

REPORT SUMMARY

REFERENCE NO - 22/01929/OUT

APPLICATION PROPOSAL

Outline Planning Permission (Access Not Reserved) - Creation of industrial estate to include employment floor space for Class E, B2, and B8 uses and associated internal access roads, landscaping, parking, and other associated works.

ADDRESS Swatlands Farm Lucks Lane Paddock Wood Tonbridge Kent TN12 6QL

RECOMMENDATION to GRANT planning permission subject to the completion of a Section 106 legal agreement and subject to conditions (please refer to section 11.0 of the report for full recommendation)

SUMMARY OF REASONS FOR RECOMMENDATION

- The proposal would result in the delivery of sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, permission should be granted, subject to all other material considerations being satisfied.
- The proposal would be in general conformity with Policy STR/SS1 of the Submission Local Plan.
- The significant economic benefits of the development are considered to outweigh the harm to the character and appearance of the countryside.
- The significant economic benefits of the development are considered to outweigh the loss of the agricultural land.
- The quantum of development proposed is considered to be appropriate for the context of the site, in line with masterplanning planning work undertaken by David Lock Associates for the Council; and would create a high quality development.
- The proposal would result in less than substantial harm to the setting of a nearby listed building and to non-designated heritage assets. However, this harm is considered to be outweighed by the public benefits set out above.
- The development would provide significant employment opportunities.
- The development would not have a detrimental impact upon the residential amenity of any neighbouring properties.
- The development would not have a detrimental impact upon highway safety.
- Adequate on-site parking would be provided to support the development.
- The proposal would not result in an unacceptable impact upon drainage and flood risk in the locality.
- The development will provide good onward pedestrian and cycle links to adjoining sites and towards Paddock Wood town centre.
- The development would not have an unacceptable impact upon wildlife and ecology.

INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):

- **A228 Whetsted Road/A228 Bransbridges Road/B2160 Maidstone Road roundabout- £16,042.74**
- **LCWIP measures: £83,892.00**
- **Bus route subsidy: £96,256.45**
- **Biodiversity net gain: £70,200.00**

Net increase in numbers of jobs: 200 – 2,200, dependent on the split of uses.

Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: £1.5m to £17m

The following are not considered to be material to the application:

Estimated annual council tax benefit for Borough: N/A

Estimated annual council tax benefit total: N/A

Estimated annual business rates benefits for Borough: £300,000

REASON FOR REFERRAL TO COMMITTEE

The proposal comprises the creation of non-residential floor space by means of new buildings(s) of more than 2000m² and is recommended for approval.

WARD Paddock Wood East	PARISH/TOWN COUNCIL Paddock Wood Town Council	APPLICANT Gallagher Group Holdings Ltd (Mr Joe Heathfield) AGENT DHA (Mr Jonathan Buckwell)
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DECISION DUE DATE 29/09/22	PUBLICITY EXPIRY DATE 29/07/22	OFFICER SITE VISIT DATE 04/07/22
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RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

App No.	Proposal	Decision	Date
21/03084/ENVSCR	EIA Screening Opinion: Construction of an industrial estate to include Class E office and industrial uses, B2 general industrial, and B8 storage and warehouse uses	EIA Not Required.	27/10/21
<i>Durrants Farm/Steward Transport – to the north west of the site.</i>			
13/03004/FULL	First floor extension and single storey front extension	Approved	10/12/13
11/01007/FUL	Provision of workshop extension for storage area	Refused	06/06/11
10/03587/HOUSE	Erection of two-storey side extension	Approved	10/01/11
09/03337/CEU	Certificate of Lawful Development (Existing): Use of land for the open storage and distribution of bricks and associated (and ancillary) building materials up to a maximum of 4m in height from existing ground level in association with the business at Durrants Farm.	Approved	23/12/09
09/00679/FUL	Two storey end extension	Refused (Appeal Dismissed)	09/04/09 (06/10/09)
05/01698/FUL	Change of use of land to brick storage and building materials as an ancillary part of consented brick haulage business, lorry park, workshop and yards.	Refused	21/11/07

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96/01494/FUL	Use of existing building as vehicle maintenance workshop, extension to building to provide consolidated store, wc's, office & mess room, site clearance works, environmental improvements & landscaping, lorry parking area & landscaped bunding	Refused (Appeal Allowed)	29/11/96 (03/09/97)
88/00692/FUL	Storage & parking of commercial & private vehicles unconnected with the use of the land for agriculture. (Secretary of State decision)	Approved	25/03/88
<i>Keylands Field/Farm – to the north of the site.</i>			
14/00070/FULL	Retrospective - Retention of storage container for holding of agricultural and office stores	Refused	26/02/14
13/00464/AGRREQ	Prior Approval - General purpose building and hardstanding	Approved	09/04/13
13/00112/AGRIC	Article 3 Submission: General purpose building and hardstanding	Prior Approval Required	11/02/13
97/00120/AGRIC	Article 3 submission - construction of a general purpose farm building and hard standing area at the entrance	Prior Approval Not Required	21/02/97
88/00669/OUT	Outline (means of access not reserved) administration building for auction sales	Refused	02/09/88
<i>Keylands Cottage – to the north east of the site.</i>			
11/01362/HOUSE	Removal of existing conservatory and single storey extensions and erection of new two storey rear extension with conversion of integral garage to living accommodation	Approved	19/07/11
<i>Lucks Cottage – to the north east of the site.</i>			
08/03728/FUL	Demolition of existing extension and replacement with single storey rear extension.	Approved	02/01/09
<i>Nut Tree Cottage – to the north east of the site.</i>			
94/00310/FUL	Two-storey side extension.	Approved	27/06/94
<i>Keylands Oast – to the north east of the site.</i>			
82/01522/MHIST	Conversion of oasthouse into dwellings	Approved	21/12/83
80/02101/MHIST	Conversion of redundant oasthouse into two residential dwelling units	Approved	05/03/81
59/00002/HIST	Outline - use of oasthouse only for storage of agricultural and packaged products of a non obnoxious character	Refused	23/06/60
59/00001/HIST	Change of use of oasthouse and part OS plot 431 for the purpose of warehousing and open storage	Refused	03/03/60

<i>Newbridge Park – to the north of the site.</i>			
18/03391/LDCEX	Lawful Development Certificate (Existing): Use of building as a single dwellinghouse with a surrounding residential curtilage	Approved	30/01/19
15/508929/FULL	To create three new pitches for mobile homes for travelling people	Refused	16/02/16
14/503762/FULL	To create three new pitches for mobile homes	Refused	18/02/15
08/00679/FUL	Stationing of 2No. additional mobile homes for occupation by gypsy families	Approved	18/04/08
06/02477/FUL	Variation of conditions 1 and 2 of TW/05/00799: stationing of four additional mobile homes; removal of gypsy occupancy condition	Refused (Appeal Dismissed)	13/10/06 (31/10/07)
06/01812/FUL	Variation of condition 1 of TW/05/00799: alternative siting of mobile homes	Approved	27/07/06
05/00799/FUL	Stationing of four additional mobile homes.	Approved	19/09/05
<i>Land Adjacent to Newbridge Park – to the north of the site.</i>			
18/01106/LDCEX	Lawful Development Certificate (Existing) - Use of site as a residential caravan site	Approved	17/08/18
<i>Land North East of Transfesa Road (Transfesa Distribution Centre) – to the south and south west of the site.</i>			
03/02448/FULMJ	Industrial and warehouse development with ancillary offices and parking	Approved	19/02/04
97/01617/FUL	Industrial and warehouse development with ancillary offices and parking	Approved	02/07/98
91/01133/FUL	Use of lane for parking area for commercial vehicles	Approved	05/11/91
88/00531/FUL	Renewal - Warehouse, transport yard and ancillary building	Approved	23/12/88
<i>Norman Collett Ltd (Transfesa Distribution Centre) – to the south west of the site.</i>			
21/00913/FULL	Installation of 2 no. nitrogen storage tanks	Approved	13/05/21
15/503125/FULL	Part change of use from B8 use (Storage and Distribution) including ancillary B1a (Offices) to a mixed B8 (Storage and Distribution) and B2 use (General Industrial Use) including ancillary B1a (Offices) to support the processing and packaging of poultry	Approved	27/07/15
09/00344/FUL	Extension in area (additional 6 metre width) to approved canopy linking units A and A1	Approved	16/03/09
08/03697/FUL	Construction of a canopy to link units A and A1 to form covered area of forecourt.	Approved	09/12/08
08/03484/FUL	Change of use of part existing storage area to additional office area, together with new window units in existing cladding, to match the existing. Additional first floor office area	Approved	19/11/08

	in upper part of storage area		
06/02274/FUL	Change of Use - Retention of existing approved industrial and warehouse development with ancillary offices and parking (03/02448 refers)	Planning Permission Not Required	18/08/06
<i>Lawrence House (Transfesa Distribution Centre) – to the south/south west of the site.</i>			
19/02382/FULL	Change of use from Class B2 to Class B8 (Storage & Distribution) with Ancillary Trade Counter (Retrospective)	Approved	13/12/19
<i>Cannon Park – (Transfesa Distribution Centre) – to the south/ south west of the site</i>			
05/00771/FULMJ	Construction of 2no. industrial buildings with integral offices and associated parking.	Approved	07/06/05
<i>Orchard Business Centre (Transfesa Distribution Centre) – to the south/south west of the site.</i>			
89/00149/FUL	Six units - B1 (business), B2 (industrial), B3 (warehouse)	Approved	22/06/89
<i>Mack Multiples Division (Transfesa Distribution Centre) – to the south of the site</i>			
00/01789/FUL	Warehouse extension to existing facility	Approved	20/10/00
96/01737/FUL	Extension and formation of new HGV access to the site	Approved	14/04/97
96/01660/FUL	Extension to existing facility to accommodate banana ripening & packing unit	Approved	21/11/96
94/00912/FUL	Extension to existing pack house	Approved	26/10/94
92/01141/FUL	Extension to existing warehouse & new tray store	Approved	08/01/93
87/01087/FUL	Warehouse and distribution depot with packhouse, ancillary offices and car parking (revision Phase I of TW/87/0319)	Approved	27/10/87
87/00319/PARTA	Warehouse/distribution depot with packhouse, offices, car and lorry parking	Approved	22/07/87
<i>Turnbull Cold Storage/Swatlands Farm – to the east of the site</i>			
09/03608/FUL	Part change of use to workshop	Approved	22/01/10
08/03633/FUL	Change of use of part site from storage (B8) to light industrial (B2) for production of commercial coldstores	Refused	06/01/09
04/01132/FUL	Extension to existing building for storage purposes	Approved	24/06/04
01/01936/FUL	Extension to existing building for storage purposes.	Approved	19/11/01
91/00836/FUL	Removal of Condition 2 of TW/82/0388 - Restriction on occupancy	Approved	25/10/91
89/01585/FUL	Change of use of old stores building to provide toilets, mess and office	Approved	26/10/89
82/00822/FUL	Section 32 (1) (B) - Continuation of use without complying with condition 1 of TW/82/0388	Approved	08/09/82
82/00388/FUL	Workshop building for manufacture of cold	Approved	29/06/82

	stores		
81/00747/REM	Change of use of redundant farm buildings to workshop for cold store manufacturing	Approved	03/09/81
79/00331/FUL	Change of use from shop and agricultural buildings to light industrial use	Refused	27/06/79
78/01780/MHIST	Erection of a bungalow	Approved	19/01/79
51/00001/HIST	Farmhouse	Approved	08/06/51
50/00009/HIST	Outline – Farmhouse	Approved	01/09/50
<i>Swatlands Barn – to the east of the site.</i>			
14/504456/LBC	Re-instate a traditional box sash window in the bathroom.	Approved	23/12/14
94/00632/LBC	Alterations and extension	Approved	22/07/94
94/00631/FUL	Alterations and extension	Approved	22/07/94
<i>Swatlands – to the east of the site</i>			
00/01435/LBC	Provision of two roof lights to internal valley roof slope.	Approved	31/10/00
80/00411/FUL	Playroom extension	Approved	07/05/80

* The above history only includes the most relevant applications for adjoining sites.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is a predominantly open 8.22-hectare field, which immediately adjoins the Transfesa Industrial Estate to the north-east of the built-up area and the existing Limits to Built Development (LBD) boundary of Paddock Wood. It comprises arable farmland, which is currently primarily used for the grazing of livestock. There is an existing orchard within the south-east of the site, with a small dense woodland within the north-western edge of the site which fronts onto Maidstone Road. There is also a small watercourse which runs along the boundary of the orchard within the south-eastern part of the site, and a line of trees and hedgerows run through the middle of the site from the northern boundary to the south-western boundary. There are no buildings located within the site and therefore the site is not Previously Developed Land (PDL).
- 1.02 The boundaries predominantly comprise of tall hedgerows and a small number of trees on the northern and eastern boundaries, with dense woodland forming part of the north-western edge of the site. A mix of trees, hedgerows, and barbed wire fencing forms the majority of the western, south-western and southern boundary of the site which adjoins and existing Public Right of Way (WT249). There are no trees that are protected by Tree Preservation Orders (TPOs) within or adjacent to the site.
- 1.03 To the north of Lucks Lane, which bounds the northern part of the site, is further arable farmland and agricultural fields with an existing agricultural building located approximately 17m north of the site's boundary. To the north-east of the site are a number of existing two-storey residential properties. These are Nut Tree Cottage, Lucks Cottage, and Keylands Cottage, 1 Keylands Oast, and 2 Keylands Oast (considered to be non-designated heritage assets). There are also approximately three agricultural buildings to the west of Nut Tree Cottage. To the north-west of the site is the Paddock Wood Garden Centre and Newbridge Park, a mobile home park.

- 1.04 To the south-east of the site are three further residential properties. These are Swatlands Farm, Swatlands Barn and Swatlands (the latter two are Grade II Listed Buildings). In addition, to the south-east is an existing commercial site which comprises a warehouse and parking area. Beyond these properties to the north-east and south-east of the site is the railway line, with further arable farmland and open countryside beyond. Immediately to the south of the site is an existing Public Right of Way (WT249) with the Transfesa Industrial Estate located beyond this further to the south which is primarily comprised of large-scale industrial and commercial buildings.
- 1.05 To the west of the site is Maidstone Road, with a large-scale construction material supplier company and a residential dwelling (Durrants Farm, an Historic Farmstead) located on the opposite of the road to the application site.
- 1.04 The existing access to this site is on the northern side of the site and is via a field gate from the single-track road, Lucks Lane, which is a designated Rural Lane. Lucks Lane bounds the majority of the site's northern boundary, and partially on the eastern side. Lucks Lane is accessed via Maidstone Road to the north-west of the site, which runs along the western boundary of the site.
- 1.05 The site is located approximately 0.5 kilometres from Paddock Wood railway station, within walking and cycling distance. The site is an approximate 11-minute walk, a 3-minute cycle ride, and a 2-minute car journey (as measured from the point where the Public Right of Way which runs along the western, south-western and southern boundary of the site joins Maidstone Road) to the station.
- 1.06 The topography is predominantly flat throughout the site (at approximately 15m above ordnance datum), although there is a small dip within the woodland on the north-western corner of the site, as well as a drainage ditch which passes through the middle of the site and follows the line of trees/hedgerows from the northern boundary to the south-western boundary, in addition to a small watercourse in the south-eastern corner of the site which borders the orchard. The whole site is within Flood Zone 2, while the north-western boundary as well as the majority of the eastern, south-eastern, and southern part of the site is within Flood Zone 3.

2.0 PROPOSAL

- 2.01 This application seeks outline planning permission for the creation of an industrial estate to include employment floor space for Class E (commercial, business and service), B2 (general industrial), and B8 (storage or distribution) uses along with an associated internal access roads, landscaping, parking, and other associated works. Details of access have been included within the outline application and for which approval is sought. All other matters (appearance, landscaping, layout and scale) are reserved for future consideration.
- 2.02 In total, 18,150 sqm of employment floorspace (GIA) is proposed. The indicative plans show this to be provided through the erection of seven employment units of varying sizes. The indicative plans show approximately 15,028sqm for Class for B2 light/general industrial / B8 storage and distribution floorspace and the remaining 3,122sqm is for Class E office floorspace (ancillary to the main industrial uses proposed). It should however be noted that these plans are only indicative at this stage other than the proposed access arrangements.
- 2.03 It is estimated that the development would create between 200 and 2,200 new jobs depending on the uses which occupy the proposed employment units as Class B8 uses typically employ less people per sqm of floorspace than Class B2 or E.

