 The Applicant has submitted Chapter 11 of their Environmental Statement with respect to Noise and Vibration. This Chapter is supported by Appendix 11.1, Noise Technical Report, carried out by their consultant Wyg (their ref A117087, dated August 2020).
- 5.18.2 The Report has assessed the likely noise sources to be created from both the construction of the proposal and its ultimate operation, with predicted impacts to 2031.
- 5.18.3 In the main I would agree with the outcomes from the Report and note that a 4.0 – 4.5m high acoustic barrier is proposed for the North of the site to attenuate the effects to the nearby residents.
- 5.18.4 On this basis no objection subject to conditions.

Air Quality:

- 5.18.5 Would recommend that access to and from the site from Station Road be limited to cars only with the designated HGV route to be via Bellingham way, Leybourne Way and Castle Way. Recommend adding width restrictions or traffic calming measures such as one lane give way areas and signs or to discourage people using the business estate as a cut through to avoid parts of the A20. Further increase in traffic along Station Road to the junction at the A20 should be avoided as should further increase in traffic north along Station Road into Aylesford village and along Forstal Road.

Contaminated Land:

- 5.18.6 The submitted land quality report presents the findings of a desk study and thorough review of all previous site investigations. The site is contaminated by various sources, however large areas of the site have not yet been investigated due to the buildings that have since been demolished. It is therefore recommended that further investigation is required to fully understand the issues on the site, and how they can be mitigated. I agree to these recommendations and request that appropriate conditions be attached.

- 5.19 Private Reps: 10 + site and press notice/0X/8R/2S

Objections summarised as follows:

- The outline planning permission excludes much of the detail that is within the traffic assessment and is not representative of the true situation

- The traffic assessment contains errors and is not truly representative of the impact on Leybourne Way as the addition traffic was not assessed along Leybourne Way
- Travel Plan is self-serving and uses cherry picked data using bad statistical methods to avoid undertaking the required improvements to roads
- A proper assessment of Leybourne Way is needed
- No consideration has been given to the residents of Leybourne Lakes as the junction for this development has been removed from the transport assessment
- The development will impact pedestrian crossing due to increased traffic numbers
- Concerns over traffic number increasing on Station Road, Bellingham Way and Leybourne Park as it is already hazardous to cross the road in these locations
- Concerns of traffic incidence with increased HGVs movement on 40 MPH roads
- Speed restrictions put along Leybourne Way not just signs
- Would like an alternative route for HGVs
- Improvements to pedestrian safety at Leybourne Way, New Hythe Lane and New Hythe roundabout and Leybourne Lakes are required
- Request Abery Drive is not made a rat run and is made into a no through road
- The existing PRoWs are kept and not diverted; this should include Bell Lane past Station Road
- Re-open previous New Hythe railway station that is derelict and used by the previous owners to move freight
- One of the proposed S106 routes is way too steep for a cycleway and will not stand the alterations due to ground geometry
- Trip generator is over inflated for the site 15% higher than the recorded trips in peak operation
- Traffic forecast is not representative of the of the land use mix – the traffic will be worse
- No need for industry or employment in the area but there is an acute need for housing in this borough: the need is for home doctor's surgeries, green spaces and community facilities.

- There are existing noise and light pollution issues from Papyrus Way at night from HGV drivers
- Issues of excess silt on homeowners' windows from HGVs
- The pollution is affecting the quality of life, health and peace of mind
- Existing rail link to the Maidstone West/Strood railway line should be retained and re-used. This would enable lorry movements to be reduced on local roads and would reduce pollution
- The development makes no effort to reduce carbon emissions

Comments made in support summarised as follows:

- Happy for new warehouse development and would hope that the landscaping will be natural and well thought out new to high levels of wildlife in the area
- Favour plans for new employment opportunity
- Welcome the opening up of the Bellingham Way link to Station Road.

6. Determining Issues:

Principle of development

- 6.1 Local planning authorities are statutorily required to determine planning applications in accordance with the adopted development plan unless material considerations indicate otherwise. For the purposes of determining this application, the development plan consists of Tonbridge and Malling Borough Core Strategy (TMBCS), Managing Development and the Environment Development Plan Document (MDE DPD) and the Development Land Allocations DPD (DLA DPD).
- 6.2 The site lies within an area safeguarded for employment purposes as set out within policy E1 (d) of the DLA DPD. The site is allocated for business (B1), general industrial (B2) and warehouse and distribution (B8) use. Policy CP21 of the TMBCS requires new employment provision to be met on vacant sites within the main employment areas that are well located to the transport network, are physically and viably capable of redevelopment, and can meet a range of employment uses.
- 6.3 This position is carried forward in the emerging draft local plan policy LP34(d). A site-specific policy is also proposed with draft policy LP35 setting out the industrial uses suitable for the site and also the requirement for any development to open up a vehicular access between Bellingham Way and Station Road and the development is of an acceptable design to the locality and does not result in unacceptable impacts on the highway network, air quality and

the amenity of the area and where it complies with the other policies in the Local Plan. Given the current position with the local plan, Members will be aware that presently this policy continues to carry only limited weight for decision making purposes.

- 6.4 The NPPF and associated PPG are key material considerations. The NPPF highlights the importance of building a strong and successful economy. Paragraph 80 states that local planning policies should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 81 goes on to state that local planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth. Paragraph 82 confirms that distribution operations are supported at a variety of scales and in suitably accessible locations. The adopted policy requirements in these respects conform with the requirements of the NPPF. More generally it should also be recognised that paragraph 117 requires planning decisions to promote an effective use of land in meeting the need for homes and other uses (in this case much needed employment uses). Paragraph 118 leads from this by requiring planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs [such as employment] and support opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 6.5 The proposed development is to be provided on a vacant site located within an existing and well-located commercial area. The development would result in the intensification of the industrial use on the site, with the proposed quantum of floorspace (up to 177,280 sqm) being significantly more than the floorspace associated with the previous Newsprint use (circa 85,000sqm). The nature of the uses proposed across the site are fully in accordance with adopted policy and adhere to the requirements of the NPPF.
- 6.6 Chapter 6 of the ES and the associated Economic Benefits Statement address in detail the wide ranging, positive socio-economic impacts arising from the development proposed. The site represents the single largest single employment site in the Borough and the development would be of key strategic importance given the creation of significant job opportunities and associated benefits the proposal would bring.
- 6.7 During the construction phase of the development, around 900 direct and indirect construction jobs would be generated. Once fully operational, over 3000 direct and indirect jobs would be created, with between 1700 and 2400 of these being directly on-site. It is anticipated that this level of employment would lead to an additional £80 - £160 million per annum of Gross Added Value (GVA) to the Kent economy, of which between £20- £43 million per annum would be

within the Borough. Whilst not a material planning consideration determinative in its own right, in terms of the wider context this would mean that the site, once developed in the manner proposed, has the potential to generate up to approximately £5.5 million in business rates per annum.

- 6.8 The development would undoubtedly create many job opportunities for local residents. The importance of the delivery of skills and training provision, alongside investment in new employment development, is underlined by the South East Local Enterprise Partnership Skills Strategy 2018 – 2023. In this respect, the developer has indicated that they have a clear aspiration to ensure that the development fully supports local employment, skills development, apprenticeships and other training opportunities in both the construction and operational phases of the development. It will be important to ensure these stated aspirations are carried forward to fruition and this will be secured by legal agreement, the drafting of which is currently being progressed by the various parties.
- 6.9 The site is well located for access to the primary road network, with access available to the M20 at junction 4 via Bellingham Way and Leybourne Way. This therefore represents a highly sustainable location which is fully in accordance with the overarching aims of Policy CP1 of the TMBCS and those contained within the NPPF.
- 6.10 Overall, the proposed development wholly accords with the requirements of adopted policy and the NPPF in seeking to make the best use of a vacant site for much needed employment uses on an important and strategic site within the Borough.

Character, appearance and visual impact:

- 6.11 Policy CP24 of the TMBCS sets out that new development must be well designed and of a high quality in terms of detailing and use of appropriate materials and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings. The policy goes on to set out that all development should wherever possible make a positive contribution towards the enhancement of the appearance and safety of the area.
- 6.12 Policy SQ1 of the MDE DPD relates specifically to landscape and townscape protection and enhancement and sets out that proposals for development will be required to reflect the local distinctiveness, condition, and sensitivity to change of the local character areas. It goes on to state that all new development should conserve, and where possible enhance, the distinct setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views and the biodiversity value of the area. The Medway Gap Character Area Appraisal is the SPD that supports policy SQ1.

- 6.13 Policy E1 of the DLA DPD, which safeguards this site for employment use, states that any new development or redevelopment within these areas 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.
- 6.14 The core principles set out within the NPPF seek to secure high quality design and a good standard of amenity for existing and future residents. In particular, paragraph 127 states that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.15 Additionally, paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). The

adopted policy requirements conform with the requirements of the NPPF in these respects.

