

Maidstone Borough Local Plan Examination: Written Responses to Action Points.

Session 9 –Retail and Mixed Development.

No.	Issue.	Timescale.	Response.
9.1	Policy RMX1(1) Newnham Park MBC and Harvestore to agree a Statement of Common Ground as to the amount of existing retail floorspace and whether there are restrictions on its use.	28/11/16	Both parties do agree that there is 14,300sqm of lawful A1 retail floorspace . MBC and Harvestore have not been able to agree a position with respect to the additional land subject of planning permissions 91/1668 and 96/1631(see ED57 & ED58). The parties' respective positions are set out in the Statement of Common Ground submitted at the same time as this response. MBC's position is that a Lawful Development Certificate would be needed to confirm whether or not the consent/s (ED57 & ED58) for additional display areas solely for plants, trees and shrubs are extant. In the absence of a LDC, MBC's position is that neither the policy or the supporting text should refer to this additional area and the figure in the policy/supporting text should stay at 14,300sqm.
9.2	MBC to consider merging /rewording of RMX1(1) criteria 7 and 8 (as proposed to be amended) and use 'out of town centre' rather than 'out of town' as wording.	28/11/16	The Council has made a proposed change. The change is set out below.
9.3	MBC to remove reference to leisure uses from the proposed changes in relation to this policy RMX1(1) and the reasoned justification.	28/11/16	The Council has made a proposed change. The change is set out below.
9.4	MBC to provide consents and S106 obligations for relevant sites at MMC and Eclipse Park in relation to highways and transportation	21/11/16	The relevant consents and Section 106 agreements are appended to the responses and have been provided separately

	improvements.		by email to the Programme Officer on 21/11/16
9.5	MBC to provide reworded RMX1(1) policy criterion 17 based on the style of EMP1(5) criterion 13 and subsequent transport criteria to be in bullet points or roman numerals list rather than separate criteria; need for measures to be assessed by transport assessment for a particular form of development.	28/11/16	The Council has made a proposed change and it has been agreed in the Statement of Common Ground with Harvestore. The change is set out below.
9.6	Wording to be changed to 'and avoidance of use of light coloured or reflective materials' in RMX1(1) 5.vi	28/11/16	The Council has made a proposed change. The change is set out below.
9.7	Council to delete RMX1(1) criterion 6	28/11/16	The Council has made a proposed change. The change is set out below.
9.8	Area shown in outline planning permission for medical campus to be excluded from development to be referred to in RMX1(1) policy and shown on policies map.	28/11/16	The area is as shown in the plan attached to the Statement of Common Ground with Harvestore. MBC will produce a plan showing the proposed change to the policies map and forward this to the Inspector promptly.
9.9	Policy RMX1(2) Maidstone East Council to add criterion to require a retail impact assessment to RMX1(2) policy.	28/11/16	The Council has made this proposed change to criterion 1. The change is set out below.
9.10	Policy RMX1(3) King Street additional criterion to be included relating to need for impact assessment for consistency with the RMX1(2) site policy requirements.	28/11/16	The Council has made this proposed change to criterion 1. The change is set out below.
9.11	New Policy RMX1(5) Baltic Wharf Council to draft some wording / new policy criterion and share with Baltic Wharf to aim to reach agreement. Paragraph 5.24 text to form the core of an allocation policy for Baltic wharf that would be supportive of different types of as set out in that paragraph including retail, but without specifying floorspace. A retail impact assessment would be needed for any increase over	21/11/16 for draft; 28/11/16 for agreed wording	MBC provided a draft policy to the representors on 18/11 and the representors responded with a revised policy on 25/11. In MBC's view, the representors' revised policy includes a number of aspects which are contrary to the Inspector's request so agreement on the wording of the policy/ supporting text was

<p>the 2,600sqm of retail floorspace now on the site. When a planning application is made the owners could make their case for a particular development mix in viability terms. The Policy would resist piecemeal development of different parts of the site which is in several ownerships. All development of the listed building and the other parts of the site should seek to secure its future for its heritage significance. A criterion should refer to securing the missing footpath link along the river.</p>	<p>unfortunately not possible. MBC's proposed policy and associated site allocation plan are set out below.</p> <p>MBC has suggested to the representors that they submit their version of the policy to the Inspector via the Programme Officer if they wish.</p>
---	--

Policy RMX1(1) – Newnham Park, Bearsted Road, Maidstone

<p>13.2 Newnham Park is a 28.6 hectare site located to the north of the urban area adjacent to junction 7 of the M20 motorway. Newnham Court Shopping Village dominates the western part of the allocated site, and the Kent Institute of Medicine and Surgery (KIMS) hospital is located on the northern perimeter of the site served by a new access road. Expanded hospital facilities and associated development to form a medical campus will create a specialist knowledge cluster that will attract a skilled workforce to support the council's vision for economic prosperity.</p> <p>13.3 Newnham Court Shopping Village has been developed (and continues to develop) in a piecemeal fashion over time and, consequently, the visual appearance of this site is poor. The inclusion of the Shopping Village with the medical campus as part of the allocation will deliver a comprehensively planned development that will provide quality buildings in a parkland setting.</p> <p>13.4 A rectangular field of approximately three hectares to the south east of the development site is identified for new woodland planting, to be developed as a parkland nature reserve and transferred into the ownership of a trust to ensure its long term maintenance. This field offers the opportunity to provide for net gains in biodiversity and ecological connectivity between the large expanses of ancient woodland.</p> <p>13.5 Newnham Park is located in the countryside and lies within the setting of the nationally designated Kent Downs Area of Outstanding Natural Beauty (AONB), where particular attention needs to be paid to conserving and enhancing the distinctive character of the landscape. Existing landscape features within the site boundaries should be retained where possible, and the site is subject to tree preservation orders. There are constraints to development particularly along boundaries adjacent to the Local Wildlife Site/ancient woodland where a landscape buffer of between 15m and 30m</p>	
---	--

<p>will be required, together with a minimum 15m landscape buffer to be planted each side of the stream running through the site. Most of the site is of limited ecological value, the areas of interest primarily focused at the edges of the site and along the stream.</p> <p>13.6 Building heights will be restricted across the whole site to two storeys. Exceptionally there are two locations within the site where modestly higher buildings may be achievable. The first of these lies towards the north of the site, immediately west of the stream and south of the KIMS phase 1 development where the site topography would enable a building of up to 4 storeys to be achieved. The second location is at the entrance to the site where buildings of up to three storeys would be acceptable. In all cases buildings should be designed and sited to respond to the site's undulating topography and should avoid any significant site levelling in the creation of development platforms for example by the use of terracing. <u>Buildings will be entirely excluded from the 'grassy knoll' area shown on the policies map.</u></p>	
<p>13.7 The medical campus will deliver up to 100,000m² of specialist medical facilities and associated uses, of which 25,000m² will provide for related offices and research and development. Appropriate uses on the site will include hospital or healthcare facilities, specialist rehabilitation services, medical related research and development, central laboratory facilities, and medical training. Medical facilities to the west of the existing stream will be delivered in advance of those being provided on land to the east of the stream.</p> <p>13.8 The regeneration and revitalisation of Maidstone's town centre is a priority and the town centre will continue to be the primary retail and office location in the borough. Development will predominantly comprise replacement premises for the existing garden centre and for the shops already established on-site (equating to some 14,300m²) and a limited amount of additional floorspace at Newnham Court Shopping Village (up to 700m²) within the vicinity of the existing retail footprint, as shown on the policies map. Restrictions on the type of goods sold and the class A and D2 uses operating should ensure that the Village is complementary rather than in conflict with the vitality and viability of the town centre and should ensure that the character and appearance of the area is consistent with its sensitive location. The town centre functions successfully due to the mix of uses in close proximity to each other. Consequently, new additional non-retail floorspace (i.e. that which does not fall within use class A1) at Newnham Park, such as cafés, restaurants and public houses, together with banks and estate agents, are unlikely to be acceptable. Similarly, leisure uses such as cinemas and bowling alleys, and other uses that are likely to conflict with the town centre, will not be permitted. <u>Proposals for any additional retail floorspace above 14,300sqm will require sequential and impact assessments at the planning application stage.</u> <u>Restrictions on the type of goods sold and the class A uses operating may be required to further ensure that impacts on the town and other centres can be controlled. The types of goods which may need to be controlled include clothing, footwear, accessories, jewellery and</u></p>	<p>(Action Point 9.7)</p> <p>PC/106</p> <p>(Action Point 9.3)</p> <p>PC/106 (amended to remove leisure uses as per Action Point 9.3)</p>

<p>watches. Subject to restrictions on the type of goods sold, retail premises that have a unique and recognised "out of town" format, such as 'homeware' offers, could be acceptable on the allocated site provided conflict with town centre uses would be unlikely. The height and bulk of the retail units will need to be controlled in this sensitive landscape location and for this reason conventional retail warehouse style buildings will not be acceptable. In order to assess the impact of proposals on the town centre, a retail impact assessment will be required.</p> <p>13.9 Critical to the successful development of Newnham Park is the provision of appropriate transport infrastructure. Vehicular access to the site will be taken from the New Cut roundabout, with bus and emergency access from the A249 Sittingbourne Road. A bus interchange will be provided as part of the retail development, together with a car park management plan. A Travel Plan will be required to accompany a planning application. Permeability is an important aspect of the site's development, and enhanced pedestrian and cycle links to the residential areas of Grove Green, Vinters Park and Penenden Heath, and to Eclipse Business Park, will be provided.</p>	
<p>Policy RMX1(1)</p> <p>Newnham Park, as shown on the policies map, is allocated for a medical campus of up to 100,000m2, a replacement retail centre of up to 15,000m2 <u>14,300sqm</u> and a nature reserve. A development brief, to be approved by the council, will detail the way in which medical facilities, retail redevelopment and the nature reserve, together with integral landscaping and supporting infrastructure, are delivered in an integrated and coordinated manner.</p> <p>Planning permission will be granted if the following criteria are met.</p> <p>Design and layout</p> <p>1. Phased provision of a maximum of 100,000m2 of specialist medical facilities set within an enhanced landscape structure of which 25,000m2 will provide for associated offices and research and development.</p> <p>2. Provision of a replacement garden centre and replacement retail premises of up to 14,300m2 gross retail floorspace and additional provision of retail floorspace not exceeding 700m2 gross retail floorspace which is not to be used for the sale of clothing, footwear, accessories, jewellery and watches. All replacement and additional <u>The</u> retail floorspace shall be confined to the vicinity of the existing footprint of the current retail area as shown on the policies map. New additional non-A1 floorspace will not be appropriate. The retail development should include the provision of a bus interchange and a car park management plan.</p> <p>3. Creation of a parkland <u>woodland</u> nature reserve of approximately</p>	<p>PC/102</p> <p>PC/103</p> <p>PC/40</p>

<p>3 hectares on land to the south east of the site, as shown on the policies map, and through a legal agreement transferred to a Trust secured through a legal agreement.</p> <p>4. Construction of buildings of high quality design in a sustainable form that reflect the site's prime location as a gateway to Maidstone.</p> <p>5. Mitigation of the impact of development on the Kent Downs Area of Outstanding Natural Beauty and its setting through:</p> <p>i. The provision of new structural and internal landscaping to be phased in advance of development <u>to accord with an approved Landscape and Ecological management plan for the site;</u></p> <p>ii. The retention and enhancement of existing planting. Where the loss of selected existing planting is unavoidable, appropriate compensatory planting must be provided;</p> <p>iii. The use of the topography in site layout plans to exclude development on the higher, more visually prominent parts of the site; <u>The absence of buildings within the area shown on the policies map;</u></p> <p>iv. The restriction of building heights across the whole site to a maximum of two storeys. Exceptionally a building of up to 4 storeys could be accommodated on the land adjacent to the existing KIMS (phase 1) development to the immediate west of the stream and buildings of up to 3 storeys could be accommodated at the <u>New Cut roundabout</u> entrance to the site;</p> <p>v. The use of low level lighting; and</p> <p>vi. The use of green roofs where practical <u>and avoidance of the use of light coloured or reflective materials</u></p>	<p>PC/41</p> <p>(Action Point 9.8)</p> <p>(Action Point 9.6)</p>
<p>6. Medical facilities on land to the west of the existing stream will be delivered in advance of medical facilities on land to the east of the stream.</p> <p>7. The additional retail floorspace must be of an out of town format that is complementary to town centre uses and, by means of a sequential sites assessment, demonstrably require an out of town location. Large scale retail warehousing style buildings will not be acceptable in this sensitive landscape location.</p> <p>8. Submission of a retail impact assessment which clearly demonstrates that the retail development has no significant adverse impact on town and local centres.</p> <p>x. [criteria 7 & 8 combined] <u>For proposals which include retail floorspace additional to the existing 14,300sqm , submission of a sequential sites assessment and a retail impact assessment which demonstrate that the National Planning Policy Framework's sequential and impact tests are met. The retail impact assessment</u></p>	<p>(Action Point 9.7)</p> <p>PC/104 (criterion 7) and PC/105 (criterion 8) and PC/42 superseded by change which combines criteria 7 & 8 in response to Action Point 9.2</p>

<p><u>will clearly demonstrate no significant adverse impact on town, district and local centres including those in adjoining boroughs. Large scale retail warehousing style buildings will not be acceptable in this sensitive landscape location.</u></p> <p>9. Provision of a landscape buffer of between 15m and 30m in width along the northern and eastern boundaries of the site in order to protect Ancient Woodland, with tracts of planting extending into the body of the development.</p> <p>10. Provision of a landscaped buffer of a minimum 15m in width on both sides of the existing stream running north-south through the site (minimum 30m width in total), in order to enhance the amenity and biodiversity of this water body.</p> <p>11. Submission of a full Landscape <u>and Visual Impact</u> Assessment to be approved by the council <u>which includes assessment of the impact of the development on views to and from the Kent Downs AONB</u></p> <p>Access</p> <p>12. Vehicular access to the site from the New Cut roundabout, with bus and emergency access from the A249 Sittingbourne Road <u>if required.</u></p> <p>13. Enhanced pedestrian and cycle links to the residential areas of Grove Green, Vinters Park and Penenden Heath, and to Eclipse Business Park.</p> <p>14. Submission of a Travel Plan, to include a car park travel plan, to be approved by the Borough Council.</p> <p>Archaeology</p> <p>15. Provision of a watching archaeological brief in order to protect any heritage assets found on-site.</p> <p>Ecology</p> <p>16. Submission of an ecology survey and detailed mitigation measures.</p>	<p>PC/43 (amended to specify LVIA)</p> <p>PC/44</p>
<p>17. Submission of a full Transport Assessment to identify <u>those</u> off-site highway improvements <u>and sustainable transport measures necessary</u> to serve the development, to be secured in a phased manner by the provision of infrastructure or through contributions by means of a signed legal agreement <u>which is to be completed</u> prior to the commencement of development. <u>Development will contribute, as proven necessary through the Transport Assessment, to the following improvements;</u></p>	<p>(Action point 9.5)</p>

<p>i. Capacity improvements and signalisation of Bearsted roundabout and capacity improvements at New Cut roundabout. Provision of a new signal pedestrian crossing and the provision of a combined foot/cycle way between these two roundabouts.</p> <p>ii. Traffic signalisation of the M20 J7 roundabout, widening of the coast bound off-slip and creation of a new signal controlled pedestrian route through the junction.</p> <p>Capacity improvements at M2 J5 (located in Swale Borough).</p> <p>iii. Upgrading of Bearsted Road to a dual carriageway between Bearsted roundabout and New Cut roundabout.</p> <p>iv. Increased frequency of 333 / 334 route to provide a bus service with 15 minute intervals between the site and the town centre, potentially to include the provision of bus priority measures on New Cut Road to include traffic signals at the junction with the A20 Ashford Road.</p> <p>v. Improved bus links to the site from the residential areas of Grove Green and Penenden Heath.</p>	
---	--

Policy RMX1(2) – Maidstone East and former Royal Mail Sorting Office, Sandling Road, Maidstone

<p>Amend criterion 1 of Policy RMX1(2) as follows;</p> <p>1 The provision of up to 10,000sqm of comparison and convenience shopping floorspace and some 210 dwellings. <u>The submission of a retail impact assessment is required which demonstrates that the National Planning Policy Framework's impact test is met.</u></p>	
--	--

Policy RMX1(3) – King Street Car Park and former AMF Bowling site, King Street, Maidstone

<p>Amend criterion 1 of Policy RMX1(3) as follows;</p> <p>1 The provision of up to 1,400sqm of comparison and/or convenience shopping floorspace at ground floor level and up to 53 dwellings. <u>The</u></p>	
--	--

<u>submission of a retail impact assessment is required which demonstrates that the National Planning Policy Framework's impact test is met.</u>	
---	--

New Policy RMX1(5) – Baltic Wharf

Delete paragraph 5.24 from the Local Plan and include a new sub-section after paragraph 13.17 (Policy RMX1 retail and mixed use allocations) and a new policy RMX1(5) to read as follows;	
---	--

Powerhub Building and Baltic Wharf, St Peters Street, Maidstone

13.xx The Powerhub building is a prominent and substantial Grade II listed building fronting the west bank of the River Medway and situated within the wider Baltic Wharf site. The site includes the more modern warehouse style buildings to the south of the listed building in which 2,596sqm of floorspace can be lawfully occupied for A1 retail use. Also forming part of the wider site is Raglan House which faces St Peters Street and the car park to the north of the railway bridge. The Baltic Wharf building, the warehouses to the south and Raglan House all lie within the town centre boundary whilst the car park to the north of the railway bridge is outside the boundary. For retail purposes specifically, the site is 'out of centre'.

13.xx The Powerhub building itself is currently underused and is in need of restoration and its future would be best secured by bringing it into active use. Planning permission has been granted for a large foodstore and other ancillary uses (offices, restaurant and café and assembly and leisure uses) on the site comprising the Baltic Wharf building, the warehouses to the south, Raglan House and the car park to the north of the railway bridge (MA/13/0297). Should the consented scheme not come forward, the council will consider positively alternative proposals using the criteria in Policy RMX1(5). The site is considered suitable for a variety of uses namely housing, offices, leisure uses, cafes and restaurants and, subject to impact and sequential tests being met, additional retail use.

Policy RMX1(5)

The Baltic Wharf site, as shown on the policies map, is suitable for a mix of uses comprising housing, offices (B1a and/or A2), leisure uses (D2), cafes and restaurants (A3) and retail (A1). Planning permission will be granted if the following criteria are met.

Design and layout

- 1. The proposal conserves and, where possible, enhances the heritage significance of the listed Powerhub building and its setting and secures the building's restoration.**
- 2. The proposal achieves the comprehensive development of the**

whole site and avoids piecemeal development which would undermine the achievement of the restoration of the listed building

3. The proposal is designed to enhance the site's contribution to the townscape as seen from public vantage points, in particular from the banks of the River Medway.

Uses

4. For retail (A1) floorspace additional to the 2,596sqm which is lawful, submission of a sequential sites assessment and a retail impact assessment which demonstrate that the National Planning Policy Framework's sequential and impact tests are met

Access

5. The provision of a level riverside footpath for use by the public extending from the site's southern boundary with Scotney Gardens to connect at its boundary with Waterside Gate to the north
6. Submission of an employees' Travel Plan to be implemented in conjunction with the development.

Flooding

7. Submission of a Flood Risk Assessment for the development undertaken to a methodology agreed with the Environment Agency and the delivery of resultant flood mitigation measures.
8. Submission of a surface water drainage strategy for the development based on sustainable drainage principles.

Noise

9. Submission of a noise assessment and the delivery of resultant noise attenuation measures

Air quality

10. The submission of an air quality assessment and emission reductions plan and the delivery of resultant mitigation measures

Land contamination

11. The submission of a land contamination assessment and the delivery of resultant mitigation measures

Highways and transportation

12. Development will contribute, as proven necessary through a Transport Assessment, to requisite improvements to the highway network, to include the following:
 - i. Improvements at the junction of Buckland Hill with London Road
 - ii. Improvements to the capacity of the eastbound carriageway of the Bridges Gyratory in the event that

the current improvement scheme does not provide sufficient capacity to meet the needs of the development

- 13. For proposals which include additional retail floorspace, measures to secure improved pedestrian, cycle and public transport links to ensure that the site is accessible and well connected to the primary shopping area.**

RMX1 (5) - Baltic Wharf, St Peter's Street, Maidstone

WATERSIDE GATE

FAIRMEADOW

RIVER MEDWAY

SCOTNEY
GARDENS

ST PETER'S STREET

Legend



Mixed use allocation



POST ROOM T.R.

07 SEP 2007

MA / 07 / 1851

ECLIPSE PARK, SITTINGBOURNE ROAD, MAIDSTONE, KENT

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
SECTION 106A

Application to Discharge Section 106 Agreement Dated 15th
March 2002

GALLAGHER PROPERTIES LTD

SEPTEMBER 2007

dhaplanning
& development consultants

dha planning

Eclipse House, Eclipse Park, Sittingbourne Road
Maidstone, Kent ME14 3EN

t: 01622 776226 f: 01622 776227

e: info@dhaplanning.co.uk w: www.dhaplanning.co.uk

POST ROOM T.R.
07 SEP 2007



MA / 07 / 1851

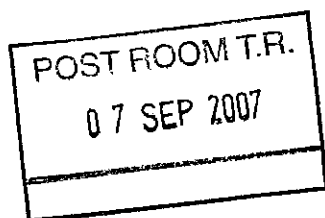
CONTENTS

Introduction.....	1
Context & Site History.....	1
Eclipse Park.....	2
Policy Position.....	3
Maidstone Employment Land Delivery.....	4
Conclusion and Formal Request.....	6



APPENDICES

1. **s106 Legal Agreement dated 15th March 2002**
2. **Section 106A of Town & Country Planning Act 1990**
3. **SoS Decision MA/05/0641 re: Abbey Court, Maidstone**
4. **Maidstone Employment Land Statistics**
5. **MA/05/0641, Abbey Court – Inspector's Report**
6. **Towergate Reserved Matters Committee Report MA/01/0249/04**



Planning Department
Maidstone Borough Council
13 Tonbridge Road
Maidstone
Kent
ME16 8HG

Our Ref: MB/DHG/6379

7th September 2007

Dear Sir or Madam

**APPLICATION UNDER SECTION 106A OF THE TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED) TO DISCHARGE SECTION 106 AGREEMENT DATED 15th MARCH 2002**

ECLIPSE PARK, SITTINGBOURNE ROAD, MAIDSTONE

Introduction

I refer to the above matter, seeking the discharge of the legal agreement made between Maidstone Borough Council, Chestergate Estates (Maidstone) Ltd, Harvestore Systems (Holdings) Ltd, Kenneth Anthony Cook and Jeanne Sylvia Cook, under section 106 of the 1990 Town and Country Planning Act, in connection with outline planning application MA/01/0249 (copy attached at Appendix 1).

The application is submitted on behalf of Gallagher Properties Ltd as successors in title of THE PREMISES. The submissions are made in accordance with Subsection 3 of Section 106A of the Act (Appendix 2), namely:

"A person against whom a planning obligation is enforceable may, at any time after the expiry of the relevant period, apply to the local planning authority by whom the obligation is enforceable for the obligation – (b) to be discharged."

The *relevant period* is defined within subsection 4, and where no period is prescribed, is "the period of five years beginning with the date on which the obligation is entered into". The agreement in question did not prescribe a relevant period, and given that it was entered into on 15th March 2002, can now lawfully be discharged. There is no application fee applicable.

Context & Site History

Eclipse Business Park is an allocated employment site identified within the adopted Maidstone Borough-Wide Local Plan 2000 under policy ED4. This permits development within land use classes B1 and B2, provided:

"A planning obligation is entered into to ensure that at least 60% of the floorspace is restricted to firms in the new industrial technology fields such as computer software, biotechnology, multi-media production and other technically driven businesses falling within

dha planning

Eclipse House, Eclipse Park, Sittingbourne Road
Maidstone, Kent ME14 3EN

t: 01622 776226 f: 01622 776227

e: info@dhaplanning.co.uk w: www.dhaplanning.co.uk

Directors: David G. Hicken BA (Hons) BTP, DMS, MCMI, MRTPI. Martin F. Page Dip TP, DMS, MCMI, MRTPI.
Planning Director: John A. Collins BA (Hons), MBA, MRTPI.
Associate Directors: Philip J. Aelen BA, MRTPI, Jonathan Buckwell BA (Hons), MA, MRTPI.
Matthew J. Woodhead BA (Hons) BTP, MAUD, MRTPI
Associates: Diane A. Chaplin BA (Hons), BTP, MRTPI.
Eric R. Przyjenski BA (Hons), Dip TP, MRTPI.

David Hicken Associates Ltd, Registered in England. Registration No. 2683290





classes B1(b) and B1(c) and B2; any office floorspace provided as part of such proposals must be ancillary to the main use only".

The policy also states that the agreement must ensure that no more than 40% of the floorspace is used for purposes falling within B1(a).

The site was granted outline planning consent in March 2002 under reference MA/01/0249, and was accompanied by a legal agreement to restrict the land use within the site in accordance with policy ED4 outlined above, namely:

"No more than 40% of the Net Internal Area of the buildings comprised in the Development shall be used for the purposes of Class B1(a) of the Use Classes Order." (Para 5.1)

And:

"At least 60% of the Net Internal Area of the buildings comprised in the Development shall be used for the purposes of new industrial technology (such as computer software biotechnology, multi-media production and other technically driven businesses) falling within Classes B1(b), B1(c) and B2 of the Uses Classes Order." (Para 5.2)

Since the granting of outline consent, Phase 1 of Eclipse Park has been completed and is fully occupied. Reserved matters consent was also granted in June 2007 under reference MA/01/0249/04 for a B1(a) office headquarters building.

Eclipse Park

As outlined above, Eclipse Park has been part developed and occupied since the original outline consent, with Phase 1 now complete. This comprises three units comprising approximately 5680m² of floorspace (gross).

These units are currently occupied by ASB Law, Day Smith & Hunter Chartered Accountants and Business Advisors, and DHA Planning Ltd, who all fall within the B1(a) Land Use Class. Approximately 10% of Phase 1 is occupied by Software of Excellence, a technically-driven business within the B1(b) use class. The speed with which Phase 1 has been occupied, and its subsequent success, demonstrates the unsatisfied demand for high quality office provision, that the existing legal agreement directly impedes. This demand was recognised by the Secretary of State in their recent decision on Abbey Court (Appendix 3).

Since the completion of Phase 1, strategic planning has begun on the delivery of Phase 2, which comprises the remaining land within the red line plan appended to the legal agreement (outline application site). Comprehensive marketing has been undertaken by both Sibley Pares and Knight Frank LLP commercial agents, with various enquiries made by potential tenants.

Whilst there has been some limited interest from companies who would potentially fall within the technology driven land use classes, the majority of enquiries are made by businesses seeking B1(a)



office use, and include a number of nationally recognised and established companies that would deliver high quality employment to the area. Details of these enquiries are obviously confidential, but we would be happy to provide more detailed information regarding this matter if considered necessary, in confidence.

From the profile of these enquiries, it can therefore be derived that interest from the B1(b), B1(c) and B2 sectors is not sufficient to satisfy the conditions of the legal agreement in the short to medium term, with no indication that this could even be realised in the long term. The restrictions placed upon Eclipse Park are therefore considered onerous and no longer serve a useful planning purpose since they are stifling economic development and the growth of the local economy, and precluding the delivery of high quality jobs associated with B1(a) uses that could otherwise be brought forward.

Eclipse Park is now established as Maidstone's premier business location, as demonstrated by the recent Towergate decision. If these enquiries are unable to be satisfied, and given the lack of established or allocated sites of similar quality in advance of the Site Allocations DPD, there is a strong likelihood that business will look elsewhere at competing locations such as Kings Hill. Indeed, the agents have confirmed to us that the majority of companies considering Eclipse Park, also investigate availability at Kings Hill as a comparative alternative. It is therefore imperative that Maidstone is equipped to sufficiently satisfy the needs of new business.

Policy Position

Whilst the adopted Local Plan imposes specific guidance upon the site with regard to land use, superseding and emerging planning policy provides material guidance on the appropriateness of the legal agreement in the current context.

The recently adopted Kent & Medway Structure Plan includes economic development policy directed specifically at technology and knowledge clusters, such as is sought at Eclipse Park. Despite the content of Local Plan policy ED4 however, the site is not identified within Structure Plan policy EP5 as one for development of this nature. The Plan identifies the importance to promote these clusters, identifying sites adjacent to universities as ideal locations. The exclusion of Eclipse Park from this policy is considered indicative of the location's comparative lack of marketability to these sectors, when considered against those identified. This is further evidenced from the results of the marketing campaign to date.

The Draft South East Plan retains an emphasis upon promoting and supporting economic clusters, including the technology and knowledge industries. However, the Plan also recognises the need within Policy RE2, to assess the employment needs of the local economy, which on the evidence of commercial interest on Eclipse to date, are geared towards high quality B1(a) units, rather than the hi-tech knowledge sector. Policy should therefore reflect this local context in accordance with the Plan.

The draft Regional Spatial Strategy also identifies Maidstone as a Regional Hub (Policy CC8b & 8c), where employment provision of sub-regional significance should be provided. This is required to achieve balanced sustainable growth at a pace consistent with population growth requirements imposed by the newly acquired growth point status. Emerging policy is therefore placing increased



pressure upon the delivery of employment floorspace, with allocated sites such as Eclipse a priority as stated within Structure Plan Policy EP2.

Furthermore, the current restrictive legal agreement in place does not support Maidstone's County Town or Regional Hub role, as identified within the Council's recent response to the Regional Economic Strategy Implementation Plan, which reinforces the significant economic role that these designations convey. The response states that:

"The Government expects County Towns to play a significant role in economic development as demonstrated in the Local Government White Paper Strong and Prosperous Communities where it states at 5.54 that 'It is inconceivable, for example, that a district council based around a County Town would not play a major role in developing the economic theme of an LAA'".

The delivery of Eclipse Park in a timely fashion is therefore vital to the fulfilment of Maidstone's County Town role.

The newly published Government document Planning for a Sustainable Future: White Paper, published in May 2007, provides an outline of the proposed reforms of the planning process in response to the recommendations of Kate Barker's review. Although not adopted policy, the document does identify key themes that need to be adopted throughout the system to better achieve sustainable development, most notably including reforms to planning and economic development.

The document calls for a more flexible and responsive approach to economic development that "positively encourages sustainable economic development" (1.16), and strengthens the consideration given to economic factors in planning policy. As such, the current agreement in place at Eclipse Park fails to allow a flexible approach that responds to the clear lack of interest from the required knowledge sectors.

The emerging Core Strategy does adopt a more flexible approach, with Policy CS3 of the Preferred Options document advocating the identification of high quality, mixed use business park environments aimed at attracting companies in the technology and knowledge driven sectors. The emerging policy framework, as informed by recent reviews of the planning system, therefore looks to encourage particular development through the nature of provision in a flexible manner, rather than impose restrictions that would slow delivery in line with strategic requirements. Eclipse Park is considered to be an attractive, high quality site that will bring high quality jobs to the Borough, albeit not necessarily in the technology-driven sectors, although the proposed discharge of the legal agreement would not necessarily preclude this.

In light of adopted strategic policy, recent growth point status, and emerging policy, the proposed discharge is therefore considered paramount in helping Maidstone achieve the necessary levels of sustainable economic growth in a flexible, responsive manner.



Maidstone Employment Land Delivery

The need to realise the full development potential of Eclipse Park to deliver high quality jobs is even more pressing in light of the Borough's recent performance in this regard, which is summarised at Appendix 4.

Assessment of this performance, as endorsed at the recent Abbey Court Planning Appeal, reveals an extremely poor level of both office and wider employment development delivery, that actually amounts to a net loss of employment land in the Borough, including a net loss of 21,558m² of A2/B1 space since 2001, with total net employment losses of 52,975m² (derived from 2006 monitoring figures).

This loss therefore increases the requirements of the Structure Plan in real terms to a requirement of 182,000m² in the period 2001-2021. The 2006 land supply data confirms that allocations and permissions in Maidstone would provide only 53% of this requirement, a significant deficit of 47%. As the Inspector highlighted in the Abbey Court decision, "the shortfall is currently 91,492m², and the situation is getting worse" (Para 71, Appendix 5). This position was supported by the Secretary of State's decision, adding that "at current rates, it is going to be hard for Maidstone to reach the Structure Plan target" (Para 14, Appendix 3)

The overwhelming undersupply of employment land in the Borough therefore places pressure on appropriate windfall sites to be made available, and highlights even more so the need to ensure current allocations such as Eclipse Park are realised, particularly given the priority given to them by Structure Plan Policy EP2.

The recent Inspector and Secretary of State's decisions on the proposals at Abbey Court endorse the established shortfall in supply, and further advocate the need for the Borough to actively stimulate the delivery of provision. Furthermore, Eclipse Park is identified as a currently allocated site that will be significant in helping achieve the requirements. It is concluded that unless some offices are built now, the Structure Plan target will be difficult to achieve, with the danger that a continued shortfall will force businesses to shun Maidstone, undermining its Growth Point status and Regional Hub role.

The recent reserved matters application for the B1a Towergate premises at Eclipse Park was supported by the Economic Development manager, stating that "office development of this size and nature boosts confidence in the office market in Maidstone generally and is likely to act as a catalyst for further demand" (MA/01/0249/04 Committee Report, Appendix 6). It is therefore clear that by allowing the speedier and more certain delivery of high quality B1a units at Eclipse Park, the local economy will be buoyed, and the ability to meet the employment requirements vastly enhanced.

Similarly, the Planning Policy and Environment Manager refers in the Committee Report to the KCC Commercial Information Audit, and the stating that

"events have overtaken the rationale, which was in place in the late 1990s. There has been a continued loss of Class B2 space in Maidstone and very little gain, even in Class B1, which nullifies the Inspector's concerns that the site would become an office site if the



B2 proposed use was not protected by policy. The provision of new Class B employment space as a whole has not kept pace with the growth of the town, with the prospect of a loss of balance between housing levels and job provision, which is essential to securing sustainable patterns of development."

This was a view shared by the Case Officer.

In discharging the existing legal agreement therefore, Maidstone will be better equipped to respond to the demands of the local economy, and would be applying a more flexible approach as advocated by emerging policy and guidance.

In light of the above, it is requested that the said legal agreement be discharged, thus removing the requirements imposed by Part 5, paragraphs 5.1, 5.2 and 5.3. This discharge will therefore allow all new development on THE PREMISES to fall within Use Classes B1(a), B1(b), B1(c) and B2 of the Use Classes Order, without stipulating a quantitative split between these uses.

Conclusion and Formal Request

The legal agreement currently in place no longer serves a useful purpose. It remains highly restrictive to the future delivery of employment provision at Eclipse Park, which does not follow emerging policy and guidance, and is detrimental to the realisation of strategic requirements, heightened by the recently acquired Growth Point Status. The Borough Council has an established record of failing to deliver in accordance with these requirements, with the recent Abbey Court decision clearly emphasising the need for a more pro-active and flexible approach to be adopted that will foster development across the economy.

In summary:

- The site is not identified as a knowledge & Technology Cluster within the recently adopted Structure Plan, irrespective of the current legal agreement;
- The White Paper and emerging policy requires a more responsive and flexible approach to economic development, that accounts for local context;
- The speedy uptake and success of Eclipse Park Phase 1 demonstrate the unsatisfied demand, and potential benefits to the local economy that a developed Phase 2 would bring;
- There has been little interest from those industries identified within Local Plan policy ED4 and the agreement, whilst significant interest remains from the B1(a) office sector;
- Provision of high quality B1(a) development would comply with sustainable development strategy and help achieve balanced and sustainable growth;
- Recent decisions at Abbey Court and Towergate support the pressing need for continued delivery;
- The Borough has failed to keep pace with the strategic requirements imposed by the KMSP and the continued imposition of the agreement would merely serve to worsen the current position;
- The discharge would not preclude the delivery of knowledge based employment development;
- The discharge will help support Maidstone's role and function as a Regional Hub, County Town and Growth Point.



In light of the overwhelming evidence in support of the proposed discharge of the agreement, it is requested that the Council approve this request, and enable the continued development of Eclipse Park in a timely manner, in support of the local economy and in the interests of job creation.

I trust that you find our submissions in order, but please feel free to contact me if you have any queries or require any additional information.

Yours sincerely


David Hicken

Enc.

Cc. N Yandle Esq. – Gallagher Properties Ltd
T Gasson Esq. - MBC
B Morgan Esq. - MBC
J Foster Esq. - MBC



TOWN AND COUNTRY PLANNING ACT 1990

Date:

15 March 2002

1 Particulars

- 1.1.1 The Council The Maidstone Borough Council of
13 Tonbridge Road Maidstone Kent
- 1.1.2 The First Owner Chestergate Estates (Maidstone) Limited
of Painters Hall 9 Trinity Lane London
EC4V 2AP
- 1.1.3 The Second Owner *B.D.P. Kel.*
Harvestore Systems (Holding) Limited of *9A*
Bearsted Road Weaving Maidstone Kent
- 1.1.4 The Third Owner *Kel. J.S.C. J.S.C.*
Kenneth Anthony Cook and Jeanne Sylvia Cook
of Newnham Court Detling Maidstone Kent
ME14 3ER
- 1.1.5 The Owners The First Owner The Second Owner and the
Third Owner
- 1.2 The Premises ALL THAT land at Old Sittingbourne Road
Maidstone Kent shown edged red on the plan.

2 Definitions

- 2.1 "the Plan" means the plan annexed to this agreement
- 2.2 "the Development" means the erection of buildings for use for the purposes of
either Class B1 or Class B2 of the Use Classes Order as set out in the plans
specifications and particulars deposited with the Council and given planning
reference number MA/01/0249

specifications and particulars deposited with the Council and given planning reference number MA/01/0249

2.3 "The Use Classes Order" means the Town and Country Planning (Use Classes Order) 1987

2.4 "Net Internal Area" means as defined in the RICS Code of Measuring Practice: A Guide for Surveyors and Valuers 5th Edition Part 3, a copy of which is attached to this Agreement.

3 Interpretation

3.1 The expressions "the Council" and "the Owners" wherever the context so admits include successors in title

3.2 Where the Council or the Owners for the time being are two or more persons obligations expressed or implied to be made by or with such party are deemed to be made by or with such persons jointly and severally

3.3 Words importing one gender include all other genders and words importing the singular include the plural and vice versa

3.4 Any covenant by the Owners not to do an act or thing shall be deemed to include an obligation to use reasonable endeavours not to permit or suffer such act or thing to be done by another person where the Owners are aware that such act or thing is being done

3.5 Any references to a particular statute include any statutory extension or modification amendment or re-enactment of such statute and any regulations or orders made under such statute

- 3.6 References in this agreement to any clause or sub-clause without further designation shall be construed as a reference to the clause or sub-clause to this agreement so numbered
- 3.7 The clause headings do not form part of this agreement and shall not be taken into account in its construction or interpretation

4 Recitals

- 4.1 The Council is the district planning authority for the area within which the Premises are situate and is responsible for enforcing the planning obligations contained in this agreement
- 4.2 The First Owner has an option to purchase the land in the ownership of the Second Owner and the Second Owner has an option to purchase the land in the ownership of the Third Owner
- 4.3 The Second Owner is the owner of the land shown edged blue on the Plan with title absolute registered at HM Land Registry under title number K423199
- 4.4 The Third Owner is the owner of the land shown edged green on the Plan with title absolute registered at HM Land Registry under title number K766476
- 4.5 The First Owner has applied to the Council for permission to carry out the Development and the Council has resolved through its Planning Committee on 11 October 2001 to give the Director of Development Services delegated authority to grant planning permission for the Development provided that this agreement is first completed.

5 **Planning Obligations by the Owners**

The Owners covenant with the Council that at all times the Development shall be constructed to provide in total unless otherwise agreed by the Council (such agreement not to be unreasonably refused or withheld) floorspace in the following ratios:-

- 5.1 No more than 40% of the Net Internal Area of the buildings comprised in the Development shall be used for the purposes of Class B1(a) of the Use Classes Order.
- 5.2 At least 60% of the Net Internal Area of the buildings comprised in the Development shall be used for the purposes of new industrial technology (such as computer software biotechnology, multi-media production and other technically driven businesses) falling within Classes B1(b), B1(c) and B2 of the Uses Classes Order.
- 5.3 The restrictions on the use of the Development under clauses 5.1 and 5.2 shall not restrict the use of any part of the Development for any use or uses that are ancillary to the primary use of that part of the Development or for which planning consent has been granted.

6 **Declarations**

The parties declare that

- 6.1 This agreement is made pursuant to Section 106 of the Town and Country Planning Act 1990
- 6.2 The covenants contained in Clause 5 are planning obligations for the purposes of the said Section 106

6.3 The burden of the covenants herein contained shall run with the Premises
PROVIDED THAT no person corporate or otherwise shall be liable for any
breaches of the obligations contained in this Agreement after they shall have
parted with their interest in the Premises (or part thereof) but without
prejudice to liability for any subsisting breach prior to parting with such
interest

6.4 This agreement shall be registered in the Register of Local Land Charges

7 Contracts (Rights of Third Parties) Act 1999

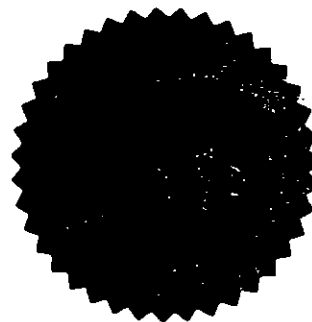
7.1 No term or obligation in this Agreement is enforceable pursuant to the
Contracts (Rights of Third Parties) Act 1999 by any person who is not a
party to it

8 Unilateral Undertaking

8.1 The unilateral undertaking dated 8 February 2001 given by the Owners shall
from the date of this Agreement have no further effect

IN WITNESS whereof the parties hereto executed this agreement as a deed the day
and year first above written

THE COMMON SEAL of THE MAIDSTONE)
BOROUGH COUNCIL was hereunto)
affixed in the presence of:-)



Solicitor - Authorised Signatory

186593/1

EXECUTED AS A DEED by CHESTERGATE)

ESTATES (MAIDSTONE) LIMITED acting by:)

Director

Nigel S. Gunning
A. (S. R. E.)

Director &

Secretary

EXECUTED AS A DEED by HARVESTORE)

gk SYSTEMS (HOLDING) LIMITED acting by:)

Director

B. S. Gunning

Secretary

John Gunning

SIGNED AS A DEED BY THE SAID

KENNETH ANTHONY COOK in the

presence of:

SUSAN ELIZABETH HEYWOOD

Secretary

2 Ragstone Road

Maidstone

ME15 3PA

SIGNED AS A DEED BY THE SAID

JEANNE

Kob J.S.C. JEAN SYLVIA COOK in the presence of:

SUSAN ELIZABETH HEYWOOD

Secretary

2 Ragstone Road

Maidstone

ME15 3PA

Ka Cook

S. Heywood

J. S. Cook

S. Heywood

Core definitions: Net Internal Area

3.0 Net Internal Area (NIA)

Net Internal Area is the usable area within a building measured to the internal face of the perimeter walls at each floor level. (See note NIA 2.)