- 2.04 The site is proposed to be accessed via Lucks Lane. An access point is proposed along the site's northern boundary, approximately 130m to the south-east of the junction where Lucks Lane meets Maidstone Road (B2160). The visibility splays at the site access onto Lucks Lane are proposed to be 2.4m x 135m to the west and 2.4m x 90m to the east. The site access junction is designed to prevent HGVs and larger vehicles from turning left in or right out of the site from Lucks Lane ensuring that HGV traffic is directed to Maidstone Road. This would include signage to be provided to require all HGVs to turn left onto Lucks Lane, and not to turn right onto Lucks Lane.
- 2.05 The section of Lucks Lane located between the site's proposed access point and Maidstone Road is proposed to be widened to a carriageway width of 7.3m to accommodate simultaneous two way movement of HGVs. The width of the existing road along this section varies but is generally between 3.7m-3.9m at its most narrow points. The remaining extent of Lucks Lane to the east of the proposed access point is to remain as existing i.e. it will not be widened.
- 2.06 An existing restriction for vehicles greater than 3.5 tonnes operates along Lucks Lane. This existing restriction is proposed to be amended to apply only to the remaining section of Lucks Lane to the east of the proposed new access point and junction. Measures to prevent HGVs from travelling further along Lucks Lane to the east of this access include additional HGV signage to ensure that HGV access is taken from the B2160 (Maidstone Road).
- 2.07 The indicative plans show a total of 333 car parking spaces to be provided across the site, of which 22 are shown as disabled bays, along with 46 motorcycle spaces. 11 covered cycle shelters are shown to be provided with each shelter accommodating 10 bicycles equating to a total of 110 cycle parking space at the site. A total of 24 HGV parking spaces are shown across the site inclusive of the areas fronting the access doors to the units. Each of the proposed units is shown to have a minimum of 1 HGV space, which is able to accommodate the needs of an articulated HGV.
- 2.08 The submitted indicative plans shows a number of pedestrian and cycle routes into and across the site. These routeways are proposed to be 3.0m in width to allow for a shared pedestrian and cycle use to take place. Several connections are proposed from the Public Right of Way (WT249), which runs adjacent to the south/south-west boundary of the site. These routeways are proposed to connect to the proposed units as well as provide connectivity across the site to Lucks Lane and beyond. An existing footway on the eastern side of Maidstone Road, outside of the entrance to the Transfesa Distribution Centre, is proposed to be extended to connect to the site and the Public Right of Way which runs between the Transfesa Distribution Centre and the application site. The indicative layout includes two potential pedestrian and cycle linkages with the land to the north, Keylands Farm, which is also proposed for allocation within the Council's Submission Local Plan for employment purposes.
- 2.09 The indicative plans show the proposed employment floorspace being spread across seven units ranging from 326sqm to 6,436sqm in size. The indicative layout seeks to retain the more valued habitats, trees and woodland at the site and shows that approximately 51% of the overall site will remain undeveloped, which includes the retention of an existing orchard in the south-east of the site. The built form is shown to be generally focussed towards Maidstone Road, whilst retaining the existing woodland which sits adjacent to the road along with a buffer zone. The more eastern parts of the site are shown to remain undeveloped. The retained vegetation is shown to be complemented through woodland enhancement along the Maidstone Road

boundary, a new network of native hedgerows, new tree and shrub planting across the site, the creation of areas of species rich lawns along with wildflower grasses and areas of wetland meadow planting. The existing watercourses are proposed to be managed and improved along with the existing orchard.

- 2.10 A Design Code document has also been prepared and submitted to accompany the application. The Design Code provides examples of materials that could be used in the development. Inspiration has largely been taken from the Kent vernacular, local precedent and the use of vertically laid, dark stained cladding of Kent barns, the terracotta coloured clay of Kent peg-tiles and Kentish Ragstone. It indicates that the selection of the materials should have regard to the embodied energy for construction, environmental impact, recyclability and ongoing maintenance. The use of recycled materials, where appropriate, will be considered and where practical, materials will be sourced locally. The Design Code and indicative plans also show the proposed units having internal heights ranging from 8m – 12.5m. The Design Code would shape the future reserved matters applications in terms of their detail.
- 2.11 Each unit is proposed to have its own dedicated refuse storage area, from where refuse is proposed to be collected by a private contractor. The perimeter of Units 1, 2 & 7 is shown to be enclosed by 2.4m Palisade fencing and gates for security purposes. Otherwise, the site's existing boundary treatments are proposed be retained and enhanced.
- 2.12 In regard to surfacing the indicative details show that tarmac is proposed for the estate roads, cycle/pedestrian routes, footpaths and car parking spaces and block paving for car park aisles.
- 2.13 The proposed indicative layout seeks to retain the majority of the most valued trees at the site (as informed by a Tree Survey), including those located adjacent to Maidstone Road and those across the centre of the site as well as the orchard area. The proposal would, however, result in the loss of a number of trees, most notably in order to widen Lucks Lane and create the proposed access point along with the internal road network and footways/connections. These trees proposed to be removed are predominantly Grade C or U. The submitted landscape plan includes corridors of new trees and hedging throughout the site and along Lucks Lane to replace those being removed.
- 2.21 A Landscape and Ecological Strategy (LES) has been prepared to accompany the application which provides an overview of the ecological and landscape elements of the proposed mitigation and enhancements. This strategy, summarised, sets out the following:
- Woodland to the front of the site (adjacent to Maidstone Road) - to be enhanced through native tree and shrub planting within and at the edges of the woodland to create a shrub layer and that the woodland will be divided into three areas which will be rotationally managed on a roughly five year cycle.
 - Woodland Buffer - the buffer is proposed to be planted with native flowering tree and scrub species and a specific woodland understorey grass mix will be sown below the planting if required. Once established, the buffer is proposed to be managed outside the bird breeding period on a three to four year rotation.
 - Existing Orchard - to be enhanced. The species richness of the grassland is proposed be increased through rotational management and, where required, re-seeding. To further enhance this habitat, invertebrate boxes are proposed to

be installed on a minimum of five trees to encourage a range of insects. Management of the grassland is proposed to be carried out on a three year rotational basis.

- Existing grassland in the east of the site - to be enhanced to create lowland meadow habitat. Rotational management is proposed to be introduced to improve species richness. Plug planting or seeding of appropriate grassland species is proposed to be considered. Several log piles are to be installed in the grassland to provide refugia for reptiles, amphibians and invertebrates. The meadow grassland is proposed to be demarcated from any amenity areas by hedgerow planting. The area of enhanced grassland is proposed to be managed on a three year rotational basis.
- Existing grassland at the base of the central tree line - to be enhanced in the same way as the grassland in the east of the site and to be managed on a three year rotational basis.
- New areas of species rich grassland are proposed to be created throughout development by sowing a seed mix appropriate for the soils present on site, containing a good number and diversity of suitable grass and herb species.
- Existing tree lines - to be enhanced by planting up gaps with a mixture of native species and be managed every three to four years.
- Hedgerows - the majority of the species rich hedgerow along the northern section of Lucks Lane are proposed to be relocated to the north of Units 2 and 3 and to the eastern part of the site, to allow Lucks Lane to be widened. If any sections are not establishing well, they are proposed to be replanted with the same species and appropriate aftercare will be undertaken to ensure success of the planting. Other existing hedgerows are to be retained and new native species rich hedgerows are proposed to be created throughout development. The hedgerows are proposed to be managed every three to four years and during winter months.
- Street trees - to be planted throughout development and green spaces and be of native species. They are proposed to be pruned when required following an inspection for any nests.
- Existing seasonal wet pond - to be enhanced. Proposed to be dug out, re-shaped and lined (if required) to create a wildlife pond with a variety of depths and shelved edges. Silt and leaf litter are proposed to be removed. Good quality terrestrial habitat is to be allowed to establish at the margins: the grass is proposed to be irregularly managed to allow the vegetation to become long and tussocky, with log piles installed. If the pond does not naturally establish with native plants, a range of marginal and emergent native, locally sourced species are proposed to be planted. It is proposed to be monitored in years two, four and six post construction and any management works carried out in the autumn months.
- Existing stream corridor - to be enhanced. Proposed to remove the grazing pressure on the bankside vegetation and create a structurally diverse wetland herbaceous margin either side. Native bankside hedgerows and trees are proposed to be provided to enhance riparian habitat opportunities for the aerial or amphibious stages of aquatic insects.

2.22 Lighting is proposed to be limited to semi-public and communal areas and for security purposes and is to be designed to comply with relevant standards using energy efficient and directional lanterns to minimise spillage and glare. No light spill onto the woodland edge, orchard and other fruit trees, boundary or central tree lines, hedgerows, stream or pond habitats are proposed in order to protect routes for foraging bats and other wildlife.

2.23 In regard to drainage the proposal is to discharge surface water into the unnamed tributary to the River Teise through the below ground gravity network, with on-site attenuation prior to outfall. Foul flows are proposed to outfall at an unrestricted rate to the public foul sewer located on Maidstone Road to the south-west of the site. Five attenuation tanks are proposed across the site, which are shown to be largely located adjacent to the proposed units and within the parking areas along with two flood compensation attenuation areas shown to be situated adjacent to Unit 5 towards the south-east of the site.

3.0 SUMMARY INFORMATION

	Existing	Proposed
Site area	8.22ha	8.22ha
Land use	Agriculture	B2 (General industrial), B8 (Storage or distribution) and Class E (Commercial, Business and Service)

	Proposed*
Total floor space	Up to 18,150sqm (Class B2/B8: 15,028sqm. Class E: 3,122sqm)
Number of jobs	200 - 2,200 (depending on the uses which occupy the units)
Number of units	7
Car parking spaces	333
Disabled car spaces	22
HGV spaces	24
Cycle spaces	110
Motor cycle spaces	46

**Based upon the indicative plans provided.*

4.0 PLANNING CONSTRAINTS

- Agricultural Land Classification Grade 3.
- Environment Agency Flood Zone 2.
- Environment Agency Flood Zone 3 - parts of the site towards the west (adjacent to Maidstone Road) and the rear (east) of the site.
- Outside Limits to built development (LBD), although immediately adjacent to the LBD of Paddock Wood in adopted development plan (nb. Inside provisional LBD for Paddock Wood in Submission Local Plan).
- Potentially Contaminated Land - two small strips of land along the site's south-western boundary as well as the southern boundary towards the eastern boundary of the site.
- Public Rights of Way Public Footpath – WT249 (between the site and the Transfesa Distribution Centre along the site's southern boundary).
- Strategic Flood Risk Area Levels 1 and 2.
- Historic Farmstead - Durrants Farm (to the west of the site on the opposite site of Maidstone Road).

- Grade II Listed Building – Swatlands (to the east of the site) (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).
- Local Landscape Character Area: Low Weald Farmland.
- Rural Lane – Lucks Lane.
- Area of Archaeological Potential (some Palaeolithic potential; general background archaeological potential).
- Economic Development Area - Transfesa Distribution Centre (to the immediate south of the site).
- Medium Pressure Gas Pipes along Maidstone Road to the west of the site as well as along Transfesa Road to the south.
- Low Pressure Gas Pipes along Maidstone Road to the west/south-west of the site as well as south of the site along Transfesa Road.

5.0 POLICY AND OTHER CONSIDERATIONS

DEVELOPMENT PLAN:

Tunbridge Wells Borough Core Strategy 2010

Core Policy 1: Delivery of Development

Core Policy 3: Transport Infrastructure

Core Policy 4: Environment

Core Policy 5: Sustainable Design and Construction

Core Policy 7: Employment Provision

Core Policy 8: Retail, Leisure and Community Facilities Provision

Core Policy 11: Development in Paddock Wood

Core Policy 14: Development in Villages and Rural Areas

Tunbridge Wells Borough Local Plan 2006

Policy LBD1: Development outside the Limits to Built Development

Policy EN1: Development Control Criteria

Policy EN8: Outdoor Lighting

Policy EN10: Archaeological Sites

Policy EN13: Tree and Woodland Protection

Policy EN16: Protection of groundwater and other watercourses

Policy EN18: Flood Risk

Policy EN19: Development on contaminated land

Policy EN25: Development control criteria for all development proposals affecting the rural landscape

Policy ED1: Location of large-scale (500 sq metres or greater gross floorspace) or greater proposals for B1 light industrial development within Economic Development Areas.

Policy ED3: Location of B2 and B8 Uses within Economic Development Areas

Policy TP1: Major development requiring Transport Assessments and a Travel Plan

Policy TP4: Access to the road network

Policy TP5: Vehicle Parking Standards

Policy TP9: Cycle Parking

OTHER POLICY GUIDANCE

National Planning Policy Framework 2021

National Planning Practice Guidance

Tunbridge Wells Borough Submission Local Plan 2020-2038

Policy STR1: The Development Strategy

Policy STR2: Place Shaping and Design

Policy STR4: Ensuring Comprehensive Development
Policy STR5: Infrastructure and Connectivity
Policy STR6: Transport and Parking
Policy STR7: Climate Change
Policy STR8: Conserving and Enhancing the Natural
Policy STR/SS1: The Strategy for Paddock Wood, including land at east Capel
Policy STR/PW1: The Strategy for the parish of Paddock Wood
Policy EN1: Sustainable Design
Policy EN2: Sustainable Design Standards
Policy EN3: Climate Change Mitigation and Adaptation
Policy EN4: Historic Environment
Policy EN5: Heritage Assets
Policy EN8: Outdoor Lighting and Dark Skies
Policy EN9: Biodiversity Net Gain
Policy EN12: Trees, Woodland, Hedges, and Development
Policy EN13: Ancient Woodland and Veteran Trees
Policy EN14: Green, Grey and Blue Infrastructure
Policy EN18: Rural Landscape
Policy EN20: Agricultural Land
Policy EN21: Air Quality
Policy EN24: Water Supply, Quality and Conservation
Policy EN25: Flood Risk
Policy EN26: Sustainable Drainage
Policy EN27: Noise
Policy EN28: Land Contamination
Policy ED1: The Key Employment Areas
Policy TP1: Transport Assessments
Policy TP2: Transport Design and Accessibility
Policy TP3: Parking Standards

Other and Supplementary Planning Documents (SPD)

Tunbridge Wells Borough Landscape Character Assessment
Landscape and Nature Conservation
Kent Design Guide
Renewable Energy
Rural Lanes
Noise and Vibration
Farmsteads Assessment Guidance
Contaminated Land
Sevenoaks and Tunbridge Wells Economic Needs Study
Tunbridge Wells Sites Masterplanning and Infrastructure Study
KCC Parking Standards

Paddock Wood Neighbourhood Plan

A Neighbourhood Development Plan is being prepared by Paddock Wood Town Council which relates to the whole of the parished area of Paddock Wood (the neighbourhood area was designed under The Neighbourhood Planning (General) Regulations 2012 (as amended) on 6th February 2014.

The Council is currently undertaking the Regulation 16 consultation which runs until 14th November 2022. Examination of the Neighbourhood Development Plan by an independent inspector is expected towards the end of this year.

As the Neighbourhood Plan has not progressed through its examination, it is considered that limited weight can be given to it in the determination of this application.

6.0 LOCAL REPRESENTATIONS

6.01 Site notices were displayed on the 4th July 2022 at twelve locations surrounding the application site. The planning application was also publicised in the Kent Messenger on the 8th July 2022.

6.02 27 responses to the proposal have been received raising the following (summarised) concerns and objections:

- Developer attempting to obtain planning before the publication of the local plan thus avoiding making financial contribution to the local infrastructure.
- No urgent need for this sort of development - vacant units elsewhere in the area especially given the present downturn in economic growth.
- Better suited land in other areas of the borough - for example North Farm and areas outside of flood zones.
- Increased traffic to and along Lucks Lane and highway safety impact.
- Junction with Maidstone Road is not suitable for the additional traffic.
- Alternative access points should be considered rather than Lucks Lane.
- Access should be via the existing Transfesa site.
- Increased flood risk to the surrounding properties and area.
- Unsuitable development within a flood zone.
- Detrimental impact on nearby residential properties in regard to subsidence and associated structural issues.
- The properties on Lucks Lane are all over one hundred years old so that they do not have the same foundations/build as more modern houses and will be harmed by this development.
- Committing to development on this site has implications for how much increased ground water can flow from other housing developments in the Local Plan.
- Transport and flood mitigation needs to be provided.
- Lucks Lane is unsuitable to accommodate such a development.
- Loss of trees.
- Current infrastructure in Paddock Wood is already at capacity (sewage, traffic, water etc.)
- Any decision should be deferred until the new Local Plan has been finalised.
- Insufficient and unsuitable drainage methods proposed into surrounding network.
- The water retention work should be carried out at the start of the development.
- The waterways are already overwhelmed by increased flow from new developments in Paddock Wood that are upstream of Lucks Lane.
- Any increase in flooding and groundwater would impact upon the septic tank systems serving the properties within Lucks Lane.
- No way of preventing HGVS, particularly those using sat navs, from driving along Lucks Lane.
- Sightlines and the national speed limit on Maidstone Road will make it difficult/unsafe for vehicles to turn right from Lucks Lane onto Maidstone Road.
- Increased security risk to surrounding residential properties.
- Harmful impact upon the amenities of local residents.
- Adverse implications and disturbance during construction phase.
- The gradient of Lucks Lane leading to Maidstone Road will be difficult for lorries, particularly in adverse weather conditions.
- Noise impact.

- Length of construction period.
- Impact of increased lighting on residents and wildlife.
- The existing footpaths are not suitable to serve the development.
- Loss of a greenfield site.
- Harmful impact upon wildlife.
- The ditches that are proposed to carry the excess water from the development are not maintained and can already not cope with the volume.
- Harmful impact to the character of Lucks Lane.
- Pedestrian safety issues.
- Harmful heritage impact.
- Hours of use should be restricted.
- Unclear how soil will be disposed of or stored.
- Lucks Lane is already used as a cut through and the proposal will worsen and significantly increase traffic along the lane.
- Increase in pollution.
- Information used in flood assessment is out of date.
- Unattractive and visually intrusive development.
- Harmful to the rural character of Lucks Lane
- HGV's already ignore the restrictions along Lucks Lane.

7.0 CONSULTATIONS

Paddock Wood Town Council

7.01 (20/0722) Object

1. Flooding- the entire site is either flood zone 2 or 3 as is all the land around it. (See Flood Map for Planning from .gov website sent separately) Lucks Lane already suffers from regular surface water flooding and there is a record of KCC having to attend with tankers to pump out water from the road to prevent residential flooding.

Some residential properties have been subject to flooding, even in summer when sudden storms produce heavy rainfall. The site has an EA common watercourse running across it and this and the KCC Highways roadside ditches have not been maintained for several years; this has contributed to the high water levels. The scale of the development proposed warrants a developer contribution to a maintenance schedule for the watercourses and this should be required by KCC Highways and the EA.

The development proposal incorporating building on raised platforms will protect the new buildings from flooding but will worsen the flood risk to the residential and agricultural buildings in the adjacent area.

The proposed flood mitigation does not specify that the mitigation features must be in place before construction commences. If this is not the case the properties in the surrounding area will be subject to flooding during the construction phase.

There has been a marked increase in the incidences of flooding in this area in the last 8-10 years and climate change can be expected to worsen this situation.

