

REPORT SUMMARY

REFERENCE NO - 14/500327/OUT			
APPLICATION PROPOSAL Outline (Access not reserved) - Up to 8000m2 of Class B1 and B2 floor space and all necessary supporting infrastructure including roads, parking, open space, amenity landscaping, biodiversity enhancement and buffer to proposed extension to Milton Creek Country Park. Detailed approval for Phase 1 including (i) vehicular and pedestrian access to Swale Way; (ii) 30 space (approximately) informal car park to serve extension to Milton Creek Country Park; Change of use of approximately 13.31 ha of Kemsley Marshes as an extension to Milton Creek Country Park with footpath connections to the proposed informal car park			
ADDRESS Land South Of Kemsley Mill, Swale Way, Sittingbourne, Kent, ME10 2SG.			
RECOMMENDATION Grant subject to conditions and receipt of outstanding representations from KCC Highways & Transportation, the Kent County Council Biodiversity Officer, and subject to the signing of a Section106 to secure land to form an extension to the Milton Creek Country Park.			
SUMMARY OF REASONS FOR RECOMMENDATION Development would provide additional employment within the Borough, in a sustainable location with good road access, and without giving rise to any serious amenity issues or harm to landscape, ecology or designated heritage assets.			
REASON FOR REFERRAL TO COMMITTEE Section 106 Legal Agreement required.			
WARD Kemsley	PARISH/TOWN COUNCIL None.	APPLICANT Fletcher Challenge Forest Industries Ltd AGENT Paul Sharpe Associates LLP	
DECISION DUE DATE 26/09/14	PUBLICITY EXPIRY DATE 26/09/14	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/96/0836	Remodelling of existing car park to provide improved visitor and disabled parking and landscaping; relocation of bus terminus and extension to car park.	Approved	09.08.2000
That application, although renewed several times (as below) has not been constructed and would not be able to go ahead if the current scheme were approved.			
SW/06/0896	Renewal of planning permission SW/96/0836 (with amendments).	Approved	12.09.2006
SW/09/0627	Renewal of planning permission SW/06/0896.	Approved	22.09.2009
SW/12/1035	Renewal of planning permission SW/06/0896.	Approved	01.10.2012

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site forms a wedge of undeveloped land bordered by Kemsley Paper Mill to the north, the Sittingbourne Northern Relief Road (SNRR) to the south and west and Milton Creek to the east. The land is crossed towards the eastern end by the Sittingbourne & Kemsley Light Railway (SKLR) which runs roughly north-south, and large electricity pylons and lines running roughly east-west. The surrounding area is dominated by the structure of Kemsley Mill, the new SNRR and the Church Milton and Kemsley residential areas beyond.
- 1.02 Land levels change considerably within the area, and the site ranges in elevation from approximately 14.0m AOD at the north-western end (near the Mill car park) to roughly sea level next to the Creek (at the eastern end).
- 1.03 The site can be characterised into two parts. Firstly the top of the ridge and south east facing slope below the existing Mill car park is open rough grassland. Together with the existing car park this higher land is known as Kemsley Down. Secondly, on the lower ground is a flat marshland area extending to Milton Creek with extensive areas of scrub (particularly around Castle Rough) with natural and manmade ditches, marsh and reed bed areas. This lower area is known as Kemsley Marshes.
- 1.04 Castle Rough is a Scheduled Ancient Monument (SAM) situated on the edge of the marshland area at the foot of the slope down from Kemsley Down, and to the east of the application site. Essentially a ground formed feature, it is covered in dense scrub undergrowth and is thus not visually obvious or prominent in the area. Historic England has provided further commentary on Castle Rough:

“Castle Rough is a medieval moated settlement site of particular importance because although its medieval buildings no longer exist above ground, most of the remainder of the site survives to a great extent intact as buried deposits and earthworks. In addition, the significance of the moated site is further informed by an understanding of the rural or semi-rural surroundings in which it would have been constructed and used. Although much industrial development has taken place in the wider landscape surrounding Castle Rough, the site currently sits within a pocket of green-space, separated from the industrial activity on the Kemsley ridge by the natural valley topography and the immediate surrounding green space to the west. It is also buffered by the Kemsley marshes to the east. The historic function and position of Castle Rough, at the interface between the valley uplands, the marshes, and estuary beyond, can therefore still be interpreted and understood.”