- 6.16 The submitted ES (Chapter 7; Visual Impact) sets out the likely significant effects of the proposed development in terms of landscape and visual impact. It undertakes an assessment of both landscape and townscape character and the likely effects at both construction and operation stages of the development and what, if any, mitigation is required to offset those effects.
- 6.17 The proposed development consists of 36.59 ha of office/warehouse (B1, B2, B8 uses), split into smaller parcels with interconnecting roads. Access to the commercial development is maintained from Bellingham Way with the new access road linking to Station Road for light vehicles only. It is acknowledged that this is a large site and the buildings proposed will be substantial with heights ranging between 15.5m (where detailed in full) to 28m (within the outline phase as shown on the parameter plans).
- 6.18 Chapter 7 of the ES sets out that the proposed redevelopment seeks to provide a modern coherent form of industrial development across the site with the heights of the buildings rising from west to east with space to provide high quality landscaping which is anticipated to have developed over 15 years to provide appropriate boundary screening. I concur with that conclusion and consider the scale and height of development proposed across this site to be commensurate with the nature of uses proposed and the prevailing built environment.
- 6.19 Table 7.9 of the ES sets out a summary of the likely landscape and visual effects of the development both during the construction phase and the operation phase. During the construction phase, the ES sets this out to be a slight to moderate adverse effect given the scale of the site and the significant use of construction plant, traffic, hoarding, signage and highway paraphernalia. The scale and massing of the proposed buildings and earthworks during this period of time is accepted by the ES as having a negligible to moderate adverse impact on the landscape: however these impacts are considered to be only temporary during the construction period only.
- 6.20 Visual effects are broken down further dependant on different receptors and different vantage points and their relative sensitivities. The most sensitive of these receptors are anticipated to be some temporary, moderate adverse effects in respect to the changes to the character of the PRoW along the southern boundary of the site, the removal of some category A and B trees on the site and changes to the character of the southern part of the site.
- 6.21 In terms of the operational phase, it is acknowledged that the landscaping proposed to enhance the appearance of the development will take a number of years to mature. For this reason, the assessment contained within the ES is based on 15 years following completion so that the landscaping would have had

an opportunity to mature. The assessment indicates that by year 15, the derelict open ground on the site will have been replaced by new development and circulation areas. The planting will have become established within the site, softening views into and through the site.

- 6.22 On this basis, the ES concludes that significant moderate beneficial effects are predicted on the tree and hedgerow cover on the site and due to these there would be no significant residual effects in terms of views. As a standalone consideration, the proposed scale of the development once operational would be acceptable when considering the requirements of policies CP1, CP24 and SQ1 and I concur with the conclusions of the ES in respect of the relative effects arising to the landscape and visual amenity in these respects.
- 6.23 Considerable emphasis is given to the proposed enhancements to the landscape quality and public realm throughout the site once operational and I accept that a high-quality development could be undertaken here provided that good quality landscaping was provided. To this end the applicants have provided a detailed landscaping scheme for the site areas covered by the full element of the submission.
- 6.24 The landscape strategy for the development seeks to soften the built environment. As part of the detailed element of the proposals, the main north-south access through the site is proposed to be a tree lined central boulevard. Native hedgerow planted alongside unit boundaries will screen service yards and car parking facilities. Existing vegetation will be retained and enhanced, where possible. Any significant losses including trees will be mitigated by providing new planting with good wildlife value. New trees will be provided across the development and these will be native trees, selected to ensure that they provide habitats for native fauna.
- 6.25 As well as new tree planting, the development will provide new native hedging which will help soften boundary fencing to the units and lead to a 'green grid' across the site. In open areas of ground, adjacent to the new highway, wildflower seed mix is proposed with plug planting of wildflowers. More formal mown edges will run along the internal roads of the development to allow for appropriate visibility, especially around junctions.
- 6.26 This detailed approach to the landscaping strategy across the site will ensure the creation of a high-quality environment within the site itself and also offer enhancements more widely. The landscaped environment will, it is envisaged, encourage the use of the enhanced pedestrian and cycle connectivity to and through the site. These overall enhancements to the site that would result from the development offer significant environmental benefits that would be in full compliance with local and national planning policy and lead to improvements to the character and quality of the area and the overall way it functions.

- 6.27 Similarly, a detailed lighting strategy has been provided which sets out that the proposed luminaires are intended to provide functional, amenity and security lighting to lorry yards, loading bays, car parks, roads and all other associated areas in the site, including at Unit 6 and at various positions attached to the fencing along the PRoW (southern end) to ensure the route is attractive for use.
- 6.28 The lighting design is compliant with the principles set out within the ILP (Institute of Lighting Professionals) Guidance Notes for the Reduction of Obtrusive Light, Guidance Note 01/20, BS EN 12464-2 and other institutional guides for exterior lighting. The lighting is all to be designed and sited to ensure that light is only emitted in a downwards direction to minimise light spill upwards. This approach to lighting is welcomed as it will ensure that the development will not contribute to light pollution in the area even when taking into account the substantial size of the site and the nature of the development proposed.
- 6.29 Turning to the appearance of the buildings themselves, Units 6 and 7 are proposed to feature a mix of white and dark grey cladding with elements of glazing to break up elevations. Glazing will also be utilised to mark office and pedestrian entrances to create focal points on the buildings themselves. The design of the units also indicates the use of a gently curving roof form that brings interest to the east and west elevations. This design strategy is shown as continuing through the outline element of the proposal on the indicative details and this can be controlled by planning condition.
- 6.30 It is acknowledged that there is a general concern that in the area in general there are a lack of welfare facilities for HGV drivers that lead to environmental issues in laybys and industrial estate roads where vehicles park up. Whilst this matter is a wider issue outside the planning system itself the applicants have confirmed that full welfare facilities for HGV and delivery drivers using the site will be provided in the individual units, with provision made in the details of Units 6 and 7 for toilet and shower facilities.
- 6.31 Overall, it is considered from a design perspective that the development represents a high-quality regeneration of the site that would enhance the character and overall appearance of the area. As a result, this form of coherent redevelopment is considered to fully accord with the requirements of policies CP1 and CP24 of the TMBCS, SQ1 of the MDE DPD and the various requirements of the NPPF in seeking high quality development comes forward.

Setting of the AONB:

- 6.32 It is recognised that the site, whilst situated within an existing commercial area and being subject to no specific landscape designations, does have some relationship with the Kent Downs AONB, situated to the north at a distance ranging from 1.7km north-west to 2.7km north-east.

- 6.33 The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. Section 85 of the Countryside and Rights of Way Act 2000 places a duty on the Council (in this case in its role as Local Planning Authority) that in exercising or performing any of its functions in relation to, or so as to affect, land in an AONB, it shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB.
- 6.34 Policy CP7 of the TMBCS states that development will not be proposed in the LDF, or otherwise permitted, which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty, including their landscape, wildlife and geological interest, other than in the exceptional circumstances of:
- a) major development that is demonstrably in the national interest and where there are no alternative sites available or the need cannot be met in any other way; and
- (b) any other development that is essential to meet local social or economic needs.
- 6.35 The policy goes on to make clear that any such development must have regard to local distinctiveness and landscape character and use sympathetic materials and appropriate design.
- 6.36 This is broadly in conformity with the requirements of the NPPF which sets out at paragraph 172 that great weight should be given to conserving landscape and scenic beauty in AONB, which have the highest status of protection in relation to landscape and scenic beauty. The NPPF goes on to state that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:
- 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;
 - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 6.37 Clearly the nature and scale of development proposed here amounts to a major development for the purposes of applying the policy and NPPF requirements. In respect of the paragraph 172 requirements, the site does not lie within the AONB itself and therefore the need to apply the test of whether exceptional circumstances does not fall to be applied here.