2. Foul Drainage Network- It is clear from the application that there are no proposals from Southern Water to deal with effluent from this site.

In addition to this the residential dwellings in the adjacent area depend upon septic tanks, the clean water outflow from which runs across the proposed development site to join the common watercourses. This has not been considered in the application.

The Council are concerned that Southern Water have a history in the Town of providing foul drainage infrastructure too little and too late and that they cannot be relied upon to have their infrastructure in place before the site is occupied. The nearby sewage treatment works is at capacity according to Southern Water so it is not clear how the waste will be dealt with.

3. Site Access- The Council acknowledge that the proposal is to widen the access from Maidstone Road into Lucks Lane. However, no account is taken of the steep gradient from Lucks Lane up to the ground level of Maidstone Road and it is not clear how this will be designed to allow safe entry and egress from the Lane. The Council feels that there was an opportunity to access the site from the adjacent Transfesa site, which is an established HGV accessible site, but this has been sacrificed to have a more intensive development.

4. Volume of traffic- Whilst the application claims to be on a sustainable site in terms of active travel it includes 331 parking spaces so a substantial increase in traffic movements is clearly expected. There are several stables along Lucks Lane and the horse box movements should have been considered as they do not have the manoeuvrability of conventional vehicles.

5. Increase in noise and light pollution in a rural area.

6. This site hosts a range of wildlife including birds of prey, owls and bats and consideration needs to be given to protecting the habitat of these birds and animals.

7. The Town Council met with Design South East who were commissioned by the Borough Council to review the development proposal. Their suggestions, which were supported by the Town Councillors who attended, have not been included in the proposal as submitted. (Apart from the inclusion of wildlife corridors). The Town Council feels that this is a missed opportunity to improve the quality of design.

8. The Council will request a 'call in' to the Planning Committee at TWBC as the decision level is delegated.

Environment Agency

7.02 (07/10/22) **No objections.**

Thank you for providing the updated information for this proposal.

Fisheries and Biodiversity - Development that encroaches on rivers can have a potentially severe impact on their ecological value. Networks of undeveloped buffer zones might also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan. The proposed development will therefore be acceptable if a planning condition is included requiring a scheme to be agreed to protect an 8 metre wide buffer zone around the watercourse.

Flood Risk – The EA have no objection to this outline planning application in relation to flood risk. The developer has received advice previously from the EA through a chargeable agreement.

The outline application is for less vulnerable, commercial use and so is appropriate within this location. The Flood Risk Assessment (FRA) ref 680183-R1(01)-FRA, by RSK dated June 2022 submitted with this application has outlined the principles to

developing the site. There is not too much information regarding the Main River corridor and so the applicant should be advised that they will need to apply for a Flood Risk Activity Permit for any activity within 8m of the Main River.

The EA would therefore recommend a condition in regard to flood risk and mitigation.

(05/09/22) Maintain our original objection until the applicant has provided evidence of design proposals that clearly depict a minimum of an 8m buffer zone, as required under the Environmental Permitting Regulations 2016. The proposed footbridge must be a clear span bridge and not encroach into the bank habitats.

Further to this, the applicant must also provide a habitat management plan, inclusive of the riparian habitats, for further consultation.

(21/07/22) Object to the proposal and recommend that the planning application is refused.

Do not have enough information to know if the proposed development can meet our requirements for nature conservation and physical habitats because inadequate assessment of the risks has been provided.

Reasons - In determining the flood risk activity permit for this development, we will assess its compliance with the South East River Basin Management Plan (RBMP). We'll also consider how the development will affect water biodiversity and the wetland environment. The RBMP states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of water bodies.

Under the Environmental Permitting (England and Wales) Regulations 2016, a minimum of an eight-metre buffer zone is required to protect the river and bank habitats, prevent habitat fragmentation and lessen disturbance to species utilising the river.

This objection is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity around developments should be encouraged.

Overcoming our objection - To overcome our objection, the developer will need to submit detailed designs illustrating the footpath a sufficient distance from the top of the riverbank.

A habitat management plan is also required to detail how the proposal will affect the river and bankside habitats. This management plan will need to demonstrate how any risk to nature will be controlled and managed. Where possible, it should identify opportunities for environmental improvements. Until this is provided the risk posed by the proposed development is unacceptable.

Officer Note: The recommended conditions have been included within the recommendation in Section 11.

National Highways

7.03 (21/07/22) **No objections.**

Recommend that conditions should be attached to any planning permission that may be granted.

We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the A21.

We have reviewed the submitted Transport Assessment (TA) and are content that the additional vehicle trips during the operational stage of the development will not have an unacceptable impact on the safe and efficient operation of the SRN.

We do however envisage that construction traffic will utilise the A21 Pembury junction and the A21 Kippings Cross junction. This is a potential concern. However, this concern can be addressed via the preparation, agreement, and implementation of a CMP.

Accordingly, having assessed application 22/01929/OUT we are content that the proposals, if permitted, would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the SRN in the vicinity of the site, provided that the following condition is imposed (reflecting the DfT Circular 02/13 Para 8 -11 and MHCLG NPPF 2021 Para 110-113 tests).

Recommend a condition and informative.

Officer Note: The recommended condition and informative have been included within the recommendation in Section 11.

SGN

7.04 (04/07/21) **No objections**

The mains record only shows the pipes owned by SGN in our role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or pipes owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If we know of any other pipes in the area we will note them on the plans as a shaded area and/or a series of x's.

The information shown on this plan is given without obligation or warranty and the accuracy cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but their presence should be anticipated. Your attention is drawn to the information and disclaimer on these plans. The information included on the plan is only valid for 28 days.

On the mains record you may see the low/medium/intermediate pressure gas main near the site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. Where required the position should be confirmed using hand dug trial holes.

A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs.

Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical

plant is used. It is the applicant/developers responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working on or near gas pipes.

It must be stressed that both direct and consequential damage to gas plant can be dangerous for employees and the general public and repairs to any such damage will incur a charge to the applicant or the organisation carrying out work on their behalf. Works should be carried out in such a manner that we are able to gain access to our apparatus throughout the duration of your operations.

Officer comment: A copy of this response has been sent to the applicant's representative.

UK Power Networks

7.05 (04/07/22) **No objections**

Safety around our equipment is our number one priority so please ensure the applicant has completed all workplace risk assessments before any works begin. Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections.

Officer comment: This has been included as an informative within the recommendation in Section 11.

ESP Utilities Group

7.06 (05/07/22) **No objections.**

If the site was found to be in the vicinity of ESP plant, project drawing as laid extracts for these sites are enclosed (not to scale) for information which show the approximate location of the ESP gas/electric network close to the area of interest.

As plans for the proposed work develop the applicant is required to keep ESP regularly updated about the extent and nature of proposed works in order for us to fully establish whether any additional precautionary or diversionary works are necessary to protect our gas network.

Arrangements can be set in place so that one of our representatives can meet on site (date to be agreed) and we will be happy to discuss the impact of your proposals on the gas network once we have received the details.

ESP are continually constructing new gas and electricity networks and this notification is valid for 90 days from the date of this letter. If your proposed works start after this period of time, please re-submit your line search before you dig enquiry.

Officer comment: A copy of this response has been sent to the applicant's representative.

Network Rail

7.07 (27/07/22) **No objections.**

The developer must ensure that their proposal, both during construction and after completion does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone

- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Network Rail strongly recommends the developer complies with Network Rail requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

Officer comment: A copy of this response has been sent to the applicant's representative.

Southern Water

7.08 (03/08/22) **No objections.**

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for part of the development to connect with the current capacity in the network, pending network reinforcement to provide capacity for the remaining development. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for large developments our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24 month period:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required).
- Detailed design, including land negotiations.
- Construction.

Southern Water hence requests a condition to be applied.

The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Southern Water request that should this planning application receive planning approval an informative is attached to the consent.

Officer Note: The recommended condition and informative have been included within the recommendation in Section 11.

Kent Fire and Rescue Service

7.09 (12/07/22) **No objections.**

When reviewing applications for new buildings, extensions to existing premises or change of use on sites, the Authority will make requests and recommendations to the developer utilising appropriate legislation (Fire Services Act 2004, building regulations etc.) and guidance (National Guidance on the provision of water for firefighting, 2007) to ensure sufficient water is available for firefighting.

Locations, types and specifications of required water supplies such as fire hydrants and Emergency Water Supplies (EWS) will be recommended by the Authority following a risk assessment. Provisions for water run off containment must also be provided to support the fire prevention plan to mitigate any potential environmental impact.

The Authorities water services department should be consulted during this process. The water services department will work with the developer to achieve a sufficient water supply and work with them to find alternative solutions should the previously mentioned provisions not be deemed suitable. Please ensure all plans are shared with our water services department on water.services@kent.fire-uk.org.

Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building

Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Officer Note: This would occur as part of the detailed design during and following reserved matters applications.

Kent Police

7.10 (18/07/22) **No objections.**

Kent Police have considered this application regarding Crime Prevention Through Environmental Design (CPTED) in accordance with the National Planning Policy Framework (NPPF). Design and Access Statements (DAS) should demonstrate the design helps create an accessible and safe environment while minimising crime and disorder and fear of crime. Secured by Design (SBD) is the official UK Police flagship initiative combining the principles of designing out crime with physical security, found at www.securedbydesign.com.

Having reviewed the application online, Kent Police would like to make the following comments:

1. Suggest the use of the Secured by Design (SBD) Commercial scheme for this proposal.
2. Recommend the site, which includes car parking areas, to have adequate boundary treatment for perimeter security. We note the DAS states "The perimeter of Units 1, 2 & 7 will be enclosed by 2.4m Palisade fencing and gates." Unit 7 Car Park should be also fenced and gated to ensure vehicle security is addressed. We recommend units 3, 4, 5 and 6 to be enclosed with palisade fencing and gates as well to add an extra layer of security to warehouses, especially after dark. Please refer to the Commercial 2015 Guide, Section 2: Physical Security Specifications on SBD Design Guides (securedbydesign.com) 43. Fencing and 44. Gates.
3. Ideally, the site permeability should be restricted to one point of entrance/exit for each individual unit or 2 points of entrance/exit for the entire site. These access points should have a barrier or/and an ANPR system present. Pedestrian and vehicular entrances should be in the same area for better monitoring purposes and pedestrian routes must be separate and clearly designated for safety.
4. Pedestrian routes to the rear of the buildings are discouraged, as they should be purposeful and benefit from natural surveillance in order to discourage crime. If unavoidable, access should be restricted to staff only or monitored CCTV coverage and defensible spaces should be considered. Footpaths must be well lit and maintained, devoid of potential hiding places and enable natural surveillance along the path and its borders.
5. A suitably designed, fit for purpose, monitored intruder alarm system should be installed and all fire doors should be fitted with alarms to help prevent unlawful access if doors are left unsecured or locks are tampered with.
6. The design criteria for car parks should follow the principles laid down in the police owned 'ParkMark' initiative (appropriate lighting, CCTV, Security fencing, Exit/entry barriers, clear signage to help drivers and pedestrians navigate the car park safely etc). Any EV charging points should be provided in a safe and secure space. Secure motorcycle, moped and scooter parking should be made available for staff. Such parking provision should benefit from natural surveillance from the reception and other staffed areas. In addition, the car parking areas should be provided with secure ground anchors and be lit after dark when in use. Great care must be taken to ensure that the natural surveillance of all car parking areas is not affected, and therefore, shrubs/trees must be properly maintained.

7. A qualified lighting engineer should be consulted, and a suitable lighting policy should be installed to ensure that customers and staff have safe access to and from the site and to help deflect criminality, while minimising light pollution. Lighting of roads and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark.
8. Recommend monitored CCTV provision and management for vulnerable elevations (near public footpaths and where natural surveillance is visibly reduced), perimeter and Kent Police: Form No. 3058c rev 12/05 v2 \\kisprod.netr.ecis.police.uk\Groups\PVP Dept\CPDA\1 CPDA Planning Applications\Tunbridge Wells\TW-213) Swatlands Farm Lucks Lane Paddock Wood Tonbridge Kent TN12 6QL\DOCO response1.doc each building entrances and car parking areas. Internal CCTV coverage of storage areas should be considered.
9. Doorsets should meet SBD Commercial standards and be certified, not just tested, by an independent third-party testing house. Please refer to the Commercial 2015 Guide, Section 2: Physical Security Specifications on SBD Design Guides (securedbydesign.com) 56. External Doorset Apertures.
10. Windows and the glazing should meet SBD Commercial standards – glazing should be laminated rather than just toughened. Please refer to the Commercial 2015 Guide, Section 2: Physical Security Specifications on SBD Design Guides (securedbydesign.com) 51. Glazed Curtain walling, 55. Roof Lights.
11. Cycle and bin storage. Cycle parking provision should be contained within a securable, roofed building and promote natural surveillance. The area should be lit and secured during operating hours. We recommend the inclusion of SBD or Sold Secure Gold standard ground/wall anchors. Bin storage must be in a suitable place to prevent use as a climbing aid and placed to prevent arson.

If approved, site security is required for the construction phase. There is a duty for the principal contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

Officer Note: This would occur as part of the detailed design during and following reserved matters applications.

Upper Medway Internal Drainage Board

7.11 (22/07/22) **No objections**

The site is within the Internal Drainage District (IDD) of the Upper Medway Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. A copy of the Board's Byelaws can be accessed on the Board's website (<http://www.medwayidb.co.uk/consents/byelaws/>). This letter contains reference to a Board Adopted Watercourses. Please note that the adoption of a watercourse is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD and as such will normally receive maintenance from the IDB.

In order to avoid conflict between the planning process and the Board's regulatory regime and consenting process please be aware of the following:

- Note that the applicant intends to discharge surface water to a watercourse. The proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy. (available at <http://www.medwayidb.co.uk/development/>).

- Note the presence of Board Adopted watercourses adjacent to the north-west and south-east site boundaries. The proposed outfall to the Board Adopted watercourse to the south-east boundary will include works within 8 metres and alteration to the banks of the watercourse, therefore consent is required to relax Byelaws 10 and 17 of the Board's Byelaws. If any other works 8 metres or alteration to the banks of the Board Adopted watercourses, consent would be required.
- Whilst not currently proposed, should the applicant's proposals change to include works to alter the aforementioned Board Adopted watercourse consent will be required under the Land Drainage Act 1991 (and byelaw 4).
- If the applicant's proposals include works to include works to install services within/make excavations within/alter the banks of the aforementioned Board Adopted Watercourse, consent will be required.
- Note the presence of a watercourse which has not been adopted by the Board (a riparian watercourse) within the site boundary and that works are proposed to alter this watercourse. To enable this proposal consent is required under Section 23 of the Land Drainage Act 1991 (and byelaw 4).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such it is strongly recommend that the required consent is sought prior to determination of the planning application.

Officer note: The application is an outline and so the layout has not been fixed. As such, we would not anticipate that this process can be undertaken at this time and instead would be applicable at reserved matters stage.

KCC Public Rights of Way

7.12 (18/07/22) **No objections**

Public Footpath WT249 follows the south western boundary of the site and is shown on the proposed site plan and connectivity plan.

The proposed pedestrian links to the PROW from the site are welcomed. Any fencing along the footpath should be set back from the prow to allow for a more open aspect to the footpath. It is not clear whether any fencing is to be retained along the boundary with the area marked as orchard on the landscape masterplan. It would be preferred to have this removed if possible or set back from the prow.

It is likely that the proposals will result in increased use of the prow, which would require some surface improvements. It is asked that either a contribution is made through a S106 agreement, or the developers offers to undertake the surfacing at their expense. Given the rural nature of the footpath, a compacted stone surface would be acceptable, details should be agreed with this office in advance.

KCC would ask that details of the scheme and its treatment of the prow and boundary fencing are agreed in advance at the detailed planning stage.

Finally, KCC would be grateful if you would bring the following to the applicant's attention:

- No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.

- There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
- No hedging or shrubs should be planted within 1 metre of the edge of the Public Right of Way.
- Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
- No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, KCC would need six weeks notice to process this.

Officer Note: The requested contribution is to be secured as part of the package of wider cycling and walking measures through the Section 106 and the recommended informative has been included within the recommendation in Section 11.

KCC Flood and Water Management

7.13 (07/09/22) **No objections**

Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment dated 2nd August 2022 prepared by RSK and the accompanying letter dated 16th August and have the following comments:

KCC acknowledge the updated FEH calculations and additional simulations for the 40% Climate change allowance provided. It is noted that exceedance of the network is currently identified for the 100 year events and is proposed to be accommodated within the confines of the hard standing areas. Further details of this possible exceedance will need to be provided as part of the detailed design stage. Further details include the inclusion of an exceedance drawing illustrating locations, depths and duration.

In regards to the infilling of the ditch crossing through the site, the LLFA acknowledge that further works will need to be done to confirm connectivity under Lucks Lane. Final confirmation of the proposed works to this watercourse will need to be consented by the Lower Medway Internal Drainage Board under Section 23 of the Land Drainage Act 1991 (and byelaw 4). Should permission not be granted to alter the ditch, KCC would expect for alterations in layout at the future reserved matters stage.

Further to the above points, we would advise for groundwater monitoring to be undertaken over the coming seasons to ascertain relative depths to groundwater on site. It is anticipated that the below ground cellular attenuation proposed will have an impermeable liner to prevent ingress.

In view of the submitted information the LLFA are now in a position to remove our objections. Should the Local Planning Authority be minded to grant permission, KCC would recommend conditions are attached to any approval.

Officer Note: The recommended conditions have been included within the recommendation in Section 11.

(21/07/22) We understand from the report that the current surface water strategy proposes that surface water will be directed to the below ground gravity network and

attenuated on-site prior to outfall at a restricted rate of 17.34 l/s (QBar) into the unnamed tributary to the River Teise.