2.0 PROPOSAL

- 2.01 This is a hybrid application that seeks outline planning permission for erection of a business park (to be known as Fulcrum Business Park), including all supporting highways works, parking, landscaping and biodiversity enhancements, together with an extension to the Milton Creek Country Park, on land to the south of Kemsley Paper Mill. Detailed planning permission is being sought for Phase 1 of the development, which includes:

- Vehicle and pedestrian access to Swale Way;

- Formation of an informal, 30-space car park for use by visitors to the country park; and
 - Change of use of land to serve as an extension to the Milton Country Park.
- 2.02 The business park extends to approximately 4ha of land set to the south-west of the mill, south of the mill's car park, east of the roundabout, and with Swale Way (the Sittingbourne Northern Relief Road (SNRR)) forming the western boundary.
- 2.03 Vehicle access to the site will be via an existing junction on Swale Way, which currently serves a field used for the keeping of horses (but was formed during construction of the SNNR in anticipation of development coming forward on this site). Each unit is shown with a dedicated parking area and yard immediately adjacent, with direct access from the central estate road.
- 2.04 The submitted indicative layout for the business park shows 13 units spread across the site with substantial intervening space for landscaping – including along the site boundaries. Indicative building heights range from 9.0m in the southern part of the site; 10.2m in the central part; 11.4m on the eastern part closest to the mill; up to 12.0m tall for the northernmost units adjacent to the roundabout. The submitted Planning Statement comments:

“Generally, the topography of the site limits the size of business units that can be constructed and the architect and landscape architects have collaborated to design a layout which assimilates the proposals into the landscape with the marshland features extending into the site. In addition, the highways consultants have provided input to inform a practical and economic highway layout on what is a challenging site.

Consequently, in this particular case, the layout which accompanies the application is much more indicative of the likely development layout than would normally be the case with an outline application.”

- 2.05 The application proposes up to 8,000 square metres of floor space for a mix of uses within Classes B1 (light industrial) and B2 (general industrial), although specific units have not been identified for specific uses / occupiers at this, outline, stage.
- 2.06 The proposals include the transfer of 13.31 ha of land at Kemsley Marshes to Swale Borough Council to form an extension to the Milton Creek Country Park; construction of an informal car park (within the grounds of the business park) to serve the extended Country Park, and construction of inter-connecting footpaths. An interpretation facility for the Castle Rough Scheduled Ancient Monument would also be provided within the car park. The submitted Planning Statement comments:

“The land comprising the extension to Milton Creek Country Park would be transferred to the Borough Council for use in conjunction with the existing Country Park at an appropriate time (yet to be agreed) following the grant of planning permission.

The visitor car park, interpretation facility and the footpath links to connect the car park to existing footpaths within the Country Park would be provided by the developer of the Business Park as part of Phase 1 of that development.

Ownership of the car park itself (and the buffer) would remain with the owner of the Business Park who would also be responsible for its long term maintenance.”

- 2.07 No commuted sum is proposed to finance future maintenance of the country park extension, but little maintenance is envisaged in any case due to the nature of the site.
- 2.07 The scheme has been amended since receipt, further to comments from Historic England (as at 7.04 below), with the area of development being moved further away from Castle Rough.

3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	4.4ha (+ 13.3ha for country park extension)
Approximate Ridge Height (m)	From 9.0m to 12.0m

4.0 PLANNING CONSTRAINTS

- 4.01 The site is within an area of Potential Archaeological Importance.
- 4.02 There is a High Pressure gas pipeline running adjacent to the light railway, to the southeast of the site, serving the mill.