- 6.38 The test set out in policy CP7 is slightly different insofar as it firstly requires a judgement to be made as to whether there would be a detrimental impact to the natural beauty and quiet enjoyment of the AONB, including their landscape, wildlife and geological interest. If such an impact is identified, specified exceptional circumstances are required before a grant of planning permission can be given.
- 6.39 Any impact to the natural impact and quiet enjoyment of the AONB in this case would to its setting given the relationship between it and the application site. In this respect, Chapter 7 of the ES concludes that the impact arising from the development proposed on the longer distance views to the west and from the AONB would be neutral. This conclusion has been reached given the large-scale buildings and chimneys that used to occupy the site and the development of modern industrial buildings, coupled with the fact that the new development would be sympathetic to other industrial development nearby, effectively assimilating into that view.
- 6.40 Members will note that the Kent Downs AONB Unit has objected to the proposal citing reasons connected to bulk and massing and the colour of cladding having an unacceptable impact on the setting of and views out of the AONB, albeit recognising that historic built development that existed across the site.
- 6.41 Whilst I accept that the buildings would be different from the historic industrial development on the site, it must be noted that these buildings were light grey and up to 30m in height and were not dissimilar in nature or appearance. Furthermore, it must be remembered that the larger buildings are only proposed in outline form presently and the detailed design and treatment of those buildings would come forward at the reserved matters stage if outline planning permission were to be granted.
- 6.42 Similarly, as previously stated, the lighting proposed for the site has been designed to minimise light spill and to also be of a 'dark skies' compliant standard. This will ensure that light spill from the site would not have an adverse impact that would be detrimental on the setting of the AONB. These details can be controlled by planning condition and the specifications be used for lighting on the outline elements at the reserved matters stage.
- 6.43 I therefore consider that there would not be a detrimental impact to the natural beauty and quiet enjoyment of the AONB in respect of its setting arising from this development. As such, there is no requirement to identify any exceptional circumstances as set out by policy CP7 of the TMBCS. The development therefore accords with the adopted policy and NPPF requirements in these respects.

Highway safety and traffic generation – the policy context:

6.44 The following sections of the report relating to highway impacts should be read in conjunction with the various annexes appended to this report which contain the full representations of both HE and KCC (H+T). At the time of writing this report, final representations from both bodies are still awaited but we have been advised that no objections will be raised/sustained subject to recommended conditions being imposed on any permission granted. The recommendation at Section 7 of the report is framed to reflect this current position and the required planning conditions will be set out as a supplementary matter.

6.45 Policy SQ8 of the MDE DPD sets out that 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. It goes on to state that 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. It further states as follows:

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.

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

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.

6.46 Similarly Policy CP2 of the TMBCS requires that new development that is likely to generate a significant number of trips should be well located to sustainable modes of travel; minimise the need to travel through the implementation of Travel Plans; be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated; provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area.

6.47 Paragraph 109 of the NPPF states 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. Paragraph 110 goes on to state that, within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

6.48 Paragraph 111 then sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Sustainable transport measures and modal shift:

- 6.49 The proposed measures intended to support sustainable travel embedded within the submission are numerous and can be summarised as follows:
- A walking and cycling route to/from Aylesford rail station;
 - A walking and cycling route to New Hythe rail station;
 - A high-quality shared footway/cycleway along the entire length of the BWLR;
 - A walking and cycling route along the River Medway to improve connectivity to Aylesford village;
 - Environmental enhancements within the site to improve the character and attractiveness of the existing pedestrian connection between Aylesford rail station and New Hythe rail station;
 - Improvements to public rights of way (PRoW) MR 492 and MR493 to the south of the site;
 - A new footway from New Hythe Lane to Leybourne Way;
 - The provision of 230 on-site cycle parking spaces;

- A bike hire scheme, available to all members of the public;
- Enhancements to the bus service to Maidstone;
- Improvements to the Bricklayers Arms bus stops; and
- Improvements to the facilities at Aylesford rail station and New Hythe rail station.

6.50 A Framework Travel Plan and Mobility Strategy has been produced to provide an ongoing basis for encouraging sustainable travel patterns and reducing vehicle trips. The potential measures and initiatives put forward in the Travel Plan include the provision of employee travel information packs, active travel corridors, contribution to bus improvements, car club, carpooling, electric charging points, car parking management, bike hire scheme, cycle parking, showers and lockers, bicycle purchase discounts, promotion of car sharing, notice boards and the distribution of newsletters.

Proposed access arrangements:

6.51 Vehicle access to the site will be via the proposed Bellingham Way Link Road from Station Road in the south and from College Road to the north, linking through to Leybourne Way. The link road will operate with an environmental weight limit restriction which will be designed so that all HGVs will be routed to and from the site from the west from College Road to connect to Leybourne Way. The weight limit will not allow HGV's to use the link road as a through route or to route to and from the site via Station Road. A turning head is to be provided at the eastern end of the link road, adjacent to Station Road, to enable HGV's to turn around in the event that they have contravened the weight limit. To avoid this occurrence though all HGV drivers will be made aware of the route which will be backed up by a detailed signage strategy.

Highway improvements and mitigation :

6.52 The principal highway improvement that will arise from the development is the delivery of the Bellingham Way link road. As already set out, the development proposes numerous measures to support sustainable travel to and surrounding the site as detailed in paragraph. The Bellingham Way Link Road is to be constructed to the standard of a local distributor road in accordance with the KCC Design Guide and is to be offered up for adoption. The design of this road has been subject to detailed discussions with KCC (H+T). The link road is shown with a traffic light-controlled junction from Station Road. This type of junction is considered acceptable in principle; however, the detailed design will need to be subject to a full stage 1 safety audit. This detail can be appropriately sought by planning condition.

6.53 The delivery of the link road will aid with managing traffic within Aylesford by providing alternative route options between Aylesford and the site itself as well as the A228 north. The opening up of the link road is a key piece of infrastructure for the wider development framework contained within the emerging local plan and it is considered that the early provision of it will support the delivery of the development proposed in the plan.

6.54 Works are also proposed to the Bellingham Way/New Hythe Lane/Leybourne Way roundabout to alter the white lining to improve traffic flow and capacity.

Capacity of strategic and local highway network:

6.55 The submitted TA sets out that the proposed development could generate 544 two-way vehicle trips during the AM peak hour and 590 two-way vehicle trips during the PM peak hour prior to the implementation of any of the sustainable travel measures set out. These figures however do not factor in the movements that the site under its previous use could generate which have been modelled as 198 two-way vehicle trips during the AM peak hour and 264 two-way vehicle trips during the PM peak hour. Similarly, they do not account for the modal shift in vehicle usage which is planned under the sustainable travel measures set out above.

6.56 To ensure that the development does not have an adverse impact on the highway network as a whole both KCC (H+T) and Highways England have required the applicants to carry out a wider reaching transport study stretching from the M2 in the north to the A229 in the east, A228 and junction 4 of the M20 in the west, and the A20 in the south. Whilst initial concerns were raised regarding the potential traffic impact on the wider network, additional detailed modelling has now been undertaken and provided in support of the submission.

6.57 As Members will note from the annexes to the report, HE originally raised objection to the development due to the potential impact arising from the development on junction 5 of the M2. Since that time, the developer has liaised with HE in order to evidence clearly that there would not be a severe impact on any part of the local or strategic road network, given the opening up of the link road is shown as reducing traffic congestion and flow rates within parts of the local road network. Overall, it is considered that the development would not have a severe impact on the road network subject to the road and footpath improvements being undertaken and the occupation of the site linked to monitoring the phasing of the traffic lights at junction 5 of the M2. I am certain that this can be adequately controlled through planning conditions/legal agreement and this will be reflected as a supplementary matter once the final representations of HE have been received.

6.58 In terms of the local road network, the submitted modelling shows little or no impact on the majority of junctions in the surrounding area. Junctions that have the potential to see a rise in traffic have already had the impact of the site

mitigated out by consented junction improvements. The A20 Coldharbour junction improvement works are scheduled to commence spring 2021, with improvements to the A20/Mills Road/Hall Road junction due to start summer 2021. Similarly, the A20 corridor improvements due to the Parkside and Whitepost Field developments will ensure that there are no capacity issues at the A20/New Road and A20/Hermitage Lane junctions.

- 6.59 The submitted TA has found that whilst the scheme delivers substantial highway infrastructure through the proposed Bellingham Way Link Road, the measures proposed as part of the Mobility Strategy will assist with reducing the number of vehicle trips to and from the site and the area in general providing wider benefits in terms of economic, social and health.
- 6.60 The TA concludes that the proposed development would help deliver a step-change in travel in the area in general and deliver growth identified in the draft Local Plan in a sustainable manner. On this basis, the submitted TA states that the cumulative impact of the development on the road network would not be severe and the ES concludes on this basis that, following the implementation of mitigation measures, the residual transport and access effects of the operational development are likely to be negligible.

Level of parking provision:

- 6.61 Parking provision is indicated as being within the range required within the Kent Vehicle Parking Standards. SPG 4 'Kent Vehicle Parking Standards' set out that B1 uses should have a minimum of 1 cycle space per 200sqm and a maximum of 1 car parking space per 35sqm of floor area; B2 a minimum of one cycle space per 200sqm and a maximum of 1 car parking space per 50sqm; and B8 uses a minimum of 1 cycle space per 200sqm and a maximum of 1 car parking space per 110sqm.
- 6.62 In terms of the detailed element of the scheme for determination, Unit 6 has provision for 60no. car parking and motorcycle spaces and 10no. cycle parking spaces. 8no. trailer spaces are proposed with 2no. level access HGV spaces. Unit 7 has provision for 102no. car parking and motorcycle spaces and 20no. cycle parking spaces. 56no. trailer spaces are proposed with 4no. level access HGV spaces. Although indicative details are shown for the outline element, the specific provision would be set at reserved matters stage when the end user is known. The parking provision indicated is considered acceptable with the overprovision of cycle parking welcomed to encourage the desired move to sustainable travel.