Whilst we agree in principle to the proposed development, we note from the topography maps that there are a number of ditches across the site. We note that in section 2.1.4.2 it is stated that an existing ditch begins on site and traverses eastwards is present that does not appear to receive offsite flows. However, we are unsure as to whether there is a continuation of a culvert passing under Lucks Lane. If it is identified that there is a continuation of this feature whether open or culverted, we would expect to see this feature retained in line with the Land Drainage Act (continuation of flow).

Whilst the above is a matter for further consideration we note that the area falls within the jurisdiction of the Upper Medway internal Drainage Board therefore we would advise that they are consulted with regards to the proposed changes to the watercourses on site before approval.

Whilst writing to you we would also like to further advise of the following items which are not necessarily prudent to an outline application but will be required with regards to more detailed applications:

1. Within the report and accompanying figures the data for the m5-60 value is stated as 20mm rather than 26.25mm. At the detailed design stage, we would expect to see the drainage system modelled using 2013 FeH rainfall data in any appropriate modelling or simulation software. Where 2013 FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2019).
2. As of the 10th of May 2022, the Environment Agency's climate change allowances have been updated. As part of this update, revisions have been made to the 'Peak Rainfall Intensity Allowances' that are used in applying climate change percentages to new drainage schemes. The latest information on the allowances and map can be found at the following link:
<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>. We understand from the report that a 20% climate change allowance has been applied for the 100 year period. As per the KCC Drainage and Planning Policy statement (2019) we would seek for an additional allowance of 40% to be tested against.

KCC would therefore recommend a holding objection for this application until the above information is provided.

KCC Highways and Transportation

7.14 (30/09/22) No objections.

Further to the highway authority's previous comments dated 23rd September 2022 on the above planning application, the highway authority confirm that provided the certain requirements are secured by condition or planning obligation, then KCC would raise no further objection.

Officer Note: The recommended Heads of Terms for the Section 106 and conditions have been included within the recommendation in Section 11.

(23/09/22) Details regarding the visibility splay to the East have been updated to show the maximum achievable visibility splay that can be provided from the access.

Upon review of the supporting information for this splay, the highway authority can confirm that this is acceptable.

It has further been clarified by the applicant that the “footway will extend to connect with both the PRoW and the footway shown on the masterplan. The S278 designs will ensure that the footway connects with the internal pedestrian infrastructure and the reserved matters application will finalise the location of the footway within the site”.

This addresses the outstanding matters of the highway authority’s previous response. KCC are in discussion with Tunbridge Wells Borough council and a contribution in line with the Strategic Site Infrastructure Framework will be required.

(26/08/22) Thank you for providing further details regarding forecasting results to 5 years post-application. It is noted that the labels in Table 3 for the links of ‘2031 Do Minimum’ correspond to a different junction, so clarification as to what the labels should be is appreciated. To summarise the results, it is evident that contribution is necessary to mitigate the impact of the proposed development. The distributions show that in 2027, through the A228 Branbridges Road / A228 Whetsted Road / B2160 Maidstone Road roundabout, vehicle flows increase by 4% in each peak period with this development. This is in comparison to 2027 base + committed development. Furthermore, the modelling of this junction shows that the two arms of the A228 would be operating over capacity in 2027. The Ratio of Flow to Capacity (RFC) on Branbridges Road increases from 5% over capacity, to 11% over capacity. On Whetsted Road, the RFC increases from 99%, to 4% over capacity. Again, this is in comparison to 2027 base + committed development. Therefore, the impact of development traffic on this junction would bring it to operate over capacity. As such, there will be a contribution requirement for strategic mitigation at the location of the A228 Whetsted Road / A228 Branbridges Road / B2160 Maidstone Road roundabout and will be subject to discussion with TWBC.

Upon confirmation of ownership boundaries in regards to proposed highway works, the structures team have confirmed that the Structures Technical Approval Process will need to be undertaken as the proposed widening works will affect the bridge on Lucks Lane which is a KCC asset. A new culvert greater than 900mm diameter that supports the highway and/or is to be adopted by KCC will also need Structures Technical Approval. This process can start at any time by contacting structurestechnicalapproval@kent.gov.uk.

The Proposed Site Plan shows that pedestrian access to the site will be derived from Public Right of Way (PRoW) WT249, with links for pedestrian access from within the site to this existing PRoW proposed. It is noted that KCC PRoW have been consulted and have recommended surface improvements to PRoW WT249. Furthermore, on the Western boundary, a pedestrian link from within the site to Maidstone Road is shown on this diagram. With this proposal, to ensure that there would be a connection to the existing footway on Maidstone Road, an extension of the existing footway northwards from the Transfesa Road / Maidstone Road junction to meet this pedestrian link at the site boundary and PRoW WT249 has been proposed and is welcomed. This would ensure that pedestrians can access bus services on Maidstone Road. Therefore, clarification of paragraph 3.5.2 within the Transport Assessment is requested and this be reflected within Appendix D, as the red line currently shows boundary information only. Works within the highway require separate approval and would require a s278 agreement, which we would ask the applicant to undertake.

The visibility splays have now been submitted in the context of the Highway Boundary. The visibility splay provided at the proposed access towards the West is shown through to the junction of the B2160 Maidstone Road. The updated drawing (15823-H-03) shows there is a 2.4 x 132 m maximum visibility splay here. It can be confirmed that the vision splay to the west is acceptable. The East splay shows 2.4 x 90 m of visibility can be provided. As mentioned at the pre-application stage, this would be strengthened with a speed survey to provide evidence that this distance is safe. Assuming the national speed limit for this road would mean this splay is not in accordance with Manual for Streets 2 guidance and therefore does not provide a safe access for exiting vehicles. At this stage, these splays at the site access cannot be accepted unless evidence to support these splays can be provided.

Visibility splays from the perspective of a vehicle joining Maidstone Road have been submitted alongside a speed survey carried out on Maidstone Road which recorded 85 %ile speeds of 44.6mph northbound and 46.5mph Southbound. These are shown to meet requirements from Manual for Streets 2 in line with the speed survey provided.

An assessment of forward visibility on Maidstone Road of a decelerating HGV preparing to turn into Lucks Lane has also been provided in the Transport Assessment. 133m of forward visibility in line with a 46.5mph southbound speed is provided here and is acceptable.

In relation to the tree highlighted in the RSA 1, it has been addressed that the Stage 2 Detailed Design stage will inform the extent of removal to be undertaken on the tree(s). At this current stage, it would be beneficial to establish if any of the trees have tree preservation orders. It can be seen that 'AIA Rev 2' document has been provided on 12th August and notes that "Tunbridge Wells Borough Council's online mapping tool was used on 15th March 2022 to check whether there are any tree preservation orders (TPOs) within the site. No TPOs were shown within or immediately adjacent to the site."

(27/07/22) The site in the above planning application is located in the Northern Parcel of an Employment Development Area as set out in the Submission Local Plan, forming part of the Master Plan Areas for STR/SS 1 Paddock Wood and East Capel Strategic Policy. A Transport Assessment and Framework Travel Plan have been provided which KCC have reviewed and comments are as follows.

The Draft Framework Travel Plan that has been submitted has been reviewed and is acceptable. The document evidences that two bus services run hourly and serve a pair of bus stops approximately 130m from the site, which is to be accessible by foot as per the proposed site connectivity plan. Furthermore, Paddock Wood Railway Station is accessible by foot and provides frequent rail services to various destinations.

The Transport Assessment shows that in total, the site is forecast to generate 1,506 daily two-way trips, of which 157 (10%) are made by LGVs and 313 (21%) are made by OGVs for B2 use. 494 of the 1,506 trips (33%) are by B1 Office use. Across the AM peak, approximately 184 trips are forecast and 163 across the PM peak.

To determine the impact of the proposed development on the highway, the trip distribution for individual vehicle types and land uses have been submitted. Junction capacity assessments have been completed for the junction of the new access with Lucks Lane, B2160 Maidstone Road / Lucks Lane and A228 Branbridges Road / A228 Whetsted Road / B2160 Maidstone Road roundabout. Whilst these

assessments have been carried out for 2031, the Highway Authority requires assessment of 5 years post application. Therefore, we ask for junction capacity assessments and transport distributions for forecasts of five years post application to be provided. It is noted that the applicant is willing to make a proportionate financial contribution at an appropriate trigger point to provide strategic mitigation to the A228 Branbridges Road/B2160 Maidstone Road/A228 Whetsted Road/Hop Farm Access Road roundabout. This will be assessed upon receiving the junction capacity assessments and transport distributions for five years post application and subject to discussion with the Local Planning Authority.

Personal Injury Collisions (PICs) have been supplied over a three-year period for the local highway network within the site vicinity, including Lucks Lane and the B2160 Maidstone Road. Seven slight injuries and three serious injuries have been recorded within the site vicinity. Lucks Lane, including the area of the proposed access, has a good collision record with no personal injury collisions recorded in this time. A cluster of three incidents were recorded at the roundabout junction of the B2160 Maidstone Road / A228 Whetsted Road / Branbridges Road. However, it is noted that the two slight collisions were due to the weather conditions at the time of collision. In summary, none of the collisions are indicative of pre-existing highway safety concerns.

In the above application, a new vehicular access with a new priority junction is proposed to be located approximately 130m to the east of the junction of Lucks Lane with the B2160 Maidstone Road. The junction design of the access proposed at Lucks Lane prevents HGVs from turning left-in and right-out from the site, as required.

The swept path analysis shows a maximum legal arctic would not overrun the proposed centre line of the site access junction when manoeuvring in and out of site. Therefore, its movements can be accommodated for in the proposed junction layout. Further swept path analysis within the site for refuse vehicle, articulated lorry and rigid truck supports that these vehicles can enter, manoeuvre within the site and exit on to the highway in a forward gear.

The above application proposes works to the existing highway and has been subject to KCC H&T's Outline Technical Review Process. The proposal for the extension of the existing footway on the eastern side of Maidstone Road to connect with the site has not been objected to as part of this review process. The widening of Lucks Lane to 7.3m between its junction with B2160 Maidstone Road and the proposed site access in addition to the priority junction itself went through this review and was not a concern from a future maintenance/highway asset management view. Where highway works are to be adopted under S278 or S38 agreement, detailed designs will be submitted for review by the KCC Development and Agreement's team.

The relocation of the weight limit restriction on access into Lucks Lane from the B2160 Maidstone Road for vehicles greater than 3.5 tonnes is proposed to be moved and applied to the section of Lucks Lane to the east of the new access junction. As such, this is to be amended by Traffic Regulation Order (TRO) and must be expedited by the applicant via the 3rd party TRO process.

The visibility splays as provided in Appendix D of the Transport Assessment for the situations of a vehicle accessing Lucks Lane from the site, a vehicle entering Maidstone Road from Lucks Lane and a right-turning vehicle from Maidstone Road in to Lucks Lane have been provided. However, these need to be shown in the context

of the highway boundary. As such, it is required for the highway boundary to be added to these diagrams such that the visibility splays can be assessed.

The application has been supported by a Road Safety Audit (RSA) Stage 1. The RSA 1 picked up a couple of items. The first being risk of side impact collisions of northbound drivers on Maidstone Road with HGVs turning out of Lucks Lane. As such, the visibility splays need to meet the Stopping Sight Distance measurement for 'y' distance' in accordance with Manual for Streets. As mentioned above, the assessment of this is dependent on the addition of highway boundary to the visibility splay diagrams. The final problem is in relation to the existing mature tree on Lucks Lane. As such, the RSA 1 requires for the branches of the mature tree to be removed. In summary, the assessment as to whether the proposed access and highway works satisfy the RSA 1 requirements is outstanding.

KCC Heritage

7.15 (18/08/22) **No objections.**

The area of the proposed development is identifiable on the 1st Ed OS map as a possible farm complex associated with Swatlands, a 16th century or earlier residence. Remains associated with the earliest uses of this site as a Post Medieval farm may survive on site. In view of this archaeological potential, recommend a condition is placed on any forthcoming consent.

Officer Note: The recommended condition has been included within the recommendation in Section 11.

Environmental Protection

7.16 (01/08/22) **No objections.**

The site is in a semi-rural area, and is likely to cause an increase in traffic and noise. An MRL Acoustics Noise Impact Assessment (ref MRL/100/1836.1v1 dated February 2022) has been submitted in support of the application. The report states the aim of the assessment was to ensure that the noise impact of the proposed new commercial units and office spaces do not cause disturbance to the nearest local residents and that any noise impact is within acceptable limits, including the noise from any increase road traffic along both Maidstone Road and Lucks Lane.

The noise survey was carried out in general accordance with the requirements outlined in BS74551:2003 and BS8233:2014. Noise from the increase in predicted levels of road traffic flows generated by the development has been assessed and the results indicated that any increase in overall levels of road traffic noise will not be significant and of a very low impact with no adverse effect on any residential amenity. In this respect it is noted that DHA Planning have carried out an assessment of the existing flows of road traffic at 3 no. locations and the predicted increased road traffic flows as a direct result of the new business park, and included any committed developments in the area. It is also noted that in order to provide a consistent baseline 2018 and 2021 manual counts have then been compared and a COVID factor derived equating to 1.29 to bring the 2021 data more in line with 2018 flows.

In line with BS 4142 : 2014, the report states in sections 4.17 noise emissions from the new business park should not exceed the existing LA90 background noise level of 45 dB(A) when assessed at the nearest residential boundary, and in section 4.16 the noise emissions should be at least 5 dB(A) below the existing LA90background noise level of 45 dB(A), i.e. a maximum level of 40 dB LAeq when assessed at the nearest residential boundary. No BS 4142 : 2014 type of assessment has been carried out as yet, since there is no information as to the exact types and natures of businesses that will occupy the new industrial units in the proposed business park.

Noise from the proposed offices should not be an issue unless there is any plant associated with ventilation systems etc. Section 4.20 states for the other industrial units, noise may be generated by the internal activities and processes and therefore these units will need to be assessed on an individual basis depending upon the actual end-user. If approval is granted for this planning proposal conditions relating to noise should be attached to any permission granted, in particular requirements for further BS 4142 type assessment, and noise management plans.

The report recommends the following outline design measures:-

- The proposed building envelope construction for the walls and roofs of the new units, including any roof-lights, should have a minimum sound reduction index of at least 25 dB Rw;
- For the proposed industrial units, additional sound insulation linings may need to be added depending upon the end-user of each unit;
- All gaps at the junction of the walls with the roof panels should be sealed as part of any overall cladding system;
- We would recommend that any access doors, fire escape or small personnel doors, should have a minimum sound reduction performance of at least 25 dB Rw to minimise any noise break-out;
- These doors should be kept closed whilst the units are in use;
- Any extraction equipment should also be provided with suitable in-line duct silencers on the atmosphere side of any fans in order to minimise any noise break-out and are designed with a total resultant noise level of a maximum of 40 dB LAeq when assessed at the residential site boundary in order to ensure noise levels are at least 5 dB(A) below the existing night-time background noise climate of 45 dB LA90.

Once further details regarding the types of businesses/activities planned for each unit is received; further assessment using BS 4142 : 2014 should be carried out, and it would also be useful to develop Noise Management Plans for the businesses on site.

It is noted that the site is outside the Tunbridge Wells Air Quality Management Area, but it is considered that the scale of this development and its site position warrants an Air Quality Emissions Reduction condition applied to it. It is also considered that installation of Electric Vehicle charging points would be a useful promotion of a sustainable travel option. A DHA Framework Travel Plan has also been submitted (ref PL/HA/15823 dated June 2022).

Based on information from the contaminated land & historic maps databases there is an indication of land contamination in the area and a Leap Phase I & II Contaminated Land report (ref LP2586 dated June 2021) has been submitted in support of the current application. Whilst the report found no significant contamination a watching brief type of condition should be attached to any permission granted.

The application form states that foul sewage will be dealt with via mains system; and there are no known Private Water Supplies in the vicinity.

Details regarding any external lighting should be required as a condition of any planning permission granted. Any demolition or construction activities may have an impact on local residents and so the usual conditions/informatives should apply in this respect.

Recommendation: No objection, subject to comments above and conditions plus informatives.

Officer Note: The recommended conditions and informatives have been included within the recommendation in Section 11.

TWBC Conservation and Urban Design Officer

7.17 (06/10/22, verbal comments) To clarify the proposals would represent less than substantial harm on the lower end of the scale.

(19/07/22) This is an outline application with only access not reserved. The parameters within the submission are very thorough, however, and should be the basis for any reserved matters application going forward. Of principle concern from my point of view is the necessary alterations to the rural lane of Luck's Lane on its western end, but for the proposals to be carried forward, it has been demonstrated (and communicated through consultation) that this is the only safe option and will allow for the retention of waterways and natural landscape features on Maidstone Road, which would otherwise have to be removed. This has been mitigated with the design of the road to disallow right hand turns to the eastern end of Luck's Lane, or forward movement by larger vehicles along the lane. There will be an element of heritage harm to the agricultural buildings (designated and non-designated) on Luck's Lane but agree that this can be mitigated to an extent with the proposed landscaping and siting of buildings.

Heritage - The Cultural Heritage Desk Based Assessment includes an assessment of the significance of the historic farm buildings on the north and south side of Lucks Lane just before it turns south towards the grade II listed Swatlands, both in terms of their contribution towards the significance of Swatlands and as heritage assets in their own right. In my view their role in significance and their own intrinsic significance has been underplayed due to a conclusion that they are heavily altered. The set up is clearly that of a farmstead typical of this part of the Borough, in particular the very large oast, and the farm workers cottages on the opposite side. The site is close to these assets and in my view will irreversibly alter their agricultural setting, causing harm in accordance with paragraph 203 of the NPPF. The indicative layout and landscape plan, however, indicates that there will be screening of the site in this direction, which agree will reduce the level of harm and so this needs to come forward as a consideration in a reserved matters application.