5.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework

- 5.01 Para 7 of the NPPF identifies three dimensions to sustainable development; economic, social and environmental, subsequently ascribing these “roles” to the planning system.
- 5.02 Paragraph 14 establishes a presumption in favour of sustainable development indicating that proposals that accord with the Development Plan should be approved without delay and where the Development Plan is absent, silent or relevant policies are out of date, again to grant permission unless adverse impacts will be significant and would demonstrably outweigh the benefits.
- 5.03 As a core planning principle, the NPPF requires the planning system to proactively drive and support sustainable economic development to deliver business and industrial units, infrastructure and thriving local places. Every effort should be made objectively to identify and then meet business and other development needs of an area and respond positively to wider opportunities for growth. In seeking to deliver sustainable development and build a strong and competitive economy paragraph 19 of NPPF advises that significant weight should be placed on the need to support economic growth through the planning system.

Adopted Swale Borough Local Plan 2008

- 5.04 Policies SP1 (Sustainable Development), SP3 (Economy), TG1 (Thames Gateway Planning Area), E1 (General Development Criteria), E6 (The Countryside), E9 (Protecting the Quality & Character of the Borough’s Landscape), E11 (Protecting & Enhancing the Borough’s Biodiversity & Geological Interests), E12 (Sites Designated for their Importance to Biodiversity or Geological Conservation), E13 (The Coastal Zone & Undeveloped Coast), E16 (Scheduled Ancient Monuments & Archaeological Sites), E19 (Achieving High Quality Design & Distinctiveness), B2 (Providing for New

Employment), T1 (Providing Safe Access to New Development), T2 (Essential Improvements to the Highway Network), T3 (Vehicle Parking for New Development), T4 (Cyclists & Pedestrians), and T5 (Public Transport) are relevant to this proposal.

Emerging Local Plan – “Bearing Fruits 2031” – Publication Draft December 2014

- 5.05 The emerging Local Plan went through a formal review by the Local Plan Inspector late last year, and has broadly been agreed in principle. As such the policies therein carry some weight.
- 5.06 Policy A2 of the merging Plan allocates the site for “a mix of ‘B’ use class employment uses up to about 8,000sq m of floorspace. The site’s main strengths are its good local road access to the A249 and proximity to existing employment activities.” (Bearing Fruits para 6.3.1) The policy text states:

“Planning permission will be granted for employment uses (use classes B1, B2 or B8) on land to the south of Kemsley Mill, as shown on the Proposals Map. Development proposals will:

1. *Bring forward proposals to minimise the potential visual, heritage and residential amenity impacts of development through high quality integrated landscape-led design, including the use of the Council’s Design Panel;*
2. *Facilitate an extension to the Church Marshes country park to bring about enhancements to the significance, condition, appearance and appreciation of the wider landscape, biodiversity and heritage of the area;*
3. *Achieve the preservation and enhancement of the Scheduled Monument (including its setting) and undertake archaeological evaluation of the site in accordance with Policy DM34 and respond accordingly;*
4. *Contribute toward improvements to highway infrastructure where identified by a transport assessment; and*
5. *Bring forward sustainable design and construction, renewable energy and sustainable urban drainage measures in accordance with Policies DM19-DM21.”*

Swale Landscape Character & Biodiversity Appraisal (2011)

- 5.07 The site lies within the Chetney & Greenborough Marshes landscape character area, where it is noted that “*the statutory designations that dominate this area reflect the strategic priority to conserve the existing habitats in this area and manage them to maintain favourable condition under the guidance and consenting of Natural England. Any opportunities to buffer the designated site through appropriate habitat creation or enhancement at its margins would be of benefit...*”

6.0 LOCAL REPRESENTATIONS

- 6.01 A letter from the mill (DS Smith) has been received noting that the proposed country park extension may provide public access to their site, and that appropriate boundary treatments should be used to prevent this.
- 6.02 The Swale Footpaths Group has no objection but note that the status / ownership of the proposed pathways should be made clear [they will be incorporated into the country park].
- 6.03 No other representations have been received.