Highways concluding comments:

- 6.63 It is considered that the development would not have a severe impact on the local and strategic road network from a traffic generation point of view subject to the imposition of appropriate planning conditions. The opening of the

Bellingham Way link road would benefit the wider road network and deliver an important linkage for the borough. The scheme as a whole would also provide significant benefits to encourage sustainable travel across the wider area.

- 6.64 On this basis, the development would fully accord with Policy CP2 of the TMBCS and Policy SQ8 of the MDE DPD along with various requirements of the NPPF subject to the necessary mitigation coming forward which would be secured by a combination of planning conditions and obligations.

Flood risk and surface water drainage:

- 6.65 Paragraph 6.2.29 of the TMBCS recognises that some redevelopment sites within the built-up areas, including along the riverside at Aylesford, are likely to be identified for redevelopment, or will come forward as windfalls, within areas which are at medium to high risk of flooding, such as this. In these cases, the TMBCS sets out that the economic, social, environmental and regeneration benefits of redevelopment have to be weighed, as part of the PPS25 sequential test (since replaced by the NPPF and the associated technical guidance), against the actual risk of flooding. In these locations it states that the aim should be, in consultation with the EA, to minimise and manage any flood risk in the detailed design of such developments. In association with this, policy CP10 of the TMBCS states that within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk, where this is possible and compatible with other policies aimed at achieving a sustainable pattern of development. It goes on to state that development which is acceptable (in terms of PPS25) or otherwise exceptionally justified within areas at risk of flooding must:

(a) be subject to a flood risk assessment; and

(b) include an appropriately safe means of escape above flood levels anticipated during the lifetime of the development; and

(c) be designed and controlled to mitigate the effects of flooding on the site and the potential impact of the development on flooding elsewhere in the floodplain.

- 6.66 The NPPF and associated technical guidance has replaced PPS25 as cited in the policy above. The requirements contained within the PPS were carried forward in these documents which are important material considerations. Paragraph 163 of the NPPF states that “when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan

- 6.67 Most of the site is located within Flood Zone 2 with parts of the eastern edges of the site located within Flood Zone 3. The River Medway benefits from existing flood defences along both the eastern and western banks, which protects the site. The site is currently protected from a 1 in 1,000-year tidal flood event from the River Medway.
- 6.68 The application is supported by a detailed Flood Risk Assessment contained within Chapter 8 of the submitted ES. This concludes that the proposed development is deemed as being 'Less Vulnerable' and therefore is compatible with Flood Zone 3, with no requirement to undertake an Exception Test on this basis.
- 6.69 The FRA highlights that there is a fluvial flood risk associated with the Ditton Stream where the culverted discharge into the River Medway may be restricted during very high tides. However, it goes on to explain that the risk of fluvial flooding from the Ditton Stream is reduced due to the floodplain attenuation capacity to the south of the M20 and channel features either side of the M20 with pipes controlling their flows into the lower section of the Ditton Stream through the Site. Moreover, it is intended to provide ground level raising either side of the Ditton Stream channel to provide a defined overland channel, either side of the mainstream channel. The FRA concludes that any improvements to the Ditton Stream corridor will help reduce flood risk to the proposed development.
- 6.70 The FRA recommends flood mitigation strategies that for the outline element of the application will be incorporated into the proposal at the detailed design reserved matters stage. This includes setting proposed levels of buildings no lower than the existing ground level and incorporating flood resilient measures into the detailed design of the buildings. This can all be appropriately addressed by the imposition of planning conditions.
- 6.71 In terms of the detailed element of the proposal (the two warehouse buildings described as units 6 and 7), the FRA concludes that these are both situated within the areas on the site at least risk of flooding, located predominantly within

Flood Zone 1, allowing for dry access and egress during these extreme events which is acceptable.

- 6.72 Due to the ground conditions and the presence of hydrocarbon contamination, the FRA highlights that any SuDS scheme across the site should focus on controlling the rate and quality of surface water runoff from the site to provide benefit to receptors at risk of flooding downstream and to the downstream ecological receptors identified. To this extent, the FRA highlights that the SuDS design should, insofar as possible, be based around the following:
- Using surface water runoff as a resource;
 - Managing rainwater close to where it falls;
 - Slowing and storing runoff to mimic natural runoff characteristics;
 - Reducing contamination of runoff through pollution prevention and controlling the runoff at source;
 - Treating runoff to reduce the risk of urban contaminants causing environmental pollution.
- 6.73 Details of the final SuDS strategy for the outline element will be developed and submitted for approval at the reserved matters stage which is entirely appropriate. The strategy for the detailed element is contained within the Sustainable Drainage Statement.
- 6.74 This strategy aligns with the FRA, and includes permeable paving, which is included in all car parking areas. The two warehouse units will also have rainwater harvesting tanks as a complimentary source to mains water for the buildings. A filter drain is included surrounding the proposed warehouse units, with the filter drain/permeable paving system, by its nature, conveying flows whilst improving water quality by reducing the likelihood of silt reaching the perforated pipe system and consequently the surface water outfall. Additionally, the use of Full Retention Separators is proposed within service yard areas, in order to remove hydrocarbons, prior to flows entering the attenuation. Multiple cellular/oversized pipe storage units are also proposed.
- 6.75 This approach to flood risk and surface water drainage is fully supported by the EA and KCC as LLFA. The development proposal is therefore in accordance with adopted policies and the relevant NPPF requirements.

Air quality:

- 6.76 Policy SQ4 of the MDE DPD only allows for development where the proposed land use does not result in a significant deterioration in air quality, does not result in the creation of a new Air Quality Management Area (AQMA), is not

sited close to an existing harmful source of air pollution or impact on designated sites of nature conservation. In addition, paragraph 181 of the NPPF states that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

- 6.77 The southern boundary of the site lies within the Tonbridge and Malling M20 Air Quality Management Area (AQMA), which is designated due to unacceptable levels of the pollutants Nitrogen dioxide (NO₂) and Particulate Matter (PM₁₀). In addition, the Larkfield AQMA is located approximately 500m to the south west of the Site and the Ditton AQMA is located approximately 425m to the south of the site.
- 6.78 Chapter 10 of the ES deals specifically with air quality. This indicates that whilst there potentially would be an issue with dust during the construction phase this would be controlled through appropriate measures in a construction management plan.
- 6.79 Once the development became operational, the ES indicates that there would be no additional mitigation measures required as there would only be a negligible difference in resultant levels of Nitrogen dioxide (NO₂) and Particulate Matter (PM₁₀) as there would be no significant change in traffic movements over the existing situation. This position has been accepted by the Council's Environmental Protection team on the basis that the Bellingham Way link road access from Station Road is restricted to light vehicles only. This restriction is embedded in the application itself and so it is considered that the proposal is acceptable in terms of air quality and the requirements of the relevant planning policies.

Land contamination and ground conditions:

- 6.80 Paragraph 178 of the NPPF states that planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

- 6.81 Paragraph 179 makes clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 6.82 A Land Conditions Report is appended to Chapter 2 of the ES and this identifies that contamination sources across the site are limited to asbestos within the shallow made ground deposits, limited elevated contaminants within the groundwater across the site and impact to both soils and groundwater in the vicinity of an historical oil spill (Larkfield Mill Oil Spill), which comprised the accidental release of oil. Extensive remediation of the oil spill has already taken place but it is understood that residual contamination may still exist which will require further assessment.
- 6.83 The applicant has confirmed that prior to the demolition and construction of the development, a ground investigation will be undertaken across the site (including around the Larkfield Mill oil spill area) to identify any further remedial works which may be required. Any further remedial work would comprise standard mitigation measures, which would be agreed with the relevant stakeholders. Following the demolition works, the site would be fully remediated as part of the development. Therefore, no likely significant adverse effects are anticipated.
- 6.84 Most of the site would be occupied by hardstanding and buildings once developed and it is considered unlikely that significant pollutant linkages would exist that could give rise to likely significant effects once standard best practice site investigation and remediation has been undertaken.
- 6.85 Overall, it is considered that the submitted land condition reports meet the requirements of the relevant policies and that the additional site investigation works including securing the provision of a remediation and verification plan could be secured by appropriately drafted planning condition.
- 6.86 Despite areas of heavy contamination clearly having been evidenced, I am satisfied that a combination of remediation works in line with the mitigation set out within the submitted reports including specific and detailed design measures would ensure the development took place in an acceptable manner in this regard.
- 6.87 Land contamination is therefore not considered to be a constraint to the proposed development, and the proposal is therefore in accordance with adopted policy and the relevant NPPF requirements.