Also consider that the role of the site towards the significance of the listed farmhouse has been slightly underplayed as too much emphasis is placed on the architectural values of the building, and its enclosed setting. It is clearly a rural farmstead as well; the site includes fields that were historically in its ownership. These therefore contribute towards its significance, whether or not there is a large amount of intervisibility, as does the rural lane of Lucks Lane which will be altered at its western end at Maidstone Road to accommodate the development's traffic. However, again agree that the western side of the farmstead has been greatly alter (between the farmhouse and the site) and that the role of the site in terms of the farmhouse's significance has been reduced for this reason and the fact it is no longer in the same ownership. Can therefore agree that the proposals would represent less than substantial harm on the lower end of the scale, though not at the very low end as per the statement, again with the assistance of appropriate landscaping so that the presence of the large industrial estate is reduced as much as possible when experiencing the setting of the listed farmhouse. Paragraph 202 of the NPPF therefore applies.

Design - A couple of brief comments on the urban design, noting that this has been through Design Review Panel. The scheme has evolved and in design terms has

improved. Welcome the attention to permeability of the site and connectivity, and the retention of historic landscape features on the site, making use of the natural resources in the landscape masterplan. The Design Code document is also welcome but in my view isn't at a coding level (part from a couple of sections where it is prescriptive, like the lighting). The other subject headings give precedent examples rather than coding. Having said that, they are all welcome, particularly the general parameters for signage and the building palettes. Would like to ensure that this flows through to reserved matters as is the intention, and suggest a condition.

Officer Note: The recommended condition has been included within the recommendation in Section 11.

TWBC Environmental and Sustainability Officer

7.18 (03/08/22) **No objections.**

Energy: Like many Local Authorities, TWBC has made a declaration of Climate Emergency and set itself a target for both its own operations and all wider activities in the borough to become carbon neutral by 2030. This is in tandem with central government's decision to pass a net zero emissions target into law. Planning will have an important and central role to play in achieving these targets. Thus, it is the view of the council that planning applicants be made aware of the current direction of travel in the Planning Policy department.

The 2007 Renewable Energy SPD is out of date and TWBC has addressed this by introducing more ambitious climate change policies within the new Local Plan which has recently undergone Examination and a further revision to account to account for the 2021 uplift to Part L of Building Regs which came into effect on 15th June 2022. This revision has been informed by both feasibility and viability analyses. For these reasons, planning applicants are encouraged to implement them ahead of the adoption of the Local Plan.

As an Energy Strategy has not been submitted with the planning application, it is not possible to determine whether the criteria of existing policy requirements described within the TWBC Renewable Energy SPD3 to first reduce emissions and then offset 10% of site wide carbon emissions through the use of renewable energy generating technology, have been met or exceeded.

To meet the criteria in Submission Local Plan Policy EN3 (revised at Examination), the applicant would need to reduce site wide emissions by 5% beyond 2021 Part L (with a further 35% overall carbon reduction strongly encouraged). It is recommended that conditions are included to ensure an ambitious energy reduction strategy is incorporated into the detailed design stage.

BREEAM: It is understood from pre applications discussions that the applicant has not been able to achieve enough credits on BREEAM at this stage to achieve an Excellent Score (70%) as would be required by Policy EN2 of the Submission Local Plan. The reasons for this are varied and include:

- Site conditions
- Outline stage of application
- Shell-only status of BREEAM assessment

Instead, a 'Very Good' score has been proposed (56%). This score should be monitored closely as the detailed design progresses to determine if opportunities are available for improvement. Alternative high standards not recognised by BREEAM such as offsite biodiversity net gains in line with policy EN9 of the Submission Local

Plan should be taken into account when discharging conditions. It is recommended that a condition is applied.

EVs: As for Part L (Conservation of Fuel and Power), an uplift for Part S (EV Charging infrastructure) came into force on 15th June 2022.

All planning applications submitted after this date have to comply with these new requirements. However, they do not apply to works where an initial notice was registered before 15 June 2022, provided the work starts before 15 June 2023.

The development would provide a total of 331 parking spaces. The applicant is proposing to install EV charge points for 19 of these which will be increased by a further 5% of spaces at an agreed trigger point (a further 5% of 331 equates to 17) meaning a grand total of 36 charge points would be installed. This is a lower provision than the Council's 2020 Guidance Note, which requires a double charge point per 10 spaces. This equates to a total of 20% of spaces with charge points i.e. 66 charge points. It is recommended a condition is applied.

Recommendations: Support this application at present and recommend conditions are applied.

Officer Note: The recommended conditions have been included within the recommendation in Section 11.

TWBC Landscape and Biodiversity Officer

7.19 (05/10/22) Following further discussions and subject to the proposed conditions I am happy to support this application which is a good fit with the emerging plan and provides both landscape and ecological enhancements whilst also delivering a substantial amount of economic development in a suitable location.

Officer Note: The recommended conditions have been included within the recommendation in Section 11.

(23/08/22) With regards to landscape matters the applicant has taken on board previous comments (during the pre-app stage) and the scheme is, noting the quantum of development of delivered as good as it can be and that the landscaping proposed will be successful in reducing landscape effects and helping to assimilate the scheme into the wider landscape. Remaining matters of detail can be secured through condition.

With regards to ecology there are a number of reports by Corylus Ecology and an Aquatic survey by ASEDA which have all been prepared by a suitable professional and are to a recognised methodology and as such the findings and recommendations are broadly accepted.

Preliminary Ecological Appraisal: The survey noted the presence of two Priority Habitat types: the deciduous woodland in the west and traditional orchard in the south-east and the need for development to avoid and enhance these which the scheme has done.

Other notable habitats included species rich hedgerow, trees and water courses. An aquatic survey was recommended for the water courses and this has been submitted.

Tree and activity surveys were recommended for bats, presence/likely absence surveys for reptiles, GCN and depending on the proposals, for dormice. The results of the recommended surveys are set out in the Ecological Impact Assessment Report.

Aquatic Survey: The streams on site support moderately species-rich faunal assemblages but species richness is likely to be suppressed by organic enrichment. Nevertheless, the streams are of moderate to fairly-high conservation values important as part of landscape scale biodiversity and should be protected and enhanced.

Ecological Impact Assessment Report: The report sets out the findings with regards each habitat feature and species and the effects on these both positive and negative are set out in section 6 and this predicts (subject to mitigation measures being followed):

- Bats - minor negative at a local level.
- Reptiles – minor positive at a site level.
- Amphibians (GCN) – no impact on GCN (Likely absent).
- Hazel Dormice – No impact (Likely absent).
- Breeding birds (Turtle Dove in particular) – no impact ((Likely absent).
- Woodland – moderate positive.
- Orchard - moderate positive.
- Hedgerow – moderate negative (due to the need to translocate a section of important hedgerow).
- Grassland – minor negative at a site level.
- Other habitats (tree lines, streams and seasonal pond) – minor positive site level.

Do not disagree with these conclusions but note that impact on all amphibians should be considered as well as GCN but in this case the protection and enhancement of key habitats is likely to be beneficial to all groups. Also note that these predictions are dependent upon the recommendations for mitigation and enhancement being followed. This includes limiting disturbance from the development in the form of noise and light pollution and general activity on retained and enhanced habitats. Overall, the negative effects are in the overall balance acceptable and the positive effects are noted.

Landscape and Ecological Strategy: The ecological strategy is tied in with the Landscape strategy and is entirely appropriate. It retains key habitats and provides for their enhancement. Full details of the proposals can be secured by condition. All landscape areas should be covered by a LEMP secured by legal agreement and condition. The water courses should include enhancements for otter and water vole.

Biodiversity Net Gain Report: Whilst most important habitats on site are retained and enhanced the grassland covering a large part of the site is relatively species rich and is correctly recorded as Other neutral grassland which gives it a high score in the metric. Whilst not all of the grassland may meet the requirements for this category the approach is correct. As the development cannot avoid this habitat and replacement would need to be an equal or larger area of grassland to off set the loss this does mean that scheme more or less breaks even for area biodiversity units.

Whilst there are negative effects on the hedgerow these are offset by new hedgerows and effects on the water courses are generally positive. The conclusion then, which is accepted, is that there is a gain in biodiversity units as follows:

Area Units: 0.31%
Hedgerow Units: 128.67%
River Units: 12.87%

Whilst hedgerow and River Units exceed the required 10% Area Units are below this but one cannot offset one type of unit against another – each must show a minimum of 10% gain.

The site cannot deliver a significantly larger area of grassland to achieve additional area gains in biodiversity units without compromising the development proposal. The report currently identifies a shortfall of 3.9 area units of biodiversity but this may change slightly through some improvements to the net gain plan and/or agreement on pre and post development values. There is for instance a great deal of merit in the retention of and improvements to the watercourses in combination with the other habitats and also the proposed retention and long term management of the orchard. We may through discussion consider that these have a higher value than predicted.

Where there is a shortfall on site in circumstances similar to this it is appropriate to seek gains off site. This can be provided on another site or through a biodiversity banking scheme subject to the provision being tied to the development and acceptable to the Council. Alternatively, the Council has an interim biodiversity net gain scheme in place at a cost of £18,000 per biodiversity area unit so meeting the shortfall of 3.9 Units would equate to £70,200.

TWBC Tree Officer

7.20 (13/09/22) **No objections.**

The proposal includes the widening of Lucks Lane. These works are the cause of the primary loss of trees within the site, including the loss of 3 category B Oak trees, 1 category C Oak and 2 category C Ash trees along with a group of category C poplars and 1 section of a mixed group of category B trees. The loss of these trees will have an impact upon views from the south of the site looking towards the north, but additional trees retained on the northern side will limit this. In addition, the proposal has considered their loss and designed a new planting strip to the south of the widened section of the road which will be used to plant replacement species.

The loss of one further category B tree will require removal to facilitate the new internal road layout within the proposed site, this tree is T41 which is an Ash. This position has been chosen to take advantage of an existing gap within the row of trees.

There are further losses of low-grade trees within the site, which are primarily fruit trees and within the orchard area. The loss of these are to be mitigated through the formation of a new orchard in the southern corner.

In addition to the loss of trees, there several trees which could be impacted upon by the construction of the new hard standing and increase in soil levels, throughout the site. This includes one category A tree identified as T40, our pre-app advice asked if the road could be relocated to avoid this. The position of the road has not been changed, while on site this was raised to the applicant and it was indicated to me on site, that this was due to utilising an existing gap. The supplied AMS indicates that the new hard standing within the Root Protection Areas (RPA) of trees will be formed use a 3D cellular confinement system, which is an acceptable methodology from an Arboricultural aspect, but its installation will require supervision which is also addressed.

There will also be the requirement to forming bank up to the side of the new roads, this at first raised concerns as was indicating further encroachment into the RPA, However, after consultation with the applicant and their arboricultural specialist, they have amended the methodology, to include gabions to avoid any excess creep into the RPA or the use of further 3D cellular confinement to bring up the soil levels, without causing excess compaction.

The supplied tree report and protection plan provides suitable measure to appropriately protect all remaining trees on site. The loss of trees within the site, is indicated as being suitable mitigated through replacement planting within the illustrated landscape master plan, which included improvements to the woodland strip along Maidstone Road.

From an arboriculture perspective raise no objection to this proposal, if completed in line with the proposed woodland management plan and new tree planting plan. Along with this, if the proposal is granted, recommend that a tree protection condition is applied.

Officer Note: The recommended conditions have been included within the recommendation in Section 11.

TWBC Strategic Sites and Delivery Team

7.21 (07/10/22) **No objection.**

The application site forms part of the strategic allocation for the transformational growth around Paddock Wood including land in east Capel, as set out in the emerging Tunbridge Wells Local Plan (Policy STR/SS1). The Plan has been submitted to the Secretary of State and the examination in public took place March to July 2022. The Submission Local Plan (SLP) is therefore at an advanced stage and moderate weight should be given to the Policies within it.

Policy STR/SS1 sets out the strategy for significant growth around Paddock Wood, including land at east Capel, and makes provision for around 3,500 new homes, together with employment and infrastructure, to transform Paddock Wood into a new garden settlement.

Specifically with regard to the planning application site, Policy STR/SS1 indicates that this land should be developed for high quality employment development (Class B2, B8 and E(g)). This is underpinned by comprehensive masterplanning of the proposed expansion of Paddock Wood, led by David Lock Associates (see the [Strategic Sites Masterplanning and Infrastructure Study](#)). Around 11.2 ha of land is proposed to be developed for employment uses on land to the north of Paddock Wood including land at Swatlands Farm (this proposal), land at Keyland Farm to the north, and land to the east of Transfesa Way. This land will form part of an expanded Key Employment Area for Paddock Wood, to which emerging Policy ED1 would apply.

The site is included within the SLP's provisional Limits to Built Development (Policy STR1) for Paddock Wood.

It is also noted that economic growth in this area is also supported by the recommendations outlined within the Council's Economic Needs Study (2016; see [link](#)) as summarised within the Economic Development Topic Paper (2021; see [link](#)) which confirms that further development as expansion of the Key Employment Areas

in Paddock Wood would be appropriate to support the growing population of the town of Paddock Wood and the wider area. The Key Employment Area at Land East of Maidstone Road/Transfesa is identified as a strong employment location supporting a range of industries and that the area could offer scope for future expansion with good access to the existing road network. The Council has therefore taken forward this recommendation by proposing to allocate significant new land for a mix of employment uses to the north and south of Lucks Lane, the latter of which relates to this application. This application would therefore support this recommendation to support the local economy within the area.

As such, it is considered that the principle of development for employment uses is accepted.

In accordance with the requirements of Policy STR/SS1 where relevant to the employment provision, it is noted that the proposal is for a mix of employment uses (use classes E, B2, and B8) as required by Part 2g of the Policy). Details of the precise mix is unknown at this stage, and is considered a condition should be attached which provides for an appropriate mix at the new estate. A [Paddock Wood Economic Opportunities Report](#) was prepared by SQW in December 2020, which forms an appendix to the DLA Strategic Sites Masterplanning and Infrastructure Study. This recommends that the employment growth at Paddock Wood should provide a good mix of uses to support the balanced economic and employment growth of Paddock Wood and avoid the potential continued over-concentration and development of the wholesale/distribution sectors (Key Opportunity 2 on page 49) and a condition is therefore considered justified in light of the policy requirements supported by this evidence.

It is also noted that the application seeks permission for Class E uses. The policy requirements in the emerging SLP, following extensive discussion at examination, will be modified to refer to Class E(g) uses only. This includes i) office ii) the research and development of products or processes or iii) any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area) i.e. the former Class B1 uses. It is important a condition is attached which restricts the uses permitted at the development to Class E(g) only. The application is not accompanied by a retail assessment which would address the acceptability of other main town centre uses as covered by Class E in this out of centre location in town centre use terms (as defined by Annex 2 of the NPPF). The applicant notes ancillary Class E uses may be appropriate but it considered that further information in respect of this should be provided at reserved matters stage.

The proposals include potential footpath links on all boundaries of the site as well as a link to the existing Public Right of Way which runs along the southern boundary (WT249). Contributions will be sought to improve the Public Right of Way and contributions towards the active travel measures to help meet the garden settlement principles embedded within Policy STR/SS1 (in accordance with Criterion 6) and to encourage sustainable mobility and active modes of travel (walking and cycling) to and from the site. This complies with criterion 8 and 9 of the Policy.

The application is submitted in outline, with Design to be reserved until reserved matters stage. In line with the requirements of Policy STR/SS1, the applicant has engaged with a Design Review Panel in order to develop the scheme and this engagement is expected to continue through the submission of more detailed reserved matters in due course.

It is noted that access to the site is proposed via Lucks Lane which requires widening to accommodate traffic into the site. The initial high-level masterplanning work (which remains in draft form) carried out by DLA) suggested access to the site should be from Maidstone Road, with Lucks Lane being retained and enhanced as a rural lane and a focus as an active travel route. However, on further review following more detailed design work and discussions with both the Council's tree officer and KCC highways, the Council recognises the constraints with this option originally favoured by DLA. Through discussions with the Council's Tree Officer, it is considered that utilising the existing access from Lucks Lane is preferable in order to preserve the woodland to the front of the site adjacent to Maidstone Road. It is added that the widening of Lucks Lane is also identified as a potential mitigation measure in the SWECO Transport Assessment which underpins the Draft Local Plan and as such this is likely to outweigh, on balance, the initial considerations for this route as a walking and cycling link. The Strategic Sites and Delivery Team would therefore support in principle the proposed access arrangements, subject to more detailed comments from KCC highways.

Regard should also be given to the emerging Paddock Wood Neighbourhood Development Plan (NDP) which is currently undergoing Regulation 16 consultation until 14 November. It has not yet been through independent examination, and limited weight may be given to the NDP. However, it is noted that the NDP accords with the SLP Policy STR/SS1 in supporting proposed employment growth within the area to the north of Paddock Wood and also requires that improved access to this area is incorporated within proposals. It is noted that the Policy within the NDP of most relevance is Policy PW HI7.

TWBC Parking

7.22 (22/08/22) Parking Services have no comments to make on this application.

8.0 APPLICANT'S COMMENTS

- 8.01 The emerging Tunbridge Wells Local Plan identifies a need to allocate additional land for employment uses, including the application site, to meet future economic development needs and support economic growth into the future.
- 8.02 The NPPF highlights that the planning system should do everything it can to support sustainable economic growth and places significant weight on the need to support economic growth as well as a requirement to identify strategic sites, for local and inward investment.
- 8.03 This proposed extension to the Transfesa Industrial Estate through development at Swatlands Farm represents a key opportunity to provide an employment site that would stimulate economic growth in the local and regional economy and would assist in meeting strategic objectives through job creation, private sector investment, and generating inward investment. It would go some way towards meeting the quantitative and qualitative needs for employment land in the Borough over the Local Plan period to 2033 and has been identified in the emerging Local Plan as a suitable site for fulfilling this role. The site is ideally located between the A228 and the existing Transfesa Industrial Estate and would form a logical extension to this key employment area.
- 8.04 It would modernise business space suited to the retention and expansion of existing businesses in the town and would attract new businesses into the town. These businesses would have direct and immediate access to a growing and diverse

workforce in the Borough, helping to reduce the dependence on out-commuting for better quality employment.