7.0 CONSULTATIONS

- 7.01 Natural England raises no objection.
- 7.02 Southern Gas Networks note that a high pressure gas pipeline runs in close proximity to the site, and its exact location needs to be determined prior to construction and various working practices carried out during development to protect it. I have forwarded a copy of SGNs letter to the agent for information in this regard.
- 7.03 KCC Highways & Transportation were involved in discussions early on in the application process, but have not yet provided formal written comments on the amended scheme. I will update Members of their response at the meeting.
- 7.04 Historic England objected to the original layout due to the impact upon the setting of Castle Rough, which is a Scheduled Ancient Monument. The application was subsequently held in abeyance while the agent engaged in lengthy discussions with Historic England, which ultimately lead to the current, revised scheme (moving the development further away from Castle Rough). Further to these discussions and amendments Historic England have no objections:

“The applicant has changed the layout of the business park to allow for smaller and lower height buildings to be constructed closest to the monument, the overall number of buildings has been reduced, the proposed country park car parking has been incorporated within the development boundary to provide a greater ‘buffer’ of open ground surrounding the monument, and the landscaping has been enhanced along the south east site boundary to provide a deeper vegetation screen between the business park and the moated site.

It is our view that the amended proposals have reduced the level of harm to the monument caused by development within its setting, and we think that the inclusion of the monument within the country park will provide opportunities for better access and management of the site...

... and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.”

- 7.05 The County Archaeologist has no objection subject to conditions to secure field evaluation works, as below.
- 7.05 Kent Police note that the development has the potential to generate crime or anti-social behaviour by virtue of its location and layout, and recommends that the developer include crime prevention measures such as lockable gates and CCTV. These can't be secured by planning conditions, but I have advised the agent of the Police's comments.
- 7.06 The Council's Environmental Health Manager notes that *“the development site is in close proximity to residential properties in Recreation Way and due to the unknown quantity and type of B2 use we would not recommend allowing units in this location to operate over the night time period.”* They therefore recommend a number of conditions (below) to limit hours of use, restrict levels of noise, and secure further details prior to occupation of the units by any Class B2 (general industrial) use.

- 7.07 Southern Water request that an informative be attached to the permission notifying the developer that a formal application will be required for connection to the public sewer, and a standard condition requiring details of foul and surface water drainage to be provided and agreed prior to development. Otherwise they raise no objection.
- 7.08 The Environment Agency has no objection subject to the conditions below.
- 7.09 The Lower Medway Drainage Board have no objection subject to a drainage condition (the same as Southern Water, above), and request that the developer is made aware that Board consent is required for any works that may affect watercourses. I have attached an informative to this effect.
- 7.10 UK Power Networks have no objections.
- 7.11 The Health & Safety Executive have been consulted due to the proximity of the site to a High Pressure gas pipe, but “do not advise against” granting permission.
- 7.12 The Council’s Tourism Officer notes that the Council has been involved in informal discussions to secure this land as an extension to the country park since December 2012. She is supportive of the scheme noting that it will expand the existing park, and provide some car parking facilities for visitors.
- 7.13 The Council’s Open Spaces Officer is generally supportive of the scheme (and has been involved in discussions with the applicant’s agent re: transfer of land to the Council to form an extension to the country park), but I await a full formal comment from him and will update Members at the meeting.
- 7.14 I await comments from the County Biodiversity Officer and will update Members at the meeting.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The application is accompanied by a full suite of drawings and supporting documents, including a Planning Statement, contamination survey, ecological survey and traffic study.

9.0 APPRAISAL

Principle / policy

- 9.01 The eastern edge of the proposed business park lies outside of the defined built up area boundary set by the adopted Local Plan, and is thus within the countryside in planning terms. However it lies immediately adjacent to the built up area, and to the built form of the Kemsley Mill site, and within a wholly sustainable location in my opinion. Furthermore the emerging Local Plan – “Bearing Fruits 2031” – includes the entire site within a revised built up area boundary and shows it as an allocated employment site (policy A2, as noted at 5.06 above). The Emerging Local Plan was examined by the Inspector late last year; the Council is still awaiting the Inspector’s report but officers do not envisage there being any significant issues raised to this particular allocation.
- 9.02 Local and national policies generally encourage development that would positively contribute to sustainable economic development and employment. Paragraph 17 of the NPPF in particular sets out that planning should proactively drive and support sustainable economic development to deliver business and industrial units,

infrastructure and thriving places. Paragraph 19 of the NPPF continues to state that significant weight should be placed on the need to support economic growth through the planning system.