Including

- 3.1 Atria with clear height above, measured at base level only (but see 3.11)
- 3.2 Entrance halls (but see 3.11)
- 3.3 Notional lift lobbies
- 3.4 Kitchens
- 3.5 Built-in units, cupboards, and the like occupying usable areas
- 3.6 Ramps of lightweight construction to false floors
- 3.7 Area occupied by ventilation/heating grilles
- 3.8 Area occupied by skirting and perimeter trunking
- 3.9 Areas severed by internal non-structural walls, demountable partitions, whether or not permanent, and the like, where the purpose of the division is partition of use, not support, provided the area beyond is not used in common
- 3.10 Pavement vaults

Excluding

- 3.11 Those parts of entrance halls, atria, landings and balconies used in common (see 3.1 and 3.2)
- 3.12 Toilets, toilet lobbies, bathrooms, cleaners' rooms, and the like
- 3.13 Lift rooms, plant rooms, tank rooms (other than those of a trade process nature), fuel stores, and the like
- 3.14 Stairwells, lift-wells and permanent lift lobbies
- 3.15 Corridors and other circulation areas where used in common with other occupiers or of a permanent essential nature (e.g. fire corridors, smoke lobbies, etc.)
- 3.16 Areas under the control of service or other external authorities including meter cupboards and statutory service supply points
- 3.17 Internal structural walls, walls enclosing excluded areas, columns, piers, chimney breasts, other projections, vertical ducts, and the like
- 3.18 The space occupied by permanent and continuous air-conditioning heating or cooling apparatus, and ducting in so far as the space it occupies is rendered substantially unusable
- 3.19 Areas with headroom of less than 1.5m
- 3.20 Areas rendered substantially unusable by virtue of having a dimension between opposite faces of less than 0.25m. See diagram E
- 3.21 Vehicle parking areas (the number and type of spaces noted)

Applications

(when to use NIA)

- APP 9 Estate agency and valuation NIA is the basis of measurement for the valuation and marketing of the following types of buildings:
- shops and supermarkets;
 - offices; and
 - business use (except those in APP 5)
- APP 10 Rating NIA is the principal basis of measurement for rating of shops including supermarkets, offices, business use (except those in APP 6), and composite hereditaments
- APP 11 Property management NIA is a basis of measurement for the calculation of service charges for apportionment of occupiers' liability

Notes

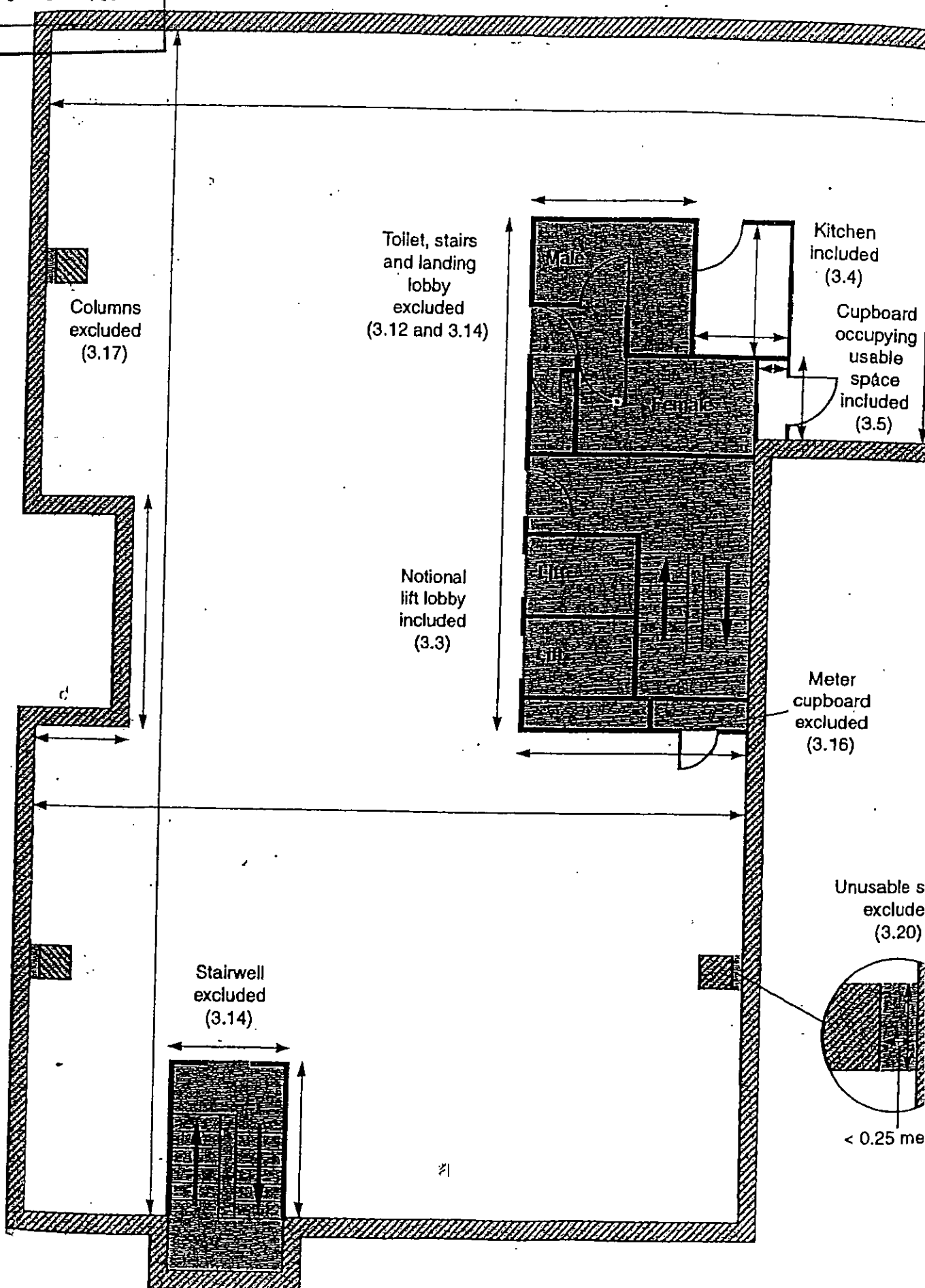
(how to use NIA)

- NIA 1 **Diagrams** – diagrams E, F, G, H, K and L illustrate how to apply NIA
- NIA 2 **Internal face** – means the brick/block work or plaster coat applied to the brick/block work, not the surface of internal linings installed by the occupier
- NIA 3 **Advice** – when dealing with rent reviews or lease renewals, the exclusions are generally intended to relate to the premises as demised. Unless otherwise indicated by statutory provisions or the terms of the lease, it will not normally be appropriate to exclude demised usable space which has been subsequently converted by a tenant to any of the exclusions listed
- NIA 4 **Level changes** – the presence of steps or a change in floor levels is to be noted for valuation and marketing purposes
- NIA 5 **Restricted headroom** – when marketing on an NIA basis it may be appropriate to identify floor areas below full height but above 1.5m
- NIA 6 **Perimeter trunking/heating** – when marketing on an NIA basis reference to the inclusion of perimeter units/trunking may be appropriate in order not to mislead
- NIA 7 **Corridors** – whether or not a wall defining a corridor is structural, permanent or essential (see 3.15 and 3.17), is a matter of fact. It depends upon the circumstances of the particular case. When marketing on an NIA basis reference to the inclusion of corridors may be appropriate

Diagram E

Example of appropriate dimensions for NIA floor area design purpose designed offices

POST ROOM T.R.
07 SEP 2007



Example of appropriate dimensions for NIA floor area defined offices converted from dwelling house

POST ROOM T.R.

07 SEP 2007.

Ground Floor

Areas severed by
internal non-structural
walls for partition of use
Included if not used
in common (3.9)

Area of toilets
and toilet lobby
excluded (3.12)

Area of internal
structural walls
excluded (3.17)

Chimney
breast
excluded
(3.17)

Entrance hall used
in common
excluded (3.11)

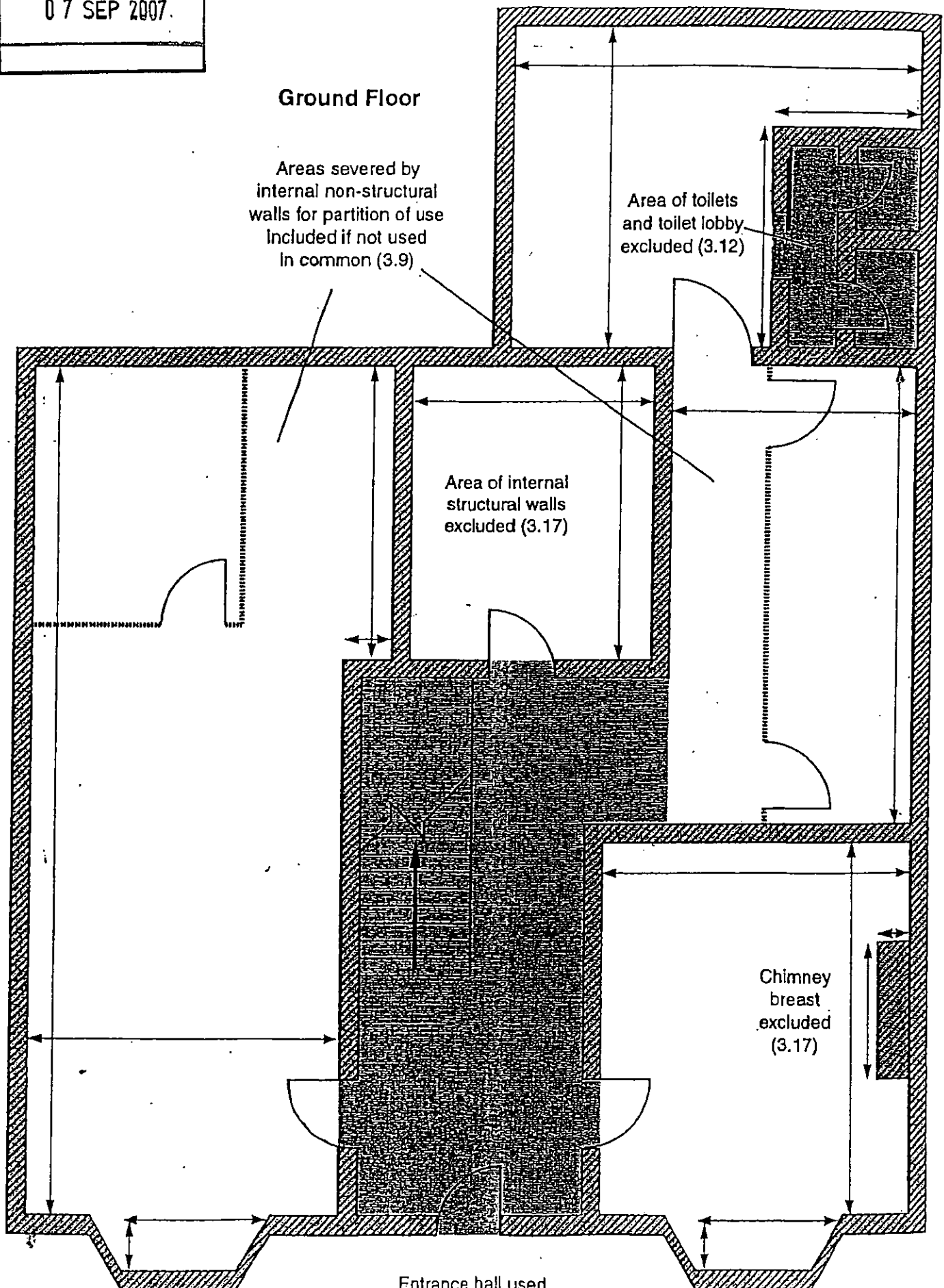


Diagram G

Example of appropriate dimensions for NIA floor areas defined for offices (open plan) multiple occupation

POST ROOM T.R.
07 SEP 2007

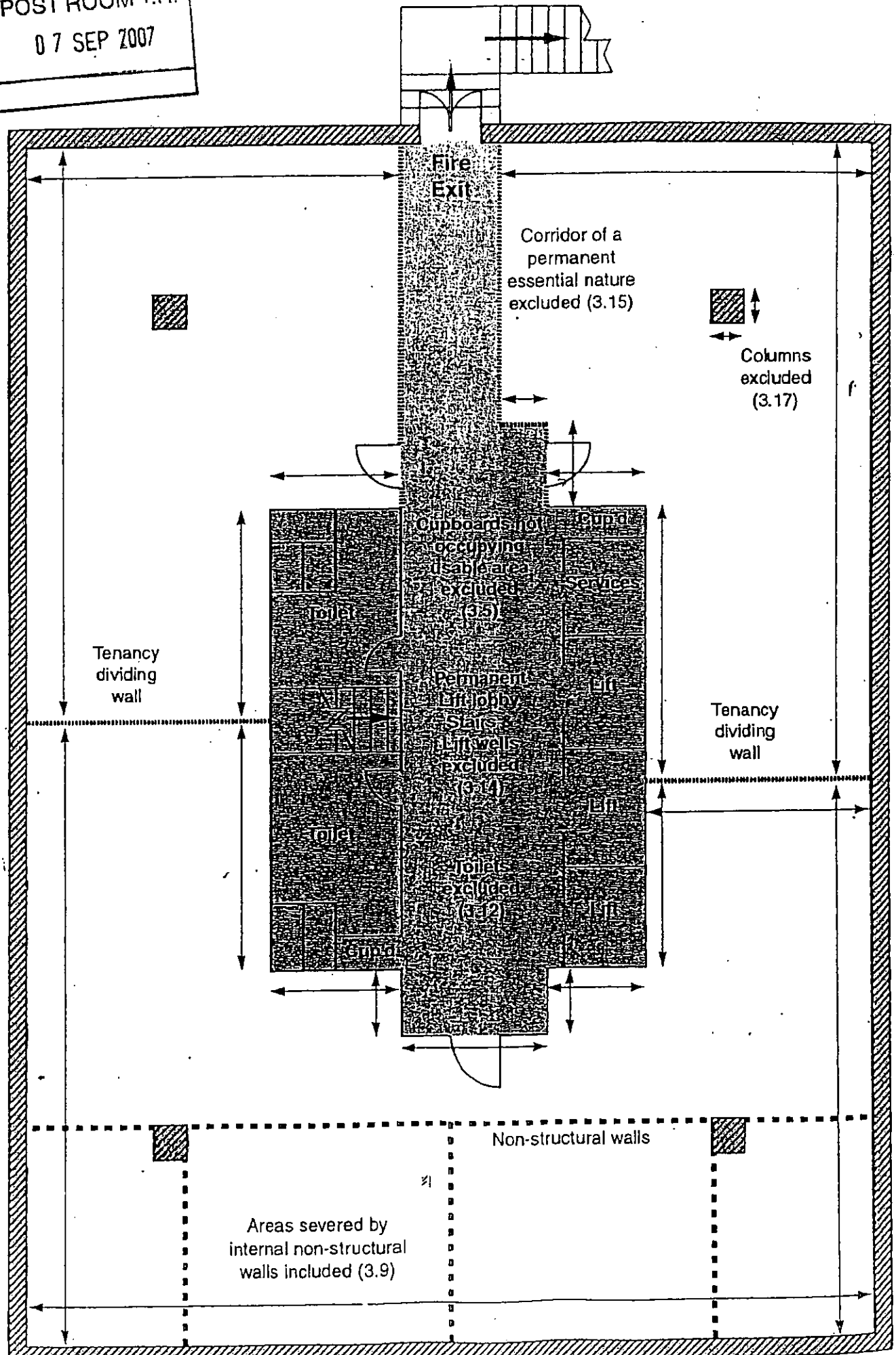
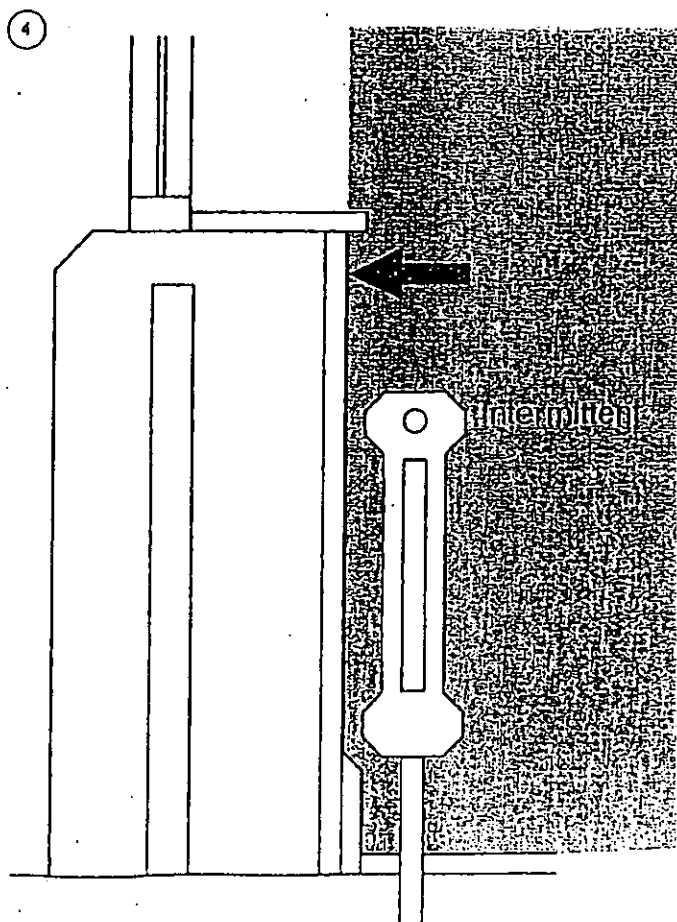
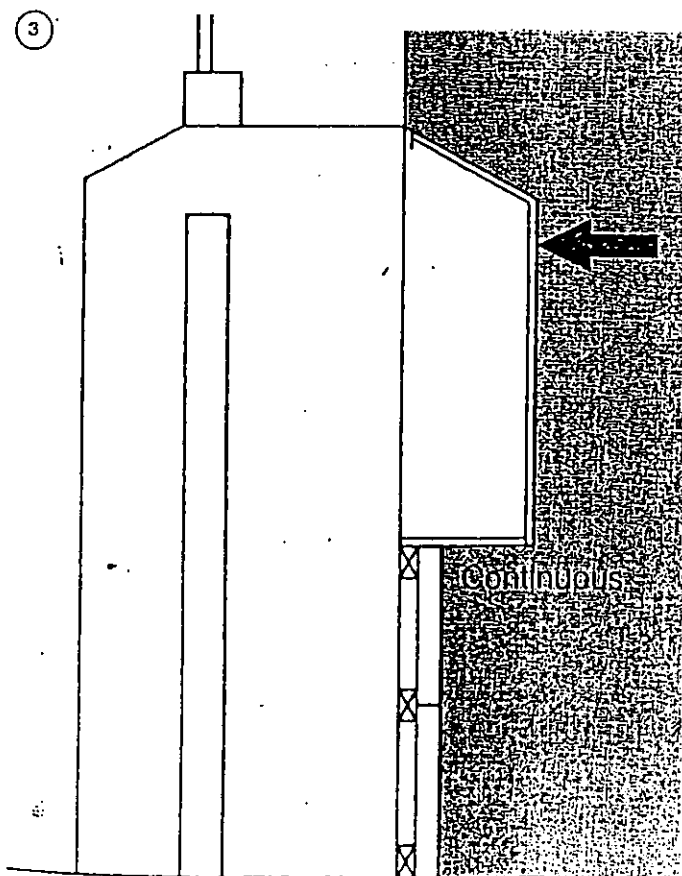
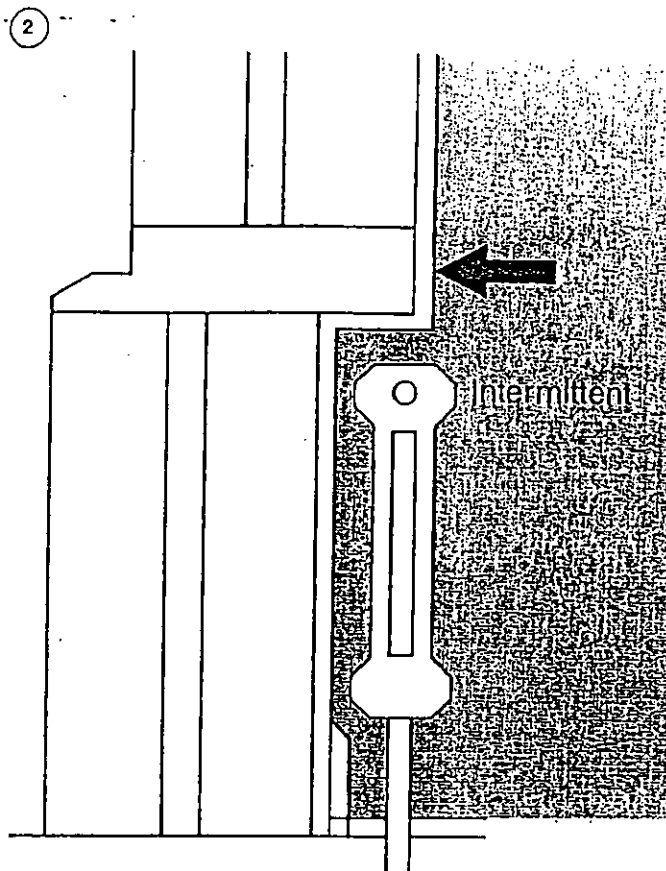
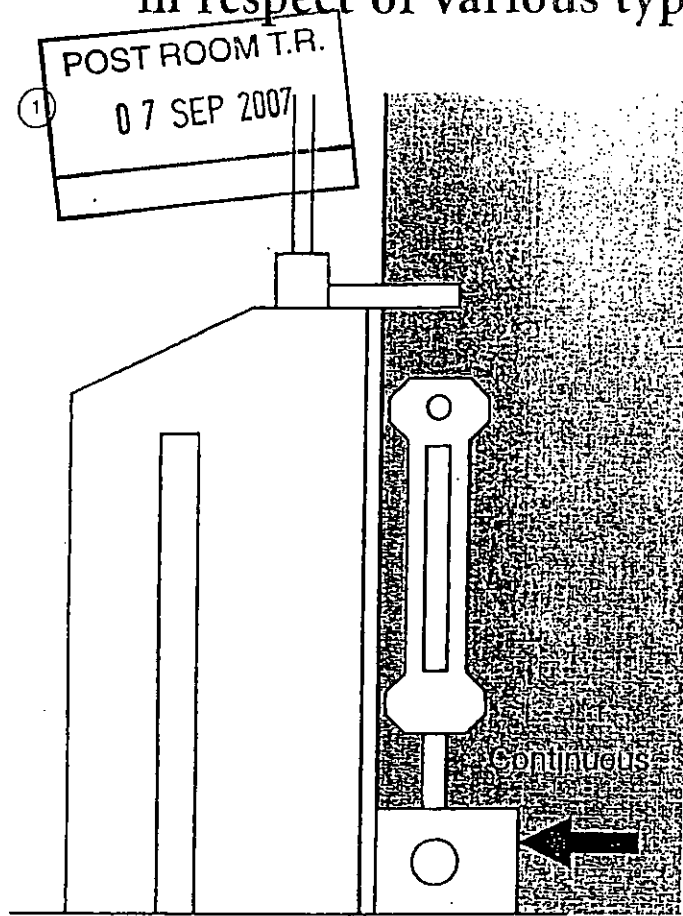


Diagram 11
Net Internal Area (NIA)

Examples of appropriate points from which to measure
in respect of various types of heating installations



DATED 15 March 2002

MAIDSTONE BOROUGH
COUNCIL

AND

CHESTERGATE ESTATES
(MAIDSTONE) LIMITED

AND *28*

HARVESTORE SYSTEMS (HOLDINGS)
LIMITED *Kate 9.1.0
BFP*

AND

KENNETH ANTHONY COOK

AND

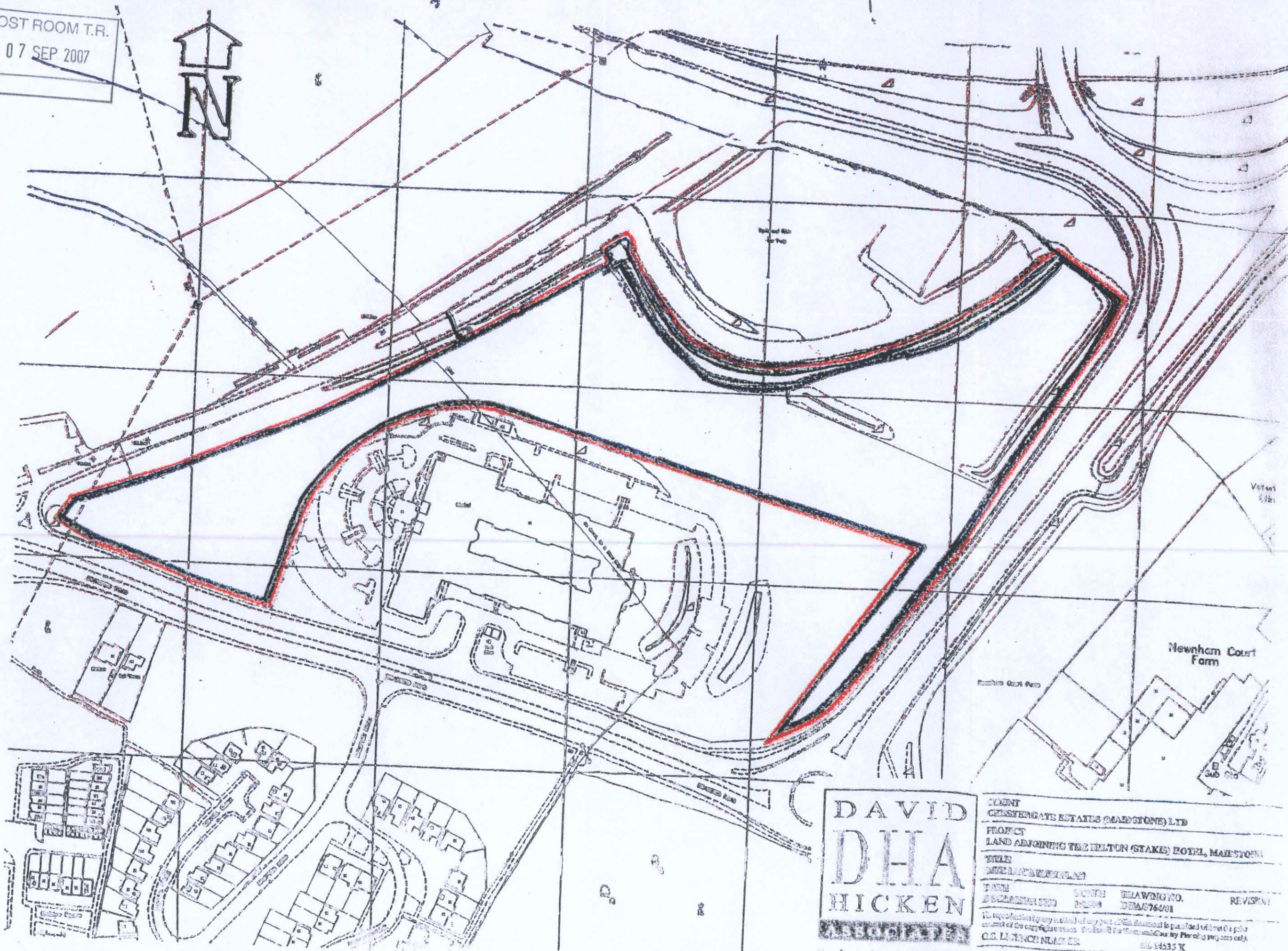
J.S. Kate JEANNE

28 JEAN SYLVIA COOK

AGREEMENT UNDER TOWN AND
COUNTRY PLANNING ACT 1990
RELATING TO LAND AT OLD
SITTINGBOURNE ROAD
MAIDSTONE KENT

S.P. Fisher
Borough Solicitor
Maidstone Borough Council
London House
5/11 London Road
Maidstone
Kent

(Ref: PF/G301/558)



Abstract

CLIENT
 GRESHAMGATE ESTATES (MAIDSTONE) LTD
 PROJECT
 LAND ADJOINING THE HILTON (STAKES) HOTEL, MAIDSTONE
 TITLE
 REEL ROAD HILTON, LA1
 DATE
 5 DECEMBER 1999
 SCALE
 1:1000
 DRAWING NO.
 DRAC/764/01
 REVISION
 1
 No responsibility is accepted by any part of this document is published without the prior consent of the copyright owner. No liability for the use of this plan or any part of it.
 C.E. LANCELOT
 11/15/99

Southgate House, High Street, Leamington, N.E. 13 DEC. THE GOSWOLDY FOUNDATION

2

APPENDIX

[Modifications and discharge of planning obligations]

106A.—(1) A planning obligation may not be modified or discharged **P106A.01** except—

- (a) by agreement between the authority by whom the obligation is enforceable and the person or persons against whom the obligation is enforceable; or
- (b) in accordance with this section and section 106B.
- (2) An agreement falling within subsection (1)(a) shall not be entered into except by an instrument executed as a deed.
- (3) A person against whom a planning obligation is enforceable may, at any time after the expiry of the relevant period, apply to the local planning authority by whom the obligation is enforceable for the obligation—
 - (a) to have effect subject to such modifications as may be specified in the application; or
 - (b) to be discharged.
- (4) In subsection (3) “the relevant period” means—
 - (a) such period as may be prescribed; or
 - (b) if no period is prescribed, the period of five years beginning with the date on which the obligation is entered into.
- (5) An application under subsection (3) for the modification of a planning obligation may not specify a modification imposing an obligation on any other person against whom the obligation is enforceable.
- (6) Where an application is made to an authority under subsection (3), the authority may determine—
 - (a) that the planning obligation shall continue to have effect without modification;
 - (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or
 - (c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.
- (7) The authority shall give notice of their determination to the applicant within such period as may be prescribed.
- (8) Where an authority determine that a planning obligation shall have effect subject to modifications specified in the application, the obligation as modified shall be enforceable as if it had been entered into on the date on which notice of the determination was given to the applicant.
- (9) Regulations may make provision with respect to:—
 - (a) the form and content of applications under subsection (3);
 - (b) the publication of notices of such applications;
 - (c) the procedures for considering any representations made with respect to such applications; and
 - (d) the notices to be given to applicants of determinations under subsection (6).
- (10) Section 84 of the Law of Property Act 1925 (power to discharge or modify restrictive covenants affecting land) does not apply to a planning obligation.]

[THE NEXT PARAGRAPH IS P106A.03]

DERIVATION

Substituted by the Planning and Compensation Act 1991, s.12, and **P106A.03** brought into force on November 9, 1992 by S.I. 1992 No. 2831.

DEFINITIONS

"planning obligation": s.106(1).
"the relevant period": subs. (4).

GENERAL NOTE

Introduction

- P106A.04** A planning obligation may be discharged or modified by agreement between the parties to it, or by application under this section. Planning agreements made under the former s.106 were, and continue to be, dischargeable by the Lands Tribunal under the Law of Property Act 1925, s.84, but that power is expressly excluded for planning obligations (subs. (10)).

Modification or discharge by agreement

- P106A.05** A planning obligation may be modified or discharged by agreement at any time. This course does, however, require the consent of all persons against whom the obligation is enforceable, which is not needed in the case of an application for modification under subs. (3).

Modification or discharge on application

- P106A.06** The main change introduced by the 1991 amendments was the introduction of a power allowing the Secretary of State to modify or discharge a planning obligation in place of the former jurisdiction of the Lands Tribunal. That jurisdiction, which was intended to allow restrictive covenants to be reviewed by the Tribunal, had not been designed with planning agreements in mind, and there was liable to be a mismatch between the Tribunal's powers and the continued relevance of the agreement in planning terms.

In *R (The Garden and Leisure Group Ltd v North Somerset Council* [2003] EWHC 1605 (Admin); Richards J; July 4, 2003, the High Court held that, on an application under s.106A, the local planning authority were faced with an "all or nothing" decision. They could not decide that the planning obligation should have effect subject only to some of the proposed modifications. If they found some of the modifications unacceptable they might invite the applicant to submit a fresh or amended application, but they must deal with the application in its entirety. Legal challenge did not need to await a final decision. The Court could strike down a decision that had been taken in principle to approve the application, even though it had left to an Area Committee the determination of precise details relating to types of goods and floor areas. The Court also took the view that s.106A(6) does not require that the obligation should continue to serve its original purpose: what matters is whether it continues to serve a useful purpose. The planning committee had misunderstood the criteria and their resolution in favour of granting the application in principle was quashed.

A planning obligation is not an imposed obligation in the way that a planning condition is. It is a promise by the covenantor to do or to refrain from doing some act. This section does not therefore set out to cut through contract law and confer a power at large on the Secretary of State to relieve covenantors from their promises. There are two conditions: a time threshold, and a substantive test.

The time threshold

- P106A.07** Application may be made under this section only upon the expiry of the "relevant period", which is five years from the date of the entering into of the obligation unless some other period is prescribed by regulations.

None has yet been so prescribed. The five year period appears to have been chosen to coincide with the life of an unimplemented planning permission, so that it should not be easy for a developer to escape liability for capital works or payments required prior to the commencement of development.

The substantive test

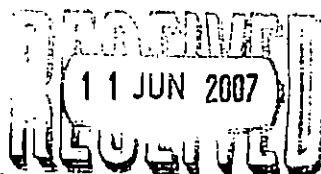
The powers of the local planning authority and, on appeal, the Secretary of State, are tied to the requirement that the obligation no longer serves a useful purpose (in which case it must be discharged) or that, if it does, that purpose could be equally served by a modified obligation as specified in the application (in which case it must be modified accordingly). Unless the "useful purpose" test is met, the obligation must continue to have effect without modification. It is not a "useful planning purpose" that need be satisfied, and although a planning obligation should have had some planning purpose at the outset, that may have disappeared over time. Yet nor need the applicant establish that the obligation has become obsolescent. **P106A.08**

Policy guidance

Policy guidance on the exercise of the powers conferred by this section is given in DOE Circular 1/97, Planning Obligations, Annex C. **P106A.09**

3

APPENDIX



07 June 2007

David Hicken
DHA Planning
Eclipse House
Sittingbourne Road
Maidstone
ME14 3EN

Our Ref: APP/U2235/V/06/1198401
Your Ref: MA/05/0641

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION BY LAKE COMMUNICATIONS
LAND AT ABBEY COURT, BOARLEY LANE, MAIDSTONE ME14 3AL
APPLICATION REF: MA/05/0641**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Ruth V MacKenzie, BA(Hons) MRTPI, who held a public inquiry on 16 and 17 January 2007 into your client's application for planning permission for the demolition of an existing office building and the erection of new buildings for office and research and development purposes, with access and car parking at Abbey Court, Boarley Lane, Sandling, Maidstone, Kent ME14 3AL in accordance with application Ref MA/05/0641 dated 30 March 2005.
2. It was directed on 27 March 2006, in pursuance of section 77 of the Town and Country Planning Act 1990, that the application be referred to the Secretary of State for decision instead of being dealt with by the relevant planning authority, Maidstone Borough Council ("the Council").

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted, subject to conditions. For the reasons given below, the Secretary of State agrees, except where stated, with the Inspector's conclusions and with her recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural matters

4. For the reasons given by the Inspector in IR2, the Secretary of State has, like the Inspector, treated the proof of evidence submitted by Arvind Patel (Highways Agency) as a written representation.

Matters arising since the close of the inquiry

5. The Secretary of State wrote to parties on 2 April 2007 and invited them to provide additional information for the purposes of her consideration of the application. These matters included;
 - a) Information from the Council's employment land surveys for 2001, 2005 and 2006, including figures disaggregated to show the supply of office floorspace in the Maidstone area; and
 - b) Further information on the alternative sites at Eclipse Park, Springfield Park and Mote Road.

The Secretary of State circulated copies of the responses received to parties, under cover of a letter dated 27 April 2007, seeking any final comments by 11 May 2007.

6. A record of the correspondence received in response to these letters is attached at Annex A and can be made available on written request from the above address. In reaching her decision, the Secretary of State has had regard to these representations, alongside the Inspector's report and evidence submitted to the Inquiry.

Policy considerations

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Regional Planning Guidance for the South East (RSS), the 2006 Kent and Medway Structure Plan (SP) and the Maidstone Borough-Wide Local Plan (LP) adopted in December 2000.
8. The South East Plan Core Document and the Core Strategy of the draft local development framework for Maidstone are emerging plans. These are at an early stage of development and the Secretary of State has accorded them very limited weight.
9. Material considerations which the Secretary of State has taken into account in this case include Planning Policy Statement (PPS) 1: *Delivering Sustainable Development*; Planning Policy Guidance (PPG) note 4: *Industrial and Commercial Development and Small Firms*; PPS6: *Planning for Town Centres*; PPG13: *Transport*; Kent County Council's *Vehicle Parking Standards*; Circular 11/95: *Use of conditions in planning permission* and Circular 05/2005: *Planning obligations*.

Main issues

10. The Secretary of State agrees with the Inspector that the main considerations in determining the proposal are those identified in the call-in letter and set out at appendix 2 of the Inspector's report. She considers these below.

Development plan

11. For the reasons set out in IR 68-70 the Secretary of State agrees with the Inspector that the proposed development does not comply with the development plan (IR 71). However, like the Inspector, she considers that the proposed development would make a contribution to the requirement, embodied in SP policy EP2(c), that Maidstone provides 129,000 m² of employment floorspace by 2021 (IR71).
12. The Secretary of State has also had regard to the relationship of the proposed development to emerging plans. She agrees with the Inspector that emerging plans indicate that the Abbey Court site could in future be considered suitable for development (IR72) and that, in a few years time, the application site might no longer be within the Strategic Gap (IR73). However, she gives these considerations very limited weight as the emerging policies to which they relate are at an early stage of development. For the reasons given above, the Secretary of State therefore considers that the proposed development is in conflict with policies of the adopted development plan and has gone on to consider whether there are material considerations of sufficient weight to outweigh this conflict.

Employment issues and PPG4

13. The Secretary of State observes that one of the key aims of PPG4 is to encourage continued economic development in a way which is compatible with environmental objectives. The Secretary of State agrees with the Inspector that a loss of town centre employment sites has occurred in Maidstone as a result of these being redeveloped for housing rather than office use, and this has led to a depletion of town centre sites for large-scale quality office developments (IR75). She also notes the Inspector's view that it is necessary to look outside the urban area but, given the existence of sites allocated for employment use within the urban area at Springfield Park and Mote road (*Inquiry Document 25, section 7*) that could accommodate such developments, she does not consider that it is necessary, in every case, to look outside the urban area (IR75).
14. The Secretary of State agrees with the Inspector that, at current rates, it is going to be hard for Maidstone to meet the SP target of 129,000 m² of employment floorspace by 2021 and considers, like the Inspector, that windfall sites such as Abbey Court should not be discounted (IR 75). She considers that the proposal would allow the development and expansion of a local business which would contribute to the continued economic development of Maidstone. For these reasons, she agrees with the Inspector that the proposed development complies with PPG4 (IR 76).

Out of centre development and PPS6

15. The Secretary of State considers that, as the proposal is for an out of centre site, PPS6 requires the applicant to conduct assessments of need, impact, and accessibility and to search for sequentially preferable sites. She further considers that identifying the need for offices should involve analysis showing capacity specifically for office floorspace. The Secretary of State notes the Inspector's view that the loss of employment floorspace in Maidstone is indicative of an undoubted quantitative need for the development (IR77). Having regard to the additional

material submitted by the Council under cover of their letter of 23 April, and by DHA Planning under cover of their letter dated 24 April, she considers that there is sufficient evidence indicating a decline in capacity of A2/B1 employment floorspace since 2001.

16. The Secretary of State has also considered the qualitative need for the proposed development and agrees with the Inspector that the speedy uptake of high quality offices at Eclipse Park demonstrates the extent of unsatisfied demand (IR78). Taking this evidence of qualitative need, together with the indications of a quantitative decline in A2/B1 floorspace, the Secretary of State concludes that, in the absence of information specific to the supply of office floorspace (use class B1a), sufficient need for the development has been demonstrated.
17. With regard to the search for sequentially preferable sites, the Secretary of State has carefully considered the evidence submitted to the Inquiry and the information subsequently provided by parties. She considers that, of the sites investigated, Springfield Park, Eclipse Park and Mote Road are preferable in terms of location as they would have the capacity to provide sufficient high quality modern floorspace on sites that are allocated for employment use and are, with the exception of Eclipse Park, in town centre or edge of centre locations (*Inquiry Document 25, para 7.20*). Unlike the Inspector, she does not consider the sustainability advantages of Springfield Park, being in an edge of centre location approximately 1km closer to the town centre, to be marginal relative to Abbey Court (IR79). However, for the reasons given by the applicant in their supplementary statement, submitted under cover of their letter dated 24 April 2007 (*paras 3.10 - 3.14*), she considers that this site is neither suitable nor available. For the reasons given in the same document (*paras 3.2 - 3.9 & 3.15 - 3.18*), she also considers Eclipse Park to be unavailable and Mote Road to be neither suitable nor available. On balance, the Secretary of State agrees with the Inspector that the applicants have looked at all possible sites with an open mind (IR79) and is satisfied that no sequentially preferable sites have been found.
18. The Secretary of State agrees with the Inspector that an office development at Abbey Court would not cause a decline of the town centre, and that it would complement, not compete, with the town centre (IR81). For the reasons given in IR83-IR84, she agrees with the Inspector that the scheme complies with the design objectives of PPS6 and considers that, overall, the proposed development complies with PPS6 (IR 85).

Transport Issues and PPG13

19. The Secretary of State notes that the predicted increase in traffic levels at the roundabouts and roads near to the site has not caused the Highway Authority or the Highways Agency to raise objections (IR86). She agrees with the Inspector that the Travel Plan and the limit on the number of parking spaces at Abbey Court would work hand in hand to discourage car usage (IR86-87). She also agrees that future employees of the site would have a number of sustainable transport choices open to them, including the free minibus, public buses, cycling and walking (IR88) and that the applicant's existing offices at Mount Offham do not have as many sustainable transport choices (IR89). The Secretary of State agrees with the Inspector that the proposal would accord with PPG13 (IR 90).

Conditions & Obligations

20. The Secretary of State has considered the proposed conditions and the Inspector's comments as set out at IR59 - IR65, as well as national policy as set out in Circular 11/95. The Secretary of State considers that the proposed conditions, as set out in paragraph 23 below, are reasonable and necessary and meet the tests of Circular 11/95.
21. The Secretary of State has considered the proposed planning obligation and the Inspector's comments as set out in IR66-IR67, as well as national policy as set out in Circular 05/2005. She considers that the signed and dated planning obligation is relevant to the proposed development and meets the policy tests of Circular 05/2005.

Overall Conclusions

22. For the reasons given above, the Secretary of State agrees with the Inspector that the proposal is in conflict with the development plan and she has therefore gone on to consider whether other material considerations exist which outweigh this conflict. Given the location of the site and the direction of travel of emerging local plans, she concludes that the proposal would cause minimal harm to the Strategic Gap. She concludes that sufficient need for the proposal has been demonstrated, and that the scheme would accord with national guidance set out in PPG4, PPS6 and PPG13. She concludes that there are material considerations which, cumulatively, are of sufficient weight to determine this appeal other than in accordance with the development plan.

Formal Decision

23. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby grants planning permission for the demolition of an existing office building and the erection of new buildings for office and research and development purposes, with access and car parking at Abbey Court, Boarley Lane, Sandling, Maidstone, Kent ME14 3AL in accordance with application Ref MA/05/0641 dated 30 March 2005 subject to the following conditions:
- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) No more than 104 car parking spaces shall be provided within the site at any one time.
 - 3) No open storage of plant, materials, products, goods for sale or hire, or waste, shall take place on the land unless the local planning authority has given prior written approval for open storage to take place.
 - 4) Before development starts, details of the proposed slab levels of the buildings and the existing site levels shall be submitted to and approved in writing by the local

planning authority, and the development shall be completed in accordance with the approved levels.

- 5) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) Before development starts, large-scale drawings of all fenestration shall be submitted to and approved in writing by the local planning authority. The fenestration shall be carried out in accordance with the approved details.
- 7) No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof, or on external walls, without the prior written approval of the local planning authority.
- 8) The development hereby permitted shall be constructed to the BREEAM for Offices standard, to achieve at least a "GOOD" rating. Prior to the commencement of the development, confirmation of the BREEAM for Offices rating shall be submitted to and approved in writing by the local planning authority.
- 9) Before development starts, details of all external signage, boundary treatments, and facilities for the storage of refuse, including a timetable for their provision, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) 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. The details of hard landscape works shall include car parking layouts, vehicle and pedestrian circulation areas and hard surfacing materials. Details of soft landscape works shall be generally in accordance with the Landscape Proposals plan, Drwg No 0513/05 Revision B. The details shall include existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a landscape management plan. All hard and soft landscape works shall be carried out in accordance with the approved details and timetable.
- 11) Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 12) Before development starts, details of all drainage works, including a sustainable drainage system, shall be submitted to and approved in writing by the local planning authority, and these works shall be completed in accordance with the approved details before the first occupation of the buildings hereby permitted.
- 13) Before development starts, details of external lighting and the measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority. The lighting, and the measures to prevent light spillage, shall be provided in accordance with the approved details and retained thereafter.
- 14) No development shall start until details of the vehicular access into the site from the A229, including the road width, kerb radii, visibility splays and hard-surfacing materials, have been submitted to and approved in writing by the local planning

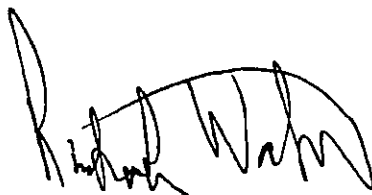
authority. The details shall generally be in line with Drwg No 1151/GA/01 Rev C and shall be constructed in accordance with the approved details.