8.05 It is at a scale where it fits comfortably into the local context – both built and landscape. It is nevertheless also at a scale where it can have real beneficial effects on employment retention and on the image of the town as a good place to live and work.

8.06 The proposed development will deliver a number of important benefits for the Borough, the local community and environment, including:

- Capability of accommodating 18,150 sqm employment space meeting identified demand for high-quality space in a key growth sector in the local economy;
- Rebalancing of quantum of employment stock in the borough and replacement of the significant losses resulting from office to residential permitted rights;
- Creation of new employment opportunities for use class E, B2, and B8 occupiers seeking to expand or relocate to the Borough;
- Retention of existing occupiers within the Borough;
- Enabling occupiers to relocate from poorer quality stock which could therefore enable regeneration of brownfield sites;
- Biodiversity Net Gains;
- Injection of investment into the Tunbridge Wells economy and creation of new jobs;
- Creation of construction employment over the duration of the build period; and;
- Supporting further 'spin-off' jobs in services and other businesses from the wage spending of construction workers and supplier sourcing;

8.07 The proposal is in accordance with the main aims and objectives of national and local planning policies, including the allocation in Submission Tunbridge Wells Local Plan. It should therefore be approved without delay.

9.0 BACKGROUND PAPERS AND PLANS

Application Form

20-176-SGP-STE-XX-DR-A-130000 - Site Location Plan

20-176-SGP-STE-XX-DR-A-130001 - A - Existing Site Plan

Cover Letter

Planning Statement

Design and Access Statement

Arboriculture Impact Assessment Rev 3

Preliminary Ecological Appraisal

Sustainability Assessment & BREEAM

Ecological Impact Assessment Report

Landscape and Ecological Strategy (LES) Report

Biodiversity Net Gain Report

Aquatic Habitats Survey

20524-HYD-XX-XX-RP-D-0001 P3 - Drainage Strategy

20524-HYD-XX-XX-SK-C-0002 P4 - Flood Compensation Area Comparison

2980-RE-01-P2 JH - Landscape Appraisal

680183-R1(01)-FRA - Flood Risk Assessment (1)

680183-R1(01)-FRA - Flood Risk Assessment (2)

680183-R1(01)-FRA - Flood Risk Assessment (3)

680183-R1(01)-FRA - Flood Risk Assessment (4)

680183-R1(01)-FRA - Flood Risk Assessment (5)

680183-R1(01)-FRA - Flood Risk Assessment (6)

Framework Travel Plan
Transport Assessment (1)
Transport Assessment (2)
Transport Assessment (3)
Transport Assessment (4) (Figures)
Phase 1 Desk Study, Site Reconnaissance & Phase II Site Investigation Report
Noise Impact Assessment
Design Code (Rev F)
Cultural Heritage Desk Assessment
20-176-SGP-STE-XX-DR-A-130002 - C - Parameters Plan
20-176-SGP-STE-XX-DR-A-130003 - C - Site Connectivity Plan
20-176-SGP-STE-ZZ-DR-A-131004 - Proposed Site Plan
20-176-SGP-STE-ZZ-DR-A-131005 - P3 - Proposed Site Fencing Plan
20-176-SGP-STE-ZZ-DR-A-131006 - P5 - 3D Views
20524-HYD-XX-XX-SK-C-0200 P8 - Proposed Levels
2980-SK-02-P1 - Illustrative Landscape Masterplan
2980-SK-03 - P1 - Illustrative Sections
20-176-SGP-B01-ZZ-DR-A-131100 - B01 1a,1b-Warehouse Layout
20-176-SGP-B01-ZZ-DR-A-131101 - B01 1a-Office Layout
20-176-SGP-B01-ZZ-DR-A-131102 - B01 1b-Office Layout
20-176-SGP-B01-ZZ-DR-A-131103 - B01 Warehouse Roof Plan
20-176-SGP-B01-ZZ-DR-A-131200 - B01 Warehouse Sections
20-176-SGP-B01-ZZ-DR-A-131300 - P3 - B01 Warehouse Elevations
20-176-SGP-B02-ZZ-DR-A-131100 - P2 - B02 Warehouse Layout
20-176-SGP-B02-ZZ-DR-A-131101 - P1 - B02 Office Layout
20-176-SGP-B02-ZZ-DR-A-131102 - B02 Warehouse Roof Plan
20-176-SGP-B02-ZZ-DR-A-131200 - B02 Warehouse Sections
20-176-SGP-B02-ZZ-DR-A-131300 - P3 - B02 Warehouse Elevations
20-176-SGP-B03-ZZ-DR-A-131100 - P3 - B03 Warehouse Layout
20-176-SGP-B03-ZZ-DR-A-131101 - P2 - B03 Office Layout
20-176-SGP-B03-ZZ-DR-A-131102 - P1 - B03 Warehouse Roof Plan
20-176-SGP-B03-ZZ-DR-A-131200 - P1 - B03 Warehouse Sections
20-176-SGP-B03-ZZ-DR-A-131300 - P4 - B03 Warehouse Elevations
20-176-SGP-B04-ZZ-DR-A-131100 - P3 - B04 Warehouse Layout
20-176-SGP-B04-ZZ-DR-A-131101 - P2 - B04 4a Office Layout
20-176-SGP-B04-ZZ-DR-A-131102 - P2 - B04 4b Office Layout
20-176-SGP-B04-ZZ-DR-A-131103 - P1 - B04 Warehouse Roof Plan
20-176-SGP-B04-ZZ-DR-A-131200 - P1 - B04 Warehouse Sections
20-176-SGP-B04-ZZ-DR-A-131300 - P4 - B04 Warehouse Elevations
20-176-SGP-B05-ZZ-DR-A-131100 - P3 - B05 Warehouse Layout
20-176-SGP-B05-ZZ-DR-A-131101 - P2 - B05 5a Office Layout
20-176-SGP-B05-ZZ-DR-A-131102 - P2 - B05 5b Office Layout
20-176-SGP-B05-ZZ-DR-A-131103 - P2 - B05 5c Office Layout
20-176-SGP-B05-ZZ-DR-A-131104 - P2 - B05 Warehouse Roof Plan
20-176-SGP-B05-ZZ-DR-A-131200 - P2 - B05 Warehouse Sections
20-176-SGP-B05-ZZ-DR-A-131300 - P5 - B05 Warehouse Elevations
20-176-SGP-B06-ZZ-DR-A-131100 - P3 - B06 Warehouse Layout
20-176-SGP-B06-ZZ-DR-A-131101 - P2 - B06 Office Layout
20-176-SGP-B06-ZZ-DR-A-131102 - P1 - B06 Warehouse Roof Plan
20-176-SGP-B06-ZZ-DR-A-131200 - P1 - B06 Warehouse Sections
20-176-SGP-B06-ZZ-DR-A-131300 - P4 - B06 Warehouse Elevations
20-176-SGP-B07-ZZ-DR-A-131100 - P2 - B07 Warehouse Layout
20-176-SGP-B07-ZZ-DR-A-131101 - P1 - B07 Office Layout
20-176-SGP-B07-ZZ-DR-A-131102 - B07 Warehouse Roof Plan
20-176-SGP-B07-ZZ-DR-A-131200 - P1 - B07 Warehouse Sections

20-176-SGP-B07-ZZ-DR-A-131300 - P4 - B07 Warehouse Elevations
KCC H&T Response Swatlands Farm
KCC H&T Response Swatlands Farm Figures
Access Letter
20524-HYD-XX-XX-SK-C-0004 P1 - RPZ Sections
HYD KCC F&WM Response Letter
EA Response Letter

10.0 APPRAISAL

Principle of Development

- 10.01 For the purposes of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant policies of the Development Plan (Tunbridge Wells Local Plan (2006) and the Council's Core Strategy (2010)) are the starting point for the assessment of the planning application and an assessment on the acceptability of this application. In addition, it is important to consider the material considerations of the National Planning Policy Framework (2021) and other guidance contained within the Planning Policy Guidance.
- 10.02 Furthermore, the evidence base that underpins the Council's Submission Local Plan, in particular the Strategic Sites Masterplanning and Infrastructure Study (February 2021) and the Employment Needs Survey (August 2016) carries significant weight on the matter of the quantum of employment land required in the borough, and the principle of employment development in this location. the Submission Local Plan (which has been through examination) carries moderate weight. The application site forms part of the proposed allocation of STR/SS1 in the Submission Local Plan that sets out the strategy for significant growth around Paddock Wood, including land at east Capel, which includes the proposal for c. 3,500 new homes, together with employment and infrastructure, to transform Paddock Wood into a new garden settlement.
- 10.03 Whilst the site is located outside of the current Limits to Built Development (LBD) of Paddock Wood, it is adjacent to the LBD boundary, located immediately to the south/south-west of the site, and the designated Key Employment Area of the Transfesa Distribution Centre. It is included within the LBD for Paddock Wood in the Submission Local Plan.
- National Policy and Guidance*
- 10.04 The NPPF places great weight on sustainable economic development. Planning policies and decisions should help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 81).
- 10.05 The NPPF also states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations (paragraph 83).
- 10.06 Paragraph 84 comments that policies and decisions should enable through the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 85 goes on to set out that *'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be*

found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'

- 10.07 The proposed development for the creation of 18,150sqm employment floor space and the creation of between approximately 200-2,200 jobs is considered to have significant economic benefits and promote economic growth in the borough. The proposal would be considered to be in accordance with the guidance and aspirations set out within the above NPPF paragraphs.

Adopted Policies

- 10.08 One of the principal aims of the Core Strategy is to ensure a sufficient level of good quality employment land in the Borough to meet strategic and local requirements. The Core Strategy identifies Key Employment Areas (a redefinition of Economic Development Areas defined in the Local Plan) which are areas comprising the main concentrations of traditional economic development activity in the borough outside of the town centres (Core Strategy paragraph 5.175).
- 10.09 Core Strategy Core Policy 7 seeks to deliver developments to meet the employment needs of the borough through a number of ways. This includes the provision of new/intensification of existing, floorspace in the Key Employment Areas (KEAs), where the loss of existing employment floorspace will also be resisted. This reflects the aspirations of Local Plan Policy ED1 which seeks to direct proposals for large-scale B1 light industrial development of 500 square metres gross floorspace or greater (along with proposals for general industry (Class B2) and distribution and storage uses (Class B8), Policy ED3) to Economic Development Areas.
- 10.10 However, Core Policy 7 also states that in order to provide good level of employment provision in the borough, employment development can be permitted on sites not specifically identified for that purpose (in accordance with Core Policy 1: Delivery of Development), if there is no significant adverse impact on residential amenity, local character or highway capacity and/or safety, contrary to other Development Plan policies (criterion 4). This includes sites in rural locations where there is a need for employment uses (Core Policy 1 (2)). Further, Core Policy 7 recognises that the allocation of new employment sites to meet demand during the Core Strategy period may be required if the number of jobs/floorspace required at the regional level cannot be met to be directed to the broad locations, or extensions of the Key Employment Areas (criterion 5).
- 10.11 As stated above, the application site is located immediately adjacent to the Transfesa Distribution Centre which is defined as a Key Employment Area (Paddock Wood Transfesa Road East and West) through Core Strategy Policy 7. Whilst in line with both Core Policy 7 and Core Policy 11 relating to development in Paddock Wood (which emphasises that the *'Redevelopment for current and future business/employment needs will be promoted within the Key Employment Areas to the north of the railway line.'* (Criterion 5)), proposals for the intensification of land within the KEAs will be supported, this does not preclude development outside of the KEAs for employment uses. Indeed, the Core Strategy includes such provision in its strategy for meeting the employment needs of the borough over the plan period subject to other considerations including amenity, impact on local character and

highway capacity. In the first instance, employment development outside of KEAs will be directed to the broad locations/ or through extensions to the KEA.

- 10.12 There is a clear and established need for additional employment uses to meet a need (as identified in the evidence base which underpins the Submission Local Plan), which is detailed further below. The application site lies adjacent to the KEA. The designated KEA (Transfesa Distribution Centre) site is very close to full development, and there is considered to be limited scope for further development within the KEA boundary. This is noted in paragraph 7.25 of the Local Plan which sets out that *'Paddock Wood remains a popular location for B8 uses, but only limited scope exists for new development on the established Transfesa Estate due to the development of virtually all suitable sites, and a limited likelihood that existing premises will be redeveloped.'*
- 10.13 The proposal site is considered to be well related to an existing KEA, well located to main roads and public transport networks, and capable of providing good quality modern accommodation attractive to the market and capable of meeting a range of employment uses to support the borough and local economy. The proposal can be seen, albeit with a separate access, as an extension to an existing KEA to meet an identified need and for the above reasons would be considered to be acceptable in principle, subject to other policies in the Plan, in accordance with the statutory development plan for the borough (Local Plan and Core Strategy). In line with Criterion 4 of this policy, the development will also contribute towards the provision of infrastructure as detailed later on in this report.

Submission Local Plan

- 10.14 Paragraph 48 of the National Planning Policy Framework (NPPF) sets out that *'Local planning authorities may give weight to relevant policies in emerging plans...'*. The Council submitted its proposed Local Plan (Submission Local Plan) to the Inspector in November 2021, upon which the Examination took place between March and July 2022. The Inspector's letter setting out his initial findings is expected shortly (an update will be provided at Committee). At this time, given the Plan has been through examination, moderate weight is attached to the policies within the Submission Local Plan.
- 10.15 The most relevant policy within the Submission Local Plan to this application is considered to be STR/SS1 - The Strategy for Paddock Wood, including land at east Capel. This sets out the strategy for significant growth around Paddock Wood, including land at east Capel, which includes the proposal for c. 3,500 new homes, together with employment and infrastructure, to transform Paddock Wood into a new garden settlement.
- 10.16 Masterplanning work has been carried out to inform the proposed strategic growth in this location undertaken by David Lock Associates (Strategic Sites Masterplanning and Infrastructure Study February 2021). This has assessed the deliverability of the extension to Paddock Wood and east Capel, in terms of site constraints and flood and highways modelling. The viability of the scheme has been tested, and whilst further detail on phasing and mix of dwellings is required, the deliverability and viability of the growth here is considered to be justified.
- 10.17 The pre-amble to the policy sets out that an enhanced employment area within Paddock Wood is to be provided, through the provision of additional high quality employment premises to the north of the established industrial area at Transfesa Way (including this application site). A mix of employment types and sizes are proposed to be promoted to support the balanced economic and employment growth

of Paddock Wood. This, and the proposed development at Swatlands Farm, is considered to help further establish this area as a key business location for the borough and the KEA for Paddock Wood is to be expanded to include these proposed employment areas.

10.18 The Submission Local Plan sets out expanded LBD boundary for Paddock Wood and largely follows the broad location of the proposed allocation. This has again been informed by the Strategic Sites Masterplanning and Infrastructure Study. The application site falls within the LBD boundary for Paddock Wood and as forming part of an extended KEA, which includes the existing Transfesa Distribution Centre, the application site (Swatlands Farm) and Keylands Farm/Field located to the north of the application site and on the opposite side of Lucks Lane.

10.19 The relevant parts of Policy STR/SS1 relating to this proposal are considered to be the following:

2. Provide for the expansion of Paddock Wood and east Capel, which will deliver the following, on the broad locations as identified at Map 28:

g. significant new land for a mix of employment uses on sites to the north and south of Lucks Lane, and to the east of Transfesa Road. These are Key Employment Areas and regard should be had to Policy ED 1. The new employment areas should include walkable links from the new neighbourhoods;

h. a town-wide system of paths and cycle routes, linking out of the town to nearby villages and leisure routes, such as the Hop Pickers Trail;

5. Be developed to a high standard of design and layout. Particular attention to be paid to layout, scale, height, design, and massing to ensure that the development is of a high quality design responding to local character. Planning applications for development should be assessed by a Design Review Panel, at least once at pre-application stage and once following submission of a planning application;

6. Ensure the development embeds the garden settlement principles. Planning applications need to demonstrate consideration of the associated key qualities as outlined in the supporting text;

7. Secure the phased delivery of highway and transport infrastructure, including on and off-line improvements to the A228 around Colts Hill and the provision of a new highway which bypasses Five Oak Green, as shown on Maps 29 and 33;

8. Provide new and improved bus connections to directly link the planned new residential areas with Paddock Wood town centre and the employment areas to the north of the railway line. The use of bus gates should be considered;

9. Provide walking and cycling linkages within the site, together with links to Paddock Wood town centre, employment areas, and surrounding countryside. Development in the eastern parcel, shown as land edged in yellow on Map 27, should make use of, and enhance, the Hop Pickers Trail;

12. Incorporate zero and low carbon energy production, in line with the requirements of Policy EN 3, during early design stages to provide an exemplar scheme with climate change mitigation and adaptation measures and sustainable development principles fundamental to the design, construction, and operation stages;

13. *Ensure a drainage strategy is in place, in consultation with the Local Planning Authority, Kent County Council as the Drainage Authority, and Southern Water prior to the grant of planning permission for any substantial development on the site, unless exceptional circumstances arise. This should demonstrate that there is adequate capacity in the foul sewage network, and that development will not exacerbate flooding elsewhere. The drainage strategy should be implemented through the development to deliver the levels of storage, attenuation, and mitigation measures to reduce the incidence of flooding to adjacent residential areas in Paddock Wood;*

14. *Provide a scheme for the management and funding for green spaces and green infrastructure for each parcel of land as outlined on Map 27, for both amenity and biodiversity for the lifetime of the development;*

15. *Secure developer contributions towards the strategic growth of this area and Tudeley Village, either in kind (normally land) and/or financial, as set out in the Strategic Sites Masterplanning and Infrastructure Study (February 2021) (or a version of this document as amended), to include:*

- a. highway improvements and mitigation measures, including:
 - i. on- and off-line works to the A228;*
 - ii. new bypass around Five Oak Green;**
- b. provision, improvements, and enhancement to bus and cycle routes, and cycle corridors;*
- c. primary and secondary education provision;*
- d. health and medical provision;*
- e. utility provision and upgrades;*
- f. flood defences and mitigation measures;*
- g. improvements and enhancement to sports and recreation provision, including children's and youth play space;*
- h. other necessary mitigation measures which are directly related to the development and fairly and reasonably related in scale and kind.*

The development will be delivered through the production of four Framework Masterplan Supplementary Planning Documents (SPD). This will relate to an overall Structure Plan for the planned growth, and three further SPDs in relation to the following parcels of land, as shown on Map 27:

- 1. Western parcel (edged in blue);*
- 2. Northern parcel (edged in red);*
- 3. Eastern parcel (edged in yellow).*

10.20 The proposed development would result in the expansion of Paddock Wood and the provision of new land for employment uses to the east of Transfesa Road and to the south of Lucks Lane, within a proposed KEA. The principle of employment uses in this location is fully supported by this submission policy. The policy requires a mix of Class E(g), B2 and B8 uses, in order to provide a range of employment uses to support the balanced economic and employment growth of Paddock Wood. A condition is proposed accordingly. Further, whilst the application is silent on the matter, and applies for Class E, B2 and B8 uses, the Policy relates to Class E(g) uses only (i.e. the former Class B1 use) and a condition is proposed to limit the development to these uses only which are the only uses considered appropriate at this time in this location.