9.03 The submitted Planning Statement comments on this matter:

“the Council’s Employment Land Review 2010 identifies this site as one of the three best ranking sites for employment use in the Sittingbourne area. The Economic & Market Appraisal prepared by Harrisons, highlights the need for this site in terms of current employment land supply. It would fulfill a niche role, ie not catering for the sort of companies that would locate at G Park, Eurolink or Kent Science Park but rather small and medium sized companies making their first moves; perhaps a move to owner occupation. The Harrisons Appraisal demonstrates the need for this employment site, its geographic location relative to Kemsley Mill, G Park, Eurolink, SNRR and A249 providing a unique employment opportunity but Class B8 storage or distribution uses are specifically not applied for as the site is considered unsuitable for such activities.”

9.04 The submitted Economic and Market Appraisal comments that *“the demand for business units has continued through the recent recessionary times be it at a low level, however this is expected to improve during the forthcoming year and suitable sites and premises will need to be immediately available to sustain continued employment growth. This site will complement other employment sites currently available and will not directly compete with them.”* The allocation of the site within the emerging Local Plan (as above) reflects officers view that this is a good site for such employment development. I therefore consider that the proposals accord with the thrust of adopted and emerging policy, and are acceptable in principle.

Highways

9.05 The unsuitability of the site for B8 uses (referred to at 9.03 above) arises from potential capacity issues with the existing Grovehurst Road / A249 roundabout junction for significant vehicle movements associated with a storage and distribution use (which tend to generate significant vehicle movements over other uses). Junction capacity is to be addressed long-term through specific funding allocations to be brought forward under new S106 / CIL (Community Infrastructure Levy) charging structures that are currently under discussion, but remain some way off.

9.06 The transport assessment submitted with the current application shows, however, that the existing junction will be capable of handling the proposed B1 / B2 uses even upon completion of the forthcoming Eurolink V extension (likely completion date approximately 2019). No significant delays are envisaged for drivers using the roundabout, and the development is anticipated to slot into existing network capacity without any serious issues. The assessment comments (at paras. 6.48 onwards):

“...the Transport Assessment finds the site in a highly sustainable location. A good range of leisure, retail and health facilities are available in the vicinity; the site is also within walking distance of bus stops at Kemsley served by bus No. 347 between Kemsley and Sittingbourne; within walking and cycling distance of Kemsley Rail Station and a reasonable cycling distance from Sittingbourne Rail Station.

Based on traffic surveys of the local network and industry standard modeling, the proposed business park is predicted to generate a total of 97 vehicle trips

including 4 HGV's in the AM peak and 73 vehicles including 2 HGV's in the PM peak. The proposed Country Park extension is expected to generate negligible traffic during week day peak hours.

Assessment of the site access junction indicates that it would operate satisfactorily in 2019 even with the addition of traffic from the permitted Eurolink V development. It should also be noted that the existing planning permission for about 310 cars on the site will be replaced by the proposed employment development which would have a capacity of about 152 parking spaces together with about 30 parking spaces for the car park for the Country Park extension. The car park permission has the potential to result in far more peak period traffic than the employment and country park development currently proposed. Therefore the proposed development is likely to have a lesser impact on the local highway network than the extant car park permission which it will replace. Consequently, the analysis in the Transport Assessment very much represents the worst case."

- 9.07 I await final comments from KCC Highways & Transportation, but do not expect there to be any serious concerns raised at this stage. I will update Members accordingly at the meeting.
- 9.08 I would also reiterate that the application is at outline stage (as far as the business park is concerned) and that matters of precise number of parking spaces, HGV parking and turning, delivery space, and loading / unloading areas will be considered in greater detail at the reserved matters stage. Sufficient space is available across the site to accommodate this in accordance with adopted requirements, however, while still retaining a large amount of land for landscaping (2.04 above refers).