- 15) Upon first use of the new access from the A229, or the first occupation of any of the buildings hereby permitted, whichever is the sooner, the existing access to Boarley Lane shall be permanently closed to employees in accordance with a detailed scheme to be submitted to and approved in writing by the local planning authority
 - 16) No development shall start until a programme of archaeological work has been implemented in accordance with a written specification and timetable which has been submitted to and approved in writing by the local planning authority.
 - 17) No development shall start until details of a scheme to investigate and assess the extent of contamination on the site, and the measures to be taken to avoid risk of contamination of ground or water, have been submitted to and approved in writing by the local planning authority. The scheme of investigation and assessment shall be carried out as approved. If necessary, a scheme for the decontamination of the site shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before any building hereby permitted is first occupied. Certification to this effect shall be given to the local planning authority prior to such occupation.
24. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the local planning authority fails to give notice of their decision within the prescribed period.
25. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than that required under section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

26. Separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
27. A copy of this letter has been sent to Maidstone Borough Council, those who appeared at the inquiry, and to all other parties who asked to see a copy of the decision letter.

Yours faithfully,



Richard Watson

Authorised by the Secretary of State to sign in that behalf

Summary of representations received by the Secretary of State

In response to her letter of 2 April 2007

<u>Name</u>	<u>Date of letter</u>
CPRE Maidstone Committee	21 April 2007
Maidstone Borough Council	23 April 2007
DHA Planning	24 April 2007

In response to her letter of 27 April 2007

<u>Name</u>	<u>Date of letter</u>
DHA Planning	1 May 2007

4

APPENDIX

MAIDSTONE EMPLOYMENT STATISTICS

TABLE A EMPLOYMENT FLOORSPEACE POSITION

1. KENT STRUCTURE PLAN 1996

i) Policy Requirement 1991-2011 (sq m net)		
• A2/B1	+150,000	
• B2-B8	+110,000	(Source KSP ED1a)
ii) Completed Development 1991-2005 (sq m net)		
• A2/B1	+ 6,837	
• B2-B8	<u>-14,515</u>	
iii) Overall net Change 1991-2005 (sq m)	- 7,678	(Source ELS 2005)
iv) Net Supply 2005 (sq m)		
• A2/B1	+94,361	
• B2-B8	+ 5,387	(Source ELS 2005)
v) OVERALL POSITION KSP 1991-2005		
• A2/B1	Estimated net supply=	+94,361
	Policy Requirement =	<u>+150,000</u>
	Net Position	-55,639
• B2-B8	Estimated net supply=	+5,387
	Policy Requirement	<u>+110,000</u>
	Net Position	-104,613

2. KENT & MEDWAY STRUCTURE PLAN 2006

i) Policy Requirement 2001-2021 (sq m net)		
• A2/B1-B8	+129,000	(Source KMSP EP2)
ii) Completed Development 2001-2006 (sq m net)		
• A2/B1-B8	-30,998	(Source Table B)
iii) Net Supply 2006 (sq m)		
• A2/B1-B8	+68,508	(Source ELS 2006)
iv) OVERALL POSITION KMSP 2006-2021		
• A2/B1-B8	Estimated Net Supply=	+68,508
	Policy Requirement 2001=	+129,000
	Net Change 2001-2006=	<u>-30,998</u>
	Net Position 2006=	-91,490

TABLE B NET FLOORSPACE CHANGE 2001-2006

i) Completions A2/B1 (sq m net)

• 1991-2001=	+30,174	(Source ELS 2001)
• 1991-2006=	<u>+22,179</u>	(Source ELS 2006)
Net Change 2001-2006=	-7,995	

ii) Completions B2-B8 (sq m net)

• 1991-2001=	-3,166	(Source ELS 2001)
• 1991-2006=	<u>-26,169</u>	(Source ELS 2006)
Net Change 2001-2006=	-23,003	

iii) OVERALL CHANGE A2/B1-B8 2001-2006

• A2/B1=	-7,995	
• B2-B8=	<u>-23,003</u>	
Net Change 2001-2006	-30,998	

5

APPENDIX



Report to the Secretary of State for Communities and Local Government

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ GTN 1371 8000

by Ruth V MacKenzie BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government

Date 8 February 2007

TOWN AND COUNTRY PLANNING ACT 1990

MAIDSTONE BOROUGH COUNCIL

APPLICATION BY LAKE COMMUNICATIONS

Inquiry held on 16 and 17 January 2007

Site: Abbey Court, Boarley Lane, Sandling, Maidstone, Kent ME14 3AL

File Ref(s): GOSE/103/003/MAID/44480 and APP/U2235/V/06/1198401

SUMMARY

FILE REF: GOSE/103/003/MAID/44480 and APP/U2235/V/06/1198401

SITE: Abbey Court, Boarley Lane, Sandling, Maidstone, Kent ME14 3AL

- The application was called in for decision by the Secretary of State by a direction dated 27 March 2006 made under section 77 of the Town and Country Planning Act 1990,
- The application is made by Lake Communications to Maidstone Borough Council.
- The application (Ref No MA/05/0641) is dated 30 March 2005.
- The development proposed is the demolition of an existing office building, and the erection of new buildings for office and research and development purposes, with access and car parking.
- The reason given for making the direction was that the application is one which ought to be decided by the Secretary of State because the proposal might conflict with national policies on important matters.

RECOMMENDATION: The application be granted planning permission subject to conditions.

PROCEDURAL MATTERS

1. A full transcript of the matters on which the Secretary of State particularly wished to be informed can be found at Appendix 2 of this Report.

I summarise them below:

- Compliance with the development plan and any emerging plans
 - Compliance with *PPG4: Industrial and Commercial Development and Small Firms*
 - Compliance with *PPS6: Planning for Town Centres*
 - Compliance with *PPG13: Transport*
 - Planning Conditions and Planning Obligations.
2. Because of the proximity of Abbey Court (the application site) to the M20 motorway, the Highways Agency expressed an intention to appear at the Inquiry. Rule 6 status was granted, and a proof of evidence was submitted by Arvind Patel. But in the week before the opening of the Inquiry, a letter was received (Document 4) which stated that no-one from the Highways Agency would be attending the Inquiry. I have therefore treated Arvind Patel's proof as a written representation.

THE SITE AND SURROUNDINGS

3. The Abbey Court site occupies a 3.17ha triangular piece of land. It is bounded on its north side by the M20 motorway near its junction with the A229 (Junction 6). The motorway embankment has a public footpath at its base which adjoins the fence along the site's northern boundary. On the site's western boundary is the A229. This is the main road between Maidstone and the Medway Towns. The road is elevated on a flyover, and a slip road adjacent to the site's western boundary leads down to the Running Horse Roundabout beneath the flyover. The site's south eastern boundary adjoins Boarley Lane, a narrow lane with passing places.
4. Two large lakes occupy about a third of the site, and there are mature trees and hedges along all of the site's boundaries. In the north western part of the site there is a 2-storey building. Formerly an office, it is now being used as a dwelling. There are lawns, a barn, a garage block and an overgrown tennis court. The site retains some rural character despite the proximity of the gantries, signs and traffic noise of the adjacent M20 and A229. The entrance to the site is from Boarley Lane. There are sporadic dwellings to the south of the site, further along Boarley Lane.
5. Abbey Court is about 3km to the north of Maidstone's town centre, and about 260m north of Maidstone's settlement boundary. It is therefore in an area defined as "countryside". The site is also within a designated Strategic Gap, which is intended to separate Maidstone from the Medway Towns to the north. The North Downs Area of Outstanding Natural Beauty (AONB) lies on the north side of the M20, and the escarpment of the North Downs can be seen from the vicinity of the site.
6. Immediately to the west of Abbey Court, on the other side of the A229, is the vacant site of a former motel, known as the Veglios site. In September 2005 planning permission was granted on appeal for car workshops and 3,617m² of showrooms on this site. To the south of the Veglios site is a new hotel and leisure complex known as The Village. Both of these sites are in the Strategic Gap. Their location in relation to Abbey Court can be seen on the map at Appendix 5, Document 18.
7. A more detailed description of Abbey Court can be found in paragraphs 2.1 to 2.17 of the Statement of Common Ground (Document 26). Photographs can be found at Appendix 2, Document 22.

PLANNING HISTORY

8. A planning application was made in 2002 for office development at Abbey Court. It was recommended for refusal, principally because of the site's Strategic Gap location and the fact that the need for offices had not been conclusively justified. The application was withdrawn before a decision was issued.
9. The current application was submitted in 2005 after extensive pre-application discussions with the Council's Planning Officers. The application was reported to the Council's Planning Committee on 2 February 2006 (Core Document CD12) when it was resolved to grant planning permission (CD13). The application was referred to the Government Office for the South East on the following day, as a departure from the development plan because of the site's location in the countryside and the Strategic Gap.

- [illegible]

11. The planning application is for the demolition of Abbey Court and its outbuildings, and the erection of 4 linked glass and steel-framed offices arranged in a reversed "L" shape. Block A would have a barrel roof, and Blocks B, C and D would have "gull-wing" roofs. There would be a total gross floorspace of 3,146m² on lower ground, ground and first floors. The offices would be used by the applicant Lake Communications and its tenant company Synovate. Together they design, collect and analyse market research. Some of the offices would be used as a call centre. Initially there would be about 90 employees, eventually rising to 250. They would be a mixture of full-time, part-time and contract workers. A car park for 104 cars, 20 bicycles, 15 motorbikes, and 3 minibuses would be provided in the north west corner of the site adjacent to the M20 embankment. A Travel Plan forms part of a Unilateral Undertaking (Document 6).
12. The spaces around the buildings would be landscaped, making the most of the 2 lakes and the grassed areas in front of them. A left-in/left-out access would be provided from a new deceleration lane off the slip road that connects the A229 flyover to the Running Horse Roundabout beneath it. The existing access off Boarley Lane would be closed.
13. Computerised images of the proposed offices can be found at Document 14.

The development plan comprises:

- **Regional Planning guidance for the South East (RPG9)** in its capacity as interim Regional Spatial Strategy (Core Document CD17)
- **Kent and Medway Structure Plan (SP)**, adopted in July 2006 (CD19). This supersedes the Kent Structure Plan which was in force when the Council considered the application and the Secretary of State called it in
- **Maidstone Borough-Wide Local Plan (LP)**, adopted in December 2000 (CD20).

14. Development plan policies of particular relevance to this application include:

- **SP policy SS3** - Strategic Gaps are designated to maintain the separation of Maidstone from the Medway Towns. Development which significantly extends settlements beyond their existing built confines will not be permitted
- **SP policy EP2(c)** - 129,000m² of employment floorspace to be provided in Maidstone between 2001 and 2021

SP policy EP3 - proposals for employment development should be in or adjacent to major urban areas, easily accessible by a choice of transport, and attractive to the market place.

Emerging plans

17. The **Emerging Core Strategy** of the draft LDF for Maidstone is also at an early stage. The consultation process started in January 2007. For that reason, only limited weight can be given to it. Development Plan Documents showing allocations for employment land are expected to be ready by 2008/2009, and it is hoped that the Examination process will be finished by 2010. The **Core Strategy Diagram** (Document 15) shows the areas of search for development sites on the edge of the main urban area. These include the M20 corridor around Junction 6 where Abbey Court is located. The Diagram also shows the Strategic Gap starting on the north side of the M20, not the south side as at present.

THE CASE FOR THE MAIN PARTIES

18. There are 3 main parties: Lake Communications (the applicant), Maidstone Borough Council (the local planning authority), and Kent County Council (the Highway Authority). None objects to the proposed development.
19. My description of the main parties' case follows the same order as the matters on which the Secretary of State wished to be informed, summarised in the bullet points in paragraph 1 above.

Compliance with the development plan and any emerging plans

20. The proposed development complies with all development plan policies apart from SP policy SS3 and LP policies ENV28 and ENV31, the policies that seek to protect the countryside and the Strategic Gap. However, it is significant that SP policy MA1 says that the Strategic Gap is "defined by the M20". If this were indeed the case, land to the south of the M20 (including Abbey Court) would be excluded. The emerging Core Strategy diagram shows the Strategic Gap defined by the M20. Therefore Abbey Court may not be in the Strategic Gap for much longer. Even if it stays in the Strategic Gap, Maidstone and the Medway Towns would not coalesce as a result of the proposed development. The M20 and the substantial tract of the North Downs AONB would continue to separate the two urban areas.
21. A development at Abbey Court would not set a precedent. Developments have already occurred in this part of the Strategic Gap south of the M20. The nearby Veglios site is far more prominent than Abbey Court, but planning permission for car showrooms has been granted on appeal (Inspector's decision at Core Document CD25). The Village Hotel is also in the Strategic Gap.
22. Whatever happens to the boundary of the Strategic Gap, it is likely that Abbey Court would still be outside Maidstone's settlement boundary and therefore in designated countryside. Nevertheless, it is not a greenfield site, and the design and layout of the proposed development would enable it to retain its rural and parkland character.
23. Whether or not the boundaries of the Strategic Gap are eventually changed, the benefits of the scheme outweigh its non-compliance with the development plan policies that seek to protect the countryside and the Strategic Gap.

Compliance with PPG4: Industrial and Commercial Development and Small Firms

24. Paragraph 5 of PPG4 makes it clear that Structure Plans should include policies relating to employment-generating development. SP policies EP2(c) and MA1 fulfil this requirement. They establish that Maidstone does not have enough employment land, and that employment allocations will have to be reviewed.
25. In accordance with paragraph 6 of PPG4, the Council is being realistic in its assessment of the needs of business and is seeking to ensure that there is a variety of sites available. Lake Communications is a local company which needs modern offices in a high quality environment in order to attract the best employees. The company has outgrown its existing offices at Mount Offham, a period property in the Green Belt near West Malling.
26. In accordance with paragraph 21 of PPG4, Maidstone has been successful in securing the redevelopment of previously-developed land in the town centre. But the redevelopment

schemes have favoured housing, retail and leisure uses rather than offices. There are now no previously-developed sites in the town centre that would be attractive to businesses such as Lake Communications. Paragraph 10 of PPG4 advises that the locational demands of businesses should be taken into account. Abbey Court is an ideal location for Lake Communications. It is just outside the urban area, in an accessible and prestigious "gateway" location. There are no other sites in Maidstone of a similar character which are available, suitable and viable.

27. The proposed offices at Abbey Court would comply with the guidance in paragraph 11 of PPG4 because it can be reached by modes of transport more energy efficient than the private car. Cycleways, footpaths, and 3 bus routes pass nearby. There would be a free minibus service, free bus travel and other incentives to encourage employees away from their cars. A strict limit on the number of car parking spaces would be another strong incentive.
28. For these reasons, the proposed development complies with PPG4.

Compliance with PPS6: Planning For Town Centres

29. The quantitative need for employment floor space in Maidstone is demonstrated by the latest figures set out at Document 8. These show that between 2001 and 2006, 30,998m² of employment space were lost in the town. In fact, the depletion of the town's B1 floorspace goes back to the 1990s. There has been no new office development in Maidstone's town centre since then. If the SP target of 129,000m² by 2021 is to be achieved, 91,492m² of new floorspace will have to be provided in the next 15 years. Abbey Court would yield 3,146m². This would provide about 3% of what is required; a small but significant contribution. Much more needs to be built.
30. The only new office development outside the town centre is Eclipse Park, 2.5km to the east of Abbey Court, adjacent to Junction 7 of the M20. The offices in Phase 1 total 4,000m², and have all been taken. The offices in the second phase have not yet been built. They will comprise about 10,000m², and they are all spoken for. Future phases depend on the resolution of legal restrictions and the long-term proposals for the adjoining Park and Ride site.
31. Maidstone's recent success in achieving "New Growth Point" status (Document 13 and CD28) means that growth levels set out in the development plan will have to be exceeded by at least 20%. The need to identify additional employment sites is therefore pressing. It will be many years before the LDF process identifies other employment allocations in Maidstone. Unless some offices are built now, the SP target of 129,000m² will be difficult to reach by 2021. The offices proposed for Abbey Court are not large enough to pre-empt any LDF decisions.
32. The current substantial shortage of high quality offices will cause footloose businesses, such as Lake Communications, to shun Maidstone and look elsewhere. This would seriously undermine Maidstone's status as a New Growth Point and its emerging role as a Regional Hub.
33. Paragraph 2.4 of PPS6 encourages planning authorities to ensure that there are enough employment sites to meet the identified need. By encouraging the Abbey Court proposal, the Council is doing this. The proposed development would have a beneficial effect on the role and function of Maidstone. It would be a prestige scheme at the northern entrance to the town.

the town, and the new offices would send a clear message that Maidstone was "open for business".

34. A sequential search for alternative sites has been carried out by the applicant, in accordance with the guidance in paragraph 3.13 to 3.19 of PPS6. A map showing the sites that were considered can be found at the end of Document 25. Location plans of allocated sites, opportunity sites and development sites are at Document 9. Detailed descriptions of the sites can be found in paragraphs 7.19 to 7.75 of Document 25, paragraphs 9.8 and 9.9 of Document 19, and paragraphs 3.9 to 3.27 of the main proof in Document 24. Despite adopting a flexible approach, no available, suitable or viable sequentially-preferable alternative sites have been found.
35. Social inclusion would be encouraged by work experience opportunities for school children. This is a matter covered by the Unilateral Undertaking. There would also be job opportunities for school leavers. The New Line Learning Federation is enthusiastic about this (letter at Document 10).
36. In accordance with paragraph 2.2 of PPS6, the Abbey Court scheme has been designed in response to the natural features of the site. The offices would have an innovative glass and steel-framed design, with curved roof forms. They would sit in a natural bowl within the site, and would respond to the rise and fall of the land and the shoreline of the lakes. The offices have also been designed in accordance with the design principles in *By Design - Urban Design in the Planning System: Towards Better Practice*, and in *Planning for Town Centres: Guidance on Design and Implementation Tools*.
37. The buildings would scarcely be visible from the M20 and the AONB further to the north, because their roofs would be lower than the top of the M20 embankment. Views of the buildings from the A229 and Boarley Lane would be veiled by new and existing trees and hedges. The visual impact on the site's rural surroundings would be fully contained. (Photographs at Appendix 1, Document 21 and Appendix 2, Document 22).
38. The natural environment of the site would be improved by landscaping with native species and by improvements to the biodiversity of the site (landscaping plan at Appendix 1, Document 22). The existing conifer screen along the A229 would have to be removed to make way for the new access, but replacement landscaping would be with native species, including silver birch and beech hedging. There would be additional planting in the tree belts alongside Boarley Lane and the M20 embankment.
39. In all respects, the proposed development complies with PPS6.

Compliance with PPG13: Transport

40. Abbey Court's location adjacent to the A229 and Junction 6 of the M20 makes it a more accessible location than the applicant's current offices at Mount Offham. The existing employees' daily journeys to work by car would be reduced from 2090 km (1299) miles to 1696 km (1054) miles if Lake Communications moved to Abbey Court.
41. Kent County Council is the Highway Authority responsible for the A229 and the roundabouts north and south of the M20 (the Cobtree Roundabout and the Running Horse Roundabout). The most recent survey of vehicle counts and vehicle queuing was carried out in June 2006. Tables at pages 11 and 12 in the proof of Document 23 summarise the survey data. The Highway Authority has concluded that the percentage increase in traffic at the 2 roundabouts would be between 1.4% and 0.1%. This is well below the 5% threshold.

which is normally taken as significant when considering increased traffic flows on a trunk road. There would therefore be no materially adverse effect on local roads and junctions.

42. Over the past 3 years, there has been an average of 5 accidents a year at the Running Horse Roundabout, and 13 accidents a year at the Cobtree Roundabout. Using COBA analysis, it has been concluded that this is lower than the expected annual accident rate for roundabouts carrying the same amount of traffic. The additional traffic generated by the proposed development at Abbey Court would therefore not pose an unacceptable risk of additional crashes.
43. The Highway Authority has identified a short stretch of the A229 slip road, near to the proposed deceleration lane into the site, where forward visibility of the road surface is restricted for drivers travelling more than 40mph. The 85th percentile speed on this stretch of road is 50mph. However, the Highways Agency has concluded that the risk related to the potential presence of un-seen debris on the road is low. Safety audits have been carried out, and technical approval has been granted (letter at Document 12).
44. In line with the guidance in paragraphs 52-56 of PPG13, the number of parking spaces proposed at Abbey Court would be limited. Kent County Council's parking standards (Appendix H, Document 23) require a maximum of 104 spaces. There would also be 20 spaces for cyclists, 15 spaces for motorcycles and 3 spaces for minibuses and delivery vehicles. If overspill parking were to occur outside the site, in Boarley Lane and Old Chatham Road, parking restrictions would be imposed by the Highway Authority to prevent it.
45. Traffic calming measures are shortly to be provided on the road through Boxley because it is being used as a "rat run" by drivers wishing to avoid the congestion at the Cobtree Roundabout and Running Horse Roundabout. However, the measures are expected to divert only a few hundred vehicles each day onto these roundabouts, and this is not expected to materially worsen the existing congestion. The same can be said for the proposed bridge across the Medway about 10km to the north of Maidstone. This would be designed to serve a specific residential development at Peter's Pit (Document 11), and would be unlikely to affect traffic levels in the vicinity of Abbey Court.
46. Turning to more sustainable modes of transport than the private car, Abbey Court offers more choices than the applicant's existing offices at Mount Offham. There are 3 bus services serving Maidstone and the Medway Towns and there are 4 bus stops within 800m of the site. A £10,000 contribution is to be made for the improvement of these bus stops. Abbey Court is adjacent to a cycle network (route maps at Appendix 1, Document 20). It takes about 15 minutes to cycle between Abbey Court and the town centre. On-site parking, changing and showering facilities would be provided for cyclists and motorbikers. The site is connected to the nearby residential areas by footpaths. Maidstone town centre and the railway station are within about 25 minutes walk. Bus and train timetables are reproduced at Appendices A and B, Document 23. Bus and cycle routes are shown on Figures 3-5 (pages 85 to 89) of Document 23.
47. The Travel Plan (Document 6) which is incorporated into the Unilateral Undertaking includes free minibus services from Maidstone and the Medway Towns, free bus season tickets, cycle facilities, and encouragement for car sharing.
48. For these reasons, the application complies with PPG13.

Conclusions

49. Abbey Court is not an allocated employment site, it lies in the countryside and in the Strategic Gap where development plan policies seeks to restrict development. Balanced against this is the fact that Maidstone is not even close to meeting the SP targets for employment floorspace. There is an urgent need for high quality offices in accessible locations in and around Maidstone. The offices proposed for Abbey Court would be a small step in the right direction. They would comply with guidance in PPG4, PPS6 and PPG13. Planning permission should therefore be granted.

THE CASE FOR BOXLEY PARISH COUNCIL

50. The Chairman of the Boxley Parish Council (William Stead) was the only person giving evidence to the Inquiry who opposed the proposed development. His statement can be found at Document 28.
51. Abbey Court is outside the built-up part of Maidstone in a predominantly rural location. The proposed development would compromise the Strategic Gap, contrary to LP policy ENV31. It would be a harmful extension of built form into the countryside, contrary to LP policy ENV28. These policies should not be ignored. The modern design of the proposed offices would not be in keeping with the surrounding rural development. The site is inconspicuous, but when the offices are built this would no longer be the case. The offices would look cramped on the site.
52. To enter or leave the site, drivers would have to join fast-moving traffic on a slip road on the A229 at a point where other drivers are jockeying for position as they approach the Running Horse Roundabout. There is a blind spot on this stretch of road. More vehicles at the Running Horse Roundabout would add to its congestion and its poor accident record. Congestion at the roundabout is going to worsen anyway because of the imminent traffic calming measures through Boxley. If the proposal to build a new bridge over the Medway to the north of Maidstone is implemented, matters would get even worse. The traffic generated by the proposed offices would just add to the misery.
53. The Parish Council questions the extent to which the employees at the offices could be persuaded to travel to work by means other than the private car. The bus services are not good, and cyclists are rarely seen in this part of Maidstone. The limited number of on-site parking spaces could lead to overflow parking in Boarley Lane and other nearby roads that are too narrow to cope.
54. The planning application should be refused.

WRITTEN REPRESENTATIONS

55. The Highways Agency has no objection in principle to the proposed development. It would prefer the Travel Plan to be the subject of a planning condition rather than being part of the Unilateral Undertaking. Nevertheless, the contents of the Travel Plan are largely satisfactory. (Proof of evidence, not presented to the Inquiry, is at Document 27)
56. The Campaign to Protect Rural England (CPRE Maidstone) objected to the planning application in a letter dated 24 April 2005. The proposed offices and car park would be

contrary to policies that seek to protect the Strategic Gap and the land outside the urban confines of Maidstone. The offices would be an intrusion into the countryside environment. It is doubted that the proposed Travel Plan would reduce car usage by employees. The proposed access onto the A229 is considered to be hazardous. In any case, there is no justification for such a large-scale development. New offices are being built at Eclipse Park and elsewhere, and these should be enough to meet the Structure Plan target of 129,000m² of employment floorspace. The planning application should therefore be refused. (Letter flagged on the file)

57. **Ms L Chandler and Mr R Richardson** of The Old Mill House, Boarley Lane, Sandling live close to the proposed development. The lane is used by walkers, horse-riders and cyclists, and it is a haven for wildlife despite the proximity of the M20 motorway and the A229. The proposed offices would have a dramatic visual impact and be incongruous in a country lane and a residential area of older-style properties. The offices would also cause light pollution. The limited number of on-site parking spaces would tempt some employees to park outside the site in Boarley Lane and Old Chatham Road where roadside parking by commuters is already a problem. Furthermore, the rush-hour traffic congestion at the Running Horse Roundabout would get even worse. The planning application should be refused. (Letter at Document 7)
58. **Robert Brittain** of Millstream House, Boarley Lane lives next to Abbey Court. He wrote on 5 May 2005 to object to the proposed offices. Boarley Lane is narrow and becomes congested in the rush hours. Even though a new access is proposed, traffic would increase and road safety would be compromised. The proposed car park would cause light pollution. Privacy in Millstream House would be invaded because its bedrooms and conservatory look straight towards the proposed offices and car park. The offices are too big for the site, and their design is out of keeping with this rural and residential area. Planning permission should therefore be refused. (Letter flagged on the file)

PLANNING CONDITIONS

59. The Council's list of suggested conditions (Document 5) was discussed at the Inquiry. As a result of this discussion, I have produced a revised list of conditions (at Appendix 1) which I consider should be imposed if the Secretary of State decides to grant planning permission.
60. In order to control car usage, and to complement the objectives of the Travel Plan, the number of on-site parking spaces should be limited to 104. With this condition in place, I do not consider it necessary for the Travel Plan itself to be the subject of a condition. The limit on car parking spaces would be self-enforcing, and it would be the trigger that would make the Travel Plan work. The Travel Plan binds all future occupiers of the site. It is enforceable by injunction if necessary. It would be revealed on any standard pre-contract land search, and future occupiers of the site would be aware of it.
61. In order to ensure that the buildings on the site are of a high quality and fit well into their surroundings I have included conditions relating to outside storage, slab levels, building materials and fenestration. To protect the buildings' architectural integrity, there is a condition controlling additional clutter on roofs and walls. Furthermore, in the interests of energy efficiency, a "GOOD" rating in the BREEAM for Offices is required.
62. The future appearance of the land surrounding the buildings is equally important, and I have included conditions relating to signage, boundary treatments, refuse storage, hard and soft

- landscaping, management of the landscaping, and the protection of existing trees and hedges. The site lies within a sensitive area for drainage, and a condition seeking further details is in response to a request made by the Environment Agency. This is a predominantly rural area, but there are 2 houses nearby (The Old Mill House, and Millstream House). For these reasons, there is a condition which seeks to control external lighting and light spillage.
63. Plans of the proposed new access into the site have been supplied, but a condition requiring further details is included. In addition, in the interests of highway safety, the existing access in Boarley Lane is required to be closed to employees at the earliest possible opportunity.
 64. There is the possibility of archaeological remains and soil contamination, and schemes of investigation have been required as a precautionary measure.
 65. I have not included the final condition suggested by the Council: "There shall be no departure from the plans and details submitted". I consider that this does not pass the Circular 11/95 test of necessity. In any case, all the conditions have an implementation clause where relevant.

UNILATERAL UNDERTAKING

66. The Unilateral Undertaking can be found at Document 6. It is signed and dated by the owners of the site, one of whom (Michael Thompson) owns Lake Communications and currently lives at Abbey Court. The Undertaking offers a £10,000 contribution for improvements to the nearest bus stops, the provision of a permissive public path within the site to give improved access to the lakes, the implementation of a Travel Plan (appended to the Undertaking), and the provision of work experience open days for local school children.
67. In my opinion the Unilateral Undertaking is fit for purpose, and would be an essential adjunct to any planning permission.

CONCLUSIONS

References within square brackets [] refer to the paragraph numbers in the main body of the Report.

Compliance with the development plan and any emerging plans

68. Abbey Court is not within an existing or proposed employment area. LP policy ED3 indicates that planning permission should therefore be refused [14].
69. The site lies outside Maidstone's settlement boundary, and is therefore in the countryside [5]. The proposed offices do not fall within any of the specified exceptions of LP policy ENV28, the policy that seeks to protect the countryside [14].
70. Abbey Court also lies within the Strategic Gap, a swathe of land on both sides of the M20 which is intended to ensure the continued separation of Maidstone and the Medway Towns [5]. SP policy SS3 and LP policy ENV31 make it clear that development within the Strategic Gap will not be permitted [14].
71. In the light of the above, it is clear that the proposed development does not comply with the development plan. However there are other policy-related considerations that should be weighed in the balance. Firstly, there is the requirement embodied in SP policy EP2(c) that Maidstone provides 129,000m² of employment floorspace by 2021 [14]. Maidstone's recent status as a New Growth Point adds to the urgency of this [31]. There is a long way to go. The shortfall is currently 91,492m², and the situation is getting worse [29].
72. Secondly, the emerging South East Plan identifies Maidstone as a Regional Hub and the M20 as a Regional Spoke [16]; and the emerging Core Strategy Diagram shows Abbey Court within an area of search for development sites [17]. Therefore there are various indications to suggest that, in future years, the area to the south of Junction 6 of the M20 (including Abbey Court) could be considered suitable for development. The Village, and the future development on the Veglios site, may be the forerunners of other developments in this area [17].
73. The final policy-related consideration is the fact that SP policy MA1 describes the Strategic Gap as being "defined by the M20" which it currently is not [14, 20]. The emerging Core Strategy Diagram shows the Strategic Gap starting on the north side of the M20, not the south side as at present [17, 20]. It could be that, in a few years time, Abbey Court and other nearby sites just to the south of the M20, will no longer be within the Strategic Gap. Even if this were not to happen, I am satisfied that there would be no risk of Maidstone and the Medway Towns coalescing if the proposed development were to take place [20]. In my view, the motorway and the North Downs would continue to make an effective physical and spatial separation between the 2 urban areas.
74. I am therefore of the view that there are material policy-related considerations which should be balanced against the failure of the proposal to comply with LP policies ED3, ENV28 and ENV31, and SP policy SS3.

Compliance with PPG4: Industrial and Commercial Development and Small Firms

75. Urgent measures are required if compliance with the PPG4 objective of encouraging economic development is to be achieved in Maidstone. In recent years, the Council's efforts to follow the guidance in PPG3 have resulted in the redevelopment of town centre sites with

housing rather than offices [26]. Town centre sites for large-scale high quality office developments have been seriously depleted [29]. It is necessary to look outside the urban area. This has already been done successfully at Eclipse Park [30]. At current rates (which are in a negative direction) it is clear that the SP target of 129,000m² of employment floorspace by 2021 is going to be hard to meet [29]. The LDF process will not yield new employment allocations until about 2010 [17]. In the meantime, windfall sites should not be discounted. Abbey Court is a windfall site. It is available now. It meets the locational demands of Lake Communications. It is accessible by modes of transport other than the private car. Furthermore, it is located in a part of Maidstone that has been designated in the emerging Core Strategy as an area of search for future developments [17].

76. For these reasons I consider that the proposed development complies with PPG4.

Compliance with PPS6: Planning for Town Centres

77. The Council is searching for new employment sites as part of the LDF process. It needs to do this urgently because the allocated employment sites are unavailable, unsuitable or unviable for the business needs of high-technology image-conscious companies such as Lake Communications [11, 25]. Footloose companies are shunning Maidstone. There has been no new office development in the town centre since the 1990s [29]. There is undoubtedly a quantitative need. The LDF process will take several years and, in the meantime, Maidstone is slipping backwards in its attempts to fulfil the SP target of 129,000m² by 2021. Additional pressure for new employment sites comes from Maidstone's New Growth Point status, confirmed in October 2006 [31].

78. There are qualitative considerations too. The speedy uptake of the high quality offices at Eclipse Park demonstrates the extent of unsatisfied demand [30]. The proposed development at Abbey Court would be of a similar quality.

79. In accordance with PPS6, a sequential search has been carried out [34]. I am satisfied that the applicants have looked at all possible sites with an open mind. One front runner appears to be Springfield. Formerly the County Council's headquarters, this is an "edge of centre" site only about 1.5km from Abbey Court. The sustainability advantages relative to Abbey Court are therefore marginal. Furthermore, office development at Springfield, when built, would provide 13,100m²; far more than Lake Communications needs. The development would be part of a mixed-use scheme that involves the prior construction of new housing and flats. In addition, unlike the proposed offices at Abbey Court, the Springfield development would reinforce the downward trend in Maidstone's office floorspace. The former County Council offices had a floorspace in excess of what is now proposed to be built.

80. Another front runner is Eclipse Park. Phase 1 is fully let and occupied. Phase 2 is not yet built, but all the office space is spoken for. This leaves Phases 3 and 4 which depend, amongst other things, on the resolution of legal restrictions and the future plans for the adjoining Park and Ride site [30]. There is much uncertainty, and I consider it unreasonable to expect Lake Communications to wait until the picture becomes clearer. Its search for a new site has been on-going for nearly 4 years already.

81. I am satisfied that an office development at Abbey Court would not cause a decline of the town centre. Recent schemes in the town centre have favoured mixed residential, retail and leisure uses, not offices [26]. The Abbey Court scheme would complement, not compete, with the town centre's role.

82. The proposed landscaping and improvements to biodiversity would result in the physical regeneration of a previously-developed site [38]. Other benefits would include additional employment, economic growth, and social inclusion [35].
83. Turning to the design of the Abbey Court scheme, I consider that the architect has produced an innovative design that responds sensitively to the natural features of the site. Within the grounds of Abbey Court, the 4 office buildings would be eye-catching. Beyond the boundaries of the site, they would scarcely be visible [37]. Loss of privacy for the residents of Millstream House would be unlikely; the nearest offices would be about 150m away with a lake and trees in between [58].
84. The clearest views into the site would be from the A229 slip road to the Running Horse Roundabout. This is where the new access would be, and an existing belt of conifers would have to be felled [37]. In my view, the replacement landscaping with silver birch and beech hedging would take about 10 years to soften the appearance of this side of the site. Nevertheless, I am satisfied that the scheme complies with the design objectives of paragraphs 2.1 and 2.2 of PPS6 and other design guidance [36].
85. In all respects I consider that the proposed development complies with PPS6.

Compliance with PPG13: Transport

86. The predicted increase in traffic levels at the roundabouts and roads near to the site has not caused the Highway Authority or the Highways Agency to raise objections [41]. The Travel Plan and the limit on the number of parking spaces at Abbey Court would work hand in hand in discouraging car usage. I am satisfied that the Travel Plan and the condition limiting the number of on-site parking spaces are sufficiently robust to ensure that this would happen.
87. The applicants are adopting a "carrot and stick" approach. The "carrot" would be the free minibus service, free bus tickets, facilities for cyclists and motorbikers, and encouragement for car sharers [47]. The "stick" would be the strict limit on the number of on-site car parking spaces. For an eventual workforce of 250, there would be only 104 spaces [44]. I sympathise with the local residents' fears that this could worsen the problems of roadside commuter parking in the rural lanes near to Abbey Court [44, 53, 57]. However, I am comforted by the Highway Authority's willingness to monitor the situation, and take action if necessary [44].
88. The sustainable transport choices open to future employees of the site are the free minibus, the public buses (3 routes with 4 stops within 800m of Abbey Court), cycling (an off-road cycle way exists between the town centre and Abbey Court), and walking [46]. There are extensive residential areas on the north side of Maidstone within walking distance. The train station is about 2km away.
89. Lake Communications' existing offices at Mount Offham do not have as many sustainable transport choices because of their location in the Green Belt. Moreover, a move to Abbey Court would reduce the vehicle miles travelled each day by existing employees, because many live closer to Abbey Court than they do to Mount Offham [40].

90. In all respects I consider that the proposal complies with PPG13.

6

APPENDIX

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/01/0249N/04

GRID REF: 7786-5717

**ECLIPSE BUSINESS PARK, PHASE 2, SITTINGBOURNE ROAD,
BOXLEY**



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council Licence No. 100019636, 2007. Scale 1:2500



**Steve Goulette, Assistant Director
Regulatory and Environmental Services**

APPLICATION: MA/01/0249/04 Date: 1 May 2007 Received: 2 May 2007

APPLICANT: Gallagher Properties Ltd.

LOCATION: ECLIPSE BUSINESS PARK, PHASE 2, SITTINGBOURNE ROAD,
MAIDSTONE, KENT.

PROPOSAL: Reserved matters application for siting, design, external appearance, means of access and landscaping pursuant to outline consent MA/01/0249, for erection of buildings for employment purposes (Class B1 & Class B2) renewed under MA/05/1871 for the erection of a 3843sqm headquarters Class B1(a) office building as shown on drawing numbers DHA/6034/02, 10585/TP/005,006, 007, 008revA & 012, 10585/SK/004 7309/TG/1revP2, Planning Statement, Design and Access Statement, BREEAM-Offices 2006 Pre-assessment Estimator received on 02/05/2007 and as amended by additional documents being drawing no 140585/TP/010revA received on 15/05/2007 and drawing nos. 10585/TP/011revA, 0983/07/2revD, 0983/07/05revE, revised Sketch Elevation Drawings, Supplementary Planning Statement and amended Green Travel Plan received on 05/06/2007.

AGENDA DATE: 28th June, 2007

CASE OFFICER: Steve Clarke

The recommendation for this application is being reported to Committee for decision because:

- it is a major/controversial development

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV2, ENV6, ENV51, ED1, ED4, T13
Kent and Medway Structure Plan 2006: MA1, QL1, EP1, EP2, TP3, TP19, NR1, NR5
Supplementary Planning Guidance: Development Brief for land adjacent to the Hilton Hotel Old Sittingbourne Road: Adopted Jan 2002
Government Policy: PPS1, PPG4, PPG13

HISTORY

The relevant planning history on the site as a background to this application is as follows;

MA/07/0471: Erection of B1 (a) office headquarters building with associated parking and landscaping. UNDETERMINED

MA/05/1871: Variation of condition 1 of planning permission MA/01/0249 (outline application for erection of buildings for employment purposes - class B1 and class B2 with access and car parking to extend the time within which the development may commence and for imposition of a revised condition 1 to allow a further period in which to submit details pursuant to the outline planning. PERMITTED 15/11/2005

MA/01/0249/02: Application for approval of reserved matters being details of access/estate road to serve Phase 2 of business park, pursuant to outline application MA/01/0249 erection of buildings for employment purposes (class B1 and B2) with access and car parking. DETAILS APPROVED 21/12/2006.

MA/01/0249: An outline application for erection of buildings for employment purposes (class B1 and class B2) with access and car parking, with all matters reserved for future consideration. PERMITTED 15/03/2002.

EXTERNAL CONSULTATIONS

Boxley Parish Council: Confirmed on 24 May 2007 that they have no comments to make on the application.

Southern Water: Confirmed on 4 June 2007 that they do not wish to comment on the application.

EDF Energy: Confirmed by letter dated 22/05/2007 that they have a substation as well as an underground cable in the vicinity of the site. They advise that their local office at Bircholt Road in Maidstone should be contacted on 0845 234 0040.

Southern Gas Networks: Confirmed in a letter dated 17 May 2007 that there is a gas main in the vicinity of the site. (The submitted plan indicates that a main serves Shaw Close and that a further main is located on the eastern side of the A249 carriageway.

Highways Agency: The Agency was consulted on 10 May 2007 and re-consulted on the additional details received on 5 June 2007 including the submitted revised Green Travel Plan. Formal comments from the Highways Agency were received on 15 June 2007.

The Agency has imposed a Direction under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 directing that the Council cannot grant permission for the development. The Direction will remain in force unless withdrawn until 14 December 2007. The reasons for issuing the direction are given as follows;

'There is insufficient information presently available to the Secretary of State to determine whether the proposed development would generate traffic on the trunk road to an extent that would be incompatible with the use of the trunk road as part

of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, and with safety of traffic on the trunk road.'

The concerns which have led to the making of the Direction are summarised below;

- The Agency is concerned that there could be significant environmental effects that were not considered at outline stage and that these should be revisited at reserved matters stage. It is their view that the highway implications of the reserved matters application raise in their own right 'significant environmental effects' in terms of traffic congestion, noise and air quality. The development should be screened for EIA, and a Traffic Assessment submitted for the development.
- Despite the access being proposed from Sittingbourne Road, access for other applications have been proposed from Bearsted Road which the Agency have objected to in view of the closeness to the Bearsted Road roundabout. Such an access would be contrary to the original outline permission.
- The trip generation for the proposed development has been calculated using Class B2 trip rates rather than Class B1 trip rates. This results in a significant difference in levels. The applicants should explain why the trip rates have been calculated in the way that they have.
- Only a generic travel plan has been submitted with the application. The request that the provision of a Travel Plan is made the subject of condition is unacceptable given the condition on the outline permission. At the very least a detailed Travel Plan framework should be submitted.
- The proposal indicates the provision of 126 parking spaces. Given the site's sustainability credentials a lower provision should be made. In the Ashford area, parking levels are restricted to 80% of the demand.
- Concern has also been expressed regarding the applicant's stated intention to landscape and manage the highway verges adjacent to the site. It is not possible or reasonable to include HA land in any landscaping proposals.

INTERNAL CONSULTATIONS

Economic Development Manager: Provided the following comments on 12 June 2007

'I can confirm that I still strongly support the Towergate application. I would like to add that office development of this size and nature boosts confidence in the office market in Maidstone generally and is likely to act as a catalyst for further demand. It is vitally important that Maidstone supports indigenous business growth as this is likely to be the foundation on which employment growth will be based.'

Planning Policy and Environment Manager: Provided the following (summarised) comments on 13 June 2007.

- Policy ED4 of the Maidstone Borough-Wide Local Plan 2000 concerning the Eclipse Park states that no more than 40% of the Park as a whole (6000m² of 15000m²) shall be developed for B1 (a) uses. The corrected 2005-2006 Kent County Council Commercial Information Audit (previously Employment Land Survey) indicates that

5876m2 of the Park has already been developed for office uses. If permission were granted for the Townergate development, the total office development would amount to 9689m2, or 64.6%.

- They are concerned that the development of this site in this manner may undermine both the town centre and future economic development policy.
- Phase 1 landscaping requirements have not been followed will this happen again?
- A more detailed travel plan is needed.
- On the other hand they state that it could be argued that events on the ground have overtaken the rationale behind the policy and the s106 agreement. New Class B employment space has not kept pace with the growth of the town.
- There is also an argument for supporting the proposal on the grounds that the first user (and any approval should be subject to a first user condition to secure this) will be a local firm that wishes to consolidate within Maidstone but is currently in a split site situation. This will enable the firm to grow more efficiently and increase its local employment.
- On balance, they consider the arguments in favour outweigh those against and, whilst the proposal is contrary to ED4, in the light of changed circumstances they are prepared to support the proposal provided other concerns in relation to landscaping and the travel plan are addressed.

Environmental Health Manager: Views awaited.

The following comments were made on 12 April 2007 in respect of application MA/07/0741.

Matters Considered: Amenity to commercial neighbours and residents of Hilton Hotel. Car park drainage. Noise.