- 10.21 The proposal makes provision for active travel routes. This includes the extension of the footway/pavement from the entrance to the Transfesa Destruction Centre to the north-west corner of the site and the adjacent Public Right of Way, which runs between the boundaries of the two sites. The proposal also includes a number of links (including cycle routes) across the site and through to Lucks Lane and allows for future connections to Keylands Farm/Fields. Because of this connectivity and the site's proximity to Paddock Wood and public transport links the site is considered to be easily accessible and aid in the creation of leisure routes. The proposal is therefore considered to be in accordance with part 2h of the above policy.
- 10.22 In regard to parts 5 and 6 of the above policy, the application is in outline form where the design of the units and layout is not detailed at this time and would be dealt with through a reserved matters application, should this application be approved. However, the indicative layout and plans provided are considered to generally respond to the local character of the area and be of a high quality. It is also noted that the scheme was subject to a Design Review in August 2021 and that the scheme has evolved and in design terms has improved as a result of this process and the changes made by the applicant following the recommendations of the Design Panel.
- 10.23 Parts 7, 8 and 9 are discussed later in in the highways and contributions sections of the report. However, in summary the proposal would result in financial contributions towards highway and infrastructure improvements within the immediate area towards highway, bus and active travel routes. The proposal, as previously set out, also provides a good level of walking and cycling provisions and connectivity across the site and links to the routeways into the centre of Paddock Wood, adjacent employment land and the surrounding countryside.
- 10.24 Part 12 of the above policy and energy and sustainability are discussed in a latter section of the report. Policy EN3 of the Submission Local Plan relates to Climate Change, Mitigation and Adaptation and seeks to promote proposal for zero carbon and low emission development. From discussions with the Council's Environmental it is considered that such matters can be adequately addressed at the detailed design stage and through conditions.
- 10.25 In regard to part 13 a drainage strategy has been submitted to accompany the application. This matter is again discussed in more detail later in the report. From discussions with KCC Flood and Water Management, the Environment Agency and Southern Water it is considered that there is adequate capacity in the foul sewage network and that the development will no exacerbate flooding elsewhere.
- 10.26 As set out in greater detail later on in the report the proposal is considered to provide/retain a good level of green space at the site along with a significant level of contributions in accordance with parts 14 and 15 of the above policy. it is noted that approximately half of the site is proposed to remain undeveloped.
- 10.27 Whilst the proposal is outline form, with access being the only details, it is considered, for the reasons set out above and later in the report, that the proposal is in accordance with the aims and criterion of Policy STR/SS1 of the Council's Submission Local Plan.
- 10.28 Policy STR1 of the Council's Submission Local Plan relates to the Development Strategy and sets out the broad development strategy for the Council and seeks to ensure/deliver a minimum of 14ha of employment (Use Classes B and E) land is developed along with supporting infrastructure and services. Part 2 of this policy

seeks to focus new development within the Limits to Built Development of settlements, as defined on the Policies Map, where proposals accord with other relevant policies of this Plan. Part 3 of this policy seeks to provide for the growth of settlements together with: Major, transformational expansion of Paddock Wood, following garden settlement principles and providing flood risk solution.

- 10.29 As set out above the application site is provisionally proposed with the Council's Submission to be situated within the LBD of Paddock Wood and part of a designated Key Employment Area. The proposed development would make a significant contribution towards the delivery of 14ha of employment land in the borough as set out within the above policy along with supporting infrastructure and services (see later sections of the report). The proposal would provide a high level of employment opportunities in Paddock Wood and would be assist in the growth and transformation of Paddock Wood. The proposed development is considered to meet with the requirements and aspirations of Policy STR1 of the Council's Submission Local Plan.
- 10.30 Policy ED1 of the Submission Local Plan relates to the Key Employment Areas. The application site is proposed to form part of a designated KEA, which also includes the existing Transfesa Distribution Centre and a parcel of land to the north of the site and Lucks Lane. Policy ED1 sets out that proposals for the new floor space in KEAs on allocated sites will be supported in principle. It also sets out within a table that proposals for new employment provisions to include the uses of Class B2, B8 and E in the KEA of Paddock Wood Transfesa Road East and West will be acceptable. The proposed development is therefore considered to comply with Policy ED1 of the Council's Submission Local Plan.
- 10.31 For the above reasons the proposed development is considered to be acceptable in principle and in accordance with the relevant policies of the Submission Local Plan.

Economic Needs Study

- 10.32 The Submission Local Plan and the policies discussed above have been drafted to take account of the findings of the Economic Needs Study 2016, undertaken by Turley in association with Colliers International on behalf of the Council. The overall findings of this study are that there is a lack of available land and premises, as well as ageing employment stock within the Borough and that there has been a significant loss in employment space in recent years with little significant new development. Therefore, it is a key aim of the Submission Local Plan to plan positively for new employment development over the next 20 years of at least 14 hectares and that opportunities should be provided to actively facilitate new business growth and expansion.
- 10.33 The study sets out that the 'Maidstone Road area of Paddock Wood remains a strong employment location and supports a range of food use manufacturing and distribution. The land east of Maidstone Road is predominately occupied by the Transfesa Road Industrial Estate. The Transfesa site, which has a direct link onto the station concourses, is relatively flat and fully developed. There are no adjacent uses which are sensitive to the range of employment uses on site. The estate is fully occupied with current tenants including Warburtons, Steller UK with the largest unit let at c.3,906 sq m (42,000 sq ft) to Restore Ltd and the smallest unit at 1,116 sq m (12,000 sq ft) to Fastnet fish.'
- 10.34 The study's view goes onto to consider that the Transfesa site is a good employment site and suitable for B1, B2 and B8 uses. Whilst there are small pockets of B1a (office, now Class E(g)) accommodation, it does not conclude that this would be

suitable as a wholly office location and it is no threat to the established centres in Tunbridge Wells.

- 10.35 It is recommended in the study that the Transfesa employment site should be retained, but recognises that due to the area being fully developed there is limited scope for further development within the KEA boundary. It comments that a number of sites do, however exist on both sides of Maidstone Road which may be suitable for future development and expansion and there is already evidence of new development appearing on Maidstone Road, to the north of the existing employment areas. It considers that these sites offer better access to the road network and there may be scope to see further expansion in the land between the developed plots. Redevelopment within the existing employment areas is also expected as tenant requirements and mix change on site.

Mix of Uses

- 10.36 The proposed indicative plans show predominately the creation of B2 and B8 floorspace with some Class E floorspace shown to provide ancillary office space. As set out above there is considered to be a need for additional employment floorspace in the borough. The proposed uses would be considered to be broadly in line with both existing and emerging policy which seek to direct such uses to KEA's as well be in keeping with the existing uses within the adjacent Transfesa Distribution Centre. For these reasons it is not considered that the proposed uses at the site would be out of context with the site locality and would provide a good range of employment opportunities.

- 10.37 Whilst it is noted that only a limited amount of Class E floorspace is shown to be provided, in comparison to B2 and B8 floorspace, and only in the form of ancillary office space, it is considered that a greater amount of Class E floorspace would likely generate a significant increase in transport movements to and from the site, particularly at peak travelling times for an office use. It is however recognised that there is a need for ancillary office space to support B2 and B8 units. It is noted that Class E covers a broad range of uses which include the following:

E(a) Display or retail sale of goods, other than hot food

E(b) Sale of food and drink for consumption (mostly) on the premises

E(c) Provision of:

E(c)(i) Financial services,

E(c)(ii) Professional services (other than health or medical services), or

E(c)(iii) Other appropriate services in a commercial, business or service locality

E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)

E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)

E(f) Creche, day nursery or day centre (not including a residential use)

E(g) Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes

E(g)(iii) Industrial processes

- 10.38 In the interest of preventing uses that would harm the vitality or viability of the town centre, highway safety, residential amenity and the character of the area a condition has been attached which would limit the amount of Class E floorspace and restrict this to Class E(g) only. Class E(g) is a use that by definition can be carried out in a residential area without detriment to amenity. A condition has also been attached to

ensure an appropriate mix of Class B2, B8 and E(g) are provided at the site as identified by the SLP policy. It is also acknowledged by the Economic Needs Study, when discussing the Transfesa Distribution Centre, that this location would not be suitable as a wholly office location.

- 10.39 The development is considered to provide an appropriate mix of employment uses and opportunities that would be appropriate for the site's locality. The proposed uses and mix is considered to be in accordance with relevant policy, guidance and supporting evidence. There is therefore no objection to the proposed uses or the mix subject to a condition.

Sustainable Development

- 10.40 Clearly, an important element of the principle of development is whether the proposal would constitute sustainable development having regard to the local plan policies and the NPPF. This is outlined within Paragraphs 7 to 11 of the NPPF which goes on to explain that there are three dimensions to sustainable development:

***“an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

***a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

***an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

- 10.41 It is therefore clear that sustainability is a multi-faceted and broad-based concept. It is often necessary to weigh certain attributes against each other in order to arrive at a balanced position with regard to the sustainability of the scheme overall.

Social objective

- 10.42 In terms of principle of the development it would provide a range of employment opportunities, which would contribute to the creation of a sustainable community at Paddock Wood. In terms of the location, the site abuts the Limits to Built Development (LBD) at its south/south-western boundary but falls outside of the LBD boundary to Paddock Wood. The site lies to the north/north-east of the Transfesa Distribution Centre which is a designated Economic Development Area and Key Employment Area. As such, the site offers good connectivity with the existing highway network travelling both south-west into the urban area of Paddock Wood and north east to the A228.
- 10.43 In terms of pedestrian links, there is currently a field gate access onto Lucks Lane. A PROW runs along sites south/south-west boundary, however there are presently no direct routes onto this route way from site or onto Maidstone Road. An existing footpath is located to the south-west of the site at the entrance point of the Transfesa Distribution Centre. The proposal is to extend this footway along Maidstone Road and to the north-west corner of the plot and the PROW. The proposal also includes

several pedestrian access points along the south/south-west boundary of the site onto the PROW and additional routeways across the site and onto Lucks Lane. The proposal is considered to include good pedestrian links and that the proposals would improve pedestrian/cycle links into the site as well as encourage train users to walk, cycle or travel by bus to the site.

- 10.44 Taking the above points in to consideration, the proposal is considered to offer some good attributes and would be sustainable from a social perspective.

Environmental objective

- 10.45 In terms of the environmental objectives, the site is within a relatively sensitive location being located within the countryside, adjacent to a Public Right of Way and Rural Lane and forming part of the approach to the more built up parts of Paddock Wood. The site is devoid of built form and comprises an agricultural parcel of land with strong boundaries of trees and hedgerows along with a central tree line, an orchard and several small water courses running into and across the site. Much of the boundary hedgerows and trees form a significant element to the character of the site and its edge of settlement/rural character. Views into the site from adjacent public vantage points are considered to be generally limited by virtue of the boundary planting. It is also noted that the impact of the development and built form at the site would be further softened by additional landscaping and planting.
- 10.46 The proposal includes predominantly Class B2 and B8 uses along with some Class E space. The submitted parameter plan and illustrative plans show that the buildings and built form is to be located towards Maidstone Road, yet retains the woodland to the front of the site along with a buffer. This position of built form allows for a good level of landscaping and ecological enhancements to the east/south-east and around the boundaries of the site. The retention and enhancement of the existing boundary planting and screening is considered to soften the appearance of the changes in land form. The undeveloped parts of the site would include landscaped areas within the site and would be secured under a Landscape and Ecological Management Plan (LEMP) (discussed in more details later in this report) providing some landscape mitigation.
- 10.47 There is a central tree line running across the site along with the woodland to the front and orchard within the south-east corner. The vast majority of this would be untouched. Although there would be some tree loss, this has been justified within the submission and could be mitigated by the re-planting of trees and landscaping within the site (the specific tree impact is discussed in more detail later in this report).
- 10.48 Whilst there would clearly be some landscape harm by virtue of the introduction of this development onto this greenfield site, this harm would be reduced by virtue of the design qualities and landscape mitigation secured within this scheme. The environmental harm is to some extent limited by virtue of the fact that the site lies outside of the Green Belt or AONB. Furthermore, the development and future management offers the opportunities to safeguard and appropriately manage the wider site, landscaping and woodland to secure protection of the features and some long term benefits. With this in mind, it is considered that the proposal would be sustainable from an environmental perspective.

Economic objective

- 10.49 A number of important economic considerations have already been discussed above such as the contribution of the development towards delivering a significant amount of the required employment land for the next plan period. Once fully built out, the site could provide in the region of between 200 and 2000 new jobs and could also create

additional jobs in the supply chain through processes once operational providing a significant and valuable boost to the local economy. The site would also have a significant impact during construction and would provide a number of short term employment opportunities during the construction phase.

- 10.50 The development of the site offering this level of future employment opportunities would also have the benefit of reducing commuting for local employees providing a more sustainable workplace which would be accessible by public transport as well as by major arterial highways routes. This would improve further the social aspect of sustainable development by providing greater levels and choices of employment to local people.
- 10.51 As discussed previously it is a key aim of the Submission Local Plan to plan positively for new employment development over the next 20 years and deliver at least 14 hectares of further employment space. The Economic Needs Study has identified that there is a lack of available land and premises and recognises that adjacent sites to the Transfesa Distribution Centre may be appropriate for employment development. The development would be considered to provide a significant contribution towards meeting the borough's employment needs as identified with the Submission Local Plan and the Economic Needs Study.
- 10.52 As such, the economic impacts and benefits of the scheme would clearly provide significant economic stimulus to the borough and local area. With this in mind, it is considered overall that the proposal would be sustainable from an economic perspective.

Loss of Agricultural Land

- 10.53 Paragraph 174 (b) of the NPPF sets out that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 10.54 Policy EN20 of the Council's Submission Local Plan seeks to protect the most versatile agricultural land from significant, inappropriate, or unsustainable development.
- 10.55 However, the application site is not considered to be well connected to a wider field complex and is of a relatively limited size as an agricultural holding. There are a number of features in and around the site such as streams and woodland along with the topography that restricts the range of crops that can be grown and the manner in which they can be cultivated. Cultivation in this location will also be restricted by seasonal wetness. It is also noted that there is no agricultural infrastructure on site such that its loss would compromise operation of the wider agricultural operations. The site is well below the 20ha in size that would trigger a specific consultation with Natural England but in any event the site is within the Submission Local Plan as an allocation for employment and the loss of the land for agriculture has also been considered as part of that process. It is understood that the site has only been used informally as grazing land and for hay production. Based on the above there is no objection in regards to the loss of the site as agricultural land.
- 10.56 Notwithstanding the above, it is also considered that other material considerations relevant to this proposal, being the very significant economic benefits of the proposed development as outlined above and the contribution to creating a new garden

settlement, would outweigh the harm caused with the loss of this land for agricultural purposes.

Summary

- 10.57 Overall, the proposal is considered to constitute sustainable development having assessed the development against the three objectives as highlighted within the NPPF and set out above. The proposal is considered to be in accordance with national, local and emerging policy and is considered to provide significant economic benefits to the borough. It is therefore considered that the principle of the development is acceptable.

Highways and Parking

- 10.58 Paragraph 105 of the NPPF states that *'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'*
- 10.59 Paragraph 110 goes on to set out that *'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) safe and suitable access to the site can be achieved for all users;*
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*
- 10.60 Paragraph 111 of the NPPF sets out that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
- 10.61 Core Policy 3 of the Council's Core Strategy relating to Transport Infrastructure seeks to promote sustainable modes of transport, including cycling, walking and the use of public transport in order to reduce dependence on private car use. It seeks to improve pedestrian and cycle links across the borough and pursue improvements to transport links in the rural areas along with conserving and enhancing the rural lanes network to ensure that they are convenient and safe for users. The policy also seeks to provide adequate provision for the maintaining and improvement of transport infrastructure at the strategic and local levels through working with partners and seeks to improve the strategic rail and highways networks, including the A228, situated approximately 1km to the north of the site.
- 10.62 Policy TP1 of the Council's Local Plan relates to Travel Plans and requires that proposals for large scale non-residential developments to be accompanied by a transport assessment and travel plan to demonstrate the adequacy of the transport infrastructure to serve the development. Policy TP4 relates to access to the road network and sets out that proposal will be permitted provided that the road network

has adequate capacity to cater for the traffic which would be generated from the development, that a safely located access with adequate visibility splays can be created/provided, that outside the LBD the development would not involve the provision of an additional access onto a primary or secondary route and that the traffic generated from the proposal does not compromise the safe and free flow of traffic or the safe use of the road by others. The policy also requires that where a proposal requires highway improvements that the developer will be required to meet the cost of the improvements where these are fairly and reasonably related to the development. Policies TP5 and TP9 of the adopted Local Plan seek to ensure adequate parking and cycling provisions respectively.