Landscape impact

- 9.08 The submitted planning statement notes (at 6.30) that *"The site is generally open in character with medium distance views to/from surrounding built up areas and countryside. Important landscape features include the hillside itself at Kemsley Down and peripheral clumps of scrub vegetation. Although that part of the site west of the SKLR has no landscape designation, that to the east of the railway is included within a Special Landscape Area."*
- 9.09 A Landscape and Visual Impact Assessment Report was submitted in October 2011 as part of the call for potential site allocations for the Core Strategy as part of the emerging Local Plan (Bearing Fruits) process, and updated by an addendum compiled for this current application (dated January 2014). These conclude that the proposal would be of "minor beneficial to minor adverse significance" in the long term, with benefits arising from anticipated improvements in urban grain patterns to the north of Sittingbourne; greater connectivity; and a graduated transition in scale from the nearby residential estates to the large built form of Kemsley Mill.
- 9.10 Minor adverse impacts relate to the effect of the development upon the adjacent marshes (to the east), but there is considerable scope to mitigate such impacts. The indicative details put forward show a gradual transition in building heights rising from east to west, and space within the layout for a robust and heavy landscaping scheme to be incorporated. This would not only help to soften the appearance of the proposed development, but also serve to screen views of the existing mill site from some vantage points.

- 9.11 I therefore consider that there is, arguably, an overall benefit to be gained in visual terms from this development – subject to full consideration of building design and external materials at the reserved matters stage, and the implementation of a full and robust landscaping scheme.

Amenity

- 9.12 The site lies a minimum of approximately 81m from the rear of the nearest houses on Recreation Way, 180m from properties on Walsby Drive (beyond the fishing lakes within the existing country park), and 244m from the new properties on Reams Way (the ones with the asymmetrical roofs). There is therefore potential for any activities on the site to give rise to noise and disturbance for local residents – above and beyond that caused by the almost continual operation of the mill.
- 9.13 Class B1 (light industrial) uses are those that, by their very nature, can be carried out within a residential area due to the very limited potential for amenity impacts by virtue of noise, activity, dust, smell, etc. I therefore have no serious concerns in regard to this aspect of the proposal.
- 9.14 The Council's Environmental Health Manager has noted the potential for class B2 (general industrial) activities to give rise to amenity impacts for nearby residents, however. As the business park portion of the application is at outline stage it is not known who the end users of the units will be, and therefore difficult to impose specific conditions to restrict activities that would have a negative impact on neighbours. In this regard he has recommended the more general conditions below that prevent any unit from being occupied by a B2 use until full details of the proposed activities have been submitted to the Council. This would enable officers to impose restrictions on a case-by-case basis to prevent activities / process that would cause significant harm.
- 9.15 As with some of the items above a robust and well-considered landscaping scheme would go some way to helping to reduce impact upon nearby residents. Planting along the boundary with Swale Way – particularly tree planting – may provide an effective screen to not only partially hide the buildings themselves, but to filter and buffer any noise emanating from the site.
- 9.16 Therefore, subject to the conditions below, I consider that the scheme would be unlikely to give rise to any serious amenity concerns for local residents.

Country park / archaeology

- 9.17 In addition to the above some weight should be given when considering the merits of this application, to the proposed land transfer that will extend the country park. Whilst such an offer couldn't be used to justify an otherwise unacceptable development, I consider this scheme to be acceptable (as above) and note that the proffered land will contribute significantly to local biodiversity (within an area allocated for its biodiversity importance) and recreation space / opportunities for the local community. In this regard I would reiterate that the Council's Open Spaces Officer and Tourism Officer are in support of the scheme.
- 9.18 The land includes Castle Rough – a Scheduled Ancient Monument – and a tract of land surrounding it that is considered important to its setting (see Historic England's comments at 7.04 above). The Castle is currently subsumed by scrub growth and it is not possible to appreciate the site in its wider context (although I note the majority of its archaeological importance is below ground).

- 9.19 The transfer of this land to the Council would enable it to be properly managed in a way to improve its heritage and cultural value. The application includes the provision of “interpretation boards” that would provide information about the site to visitors and increase awareness of its significance. Furthermore the transfer of land to the Council would represent a significant safeguard for the future of the site, as any activities within the area could be tightly controlled.