Comments: The proposals relate to the ongoing development of the Business Park. Environmental matters have hitherto been reviewed apropos the Park. The proposals once completed should not pose a risk to neighbours or the environment.

Recommendations: I have no objections to the granting of consent subject to the following informatives. Hp02, Hp05 Hp06 Hp07'

(The informatives relate to hours of operation and conduct on site during construction)

Landscape Officer: Consulted on 16 May 2007 and again on 6 June 2007. No views received.

REPRESENTATIONS

Maidstone CPRE commented on the application by letter dated 28 May 2007. They have **no objections** to the application but have made the following (summarised) observations.

- The site is sensitive so design is important. Large amounts of glass and buff coloured brickwork can look insignificant. The absence of large amounts of external wood cladding is welcomed. The curve in the elevation of the building breaks up the front and makes it more interesting.

- It is regretted that the BREEAM rating achieved is only GOOD albeit at the higher end of the scale. This seems mainly due to the relative isolation of the site from good public transport connections. This makes it all the more important for the Green Travel Plan to work. There is currently no indication of space to dry wet cycling clothes this should be rectified as BREEAM points were lost because of this.
- The overall site design seems acceptable provided that appropriate native species that provide some colour as well as greenness are used, particularly given the existing buildings which do not enhance the Business Park at the entrance to Maidstone.

HIGHWAY CONSIDERATIONS

Kent Highway Services: Confirmed on 22 May 2007 that they have no objections to the proposals subject to the imposition of a number of standard conditions and informatives. The revised Green Travel Plan and the recently received amended plans are currently being considered.

I received a further letter from the Mid-Kent Transportation team on 18 June 2007, commenting on the Highways Agency (HA) letter of 15 June 2007. In summary the comments made are as follows.

- Kent Highway Services are not currently aware of a planning condition that refers to a certain target level of B2 development on the site. If the applicant has used a B2 trip generation rate for part of the Townergate application (which is a B1 office), the total predicted flow will be from a prediction based on all B1. The maximum difference quoted in the HA letter is some 10 vehicles in a peak hour. Kent Highways consider that this is a matter for WSP (the *applicant's highway consultants*) to clarify, but are of the view that Kent Highways would find it difficult to sustain an objection to the application on this level of difference.
- Kent Highways consider that the Phase 2 Green Travel Plan as submitted forms a reasonable basis for promoting the role of sustainable transport. They agree with Parsons Brinckerhoff (PB) (the HA's consultants) that the Plan should identify what it means by "in house transport services" and clarify the start date for its monitoring process. The Travel Plan refers to subsidised bus travel being made available for employees. It is not clear what level of subsidy is being suggested. Ideally, it would be a guarantee of bus season tickets for all employees who used the services to reach the office or in the course of their work. As PB point out, the Travel Plan should be agreed and in place prior to occupation.
- In respect of sanctions and enforcement mechanisms, it is difficult to judge how these might be applied, as the targets in the Travel Plan extend some 3-4 years into the future, by which time other applications besides Townergate may have come forward for other parcels of land on the Eclipse site.
- It is suggested that the emphasis is put on an initial requirement for fully subsidised bus travel as described above, the designation of a Travel Plan Co-ordinator for the entire site, plus a condition that refers to the implementation of a site-based mini-bus service if the modal split targets are not met in the first 2-3 years of occupation.

- PB are right to identify the need to discourage the use of the Park and Ride site by employees or visitors to the site.
- In terms of locally committed development, the concerns of the HA about the cumulative effect on Junction are understood. It is Kent Highway's understanding that Eclipse is the site that has an existing outline permission (and a Local Plan allocation), and that the other sites in the vicinity (Kent Clinic and Maidstone Studios) are not commitments, and that their Transport Assessments must reflect that.
- The existing permission for Eclipse deals only with an access on to the Old Sittingbourne Road. However, an application has been made for a Mercedes Benz dealership on the Bearsted Road frontage of the Eclipse site. This would form an additional access into the overall site. This proposal has passed through the outline Safety Audit and Technical Appraisal process, and no major breach of safety guidelines or design standards has been identified. The HA's concern is recognised, and it is confirmed that KCC has a general expectation about not forming new accesses onto busy roads. However, it is not considered that there are grounds for objecting to access to Eclipse direct from Bearsted Road.
- In summary, KCC do not wish to object to the impact of the Towergate application on the local road network. Further applications within the extent of existing permission will need to be considered against their traffic impact in relation to the total level expected when the permission was originally granted, and I would suggest that the applicants have this in mind when responding to the HA's concerns.

Officer Comment: I would advise Members that discussions are continuing between your officers, the applicants, Kent Highways and the Highways Agency. I will update Members further in an urgent update report.

PLANNING CONSIDERATIONS

Background

Members will have noted from the planning history set out earlier in the report, that there is an existing undetermined full planning application for the erection of a 3843m² Class B1(a) office building on this site. The principle difference between this current reserved matters application and the earlier application is that an area of land (approximately 10m in width) located to the south of the site was included within the full planning application. This area of land falls outside the extent of site with outline permission.

Site location and description

The site is located within Phase 2 of the Eclipse Business Park. The Eclipse Park is located on land to the west and north of the Hilton Hotel and is accessed from 'Old' Sittingbourne Road. To the north of the site is the Sittingbourne Road Park and Ride Car Park and the M20 Motorway (junction 7). To the east is the dual-carriageway A249 Sittingbourne Road link to junction 7 of the M20 and further to the east, the Newnham Court and Nottcuts complex. South of the site lies the Hilton Hotel. Phase 1 of the

Business Park has been completed and is fully occupied. This comprises three buildings located immediately to the west of the Hilton Hotel.

The total area of the application site including the access road amounts to approximately 0.98ha, with the site of the proposed building and associated parking comprising some 0.68ha in area.

The site lies within a designated employment site identified under policies ED1 and ED4 of the Maidstone Borough-wide Local Plan 2000. It is within the urban area also as defined in the Borough-wide Local Plan. A Development Brief has also been prepared in respect of the site, which was adopted in January 2002.

The land within the site falls from north to south. The motorway junction and the A249 carriageway are also higher than the proposed site of the building. The carriageway of the A249 is approximately 2.96m higher than the proposed finished ground floor level of the building. There is also a rise in site levels from east to west, with 'Old Sittingbourne Road and Heath Wood behind being on higher ground.

Proposal

The application seeks approval of reserved matters of Siting, Design, External Appearance, Means of Access and Landscaping, pursuant to outline planning permission MA/01/0249 as renewed by MA/05/1871 for the erection of a Class B1(a) headquarters office building of some 3843m² floor area with associated parking facilities.

The application is not speculative.

The intended occupants are the Towergate Partnership a locally based insurance company which requires new space. The staff of the company are currently located on a number of different sites, principally at County Gate, Stacey Street, Maidstone but also on the 20:20 estate at Allington as well in premises at Sevenoaks. The company wishes to rationalise its facilities and organisation, whilst allowing space for continued growth.

The proposed building has therefore been designed to accommodate 250 persons but on completion is anticipated to accommodate around 180 persons.

Access to the site would be from Old Sittingbourne Road and would use the Phase 2 access road approved under MA/01/0249/02 in December 2006. This road is now under construction.

The building and associated car parking are to be sited in the northeast corner of the business park to the south east of the Park and Ride Car Park. Immediately to the east is the A249 which is on a rising embankment at this point and approximately 3m higher than the indicated finished ground floor level of the building.

The building is four-storeys in height and comprises in essence, two angled wings either side of a central core. It is approximately 16.6m in height with a centrally located roof-top plant section adding a further 3.2m to the overall height over the central section of the building. Each wing of the building is approximately 23m long and 15.5m in depth the central core whilst approximately 15m in depth is narrower on the west elevation than the east elevation resulting in the angling of the wings. The total length of the west façade is approximately 55m and that of the east façade 63m.

The principal entrance to the building is approached from the west. The central fully glazed core containing a reception area open to second floor level, is approached by a pedestrian only tree-lined boulevard finished in Welsh Slate. The east elevation of the central core containing a secondary entrance is slightly convex in shape and partly constructed from buff-coloured facing bricks (matching those on the main wings and the plant room) and partly glazed.

The first three floors of the building are mainly constructed from buff-coloured facing bricks that project forward to the central core with regularly spaced powder-coated aluminium glazing punched and recessed into this solid framework. All windows on these levels are shielded by brise-soleil. The fourth floor is entirely glazed on all sides of the building with the glazed areas of the central core rising to fourth floor level and merging into the glazing at this level. The roof considerably oversails the fourth floor providing a solid top to the building that in the words of the design statement 'shelters the lighter elements and holds the building to the ground.' The northeast and southeastern corners of the building contain escape stairs, these are also fully glazed to roof level.

The applicants have submitted a BREEAM for Offices pre-assessment indicator that indicates at this stage that the building would achieve 51.23 points which falls within the GOOD category (40-55 Points).

The development would benefit from a SUDS drainage scheme. Surface water drainage comprises rainwater collection from the roof and from the external areas. The rainwater collected from the roof would be taken via a gravity system to an underground tank where it will be harvested for use in the lavatory flushing cisterns and for irrigation of the soft landscaping as part of a comprehensive greywater recycling programme. Rainwater collected from external paved areas will be passed through an underground interceptor for filtration before passing to a new infiltration trench to enable the water to pass into the ground naturally.

Externally, the vehicular access to the site is located in the northwest corner. A total of 126 car parking spaces (a ratio of 1:30) are to be provided, in addition, dedicated motor-cycle bays and secure covered bicycle storage are also proposed.

The parking areas are broken up by proposed planting with the amended plans increasing provision in the north east corner of the site and along its southern boundary in particular. The extent of the landscaping within the site now amounts to 2343m², some 39.3% of the external site area. It comprises 134 Trees, 291m of native hedgerow, 3,050 ornamental shrubs and 253 herbaceous plants. All the species have been selected to suit the soil type of the area and accord with the 'Atlas of Kent Flora.' The Landscape Masterplan (which has been revised) illustrates the site context, which has directly influenced the submitted landscaping scheme. A wildlife pond is now proposed in the south east corner of the site as well as a 150mm diameter duct in the north west corner under the proposed access road to a planned refuge and wetland area on the site.

The planned wildlife refuge and wetland area is indicatively shown on the landscaping/site layout in the form of a central roundabout island within the Business Park road. Details of this area of the site are currently being finalised.

The applicants have advised that they have reached agreement in principle with Kent Highway Services to allow them to undertake further planting and proper management of the existing planting on the A249 embankment and have indicated that they are willing to accept a 'Grampian' condition dealing with the details of this matter.

Planning issues

The site is within an allocated employment site in the Borough-wide Local Plan. Policy ED4 of the Local Plan sets out specific criteria against which any development of the site should be assessed (see Appendix A). The supporting text to the policy identifies the need for 'new technology' industry as an important part of the council's economic objectives and the diversification of the town's economy. It states that such industries tend to look for prestige locations in a setting that enhances the image of the business. At paragraph 5.42 of the supporting text to policy ED4 it states that in order to attract such companies ***'it is critical that a high profile 'gateway' type site be identified and allocated for these activities.'*** The paragraph continues further and states ***'Such a site needs to be clearly visible from the motorway, to have good access, the potential for a high quality landscaped environment, good access to a wide catchment of skilled workers and to have the potential for the development to be seen as a gateway to the town.'***

The principle of the construction of a class B1 development on this site has been established through the outline permission. A legal agreement controlling the usage pursuant to criterion 1 of Local Plan Policy ED4 is still extant.

The determining issues are largely encapsulated in the reserved matters that approval is sought for. I therefore address each in turn as follows and then address other relevant issues.

Means of Access

The principal means of access to the site from the local highway network is via Old Sittingbourne Road, which also serves the Park and Ride car park and the completed Phase 1 of Eclipse Park. This complies with policy ED4. The Park's phase 2 access road was approved under reference MA/01/0249/02 on 21 December 2006 and is now under construction. This provides internal access to the site of the proposed building and parking. Kent Highway Services have raised no objections to the proposed means of access or to the impact of the development on the local network. They wish to see the parking provision safeguarded and for these spaces and the access road to be constructed and appropriately surfaced prior to the first occupation of the building.

A total of 126 parking spaces are currently shown to be provided. This equates to a ratio of 1 parking space to 30m² of floorspace. This is in accord with the maximum parking provision advised in PPG13.

I consider that no objections can be raised in terms of the proposed means of access to the site.

Members will be aware that the Highways Agency has expressed the view that they have insufficient information on which to assess the impact of the development on the adjacent M20 Junction 7. They will also note that Kent Highway Services who manage the road network immediately adjacent to the site have not raised objections on highway grounds. It must be borne in mind that the site has the benefit of an outline permission and that this is an application for reserved matters that would not in my view result in an unacceptable impact on local traffic conditions.

I would advise Members that discussions with the Highways Agency are ongoing and I will advise Members in an urgent update report at the meeting.

Siting, Design and External Appearance

Following the adoption of the Borough-wide Local Plan in December 2000, a development brief for the site was prepared and subsequently adopted in January 2002. This provided some guidance on the future development of the site.

The brief considered two main options, one with development taking place with the Park and Ride car park remaining in place and one with it relocated. Clearly development of the site has occurred with the car park remaining in place. This option envisaged three development sites within the designated employment area. Phase 1 has roughly been built on area 1 and the currently proposed development is roughly within area 3. The brief does acknowledge that this part of the site could accommodate a single large building but recommends two or more free standing units. The brief recognises the opportunity the site presents for a high quality development but notes that it is in a sensitive location. It states that the mass, design and siting of the buildings and materials used are critical. The brief does state that a more

contemporary design will be acceptable but must be sympathetic to use. Materials used on the site must be of a high quality and durable and in colours and textures that add to the attractiveness of the area. The other key principle guiding development is that the roof-line of buildings should not project above the tree-line of Heath Wood an ancient woodland to the west of Old Sittingbourne Road.

Furthermore, as mentioned above, the supporting text to Local Plan policy ED4 sees Eclipse Business Park as being 'high profile' and a 'gateway' in order to attract 'technologically driven businesses.' At paragraph 5.42 of the supporting text to policy ED4 it states that in order to attract such companies **'it is critical that a high profile 'gateway' type site be identified and allocated for these activities.'** The paragraph continues further and states **'Such a site needs to be clearly visible from the motorway, to have good access, the potential for a high quality landscaped environment, good access to a wide catchment of skilled workers and to have the potential for the development to be seen as a gateway to the town.'**

It is therefore clear to me that the building proposed must have a visual presence. The buildings which form Phase 1 have a visual presence and have proved to be a highly attractive to the market in that they are fully occupied.

The scale of the building proposed is of a size to have a visual presence and mainly due to its location, could be considered to be a 'gateway.' Whilst of a scale I do not consider that it would dominate the wider landscape. I do not consider that the building would intrude into the skyline of the North Downs and it has been demonstrated in the submitted details that it would not project above the tree line of Heath Wood. However, good design here in terms of the architecture of the building with the quality of the hard and soft landscaping are determining planning issues.

I consider the siting of the building as proposed to be acceptable and responsive to its context. The building has in my view two roles to play. Firstly to provide a visual stop to the Internal access road and secondly, to present an outward face to the site from the A249 and the M20 junction 7.

In respect of the first point, the proposed building does provide a visual stop within the site and this is emphasised by the tree-lined boulevard that leads both the eye and feet to the building at the end of it.

When viewed from outside the site from junction 7 and the A249, the building will be partially shielded by the highway embankment on the A249. However, the eastern elevation of the building, particularly the convex central core and the proposed juxtaposition of solid brickwork, glazing and the oversailing roof will still provide an acceptable presence and visual interest. I do not consider that the scale of the building will appear out of context and cross sections have been submitted that demonstrate that the building would not unacceptably dominate its surroundings or protrude above

the tree line of Heath Wood. Much of the proposed car parking will also be shielded by the highway embankment.

The design of the building has a clear logic/structure to it and is not of a standard design. As stated above, the basic form is one of angled wings either side of a central glazed lobby. This is a response to the curvature of the estate road. The main façades (east and west) are dual aspect in that they address both Eclipse Park and the A249. The flanks (north and south) contain a large proportion of glazing and so provide detail.

The building has a clear hierarchy

- (1)'Base': Emphasised by the height of the ground floor windows so the building is revealing itself more at pedestrian level.
- (1)'Middle': Shorter height windows but well proportioned with the windows being recessed and projecting solid sections between the two horizontal lines of windows.
- (2)'Top': Projecting roof elements and very pronounced horizontal line of windows.

There is therefore, a clear hierarchy and within this hierarchy there is much detailing notably the layering including recesses, and projections on the façades such as the brise soleil.

The proposed materials are of a high quality ranging from the proposed Baggeridge Sandlewood Yellow Multi bricks to the Welsh Slate proposed for the boulevard. The applicant has submitted a materials board, which will be available for Members to view at the meeting.

Parking provision is at a ratio of 1:30. This is the maximum envisaged in PPG13. Ideally, the ratio could have been lower, thus allowing for greater landscaping within the site. However, it must also be borne in mind that the office sector operates in a highly competitive market and that there are other locations where car parking provision is greater. In addition, I consider the layout as now proposed to be properly and adequately broken up by the landscaping which would not result in a 'sea of car parking' around the building. The visual impact of the spaces on the eastern side of the building is further reduced by the shielding effect of the highway embankment.

I therefore consider that the details of siting, design and external appearance can be approved.

Landscaping

The landscaping of the site is also a key element of the requirements of policy ED4 and within the development brief. One of the requirements under policy ED4 is for a 15m wide landscaping belt along the site's eastern boundary with the A249. The development brief also identifies the need for a denser planting scheme for the north east corner of the site and along its eastern boundary with the A249. The brief states that the policy ED4 requirement for the 15m wide landscaping strip on the eastern

boundary can include the highway embankment provided that its future maintenance can be guaranteed. The brief advises that landscaping should comprise native species and that they should aim to enhance the setting of the development by breaking up the massing of the site and providing attractive views within the development. It indicates that a 'sea of car parking' would not be acceptable and that parking should be broken into smaller blocks and integrated with the landscaping.

Detailed landscaping plans including a master plan/ecology context for the Business Park have been submitted. As indicated earlier, the extent of the landscaping within the site now amounts to 2343m², some 39.3% of the external site area. It comprises 134 Trees, 291m of native hedgerow, 3,050 ornamental shrubs and 253 herbaceous plants. The landscaping strategy for the site allows for the provision of an external framework of native tree and hedge planting that will provide links to and between future development phases within the site and areas external to the site. All proposed planting species have been selected to suit the soil type of the area and they accord with the 'Atlas of Kent Flora.' The agents have confirmed that the native trees and shrubs used occur in the area but they go on to state that 'it has not been possible to exclusively provide native planting in the internal areas of the site, as there are no species of a suitable height to complement the adjacent car parking and ancillary uses.' They state further that 'this will allow for a manageable and aesthetically pleasing internal environment that will be appropriately framed by the comprehensive native boundary landscaping.' The agent has also confirmed that they have been advised that 'the optimum range of habitats and consequent biodiversity on a site such as this is for a mixture of trees and shrubs of varying heights. This is stated to 'create a series of edges and transitions between these maximising the range of habitats.' They further state that 'it is not realistic to have areas of meadow on a site of this size as they would be too small to be useful. There is unmanaged grassland on the M20 and A249 banks and these work together with the planting on the site to create a larger area of habitat diversity.' The agents have also confirmed that two trees are also to be sited either side of the secondary entrance on the east elevation of the building to frame the entrance, although these are not currently indicated on the submitted landscaping drawing but are shown on the site layout plan.

I consider that the proposed landscaping details will provide a satisfactory setting for the building and for the site as a whole. It is acknowledged that the planting strip on the eastern site boundary is not a uniform depth of 15m as referred to in policy ED4 varying as it does between 11m and in excess of 20m in depth with an average depth of between 12m and 13m. However, with the proposed enhanced planting and management of the highway verge and the extensive native tree planting (sizes range from a minimum of Select Standard size to larger than Extra Heavy Standard) and the native hedge planting on this eastern boundary, I consider that the site will be appropriately landscaped. The agent has indicated that the details of the proposed wildlife refuge and wetland area are currently being finalised. I consider that details of this area can be required by way of a suitable condition.

There is a strong link here between the architecture of the building and the soft and hard landscaping. The quality of the hard landscaping is high, a theme particularly evident in the central avenue/boulevard.

The landscaping also links effectively with other areas of the Park in terms of ecology and the framework for the landscaping of the Park as a whole.

I consider therefore that the landscaping details are acceptable and can be approved.

Other issues

The extant s106 agreement and the provisions of Policy ED4 in respect of the proportion of B1(a) office floorspace are referred to earlier in the report. Existing development on the site within Phase 1, amounts to some 5680m². Of this, some 600m² of the 1000m² Eclipse House are occupied by a medical software development company that is considered to fall within Class B1(b). The current proposals would result in a further 3843m² of B1(a) floorspace within the site resulting in a total of approximately 8900m² B1(a) floorspace. It is acknowledged that this would amount to some 59% of the overall 15,000sqm floorspace envisaged in the Borough-wide Local Plan. I would draw Members' attention to the views of the Planning Policy and Environment Manager on this issue.

'However, it can be argued that events have overtaken the rationale, which was in place in the late 1990s. There has been a continued loss of Class B2 space in Maidstone and very little gain, even in class B1, which nullifies the Inspector's concerns that this site would become an office site if the B2 proposed use was not protected by policy. The provision of new Class B employment space as a whole has not kept pace with the growth of the town, with the prospect of a loss of balance between housing levels and job provision, which is essential to securing sustainable patterns of development.

There is also an argument for supporting the proposal on the grounds that the first user (and any approval should be subject to a first user condition to secure this) will be a local firm that wishes to consolidate within Maidstone but is currently in a split site situation. This will enable the firm to grow more efficiently and increase its local employment.

On balance, I feel that the arguments in favour outweigh those against and, whilst the proposal is contrary to ED4, in the light of changed circumstances I am prepared to support the proposal provided my other concerns in points 3 and 4 above are addressed.'

I concur with this view.

Issues surrounding the implementation and management of the landscaping on Phase 1 are being addressed. As stated above I consider that the details submitted with this

application are acceptable and appropriate for the site and adequately take into account its context.

The Green Travel Plan that has been submitted pursuant to condition 10 of the original outline permission has been revised to take into account the intended occupiers of the building. It contains a number of targets and suggested measures to achieve those targets. Enforcement if the targets are not met is also considered. I consider the plan which is an updated version of the plan already approved for Phase 1 of the development is acceptable

Conclusion

I consider this building to be of a good design that is well detailed. The proposed landscaping and external layout of the site will provide an acceptable setting for the building, that will compliment existing development within the Business Park.

Another key factor in favour of the proposals is that it will assist in the rationalisation of an existing locally based company securing a number of existing jobs with the potential for more to be created and accommodated on the site as the company grows in the future. This can only be to the benefit of the local economy and is in full accordance with the Council's economic development strategy.

The following recommendation is therefore appropriate.

RECOMMENDATION

Subject to the receipt of the views of the Highways Agency and no objections being raised, I be given **DELEGATED POWERS to APPROVE DETAILS OF SITING, DESIGN, EXTERNAL APPEARANCE, MEANS OF ACCESS AND LANDSCAPING** subject to the following conditions:

1. The first occupier of the building hereby permitted shall be the Towergate Partnership.

Reason: Due to the particular needs of the Towergate Partnership and in accordance with Policy EP2 of the Kent & Medway Structure Plan 2006.

2. Prior to the commencement of the development hereby permitted, details of the following matters shall be submitted to and approved by the local planning authority:

a) Details of the design and external appearance of the covered cycle stand, refuse store, electricity sub-station and gas meter housing.

b) Details of any external lighting proposed to be placed or erected within the site

together with measures to prevent light spillage.

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development and site pursuant to policy ENV2 of the Maidstone Borough-wide Local Plan 2000.

3. The development hereby permitted shall not be occupied until a scheme of landscaping and a landscape management programme for the highway verge of the A249 adjacent to the application site have been submitted to and approved by the local planning authority. The subsequently approved details shall thereafter be implemented and maintained in accordance with the approved maintenance programme.

Reason: To ensure a satisfactory appearance and setting for the development pursuant to policies ENV2 and ENV6 of the Maidstone Borough-wide Local Plan 2000.

4. Notwithstanding the details of the external surfacing of the car parking bays shown on drawing no.10585/TP/011revA received 05/06/2007, details of the proposed materials to be used to surface the parking bays shall be submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance and setting for the development pursuant to policies ENV2 and ENV6 of the Maidstone Borough-wide Local Plan 2000.

5. Prior to the commencement of the development, details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site pursuant to policy ENV2 of the Maidstone Borough-wide Local Plan 2000.

6. Prior to the commencement of the development, details of the species and size of the two specimen trees to be sited either side of the secondary entrance on the eastern elevation of the building and the details of the proposed wildlife refuge/wetland area shall be submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details, which shall be implemented prior to the first occupation of the building.

Reason: To ensure a satisfactory appearance and setting for the development and

in the interests of promoting biodiversity and ecology pursuant to policies ENV2, ENV6 and ENV40 of the Maidstone Borough-wide Local Plan 2000.

7. The development hereby permitted shall be constructed to the BREEAM for Offices standard to achieve at least a GOOD rating. Prior to the commencement of the construction of the development, details of the rating achieved shall be submitted to and approved by the local planning authority and the development shall thereafter be constructed in accordance with the subsequently approved details;

Reason: To ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1 and Policy SP1 of the Kent & Medway Structure Plan 2006.

Informatives set out below

You are reminded that the following conditions of MA/01/0249 remain in force and should be complied with as appropriate; Conditions 2, 7, 8 & 13.

In submitting the details pursuant to condition 7 above you are advised that the Council considers the achievement of a VERY GOOD BREEAM for Offices rating is to be encouraged. It is noted for example that on the BREEAM pre-assessment estimator that no points have been awarded for the provision of lockers and shower/changing and clothes drying facilities, although these are referred to in the travel plan.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and Kent and Medway Structure Plan 2006) and there are no overriding material considerations to indicate a refusal of planning consent.

APPENDIX A

POLICY ED4 DEVELOPMENT WITHIN LAND USE CLASSES B1 AND B2 WILL BE PERMITTED ON LAND ADJOINING THE HILTON HOTEL, OLD SITTINGBOURNE ROAD AS DEFINED ON THE PROPOSALS MAP PROVIDED:

- (1) A PLANNING OBLIGATION IS ENTERED INTO TO ENSURE THAT:**
 - (A) AT LEAST 60% OF THE FLOORSPACE IS RESTRICTED TO FIRMS IN THE NEW INDUSTRIAL TECHNOLOGY FIELDS SUCH AS COMPUTER SOFTWARE, BIOTECHNOLOGY, MULTI-MEDIA PRODUCTION AND OTHER TECHNICALLY DRIVEN BUSINESSES FALLING WITHIN CLASSES B1(b) AND B1(c) AND B2; ANY OFFICE FLOORSPACE PROVIDED AS PART OF SUCH PROPOSALS MUST BE ANCILLARY TO THE MAIN USE ONLY;**
 - (B) NO MORE THAN 40% OF THE FLOORSPACE IS USED FOR PURPOSES FALLING WITHIN B1(a); AND**
- (2) THAT A SCHEME OF LANDSCAPING IS SUBMITTED FOR APPROVAL, WHICH INCORPORATES THE RETENTION AND PROVISION FOR THE FUTURE REPLACEMENT OF THE LINE OF POPLAR TREES ADJOINING THE EAST SIDE OF THE SITTINGBOURNE ROAD; THE PROVISION OF A STRUCTURAL BELT OF WOODLAND PLANTING OF A MINIMUM DEPTH OF 30M ALONG THE SITE'S NORTHERN BOUNDARY WITH THE M20 MOTORWAY; AND THE PROVISION OF A STRUCTURAL BELT OF WOODLAND PLANTING OF A MINIMUM DEPTH OF 15M ALONG THE SITE'S EASTERN BOUNDARY, ADJOINING THE LINK ROAD BETWEEN BEARSTED ROAD AND JUNCTION 7 OF THE M20 AND THE PROVISION OF LANDSCAPING ALONG THE SOUTHERN FRONTAGE WITH BEARSTED ROAD TO INCLUDE THE REPLANTING OF THE FELLED COPSE AT THE SOUTH WESTERN CORNER OF THE SITE; AND**
- (3) THAT WITHIN THE CURTLAGE OF THE SITE A PARK AND RIDE SITE TO REPLACE THE EXISTING FACILITY IS PROVIDED AT A LOCATION AND TO A SPECIFICATION TO BE AGREED BY THE BOROUGH COUNCIL; AND**
- (4) THAT ACCESS TO THE SITE IS PROVIDED ALONG ITS WESTERN BOUNDARY AT A POINT TO BE AGREED WITH THE BOROUGH COUNCIL.**

MAIDSTONE EMPLOYMENT STATISTICS

TABLE A EMPLOYMENT FLOORSPACE POSITION

1. KENT STRUCTURE PLAN 1996

i) Policy Requirement 1991-2011 (sq m net)		
• A2/B1	+150,000	
• B2-B8	+110,000	(Source KSP ED1a)
ii) Completed Development 1991-2005 (sq m net)		
• A2/B1	+ 6,837	
• B2-B8	<u>-14,515</u>	
iii) Overall net Change 1991-2005 (sq m)	- 7,678	(Source ELS 2005)
iv) Net Supply 2005 (sq m)		
• A2/B1	+94,361	
• B2-B8	+ 5,387	(Source ELS 2005)
v) OVERALL POSITION KSP 1991-2005		
• A2/B1	Estimated net supply=	+94,361
	Policy Requirement =	<u>+150,000</u>
	Net Position	-55,639
• B2-B8	Estimated net supply=	+5,387
	Policy Requirement	<u>+110,000</u>
	Net Position	-104,613

2. KENT & MEDWAY STRUCTURE PLAN 2006

i) Policy Requirement 2001-2021 (sq m net)		
• A2/B1-B8	+129,000	(Source KMSP EP2)
ii) Completed Development 2001-2006 (sq m net)		
• A2/B1-B8	-30,998	(Source Table B)
iii) Net Supply 2006 (sq m)		
• A2/B1-B8	+68,508	(Source ELS 2006)
iv) OVERALL POSITION KMSP 2006-2021		
• A2/B1-B8	Estimated Net Supply=	+68,508
	Policy Requirement 2001=	+129,000
	Net Change 2001-2006=	<u>-30,998</u>
	Net Position 2006=	-91,490

TABLE B NET FLOORSPACE CHANGE 2001-2006

i) Completions A2/B1 (sq m net)

• 1991-2001=	+30,174	(Source ELS 2001)
• 1991-2006=	<u>+22,179</u>	(Source ELS 2006)
Net Change 2001-2006=	-7,995	

ii) Completions B2-B8 (sq m net)

• 1991-2001=	-3,166	(Source ELS 2001)
• 1991-2006=	<u>-26,169</u>	(Source ELS 2006)
Net Change 2001-2006=	-23,003	

iii) OVERALL CHANGE A2/B1-B8 2001-2006

• A2/B1=	-7,995	
• B2-B8=	<u>-23,003</u>	
Net Change 2001-2006	-30,998	

MAIDSTONE EMPLOYMENT STATISTICS

TABLE A EMPLOYMENT FLOORSPACE POSITION

1. KENT STRUCTURE PLAN 1996

i) Policy Requirement 1991-2011 (sq m net)		
• A2/B1	+150,000	
• B2-B8	+110,000	(Source KSP ED1a)
ii) Completed Development 1991-2005 (sq m net)		
• A2/B1	+ 6,837	
• B2-B8	<u>-14,515</u>	
iii) Overall net Change 1991-2005 (sq m)	- 7,678	(Source ELS 2005)
iv) Net Supply 2005 (sq m)		
• A2/B1	+94,361	
• B2-B8	+ 5,387	(Source ELS 2005)
v) OVERALL POSITION KSP 1991-2005		
• A2/B1	Estimated net supply=	+94,361
	Policy Requirement =	<u>+150,000</u>
	Net Position	-55,639
• B2-B8	Estimated net supply=	+5,387
	Policy Requirement	<u>+110,000</u>
	Net Position	-104,613

2. KENT & MEDWAY STRUCTURE PLAN 2006

i) Policy Requirement 2001-2021 (sq m net)		
• A2/B1-B8	+129,000	(Source KMSP EP2)
ii) Completed Development 2001-2006 (sq m net)		
• A2/B1-B8	-30,998	(Source Table B)
iii) Net Supply 2006 (sq m)		
• A2/B1-B8	+68,508	(Source ELS 2006)
iv) OVERALL POSITION KMSP 2006-2021		
• A2/B1-B8	Estimated Net Supply=	+68,508
	Policy Requirement 2001=	+129,000
	Net Change 2001-2006=	<u>-30,998</u>
	Net Position 2006=	-91,490

TABLE B NET FLOORSPACE CHANGE 2001-2006

i) Completions A2/B1 (sq m net)

• 1991-2001=	+30,174	(Source ELS 2001)
• 1991-2006=	<u>+22,179</u>	(Source ELS 2006)
Net Change 2001-2006=	-7,995	

ii) Completions B2-B8 (sq m net)

• 1991-2001=	-3,166	(Source ELS 2001)
• 1991-2006=	<u>-26,169</u>	(Source ELS 2006)
Net Change 2001-2006=	-23,003	

iii) OVERALL CHANGE A2/B1-B8 2001-2006

• A2/B1=	-7,995	
• B2-B8=	<u>-23,003</u>	
Net Change 2001-2006	-30,998	

MAIDSTONE EMPLOYMENT STATISTICS

TABLE A EMPLOYMENT FLOORSPACE POSITION

1. KENT STRUCTURE PLAN 1996

i) Policy Requirement 1991-2011 (sq m net)

- A2/B1 +150,000
- B2-B8 +110,000 (Source KSP ED1a)

ii) Completed Development 1991-2005 (sq m net)

- A2/B1 + 6,837
- B2-B8 -14,515

iii) Overall net Change 1991-2005 (sq m)

- 7,678 (Source ELS 2005)

iv) Net Supply 2005 (sq m)

- A2/B1 +94,361
- B2-B8 + 5,387 (Source ELS 2005)

v) OVERALL POSITION KSP 1991-2005

- | | | |
|---------|-----------------------|-----------------|
| • A2/B1 | Estimated net supply= | +94,361 |
| | Policy Requirement = | <u>+150,000</u> |
| | Net Position | -55,639 |
| • B2-B8 | Estimated net supply= | +5,387 |
| | Policy Requirement | <u>+110,000</u> |
| | Net Position | -104,613 |

2. KENT & MEDWAY STRUCTURE PLAN 2006

i) Policy Requirement 2001-2021 (sq m net)

- A2/B1-B8 +129,000 (Source KMSP EP2)

ii) Completed Development 2001-2006 (sq m net)

- A2/B1-B8 -30,998 (Source Table B)

iii) Net Supply 2006 (sq m)

- A2/B1-B8 +68,508 (Source ELS 2006)

iv) OVERALL POSITION KMSP 2006-2021

- | | | |
|------------|--------------------------|----------------|
| • A2/B1-B8 | Estimated Net Supply= | +68,508 |
| | Policy Requirement 2001= | +129,000 |
| | Net Change 2001-2006= | <u>-30,998</u> |
| | Net Position 2006= | -91,490 |

TABLE B NET FLOORSPACE CHANGE 2001-2006

i) Completions A2/B1 (sq m net)

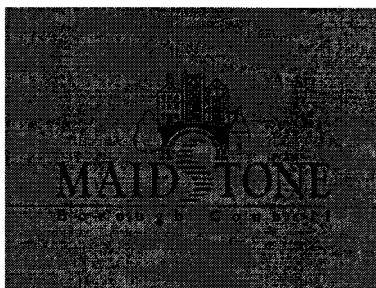
• 1991-2001=	+30,174	(Source ELS 2001)
• 1991-2006=	<u>+22,179</u>	(Source ELS 2006)
Net Change 2001-2006=	-7,995	

ii) Completions B2-B8 (sq m net)

• 1991-2001=	-3,166	(Source ELS 2001)
• 1991-2006=	<u>-26,169</u>	(Source ELS 2006)
Net Change 2001-2006=	-23,003	

iii) OVERALL CHANGE A2/B1-B8 2001-2006

• A2/B1=	-7,995	
• B2-B8=	<u>-23,003</u>	
Net Change 2001-2006	-30,998	



Directorate of Change, Planning and the Environment
Maidstone House, King Street, Maidstone, ME15 6JQ

DEVELOPMENT CONTROL

Mr Jonathan Buckwell,
DHA Planning
ECLIPSE HOUSE, ECLIPSE PARK
SITTINGBOURNE ROAD
MAIDSTONE
ME143EN

My Ref: MA/13/1163
Date: 23 April 2014

TOWN AND COUNTRY PLANNING ACTS

Town and Country Planning (General Permitted Development) Order 1995
Town and Country Planning (Development Management Procedure) (England)
Order 2010

TAKE NOTICE that **THE MAIDSTONE BOROUGH COUNCIL**, The Local Planning Authority under the Town and Country Planning Acts, has **GRANTED OUTLINE PLANNING PERMISSION** in accordance with the details set out below:

APPLICATION: MA/13/1163

DATE RECEIVED: 2 July 2013 DATE VALID: 2 July 2013

APPLICANT: Maidstone Medical Campus Ltd

PROPOSAL: Outline application for the development of a medical campus comprising up to 98,000sqm of additional floor space (including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training facilities with residential accommodation (class C2/D1); key worker accommodation for nurses and doctors (class C3); pathology laboratories (class B1); business uses (class B1); ancillary retail services (class A1, A2, A3); and up to 116 class C2 neuro-rehabilitation accommodation units; internal roads and car parks, including car park for residents of Gidds Pond Cottages; hard and soft landscaping including creation of new woodland area with access for consideration and all other matters reserved for future consideration.

LOCATION: LAND SOUTH OF KENT INSTITUTE OF MEDICINE AND SURGERY,
NEWNHAM PARK, MAIDSTONE, KENT

GRID REF: 578439, 156913

Continuation of decision : MA/13/1163

This permission is **SUBJECT TO** the following conditions:

1. The development of each phase shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance d. Landscaping

Application for approval of the reserved matters of each phase of the site shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The reserved matters submission shall include the following:-
 1. No more than 98,000m² of floorspace in the areas shown on drawing number DHA/9640/09 Rev G.
 2. No building in excess of four storeys in height.
 3. No building shall protrude above the tree canopy.
 4. Any building of 3 or 4 storeys must be designed so as to reduce the visual impact of its scale.
 5. Incorporate biodiversity enhancements in relation to the construction of the buildings including green roofs being a wildflower mix of local prominence rather than sedum mat and bat and bird mitigation.
 6. No more than 28,700m² of floorspace shall be for university campus and halls of residence.
 7. No more than 14,000m² of floorspace shall be for doctors/nurses accommodation.
 8. A landscaped buffer of a minimum of 15m from the boundary of the ancient woodland areas containing native woodland edge species shall be maintained.
 9. A development free buffer of a minimum of 15m on each side of the stream shall be maintained.
 10. The area indicated as new woodland in the south east corner shall only be a wooded area.
 11. No development on the grassy knoll at the eastern boundary, which shall have strategic tree planting

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

Continuation of decision : MA/13/1163

12. 'Fingers' of woodland penetrating the site from the eastern edge of the site.

13. All landscaping shall take reference from the Landscape Character Assessment 2012 and utilise native species.

14. A Landscape and Visual Impact Assessment in accordance with GLVIA 3 will accompany each reserved matters application.

Reason: To ensure a satisfactory appearance to the development.

3. The reserved matters shall represent a high quality design and layout that reflects the rural quality of the site and respects the land levels. The finishes to the development shall be of a high standard and utilise local materials including ragstone;

Reason: To ensure the delivery of a high quality development in this sensitive location.

4. The development of each phase shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

5. The development of each phase shall not commence until, a detailed surface water drainage design shall be submitted to the local planning authority for approval. The submitted details shall inter-alia, follow the principles established in the submitted Flood Risk Assessment and Sustainable Drainage Scheme and include detailed measures to prevent silt, mud and other forms of surface run-off entering the stream adjacent to the site during construction and to prevent pollution from the site including hardstanding and car park areas entering the stream following completion of the development. The development shall thereafter take place entirely in accordance with the subsequently approved details.

Reason: To ensure the additional run-off generated from this development does not adversely affect neighbouring properties or result in the pollution of adjacent habitats and water features in the interests of ecology and biodiversity

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

Continuation of decision : MA/13/1163

6. The development of each phase shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerbstones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development.

7. Details of any external lighting to be provided within the site or on the proposed buildings shall be submitted to and approved by the local planning authority prior to their provision. The submitted details shall include details of the direction, spread and intensity of the proposed lighting and shall include measures as appropriate to prevent light pollution and the spread of lighting into areas where lighting is not necessary and appropriate measures to prevent the spillage of light. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure a satisfactory appearance to the development and to prevent unacceptable light pollution.

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To prevent harm to amenity during the construction phase.

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

Continuation of decision : MA/13/1163

9. The development of each phase shall not commence until details of foul drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention.

10. The development of each phase shall not commence until details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Any boundary treatments along the main routes within the site shall only be ragstone walls. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development.

11. The development of each phase shall not commence 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 appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in-situ or by record.

12. The development of each phase shall not commence until, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

Continuation of decision : MA/13/1163

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

13. Where buildings are to be constructed on sloping land they shall be designed as a terrace into the slope taking into account the nature of the land and the context within the site and not excavated to a single development platform;

Reason: To respect the topography within the site and safeguard its character.

14. The development of each phase shall not commence until an independently verified report has been submitted to and approved in writing by the Local Planning Authority showing that the development will be constructed to a minimum BREEAM standard of a VERY GOOD rating. The submitted report shall include inter-alia, confirmation of the extent and type of rainwater harvesting to be included within the development. Each building within the site shall thereafter be provided strictly in accordance with the approved report before it is occupied.

Reason: To ensure a sustainable and energy efficient form of development.

15. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. Once works have completed on site, a certificate showing compliance with level 4 shall be submitted to the Local Planning Authority.

Reason: to ensure a sustainable and energy efficient form of development.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E and F shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

Continuation of decision : MA/13/1163

and the enjoyment of their properties by existing and prospective occupiers.

17. The occupation of the research and development/office buildings hereby permitted shall be limited to those occupiers directly related to the provision of medical services.

Reason: To prevent unrestricted business use in the countryside.

18. Prior to the commencement of any works which may affect bats and or their habitat, a detailed mitigation and monitoring strategy should be submitted to, and approved in writing by the local planning authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: In the interests of biodiversity.

19. Prior to the commencement of any works which may affect great crested newts and or their habitat, a detailed mitigation and monitoring strategy should be submitted to, and approved in writing by the local planning authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: In the interests of biodiversity.

20. The development of each phase shall not commence until the developer has developed a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development when in occupation. The report should be submitted to and approved by the Local planning authority, prior to development.

The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.

Reason: In the interests of air quality.

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

Continuation of decision : MA/13/1163

21. If during the works contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial 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.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of human health.

22. No more than 73,500 sqm GFA (75%) of the development hereby permitted shall be occupied until the completion of improvements to M20 Junction 7 shown on drawing numbers T0217/H/01 P3 (offsite infrastructure works key plan), T0217/H/07 P3 (offsite infrastructure works M20 Junction 7 1:1000) and T0217/H/08 P3 (offsite infrastructure works M20 Junction 7 1:500) (or such other scheme of works substantially to the same effect as may be approved in writing by the local planning authority who shall consult with the Highways Agency on behalf of the Secretary of State for Transport). The process for the detailed design, approval and implementation of the improvements shall commence within 4 weeks of confirmation that the trigger point has been reached or exceeded.

Reason: to ensure that the M20 motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

Continuation of decision : MA/13/1163

Informatives set out below

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

There shall be no burning on site.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

It is advisable that underground development (including cellars and basement areas) are tested for the presence of radon gas. Test kits for the presence of radon gas can be obtained, along with further information, from the Health Protection Agency.

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As described in the Act and the Site Waste Management Plans Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.

In order to help minimize the cumulative impact of traffic emissions in the area and potentially reduce carbon emissions, the applicant is advised to investigate the use of low emission vehicles and/or fuels for deliveries. This may also be of financial benefit to the business.

Parking areas shall be kept to a minimum and shall not use a tarmac surface treatment for the entire area.