Energy, Sustainability and Climate Change:

- 6.88 The principles of sustainability underpin the Council's adopted Local Development Framework. Policy CP1 of the TMBCS is an overarching policy that should be applied, as appropriate, to all new development. In relation to

this proposal Policy CP1 states in clause 4 that in selecting locations for development and determining planning applications the Borough Council will seek to minimise waste generation, reduce the need to travel and minimise water and energy consumption having regard to the need for 10% of energy requirements to be generated on-site from alternative energy sources and the potential for recycling water.

6.89 In order to deliver environmentally responsible building stock, an exemplar approach is being proposed based on low energy design principles. The development has incorporated low energy design principles involving energy demand minimisation through effective building form and orientation to promote high levels of daylight, good envelope design and proficient use of building services. To further reduce environmental impacts, the development will incorporate water conservation measures, SuDS and materials with low embodied energy/high recycled content that are locally sourced, wherever possible. Careful consideration will be given to the groundworks to assimilate the development within the site landscape and topology, with a view to achieving an earthworks cut to fill balance and thus minimise waste and HGV transportation.

6.90 A BREEAM Pre-Assessment has been undertaken and commits to a BREEAM rating of 'Very Good' for Units 6 and 7 of the development. The following low and zero carbon technology solutions are proposed for inclusion within Units 6 and 7 of the development, at this stage, in order to reduce CO2 emissions by 10% and achieve 10% overall energy contribution:

Unit 6:

- Air Source Heat Pump installation to office areas;
- 200 sqm Solar Photovoltaic Panel installation;
- approximately 15% regulated electrical energy contribution; and
- approximately 15% overall building CO2 reduction in combination with energy efficiency measures.

Unit 7:

- Air Source Heat Pump installation to office areas;
- 270 sqm Solar Photovoltaic Panel installation;
- approximately 13% regulated electrical energy contribution;
- approximately 13% overall building CO2 reduction in combination with energy efficiency measures.

6.91 Although a detailed strategy demonstrating compliance with Building Regulations Approved Document Part L2A (2013) and the carbon dioxide reduction target has only been prepared for Units 6 and 7, which comprise part of the detailed element of the development, I can further advise that the outline elements of the development will:

- Achieve a BREEAM 'Very Good' rating under the New Construction 2018 criteria; and
- Incorporate energy efficiency measures to reduce the inherent energy demand and associated CO2 emissions of the development by 10%.

6.92 In addition, 10% of all car parking spaces across the site will be fitted with electric vehicle charging points with the ability for a further 10% with the capability to be retrofitted with charging points in the future.

6.93 The development maximises local pedestrian links ensuring that the employment areas can be accessed by means of sustainable transport. The site can easily and safely be reached by foot from local train stations enabling sustainable commuting. Cycle shelters will be provided for staff and visitors arriving by cycle.

6.94 These provisions when taken collectively will ensure that the development comes forward in a manner that accords with the overall requirements of the NPPF in these respects.

Ecology, biodiversity and nature conservation:

6.95 Policy NE2 of the MDE DPD requires that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.

6.96 Policy NE3 states that development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement. It goes on to state that proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.

6.97 Policy NE4 further sets out that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network.

- 6.98 These policies broadly accord with the policies of the NPPF. Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.99 A comprehensive suite of ecology surveys has been submitted in support of the application, including a Preliminary Bat Roost Assessment of Trees and Buildings; Bat Emergence Survey; a Great Crested Newt Survey; a Reptile Survey; and a Water Vole Survey. The proposals have been informed by the results of these surveys and by the recommendations of the applicant's appointed ecologist. The way in which the scheme has responded to ecology is explained within the Framework Ecological Mitigation Strategy (FEMS). This document details the avoidance, mitigation, compensation and enhancement proposals that will be implemented to ensure that the favourable conservation status of key ecological features will be maintained at the site prior to, during and after development
- 6.100 As explained within the FEMS, much of the mitigation has been designed to ensure the long-term retention of existing key habitats and to create linking wildlife corridors through and around the site, allowing species movement into the wider landscape. In addition, existing habitats will be enhanced, and new habitats will be created.
- 6.101 The FEMS has identified mitigation proposals to ensure the long-term protection of protected and notable species or species groups which have either been recorded at or near to the site, or for which suitable habitats are present within the site. These species and species groups are bats, terrestrial mammals, otter, birds, herpetofauna and notable plants. In addition, measures to prevent the spread of non-native invasive plant species have also been provided.
- 6.102 As highlighted in the FEMS, to compensate for the loss of habitats at the site, a series of habitat creation and enhancement proposals have been incorporated into the landscaping scheme for the proposed development. The number of biodiversity units delivered by the scheme, based on 'The Biodiversity Metric 2.0', has also been identified in the FEMS, which confirms that although replacement habitats will take time to establish and mature, in the medium to long-term, the site will support a high quality, diverse mosaic of habitats, which are well connected to habitats in the wider landscape. Moreover, due to the biodiversity net loss expected as a result of the proposed development, discussions are ongoing with Kent Wildlife Trust regarding off-site offsetting options, to ensure that a net gain can be delivered overall.
- 6.103 I therefore consider that the proposals will deliver a high quality, diverse mosaic of habitats, which are well connected to habitats in the wider landscape.

Moreover, discussions are ongoing with the Kent Wildlife Trust and TMBC to secure a financial contribution to enhance a local wildlife site, to ensure that the proposals deliver a net gain to biodiversity. I am therefore satisfied that the development will fully accord with the requirements of policies NE2, NE3 and NE4 of the MDE DPD and paragraph 170 of the NPPF.

Impact on historic environment:

- 6.104 Section 16 of the NPPF: Conserving and Enhancing the Historic Environment relates to the conservation of heritage assets in the production of local plans and decision taking. This section emphasises that heritage assets are ‘an irreplaceable resource, and should be conserved in a manner appropriate to their significance’.
- 6.105 Paragraph 189 of the NPPF states that ‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.
- 6.106 This is supported by paragraph 190 which states ‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal’.
- 6.107 Under ‘Considering potential impacts’ the NPPF emphasises that ‘great weight’ should be given to the conservation of designated heritage assets, irrespective of whether any potential impact equates to total loss, substantial harm or less than substantial harm to the significance of the heritage assets.
- 6.108 The application is supported by a detailed Built Heritage Statement which has been prepared in accordance with the guidance set out in Historic England Good Practice Advice 3: The Setting of Heritage Assets (Second Edition; December 2017).
- 6.109 The closest built heritage assets to the site comprise three related railway station buildings, Aylesford Station, Aylesford signal box and no.5 Mill Hall (the former crossing keepers’ cottage). These are individually Grade II listed

buildings, located approximately 180m east of the south eastern corner of the site. It is considered that the proposed development has the potential to affect the significance of these heritage assets through the alteration of their wider setting. The impact of the development on these heritage assets has therefore formed the focus of the submitted study.

- 6.110 I consider that the proposed development is in keeping with the scale and massing of existing built development to the immediate north of the Aylesford Rail Station and to the north and west of the site. As such, it is unlikely that the proposed development will have an appreciable visual relationship with the group of Grade II listed Aylesford Rail Station buildings.
- 6.111 The proposed development is therefore not identified as having the potential to alter the significance of the Aylesford Railway Station group of Grade II listed built heritage assets.
- 6.112 The site has not been identified as having an appreciable visual relationship with any built heritage asset and does not contribute to the significance of any built heritage asset within a 1.5km radius of its boundaries as a result of intervening planted barriers, built development and distance, nor does it have any known or legible historical or functional relationship with them.
- 6.113 The development proposal respects the established scale and massing of commercial development that characterises the immediate vicinity of the site.
- 6.114 The site is considered to be a minor, unappreciable element of the wider built setting of the Aylesford Rail Station group of three Grade II listed buildings which does not contribute to the significance of the identified built heritage assets. The proposed development has been identified as representing a neutral alteration of the wider setting of this group of built heritage assets.
- 6.115 No potential effects on the significance of any built heritage asset have therefore been identified by the submitted assessment. Given the robustness of this assessment and the nature of the surroundings there is no reason not to concur with the findings.