Ecology

- 9.20 The application is accompanied by a Scoping Survey which found the land to be of generally low ecological value but did identify the potential for Great Crested Newts and other reptiles. As a result a reptile survey was carried out, covering both areas of the application site (business park and country park extension). This found low populations of slow worms and lizards within the business park site, but notes that the adjacent land for the country park extension would be a suitable receptor site for relocation of these animals.
- 9.21 Great Crested Newts were found in a pond 330m from the business park site – beyond the SKLR train tracks – and it is not anticipated that these will migrate up the hill to the development area. The documents state, however, that a precautionary approach will be taken during development.
- 9.22 As above: I await comments from the County Biodiversity Officer, but do not expect there to be any significant issues or objections and anticipate standard conditions to monitor the site during development.
- 9.23 Notwithstanding the possibility of having to relocate reptiles from the business park land, I generally consider the scheme to represent a positive improvement upon ecological potential within the area. Extending the country park will provide additional habitat directly adjacent to an area identified and allocated for its biodiversity potential, and place it under the Council’s control to ensure proper and appropriate management in perpetuity.

10.0 CONCLUSION

- 10.01 This application seeks outline planning permission (with all matters except access reserved) for the erection of a new Class B1 and B2 industrial estate on land adjacent to the Kemsley Mill and Swale Way, and full detailed permission for the formation of an extension to the Milton Creek Country Park, including new pathways, a visitor car park, and transfer of approximately 14ha of land to the Council.
- 10.02 The site of the proposed business park is allocated for employment uses under the emerging local plan – Bearing Fruits 2031 – and is within a sustainable location suitable for economic development. The proposed development would not give rise to any serious harm to local amenity, wildlife, or the character or appearance of the area. The proposed country park extension brings wider benefits in terms of ecological habitat, additional recreation space, and opportunities to enhance and protect Castle Rough, which is a Scheduled Ancient Monument.
- 10.03 Taking the above into account I recommend that outline planning permission should be granted for the proposed business park and detailed planning permission should be granted for the proposed Country Park extension, footpaths, and car park – subject to receipt of outstanding responses from KCC Highways & Transportation and the County Biodiversity Officer, and the completion of a S106 legal agreement to secure transfer of the offered land.

11.0 RECOMMENDATION – GRANT Subject to the above and to the following conditions:

Commencement

- (1) The development of Phase 1 (including vehicular and pedestrian access to the site, and formation of a car park to serve Country Park extension and footpath connections thereto) must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reasons: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) Details relating to the layout, scale and appearance of the proposed buildings, and hard and soft landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reasons: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (3) Application for approval of reserved matters referred to in Condition (2) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Reasons: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (4) The development to which outline permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reasons: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (5) No development shall be carried out other than in complete accordance with the following drawings and technical documents unless otherwise agreed in writing by the Local Planning Authority:

- 1080.10, 11D, 12D, 13D, 14E, 15E, 16E, and 19.
- 2138 / D01 rev F, and DR003 rev E.
- 13053-SK151120.1.
- Lloyd Bore winter bird survey ref 2138_RP_005_REV A.
- Lloyd Bore reptile presence / likely absence survey and outline mitigation and compensation ref 2318 / R002.
- Lloyd Bore Great Crested Newt (*Triturus Cristatus*) presence / likely absence and population assessment report ref 2318 / R003.
- Lloyd Bore Ecological scoping survey ref 2499 / R02 / Rev A.
- Lloyd Bore Management plan addendum – Extension to Milton Creek country park ref 2138 / RP006-B.
- PFA Consulting Flood Risk Assessment.

Reasons: For the avoidance of doubt.

Pre-commencement

- (6) No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of:
- (1) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and
 - (2) 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 in writing by the Local Planning Authority.

Reasons: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record, and to ensure that such matters are agreed prior to the commencement of development.

- (7) No development shall take place until full details of the method of disposal of foul and surface waters have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reasons: In order to prevent pollution of water supplies and to ensure that such matters are agreed prior to the commencement of development.

- (8) The commencement of the development shall not take place until a programme for the suppression of dust during the demolition of existing buildings and construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reasons: In the interests of residential amenity.

- (9) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity and to ensure that such matters are agreed prior to the commencement of development.

- (10) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (11) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

Construction Phase

- (12) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0900 - 1700 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reasons: In the interests of residential amenity.

- (13) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 - 1800 hours, Saturdays 0830 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reasons: In the interests of residential amenity.