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

Continuation of decision : MA/13/1163

1) The trigger point shall be based upon the on-going published results of continuous automatic traffic counting able to monitor all motorised vehicles entering and leaving the hereby permitted site. The trigger point shall be when the number of one way vehicle trips in the am (ww::00-xx:00) and pm (yy:00-zz:00) peak hours combined reach or exceed 578 (calculated as the point at which the design process must begin in order to allow for completion of works prior to 75% of development being occupied) in any 12 consecutive weeks (excluding weeks in which there is a bank holiday, a Kent County Council school holiday or as otherwise agreed by the Monitoring Committee established via the S106 legal agreement associated with the development hereby permitted).

2) This development involves work to the public highway that can only be undertaken within the scope of a legal Agreement between the applicant and the Secretary of State for Transport. Planning permission in itself does not permit these works. It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the S278 Asset Development Manager, Highways Agency, Federated House, London Road, Dorking, Surrey RH4 1SZ. Email ha_info@highways.gsi.gov.uk Tel 0300 123 5000.

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV31, ENV33, ENV34, ENV49, H26, T13, T21, T23, CF1, CF16

South East Plan 2009 : N/A

In the opinion of the Council and subject to appropriate planning obligations and conditions, the impact of the development on the surrounding countryside is capable of appropriate and sufficient mitigation and there are proposals to enhance biodiversity have been secured. A medical need for the facility and the associated residential accommodation and potential economic benefit arising from the development have been demonstrated. It is therefore considered that these factors are of sufficient weight to override normal countryside restraint policies.

Continuation of decision : MA/13/1163

Signed

R. LL. Jarman

Rob Jarman
Head of Planning

Date 23 April 2014

~~~~~  
**THIS IS NOT A BUILDING REGULATION APPROVAL**

It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations, where required, and any other necessary approvals, have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.

**TAKE NOTICE** that this decision does not confirm compliance with Section 53 of The County of Kent Act, 1981 and, therefore, it will be incumbent upon the applicant to ensure they comply with the said requirement.

~~~~~

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

DATED 23rd April 2014

MAIDSTONE BOROUGH COUNCIL (1)

and

THE KENT COUNTY COUNCIL (2)

and

DOUGLAS WILLIAM BRIAN PANTONY and GAYLE EMMA PANTONY (3)

and

HARVESTORE SYSTEMS (HOLDINGS) LIMITED (4)

AGREEMENT

made pursuant to

SECTION 106 TOWN AND COUNTRY PLANNING ACT 1990

in respect of Land south of Kent Institute of Medicine and Surgery
Newnham Park Maidstone Kent

Legal Services
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent ME15 6JQ

Ref: IT/M004109

CONTENTS

CLAUSE

1. Recitals
2. Definitions and Interpretation
3. Enforceability
4. Hospital Provision
5. Neuro Rehabilitation Centre
6. Travel Plan
7. Parking Controls
8. Landscape and Ecology
9. Restriction on Residential Units
10. Contributions
11. Local Employment
12. Monitoring Committee
13. Bus Service
14. Highways
15. Notices
16. Costs
17. Council Covenants
18. Agreements and Declarations
19. Dispute Resolution

THIS DEED is made on

12th April

2014

BETWEEN

- (1) **MAIDSTONE BOROUGH COUNCIL** of Maidstone House King Street Maidstone Kent ME15 6JQ ("the Council")
- (2) **THE KENT COUNTY COUNCIL** of County Hall Maidstone Kent ME14 1XQ ("the County Council")
- (3) **DOUGLAS WILLIAM BRIAN PANTONY and GAYLE EMMA PANTONY** of Gidds Pond Farm Bearsted Road Weaving Maidstone ME14 5L7 ("the First Owners") and
- (4) **HARVESTORE SYSTEMS (HOLDINGS) LIMITED** (Company number: 1157151) of Newnham Court Shopping Village Bearsted Road Maidstone Kent ME14 5LH ("the Second Owners")

1. RECITALS

- 1.1 The Council is the Local Planning Authority for the purposes of the 1990 Act for the area within which the Land is situated and the body by which the provisions of this Deed are intended to be enforceable
- 1.2 The County Council is a local Planning Authority within the meaning of the Town and Country Planning Act 1990 and is a principal council within the meaning of Section 270(1) of the Local Government Act 1972 and the education authority for the area in which the Land is situated and is responsible for the enforcement of the obligations contained in Clauses 10.1 to 10.6 inclusive of this Deed
- 1.3 The First Owners own the freehold interest in part of the Land with Title Absolute under Title Numbers K407361 K962789 and K883946 (Douglas Pantony the registered proprietor for title K883946 being the same person as Douglas William Brian Pantony)
- 1.4 The Second Owners own the freehold interest in part of the Land under Title Absolute under Title Numbers K883947 K569258 and K423199
- 1.5 Maidstone Medical Campus Limited applied to the Council for Planning Permission under application reference MA/13/1163 submitted on 1 July 2013 and on 31 October 2013 the Council resolved to grant the Planning Permission subject to the prior completion of this Deed

1.6 The Council and the County Council consider that it is expedient in the interests of proper planning of their areas that the Owner should be required to enter into this Deed as a pre-condition to the grant of the Planning Permission

1.7 The parties have agreed to enter into this Deed:

1.7.1 pursuant to the provisions of Section 106 of the 1990 Act and Section 111 of the Local Government Act 1972

1.7.2 upon the terms and conditions hereinafter appearing and

1.7.3 with the further intent that the same shall be a Local Land Charge and registered as such upon its completion

NOW THIS DEED made in pursuance of Section 106 of the 1990 Act and Section 111 of the Local Government Act 1972 witnesses as follows:

2. **DEFINITIONS AND INTERPRETATION**

2.1 In this Deed the following words and expressions shall unless the context otherwise requires have the following meaning:

"the 1990 Act" means the Town and Country Planning Act 1990 as amended

"Adult Education Contribution" means the sum of £30.70 per Residential Unit to be constructed on the Land as part of the Development payable by the Owner to the County Council to be expended on the Adult Education Facilities

"Adult Education Facilities" means the provision of adult educational facilities within the Borough of Maidstone including new and expanded facilities and classes at Maidstone Adult Education and Outreach Community Learning

"Alternative Bus Extension Scheme" means the provision of a Bus Service from the Land to Maidstone Town Centre in accordance with a service to be agreed between the Owners and the Council

"Borough of Maidstone" means the administrative area of Maidstone as defined by the Local Government Act 1972 as amended

"Bus Services" means the enhanced bus services to the Land in accordance with the Bus Extension Scheme or the Alternative Bus extension Scheme as the case may be

"Bus Extension Scheme" means the provision of an extension to the 506 Park and Ride bus service to serve the Land to provide as a minimum a 10-12 minute peak time and 15 minute off peak frequency bus service between 0730 hours and 22:00 hours between the Land and Maidstone Town Centre on Mondays to Saturdays (inclusive) and as a minimum a 30 minute frequency service on Sundays between 0930 hours and 22:00 hours

"Bus Extension Scheme Contribution" means the financial contributions paid by the Owners in accordance with the Methods of Funding provided through paying money directly to a business delivering the Bus Extension Scheme or the Alternative Bus Extension Scheme to the public for the purpose of subsidising those services in respect of the Bus Extension Scheme or the Alternative Bus Extension Scheme to be agreed with the Council County Council and the business delivering the Bus Extension Scheme or the Alternative Bus Extension Scheme as the case may be

"Bus Trigger" means the Occupation of the Development to the equivalent trip attraction/generation of 500 one way vehicle trips in the am and pm peak hours combined as agreed in accordance with the Trigger Criterion by the Monitoring Committee

"Commencement of the Development" means the implementation of the Planning Permission by the carrying out on the Land of a material operation as defined by Section 56(4) of the 1990 Act in connection with the Development save that for the purposes of this Deed none of the following operations shall constitute a material operation:

- (a) archaeological or site inspections;
- (b) site or soil survey;
- (c) decontamination works;
- (d) demolition or site clearance;
- (e) the laying of services;

- (f) the erection of a site compound;
- (g) the erection of temporary fences or hoardings;;
- (h) the display of advertisements including the erection of advertisement hoardings; and
- (i) interim landscaping works

and **"Commence"** and **"Commence Development"** shall be construed accordingly

"Contributions" means the Primary School Contribution the Secondary School Contribution the Adult Education Contribution the Youth Contribution the Social Services Contribution the Libraries Contribution and the M2 Junction 5 Contribution

"Development" means the development of the Land by the Owners in accordance with the Planning Permission

"Family Relatives and Carers" means those persons who are directly related to a person who Occupies the Neuro-Rehabilitation Centre in accordance with the provision of this Deed and this shall only include sisters, brothers, mothers, fathers, partners, or carers of a person who Occupies the Neuro-Rehabilitation Centre in accordance with the provision of this Deed

"First Occupied" means the first occupation of any Residential Unit or any other part of the Development but does not include occupation by the Owners for the purposes of construction fitting out decoration marketing or display and **"First Occupation"** shall be construed accordingly

"Highways Works Trigger" means the Occupation of the Development to the equivalent trip attraction/generation of 578 one way vehicle trips in the am and pm peak hours combined as agreed in accordance with the Trigger Criterion by the Monitoring Committee

"Hospital and Clinic Facility" means those buildings being any hospital and/or clinic facility forming part of the Development providing medical and surgical treatment to inpatients and outpatients but excluding the Neuro Rehabilitation Centre

"Index" means the General Build Cost Index (as published by the Building Costs Information Service on behalf of the Royal Institution of Chartered Surveyors)

"Index Linked" means that the sum payable shall be increased in the same proportion as the percentage increase in the Index between the quarterly Index figure immediately preceding the date of this Deed and the quarterly Index figure for the quarter immediately preceding the date of actual payment

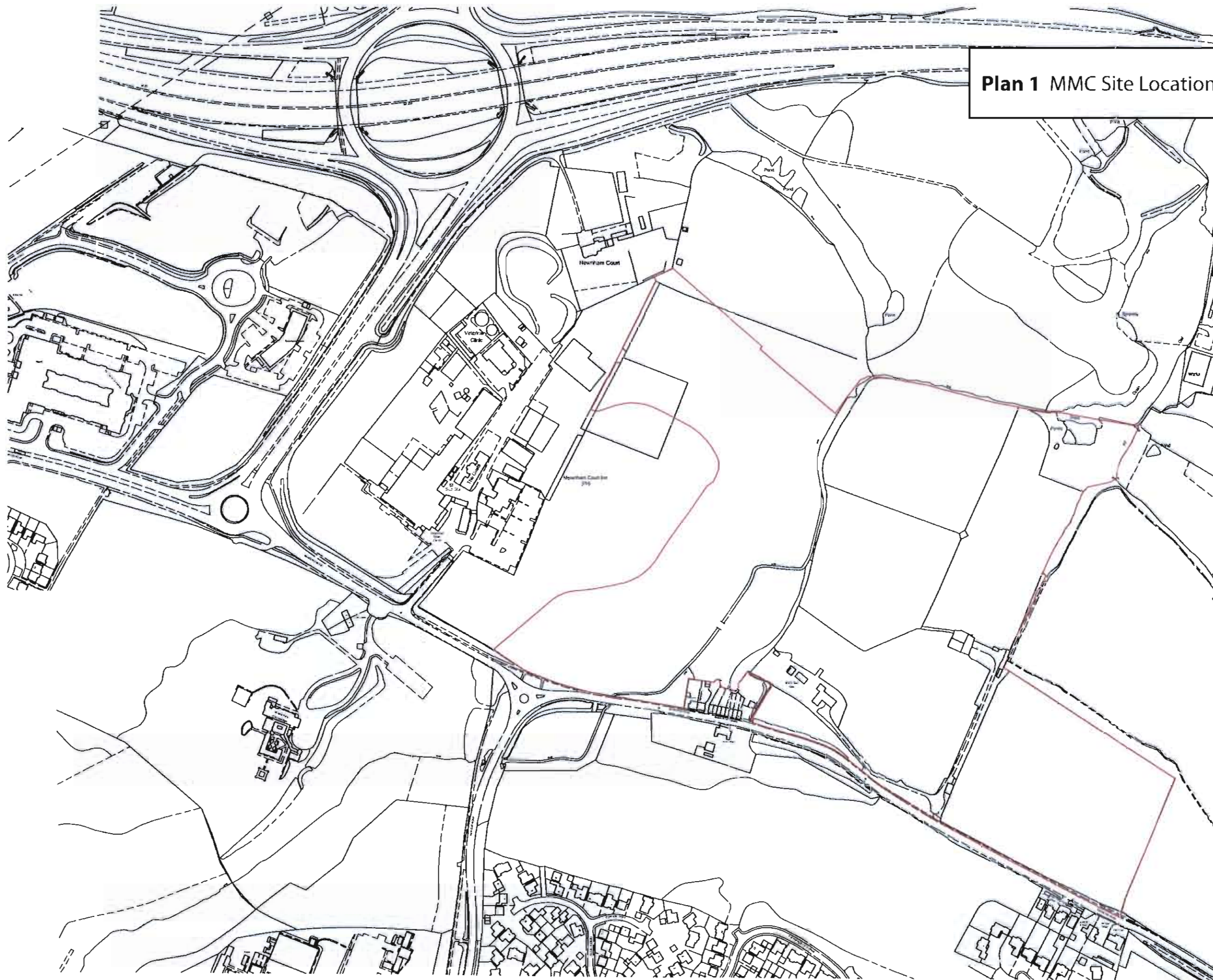
"Interest" means interest at four per cent (4%) above the base lending rate of Lloyds Bank Plc from time to time

"Key Workers" means the medical and education staff to be employed as part of the Development which shall include those staff employed in:

- (a) Hospital facilities;
- (b) Clinics;
- (c) Consultation rooms;
- (d) Rehabilitation centres;
- (e) Pathology laboratories;
- (f) Neuro Rehabilitation Clinic;
- (g) Other care facilities;
- (h) Education facilities; and
- (i) Such further facilities as may be required from time to time as approved in writing with the Council

"Land" means the land south of Kent Institute of Medicine and Surgery Newnham Park Maidstone Kent which is shown for purposes of identification only edged red on Plan 1

"Landscape and Ecology Management Plan" means the plan prepared by Corylus Ecology to control the maintenance management and monitoring of the proposed landscape and ecology mitigation and enhancement works for each Phase required as part of the



Plan 1 MMC Site Location Plan

20 0 20 40 60 80 100
Metres

I k Truman

GP
Bentley



462

THE COMMON SEAL OF THE KENT
COUNTY COUNCIL was hereunto
affixed in the presence of:

D RED LINE AMENDED JUNE 2013
rev revision date

client
HARVESTORE

project
NEWNHAM COURT, BEARSTED ROAD,
MAIDSTONE KENT

site
SITE LOCATION PLAN

dwg rev scale date
DHA/9640/01 D 1:2500 JAN 2013

dha urban design
A development consultancy

Edison House, Edison Park, 200 High Street
Maidstone, Kent, ME14 3JH
t: 01622 770226 f: 01622 770227
e: info@dchapman.co.uk w: www.dchapman.co.uk

No reproduction by any method of any part of this document
is permitted without the consent of the copyright holders.
Produced for Town and Country planning purposes only.

© S. Chapman Architects Ltd 2013

CAD Reference: 9640 - Site Location Plan 01 - Rev C

A2

Development appended hereto at Appendix 3 (or such other document as may be agreed between the parties in relation to each Reserved Matters Application)

"Library Contribution" means the sum of £73.67 per Residential Unit to be constructed on the Land as part of the Development payable by the Owners to the County Council to be expended on the Library Facilities

"Library Facilities" means the provision of additional book stock and services at local libraries serving the community

"Local People" means:

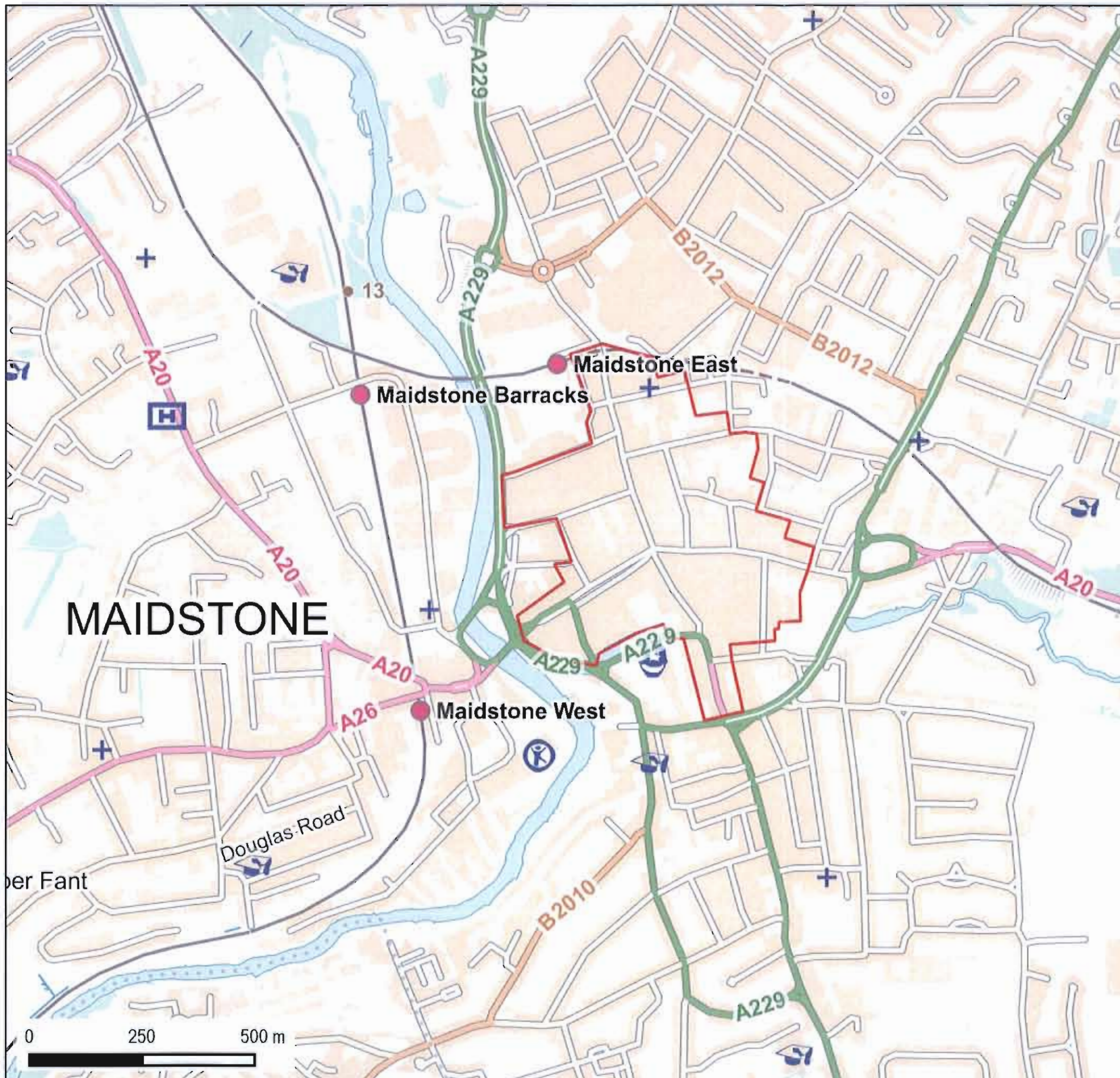
- (a) Persons whose principal place of residence is within the electoral ward of Boxley or the adjoining electoral wards;
- (b) If no such persons can be found in the above category then it means persons whose principal place of residence is within the Borough of Maidstone


"M2 Junction 5 Contribution" means the sum of forty four thousand seven hundred pounds (£44,700.00) payable by the Owners to the Council pursuant to Clause 10.6 of this Deed to be expended towards a scheme (including any studies which may be required) to improve and assist traffic flow at Junction 5 of the M2 motorway

"Maidstone Town Centre" means that part of the Borough of Maidstone shown edged in red on Plan 3.

"Method of Funding" means any of the following:

- (a) paying money directly to a business delivering the Bus Extension Scheme or the Alternative Bus Extension Scheme to the public for the purpose of subsidising those services;
 - (b) paying money to a third party for the purpose of enabling that third party to subsidise the business delivering the Bus Extension Scheme or the Alternative Bus Extension Scheme to the public; or
 - (c) the Owners operating the Bus Extension Scheme or the Alternative Bus Extension Scheme itself; and
- "Methods of Funding" shall be construed accordingly.



 Town Centre Boundary

I. K. Treman

Brenton *GP* *[Signature]*

462



THE COMMON SEAL OF THE KENT
COUNTY COUNCIL was hereunto
affixed in the presence of:

"Minimum Care Package" means the minimum standard of personal care to be provided to a minimum of one person occupying each residential unit forming part of the Neuro Rehabilitation Centre which shall include:

- (a) the 24 hour availability of emergency cover;
- (b) security;
- (c) periodic review of the occupier's need for care and support;
- (d) such further care and support services as may be required from time to time

"Monitoring Committee" means a committee to be established prior to the submission of the first Reserved Matters Application for a minimum of five years which shall be responsible for the review of all aspects of the Development with such members to include:

- (a) Planning Officer or Head of Service for the Council;
- (b) An Officer of the County Council;
- (c) Two elected Members of the Council;
- (d) A representative of Maidstone Medical Campus Limited

together with such other persons as agreed in writing by the above members of the committee

"Monitoring Committee Terms" means the terms of reference for the Monitoring Committee as set out in Appendix 2

"Monitoring Report" means a report prepared by the Owners giving details of:

- (a) the numbers of passengers using the Bus Services;
- (b) the arrangements and place for through-ticketing;
- (c) marketing activity undertaken to promote the Bus Services;
- (d) fare income derived from the Bus Services;

- (e) expenditure incurred by the Owners in supporting the Bus Services;
- (f) the routes stops and timetables for the Bus Services;
- (g) the cost of producing a report showing the preceding six month period;
- (h) automatic traffic count results;
- (i) whether the Bus Trigger has been exceeded in the in the preceding 12 months and if so the actions taken to pursue the implementation of the Bus extension Scheme or Alternative Bus Extension Scheme;
- (j) whether the Highways Works Trigger has been exceeded in the preceding 12 months and, if so, the actions taken to pursue the design approval and implementation of the highways works as detailed at clause 14 of this Deed;
- (k) The arrangements which shall be put in place for the implementation of the Travel Plan;
- (l) all other aspects of the Development as set out in the Monitoring Committee Terms

"Neuro Rehabilitation Centre" means a centre specialising in the treatment of acquired or progressive brain injury and trauma neuro rehabilitation strokes dementia Alzheimer's or such other related treatments as may be agreed from time to time with the Council to be constructed as part of the Development as shown for indicative purposes edged red on Plan 2.

"Newnham Court Shopping Village Permission" means a planning permission or planning agreement for the development of Newnham Court Shopping Village pursuant to Planning Application reference MA/13/1931 (or any other planning permission as may be granted by the Council for the development of Newnham Court Shopping Village) containing an obligation or obligations to procure the Bus Extension Scheme or the Alternative Bus Extension Scheme and the highway works as detailed in paragraph 14.2 of this Deed

"Occupation" means occupation or occupied but not including occupation by personnel engaged in construction fitting out or

I.k.7

Plan 2 Neuro Rehabilitation Centre (indicative)



Signature
GP
Signature



THE COMMON SEAL OF THE KENT
COUNTY COUNCIL was hereunto
affixed in the presence of

NOTES

- | | | |
|---|-----------------------------------|-------------------------------|
| 01 KIMS BUILDINGS (UNDER CONSTRUCTION) | 06 UNIVERSITY CAMPUS | 11 NEW COMMUNITY WOODLAND |
| 02 KIMS EXTENSION | 07 UNIVERSITY HALLS OF RESIDENCE | POTENTIAL GREEN ROOF LOCATION |
| 03 OFFICES, RESEARCH & DEVELOPMENT AND PATHOLOGY LABS | 08 DOCTORS / NURSES ACCOMMODATION | |
| 04 WOMENS & CHILDRENS HOSPITAL | 09 MEDICAL TRAINING | |
| 05 RESEARCH & DEVELOPMENT | 10 NEUROREHABILITATION VILLAGE | |

0 20 40 60 80 100
Metres (1:2500)

client
MAIDSTONE MEDICAL CAMPUS LTD

project
MMC

title
INDICATIVE LAYOUT WITH ZONAL KEY

drawn
DHA/9640/09

rev
G

scale
1:2500

date
OCT 2013

dha urban design
& development masterplanning

Eclipse House, Eclipse Park, Sittingbourne Road
Maidstone, Kent ME14 3EN
t: 01622 776226
e: info@dha-planning.co.uk

t: 01622 776227
w: www.dha-planning.co.uk

No reproduction by any method of any part of this document
is permitted without the consent of the copyright holders.
Produced for Town and Country planning purposes only.
O S Licence Number: AL54535X

CAD Reference

A3

decoration or occupation for marketing or display (including in connection with show homes or sales offices occupation in relation to security operations and reference to **"Occupy"** **"Occupies"** **"Occupied"** and **"Occupiers"** shall be construed accordingly

"Opening Date" means the date upon which the Owners commence the use of the Development

"Owners" means the First Owners and the Second Owners

"Parking Control Contribution" means the sum of twenty thousand pounds (£20,000.00) payable by the Owners to the Council pursuant to Clause 7 of this Deed to be expended towards appropriate parking control measures to be implemented on residential streets within Grove Green and Vinters Park Estates

"Phase" means each phase as identified within each Reserved Matters Application of the Development

"Plan 1" means the plan annexed hereto and marked "Plan 1"

"Plan 2" means the plan annexed hereto and marked "Plan 2"

"Plan 3" means the plan annexed hereto and marked "Plan 3"

"Plan 4" means the plan annexed hereto and marked "Plan 4"

"Plan 5" means the plan annexed hereto and marked "Plan 5"

"Planning Application" means the outline application dated 1 July 2013 registered by the Council under the Council's reference number MA/13/1163 for a medical campus comprising up to 98000 sqm of additional floor space (including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre) (classes C2/D1); education and training facilities with residential accommodation (classes C2/D1); key worker accommodation for nurses and doctors (Class C3); pathology laboratories; business uses (class B1); ancillary retail services (class A1, A2 and A3); up to 116 class C2 neuro-rehabilitation accommodation units; internal roads and car parks including car park for residents of Gidds Pond Cottages; hard and soft landscaping including creation of new woodland area with access for consideration and all other matters reserved for future consideration"

"Planning Challenge" means an application for judicial review challenging the grant of the Planning Permission lodged within three months of the date of the grant of the Planning Permission

"Planning Permission" means the planning permission for the Development to be granted pursuant to the Planning Application

"Primary School Contribution" means the sum of £1,675.41 per Residential Unit that is a flat to be constructed on the Land and the sum of £6,701.63 per Residential Unit that is a house to be constructed on the Land as part of the Development payable by the Owners to the County Council to be expended on the Primary School Facilities

"Primary School Facilities" means the land acquisition and build costs of a new primary school local to the Development

"Public Transport Notice " means the notice served by the business delivering the Bus Extension Scheme or the Alternative Bus Extension Scheme or the Council being a complete record of all income and subsidies received in relation to the Bus Extension Scheme or the Alternative Bus Extension Scheme

"Reserved Matters" means in relation to the Planning Permission for any matters reserved by the Council for future determination and to be satisfied by submission of a Reserved Matters Application

"Reserved Matters Application" means the applications for Reserved Matters Approval made to the Council as required by the Planning Permission

"Reserved Matters Approval" means each approval granted by the Council in respect of each Phase pursuant to the Reserved Matters Application for that Phase

"Residential Unit or Units" means those residential units to be constructed as part of the Development to be occupied for Residential Purposes by Key Workers PROVIDED THAT one bedroom units of less than 56sqm GIA and any Residential Unit used for sheltered accommodation shared student accommodation or a Residential Unit which comprises shared communal facilities shall not be a Residential Unit for the purposes of this Deed

"Residential Purposes" means any use of the Residential Units pursuant to use class C3 of the Town and Country Use Classes Order 1987 (as amended)

"Secondary School Contribution" means the sum of £589.95 per Residential Unit that is a flat to be constructed on the Land as part of the Development and the sum of £2,359.80 per Residential Unit that is a house to be constructed on the Land as part of the Development save for these payments shall not be required in relation to any Residential Unit that has a gross internal area of less than 56 sqm or is sheltered accommodation payable by the Owners to the County Council to be expended on the Secondary School Facilities

"Secondary School Facilities" means the provision of secondary education facilities by the extension of an existing secondary school in the Borough of Maidstone

"Section 278 Agreement" means a formal agreement entered into pursuant to the 1980 Act between a highway authority and a second party to secure the offsite highway works described in Clause 14 of this Deed

"Social Services Contribution" means the sum of £47.44 per Residential Unit to be constructed on the Land as part of the Development payable by the Owners to the County Council to be expended on the Social Services Facilities

"Social Services Facilities" means the provision of expanded or new facilities either on the Land or within a two mile radius of the Land to provide one or more of the following:

- (a) Capital improvement works enhancing/adapting/extending existing core social care and community facilities to create more capacity and enable additional social care clients such as older persons and those with physical and learning disabilities to participate in activities, community life and generally to remain active
- (b) the installation of technology such as Telecare in Residential Units sited within the Development

"Travel Plan" means the framework travel plan to promote sustainable modes of transport and to discourage use of single car

occupancy thereby minimizing car parking on the Land by Occupiers and visitors to each Phase of the Development (or such part of the Development as the case may be) appended hereto at Appendix 4 (or such other document as may be agreed between the parties in relation to each Reserved Matters Application)

"Travel Plan Monitoring Cost" means the sum of ten thousand pounds (£10,000.00) to be paid by the Owners to the Council in accordance with Clause 5.2 of this Deed

"Trigger Criterion" means the criterion for the Bus Trigger and the Highways Works Trigger based on:

- (a) automatic traffic counting from agreed automatic traffic counting points;
- (b) an annual report to be submitted to the Council by 31 July each year showing traffic movements of a representative number of weeks between 01 April and 30 June excluding weeks in which there is a Bank Holiday school holiday or as otherwise agreed by the Monitoring Committee;
- (c) Whether the Highways Works trigger is exceeded in any one day per week for 12 consecutive weeks excluding weeks in which there is a Bank Holiday Kent school holiday or as otherwise agreed by the Monitoring Committee the Monitoring Committee shall be notified within 4 weeks of the 12th week of exceedence and the Monitoring Committee shall convene to discuss and agree a course of action within 2 weeks of such notification;
- (d) the one way trips which shall not include any trips generated by the Newnham Court Shopping Village or the Kent Institute of Medicine and Surgery as shown edged in red on Plans 4 and 5 respectively

"Youth Contribution" means the sum of £8.44 per Residential Unit to be constructed on the Land as part of the Development payable by the Owners to the County Council to be expended on the Youth Contribution Facilities

"Youth Contribution Facilities" means the provision of youth services in Maidstone and local to the Development



DO NOT SCALE

Plan 4 Newnham Court Shopping Village

Ik
GP
PL
SS

REV	DATE	BY	DESCRIPTION	CHK	APD
-----	------	----	-------------	-----	-----

client

LAND SECURITIES

project

NEWNHAM COURT SHOPPING VILLAGE

title

SITE LOCATION PLAN

project	dwg	rev
7907	01	P1

Drawn	Checked	Approved	Scale @ A3	date
CS	CS		1:2500	29.10.13

status	
FOR INFORMATION	P

dha transport
integrated transport & travel planning

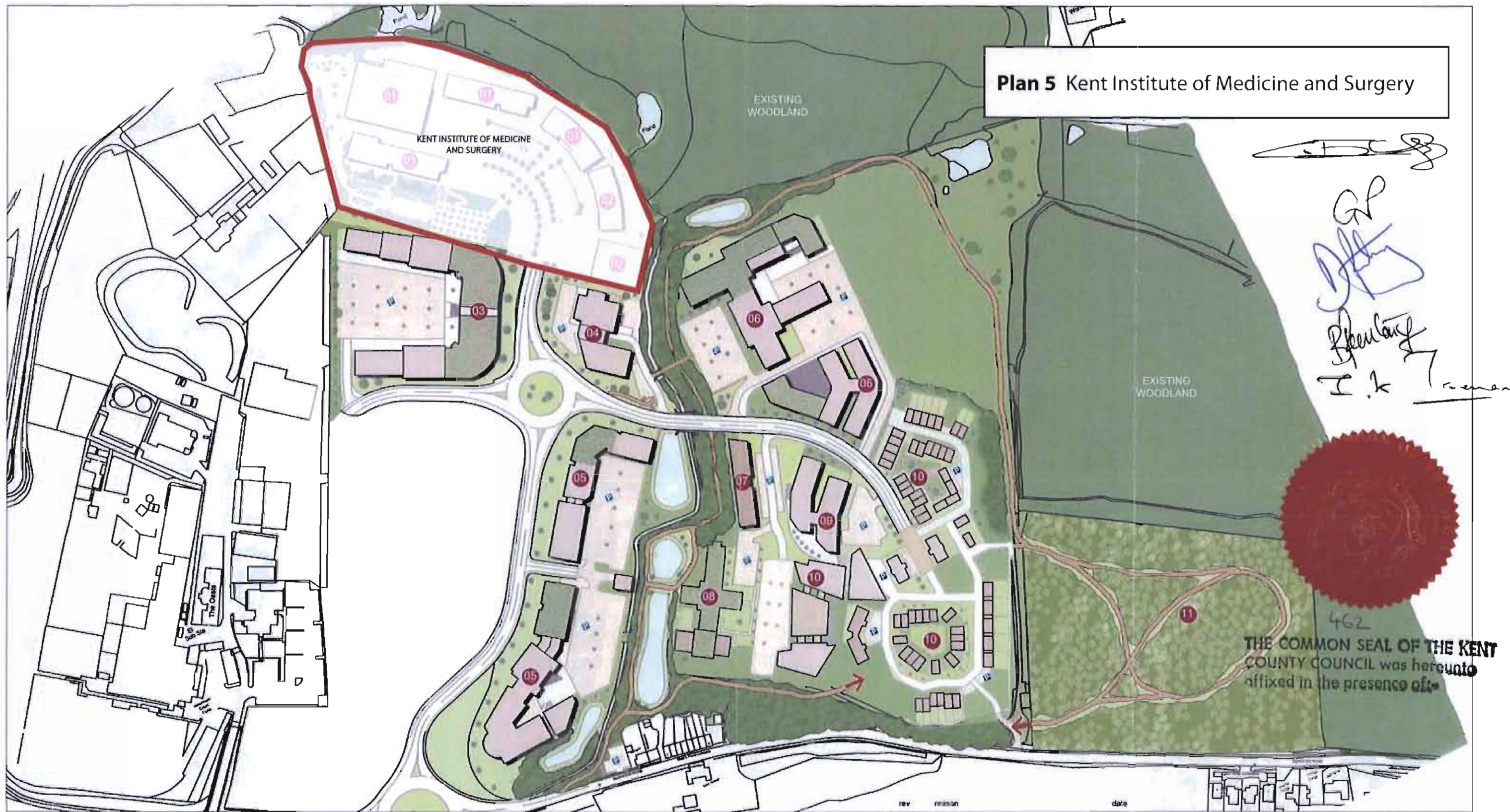
Eclipse House, Eclipse Park, Sittingbourne Road
Maidstone, Kent ME14 3EN
t: 01622 776226 f: 01622 776227
e: info@dhaplanning.co.uk w: www.dhatransport.co.uk

CAE Reference: A3

THE COMMON SEAL OF THE KENT
COUNTY COUNCIL was hereunto
affixed in the presence of:

LGL

Plan 5 Kent Institute of Medicine and Surgery



462
THE COMMON SEAL OF THE KENT
COUNTY COUNCIL was hereunto
affixed in the presence of:-

notes

- | | | |
|---|-----------------------------------|-------------------------------|
| 01 KIMS BUILDINGS (UNDER CONSTRUCTION) | 06 UNIVERSITY CAMPUS | 11 NEW COMMUNITY WOODLAND |
| 02 KIMS EXTENSION | 07 UNIVERSITY HALLS OF RESIDENCE | POTENTIAL GREEN ROOF LOCATION |
| 03 OFFICES, RESEARCH & DEVELOPMENT AND PATHOLOGY LABS | 08 DOCTORS / NURSES ACCOMMODATION | |
| 04 WOMENS & CHILDRENS HOSPITAL | 09 MEDICAL TRAINING | |
| 05 RESEARCH & DEVELOPMENT | 10 NEUROREHABILITATION VILLAGE | |

20 0 20 40 60 80 100
Metres (1:2500)

rev reason date

client
MAIDSTONE MEDICAL CAMPUS LTD

project
MMC

title
INDICATIVE LAYOUT WITH ZONAL KEY

dwg DHA/9640/09 rev G scale 1:2500 date OCT 2013

dha urban design
& development masterplanning

Eclipse House, Eclipse Park, Sittingbourne Road
Maidstone, Kent, ME14 3EN
t: 01622 778228 f: 01622 775227
e: info@dha-planning.co.uk w: www.dha-planning.co.uk

No reproduction by any method of any part of this document
is permitted without the consent of the copyright holders.
Produced for Town and Country planning purposes only.
O.S. Licence Number: AL54535X

CAD Reference

A3

- 2.2 The expressions the "Council" "the County Council" and the "Owners" shall include their respective successors in title and assigns save where specifically provided to the contrary by this Deed
- 2.3 Words importing one gender shall include all other genders and words importing the singular shall include the plural and vice versa and any words denoting actual persons shall include companies corporations and other artificial persons
- 2.4 This Deed is a planning obligation for the purposes of Section 106 of the 1990 Act
- 2.5 Any reference to a specific statute or statutes include any statutory extension or modification amendment or re-enactment of such statute and any regulation or orders made under such statute
- 2.6 References in this Deed to any clause sub clause or Schedule without further designation shall be construed as a reference to the clause sub clause or Schedule to this Deed so numbered
- 2.7 The clause paragraph and Schedule headings do not form part of this Deed and shall not be taken into account in its construction or interpretation

3. **ENFORCEABILITY**

The Owners enter into the obligations set out in this Deed for themselves and their successors in title for the benefit of the Council and the County Council to the intent that the obligations in this Deed shall be enforceable not only against the Owners but also against the successors in title of the Owners and any person claiming through or under the Owners an interest or estate in the Land or any part thereof

PROVIDED THAT

- 3.1 The Owners any successors in title of the Owners and any person deriving title under it shall not be liable for any breach of this Deed occurring after it shall have parted with its interest in the Land or the part of the Land to which the breach relates and
- 3.2 The obligations contained in this Deed shall not be binding upon the owner lessee or occupier of any of the individual Residential Units in the Development or any mortgagee or chargee of such owner lessee or occupier or any person deriving title from them

THE OWNERS' COVENANTS

4. HOSPITAL PROVISION

With intent to bind the Land for a period of five years from the date the Hospital and Clinic Facility is First Occupied the Owners shall:

- 4.1 provide as a minimum level of medical facilities and services within the Hospital and Clinic Facility (including research and training) the medical services and facilities contained in Appendix 1 to this Deed; and
- 4.2 ensure that in so far as the National Health Service of England and Wales or such successor body ("NHS") may reasonably require to purchase medical procedures from the Owners at NHS National Tariffs, and otherwise upon terms to be agreed between the Owners and the NHS in relation to such medical procedures the Owners shall make such provision available to the NHS in respect of 25% of the aggregate medical procedures that are carried out at the Hospital and Clinic Facility

5. NEURO REHABILITATION CENTRE

The Owners shall unless further planning permission is subsequently obtained or unless the consent of the Council is obtained restrict the use of the Land so that the Neuro Rehabilitation Centre shall only be Occupied by those persons who have entered into a commitment to subscribe at least to the Minimum Care Package **PROVIDED THAT** Family Relatives and Carers shall be permitted to Occupy the Neuro Rehabilitation Clinic in relation to any one person who Occupies the Neuro Rehabilitation Clinic and has entered into a commitment to subscribe at least to the Minimum Care Package.

6. TRAVEL PLAN

- 6.1 The Owners shall not Occupy or permit the Occupation of any Phase of the Development until the Travel Plan in relation to that Phase has been submitted to and approved in writing by the Council (in conjunction with the County Council) (such approval not to be unreasonably withheld or delayed)
- 6.2 The Owners shall not Occupy or permit Occupation of any part of the Development until the Travel Plan Monitoring Cost has been paid to the Council

6.3 In the event that the Council (in conjunction with the County Council) refuses to approve the Travel Plan the Owners shall submit a revised Travel Plan for approval under Clause 6.1 above having taken into account the reasons for refusal given by the Council (in conjunction with the County Council) in that regard

6.4 The Owners shall implement and operate the Travel Plan for each Phase of the Development from the date it is approved by the Council (in conjunction with the County Council) in accordance with Clause 6.1 above

7. PARKING CONTROLS

7.1 The Owners covenant not to Commence Development until the Parking Control Contribution has been paid to the Council

7.2 In the event that within five years from the payment referred to in paragraph 7.1 the Council confirms in writing with evidence to demonstrate that the Parking Control Contribution is not reasonably and properly required the Council shall repay the Parking Control Contribution to the party who made the payment together with any Interest that has accrued.