Planning obligations:

- 6.116 Regulation 122 of the CIL Regulations (2010) set out the statutory framework for seeking planning obligations and states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development

6.117 Paragraph 56 of the NPPF reflects this statutory requirement.

6.118 In order to secure the necessary benefits arising from this development and to ensure appropriate mitigation addressing identified impacts is provided, a series of planning obligations and conditions are required. The various necessary planning obligations will be enshrined within a section 106 legal agreement the full details of which are currently being worked up. These can be summarised as follows:

- Financial contribution towards biodiversity off-setting to be used towards establishing biodiversity net gain through offsite biodiversity improvement projects within the vicinity of the site and towards the maintenance of the off-site biodiversity improvement projects.
- Mechanism for ensuring that the site provides apprenticeships and local job opportunities.
- Planning obligations and financial contributions to secure the highways and sustainable transport initiatives highlighted within Transport Assessment including:
 - Provision of a Travel Plan
 - £664,460 to be used towards the extension of a local bus service connecting the site to Maidstone Town Centre on a half hourly service for a period of 5 years
 - £371,825 for the provision of a bicycle hire scheme consisting of 36 bikes spread over 6 bike stations in a location to be agreed inclusive of a commuted sum for maintenance and other associated costs for a 5 year period
 - £250,000 contribution towards improvements along the River Medway to connect to Aylesford village (PRoW MR474).
 - £52,500 towards enhancing PRoW MR492 and MR493. This would cover the provision of a 2m-3m width path, new surfacing, edging, and heavy vegetation clearance.
 - £25,200 towards footpath/cycleway link from Bellingham Way link road to Aylesford Station
 - £72,000 towards a high-quality walking route between the site and New Hythe rail station location.
 - £25,000 towards the provision of a new footway link from New Hythe Lane along Leybourne Way.

- £25,000 towards the provision of a zebra crossing on New Hythe Lane to improve overall pedestrian connectivity and the pedestrian environment in the area.
- £30,000 to allow for the provision of bus boarder kerbs and shelters at the Bricklayers Arms bus stops.
- £91,500 to be used towards the improvements to New Hythe Rail Station and Aylesford Rail Station

Consideration of alternatives:

- 6.119 Regulation 18 and Schedule 4 of the EIA Regulations require an applicant to provide an outline of the reasonable alternatives studied and an indication of the main reasons for the choice made, taking into account the environmental effects.
- 6.120 The site has been unused since Aylesford Newsprint Ltd closed in 2015 and so consequently is vacant brownfield land. Most of the buildings at the site have been demolished to slab level and the remaining buildings have prior approval to be demolished to slab level under planning permission ref. TM/17/00493/FLEA, except for a gatehouse. If the site was not developed it would therefore remain as vacant land and none of the economic and environmental benefits would occur.
- 6.121 As set out within the preceding assessment, the site provides for significant regeneration potential of brownfield land and will support new employment uses in an existing key employment area. The site is safeguarded for employment uses within the adopted DLA DPD.
- 6.122 On this basis, I consider that the developer has considered reasonable alternatives and as such this development proposed is the most appropriate form of development for an allocated site that enables a strategic scale redevelopment bringing significant environmental and economic benefits to the area. It is appreciated that some representations made suggest that the site should be redeveloped for housing purposes to contribute to the Boroughs housing land supply and to safeguard greenfield sites elsewhere. Members will be fully aware that a previous application proposing an element of residential development on the site was subject to a recommendation to refuse for several reasons but was subsequently withdrawn before a determination could be made. The assessment made in that case indicated clearly that this site does not represent a suitable location on which to provide housing whereas it is entirely suited to provide a significant amount of much needed employment related development.

Conclusions:

- 6.123 The redevelopment of this existing vacant industrial site would bring considerable economic benefit to the Borough. As set out in this report the proposal is in full compliance with both adopted and emerging local plan policies and also those of the NPPF.
- 6.124 The development would bring a flagship commercial development to the area with the environmental benefits of a well landscaped site within the existing industrial area. The development would not have an adverse impact on the character of the site and surrounding area as a whole, nor on views from the AONB, due to the design of the buildings and the planned landscape enhancements.
- 6.125 The redevelopment of the site enables the provision of the Bellingham Way link road, the delivery of which is a factor in the wider highway requirements for the overall development strategy in the emerging draft local plan. Similarly the site enables benefits to public transport through improvements to local bus services and railway stations as well improvements to the local cycle and footpath network both within the site and also stretching from Leybourne Way in the west to Aylesford Village in the east which, combined with cycle hire and a car club scheme on the site, would enable a shift towards more sustainable travel methods in the area.
- 6.126 The development would not have an adverse impact on flood risk or air quality and would result in environmental enhancements through contamination remediation. The buildings themselves are designed to be energy efficient through design and to also feature sustainable features such as rainwater harvesting and photo voltaic panels. The development would also bring a comprehensive set of on-site and off-site ecological enhancements in the form of wildlife corridors and native habitats creating a biodiversity net gain of 10%. The scheme will also bring a wide range of social and economic benefits to the area through apprenticeships and local job creation schemes.
- 6.127 The proposals therefore represent a significant opportunity, not only for the redevelopment of a large brownfield site, but to bring significant economic and environmental benefits to the area. The proposal is fully policy compliant and, on that basis, I make the following recommendation.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Arboricultural Assessment dated 01.09.2020, Existing Plans 18-103-SGP-01-00-DR-A-022401 dated 20.08.2020, Plan 18-103-SGP-06-ZZ-DR-A-121101 dated 20.08.2020, Floor Plan 18-103-SGP-06-ZZ-DR-A-121102 dated 20.08.2020, Proposed Elevations 18-103-SGP-06-ZZ-DR-A-121131 REV A dated 20.08.2020, Plan 18-103-SGP-07-00-DR-A-110006 REV B dated 20.08.2020, Proposed Elevations 18-103-SGP-07-00-DR-A-121131 REV P2 dated 20.08.2020, Plan 18-103-SGP-07-ZZ-DR-A-121102 REV P1 dated

20.08.2020, Site Layout 18-103-SGP-ZZ-DR-A-022001 REV A dated 20.08.2020, Drawing 205236-A-01-01 dated 20.08.2020, Drawing 205236D-A-02-04-AT01 REV A dated 20.08.2020, Drawing 205236D-A-02-07 REV B dated 20.08.2020, Drainage Layout AYL-BWB-GEN-FA-DR-C-0500-S8 REV P01 dated 20.08.2020, Drainage Layout AYL-BWB-GEN-FA-DR-C-0501-S8 REV P01 dated 20.08.2020, Drainage Layout AYL-BWB-GEN-FA-DR-C-0502-S8 REV P01 dated 20.08.2020, Drainage Layout AYL-BWB-GEN-XX-DR-C-0560-S8 REV P01 dated 20.08.2020, Drainage Layout AYL-BWB-GEN-XX-DR-C-0561-S8 REV P01 dated 20.08.2020, Flood Risk Assessment AYL-BWB-GEN-XX-DR-C-0625 REV 01 dated 20.08.2020, Flood Risk Assessment AYL-BWB-GEN-XX-DR-C-0626 REV P01 dated 20.08.2020, Lighting CPW-200136-E-EXT-UNIT6-00-01 REV P3 dated 20.08.2020, Lighting CPW-200136-E-EXT-UNIT7-00-01 REV P3 dated 20.08.2020, Location Plan 18-103-SGP-ZZ-00-DR-A-110001 REV E dated 20.08.2020, Letter dated 20.08.2020, Arboricultural Assessment dated 20.08.2020, Report APPENDIX 1.1 dated 20.08.2020, Report APPENDIX 10.2 dated 20.08.2020, Report APPENDIX 1.2 dated 20.08.2020, Report APPENDIX 10.1 dated 20.08.2020, Report APPENDIX 10.3 dated 20.08.2020, Report APPENDIX 11.1 PART 1 dated 20.08.2020, Report APPENDIX 11.1 PART 2 dated 20.08.2020, Report APPENDIX 2.1 dated 20.08.2020, Report APPENDIX 2.10 dated 20.08.2020, Report APPENDIX 2.11 PART 10 dated 20.08.2020, Report APPENDIX 2.11 PART 11 dated 20.08.2020, Report APPENDIX 2.11 PART 12 dated 20.08.2020, Report APPENDIX 2.11 PART 13 dated 20.08.2020, Report APPENDIX 2.11 PART 14 dated 20.08.2020, Report APPENDIX 2.11 PART 15 dated 20.08.2020, Report APPENDIX 2.11 PART 16 dated 20.08.2020, Report APPENDIX 2.11 PART 17 dated 20.08.2020, Report APPENDIX 2.11 PART 18 dated 20.08.2020, Report APPENDIX 2.11 PART 19 dated 20.08.2020, Report APPENDIX 2.11 PART 1A dated 20.08.2020, Report APPENDIX 2.11 PART 1B dated 20.08.2020, Report APPENDIX 2.11 PART 2 dated 20.08.2020, Report APPENDIX 2.11 PART 4 dated 20.08.2020, Report APPENDIX 2.11 PART 3 dated 20.08.2020, Report APPENDIX 2.11 PART 5 dated 20.08.2020, Report APPENDIX 2.11 PART 6 dated 20.08.2020, Report APPENDIX 2.11 PART 7 dated 20.08.2020, Report APPENDIX 2.11 PART 8 dated 20.08.2020, Report APPENDIX 2.3 PART 3 dated 20.08.2020, Report APPENDIX 2.11 PART 9 dated 20.08.2020, Report APPENDIX 2.2 dated 20.08.2020, Report APPENDIX 2.3 PART 1 dated 20.08.2020, Report APPENDIX 2.4 dated 20.08.2020, Report APPENDIX 2.5 dated 20.08.2020, Report APPENDIX 2.6 dated 20.08.2020, Report APPENDIX 2.7 dated 20.08.2020, Report APPENDIX 2.8 dated 20.08.2020, Report APPENDIX 2.9 dated 20.08.2020, Report APPENDIX 3.1 dated 20.08.2020, Report APPENDIX 3.2 PART 1 dated 20.08.2020, Report APPENDIX 3.2 PART 2 dated 20.08.2020, Report APPENDIX 3.2 PART 3 dated 20.08.2020, Report APPENDIX 7.1 dated 20.08.2020, Report APPENDIX 7.2 PART 1 dated 20.08.2020, Report APPENDIX 7.2 PART 2 dated 20.08.2020, Report APPENDIX 7.3 dated 20.08.2020, Report APPENDIX 7.4 PART 1 dated 20.08.2020, Report APPENDIX 7.4 PART 2 dated 20.08.2020, Report