- (14) During construction of the development adequate space shall be provided on site, in a position previously agreed by the Local Planning Authority to enable all employees and contractors vehicles to park, load and off load and turn within the site.

Reasons: In the interests of highway safety and convenience.

- (15) Adequate precautions shall be taken during the period of demolition and construction to prevent the deposit of mud and/or other debris on the public highway.

Reasons: In the interests of highway safety and convenience.

Contaminated Land

- (16) No infiltration of surface water drainage into the ground is 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 that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To protect the secondary aquifer and any baseline feed to local surface waters and habitat and to comply with NPPF.

- (17) Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the District Planning Authority shall be carried out in full (or in phases as agreed in writing by the District Planning Authority) on site under a quality assured scheme to demonstrate

compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the District Planning Authority.

Reasons: To ensure any contaminated land is adequately dealt with.

- (18) Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reasons: To ensure any contaminated land is adequately dealt with.

- (19) If during the 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 the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with.

Reasons: To ensure any contaminated land is adequately dealt with.

Use of units

- (20) The units hereby permitted shall not be occupied by any uses other than those falling within Classes B1 or B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), and, before any unit hereby permitted is occupied by a Class B2 use, detailed information relating to:

- Noise levels to be produced from the premises and the predicted noise levels at the site boundary;
- The siting of machinery and their associated noise levels;
- The provision to be made for the insulation of the building against the transmission of the noise and/or vibration;
- The times during which noise producing activities will be carried out;
- The times during which the premises shall be operated;

Shall be submitted for the approval of the LPA prior to the occupation of the units. The development shall be carried out, completed and used in accordance with the approved details.

Reasons: In the interests of residential amenity and minimising the potential for noise and disturbance to nearby residential properties.

- (21) Activities involving traffic movements including deliveries, collections, unloading and loading audible at the nearest residential dwelling in connection with the operation of the site shall not be permitted between the hours of 19.00 – 0700 Monday to Friday 17.00 – 08.00 Saturday and at any time on Sundays and Bank Holidays.

Reasons: In the interests of residential amenity and minimising the potential for noise and disturbance to nearby residential properties.

- (22) No air conditioning, ventilation or refrigeration equipment shall be installed until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority.

Reasons: In the interests of residential amenity and minimising the potential for noise and disturbance to nearby residential properties.

- (23) There shall be no outside working permitted at any of the units hereby approved, and no outside storage of materials or equipment.

Reasons: In the interest of visual amenity and minimising the potential for noise and disturbance to nearby residential properties.

- (24) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- A statement of why lighting is required, the proposed frequency of the use and the hours of illumination.
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
- Details of the number, location and height of the lighting columns or other fixtures.
- The type, number, mounting height and alignment of the luminaries.
- The beam angles and upwards waste light ratio for each light.
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.

Reasons: In the interests of local visual and residential amenity, and to minimise disturbance to wildlife upon the neighbouring land.

- (25) The details submitted pursuant to condition (2) above shall show adequate land reserved for the parking of vehicles (in accordance, where appropriate, with the currently adopted Kent County Council Vehicle parking standards for the particular development proposed) and for the loading and off-loading of commercial vehicles, and upon approval of the details no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved space; such land and access thereto shall be provided prior to the occupation of the building hereby permitted and shall be used for or be available for use for the parking, loading and off-loading of vehicles at all times when the premises are in use.

Reasons: Development without adequate provision for the parking, loading or off-loading of vehicles is likely to lead to parking inconvenient to other road users and in a manner detrimental to highway safety and amenity.

INFORMATIVES

- (1) 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. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- (2) A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel. 03303 030119) or www.southernwater.co.uk.
- (3) Prior written consent from the Lower Medway Internal Drainage Board will be required for any works that affect ordinary watercourses (outfalls and crossings). Please contact the Medway Internal Drainage Board, 17 Albion Place, Maidstone, Kent, ME14 5EQ (tel. 01622 758345) or enquiries@medwayidb.co.uk.
- (4) Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval.

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance "PPG1 – General guide to prevention of pollution", which can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf

- (5) Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the applicant/agent was advised of minor changes required to the application and these were agreed.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.