8. LANDSCAPE AND ECOLOGY

8.1 The Owner covenants not to Commence Development in relation to a Phase until the Landscape and Ecology Management Plan for that Phase has been submitted to and approved in writing by the Council (such approval not to be unreasonably withheld or delayed)

8.2 In the event that the Council refuses to approve the Landscape and Ecology Management Plan for a Phase the Owner shall submit a revised Landscape and Ecology Management Plan for that Phase for approval under Clause 8.1 above having taken into account the reasons for refusal given by the Council in that regard

8.3 The Owners shall implement and operate the Landscape and Ecology Management Plan in relation to each Phase of the Development from the date that it is approved by the Council in accordance with Clause 8.1 above

9. RESTRICTION ON RESIDENTIAL UNITS

The Owners shall unless further planning permission is subsequently obtained or unless the consent of the Council is obtained restrict the use of the Land so that the Residential Units shall only be Occupied by Key Workers

10. CONTRIBUTIONS

- 10.1 The Owners covenant not to Occupy or permit Occupation of any of the Residential Units until the Primary School Contribution has been paid to the County Council
- 10.2 The Owners covenant not to Occupy or permit Occupation of any of the Residential Units until the Secondary School Contribution has been paid to the County Council
- 10.3 The Owners covenant not to Occupy or permit Occupation of any of the Residential Units until the Adult Education Contribution has been paid to the County Council
- 10.4 The Owners covenant not to Occupy or permit Occupation of any of the Residential Units until the Youth Contribution has been paid to the County Council
- 10.5 The Owners covenant not to Occupy or permit Occupation of any of the Residential Units until the Social Services Contribution has been paid to the County Council
- 10.6 The Owners covenant not to Occupy or permit Occupation of any of the Residential Units until the Libraries Contribution has been paid to the County Council
- 10.7 The Owners covenant not to Occupy or permit Occupation of any of the Development until the M2 Junction 5 Contribution has been paid to the Council

11. LOCAL EMPLOYMENT

- 11.1 From the start of the tendering process for each Phase of the construction of the Development and throughout the period when each Phase of the Development is under construction to use (or seek to procure that its building contractor uses) its reasonable endeavours to co-operate and work closely with the Council to develop an employment and training scheme to promote employment opportunities for Local People in relation to the construction of the Development prior to the start of the said construction works for each Phase of the Development

11.2 To thereafter use its reasonable endeavours to:

- 11.2.1 employ local contractors and sub contractors and Local People in the said construction works;
- 11.2.2 consult with the Council with a view to identifying procedures to facilitate the appointment of contractors and sub-contractors and Local People in the said construction works;
- 11.2.3 prior to the commencement of the construction works for each Phase of the Development agree with the Council a method statement to facilitate the appointment of sub contractors and Local People in the said construction works;

PROVIDED THAT nothing in this Clause 11.2 shall require the Owners (or their building contractor as the case may be) to do or refrain from doing anything which would be contrary to prudent business practice or contrary to law

12. **MONITORING COMMITTEE**

- 12.1 The Owners covenant prior to the submission of the first Reserved Matters Application nominate a representative for the Monitoring Committee and to inform the Council of the nominee
- 12.2 The Owners covenant not to submit the first Reserved Matters Application until the Monitoring Committee has been established and held its inaugural meeting
- 12.3 The Owners and the Council covenant to use reasonable endeavours to ensure that the Monitoring Committee convenes at least once every six months or such other times as may be agreed with the Council to monitor all aspects of the Development in accordance with the Monitoring Committee Terms as set out at Appendix 2 of this Deed and use reasonable endeavors to ensure the Monitoring Report is published within 21 days of each meeting of the Monitoring Committee

13. **BUS SERVICE**

- 13.1 In the event the Bus Extension Scheme or the Alternative Bus Extension Scheme has not been provided pursuant to the Newnham Court Shopping Village Permission prior to the Bus Trigger the Owners

covenant with the Council to use all reasonable endeavors to procure the Bus Extension Scheme

13.2 Upon the date of the Bus Trigger it shall be the responsibility of the Owners to procure the Bus Extension Scheme or the Alternative Bus Extension Scheme until the first to occur of either:

- (a) A period of five years from the Bus Trigger; or
- (b) The full amount of the Bus Extension Scheme Contribution in procuring the Bus Extension Scheme or the Alternative Bus Extension Scheme has been expended

PROVIDED ALWAYS that the total Bus Extension Scheme Contribution paid by the Owners shall not exceed Eight Hundred and Eighty One Thousand Seven Hundred and Eighty Five Pounds (£881,785)

13.3 In the event the Bus Extension Scheme or the Alternative Bus Extension Scheme is procured by the Bus Extension Scheme Contribution then the Bus Extension Scheme Contribution shall be payable by the Owners as follows:

- (a) 20% of the Bus Extension Scheme Contribution upon the date of the Bus Trigger determined in accordance with this clause;
- (b) on the first anniversary of the Bus Trigger and within twenty eight (28) days of receipt of the Public Transport Notice from the Council 20% of the Bus Extension Scheme Contribution hereof minus any income received and as notified in the Public Transport Notice;
- (c) on the second anniversary of the Bus Trigger and within twenty eight (28) days of receipt of the Public Transport Notice from the Council 20% of the Bus Extension Scheme Contribution hereof minus any income received and as notified in the Public Transport Notice;
- (d) on the third anniversary of the Bus Trigger and within twenty eight (28) days of receipt of the Public Transport Notice from the Council 20% of the Bus Extension Scheme Contribution hereof minus any income received and as notified in the Public Transport Notice;

- (e) on the fourth anniversary of the Bus Trigger and within twenty eight (28) days of receipt of the Public Transport Notice from the Council the remaining 20% of the Bus Extension Scheme Contribution hereof minus any income received and as notified in the Public Transport Notice

13.3 From the Opening Date until the Highways Trigger Date and Bus Trigger Date determined in accordance with this clause the Owners shall provide the Council with the Monitoring Report every twelve (12) months no later than 31 July each year

14. **HIGHWAYS**

14.1 In the event the highway works (or any part thereof) detailed in this clause have not been provided pursuant to the Newnham Court Shopping Village Permission prior to the Highways Works Trigger the Owners covenant to enter into a S278 Agreement or a number of S278 Agreements as appropriate for the highway works detailed in this paragraph

14.2 The highway works to include:

- (a) Signalisation of three arms of the M20 Junction 7 and widening of the coast bound off slip and the creation of a new signal controlled pedestrian route north/south through the junction;
- (b) Signalisation of M20 link road Bearsted Road roundabout and widening of approaches;
- (c) Enlarging New Cut roundabout and widening of approaches;
- (d) Provision of a new signal pedestrian crossing to the west of New Cut roundabout;
- (e) Widening of footways on Bearsted Road between New Cut Road and the A249 link road to the M20 to form a combined foot/cycle way improvements to other local foot way links and foot cycle ways on the site access road

15. **NOTICES**

The Owners covenant to give notice in writing to the Head of Development Management at the Council at least 14 days prior to the expected date for:

(a) The Commencement of Development; and

(b) Occupation of the 20% and 50% and 75% Phases of the Development.

16. **COSTS**

The Owners covenant to pay to the Council and the County Council on completion of this Deed their respective reasonable and properly incurred legal and administrative costs

17. **COUNCIL AND COUNTY COUNCIL COVENANTS**

17.1 The Council covenants not to use any of the Contributions payable to it (except the M2 Junction 5 Contribution) other than for the purpose specified in this Deed

17.2 The Council covenants to pay the M2 Junction 5 Contribution to the Highways Agency and to seek its undertaking not to use the said Contribution other than for the purpose specified in this Deed

17.3 The County Council covenants to use the Adult Education Contribution the Library Contribution the Primary School Contribution the Secondary School Contribution the Social Services Contribution and the Youth Contribution only for the Adult Education Facilities Library Facilities Primary School Facilities Secondary School Facilities Social Services Facilities and Youth Facilities respectively

17.4 If any part of any contribution remains unexpended after seven years (with the exception of the M2 Junction 5 Contribution which shall be five years) from the date of the payment of that contribution the Council and the County Council covenant to repay any such expended sum to the party who made the payment together with any Interest that has accrued.

18. **AGREEMENTS AND DECLARATIONS**

18.1 It is agreed and declared by and between the parties as follows:

18.1.1 Nothing contained or implied in this Deed shall prejudice or otherwise affect the rights powers duties and obligations of the Council and the County Council in their exercise of their functions either as Local Planning Authority Local Education

Authority or in any other capacity and that all rights powers duties and obligations under any public and private statutes byelaws and regulations may be as fully and effectually exercised as if the Council and the County Council were not a party to this Deed

- 18.1.2 Any notice or written communication to be served by one party upon any other pursuant to the terms of this Deed shall be deemed to have been validly served if transmitted by facsimile delivered by hand or sent by registered post or recorded delivery post to the other party at its address herein specified or such other address as from time to time be notified for the purpose by notice in writing and any such notice or other written communication to be given by the Council shall be deemed valid and effectual if on its face it is signed on behalf of the Council by an Officer or duly authorised signatory thereof
- 18.2 The covenants as contained herein take effect as provided by this Deed but for the avoidance of doubt (save for Clause 16 and Clauses 12.1 and 12.2) they shall not be of any effect until Commencement of Development
- 18.3 This Deed shall be registered in the Register of Local Land Charges
- 18.4 If the Planning Permission is quashed or revoked or otherwise withdrawn or expires before effluxion of time for the Commencement of Development or is modified (other than by agreement with or at the request of the Owners) this Deed shall forthwith determine and cease to have effect and the Owners and the Council will effect cancellation of all entries made in the Register of Local Land Charges in respect of this Deed
- 18.5 The Council will upon the written request of the Owners at any time after the planning obligations set out within this Deed have been fully discharged or performed issue with written confirmation and effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed
- 18.6 This Deed shall cease to have any effect if Planning Permission for the Development has not been implemented before the expiration of the period specified (or deemed to be specified) in such Planning Permission for the Commencement of the Development pursuant to

Sections 91 or 92 of the 1990 Act (or such later date as may be agreed in writing by the Council)

- 18.7 Nothing in this Deed shall be construed as affecting prohibiting or limiting any rights to develop any part of the Land in accordance with any other planning permission granted whether before or after the date of this Deed by the Council or the First Secretary of State or any other competent authority
- 18.8 If there is any conflict between the terms of this Deed and any conditions attached to the Planning Permission the latter shall take precedence
- 18.9 Where the approval agreement confirmation or consent of the Council or any Officer of the Council is required or any matter has to be agreed for any purpose under or in connection with the terms of this Deed such approval agreement consent or matter to be agreed shall not be unreasonably withheld or delayed
- 18.10 Nothing in this Deed shall require the performance by the Owners of any obligations whatsoever in or upon over or under land outside the Land if that land is outside the ownership or control of the Owners
- 18.11 No person other than a contracting party may enforce any provision of this Deed by virtue of the Contracts (Rights of Third Parties) Act 1999
- 18.12 All sums payable by the Owners pursuant to this Deed (save for those payable pursuant to Clause 16) shall be Index Linked
- 18.13 In the event of a Planning Challenge by any person other than the signatories to this Deed the provisions of this Deed (save for Clause 16) shall be suspended only on the cessation of development until such time as the final determination of the Planning Challenge and shall (in circumstances where the Planning Permission is quashed on such final determination) have no further force and effect
- 18.14 The Owners shall give written notice to the Council not later than 14 days after the occurrence of any restrictive event defined within this Deed has been reached in order to assist the Council with the monitoring and delivery of all of the planning obligations set out herein

19. **DISPUTE RESOLUTION**

19.1 Without prejudice to the rights of any party to this Deed to take alternative action save for matters of construction (which shall be matters for the Courts) any dispute or disagreement arising under this Deed including questions of value (other than those financial contributions which are agreed and recited in this Deed) or any question of reasonableness may be referred at the instance of any party for determination by a single expert whose decision shall be final and binding on the parties

19.2 The following provisions and terms of appointment shall apply to such disputes or disagreements and questions:

19.2.1 The expert shall have at least ten years post qualification experience in the subject matter of the dispute

19.2.2 The expert shall be agreed between the parties or appointed by the President of the Royal Institute of Chartered Surveyors at the request of any party to the dispute

19.2.3 The persons calling for the determination shall make written submissions to the expert and the other parties within ten working days of his appointment

19.2.4 The other parties shall have 21 days from the receipt of such written submission or such extended period as the expert shall allow to respond

19.2.5 The expert shall disregard any representations made out of time and shall make his decision within 21 days of receipt of the representations under Sub Clause 19.2.4 or if none the expiry of the period referred to in Sub Clause 19.2.3

19.2.6 The expert's decision shall be in writing and give reasons for his decision

19.2.7 The expert's fees shall be met by the person calling for the determination unless the other party is found to have acted unreasonably in which case the other party shall meet such costs and reimburse any expert's fees already paid by the other party

IN WITNESS whereof the parties hereto have by affixing their respective common seals executed this document as a Deed upon the date hereof

EXECUTED as a DEED)
by DOUGLAS WILLIAM BRIAN PANTONY)
in the presence of:



Signature of Witness:

Name: DAVID HICKEN

Address: ECLIPSE HOUSE
MAWSTONE
NE14 3GN

EXECUTED as a DEED)
by GAYLE EMMA PANTONY)
in the presence of:



Signature of Witness:

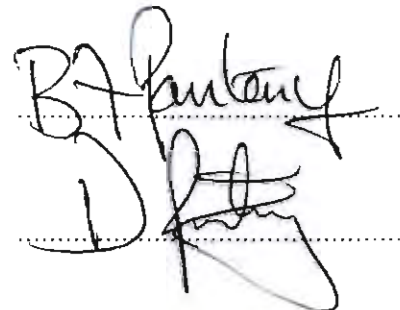
Name: DAVID HICKEN

Address: ECLIPSE HOUSE
MAWSTONE NE14 3GN

SIGNED as a DEED by HARVESTORE)
SYSTEMS (HOLDINGS) LIMITED)
acting by:)

Director)

Director / Secretary)



The COMMON SEAL of THE KENT)
COUNTY COUNCIL was affixed to this)
Deed in the presence of:)



Authorised Signatory



462

The COMMON SEAL of)
MAIDSTONE BOROUGH COUNCIL)
was affixed to this Deed in the)
presence of:)



Solicitor - Authorised Signatory



190899/4

APPENDIX ONE

Hospital and Clinic Facility

Minimum level of medical services and facilities within the Hospital and Clinic Facility shall comprise:

Training: for the period of five years from the date the Hospital and Clinic Facility is Occupied the Owners shall devote not less than 300sqm within the Development for use as a training facility or facilities for lectures seminars and continuing professional development courses and shall in addition provide skills occupational training to staff on an ongoing basis

Research: for the period of five years from the date the Hospital and Clinic Facility is Occupied the Owners shall facilitate medical research projects (authorised by the Royal College of Physicians) and will allocate approximately 3% of the gross turnover of the Hospital and Clinic Facility business towards medical research based at the Development

APPENDIX TWO

Monitoring Committee Terms

1. Consulting on the master plan in relation to that Phase of the Development to be submitted as part of every Reserved Matters Application
2. Highways matters in relation to the Development (including parking control at the Development and monitoring of the Trigger Criterion and the Monitoring Report)
3. Implementation of the Landscape and Ecology Management Plan
4. Implementation of the Travel Plan
5. Compliance with the conditions contained in the Planning Permission and any Reserved Matters Application.

APPENDIX THREE
Landscape and Ecology Management Plan



Maidstone Medical Campus

Outline

Landscape and Ecology Management Plan

For and on behalf of

Maidstone Medical Campus Ltd

June 2013

Maidstone Medical Campus

Outline
Landscape and Ecology Management Plan

C O N T E N T S

	<u>Page</u>
1. INTRODUCTION	1
2. THE EXISTING SITUATION	4
3. THE PROPOSED DEVELOPMENT	14
4. LANDSCAPE AND ECOLOGY AIMS AND OBJECTIVES	19
5. LANDSCAPE AND ECOLOGY PROPOSALS	21
6. LANDSCAPE AND ECOLOGY MANAGEMENT	25
7. DELIVERY	27
8. MONITORING	29

FIGURES

	<u>Following Page</u>
Figure 1 Location Plan	1
Figure 2 Existing Features	4
Figure 3 Indicative Layout (DHA drawing no. DHA/9640/09)	14

APPENDICES

Appendix A	Amphibian Legislation
Appendix B	Hibernacula Design
Appendix C	Planting Schedule*
Appendix D	Landscape Specification*

* To be provided at a later date, as part of detailed design.

1.0 INTRODUCTION

1.1 Background

- 1.1.1 This outline Landscape and Ecology Management Plan (LEMP) has been prepared in support of an outline planning application by Maidstone Medical Campus Ltd ('the Applicant') for a medical campus on land at Newnham Park, Maidstone (see Figure 1 for location).
- 1.1.2 An outline planning application for the Proposed Development is being made to Maidstone Borough Council (MBC). The Proposed Development comprises a medical campus adjacent to a tertiary level private hospital, the Kent Institute for Medicine and Surgery (KIMS), which is under construction and due to open in spring 2014. The proposed medical campus will include a variety of medical-related uses including further hospital facilities, research and development, medical training, staff and student accommodation, and a neuro-rehabilitation village.
- 1.1.3 A draft allocation of the Site for this purpose has been made by MBC in the document 'Interim Approval of Maidstone Borough Local Plan Policies 13 March 2013'. Draft Policy SS4, Newnham Park, relates to the Site (and also covers the area of the retail village to the west). This draft policy states in part that land to the south east of the Site is to be laid out as a 'parkland nature reserve', that existing planting is to be retained and enhanced, new structural and internal landscaping is to be provided, and that landscape buffers should be provided to adjacent areas of Ancient Woodland and also to the stream which runs through the centre of the Site.
- 1.1.4 Further pre-application advice has been provided by MBC officers in the a letter dated 30 May 2013. This advice includes a requirement that a '*strategic landscape/biodiversity management plan*' should be provided at the planning application stage, with more detailed proposals to follow.
- 1.1.5 This outline LEMP has therefore been produced to comply with that advice, and in recognition of the fact that the Site contains and adjoins important elements of Green Infrastructure and that the Proposed Development will rely on those elements to a significant extent, to provide landscape context, to assist with the Site drainage, to mitigate potential landscape or ecological effects and also to provide an appropriate and high quality environment for the development and the people using it.
- 1.1.6 The LEMP is based on the premise that it is not sufficient to simply allocate areas for new planting, enhanced habitats or SuDS features, or to carry out the initial works required, but that this provision must be backed up by a long term plan for the management all of the green



Maidstone Medical Campus

Outline Landscape and Ecology Management Plan

Not to Scale

Figure 1 ~ Location Plan

areas of the Site into the future, to ensure that they are established rapidly and that their full potential value is realised.

- 1.1.7 This outline LEMP has therefore been produced to set out, in principle, how the landscape and biodiversity mitigation measures and enhancements which form an important part of the proposals would be procured, implemented and managed into the future. It has been prepared by Corylus Ecology and Jon Etchells Consulting, who are the ecologists and landscape architects respectively for the project. It has been based on the ecology surveys and landscape assessment prepared as part of the preparation of the Environmental Statement (ES) which accompanies the planning application, and with reference to the Maidstone Landscape Character Assessment (2012).

1.2 The Landscape and Ecology Management Plan

Objectives

- 1.2.1 The mitigation and enhancement measures which form part of the proposals for the Maidstone Medical Campus development are summarised in the ES, for both ecology and landscape - if outline planning permission is granted for the development then more detailed proposals will be prepared as the scheme design progresses. It is clearly important for the landscape and ecology proposals (whether they are designed to mitigate potential adverse effects or to provide new or improved habitats or facilities for the Proposed Development) that provision should be made for their management into the future, to secure their early establishment and maximise their effectiveness, and that is the primary purpose of the LEMP.
- 1.2.2 The broad objectives of the LEMP are to maximise the biodiversity of the Site by adopting a sensitive and comprehensive approach to both the mitigation of any potential effects on existing habitats and wildlife, and also the future enhancement of biodiversity across the Site and the management of existing and new landscape features. The LEMP sets out the approach and practices proposed to achieve this, including information on how the various parts of the Site would be managed over time to maximise the benefits, and also the mechanism for ensuring the delivery and future management of the proposals.

Status

- 1.2.3 This is a draft document - as noted in MBC's pre-application advice, more detailed information will be provided at a later date as the project design develops. It is not possible to provide full or detailed information at this stage, as the planning application is in outline and there are no detailed design or planting proposals at this stage. The outline LEMP therefore sets out the broad scope of what is proposed and the mechanisms for delivery, to create a framework for

the future detailed management proposals, and so that MBC can take that into account in their determination of the planning application.

2.0 THE EXISTING SITUATION

2.1 General

2.1.1 The Site is in the south eastern quadrant of Junction 7 of the M20, around 2.5km north east of the centre of Maidstone. The Site is bounded by the KIMS site (currently under construction) and the mature woodland of Horish Wood to the north, with the M20 passing mostly in cutting through the wood. A further area of woodland, Pope's Wood, lies to the east, with a rectangular area of pasture also enclosed by the wood - it is proposed that this field would be planted up as a new woodland in connection with development of the Site. The western Site boundary is formed by the grounds of Newnham Court adjoining the Site to the north, and the KIMS access road with the existing retail village beyond further south (see Figure 2).

2.1.2 There are no public rights of way across the Site, though there is public access to the garden centre, pub and other facilities within the Newnham Court Shopping Village to the west.

2.1.3 The KIMS development is under way just to the north of the Site - this is a large scale development of hospital buildings up to 4 stories in height, with associated access roads, car parking and landscape areas. The western part of Horish Wood lies immediately to the north of the KIMS site, and comprises mature oak woodland with some ash, beech and birch - it is designated as Ancient Woodland. The woodland continues to the east of the KIMS site to the north eastern corner of the Site, where there is a small stream and a pond within the woodland just beyond the site boundary.

2.1.4 The eastern Site boundary runs initially alongside the western part of Pope's Wood, which is an area of sweet chestnut coppice woodland (also designated as Ancient Woodland), with a line of tall oak trees along the site boundary. The boundary then turns to run to the east to enclose a sloping field of pasture, before running to the south to Bearsted Road. Between the field and the main body of the Site is a beech hedge around 3m in height. Pope's Wood lies to the east and north of the field, with tall trees to the edge of the wood and areas of sweet chestnut coppice within the body of the woodland. The intention is that this field would be planted up as a new woodland, for amenity and nature conservation benefit.

2.1.5 The southern Site boundary comprises, from east to west:

- A post and wire mesh fence along the southern side of the field referred to above, with some tall roadside trees at the eastern end of the field.



Maidstone Medical Campus

Outline Landscape and Ecology Management Plan

Not to Scale

Figure 2 ~ Existing Features

- Past the access to Gidds Pond Farm, there is a 1.8m high closeboard fence alongside the road, with some small sweet chestnut trees and a recently planted conifer hedge on the road side of the fence. Further to the west the road runs at a lower level, with a steep wooded cutting up to the level of the site (contiguous with a small area of woodland within the Site, which is categorised as Ancient Woodland), and the closeboard fence continues at the crest of the cutting slope. The road is around 7m below the Site at this point, and the tall oak trees along the upper part of the site provide a prominent local landscape feature.
- As levels within the Site fall and the road emerges from the cutting, there is a row of 8 terraced properties (Gidds Pond Cottages) and a semi-detached property to their west along the north side of the road. Just to the west of these houses the road crosses a small watercourse, with a line of tall, closely spaced hybrid poplars running alongside the watercourse next to the road, and also extending to the north into the Site.
- The southern boundary then runs up to the roundabout on Bearsted Road, which has been recently reconfigured for the new access into the KIMS site, and which provides a junction with New Cut Road, leading to the south.

- 2.1.6 The western Site boundary runs across the field to the east of the shopping village site, and then returns towards the west to run along the eastern boundary of the retail site (which is marked at this point by a belt of young trees, around 6m in height, and including lime, cherry and field maple).

2.2 Landscape Character and Landscape Features

- 2.2.1 A full description of the character of the landscape of and around the Site is set out in the ES. A summary description is provided below.

National Landscape Character

- 2.2.2 In terms of wider landscape character, the Site lies in the eastern part of an area identified as the 'Wealden Greensand' in the Countryside Commission's (now Natural England) 'Countryside Character Volume 7: South East and London' (this is a national assessment of landscape character, published as a series of regional volumes). This is a large area, extending from Petersfield and Farnham in the west to Folkestone in the east, and runs in a narrow band, following the underlying geology. Just to the north (beyond the M20 and the CTRL) is a further character area, the North Downs.

County Landscape Character

2.2.3 Within this wider definition of character, Kent County Council (KCC) have undertaken a more detailed assessment of the character of the County's landscape ('The Landscape Assessment of Kent', 2004), and have identified the Site as lying within the 'Hollingbourne Vale West' character area. This area is described as:

- *'This character area is created essentially on the Gault Clay vale running beneath the Downs. It is generally sandwiched between the M20 and the railway east of Maidstone, from Newnham Court Farm to the watershed between the Medway and the Great Stour at Leadingcross Green.'*
- *'Small broadleaf woodlands and irregular fields are typical of this character area. The ancient mixed broad-leaved woodlands of Honeyhills Wood north of Bearsted are a well preserved, if unmanaged, example. Areas of hornbeam, oak, ash, field maple and hazel coppice, create a closed canopy on this damp clay soil with a rich shrub layer of woodland hawthorn, guelder rose and holly. Bluebells are locally abundant, clothing the ground with a blue mist in spring. Horish Wood to the west is similar but with damper species such as downy birch and willow.'*
- *'All three woodlands have been bisected by the M20 and the Channel Tunnel Rail Link at the edge of this character area where it joins the more free-draining Folkestone Beds.'*

Borough Landscape Character

2.2.4 At a more local level, MBC have recently published the Maidstone Landscape Character Assessment (2012), which replaces the earlier 'Landscape Character Assessment and Landscape Guidelines', 2000. This places the Site within character area 14, the 'Thurnham Vale'. The 2012 assessment also includes a more detailed characterisation of the landscape around the urban area of Maidstone, where the broader landscape character areas are broken down into smaller units for more detailed consideration. The Site falls within the more detailed study area, and lies within sub-area 14-1, the 'Weaving Fringes'. This is a small area bounded by (from west to east) the M20, A249 and CTRL to the north, Hockers Lane (the minor road to the east of Pope's Wood) to the east, Bearsted Road to the south (with a small extension to the south to include the open area north of the urban edge) and the western edge of Heath Wood to the west. The description of this area includes the following:

- *'Large woodland blocks provide an enclosed character and restrict views.'*
- *'Land east of Newnham Court Farm comprises undulating pasture, enclosed by woodland edges, tall poplar tree belts and native hedgerows and some post and wire fencing. To the west, little landscape remains around recent built development and the Park and Ride.'*

- *'Buildings are mostly modern, with a significant amount of large scale recent development in the parcel of land west of the A249. Newnham Court Farm comprises some large scale agricultural barns and a collection of older, vernacular buildings including oast houses. West of Newnham Court, a garden nursery with extensive glass houses and outbuildings dominate the landscape. A traditional farmhouse is set within dense vegetation to the north of the Newnham Court complex. Along Bearsted Road to the south, a row of traditional style cottages at Gidd's Pond line the road. Gidd's Pond Farm comprises a traditional farmhouse which is screened from the road by a dense block of enclosing vegetation. Large scale agricultural barns with corrugated iron roofs are located within pasture to the south. Properties off Hockers Lane are mostly modern, and an industrial works area comprises a complex of small modern buildings enclosed by high metal security fencing. The M20 runs through Horish Wood to the north, fragmenting the landscape pattern.'*
- *'Views within and out of the area are interrupted by large blocks of woodland, vegetation clumps and belts, as well as built development. Within the area, east of Newnham Court, views are of undulating pasture divided by native hedgerow boundaries and tall poplar shelterbelts. Newnham Court provides a focal point within the landscape, widely visible with large agricultural barns and a cluster of traditional style buildings. Views to the west are dominated by the large hotel along Bearsted Road, busy roads and the Park and Ride. Where vegetation allows, there are some views out of the area to the south of housing along the urban edge of Maidstone.'*

2.2.5 The planting guidance set out in the MBC 'Landscape Character Assessment and Landscape Guidelines', 2000 document is still current, pending replacement with further guidance, and that for Character Area 6, the 'Leeds Transport Corridor' (within which the 2000 assessment placed the Site) sets out a range of appropriate species for new woodland planting in different situations. That guidance will be taken into account (with allowance for the species found in the areas of Ancient Woodland adjacent to the Site, and adjustment where appropriate) in the formulation of proposed planting mixes for the new areas of woodland and woodland edge planting within the Site.

Landscape Designations

- 2.2.6 The Site is not covered by any national designations for landscape quality, but the Kent Downs Area of Outstanding Natural Beauty (AONB) lies just to the north, with the M20 forming the boundary at this point.
- 2.2.7 The Site lies within the Kent Downs Special Landscape Area (originally identified as one of several SLAs in the (now redundant) Kent Structure Plan) designated by MBC, which includes all of the land to the north of Bearsted Road at this point, including the Newnham Court Shopping Village.

- 2.2.8 An area Tree Preservation Order (TPO No. 1 of 2010) has been made by MBC to cover all of the trees within the Site, Horish Wood and Pope's Wood, with the boundary being the M20 to the north, the eastern edges of Horish Wood and Pope's Wood to the east, Bearsted Road to the south and the A249 to the west.

Topography

- 2.2.9 The Site is undulating, and slopes down from both the north west and south east into the shallow valley of the minor watercourse that flows from north east to south west through the central part of the Site. Levels range from around 70m AOD (above Ordnance Datum, or mean sea level) on the western boundary just to the south east of Newnham Court, and also in the north west corner of the field next to Pope's Wood, down to around 60m AOD as the watercourse turns to run to the south away from Horish Wood, and 55m AOD where the stream runs beneath Bearsted Road.
- 2.2.10 There is a local high point along the eastern boundary, prominent in short distance views from within the western part of the Site and from within the retail village to the west.

Existing Land Use and Vegetation Within the Site

- 2.2.11 Land use within the Site can be broadly divided into two areas, to the west and east of the central watercourse:
- The western part is occupied by a large grassed field across which the new KIMS access road runs, with the KIMS site to the north. A band of mainly native species planting will run along the southern edge of the hospital site, separating it to some extent from the remainder of this area. The access road is a single carriageway road, with broad grass verges, a drainage swale and informal planting of native trees and bulbs alongside it. The remainder of this area, to either side of the new road, is grassed and periodically mown, but is not in active agricultural use.
 - The watercourse noted above runs to the south between the western and eastern areas, and its course is marked in its northern part by a bank on its eastern side with oak, ash and hawthorn, with the height of the vegetation generally decreasing to the south. The southern section of the stream is marked by a line of tall hybrid poplars planted on the eastern bank, presumably as a windbreak. These trees are very closely spaced and in need of some management and thinning, which is due to be undertaken as part of the KIMS development. The eastern area is open and undeveloped, but is

not in productive agricultural use - the fields are simply mown to keep them tidy, as for the undeveloped part of the western area. The Site boundary includes a small copse of trees in its north eastern corner, which appears visually to be part of the wider woodland areas of Horish Wood to the north and Pope's Wood to the south, and provides valuable connectivity between them (and which is also categorised as Ancient Woodland).

2.3 Ecology Baseline

- 2.3.1 A desk study and a series of surveys have been undertaken to determine the range and extent of features of ecological and biodiversity interest both within and adjacent to the site.
- 2.3.2 The results of these surveys are reported in the Environmental Statement, with a summary set out below:

Habitats

- 2.3.3 The majority of the site is improved grassland. The sward is dominated by coarse grasses including cock's-foot grass *Dactylis glomerata*, perennial rye-grass *Arrhenatherum elatius* and Yorkshire fog *Holcus lanatus*, with finer species including creeping bent *Agrostis stolonifera*, common bent *Agrostis capillaris*, red fescue *Festuca rubra* and sweet vernal grass *Anthoxanthum odoratum*. Herb species diversity was found to be poor, with dandelion *Taraxacum officinalis* and cut leaved crane's-bill *Geranium dissectum* abundant. Other species recorded include yarrow *Achillea millefolium*, white clover *Trifolium repens*, oxeye daisy *Leucanthemum vulgare*, common mouse-ear *Cerastium fontana*, broad-leaved plantain *Plantago major*, ground ivy *Glechoma hederaceae*, knapweed *Centaurea nigra*, common sorrel *Rumex acetosa*, ragwort *Senecio jacobae* and ribwort plantain *Plantago lanceolata*. This field continues in the south east corner of the Site through a gated entrance and is a similar habitat to the grassland described above, with similar species recorded but also broad-leaved dock *Rumex obtusifolius*, ground-ivy *Glechoma hederacea* and lesser celandine *Ranunculus ficaria*.
- 2.3.4 Surrounding the existing property in the south (Gidds Pond Farm) to the east of the stream are patches of well-managed semi-improved grassland lawns that surround the main house. The largest lawn area is to the west of the main house and includes species such as white clover, creeping buttercup *Ranunculus repens*, ribwort plantain, daisy *Bellis perennis*, common ragwort, dandelion, annual meadow-grass *Poa annua*, red fescue, perennial rye-grass and Yorkshire-fog. Beneath a large mature beech tree a small patch of foxglove *Digitalis purpurea* was also recorded. To the east of the main house and between the drive

and the broad leaved woodland is a small north facing bank that is less managed than the surrounding grassland habitats and includes bracken *Pteridium aquilinum*, field forget-me-not *Myosotis arvensis*, common mouse-ear, ribwort plantain, dandelion, lesser celandine *R. ficaria*, creeping buttercup, ivy *Hedera helix*, red fescue, annual meadow-grass, rough meadow-grass *P. trivialis*, sterile brome *Bromus sterilis* and Yorkshire-fog.

Improved Grassland

- 2.3.5 To the west of the stream the field was described in a previous survey (2011 Lloyd Bore report) as being sown with perennial rye grass, and this was confirmed during a site walkover in late 2011. During 2012 much of this area was in use as the compound for the construction of the new KIMS hospital to the north.

Broad Leaved Woodland

- 2.3.6 In the north eastern corner of the Site is an area of broad leaved woodland. This is an extension of Horish Wood. The tree canopy is dominated by ash *Fraxinus excelsior* with cherry *Prunus* sp., sycamore *Acer pseudoplatanus* and oak *Quercus robur* also recorded. The shrub layer is formed of hawthorn *Crataegus monogyna*, hazel *Corylus avellana*, holly *Ilex aquifolium*, blackthorn *P. sorbus* and elder *Sambucus nigra* with dog rose *Rosa canina* also occurring. The fragment is largely dominated by a pond and around the pond is dominated in places by thick, unmanaged and closed shrub layer. A number of ancient woodland vascular plants are found in the ground flora including wood anemone *Anemone nemorosa*, bluebell *Hyacinthoides non-scripta* yellow archangel *Lamium galeobdolon*, early dog-violet *Viola reichenbachiana*, wood sedge *Carex sylvatica*, goldilocks buttercup *R. auricomus*, and wood melick *Melica uniflora* and primrose *Primula vulgaris*. In addition, greater stitchwort *Stellaria holostea*, barren strawberry *Fragaria sterilis*, square-stemmed St-John's-wort *Hypericum tetrapterum*, common spotted orchid *Dactylorhiza fuchsii*, bugle *Ajuga reptans*, dog's mercury *Mercurialis perennis*, red campion *Silene dioica* and lesser celandine were also recorded. Within the woodland is a large pond which is largely shallow water with much fallen timber in it. Little emergent or bankside vegetation was recorded, a small amount of meadow sweet *Filipendula ulmaria* being found at the western end near to the outfall.
- 2.3.7 In the southern part of the Site is a small isolated fragment of broad leaved woodland dominated by mature pedunculate oak and beech *Fagus sylvatica*. The shrub layer is thin and open and includes hazel, hawthorn, holly and cherry laurel *P. laurocerasus*. The ground layer is sparse and includes bluebell, honeysuckle, Lord's-and-Ladies, Yorkshire-fog and sparse spreading bramble scrub. The woodland extends eastward into the rear garden of the property, and along the southern boundary a strip of woodland dominated by sweet chestnut *Castanea sativa* with thin layer of spreading bramble covering the ground with occasional herb-Robert *Geranium robertianum* and honeysuckle.

- 2.3.8 At the northern end of the stream which bisects the Site there is a small section of woodland formed mainly by oak standards with ash, elm *Ulmus procera* and hazel also present. Ground flora recorded included bluebell, wood false brome *Brachypodium sylvaticum*, Lord's-and-Ladies, lesser celandine, dog's mercury, garlic mustard *Alliaria petiolata*, cuckoo-flower *Cardamine pratensis*, white dead nettle *Lamium album* and hogweed *Heracleum sphondylium*.

Stream

- 2.3.9 The stream has a stony bottom and is tree/wood lined along its eastern side. The stream flows from north to south and half way down through the Site turns sharply west and south again. At this point and to the south, the stream is flanked by a line of poplar trees *Populus* sp. The water level within the stream at the time of the survey was only ankle deep and in places shallower. There were a few shallow pools in places. In the northern part the stream is in a steep cutting; bankside trees and scrub provide partial shading from one bank. Emergent species recorded included brooklime *Veronica beccabunga*, water figwort *Scrophularia auriculata*, yellow flag iris *Iris pseudacorus*, Gypsywort *Lycopus europaeus*, hard rush *Juncus inflexus* and water mint *Mentha aquatica*. To the south the channel flows within a deep cutting alongside a row of poplar trees and is partially shaded. Marginal and in-channel emergent macrophyte vegetative structure was provided by sedge species *Carex* sp., rush species *Juncus* sp., meadowsweet *Filipendula ulmaria* and brooklime *Veronica beccabunga*.

Bats

- 2.3.10 A series of bat surveys were undertaken during 2012. A full internal and external survey of buildings at the south of the Site at Gidds Pond Farm was undertaken. No evidence of bats and very limited potential for bats was noted within the building. In addition, detector activity/transect surveys were undertaken between July and September 2012. At least seven species have been positively identified within the Site. The main habitat at this Site is poor quality being formed of species-poor semi-improved grassland. The boundary habitats of ancient woodland and broad-leaved woodland provide strong linear features and the stream being tree-lined on one side provides a diversity of habitats and an important water feature to increase invertebrate availability. The quality of the grassland provides poor quality foraging habitat for bats. There do not appear to be any specific locations around the edge of the Site where bat species are recorded more than others, however as would be expected no bat passes were recorded when the surveyors crossed the centre of the field. A small noctule roost was found in trees close to the southern edge of the Site. Given the level of activity and the number of species recorded, it is considered that the value of the bat assemblage is at least of Local Importance.

Amphibians

- 2.3.11 Four surveys were undertaken of two ponds during 2012. Pond 4 within the north eastern corner of the Site and Pond 8 some 20m to the east of the Site boundary at this point. No evidence of great crested newts was recorded in Pond 4 but they were recorded in Pond 8 with a peak count of 11 recorded on 14 May 2012. Peak counts of 20 smooth newts *Triturus vulgaris* were also recorded in Pond 8. The amphibian assemblage within the Site and in the surrounding habitats is considered to be of Neighbourhood Importance.

Aquatic Invertebrates

- 2.3.12 The surveyed stretch of the stream exhibited biological water quality (based on tolerance to organic enrichment) less than would be predicted if the site were non-impacted in any way. Any potential impact of the Hockers Lane Treatment Plant on the biological water quality of the stream could only be inferred by examining the stream both up and downstream of any effluent discharge points. Results of the current survey indicate the stream can be categorised as being between Low and Moderate conservation value (using CCI index). No species of conservation interest were recorded in the current survey. All species recorded in the current survey were predicted to occur in a stream of similar habitat. The aquatic invertebrate assemblage is considered to be of Neighbourhood Importance.

Water Voles and Reptiles

- 2.3.13 The presence and potential for water voles and reptiles to occur was assessed during the extended Phase 1 Habitat survey. The majority of the length of stream was walked and no evidence of water vole such as burrows, feeding remains or droppings were found and the water level was considered to generally be too low for water voles which use water to escape predation.
- 2.3.14 The potential for reptiles was also considered. Given the presence of the water bodies it is considered that grass snakes are the species most likely to be present. This species has a wide home range, but the main species-poor semi-improved grassland habitats within the Site offer poor quality habitat for grass snake and other reptiles. The thatch of the sward is not considered tussocky or dense enough to support reptiles and there are few foci and no areas for hibernation or shelter within the grassland which would support reptiles. No further surveys for reptiles were therefore required.

Overall Biodiversity Value

- 2.3.15 The existing value of the overall assemblage of biodiversity within the Site is somewhat compromised by the species-poor semi-improved grassland and improved grassland (some of it now part of the KIMS construction compound) which covers the majority of the Site. The ecological interest of the Site lies within the small section of Horish Wood which occurs within

the Site, which is Ancient Woodland and part of the wider Local Wildlife Site, and which is therefore of County Importance. Much of the diversity of the Site is largely due to its proximity to Horish Wood and Pope's Wood. The majority of the bat activity was recorded around the edge of the Site associated with the woodland edges and the stream. Overall the Site is determined as being of Local Importance.

3.0 THE PROPOSED DEVELOPMENT

3.1 General

- 3.1.1 The Proposed Development is described in the ES and also in the Design and Access Statement, which both accompany the planning application. A summary is provided below.
- 3.1.2 The planning application is being made in outline with details of the access submitted and with details of appearance, landscaping, layout and scale reserved for future determination. The Proposed Development is described on the application form as:

'Development of medical campus comprising up to 98,000 m² of additional floorspace including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training facilities with residential accommodation (class C2/D1); keyworker accommodation for nurses and doctors (class C3); pathology laboratories (class B1); business uses (class B1); ancillary retail services (class A1, A2, A3); internal roads; hard and soft landscaping including creation of new community woodland area.'

- 3.1.3 For the purposes of assessment in the ES, an illustrative scheme has been drawn up based on the above proposed uses (as shown on DHA drawing number DHA/9640/09). This demonstrates one way in which the site could be developed to accommodate up to 98,000m² of floorspace and has been used by the ES assessors to consider the potential impacts of the scheme. This drawing is reproduced in this outline LEMP on the following page, and will be replaced in due course by a firm and detailed development masterplan.

Sustainable Drainage

- 3.1.4 It is proposed that surface water drainage at the Site will follow sustainable drainage (SuDS) principles and the illustrative masterplan reflects this, incorporating swales, detention ponds, green roofs and permeable paving to some parking areas. The swales and ponds shown on the masterplan are of a size commensurate with the quantum of development proposed and have been calculated on this basis by an engineer. This ensures that the proposed development is deliverable in a suitable manner that will include effective sustainable drainage.
- 3.1.5 The use of swales and ponds also presents opportunities for landscape and biodiversity enhancements, and the detailed design of these features will take this fully into account.



notes

01 KIMS BUILDINGS (UNDER CONSTRUCTION)

02 KIMS EXTENSION

03 OFFICES, RESEARCH & DEVELOPMENT AND PATHOLOGY LABS

04 WOMENS & CHILDRENS HOSPITAL

05 RESEARCH & DEVELOPMENT

06 UNIVERSITY CAMPUS

07 UNIVERSITY HALLS OF RESIDENCE

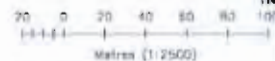
08 DOCTORS / NURSES ACCOMMODATION

09 MEDICAL TRAINING

10 NEUROREHABILITATION VILLAGE

11 NEW COMMUNITY WOODLAND

POTENTIAL GREEN ROOF LOCATION



REV. REVISION. DATE

client
MAIDSTONE MEDICAL CAMPUS LTD

project
MMC

title
INDICATIVE LAYOUT WITH ZONAL KEY

dwg. rev. scale. date
DHA/9640/09 E 1:2500 JUNE 2013

dha urban design
a development masterplanning

Eclipse House, Eclipse Park, Stingshoe Road
Maidstone, Kent ME14 3EN
t: 01622 776225 e: info@dhaurban.co.uk
f: 01622 776227 w: www.dhaurban.co.uk

No reproduction by any method of any part of this document
is permitted without the consent of the copyright holders.
Produced for Town and Country planning purposes only.
O.S. Licence Number AL64535X

CAD Reference

A3

Where possible, at least some of the ponds will be designed as permanent water bodies with locally appropriate native marginal and aquatic vegetation (achieved either by planting or allowing natural colonisation, or a combination of the two).

Programme and Timescale

- 3.1.6 It is currently anticipated that construction will take place over a period of approximately 10 years, subject to market conditions and following the approval of reserved matters. Construction is likely to take place on a plot-by-plot basis due to the nature of the Proposed Development, but the main Site landscape features will be provided at an early stage (and therefore well in advance of the later phases of development) wherever possible.

3.2 Ecological Potential and Limitations

- 3.2.1 As set out in the ES, the majority of the Site area is of limited biodiversity interest at the moment, as it comprises regularly mown semi-improved or improved grassland. Those features or parts of the Site with a greater level of interest (principally the small woodlands within the Site and the stream) will be retained as part of the proposed development, and will be reinforced by the proposed new planting and habitat creation measures.
- 3.2.2 As the Site adjoins areas of Ancient Woodland, and as the proposals include extensive provision of Green Infrastructure, the potential exists (notwithstanding the proposed built development) for significant local biodiversity benefits. The proposed green corridor alongside the stream will link areas of existing Ancient Woodland, in the south eastern part of the Site there will be a large scale area of new woodland planting, and the Ancient Woodland buffer areas will both protect and extend the area of woodland habitat. Due to the presence of great crested newts a European Protected Species (EPS) licence from Natural England will be required and habitat enhancements will be provided within the Site, including the provision of ponds within the south eastern area of woodland planting. The green corridors, planting and the new swales and ponds will also provide increased habitat variety.
- 3.2.3 There are not thought to be any limitations on planting on the Site in terms of underlying geology or soils - the geology of the Site comprises Folkestone Sandstone Formation, overlain immediately to the north of the Site by Gault Clay. Within the middle part of the Site where levels are lower this is overlain with a superficial head deposit of Quaternary Clay and Silt. An alluvial deposit of Silty Peaty Sandy Clay follows the watercourse at the base of the valley. The woodland vegetation surrounding the Site indicates that similar woodland could

be planted within the Site, and the species within the Ancient Woodland will be used as a guide to species selection for the new planting, but a further check will also be made on ground conditions and soils within the Site as part of the detailed design process.

- 3.2.4 In general terms, the site has significant potential for biodiversity enhancement - it contains areas and features where the current value is limited, but which have the potential to be of significant value following appropriate landscape treatment.

3.3 Landscape Potential and Limitations

- 3.3.1 In the same way as for biodiversity, the existing contribution which the site makes in terms of landscape character and quality is limited as a result of the current land use - while much of the Site is at present green and open, it does not have a truly rural character, is not in productive agricultural use, and has the KIMS access road running across it.

- 3.3.2 The Site could therefore benefit in landscape and visual terms from a more clearly defined pattern of uses, with some areas developed and other areas given a long term green use, such as the streamside corridor or the new woodland. While the built development will inevitably have some adverse landscape effects (as described in the ES), the landscape proposals will help to screen and integrate the development where appropriate, and any adverse effects would be expected to decline over time.