APPENDIX 7.5 dated 20.08.2020, Report APPENDIX 7.6 dated 20.08.2020, Report APPENDIX 7.7 dated 20.08.2020, Report APPENDIX 7.8 dated 20.08.2020, Report APPENDIX 7.9 dated 20.08.2020, Report APPENDIX 8.1 PART 1 dated 20.08.2020, Report APPENDIX 8.1 PART 2 dated 20.08.2020, Report APPENDIX 8.2 dated 20.08.2020, Report APPENDIX 8.3 dated 20.08.2020, Report APPENDIX 9.1 dated 20.08.2020, Design and Access Statement dated 20.08.2020, Archaeological Assessment dated 20.08.2020, Assessment SCORING AND REPORTING TOOL dated 20.08.2020, Statement BUILT HERITAGE dated 20.08.2020, Bat Survey dated 20.08.2020, Statement ECONOMIC BENEFITS dated 20.08.2020, Statement ES CHAPTER 1 dated 20.08.2020, Statement ES CHAPTER 10 dated 20.08.2020, Statement ES CHAPTER 11 dated 20.08.2020, Statement ES CHAPTER 12 dated 20.08.2020, Statement ES CHAPTER 2 dated 20.08.2020, Statement ES CHAPTER 3 dated 20.08.2020, Statement ES CHAPTER 4 dated 20.08.2020, Statement ES CHAPTER 5 dated 20.08.2020, Statement ES CHAPTER 6 dated 20.08.2020, Statement ES CHAPTER 7 dated 20.08.2020, Statement ES CHAPTER 8 dated 20.08.2020, Statement ES CHAPTER 9 dated 20.08.2020, Statement ES VOL 1 dated 20.08.2020, Statement ES VOL 2 dated 20.08.2020, Lighting EXTERNAL dated 20.08.2020, Ecological Assessment dated 20.08.2020, Survey GREAT CRESTED NEWT dated 20.08.2020, Habitat Survey Report dated 20.08.2020, Report LAND CONDITION REPORT PART 10 dated 20.08.2020, Report LAND CONDITION REPORT PART 11 dated 20.08.2020, Report LAND CONDITION REPORT PART 12 dated 20.08.2020, Report LAND CONDITION REPORT PART 13 dated 20.08.2020, Report LAND CONDITION REPORT PART 14 dated 20.08.2020, Report LAND CONDITION REPORT PART 15 dated 20.08.2020, Report LAND CONDITION REPORT PART 16 dated 20.08.2020, Report LAND CONDITION REPORT PART 17 dated 20.08.2020, Report LAND CONDITION REPORT PART 18 dated 20.08.2020, Report LAND CONDITION REPORT PART 19 dated 20.08.2020, Report LAND CONDITION REPORT PART 1A dated 20.08.2020, Report LAND CONDITION REPORT PART 1B dated 20.08.2020, Report LAND CONDITION REPORT PART 2 dated 20.08.2020, Report LAND CONDITION REPORT PART 3 dated 20.08.2020, Report LAND CONDITION REPORT PART 4 dated 20.08.2020, Report LAND CONDITION REPORT PART 5 dated 20.08.2020, Report LAND CONDITION REPORT PART 6 dated 20.08.2020, Report LAND CONDITION REPORT PART 7 dated 20.08.2020, Report LAND CONDITION REPORT PART 8 dated 20.08.2020, Report LAND CONDITION REPORT PART 9 dated 20.08.2020, Report NON TECHNICAL SUMMARY PART 1 dated 20.08.2020, Report NON TECHNICAL SUMMARY PART 2 dated 20.08.2020, Planning Statement dated 20.08.2020, Report PRE-ASSESSMENT REPORT SHELL AND CORE dated 20.08.2020, Bat Survey PRELIMINARY BAT ROOST ASSESSMENT dated 20.08.2020, Ecological Assessment dated 20.08.2020, Survey REPTILE dated 20.08.2020, Report SHELL AND CORE BREEAM 2018 DS TRACKER dated 20.08.2020, Statement COMMUNITY INVOLVEMENT dated 20.08.2020, Sustainability Report STATEMENT dated 20.08.2020,

Sustainability Report DISTRIBUTION PLAN dated 20.08.2020, Transport Assessment PART 1 dated 20.08.2020, Transport Assessment PART 2 dated 20.08.2020, Transport Assessment PART 3 dated 20.08.2020, Transport Assessment PART 4 dated 20.08.2020, Transport Assessment PART 5 dated 20.08.2020, Transport Assessment PART 6 dated 20.08.2020, Travel Plan dated 20.08.2020, Report Sustainable Drainage Part 1 dated 20.08.2020, Report Sustainable Drainage Part 2 dated 20.08.2020, Report Sustainable Drainage Part 3 dated 20.08.2020, Report UTILITIES INFRASTRUCTURE dated 20.08.2020, Survey WATER VOLE dated 20.08.2020, Site Plan 18-03-SGP-ZZ-00-DR-A-110006 E dated 09.02.2021, Master Plan 18-103-SGP-ZZ-ZZDR-A-001001 V dated 09.02.2021, Plan 18-103-110002 R dated 09.02.2021, Site Plan 18-103-SGP-ZZ-00-DR-A0110005 D dated 09.02.2021, Landscape Layout 31285 RG-02 F dated 09.02.2021, Landscape Layout 31285-RG-L-04-01 P5 dated 09.02.2021, Landscape Layout 31285-RG-L-04-02 P5 dated 09.02.2021, Landscape Layout 31285-RG-L-04-03 P5 dated 09.02.2021, Landscape Layout 31285-RG-L-04-04 P5 dated 09.02.2021, Landscape Layout 31285-RG-L-04-05 P5 dated 09.02.2021, Landscape Layout 31285-RG-L-04-06 P5 dated 09.02.2021, Landscape Layout 31285-RG-L-04-07 P5 dated 09.02.2021, Landscape Layout 31285-RG-L-04-8 P5 dated 09.02.2021, Drawing 31285 RG-L-05-02 A dated 09.02.2021, Drawing 31285 RG-L-05 A dated 09.02.2021, Drawing AYL-BWB-HML-IF-DR-C-0131-S1 P2 dated 09.02.2021, Drawing AYL-BWB-HPV-IF-DR-C-0161-S1 P2 dated 09.02.2021, Drawing AYL-BWB-HPV-IF-DR-C-0162-S1 P3 dated 09.02.2021, Drawing AYL-BWB-GEN-IF-DR-C-0145- S1 P2 dated 09.02.2021, Drawing AYL-BWB-GEN-XX-DR-C-0124-S1 P1 dated 09.02.2021, Letter Barton Willmore dated 09.02.2021, Drawing AYL-BWB-GEN-IF-DR-C-0126-PSS-S1 P1 dated 09.02.2021, Drawing AYL-BWB-GEN-IF-DR-C-0145_S1 P1 dated 09.02.2021, Lighting CPW-200136-E-EXT-00-01 P4 dated 09.02.2021, Transport Assessment Post APP HE response dated 09.02.2021, Transport Assessment Addendum V8 part 1 dated 09.02.2021, Transport Assessment Addendum V8 part 2 dated 09.02.2021, Transport Assessment Addendum V8 part 3 dated 09.02.2021, Transport Assessment Addendum V8 part 4 dated 09.02.2021, Transport Assessment Addendum V8 part 5 dated 09.02.2021, Drawing AYL-BWB-GEN-XX-DR-C-0125 S1 P1 dated 09.02.2021, Drawing AYL-BWB-GEN-IF-DR-C-0108_ S1 P2 dated 09.02.2021, Archaeological Assessment dated 22.02.2021, subject to the following:

- Highways England and KCC Highways and Transportation confirming no final objections to the application and any planning conditions relating to highways mitigation works recommended by both bodies being imposed where they are considered to meet the statutory tests
- The applicant entering into a planning obligation with the Borough Council to secure local employment opportunities and apprenticeship schemes across the development and identified biodiversity enhancements

- The applicant entering into a planning obligation with Kent County Council to make financial contributions towards identified footpath improvements, public transport provision, and the implementation and monitoring of a travel plan
- The following conditions:

Conditions:

- 1 The development hereby permitted in respect of the works indicated as hatched on proposed parameters plan 18-103-110002-R received 09.02.2021 shall be begun before the expiration of three years from the date of this permission. The development hereby permitted within areas marked Zone A and Zone B on Proposed Parameters Plan 18-103-110002-R received 09.02.2021 shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Sections 91 and 92(2) of the Town and Country Planning Act 1990

- 2 Application for approval of the reserved matters in respect of areas marked Zone A and Zone B on Proposed Parameters Plan 18-103-110002-R received 09.02.2021 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development to be carried out in areas marked Zone A and Zone B on Proposed Parameters Plan 18-103-110002-R received 09.02.2021, approval of details of the layout, scale and appearance of the development and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

- 4 No development of any phase shall take place above ground level until details and samples of all materials to be used externally for the buildings in that phase have been submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 5 The landscaping for the works indicated as hatched on proposed parameters plan 18-103-110002-R received 09.02.2021 shall be undertaken in conformity with the details indicated on drawing nos. 31285 RG-02 REV F, 31285 RG-L-04, 31285 RG-L-04 REV P5, 31285-RG-L-04-01REV P5, 31285-RG-L-04-02REV P5, 31285-

RG-L-04-03REV P5, 31285-RG-L-04-04REV P5, 31285-RG-L-04-05REV P5, 31285-RG-L-04-06REV P5, 31285-RG-L-04-07REV P5 and 31285-RG-L-04-08REV P5 received 09.02.2021. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development comprised in the relevant phase of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

6 The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: RA103739-V010/E, Pell Frischmann, Date: August 2020) and the following mitigation measures it details:

- An 8m easement must be maintained either side of Main River, as stated in section 5.1.2 and 5.2 of the FRA. See also Masterplan drawing (ref: 18-103-SGP-ZZ-ZZDR-A-001001 Rev J, Date: 04/2020) in Appendix 2 of the FRA.
- An Environmental permit must be obtained for the proposed improvements to the river corridor stated in section 5.1.2 of the FRA. (See below for further information).
- The Future ownership and maintenance of the stream post development must be made known to the Environment Agency. (See section 5.5 of the FRA).
- Commercial development shall be located as shown in Masterplan drawing (ref: 18-103-SGP-ZZ-ZZDR-A-001001 Rev J, Date: 04/2020).
- Flood resilience measures should be incorporated at detailed design stage, as stated in section 5.2 of the FRA.
- Future users must sign up to the Environment Agency flood warning service. A flood action plan must be in place as detailed in section 5.4 and Appendix F of the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 7 No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

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

- 8 Prior to any part of the development hereby approved being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework

- 9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

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 from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework

- 10 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.

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

- 11 Piling or any other foundation designs using penetrative methods shall not 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.

- 12 No development hereby approved within areas marked Zone A and Zone B on Proposed Parameters Plan 18-103-110002-R received 09.02.2021 shall take place until the details required by Condition 3 shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

- 13 No above ground development shall begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage

scheme shall be based upon the principles contained within the Flood Risk Assessment report by Pell Frischmann (August 2020 RA103739-V010/E) and contained within the Sustainable Drainage Statement by BWB (August 2020). The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

- 14 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 15 No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the

site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

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.

- 16 Prior to any part of the approved development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

- 17 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing

with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

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 from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework

- 18 External lighting in respect of the works indicated as hatched on proposed parameters plan 18-103-110002-R received 09.02.2021 shall be installed in accordance with the details indicated on drawing nos. CPW-200136-E-EXT-UNIT6-00-01 REV P3, CPW-200136-E-EXT-UNIT7-00-01 REV P3 received 20.08.2020 and CPW-200136-E-EXT-00-01 - P4 received 09.02.2021. Prior to the installation of any external lighting within areas marked Zone A and Zone B on Proposed Parameters Plan 18-103-110002-R received 09.02.2021, full details of the lighting for that phase shall be submitted to and approved by the Local Planning Authority and the work shall be carried out in strict accordance with those details. The lighting shall be designed in accordance with the External Lighting Report dated 20 August 2020.

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 19 Prior to the first occupation of any part of the development hereby approved a Ditton Stream enhancement plan shall be prepared for the watercourse within the red line boundary (shown on site location plan ref 18-103-sgp-zz-00-dr-a-110001 rev e and dated 20 August 2020) and including the retained area of mill pond north of the M20. The plan should:

a) fully assess the ecological value of the stream, and the potential to restore more natural stream habitats,;

b) detail the removal of unnecessary structures to enable fish passage and natural processes, and provide more space for water, for improved flood risk management.

The plan should be submitted to the Local Planning Authority for agreement in writing and shall be implemented as agreed prior to the first occupation of any part of the development.

Reason: To ensure that the development provides Biodiversity Net Gain to the stream and stream corridor, and is in line with the River Basin Management Plan. This is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF).

- 20 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of geoarchaeological works in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that Palaeolithic archaeology is properly examined and recorded.

- 21 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

- 22 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

- 23 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of heritage interpretation in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded

- 24 The development within any phase shall not be occupied until the area shown on the submitted layout as vehicle parking space for that phase has been provided, surfaced and drained. 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 1995 (or any order amending,

revoking and 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 or garaging of vehicles is likely to lead to hazardous on-street parking.

- 25 No building shall be occupied until the area shown on the submitted plan as a turning area for that phase has been provided, surfaced and drained. 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 1995 (or any order amending, revoking and 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 turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 26 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic

- 27 No development within any phase of the development shall take place until details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: In the interests of visual amenity

- 28 The use of any unit shall not commence until the noise insulation/attenuation works set out in the Noise Technical Report received 20.08.20 have been carried out to the satisfaction of the Local Planning Authority and shall be retained thereafter. At any time when the nature of the work/business within any of the units changes, the in-coming tenant/occupier shall carry out a noise impact assessment of their proposed use and provide adequate noise insulation/attenuation work in agreement with the Local Planning Authority prior to the proposed occupation.

Reason: In the interests of the aural amenity of the local environment

- 29 Occupation of the development shall be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of waste water

- 30 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water

Reason: To ensure the development is served by satisfactory arrangements for the disposal of waste water

- 31 No above ground development shall commence until a full Public Rights of Way management scheme is agreed to approve enhancements and improvements to path alignment, surfacing, widths and signage. This scheme shall also include details of Public Rights of Way management during construction if any temporary closures or diversions are required.

Reason: To ensure appropriate delivery of Public Rights of Way network.

- 32 Prior to the commencement of the development hereby approved, arrangements for the management of any and all demolition and/or construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;
- Procedures for notifying neighbouring properties as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.
- The controls on noise and dust arising from the site with reference to current guidance.

The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of general amenity and highway safety.

Informatives

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmhc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 3 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- 4 For reasons of safety, liability and maintenance, with the sole exception of fences owned and provided by the Highways Agency at its own cost, all noise fences, screening and other structures must be erected on the developers land, and far enough within the developers land to enable maintenance to take place without encroachment onto highway land.
- 5 In preparing the design, the applicant's should be mindful, inter alia, of the need for
 - all works to be constructed and maintained such that the safety, integrity and operational efficiency of the strategic road network and any Highway England assets are not put at risk,
 - to provide such boundary treatment to prevent the risk of errant vehicles entering or otherwise endangering users of the strategic road network
 - to provide such boundary treatment to prevent the potential dazzling or distraction of drivers on the strategic road network by vehicles manoeuvring within the site
 - for the boundary treatment to be wholly within and maintainable from within the site in accordance with OfT Circular 2/13 Annex A.1.
- 6 Reference should be made to Southern Water publication "A Guide to Tree Planting near water Mains and Sewers" with regards to any Landscaping proposals.

- 7 During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public or Bank Holidays.
- 8 Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. I would thus recommend that bonfires not be had at the site.

Contact: Robin Gilbert