3.4 The Proposed Development: Landscape and Ecology

- 3.4.1 There are no firm landscape proposals for the development at this stage, but the illustrative masterplan shows broad areas of structural landscaping and new woodland, and it is presently envisaged that the development would provide for the following:

- Existing vegetation would be retained wherever possible - this would include all of the woodland around the northern and eastern sides of the Site, the existing strip of woodland along the southern Site boundary with Bearsted Road (including the triangular area of Ancient Woodland), and the vegetation alongside the watercourse through the central part of the Site (noting that some of the existing poplars along the southern part of the watercourse are due to be thinned (with every other tree being removed) in late 2013 as part of the KIMS development; this is part of a long term management plan involving extensive replanting alongside the stream). It would also include the line of maturing trees just to the east of the existing retail area and the

recent or proposed planting which forms part of the KIMS development (though some of the planting along the KIMS access road may need to be relocated or replaced by new planting as part of the Proposed Development, depending on detailed design).

- There will be a green buffer between any built development and the edge of the Ancient Woodland to the north and east, to ensure that the Root Protection Areas of the trees within the Ancient Woodland are not compromised. Natural England's Standing Guidance for Ancient Woodland suggests a buffer zone of at least 15m between the woodland boundary and the nearest building - that distance would be adhered to as a minimum and would in places be significantly greater. This buffer will consist primarily of woodland edge planting, to provide an appropriate ecological and visual transition between the mature woodland and the developed parts of the Site. Access will not be encouraged, though in some areas there would be informal paths though the area, to be used by people working on or visiting the Site.
- The two small areas of Ancient Woodland within the Site (in the north eastern corner and along the southern edge) will have a similar green buffer around them, and management proposals for these areas will form part of the detailed LEMP (with an initial outline set out in Section 6.2 below).
- The rectangular field in the eastern part of the Site will be planted up as a new woodland, with controlled access from the Site at two points to the west. This will provide valuable visual and ecological connectivity between the large expanses of Horish Wood and Pope's Wood, and will also serve to further enclose and screen the new development. Most of this area will be planted as native species woodland, with the species mix reflecting the existing Ancient Woodland around it, but there will also be some glades and paths though the new woodland to facilitate informal recreation for Site users and create additional habitat diversity, and also some small ponds designed for nature conservation benefit and as part of the suite of mitigation required for great crested newts. In addition, as the area is large and has scope for a variety of uses within it, consideration will be given at the detailed design stage to incorporation of sensory gardens or other features which would be of value to people using the Site's medical facilities.
- The high point within the eastern part of the Site would not be built on, and would instead be laid out as a 'woodland car park', with low density car parking utilising informal surfacing (such as crushed stone, with low key edging and kerbs) set amongst native woodland tree planting, and with native understorey shrubs to screen lower level views of the parked cars.

- A broad green corridor alongside the watercourse would be retained as a strong element of Green Infrastructure, providing landscape structure (by means of the retained KIMS woodland planting and additional planting in some locations), a series of linked water bodies (which would provide for Site drainage using SuDS principles) and informal pedestrian routes through the Site with bridges over the ponds and the stream.
- The new buildings would have extensive planting around and between them, to screen less attractive elements (such as car parking and service yards) and to provide an appropriate and attractive green environment.
- The majority of the planting would be of locally appropriate native species, with any failures replaced for a period of five years. Plants would, where available, be of local provenance, obtained from suppliers such as Oakover Nurseries near Ashford, which specialises in the commercial supply of Kent provenance stock. More ornamental species offering greater year round colour and interest would be used within the overall native species framework, closer to the buildings.
- It is expected that the eventual lighting proposals will conform to current best practice in terms of minimising light spill and glare, with full cut-off lanterns for the lighting along the Site access roads and within car parking and circulation areas around the new buildings. Lighting within car parks and circulation areas would also (where possible and given operational constraints) be fitted with time and/or movement activation controls such that it would be turned off outside normal working hours. Wherever practicable, low level bollard lighting or similar would be utilised in preference to pole-mounted lighting to further minimise visual effects.

3.4.2 The above list of potential features is an indication only of what is envisaged at the moment, and will be replaced as the design progresses with a firm list of proposals to accompany a firm development masterplan. At that stage it will be possible to provide more detailed management proposals to form part of a detailed LEMP.

4.0 LANDSCAPE AND ECOLOGY AIMS AND OBJECTIVES

4.1 The Scope of Management

4.1.1 The LEMP covers all of the areas within the red line boundary for the planning application. It also covers, in a restrictive sense in terms of stating that access will be prevented, the adjoining areas of Ancient Woodland.

4.1.2 The LEMP covers a 25 period, divided as follows:

- An initial 5 year establishment period, following initial planting or implementation, with the aim of securing the establishment of new plants and features, and replacing any plants or areas of grass which have died or failed. This period would also include monitoring of establishment and the success of planting in various areas to ascertain whether any plant species may need to be amended. Proposals for monitoring are set out in Section 8 below.
- A further 10 year period, setting out proposals for ongoing maintenance of the established landscape and habitat creation areas, together with proposals for more strategic management interventions in terms of potential need for thinning of some areas.
- A final 10 year period setting out principles for medium term management interventions - as this period would not commence for 15 years from the date of initial planting, it is difficult to be sure at this stage as to what would actually be required in practice, and the operations proposed will be reviewed over time and amended as appropriate as part of an iterative process with the monitoring (see Section 8).

4.2 Aims and Objectives of Management

4.2.1 The broad objectives of the proposed management of the site are to:

- Maximise biodiversity by sensitive management of the retained existing features such as the stream, woodland and pond.
- Conserve and enhance the habitats for the existing protected species on the site.

- Manage the newly created landscape features such as the new grassland, SuDS features, ponds and woodland, such that their establishment is secured and their contribution to local landscape quality and biodiversity is maximised.

4.2.2 The proposed management measures are set out in principle in this outline LEMP so that they can be agreed in principle by MBC, to guide the future production of a more detailed version of this document and to provide a benchmark against which that document can be judged.

5.0 LANDSCAPE AND ECOLOGY PROPOSALS

5.1 General

5.1.1 The proposals for the development as a whole, and for the landscape and ecology components in particular, are described in Section 3 above in general terms. This section provides more detailed information in terms of the creation of new habitats, with the enhanced management of existing habitats covered in Section 6, together with information on the longer term management of both existing and newly created habitats.

5.2 New Habitat Creation

5.2.1 The main habitats that will be created include:

- New broadleaved woodland in the south eastern part of the site.
- New ponds within that woodland.
- New SuDS features - swales and balancing ponds, with associated wetland, aquatic and marginal vegetation.
- Woodland edge planting within the Ancient Woodland buffer areas.
- New streamside and marginal planting in the green corridor centred on the existing stream.
- Areas of species-rich grassland wherever space permits - alongside roads, around the SuDS features, and alongside or within the Ancient Woodland buffer areas.
- Landscaped areas around the new buildings - these would contain some native species, but would also contain a range of ornamental trees, shrubs and herbaceous plants to create an attractive and varied environment appropriate for a major medical facility.

Broadleaved Woodland and Woodland Edge Planting

5.2.2 The aim of the new woodland planting is to provide a range of habitats attractive to a diverse variety of wildlife, as well as new landscape features. The woodland areas are designed to enhance the amount of edge habitat with glades, which form important transition zones between habitats. The new planting is proposed to complement the adjacent Ancient Woodland both within and just outside the site boundaries.

- 5.2.3 Further details will be added to later versions of the LEMP as the design progresses - at the moment it is expected that the new woodland area will include other features such as ponds, hibernacula, rides etc to maximise habitat and species diversity. The following sections set out how, in principle, it is presently envisaged that the planting will be carried out.
- 5.2.4 New woodland planting would be into naturally occurring topsoil, and planting areas would be prepared and cultivated when conditions are suitable prior to planting. Topsoil handling would be carried out when soil conditions are dry to avoid compaction and damage to the soil structure. Planting would be into prepared pits, backfilled with topsoil (and compost if required).
- 5.2.5 The woodland planting would be carried out using stock of local origin so that it is better adapted to local conditions. It would also be planted as small, young stock which would be more able to tolerate stress when planted and therefore establish more readily and grow more rapidly. Oakover Nurseries near Ashford carry large stocks of Kent provenance plants, and would be used where possible.
- 5.2.6 Tree and shrub species would be planted as 1+1 transplants at between 40 and 60cm in height, with a proportion of feathered trees to give some diversity of size and a more immediate effect. Most species would be planted as bare root stock, but where appropriate (e.g. if species such as holly or native honeysuckle are to be used) they would be planted as container grown stock. Feathered oaks would also benefit from being planted as container grown stock as they are harder to establish from bare root stock.
- 5.2.7 Handling and planting techniques would be in accordance with good horticultural / forestry practice and the National Plant Specification. A detailed planting specification would be provided for approval by MBC as part of the detailed proposals.
- 5.2.8 All planting would be protected using individual guards/plant shelters, to protect against rabbit damage and also enhance establishment and growth.
- 5.2.9 Competition from weeds reduces growth and establishment rates and would be controlled by using mulch mats around each plant. Biodegradable mulch mats would be laid and pegged as necessary around each plant, to control weeds and retain moisture. No herbicides would be used in the more sensitive areas of the site (close to the existing woodland and the stream), and any additional weed control in these areas would be by hand pulling.
- 5.2.10 Establishment maintenance of all new planting areas would be carried out in the first five years following planting or until plants have become well established. Tasks would include:

- Regular visual inspections to check for damage to plants and guards and/or fences.
- Replacement of dead, failed or diseased stock.
- Adjustment of tree stakes and ties as necessary.
- Spot spraying of weeds and hand pulling of weeds where required.
- Strimming of vegetation between plant stations.
- Replacement or re-fixing of mulch mats to maintain a weed free circle area around each plant.
- Removal of stakes after approximately three years.

5.2.11 After that time the longer term maintenance and management operations set out in the LEMP would be followed.

New Ponds and SuDS Features

5.2.12 Further details will be added to later versions of the LEMP as the design progresses, and will include consideration as to which ponds are to be designed as permanent water bodies (and whether they will therefore need to be lined) and which are to be treated as seasonally wet only.

Streamside and Marginal Planting

5.2.13 Further details will be added to later versions of the LEMP as the design progresses, and will include proposals for topsoiling (some areas may benefit from having reduced topsoil depths to limit fertility) and also consideration of whether some areas may be best left to colonise naturally, rather than being planted (this can often produce better and more locally appropriate results for wetland areas, in ecological terms).

Species Rich Grassland

5.2.14 Further details will be added to later versions of the LEMP as the design progresses, and will include details of proposed seed mixes, measures to prevent ingress of invasive weed species and also proposals for topsoiling, as again it may be preferable to have reduced depths of topsoil or to mix topsoil and subsoil to reduce fertility, in order to avoid competition from undesirable weed and grass species.

Great Crested Newt Enhancements

- 5.2.15 In addition to the ponds proposed within the area of new woodland planting and the planted woodland buffer areas, features to enhance the area for great crested newts will also be provided. These will include hibernacula and log piles.

Bird Boxes

- 5.2.16 The proposed species-rich planting of woodland and woodland edge areas, as well as the more ornamental planting around the new buildings, will increase the available natural food for birds and in time will also provide suitable nesting areas.
- 5.2.17 Artificial nesting boxes for birds will be provided throughout the Proposed Development, positioned within the new woodland and scrub habitat and on the retained trees. Boxes will be of varying designs, such as open fronted wren and robin boxes, and standard tit and nuthatch boxes. Specifically designed open fronted nest boxes will also be provided for spotted flycatcher. These would be positioned between 2 to 4m above ground level on trees with a good vantage point, and preferably in an area where honeysuckle is present as they often prefer boxes within creeping plants. Colonial nest boxes for sparrows will be installed on the new buildings. A total of 10 colonial nest boxes for sparrows will be provided and 20 boxes of other designs.

6. LANDSCAPE AND ECOLOGY MANAGEMENT

6.1 General

- 6.1.1 Section 5 covered the creation of new habitats within the site - this section sets out the proposals for enhancement of existing habitats by means of improved management, and also sets out proposals for the longer term management of all of the habitats within the site.

6.2 Ancient Woodland

- 6.2.1 The retained Ancient Woodland within the Site boundary would not be subject to any significant management. The areas involved are relatively small, and non-native species such as sycamore would be thinned but otherwise a non-intervention policy is proposed. The pond within the north eastern corner of the Site which falls within the Ancient Woodland would be enhanced by removing some of the dead wood within the water and opening up the edges of the pond.
- 6.2.2 The proposed buffer areas adjoining the Ancient Woodland will comprise woodland edge habitat with some glades and more open areas of tussocky grassland linked with areas where access will be allowed for informal walking. Within this new habitat, features for great crested newts will be incorporated, including hibernacula and log piles. Management of these areas will include some limited mowing and maintenance of the planting to ensure glades are retained.
- 6.2.3 Measures will also be set out in the detailed LEMP to prevent access to the adjoining off-Site areas of Ancient Woodland. These are likely to include repair and maintenance of existing fencing and provision of appropriate signage.

6.3 The Stream

- 6.3.1 The main factor limiting the existing nature conservation interest of the stream is likely to be the amount of water coming into the system, as it appears to dry periodically. The proposals may help with this, as surface water drainage from the new development will be stored in the various SuDS detention features and released into the stream at a controlled rate. The proposed removal of some of the poplars along the eastern side of the stream over time (around half of the trees are due to be removed as part of the KIMS works in late 2013, and the remainder will be removed in perhaps 2018 to 2020) will be beneficial in terms of reducing

shading, and the stream will benefit in general terms in the future from running through a broad green corridor with appropriate marginal planting.

6.4 Longer Term Management of Newly Created Habitats

Broadleaved Woodland and Woodland Edge Planting

- 6.4.1 Further details will be added to later versions of the LEMP as the design progresses, and the detailed LEMP will set out management operations designed to promote establishment and maximise the nature conservation value of these habitats, while allowing for some controlled access and amenity benefit.

New Ponds and SuDS Features

- 6.4.2 Further details will be added to later versions of the LEMP as the design progresses, and the detailed LEMP will set out management operations designed to promote establishment and maximise the nature conservation value of these habitats, while allowing for the SuDS features to fulfil their primary drainage function.

Streamside and Marginal Planting

- 6.4.3 Further details will be added to later versions of the LEMP as the design progresses, and the detailed LEMP will set out management operations designed to promote establishment and maximise the nature conservation value of these habitats, while allowing for some general amenity benefit in terms of their appearance (e.g. they will need where possible to be kept tidy and have a 'cared for' appearance, where this would not compromise their nature conservation interest).

Species Rich Grassland

- 6.4.4 Further details will be added to later versions of the LEMP as the design progresses, and the detailed LEMP will set out management operations designed to promote establishment and maximise the nature conservation value of these habitats (including the timing and frequency of cutting), while allowing for some controlled access and amenity benefit.

7.0 DELIVERY

7.1 Implementation

7.1.1 The proposals for habitat creation and new landscape features have been described in outline in Section 5 above, and detailed proposals would be provided to MBC for approval (probably as part of a planning condition) prior to commencement. The work would be undertaken by experienced and appropriate landscape contractors (see Section 7.3 below), chosen for their track record in work of this kind. A detailed specification, schedule of works and tender documents would be produced for pricing by tenderers, and the tender documents and proposed tender list could be provided to MBC for comment and approval if required.

7.1.2 Once a contractor is appointed, the work would be inspected by the project ecologist and/or landscape architect (see Section 7.3 below) to ensure compliance with the specification and drawings.

7.1.3 The habitat creation and planting works would be subject to five years post-completion establishment maintenance, after which the longer term management of the entire site would apply to the newly created areas as well as the retained site features.

7.2 Management

7.2.1 The longer term work would be undertaken by an appropriate landscape management contractor (see Section 7.3 below), and would again be controlled by a detailed specification and schedule of works.

7.3 Qualifications and Experience

7.3.1 The landscape contractor, landscape management contractor, ecologist and landscape architect shall have the following qualifications, experience and membership of professional bodies:

- The landscape contractor shall be a Full Contracting Member of the British Association of Landscape Industries (BALI), with appropriate local experience in tree, hedgerow and woodland planting, aquatic and marginal planting and species rich grassland creation.

- The landscape management contractor shall be a Full Contracting Member of the British Association of Landscape Industries (BALI), with appropriate local experience in the management of trees, ponds, species rich grassland and woodlands.
- The ecologist shall be a suitably qualified member of CIEEM (Chartered Institute of Ecology and Environmental Management) who has worked as an ecologist for at least five years post qualification. Given the specific enhancements proposed, the ecologist will have appropriate licences and experience in surveying and habitat enhancements for bats and great crested newts.
- The landscape architect shall be a chartered landscape architect working for a practice registered with the Landscape Institute, and with a minimum of 5 years post-qualification experience.

8.0 MONITORING

8.1 General Principles

- 8.1.1 The general objectives of monitoring are to determine whether the mitigation and the habitat enhancement and new habitat creation measures have been successful. In the event that monitoring finds a failure in mitigation then remedial measures would be required. The proposed monitoring is set out below.

8.2 Great Crested Newts

- 8.2.1 Monitoring of great crested newts would be required under the EPS licence granted by Natural England, this is likely to consist of between 2 and 4 years of monitoring of the new mitigation ponds, the on-Site pond and the pond adjacent to the Site.
- 8.2.2 The monitoring would consist of presence/absence surveys of the new ponds, extending to population estimate surveys if great crested newts are found using the ponds. Population estimate surveys would be required of the pond adjacent to the Site.

8.3 Bats

- 8.3.1 Post construction monitoring will be undertaken to assess the level of bat activity around the Site, and particularly monitoring the continued use of the noctule roost.

8.4 New Habitat Creation

- 8.4.1 The various newly created habitats will be monitored as part of the contract inspection, with any dead or failed plants being replaced for five years and any areas of grass seeding which fail to establish satisfactorily also being made good. After the first five years, the work of the landscape management contractor would also be inspected and monitored on a regular basis.

8.5 Review of the LEMP

- 8.5.1 In years 3, 5 and 7 following completion of the first phase of planting, and thereafter as agreed, a review would be undertaken by the Applicant's consultants of all of the aims, objectives and provisions of the LEMP, to determine whether the management is producing the desired results, and whether any amendments to the timing or nature of the various management interventions may be required.
- 8.5.2 The results of this review would be presented in the form of a report (which would include the results of the surveys set out above, where appropriate), which would be discussed with MBC and any appropriate revisions to the management practices would be agreed, and approved in writing by MBC.

APPENDIX A Amphibian Legislation

- A1.1 Details of the legislative protection afforded to amphibians which are known to be present on the site are set out below.
- A1.2 All British amphibian species receive legal protection in the United Kingdom though the degree to which different species are protected varies. The Wildlife and Countryside Act 1981 (WCA) (as amended) transposes into UK law the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention). The 1981 Act was recently amended by the Countryside and Rights of Way (CROW) Act 2000 and the more recent Conservation Regulations (2007). The great crested newt is listed under Schedule 5 of the 1981 Act, and is therefore subject to the provisions of Section 9, which make it an offence to:
- Intentionally kill, injure or take a great crested newt [Section 9(1)];
 - Possess or control any live or dead specimen or anything derived from a great crested newt [Section 9(2)]
 - Intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for shelter or protection [Section 9(4)(b)];
 - Intentionally or recklessly obstruct access to any structure or place which a great crested newt uses for shelter or protection [Section 9(4)(c)]
 - Sell, offer for sale, possess or transport for the purpose of sale or publish advertisements to buy or sell a great crested newt [section 9(5)]
- A1.3 The other more common amphibian species are protected against sale (Section 9(5)) only. In all cases, the legislation applies to all life stages including spawn, eggs, juveniles and adults.

Appendix B Hibernacula Design

- B1.1 A series of hibernacula formed of clean rubble built up from ground level and covered with earth and turfs would be installed in locations to be agreed. As far as possible the hibernacula would be orientated on an east-west axis and sloping to the south to maximise basking opportunities.
- B1.2 The areas for the hibernacula would first be strimmed to allow access for machinery to construct them without endangering any reptiles which may be present. Shallow scrapes would be made in the existing surface and filled with clean hardcore/rubble/logs depending on available materials. The bottom layer of coarse material is intended to provide gaps and cavities for animals to crawl into for hibernation; above this layer soil would be placed to a maximum height of 1m to build up the mound. The sides of the bottom layer of coarse material would be exposed at ground level so that access for reptiles is maintained. A geotextile membrane would be inserted over the coarse layer prior to adding the soil and turf, to prevent fines washing down into the cavities.
- B1.3 The design would be based on that shown in the Highways Agency's Design Manual for Roads and Bridges (DMRB) Volume 10, which shows alternative construction details for different ground conditions.

Appendix C Planting Schedule

To be provided at a later date, as part of detailed design.

Appendix D Landscape Specification

To be provided at a later date, as part of detailed design. This will include details of the specification for initial planting and other landscape works, and also of the operations to be undertaken in the initial 5 year establishment period.

APPENDIX FOUR

Travel Plan

draft framework travel plan

**MAIDSTONE MEDICAL
CAMPUS LIMITED**

**PROPOSED MEDICAL CAMPUS
NEWNHAM PARK
BEARSTED ROAD, MAIDSTONE**

JUNE 2013

JSL/T0217

Contents

1	INTRODUCTION	4
1.1	Overview.....	4
1.2	Benefits of the Travel Plan	4
1.3	Aims and Objectives	5
2	CONTEXT	6
2.1	Existing Site Audit	6
2.2	Proposed Development	8
2.3	Vehicle Parking	9
3	TRAVEL PLAN TARGETS	10
4	ACTIONS AND INITIATIVES	11
4.1	Overview.....	11
4.2	Measures to Promote Sustainable Travel	11
4.3	Measures to Manage and Reduce Car Travel	13
4.4	Visitor Travel.....	14
4.5	New Ways2Work.....	14
5	IMPLEMENTATION.....	16
5.1	Action Plan.....	16
5.2	Marketing and Promotion	16
6	MANAGEMENT AND COMMITMENT.....	17
6.1	Management	17
7	MONITORING AND REVIEW.....	18

Appendices

- A Travel Plan Action Plan

Executive Summary

- 1.1.1 This Travel Plan has been produced to accompany the planning application for the proposed medical campus at Newnham Park, Maidstone, Kent. This document demonstrates commitment from Maidstone Medical Campus Ltd to promote sustainable travel, and to mitigate the traffic impact that the development would impose on the local area. This Travel Plan should be read in conjunction with the associated Transport Assessment.
- 1.1.2 The Travel Plan aims to minimise the impacts of the development on the surrounding environment, particularly in regards to vehicle trips and congestion. Objectives include the increased use of public transport, walking and cycling for all users including staff, residents and visitors.
- 1.1.3 A Draft Framework Travel Plan has been produced for the site as a whole, with the intention that on occupation of the site, the individual occupiers will produce their own subsidiary Travel Plans under the Medical Campus framework. This has been produced in draft as there are currently no occupiers at the site to provide a base mode share. Following initial occupation, proposed for 2015, a travel survey will need to be undertaken by those occupying the site.
- 1.1.4 Considering the draft status of this Travel Plan a measures based approach has been taken, which include an action plan for on-going progression towards sustainable travel. As an on-going strategy, the Travel Plan will be monitored regularly via surveys and targets, and will be reassessed periodically as appropriate. The management and promotion of the Travel Plan are key to its success, along with full commitment from those involved.

1 Introduction

1.1 Overview

1.1.1 This Travel Plan has been produced to accompany the outline planning application for the proposed medical campus at Newnham Park, Bearsted Road, Maidstone, Kent. Local and National guidance considered in the preparation of this Travel Plan are listed below:

- Department for Transport publication (2009) 'Good Practice Guidelines: Delivering Travel Plan Through the Planning Process';
- KCC publication 'Revised Guidance on Securing, Monitoring and Enforcing Travel Plans in Kent' (April 2012);
- KCC publication 'NEW Ways2Work'.

1.1.2 In accordance with the Kent County Council (KCC) guidelines published in April 2012, this will be produced in the form of a Draft Framework Travel Plan, an overarching document to cover the site as a whole, which is to be reviewed on initial occupation of the site with the production of a Detailed Framework Travel Plan. Since the construction of the medical campus has not yet commenced, at this point only interim targets and measures can be provided.

1.1.3 A Travel Plan should be an on-going document which is continually reviewed to ensure success. It will be important to gain information on staff, resident and visitor travel patterns via a questionnaire survey to be undertaken within six weeks post initial occupation of the site. From this data SMART (Specific, Measurable, Achievable, Realistic, Time bound) targets can be set as part of the Detailed Travel Plan to determine the progress to meet the objectives.

1.2 Benefits of the Travel Plan

1.2.1 A Travel Plan involves a set of measures, initiatives and targets that can help promote sustainable transport within an organisation, with the main aim of reducing travel by single occupancy vehicles. The overall aim of a Travel Plan is to reduce the impact of travel on the environment with additional benefits to the employer and staff. Implementation of a Travel Plan can bring benefits to:

- The individual can benefit from improved health, cost and time savings, reduced stress and a general improvement in quality of life.
- The organisation can benefit from increased productivity generated by a healthier, more motivated workforce, potential cost savings, reduced congestion, reduced demand for car parking and improved access by employees, visitors and deliveries.

- The local community can enjoy reduced congestion, reduced journey times, improved public transport services, energy savings and reduced overspill parking in residential areas.
- The environment generally can benefit from improved air quality, less noise and dirt, and the reduced impact of other national and global environmental problems such as global warming.

1.3 Aims and Objectives

- 1.3.1 The role of a Travel Plan is to set out the measures which will be put into place in order to encourage sustainable travel. Kent County Council guidance defines the Travel Plan as:

"A strategy for managing multi-modal access to a site or development focusing on promoting access by sustainable modes"

- 1.3.2 Maidstone Medical Campus Ltd will support the role of the Framework Travel Plan, which will provide the overarching objectives and targets for the medical campus as a whole, under which the individual occupiers will be required to follow. The overarching objectives of the Framework Travel Plan comprise the following:

- (1) To establish measures enabling targets for a reduction in single occupancy car travel to be achieved, and to encourage greater use of sustainable travel modes;
- (2) To promote awareness of the opportunities for sustainable travel to all residents, staff, patients and visitors; and
- (3) To reduce the overall environmental impact of the site, including corporate operations.

2 Context

2.1 Existing Site Audit

- 2.1.1 The development site is located to the east of the Newnham Court Shopping Village (NCSV) and north of the New Cut roundabout (the junction of Bearsted Road with New Cut Road) in Weaving, Maidstone, Kent. A location plan showing the site in local context is shown in Figure 2-1.



Figure 2-1 : Site Location Plan (courtesy of openstreetmap.org)

- 2.1.2 The site lies just over 2km from Maidstone town centre, which can be accessed from the site by a short bus journey (approximately ten minutes), and access to three rail stations can be achieved. The above plan identifies the bus stops within a reasonable walking distance from the site, the route taken by the existing Sittingbourne Road Park & Ride service and the local railway stations.

Public Transport Infrastructure

- 2.1.3 Access to bus services can be gained via a short walking distance from Hampton Road, Bearsted Road, or from the Park and Ride site, as demonstrated in the plan shown in Figure 2-1. It is noted in the TA that the current walk distances to regular service stops are too great to support a development of this size, hence improvements to bus services are proposed and these are set out in detail in the TA.
- 2.1.4 A sheltered bus stop is provided on Bearsted Road where service number 88 can be accessed. Hampton Road provides a flag and post stop serving routes from Maidstone

including service numbers 333, 334, and 335 towards Sittingbourne, Sheerness and Faversham. Service number 19 serves the stop at Hampton Road once per day on school days only, at all other times this service routes to the Tesco Store at Grove Green.

- 2.1.5 With respect to service 333/334, weekday services commence at 0610 hours with the last service calling at Vinters Park (Maidstone bound) at 1857 hours. Saturday services operate between 0711 hours and 1852 hours, with Sunday services operating between 0920 hours and 1901 hours.
- 2.1.6 The Sittingbourne Road Park and Ride service (Arriva service 506) operates both for those parking and purchasing a ticket at Eclipse Park and those wishing to make a return journey starting at the town centre. The P&R bus stops at the terminus are located 700 metres from the New Cut roundabout junction with the site. The location of these is shown in Figure 2-1, along with the route taken to and from the town centre. Further 506 service bus stops are located at various points around the town centre as well as Sittingbourne Road both north and south of the Chiltern Hundreds roundabout. A return journey costs £1.50 per person off peak and £2.50 at peak time, with special offers being provided via a 10 trip (£10), twelve-week (£100) or yearly (£400) season ticket.
- 2.1.7 The proposal site is located within 2km of railway stations in Maidstone. Maidstone East station provides regular services between London and Ashford International, including a number of intermediate stations between these. This station can be accessed directly by the 506 Park and Ride bus service which stops outside the station entrance opposite County Hall. Rail services on the same line can also be accessed from Bearsted Station, which is located some 1.8 km to the east of the site. Maidstone Barracks is situated on the Paddock Wood to Strood line, which provides up to two services per hour in each direction between these stations, also stopping at Tonbridge and Maidstone West.

Walking and Cycle Infrastructure

- 2.1.8 A plan showing the local cycle routes and Public Rights of Way (PRoW), which has been sourced from Kent County Council, is shown in Figure 2-2 below.



Figure 2-2 : Local PRow Network (courtesy of KCC)

- 2.1.9 The existing local walking infrastructure in the general area is to a reasonable standard, although in the immediate site locality there are deficiencies in continuous walking routes. As shown in the plan extract in Figure 2-2, the PRow network to the south east of the site provides pedestrian routes from Bearsted Road into Grove Green (footpath no. KH47).
- 2.1.10 Cyclists are also well catered for, including a Regional cycle route which links the site to Maidstone town centre via Hampton Road to the south. Maidstone town centre which lies approximately 2.5km from the site is well within easy cycle distance. A second route follows the A249 north towards Sittingbourne. Locally the site enjoys a network of implemented or committed cycleways, adjoining the existing facilities.

2.2 Proposed Development

- 2.2.1 The development proposals comprise a medical campus development of various planning use classes. At this stage the proposals are indicative only, due to the outline status of the planning application, although it is likely that the following broad development types will feature:

- A Women's and Children's hospital, specialising in health care for these specific groups;
- Private hospital facilities, under the general health banner;
- Oncology and Neurological centres associated with KIMS;
- Ancillary offices and estate facilities;
- Health related Research and Development (R&D);
- Pathology centres;
- A private GP/dentist/ancillary medical surgery serving fee paying patients;
- A medical university training centre for Doctors, Nurses and other medical staff, incorporating student accommodation;
- Separate Nurse and Doctor accommodation, in the form of 'flatlets' / studios / halls;
- A Neurological care village, comprising family housing and a specialist day centre.

- 2.2.2** The site is proposed to be divided into individual plots on which single or multiple uses will be developed, subject to later detailed planning applications. The Travel Plan will be initiated on grant of planning permission for the first development plot to come forward in detail. It is envisaged that the first phase of completion will be likely in 2015.

2.3 Vehicle Parking

- 2.3.1 Vehicle parking is to be provided assuming a combination of on-plot 'private' parking and within a designated 'staff and visitor' parking area centrally located on the site. Parking for staff and visitors at the site will be barrier controlled and charges will be implemented.
- 2.3.2 The level of parking has been considered against the likely demand within the Transport Assessment, using trip attraction forecasts derived using data from the TRICS trip rate database. This allows parking to be provided to a level that will be appropriate in relation to the likely demand, with no overspill parking on local roads, whilst promoting sustainable trip patterns by reducing the likelihood of over provision. This level will need to be monitored through the Travel Plan.

3 Travel Plan Targets

- 3.1.1 The Framework Travel Plan endeavours to reduce the usage of private cars by all users of the medical campus at Newham Park in favour of alternative modes of travel, such as walking, cycling and public transport.
- 3.1.2 The Travel Plan will set SMART targets (Specific, Measurable, Achievable, Realistic and Time bound), which will be reviewed at various stages following occupation. The use of a number of measures will allow for a degree of flexibility to be built in, as well as ensuring the best possible mix of incentives.
- 3.1.3 Following initial occupation of the first phase of the development, it will be necessary to complete a travel survey to ascertain the baseline mode share for those users. This will give an indication of the typical mode share scenario that will be found on average at the site as a whole. Suitable targets can then be set in accordance with the baseline data.
- 3.1.4 Suggested targets that could be applied in relation to the objectives of the Travel Plan may include the following:
- A minimum **10%** reduction in staff single occupancy car travel;
 - A minimum reduction in resident car ownership by **5%**; and
 - An overall reduction in vehicle trips generated over a 12 hour period (0700-1900) by the site as a whole by a minimum of **5%**.
- 3.1.5 These targets will need to be continually reviewed and monitored to determine whether the overall objectives of the Travel Plan are being achieved. The process for this is set out in section 7.

4 Actions and Initiatives

4.1 Overview

- 4.1.1 This Draft Framework Travel Plan does not set out to impose unrealistic, anti-car targets but instead aims to encourage staff and visitors to use sustainable transport modes where possible. This section of the Travel Plan sets out a number of initiatives that could be implemented generally throughout the site, and individually by future occupiers to encourage the use of alternative modes.

4.2 Measures to Promote Sustainable Travel

Walking and Cycle Initiatives

- 4.2.1 To encourage a healthy lifestyle for staff and customers, the following initiatives aim to increase journeys by walking and cycling to and from the store. These include:
- Promoting the health benefits of walking via information boards around the site, for example "Walking one mile in 15 minutes burns a similar number of calories as running one mile in nine minutes".
 - Inform staff about the WalkBUDi and BikeBUDi schemes which are both free to join. Further information can be found at <https://walkbudi.liftshare.com> or at <https://bikebudi.liftshare.com>.
 - Review the pedestrian facilities around the site to ensure that they are maintained to a good standard, and that improvements are made where appropriate. Improvements are proposed to the existing walk and cycle routes around the proposal site, as outlined in the TA.
 - Encourage staff to participate in a National Cycle to Work scheme, such as a Bike to Work week.
 - Secure cycle parking will be provided for staff and visitors on-site in accordance with local standards. Aim to provide shower or changing and locker facilities onsite in the future.
 - Consider signing up to the government's Cycle2Work scheme, which provides staff with a tax efficient way of purchasing a bicycle.

Public Transport Initiatives

- 4.2.2 The site enjoys access to regular bus services and rail facilities. For journeys that require travel over a further distance that cannot feasibly be carried out on foot or bicycle, the encouragement of public transport use is essential. Measures to promote this will include as follows:

- Information with regards to local public transport services should be presented to all users of the site including staff, residents and visitors. Information to be displayed on notice boards located in communal areas, with easy to read timetables and plans indicating where services can be accessed.
- Ensure all users are aware of on-line information and journey planners such as Traveline and Transport Direct, which can be accessed at:
www.travelinesoutheast.org.uk
www.transportdirect.info
- The existing flexibility of staff start and finish times may allow for further revisions to shift patterns in order to coincide with bus and train timetables.
- Information regarding bus and rail fares should be made available to staff, including options to buy weekly, monthly or annual passes and other discounts or offers that may be available. The current bus ticket fares for the Maidstone area are shown below in **Error! Reference source not found.**, with Park and Ride fares detailed separately below.

Maidstone Zones					
	Day Saver	Weekly Saver	4-Weekly Saver	4-Weekly Saver m-ticket or online price	Annual Saver
Maidstone Zone	£4.40	£18.00	£49.00	£44.10	£490
Maidstone Plus Zone	£5.70	£23.00	£76.00	£68.40	£760

Figure 4-1 : Maidstone 'Saver' Bus Tickets (courtesy of Arriva)

Current bus fares for the Park & Ride services are varied to those shown above, comprising the following ticket options (in accordance with KCC):

£2.50 peak day return / £1.50 off-peak day return
£10 ten single trip ticket (expires after 3 months of issue)
£100 twelve-week season ticket
£400 annual season ticket

- In relation to the proposed medical university facilities, ensure that all students are made aware of the cheaper public transport costs available to them. This includes the 16-25 railcard which can save a third of the cost of standard rail fares, and can be purchased on-line or at a station ticket office.
- Liase with Arriva to include the university facilities at the medical campus in the 'student saver' ticket which are currently available to student and staff at existing

universities around the South East. Figure 4-2 below outlines the current prices (2012/2013) for students and staff who attend any of the universities in Medway.

South East Zone (Medway, Kent and East Sussex) prices for Universities at Medway:

	Student	Staff
Ten Journeys	£10	£10
Four weeks	£25	£30
Twelve weeks	£65	£80
Academic year	£140	-
Annual	-	£280

Figure 4-2 : Student Saver Ticker Prices for 2012/2013 attending Universities in Medway
(courtesy of Arriva)

- 4.2.3 The applicant is committed to providing a bus service between the site and the town centre. Discussions with local public transport providers have been undertaken and it is proposed that an extension to the 506 P&R service would provide the best public transport solution for the site. As set out in the TA in detail, this would give access to a 10/12 minute peak frequency, and 15 minute off peak frequency service, as well as extending the P&R service into the evening until 10pm Monday to Saturday, at a half hourly frequency. A new Sunday P&R service/extension is also offered.

4.3 Measures to Manage and Reduce Car Travel

- 4.3.1 Along with the promotion of the alternative travel methods, measures for those who require the use of a car will also be put in place including:

Car Sharing Initiatives

- Following the initial survey response, identify the viability of setting up an in-house car sharing database for staff to identify those travelling from similar locations. Otherwise consider signing up to the Kent car share scheme at <https://kentcarshare.liftshare.com>. The site links two or more people travelling from the same place and has a high rate of matches. Information packs can be requested online.
- Highlight encouraging statistics via information boards or a website, for example the benefits of halving fuel costs.
- Allocate taxi pick up points on site to ensure emergency journeys home are provided for should their lift share fail (e.g. in the event of illness).
- It is proposed that the medical campus could set up the Zipcar car share scheme at the site, as already implemented in Maidstone by KCC. It is understood that a contribution would need to be made on implementing the scheme, for which

discussion with Zipcar would need to be made. Further general information can be found at <http://www.zipcar.com/>

- Look into the provision of training or information on greener driving techniques for staff.

Car Park Management

- Details of the proposed on-site parking have been included in the TA, and an assessment has been carried out against the likely demand.
- Parking restrictions including barriers and parking charges will be implemented at the site for all staff and visitors. Parking for residents will be provided within private parking areas.
- The provision of designated parking spaces close to the entrance could be made to those who use more energy efficient cars or the issue of parking permits.

4.4 Visitor Travel

- 4.4.1 Whilst the majority of the measures in the Travel Plan are aimed at staff, residents and students, it is also important that visitors to the site are made aware of the choices that they have in terms of transportation.
- 4.4.2 Visitors could be advised on the alternative methods of transport before they travel to the site via email or over the telephone, for example patients travelling to the medical facilities could be supplied with sustainable travel information within appointment letters. Leaflets or maps can be produced to highlight the location of the train stations, bus links and bus stops.

4.5 New Ways2Work

- 4.5.1 Once the site is fully operational and on adoption of the Detailed Framework Travel Plan, the individual occupants at the medical campus may benefit from joining the KCC 'New Ways 2 Work' scheme. This scheme is a collaborative partnership between the Local Authorities, local businesses and transport providers to promote sustainable travel.
- 4.5.2 Joining this scheme would show commitment to the Travel Plan, and membership would require promotion and encouragement of sustainable travel through the TP, participation in an annual travel survey using the iTrace travel survey tool and submission of a review form to KCC along with participation in campaign and initiatives where practical.
- 4.5.3 The benefits of inclusion within this scheme are:
- Available support and advice on Travel Plans and sustainable initiatives directly from KCC;

- Opportunities to participate in promotional events and campaigns, annual awards events and regular networking meetings;
- Discounted bus travel with local transport providers and membership to the Kent Journeyshare Scheme.

5 Implementation

5.1 Action Plan

- 5.1.1 An action plan has been outlined in order to ensure the Travel Plan is adhered to and that deadlines are met. An indicative programme for implementing the Travel Plan, complete with details of each action, including who is responsible and the timescales can be found in **Appendix A**.
- 5.1.2 Initial actions including agreement of targets, confirmation of the agreed Travel Plan Coordinator, identifying the Travel Plan budget and consideration of parking management will be completed on grant of planning consent. Although a number of actions will be on-going, it is likely that these will be achieved on completion of the initial phase of the proposals within the early stages of the monitoring period.
- 5.1.3 As noted previously, a travel survey will need to be undertaken by all users of the site within the first six weeks of occupation to determine baseline data which will set out the existing mode split. Measures and targets will need to be set in accordance with this information.

5.2 Marketing and Promotion

- 5.2.1 The initial success of the Travel Plan is critically dependent on the way in which it is marketed. A principal marketing task within the first six weeks of the implementation of the plan will be distribution of information to all staff, residents and visitors, ensuring that they are aware of alternative modes of transport.
- 5.2.2 The Travel Plan will be promoted through events and internal publications, for example travel options leaflets will be made available outlining the various ways of travelling to and from the site, in a bid to increase the sustainable travel pattern of staff, residents and visitors. Any changes to public transport services or prices will be well publicised. The Travel Plan Coordinator should seek regular feedback from all users to make improvements in accordance with the suggestions made.
- 5.2.3 Helpful websites such as www.travelinesoutheast.org.uk, www.sustrans.org, and www.transportdirect.info provide further advice with regards to travel options.

6 Management and Commitment

6.1 Management

- 6.1.1 For the achievement of the Travel Plan targets and its overall success it is important to consider the management of the plan to ensure actions are completed within the specified time frame and monitoring of the progress made is carried out.
- 6.1.2 To control the overall management of the Travel Plan a Travel Plan Coordinator should be appointed, and their responsibilities will include:
- (a) Liaising with KCC, MBC and public transport providers with regard to the implementation of the Travel Plan and its on-going improvement.
 - (b) Providing information (via staff notice boards and induction of travel information leaflets) to all members of staff, residents and visitors regarding travel to and from the site.
 - (c) Maintaining an up-to-date file containing details of all enquiries and correspondence relating to the Travel Plan.
 - (d) Liaising with Travel Plan Coordinators for each of the individual occupiers of the medical campus.
 - (e) Making available to KCC a summary of the annual travel patterns and amend the Travel Plan as necessary.
 - (f) Updating lists of travel facilities and ensuring information available to staff, residents and visitors is valid and up to date. Ensuring information presented on Travel Plan notice boards is easily understood.
 - (g) Investigating the implementation of an in house lift sharing scheme for the medical campus as a whole.
 - (h) Ensuring local footways are in a good condition.
- 6.1.3 Attendance at regular meetings with the management company for the medical campus and other local businesses will be required by the Travel Plan Co-ordinator to ensure that overall objectives and targets are corresponding and in accordance with the Framework Travel Plan.
- 6.1.4 A Framework Travel Plan steering group could be set up with representatives from each occupier at the site, who would attend regular meetings with the framework Travel Plan Coordinator. Representatives from other local businesses, public transport providers, KCC, MBC or local residents could also be included.

7 Monitoring and Review

- 7.1.1 To ensure Travel Plan success it is important that on-going monitoring is undertaken. The Travel Plan Coordinator for the Medical Campus Framework will need to liaise with the individual occupiers of the site to ensure that they are made aware of the targets and objectives to which they should adhere to. Following the production of the Detailed Travel Plan achievement of the set targets will monitor the progress of both Travel Plans.
- 7.1.2 A questionnaire survey is to be undertaken by all users, including staff and residents, which will need to be carried out within six weeks of initial occupation of the first unit to be developed. From this data the mode share can be calculated from which future targets can be set. Typically a reasonable target could be a 10 per cent reduction in single occupancy car travel per year (as outlined in section 3), in accordance with the KCC New Ways 2 Work publication. It is acknowledged that this level is provided as a guideline only, subject to the site conditions and strength of the Travel Plan.
- 7.1.3 An annual travel survey would then need to be carried out to determine whether these targets have been met. The use of the iTrace travel survey tool can be used (<http://kent.itrace.org.uk>), or any other method promoted by KCC at the time of the development occupation. This will be used to monitor and report on the performance of the Travel Plan, with the ability to compare annual data with other local businesses.
- 7.1.4 Following a review of the survey data, adjustments may need to be made to the Travel Plan targets depending on whether they have been met or not. In the event that Travel Plan targets have not been achieved (a reasonable default is suggested as an excess of $\geq 5\%$ on ≥ 3 days over an agreed two week study period) a review of the circumstances by which the targets were not met and suitable measures to be taken will be carried out in an 'improvement period' with a follow up survey. If targets are still not met a six month 'remedial period' may then be required. This is the approach suggested by KCC in the April 2012 guidance.

Appendix A
Travel Plan Action Plan

MAIDSTONE MEDICAL CAMPUS
DRAFT FRAMEWORK TRAVEL PLAN ACTION PLAN - JUNE 2013

ACTION DESCRIPTION	WHEN BY	RESPONSIBILITY	PRIORITY	MEASURE	OUTCOME
GENERAL MEASURES					
Secure formal approval for the Draft Framework Travel Plan from KCC	At planning	Maidstone Medical Campus Ltd	High	Approval of Travel Plan	Plans accepted and approved
Identify future Travel Plan budget	On occupation of the site	Maidstone Medical Campus Ltd	High	Identified budget	Budget agreed for the TP
Agree Travel Plan Coordinator	During construction	Maidstone Medical Campus Ltd	High	Appointment of TP Coordinator	Appointment of TP Coordinator
Carry out a travel survey to understand the baseline mode share	Within six weeks of initial occupation	Travel Plan Coordinator	High	Analysis of baseline data	Able to set targets based on the survey outcome
Set agreed targets to be monitored	Within three months of initial occupation	Travel Plan Coordinator	High	Targets agreed with KCC	Agreed targets set
Produce leaflets providing information on sustainable travel options to distribute to all staff/residents/visitors	On occupation of the site / on-going	Travel Plan Coordinator	High	Information visible	All users aware of sustainable travel choices
INITIATIVES TO INCREASE SUSTAINABLE TRAVEL/REDUCE SINGLE CAR OCCUPANCY					
Ensure the provision of information in regards to public transport services (including up to date timetable information) is available to all users	On occupation of the site / on-going	Travel Plan Coordinator	High	Information visible	Increase in the total site mode share for public transport
Ensure that all users of the site are made aware of on-line information and journey planners	On-going	Travel Plan Coordinator	Medium	Information received	Increase in the total site mode share for public transport
Ensure the provision of information boards detailing local pedestrian routes and cycle routes	On occupation of the site / on-going	Travel Plan Coordinator	High	Information visible	Increase in the total site mode share for cycling and walking
Regularly review the condition of the pedestrian facilities around the site	On occupation / on-going	Travel Plan Coordinator	High	Action any improvements required	Pedestrian facilities maintained to a good standard

MAIDSTONE MEDICAL CAMPUS
DRAFT FRAMEWORK TRAVEL PLAN ACTION PLAN - JUNE 2013

ACTION DESCRIPTION	WHEN BY	RESPONSIBILITY	PRIORITY	MEASURE	OUTCOME
Investigate inclusion into the WALKBUDi or BIKEBUDi schemes	On-going	Travel Plan Coordinator	Medium	Participation in the scheme	Increase in the total site mode share for cycling and walking
Ensure that cycle parking is provided in accordance with local standards	At planning	Maidstone Medical Campus Ltd	High	Cycle parking available	Increase in the mode share for cycling and walking
Encourage staff to participate in a Cycle to Work scheme, such as Bike to Work Week	On-going	Travel Plan Coordinator	Medium	Participation in the scheme	Increase in the total site mode share for cycling
Look into signing up to the Governments Cycle2Work scheme	On occupation of the site / on-going	Travel Plan Coordinator	Medium	Information received	Increase in the total site mode share for cycling
Look into the possibility of setting up an in-house car sharing database for the site as a whole. Or consider signing up to the Kent car share scheme	On occupation of the site / on-going	Travel Plan Coordinator	Medium	Information visible	Reduction in single occupancy car travel
Investigate the provision of taxi pick up points for emergency journeys home for those who car share	On occupation of the site / on-going	Travel Plan Coordinator	Medium	Information visible	Reduction in single occupancy car travel
Implementation of the Zipcar car share scheme at the site	On occupation of the site	Travel Plan Coordinator	High	Car share scheme implemented	Reduction in single occupancy car travel
Look into the provision of information on greener driving techniques for staff	On occupation of the site / on-going	Travel Plan Coordinator	Medium	Information received	Reduction in vehicle emissions
Promote new bus link to town centre	At appropriate service trigger	Travel Plan Coordinator	High	Information visible	Reduction in single occupancy car travel
Investigate bus company discounts and initiatives	At appropriate service trigger	Travel Plan Coordinator	High	Information visible	Increase in bus mode share
MEASURES TO PROMOTE AND MONITOR					
Promote the Travel Plan to staff, residents and visitors via newsletters, leaflets and the website	On occupation of the site / on-going	Travel Plan Coordinator	High	Information available	All users aware of sustainable travel choices
Conduct research into further guidance on	On-going	Travel Plan	Medium	Further initiatives	Further reduction in single

MAIDSTONE MEDICAL CAMPUS
DRAFT FRAMEWORK TRAVEL PLAN ACTION PLAN - JUNE 2013

incentives and promotion		Coordinator		proposed	occupancy car travel
Set up a Framework Travel Plan steering group	On occupation of the site / on-going	Travel Plan Coordinator	High	Steering group set up	Improvements
Complete annual travel surveys	On-going	Travel Plan Coordinator	High	Data obtained	Targets monitored and adjusted in accordance with data



Directorate of Change, Planning and the Environment
Maidstone House, King Street, Maidstone, ME15 6JQ

DEVELOPMENT CONTROL

Mrs Mary Davidson,
WYG Planning & Environment
100, St John Street
London
EC1M 4EH

My Ref: MA/12/2314
Date: 31 October 2013

TOWN AND COUNTRY PLANNING ACTS

Town and Country Planning (General Permitted Development) Order 1995
Town and Country Planning (Development Management Procedure) (England)
Order 2010

TAKE NOTICE that **THE MAIDSTONE BOROUGH COUNCIL**, The Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PLANNING PERMISSION** in accordance with the details set out below:

APPLICATION: MA/12/2314

DATE RECEIVED: 2 January 2013 DATE VALID: 2 January 2013

APPLICANT: Gallagher Props. Ltd & Next Group Plc.

PROPOSAL: Erection of Class A1 retail development (with ancillary cafe) and associated servicing, car parking, landscaping and access arrangements as shown on drawing nos. NEXT001revL (Floor plan), 2009/12/B/4 (location of viewpoints), 9504-500revP1 (Highways scheme plan), 9504-513revP2 (Highway sign marking 1 of 2), 9504-514revP6 (Highway sign marking 2 of 2), Retail Statement, Planning Statement, Transport Statement, Travel Plan revB, Phase One Habitat and Ecology Appraisal, Statement of Community Involvement, Land Contamination Preliminary Risk Assessment, Office Accommodation Supply and demand in Maidstone, Business Case Report received 02/01/2013 as amended by drawing nos. 5320/LP01revB (Site location plan), 5320/P21revB (Site layout plan), 5320/P101revG (Front and rear elevations), 5320/P102revG (East and West elevations), 5320/P108 (Artist views), 5320/P109revA (Artist views), 5320/P112revD (Cross section through site), Design and Access Statement, External Lighting statement, Transport Update Note, Foul and Surface Water Drainage Statement and drawing no. A1598-610revP6 (Drainage)

Continuation of decision: MA/12/2314

received 15/02/2013 and further amended by drawing nos. 13-01-01revE (Illustrative Landscape Masterplan) received 07/05/2013 and 13-01-03 (Examples of planting) received 10/05/2013.

LOCATION: PLOT 4, ECLIPSE PARK, SITTINGBOURNE ROAD, MAIDSTONE, KENT, ME14 3EN

GRID REF: 577821, 157082

This permission is **SUBJECT** to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to installation of materials to be used in the construction of the external surfaces of the building hereby permitted, details and samples of these external surfaces shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details before the first occupation of the building.

Reason: To ensure a satisfactory external appearance to the development.

3. Prior to installation of any external lighting, all details shall be submitted to and approved in writing by the Local Authority. These works shall be carried out in accordance with the approved details before the first occupation of the building. This information shall include a layout plan with beam orientation and a scheme of equipment in the design (luminaire, type, mounting height, aiming angle and luminaire profiles). This scheme shall include a schedule of proposed hours of use for the different components of the submitted light scheme. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.

Reason: To minimise the impact of light pollution in the interests of the character and amenity of the surrounding area.

4. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

Continuation of decision: MA/12/2314

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface and foul water from the site.

5. Notwithstanding the details shown a detailed landscaping scheme shall be submitted prior to the completion of groundworks and drainage works and approved by the local planning authority. The submitted details shall include:-
 - (i) The planting of a range of evergreen and deciduous species selected for their robust habit and fruiting and flowering characteristics such that the planting will be appropriate for the intensively used car park environment whilst also enhancing the site's nature conservation value;
 - (ii) The provision of knee railings adjacent to the parking bays adjacent to the landscaped beds;
 - (iii) The provision of a native hedge and tree planting along the boundary of the application site.

These works shall be carried out in accordance with the approved details before the first occupation of the building.

Reason: To ensure a satisfactory external appearance and setting for the development.

6. Details of the cycle storage facilities shall be submitted to the Local Planning Authority. These facilities shall be approved in writing by the Local Planning Authority prior to installation. These works shall be carried out in accordance with the approved details before the first occupation of the building.

Reason: In the interests of sustainability and to provide an alternative means of transport to the private car.

7. Prior to the erection of any fencing, walling and other boundary treatments, details shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details before the first occupation of the building.

Reason: To ensure a satisfactory external appearance to the development.

8. The development shall not commence until, details of the proposed slab levels of the building and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

Reason To ensure a satisfactory external appearance to the development taking into account the topography of the site.

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

Continuation of decision: MA/12/2314

9. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

10. Prior to the first occupation of any part of the development hereby permitted, a Green Travel Plan which shall include measures for its implementation, monitoring, review and subsequent enforcement, shall be submitted to and approved by the local planning authority in consultation with the highway authority and shall thereafter be implemented in accordance with the details of the plan upon first occupation of the development.

Reason: In the interests of sustainability and to provide an alternative means of transport to the private car.

11. The retail unit shall achieve a Very Good BREEAM Retail 2008 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM Retail 2008 rating has been achieved within 6 months of the first occupation of the development.

Reason: To ensure a sustainable and energy efficient form of development.

12. Details relating to on-site renewable energy generation shall be submitted and approved by the Local Planning Authority. These details shall demonstrate that at least 10% of the site's energy consumption will be derived from on-site renewable energy sources.

Reason: To ensure a sustainable and energy efficient form of development

13. 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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect the amenities of future occupiers of the building and to ensure any contamination is appropriately remediated.

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

Continuation of decision: MA/12/2314

14. The net internal sales area of the store hereby permitted shall not exceed 3,320 sq metres (net) of which no more than 1,479 sq metres (net) shall be used for the sale of fashion goods and no more than 1,841 sq metres (net) shall be used for the sale of home goods. No more than 198 sq metres (net) shall be used as a café and this will be ancillary to the main retail use.

Reason: To accord with the terms of the application and to safeguard the vitality of Maidstone Town Centre.

15. The use hereby permitted shall only open to customers within the following times:

09.00 to 22.00 Monday to Saturday and up to 6 hours between 10.00 and 18.00 on Sunday and Bank Holidays. The café cannot be open outside of the store opening hours.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

16. Deliveries shall only take place or be accepted at the store within the following times:

07:00 to 22:00 Monday to Saturday or between 09:00 and 18:00 on Sundays/Bank/Public Holidays.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

17. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory external appearance for the development.

18. The development shall be carried out in accordance with: Plans numbered: 5320/LP01 Rev B, 5320/P21 Rev B, 5320/P101 Rev G, 5320/P102 Rev G & 5320/P112 Rev D as submitted on 8th February 2013.

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

Continuation of decision: MA/12/2314

Reason: To ensure the quality of the development is maintained and to prevent harm to the character of the area.

Informatives set out below

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

No vehicles in connection with the construction of the development may arrive, depart, be loaded or unloaded within the general site except between the hours of 0730 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays

As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by, the local planning authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

Continuation of decision: MA/12/2314

You are advised that if during the course of development protected species are found on site, all works should cease until appropriate mitigation works have been agreed and any necessary licenses obtained in accordance with the requirements of The Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities Act 2006 (NERC Act) and The Conservation of Habitats and Species Regulations 2010 (Habitats Regulation 2010).

If site clearance works take place during the bird breeding season (March to August), such work should be undertaken in consultation with and under the supervision of a trained ecologist as it is an offence to disturb active nests and nesting birds.

This application has been considered in relation to the following policies:

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV49, ED1, T13, T17, R2, R3

Whilst the proposed development would have an impact on the vitality and viability of Maidstone Town Centre, and more so if considered cumulatively with the proposed development at Newnham Court, the economic benefits of the scheme in terms of job creation and inward investment outweighed this impact. The impact on the Town Centre could be offset through the negotiation of an appropriate Section 106 legal agreement. Members also considered that the sequential test as set out at paragraph 25 of the National Planning Policy Framework 2012 and policy R2 of the Maidstone Borough-Wide Local Plan 2000 had been met. The design and size of the proposed building was considered to be acceptable as was the introduction of retail development on the application site which is allocated for Class B2 (general industrial) uses in the Maidstone Borough-Wide Local Plan 2000.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

Continuation of decision: MA/12/2314

Offering a pre-application advice and duty desk service.

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.

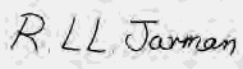
In this instance:

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

The applicant/agent was provided with formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Signed



Rob Jarman
Head of Planning & Development

Date 31 October 2013

~~~~~  
**THIS IS NOT A BUILDING REGULATION APPROVAL**

It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations, where required, and any other necessary approvals, have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.

**TAKE NOTICE** that this decision does not confirm compliance with Section 53 of The County of Kent Act, 1981 and, therefore, it will be incumbent upon the applicant to ensure they comply with the said requirement.

~~~~~  
IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

DATED 31ST OCTOBER 2013

PLANNING AGREEMENT

made between

(1) BAYNOONA ESTATES LIMITED

and

(2) MAIDSTONE BOROUGH COUNCIL

pursuant to

SECTION 106 TOWN AND COUNTRY PLANNING ACT 1990

in respect of

Plot 4 Eclipse Park, Maidstone, Kent ME14 3EN

dgb Solicitors LLP
The Captain's House
Central Avenue
Pembroke
Chatham Maritime
Kent
ME4 4UF
Ref: 3/95749/4

MBC Ref: KJ/M003566

CONTENTS

CLAUSE

1. Definitions and Interpretation
2. Recitals
3. Enforceability
4. Town Centre Contribution
5. Notifications
6. Agreements and Declarations
7. Costs
8. Late Payment
9. Dispute Resolution

THIS DEED is made on

31ST OCTOBER

2013

BETWEEN

- (1) **BAYNOONA ESTATES LIMITED** (a company registered in the Isle of Man, Registration Number 115665C) whose registered office is 34 North Quay, Douglas, Isle of Man IM1 4LB and whose address for service in England and Wales is c/o dgb Solicitors LLP, The Captain's House, Central Avenue, Pembroke, Chatham Maritime, Kent, ME4 4UF (Ref: 3/95749/1) ("the Owner") and
- (2) **MAIDSTONE BOROUGH COUNCIL** of Maidstone House, King Street, Maidstone, Kent ME15 6JQ ("the Council")

AND WITNESSES AS FOLLOWS:

1. DEFINITIONS AND INTERPRETATION

- 1.1 In this Deed the following words and expressions shall unless the context otherwise requires have the following meaning:

"Commencement of the Development" means the implementation of the Planning Permission by the carrying out on the Land of a material operation as defined by Section 56(4) of the 1990 Act in connection with the Development save that for the purposes of this Deed none of the following operations shall constitute a material operation:

archaeological or site inspections

site or soil surveys

decontamination works

demolition or site clearance

the laying of services

the erection of a site compound

the erection of temporary fences or hoardings

the display of advertisements including the erection of advertisement hoardings and interim landscaping works

and **"Commence"** shall be construed accordingly

“Development” means the development of the Land by the construction and use of a Class A1 retail development with ancillary café and associated services, car parking landscaping and access arrangements in accordance with the Planning Permission

“Index” means the All-In Tender Price Index (as published by the Building Costs Information Service on behalf of the Royal Institute of Chartered Surveyors)

“Index Linked” means that the sum payable shall be increased in the same proportion as the percentage increase in the Index between the quarterly Index figure immediately preceding the date of this Deed and the quarterly Index figure for the quarter immediately preceding the date of actual payment

“Interest” means the interest to be paid by the Owner or any persons deriving title under either of them on any unpaid sums due under this Deed at a rate of 4% above the base rate of National Westminster Bank Plc at the date the payment is outstanding

“Land” means Plot 4 Eclipse Park, Maidstone, Kent ME14 3EN which is shown for purposes of identification only edged red on the Plan being the property owned by the Owner registered at the Land Registry with Title Absolute under Title Number TT13476

“Plan” means the plan annexed hereto

“Planning Application” means the application dated 24 December 2012 and validated on 2 January 2013 for planning permission for the Development registered by the Council under the Council’s reference number MA/12/2314

“Planning Challenge” means an application for judicial review challenging the grant of the Planning Permission lodged in accordance with the provisions of Part 54 the Civil Procedure Rules

“Planning Obligations” means the obligations contained in Clause 4 with the exception of Clause 4.3

“Planning Permission” means the written planning permission for the Development pursuant to the Planning Application in the form of the draft attached

"Town Centre Contribution" means the sum of £140,000.00 payable by the Owner to the Council pursuant to Clause 4

"the 1990 Act" means the Town and Country Planning Act 1990 as amended

- 1.2 The expressions the "Council" and the "Owner" (or either of them) shall include their respective successors in title and assigns save where specifically provided to the contrary by this Deed
- 1.3 Words importing one gender shall include all other genders and words importing the singular shall include the plural and vice versa and any words denoting actual persons shall include companies corporations and other artificial persons
- 1.4 This Deed is a planning obligation for the purposes of Section 106 of the 1990 Act
- 1.5 Any reference to a specific statute or statutes include any statutory extension or modification amendment or re-enactment of such statute and any regulation or orders made under such statute
- 1.6 References in this Deed to any clause sub-clause or schedule without further designation shall be construed as a reference to the clause sub-clause or schedule to this Deed so numbered
- 1.7 The clause paragraph and schedule headings do not form part of this Deed and shall not be taken into account in its construction or interpretation

2. RECITALS

- 2.1 The Council is the Local Planning Authority for the purposes of the 1990 Act for the area within which the Land is situated
- 2.2 The Owner owns the freehold interest in the Land
- 2.3 An application was made to the Council for the Planning Permission and, on 6 June 2013 the Council's Planning Committee resolved to grant the Planning Permission subject to the provision of an appropriate legal agreement to secure the necessary planning obligations

2.4 The Council considers that it is expedient in the interests of proper planning of their area that the Owner should be required to enter into this Deed

2.5 The Owner has agreed to enter into this Deed:

2.5.1 pursuant to the provisions of Section 106 of the 1990 Act, Section 111 of the Local Government Act 1972

2.5.2 upon the terms and conditions hereinafter appearing and

2.5.3 with the further intent that the same shall be a Local Land Charge and registered as such upon its completion

3. **ENFORCEABILITY**

3.1 The Owner enters into its obligations set out in this Deed for itself and its successors in title for the benefit of the Council to the intent that the obligations in this Deed shall be enforceable not only against the Owner but also against the successors in title of the Owner and any person claiming through or under the Owner an interest or estate in the Land or any part thereof

PROVIDED THAT

3.1.1 The Owner any successors in title of the Owner and any person deriving title under it shall not be liable for any breach of this Deed occurring after it shall have parted with its interest in the Land or the part of the Land to which the breach relates and

3.1.2 The obligations of the Owner contained in this Deed shall not be binding upon the owner lessee or occupier of any of the completed Development or any mortgagee or chargee of such owner lessee or occupier or any person deriving title from them

4. TOWN CENTRE CONTRIBUTION

- 4.1 The Owner covenants to pay to the Council the Town Centre Contribution for the Council to use to mitigate the effect of the Development on Maidstone town centre and to pay the Town Centre Contribution
- 4.1.1 as to £100,000 in one lump sum before Commencement of the Development and
- 4.1.2 as to the balance of £40,000, by two installments of £20,000 each on the first and second anniversary of the date of Commencement of the Development to be allocated to the Council's Maidstone Town Team or its equivalent successors for projects to improve the vitality of Maidstone town centre
- 4.2 The Owner covenants not to cause or permit Commencement of the Development until the payment referred to in clause 4.1.1 has been paid
- 4.3 In the event that all or part of the Town Centre Contribution remains unexpended by the Council five years after payment of that part of the contribution by the Owner then the Council covenants to return any such unexpended sums together with interest thereon from the date of such payment to the date of such return at the base rate of National Westminster Bank plc from time to time to Owner. For the avoidance of doubt, the five year period for the lump sum payment of £100,000 starts from the date of payment in accordance with Clause 4.1.1 above, the five year period for the first installment of £20,000 starts from the first anniversary of Commencement of Development as set out in Clause 4.1.2 above and the five year period for the second installment of £20,000 starts from the second anniversary of Commencement of Development as set out in Clause 4.1.2 above.

5. NOTIFICATIONS BY THE OWNER

The Owner covenants to:

- 5.1 notify the Council in writing of its intention to Commence the Development one month prior to such commencement and
- 5.2 notify the Council in writing of the Commencement of the Development with 14 days of such Commencement

6. AGREEMENTS AND DECLARATIONS

6.1 It is agreed and declared by and between the parties as follows:

6.1.1 Nothing contained or implied in this Deed shall prejudice or otherwise affect the rights powers duties and obligations of the Council in its exercise of its functions either as Local Planning Authority or in any other capacity and that all rights powers duties and obligations under any public and private statutes byelaws and regulations may be as fully and effectually exercised

6.1.2 Any notice or written communication to be served by one party upon any other pursuant to the terms of this Deed shall be deemed to have been validly served if transmitted by facsimile delivered by hand or sent by registered post or recorded delivery post to the other party at its address herein specified or such other address as from time to time be notified for the purpose by notice in writing and any such notice or other written communication to be given by the Council shall be deemed valid and effectual if on its face it is signed on behalf of the Council by an officer or duly authorised signatory thereof

6.2 The covenants as contained herein take effect as provided by this Deed but for the avoidance of doubt (save for Clause 7) they shall not be of any effect until the Planning Permission is granted.

6.3 This Deed shall be registered in the Register of Local Land Charges

6.4 If the Planning Permission is quashed or revoked or otherwise withdrawn or expires before effluxion of time for the Commencement of Development or is modified (other than by agreement with or at the request of the Owner) this Deed shall forthwith determine and cease to have effect and the Owner and the Council will effect cancellation of all entries made in the Register of Local Land Charges in respect of this Deed

6.5 The Council will upon the written request of the Owner at any time after the planning obligations set out within this Deed have been fully discharged or performed issue with

written confirmation and effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed

- 6.6 This Deed shall cease to have any effect if Planning Permission for the Development has not been implemented before the expiration of the period specified (or deemed to be specified) in such Planning Permission for the Commencement of the Development pursuant to Sections 91 or 92 of the 1990 Act (or such later date as may be agreed in writing by the Council)
- 6.7 Nothing in this Deed shall be construed as affecting prohibiting or limiting any rights to develop any part of the Land in accordance with any other planning permission granted whether before or after the date of this Deed by the Council or any other competent authority
- 6.8 If there is any conflict between the terms of this Deed and any conditions attached to the Planning Permission the latter shall take precedence
- 6.9 Nothing in this Deed shall require the performance by the Owner of any obligations whatsoever in or upon over or under land outside the Land if that land is outside the ownership or control of the Owner
- 6.10 No person other than a contracting party may enforce any provision of this Deed by virtue of the Contracts (Rights of Third Parties) Act 1999
- 6.11 In the event of a Planning Challenge by any person other than the signatories to this Deed the provisions of this Deed (save for Clause 7) shall be suspended only on the cessation of Development until such time as the final determination of the Planning Challenge and shall (in circumstances where the Planning Permission is quashed on such final determination) have no further force and effect
- 6.12 All sums payable by the Owner pursuant to this Deed (save for those payable pursuant to clause 7) shall be Index Linked

7. COSTS

- 7.1 On completion of this Deed the Owner agrees to pay the Council's reasonable and properly incurred legal and administrative costs in connection with the negotiation, preparation and completion of this Deed

8. LATE PAYMENT

- 8.1 The Owner covenants to pay Interest to the Council on any monies due under the obligations set out in this Deed but not yet paid to the Council from the date when due to the date of receipt.

9. DISPUTE RESOLUTION

- 9.1 Without prejudice to the rights of any party to this Deed to take alternative action save for matters of construction (which shall be matters for the Courts) any dispute or disagreement arising under this Deed including questions of value or any question of reasonableness may be referred at the instance of any party for determination by a single expert whose decision shall be final and binding on the parties

- 9.2 The following provisions and terms of appointment shall apply to such disputes or disagreements and questions:

9.2.1 The expert shall have at least ten years post qualification experience in the subject matter of the dispute

9.2.2 The expert shall be agreed between the parties or appointed by the President of the Royal Institute of Chartered Surveyors at the request of any party to the dispute

9.2.3 The persons calling for the determination shall make written submissions to the expert and the other parties within ten working days of his appointment

9.2.4 The other parties shall have 21 working days from the receipt of such written submission or such extended period as the expert shall allow for a response

- 9.2.5 The expert shall disregard any representations made out of time and shall make his decision within 21 working days of receipt of the representations under Sub-Clause 9.2.4 or if none the expiry of the period referred to in Sub-Clause 9.2.3
- 9.2.6 The expert's decision shall be in writing and give reasons for his decision
- 9.2.7 The expert's fees shall be met by the person calling for the determination unless the other party is found to have acted unreasonably in which case the other party shall meet such costs and reimburse any expert's fees already paid by the other party

IN WITNESS whereof the Owner and the Council have executed this document as a Deed upon the date hereof

Land Registry
Official copy of
title plan

Title number **TT13476**
Ordnance Survey map reference **TQ7757SE**
Scale **1:1250** enlarged from 1:2500
Administrative area **Kent: Maidstone**



© Crown copyright and database rights 2013 Ordnance Survey 100026316.
You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.



**THE COMMON SEAL of THE
MAIDSTONE BOROUGH COUNCIL**

was hereunto affixed in
the presence of:

Solicitor

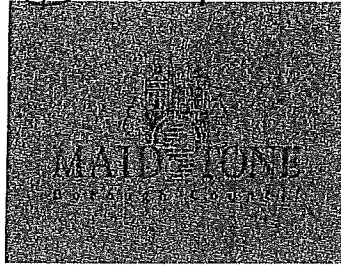
Richard

190837

This official copy issued on 26 June 2013 shows the state of the land as it was on 26 June 2013 at 10:49:28. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.

DRAFT



Directorate of Change, Planning and the Environment
Maidstone House, King Street, Maidstone, ME15 6JQ

DEVELOPMENT CONTROL

Mrs Mary Davidson,
WYG Planning & Environment
100, St John Street
London
EC1M 4EH

My Ref: MA/12/2314
Date:

TOWN AND COUNTRY PLANNING ACTS

Town and Country Planning (General Permitted Development) Order 1995
Town and Country Planning (Development Management Procedure) (England)
Order 2010

TAKE NOTICE that **THE MAIDSTONE BOROUGH COUNCIL**, The Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PLANNING PERMISSION** in accordance with the details set out below:

APPLICATION: MA/12/2314

DATE RECEIVED: 2 January 2013 DATE VALID: 2 January 2013

APPLICANT: Gallagher Props. Ltd & Next Group Plc.

PROPOSAL: Erection of Class A1 retail development (with ancillary cafe) and associated servicing, car parking, landscaping and access arrangements as shown on drawing nos. NEXT001revL (Floor plan), 2009/12/B/4 (location of viewpoints), 9504-500revP1 (Highways scheme plan), 9504-513revP2 (Highway sign marking 1 of 2), 9504-514revP6 (Highway sign marking 2 of 2), Retail Statement, Planning Statement, Transport Statement, Travel Plan revB, Phase One Habitat and Ecology Appraisal, Statement of Community Involvement, Land Contamination Preliminary Risk Assessment, Office Accommodation Supply and demand in Maidstone, Business Case Report received 02/01/2013 as amended by drawing nos. 5320/LP01revB (Site location plan), 5320/P21revB (Site layout plan), 5320/P101revG (Front and rear elevations), 5320/P102revG (East and West elevations), 5320/P108 (Artist views), 5320/P109revA (Artist views), 5320/P112revD (Cross section through site), Design and Access Statement, External Lighting statement, Transport Update Note, Foul and Surface Water Drainage Statement and drawing no. A1598-610revP6 (Drainage)

DRAFT

Continuation of decision: MA/12/2314

received 15/02/2013 and further amended by drawing nos. 13-01-01revE (Illustrative Landscape Masterplan) received 07/05/2013 and 13-01-03 (Examples of planting) received 10/05/2013.

LOCATION: PLOT 4, ECLIPSE PARK, SITTINGBOURNE ROAD, MAIDSTONE,
KENT, ME14 3EN

GRID REF: 577821, 157082

This permission is **SUBJECT** to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to installation of materials to be used in the construction of the external surfaces of the building hereby permitted, details and samples of these external surfaces shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details before the first occupation of the building.

Reason: To ensure a satisfactory external appearance to the development.

3. Prior to installation of any external lighting, all details shall be submitted to and approved in writing by the Local Authority. These works shall be carried out in accordance with the approved details before the first occupation of the building. This information shall include a layout plan with beam orientation and a scheme of equipment in the design (luminaire, type, mounting height, aiming angle and luminaire profiles). This scheme shall include a schedule of proposed hours of use for the different components of the submitted light scheme. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.

Reason: To minimise the impact of light pollution in the interests of the character and amenity of the surrounding area.

4. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

DRAFT

Continuation of decision: MA/12/2314

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface and foul water from the site.

5. Notwithstanding the details shown a detailed landscaping scheme shall be submitted prior to the completion of groundworks and drainage works and approved by the local planning authority. The submitted details shall include:-
 - (i) The planting of a range of evergreen and deciduous species selected for their robust habit and fruiting and flowering characteristics such that the planting will be appropriate for the intensively used car park environment whilst also enhancing the site's nature conservation value;
 - (ii) The provision of knee railings adjacent to the parking bays adjacent to the landscaped beds;
 - (iii) The provision of a native hedge and tree planting along the boundary of the application site.

These works shall be carried out in accordance with the approved details before the first occupation of the building.

Reason: To ensure a satisfactory external appearance and setting for the development.

6. Details of the cycle storage facilities shall be submitted to the Local Planning Authority. These facilities shall be approved in writing by the Local Planning Authority prior to installation. These works shall be carried out in accordance with the approved details before the first occupation of the building.

Reason: In the interests of sustainability and to provide an alternative means of transport to the private car.

7. Prior to the erection of any fencing, walling and other boundary treatments, details shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details before the first occupation of the building.

Reason: To ensure a satisfactory external appearance to the development.

8. The development shall not commence until, details of the proposed slab levels of the building and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

Reason To ensure a satisfactory external appearance to the development taking into account the topography of the site.

DRAFT

Continuation of decision: MA/12/2314

9. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

10. Prior to the first occupation of any part of the development hereby permitted, a Green Travel Plan which shall include measures for its implementation, monitoring, review and subsequent enforcement, shall be submitted to and approved by the local planning authority in consultation with the highway authority and shall thereafter be implemented in accordance with the details of the plan upon first occupation of the development.

Reason: In the interests of sustainability and to provide an alternative means of transport to the private car.

11. The retail unit shall achieve a Very Good BREEAM Retail 2008 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM Retail 2008 rating has been achieved within 6 months of the first occupation of the development.

Reason: To ensure a sustainable and energy efficient form of development.

12. Details relating to on-site renewable energy generation shall be submitted and approved by the Local Planning Authority. These details shall demonstrate that at least 10% of the site's energy consumption will be derived from on-site renewable energy sources.

Reason: To ensure a sustainable and energy efficient form of development.

13. 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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect the amenities of future occupiers of the building and to ensure any contamination is appropriately remediated.

DRAFT

Continuation of decision: MA/12/2314

14. The net internal sales area of the store hereby permitted shall not exceed 3,320 sq metres (net) of which no more than 1,479 sq metres (net) shall be used for the sale of fashion goods and no more than 1,841 sq metres (net) shall be used for the sale of home goods. No more than 198 sq metres (net) shall be used as a café and this will be ancillary to the main retail use.

Reason: To ensure that the development will not have an adverse impact on the vitality and viability of Maidstone Town Centre.

15. The use hereby permitted shall only open to customers within the following times:

09.00 to 22.00 Monday to Saturday and up to 6 hours between 10.00 and 18.00 on Sunday and Bank Holidays. The café cannot be open outside of the store opening hours.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

16. Deliveries shall only take place or be accepted at the store within the following times:

07:00 to 22:00 Monday to Saturday or between 09:00 and 18:00 on Sundays/Bank/Public Holidays.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

17. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory external appearance for the development.

18. The development shall be carried out in accordance with: Plans numbered: 5320/LP01 Rev B, 5320/P21 Rev B, 5320/P101 Rev G, 5320/P102 Rev G & 5320/P112 Rev D as submitted on 8th February 2013.

DRAFT

Continuation of decision: MA/12/2314

Reason: To ensure the quality of the development is maintained and to prevent harm to the character of the area.

Informatives set out below

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH.

Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

No vehicles in connection with the construction of the development may arrive, depart, be loaded or unloaded within the general site except between the hours of 0730 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays

As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by, the local planning authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and

DRAFT

Continuation of decision: MA/12/2314

bodywork effectively cleaned and washed free of mud and similar substances

You are advised that if during the course of development protected species are found on site, all works should cease until appropriate mitigation works have been agreed and any necessary licenses obtained in accordance with the requirements of The Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities Act 2006 (NERC Act) and The Conservation of Habitats and Species Regulations 2010 (Habitats Regulation 2010).

If site clearance works take place during the bird breeding season (March to August), such work should be undertaken in consultation with and under the supervision of a trained ecologist as it is an offence to disturb active nests and nesting birds.

This application has been considered in relation to the following policies:

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV49, ED1, T13, T17, R2, R3,

Whilst the proposed development would have an impact on the vitality and viability of Maidstone Town Centre, and more so if considered cumulatively with the proposed development at Newnham Court, the economic benefits of the scheme in terms of job creation and inward investment outweighed this impact. The impact on the Town Centre could be offset through the negotiation of an appropriate Section 106 legal agreement. Members also considered that the sequential test as set out at paragraph 25 of the National Planning Policy Framework 2012 and policy R2 of the Maidstone Borough-Wide Local Plan 2000 had been met. The design and size of the proposed building was considered to be acceptable as was the introduction of retail development on the application site which is allocated for Class B2 (general industrial) uses in the Maidstone Borough-Wide Local Plan 2000.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

DRAFT

Continuation of decision: MA/12/2314.

Offering a pre-application advice and duty desk service.

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.

The applicant/agent was provided with formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Signed

R. LL. Jarman

Rob Jarman
Head of Planning

Date

~~~~~  
**THIS IS NOT A BUILDING REGULATION APPROVAL**

It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations, where required, and any other necessary approvals, have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.

**IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES**



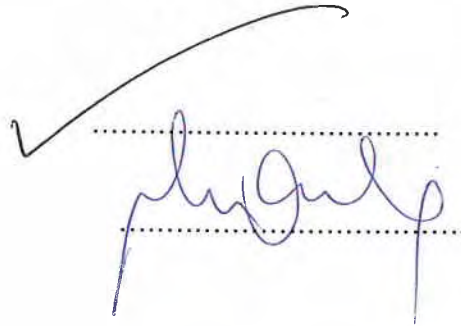
DRAFT

Continuation of decision: MA/12/2314

**TAKE NOTICE** that this decision does not confirm compliance with Section 53 of The County of Kent Act, 1981 and, therefore, it will be incumbent upon the applicant to ensure they comply with the said requirement.

~~~~~

Signed as a Deed on behalf of
BAYNOONA ESTATES LIMITED,
a company incorporated in the Isle of Man,
by [James P Cunningham-Davis]
and [Petra D Dudek]
being directors and persons who in accordance
with the rules of that territory are acting under
the authority of the company

A handwritten signature in blue ink, appearing to read 'James P Cunningham-Davis', written over two horizontal dotted lines. A large checkmark is drawn above the signature.

The Common Seal of **MAIDSTONE BOROUGH**
COUNCIL was hereunto affixed in the presence of:

K. Jardine
KATE JARDINE
Authorised Signatory
Solicitor



From: Cliff Thurlow
Subject: Baltic Wharf - REPRESENTOR R19143
Date: 28 November 2016 at 16:17:16 GMT
To: "louise@poservices.co.uk" <louise@poservices.co.uk>
Cc: "sarahanderton Judith Roy

Dear Louise, Baltic Wharf (Maidstone) Ltd or BWML refers to the inspector's action points note for Session 9 of the examination on retail and mixed use development. The inspector requested the Council to draft some wording/new policy criterion by 21st November and share this with BWML to aim to reach agreement by 28th November. BWML received the Council's proposed policy wording on 18th November.

BWML consider that the Council's proposed policy wording to be unacceptable because of:

- i) A failure to fully reference the findings of the 2014 appeal inspector, particularly with reference to the optimum viable use for the Powerhub listed building and other matters including the role of sequential assessment and impact testing when considering the optimum viable use of the listed building;
- ii) The absence of any policy protection for a foodstore use of the Powerhub building/Baltic Wharf site which still remains the only viable use of the site, particularly with respect to allowing sufficient time to test the market take up of a foodstore permission at Baltic Wharf;
- iii) A requirement that any proposal must achieve the comprehensive development of the whole site and the achievement of the restoration of the listed building when there can be no legal obligation on other landowners at Baltic Wharf to participate in an enabling development scheme for the listed building that gives them a sub-optimal return on their investment;
- iv) A requirement of any future development for the landowners at Baltic Wharf to provide a footpath for use by the public along the riverside between Scotney Gardens and Waterside Gate when these landowners have no legal right to make a physical connection to adjoining third party land to create such a footpath; and
- v) A requirement for improvements to sections of the existing

highway network without such improvements being deemed necessary through a transport assessment.

We have also drawn to the Council's attention that the riverside land under the railway bridge that connects Baltic Wharf to the North car park should be included on the plan of the extents of the mixed use allocation.

BWML submitted their revised wording to the Council on 25th November. The Council proposed that as time was short, the pragmatic thing to do was for the Council to submit its proposed policy to the inspector and for BWML to do the same. A copy of BWML's revised policy wording is attached for the inspector. We will arrange for 4 hard copies of this policy to also be sent to you.

BWML considers that as the Council's proposed policy is so deficient we would welcome a further examination session to explain all aspects of our proposed policy to the inspector and provide the Council with an opportunity to respond.

Cliff Thurlow

Planning Director

Office: 01622 812285 | | www.tbholdings.com



The Cabins, Aylesford Lakes, Rochester Road, Aylesford, Kent ME20 7DX
Registered Office as above Registration No. 03765701
Registered Office as above
Registration No. 03765701

Disclaimer: The information in this email and in any attachment(s) is confidential. If you are not the named addressee(s) or if you receive this email in error then any distribution, copying or use of this communication or the information in it is strictly prohibited. Please notify us immediately and then delete the message from your computer. While attachments are virus checked, Terance Butler Holdings Ltd. does not accept any liability in respect of any virus that is not detected.

I. Statement of Common Ground

I.1. Purpose of this Document

- I.1.1. This Statement of Common Ground between Harvestore Systems (Holdings) Ltd (HSH) and Maidstone Borough Council (MBC) has been produced at the request of the Local Plan Inspector following discussion at Hearing Session 9.

I.2. Extent of Existing Retail Floorspace

- I.2.1. HSH and MBC agree the following:
- I.2.2. Newnham Court Shopping Village comprises a total of 14,300 m² of retail floorspace including internal retail floorspace as well as covered and uncovered external retail floorspace. This retail floorspace is open A1, i.e. there are no restrictions limiting the type of goods that may be sold from this floorspace.
- I.2.3. Planning permission was granted for 'change of use from agriculture to use for additional open retail display areas together with construction of car park extension' on land between the existing garden centre and the A249 on 30th April 1993 (MA/91/1668) (ED57). Planning permission was granted on 21st February 1997 on the same site as follows 'renewal of application MA/91/1668 for change of use of land from agriculture to use for additional open retail display areas together with construction of car park extension (MA/96/1631) (ED58). Both consents include a condition which requires the retail display area to be solely used for the open display of plants, trees and shrubs and for no other purposes unless agreed by the LPA.

I.3. Policy RMX1(I) Criterion 17

- I.3.1. It is agreed that criteria 17 to 23 should be replaced with a single criterion worded as follows:

17. Submission of a full Transport Assessment to identify those off-site highway improvements and sustainable transport measures necessary to serve the development, to be secured in a phased manner by the provision of infrastructure or through contributions by means of a signed legal agreement, which is to be completed prior to the commencement of development. Development will contribute, as proven necessary through the Transport Assessment, to the following improvements;

:

- ~~18.~~ Capacity improvements and signalisation of Bearsted roundabout and capacity improvements at New Cut roundabout. Provision of a new signal pedestrian crossing and the provision of a combined foot/cycle way between these two roundabouts.*
- ~~19.~~ Traffic signalisation of the M20 J7 roundabout, widening of the coast bound off-slip and creation of a new signal controlled pedestrian route through the junction.*
- ~~20.~~ Capacity improvements at M2 J5 (located in Swale Borough).*
- ~~21.~~ Upgrading of Bearsted Road to a dual carriageway between Bearsted roundabout and New Cut roundabout.*

- 22. Increased frequency of 333 / 334 route to provide a bus service with 15 minute intervals between the site and the town centre, potentially to include the provision of bus priority measures on New Cut Road to include traffic signals at the junction with the A20 Ashford Road.
- 23. Improved bus links to the site from the residential areas of Grove Green and Penenden Heath.

1.4. Area to be Excluded from Development

1.4.1. It is agreed that criterion 5(iii) should be amended to read:

~~iii. The use of the topography in site layout plans to exclude development on the higher, more visually prominent parts of the site; The absence of buildings within the area shown [hatched] on the policies map;~~

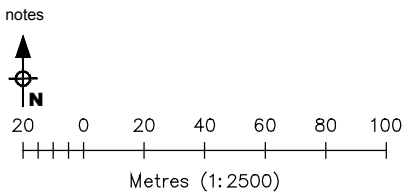
1.4.2. It is agreed that the hatched area to be shown on the site allocation plan should correspond to the attached plan, being the most prominent part of the site.

1.5. Matters not agreed

1.5.1. HSH and MBC do not agree whether the policy and/or supporting text should include reference to the open retail display area which was subject to planning permissions MA/91/1668 and MA/96/1631.

1.5.2. **MBC's position:** MBC considers that it has not been adequately demonstrated that either or both of the consents are extant. The means by which this could be demonstrated is through the submission of a Lawful Development Certificate. In the absence of a confirmed LDC, MBC's position is that Policy RMX1(1) and its supporting text should not include reference to the display area.

1.5.3. **HSH's position:** HSH considers that planning permission MA/91/1668 has been lawfully implemented through the provision of the overspill car parking area in accordance with that permission. Notwithstanding the existence of the renewal permission, the scheme was implemented under the original permission prior to its expiry in 1998 and the car park has been used as such on a continuous basis ever since. DHA have no record of any enforcement action being taken by MBC in relation to this part of the site, which would have taken place had MBC considered that the permission was not lawfully implemented. Since the car park extension was clearly implemented, it is evident that the permission for the retail display area must also be extant.



Proposed Building
Free Area: 0.39 Ha

rev	reason	date
-----	--------	------

client	HARVESTORE	
--------	------------	--

project	NEWNHAM COURT FARM MAIDSTONE, KENT	
---------	---------------------------------------	--

title	PROPOSED BUILDING FREE AREA PLAN	
-------	----------------------------------	--

drwg	rev	scale	date
DHA_11105	-	1:2500	NOV 2016



Eclipse House, Eclipse Park. Sittingbourne Road
Maidstone, Kent. ME14 3EN
t: 01622 776226 f: 01622 776227
e: info@dhaplanning.co.uk w: www.dhaplanning.co.uk

No reproduction by any method of any part of this document
is permitted without the consent of the copyright holders.
Produced for Town and Country planning purposes only.
O.S Licence Number: AL54535X

CAD Reference: 11105 - Building Free Area Plan Nov2016