- 10.63 Policy TP1 of the Council's Submission Local Plan relates to transport statements, travel plans and mitigation. The policy seeks to ensure that developments provide a satisfactory transport assessment and are able demonstrate that the impacts of trips generated from a proposal will be mitigated to avoid causing an unacceptable impact on highway safety. Policy TP2 relates to transport designs and accessibility and seeks to ensure that proposals are safe for all users and create a high quality built environment that enhances the public realm, which greatly contributes to the attractive character of the borough. It also seeks to ensure that schemes enable sustainable travel, including active travel and public transport as alternative modes of transport to the private car as well as permeability through sites through the maintenance and enhancement of linkages to the public footway network. Policy TP3 which relates to parking standards seeks to ensure that adequate parking is provided and that proposals for non-residential developments within the borough shall apply the maximum parking standards in accordance with Kent County Council's guidance.
- 10.64 The Submission Local Plan seeks to deliver the growth around Paddock Wood, which includes employment uses on this site, on garden settlement principles (Policy STR/SS1). Key to this is the emphasis on active travel and the reduction in the reliance on the private car.

Access and Movements

- 10.65 As set out within the proposal section of the report, the development seeks to provide access onto Lucks Lane and widen it to the west of the proposed access, including the junction onto Maidstone Road, to allow for two way large vehicle movements.
- 10.66 A number of pedestrian and cycle routes are proposed into and across the site along with connections to the Public Right of Way (WT249), which runs adjacent to the south/south-west boundary of the site. The existing footway on the eastern side of Maidstone Road, outside of the entrance to the Transfesa Distribution Centre, is proposed to be extended to connect to the site and the Public Right of Way which runs between the Transfesa Distribution Centre and the application site. These improved connectivity and linkages are considered to be in accordance with the Paddock Wood Master Plan.
- 10.67 The site is considered to be well located in regard to accessibility and public transport links being located adjacent to the existing LBD boundary of Paddock Wood and within the proposed LBD boundary set out within the Council's Submission Local Plan. The site is located adjacent to a Public Right of Way and approximately a 15 minute walk from Paddock Wood Town Centre (using the footway along Maidstone Road) and the railway station and whilst there are no designated cycle routes within the proximity to the site, it is generally considered that much of the local highway network within Paddock Wood is suitable for on-carriageway cycling. The Council's Submission Local Plan also seeks to deliver a programme of pedestrian and cycle infrastructures enhancements within and around Paddock Wood under the proposals

within the Local Cycling and Walking Infrastructure Plan (LCWIP), which formed part of the evidence base for the Submission Local Plan. Contributions will be sought from the development to contribute to the works identified to be delivered within Paddock Wood as part of its transformational expansion into a new garden settlement. There are also a pair of bus stops located along Maidstone Road (known as 'Eastlands') situated approximately 130m from the site. Two bus routes utilise this stop and stop every 1-2 hours. Further, through the proposed growth around Paddock Wood, enhanced bus services will be provided to connect the employment areas to the town centre and existing and proposed residential areas, and again contributions from the development will be sought towards the improved bus provision. There are adequate existing active travels links (pedestrian links, proximity to the railway station and ability to cycle within the Paddock Wood Road network), and significant improvements planned through the strategic growth of Paddock Wood, to which this development is contributing towards. It is not considered that access to the site by future employees or users would be entirely dependent on the use of a private vehicle. The development will help deliver the modal shift sought through the Submission Local Plan for the growth proposed in this area.

- 10.68 Details of Personal Injury Collision (PIC) have been provided as part of the application for the period between 1st April 2018 – 31st March 2021 for the local highway network within the site vicinity. Three incidents were recorded at the roundabout junction of the B2160 Maidstone Road / A228 Whetsted Road / Branbridges Road, with two resulting in 'slight' injury and one resulting in 'serious' injury. The first incident resulting in 'slight' injury occurred when a vehicle travelling south on the A228 Branbridges Road collided with the roundabout island in wet weather conditions. The second incident involving a 'slight' injury occurred when a light goods vehicle collided with a heavy goods vehicle at the roundabout. The incident resulting in a 'serious' injury occurred when a vehicle travelling north on the B2160 Maidstone Road collided with a tree in thick fog. It is noted that there were no recorded incidents at the B2160 Maidstone Road / Lucks Lane junction or on Lucks Lane itself. As such, and in view of the number and nature of the incidents recorded in the wider vicinity, it is not considered that the proposed development would materially exacerbate any pre-existing highway safety concerns locally.
- 10.69 An Automatic Traffic Count (ATC) has also been submitted to accompany the application. The survey was undertaken in the vicinity of the B2160 Maidstone Road / Lucks Lane junction during the week commencing 17th July 2021 and recorded the 85th percentile vehicle speeds of 44.6mph northbound and 46.5mph southbound. Utilising a driver reaction time of 2 seconds and a deceleration rate of 2.452m/s² (for speeds of over 37mph, in accordance with Manual for Streets 2 guidance), the visibility requirement at the junction were established and the visibility splays proposed to be provided have been designed with these speeds in mind.
- 10.70 An independent Road Safety Audit (RSA) of the proposed site access design and off-site highways works was undertaken by Road Safety Answers on 26th November 2021. The proposed access design and highway works are considered to satisfy all of the RSA requirements and it is therefore considered that safe and suitable access to the proposed development has been adequately demonstrated.
- 10.71 The applicant explored providing a new access into the site from Maidstone Road, as opposed to the proposed access along Lucks Lane and widening the immediate section of Lucks Lane from Maidstone Road. This was explored reflecting high level draft masterplanning work undertaken by David Lock Associates of the employment sites. Whilst the principle of creating a new access from the Maidstone Road, which is a B road, would likely be acceptable to KCC, to create a new access would require

a very wide opening to allow for sufficient visibility splays. This would require a significant loss of trees in this part of the site which is not considered desirable to the Council's Tree Officer as these trees are high value, particularly as a group, whereas the proposed access point and widening of Lucks Lane would result in the loss of a lesser number of trees which in arboricultural terms are considered to be of a lesser value as they do not form part of a group like those do adjacent to Maidstone Road, which add to the edge of settlement character in this location. The grouping of trees adjacent to Maidstone Road are also considered to be of greater ecological value in comparison to the individual trees proposed to be removed to create the proposed access onto Lucks Lane. The proximity of any new access to the existing access onto Lucks Lane from Maidstone Road may also raise issue. Moreover, given the proximity of the Lucks Lane junction and the adjacent commercial site access, a further access on the B2160 would potentially be constrained by the required junction stagger distances required by KCC. Therefore, it is considered that the proposal which utilises the access onto Lucks Lane is acceptable to facilitate the development, and to unlock the site to the north of Lucks Lane which is also allocated in the submission Local Plan for employment uses.

- 10.72 The outline application seeks planning permission for flexible Class E, B2 and B8 uses. It is noted in this respect that vehicular trip attraction potential of these uses varies significantly, with office uses (Class E(g)) generating up to five times as many trips as a B8 warehousing and distribution use over a 12-hour working day and three times as many trips as a B2 industrial use.
- 10.73 The application proposes only small-scale, ancillary office uses; however, the submitted Transport Assessment has assumed that these are standalone facilities. Moreover, the 'worst case' B2 trip rates have been applied to the remainder of the proposed floorspace. This has resulted in a highly robust assessment, as requested by KCC Highways.
- 10.74 The proposed development in the 'worst case' is forecast to attract a total of approximately 184 trips during the weekday AM peak hour (08:00-09:00) and 163 trips during the weekday PM peak hour (17:00-18:00). Across the 12 hour weekday period (07:00-19:00) the development is anticipated at its 'worst case' to generate approximately 1,506 vehicle movements, which equates to approximately 126 trips per hour.
- 10.75 On this basis, the Transport Assessment forecasts that the B-Class floorspace would attract 95 vehicle movements in the AM peak hour and 72 in the PM peak hour. However, if the final scheme had a higher proportion (e.g. 50%) of smaller light industrial start-up units, the number of vehicle movements would be likely to fall to around 63 movements (or approximately one per minute) in the AM peak hour and 48 (or fewer than one per minute) in the PM peak hour.
- 10.76 The TRICS trip rates applied in the Transport Assessment also reflect pre-Covid working patterns, when home-based and flexible working was much reduced compared to the present day and peak period vehicular trip attraction was generally greater. This adds a further layer of robustness to the assessment. This is consistent with the approach taken for the SLP, which assessed the trip generation from the growth of Paddock Wood and other developments in the area at a worst case scenario in agreement with the Highway Authority and National Highways.
- 10.77 KCC Highways and National Highways have considered the proposal and its access arrangements and have no objections on highway safety grounds but have set out the need for contributions (discussed within the contributions section) and conditions.

It is therefore considered that subject to appropriate mitigation, through conditions and contributions that the proposed development would not have a detrimental impact upon highway safety and therefore does not warrant refusal on such grounds. The proposal is considered to have appropriate and safe access provisions to accommodate the development and its movements.

Parking

- 10.78 330 car parking spaces are shown to be provided to serve the indicative units along with 46 motorcycle parking spaces, 110 cycle parking spaces and 24 HGV parking spaces. These provisions are based upon the maximum level of parking needs at the site should all of the units be in a use which requires a higher level of parking requirements. These provisions are likely to change at reserved matters stage when the layout, scale and use of individual units are fixed.
- 10.79 Policy TP3 of the Council's Submission Local Plan comments that TWBC will continue to require developments to meet the requirements set by KCC. KCC Parking Standards for non-residential development sets out the following standards and guidance:
- B1 (now Class E) uses up to 500sqm – 1 space per 20sqm;
 - B1 (now Class E) uses between 500sqm and 2,500sqm – 1 space per 25sqm;
 - B2 uses over 200sqm – 1 space per 50sqm; and
 - B8 storage and distribution uses – 1 space per 110sqm.
- 10.80 The guidance also sets out that for B1 (now Class E) and B2 uses that "Adequate facilities should be provided to enable delivery vehicles to park and manoeuvre clear of the public highway".
- 10.81 In regard to B8 uses, an additional 1 space per 300sqm is expected to be provided for goods vehicle parking and for B2 uses, 1 space per 200sqm is also anticipated to be provided for goods vehicles. However, the guidance notes that "for large developments the provision for goods vehicles only applies up to a maximum of 6 spaces. For sites where more provision is required, a minimum of 6 spaces should be provided with the actual number being determined by consideration of the operational requirements and demonstrated through a Transport Assessment." Furthermore, for B8 uses, the guidance states that "parking provision for associated office space to be determined using the standards set out under Land Use Class B1."
- 10.82 The relevant minimum cycle parking standards set out within the guidance are as follows:
- One space per 1,000 sqm for short-to-medium-term parking; and
 - One space per 200 sqm for medium-to-long-term parking.
- 10.83 The relevant minimum motorcycle parking standard is:
- One space plus one space for every 20 car parking spaces.
- 10.84 In regard to disabled parking standards the guidance generally requires:
- Car parks for up to 40 spaces – 2 designated disabled spaces + 1 space of sufficient size, but not designated.
 - Car parks with 40-200 spaces – 4 designated disabled spaces or 5% of the total capacity (whichever is the greater).

- Car parks with greater than 200 spaces – 6 designated disabled spaces + 2% of the total capacity.

10.85 It is noted that the site is submitted in outline, with all matters reserved, expect for access. Therefore, detailed consideration of the onsite car, motorcycle, bicycle and HGV parking provisions will be assessed in greater details in any future Reserved Matters applications. Nonetheless, it is considered that the overall parking shown on the indicative plans submitted as part of this application meet the requirements of KCC Parking Standards and are in in-keeping with the use classes proposed for the site. The onsite parking provisions may change at reserved matters change where they will be considered further when greater detail surrounding end occupiers and use of units will be available.

10.86 It is also noted that neither KCC Highways or Highways England have objected or raised concern in regard to the level of parking provisions indicatively shown. It is therefore considered that in regard to parking the proposed development is acceptable and would not result in a detrimental highway safety impact. However, again this matter will be considered in greater detail at the reserved matters stage.

Travel Plan

10.87 A travel plan has been submitted with the application, which provides an initial strategy for managing all travel needs and transport provisions and seeks to reduce reliance on single-occupancy car travel to and from the site. The plan aims to encourage staff and visitors to switch to more sustainable modes of travel where possible.

10.88 One of the initiatives of the plan is to promote car/lift sharing and seeks to promote this initiative through:

- The promotion of <https://liftshare.com/uk/community/km>, which links two or more people (not necessarily from the same site) travelling from the same place and has a high rate of matches. Information packs can be requested online;
- The provision of practical advice on car sharing, including publicising the benefits using leaflets and Welcome Pack for all new staff;
- The creation of an in-housing database for staff, to co-ordinate lift sharing opportunities; and
- Discussion with a local taxi firm to provide an emergency lift home service, for staff who have car shared.

10.89 The plan also seeks to promote walking and cycling to the site and is to promote this initiative through:

- Promote the health benefits of walking and cycling via notice boards in communal areas; for example “walking one mile in 15 minutes burns a similar number of calories as running one mile in 9 minutes” and “cycling 4 to 5 miles only takes around 20 minutes”;
- Provide a Welcome Pack to new staff members, which will contain information regarding local pedestrian routes and cycle access, to encourage them to utilise this infrastructure;
- Ensure that pedestrian and cycle routes within the site are maintained and are well lit;
- Consider taking part in the ‘Bike2Work’ scheme, offering employees the opportunity to purchase a bicycle at a reduced price (<https://www.bike2workscheme.co.uk/>); and
- Ensure the upkeep of convenient and secure cycle parking.

- 10.90 The promotion of the use of public transport is also proposed as an initiative as is to be promoted by:
- Information presented via notice boards and in a employees Welcome Pack, including the latest bus and train timetable information, ticket prices and discounts, as well as details of https://www.connectedkentandmedway.org/ssp/kentv2/landing_page.jsp and <https://www.traveline.info/>; and
 - Liaising with public transport operators about the possibility of providing 'taster' tickets for employees for one month after occupation.
- 10.91 The development also seeks to provide EV charging points, provide eco driver training and driver aids, promote remote working, promote occupiers using local suppliers, provide visitors with details of various sustainable travel options to the site.
- 10.92 A Travel Plan Coordinator (TPC) is proposed to be appointed for the site and/or each unit, who will take a leading role in overseeing the implementation of the Plan. The TPC will also oversee the various measures outlined in the Travel Plan as well as being responsible for co-ordinating the monitoring of all travel surveys.
- 10.93 A principal marketing task is proposed within the first few months of implementation will be the distribution of information to all staff, ensuring that they are fully aware of the alternative modes of transport available. This information is proposed to be provided within a Welcome Pack for staff.
- 10.94 A travel plan has been conditioned, in line with the recommendations of the relevant consultees, in order to reduce dependency on the private car and shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement.
- Alternative Access Arrangements*
- 10.95 Concerns have been raised by local residents and the Town Council in regard to the access arrangements and commented that alternative access points into the site should be considered. To clarify, and as set out above, the proposed access arrangements, following discussions with Highways England and KCC Highways are considered to be acceptable.
- 10.96 The applicant has explored alternative access arrangements. One alternative considered was providing access into the site from Maidstone Road. Whilst the principle of a creating a new access point into the site directly from Maidstone Road could be acceptable, as discussed above this would result in significant loss of trees in order to accommodate the access and the required visibility splays. These trees are considered to be of high long term value in arboricultural terms as a group and of high ecological value noting that they provide good opportunities for habitats. It is also considered that they provide a positive contribution to the visual setting and approach to the more built-up parts of Paddock Wood. It is considered that a proposed access at this point would have a greater visual, arboricultural and ecological impact when compared to the proposed arrangements. It is also noted that due to the likely proximity of an access point directly onto Maidstone Road in relation to the Maidstone Road/Lucks Lane junction and Maidstone Road/Transfesa Distribution Centre junction that a new access onto Maidstone Road would likely be constrained by the required junction stagger distances required by KCC.

- 10.97 It is also noted that the proposed widening of Lucks Lane would allow for the site allocated to the north within the Submission Local Plan (Keylands Farm) for employment purposes to also create an access onto Lucks Lane within the widened part. Therefore, not resulting in a potential additional access point on to Maidstone Road. This is again considered to have visual, ecological and arboricultural benefits. It would also be considered to aid in the retention of the semi-rural approach to the more built-up parts of Paddock Wood.
- 10.98 Consideration has also been given to an access point via the Transfesa Distribution Centre. From reviewing this option, the land is not part of the application site, is not under the applicant's control and has not been submitted as part of the call for sites process. Therefore, it cannot be considered to be deliverable and therefore is not an option that can be pursued. In any case, even if it were available there would appear to be issues relating to the amount of floorspace that could be provided and the layout of the scheme that would result in a poorer development.
- 10.99 For the above reasons and as set out previously in the appraisal section the proposed access arrangements are considered to be acceptable and the application does not warrant refusal on such grounds.

Contributions

- 10.100 The Submission Local Plan strategy for Paddock Wood and east Capel (Policy STR/SS1) includes a comprehensive infrastructure framework to deliver the growth on garden settlement principles. This includes a suite of highway and sustainable transport measures, which primarily relate to the proposed residential growth.
- 10.101 However, some of these are also of relevance to the mitigation required for the traffic and active travel movements generated by this proposal. Namely contributions towards the A228 Whetsted Road/B2160 Maidstone Road roundabout, bus route subsidy and local cycling and walking infrastructure.
- 10.102 With the above in mind, and in agreement with KCC and the applicant, to assist with the delivery of these highway and connectivity improvements and to mitigate the impact of the developments it is appropriate to seek contributions towards the roundabout improvements, improvements towards local cycling and walking infrastructure and towards a bus route subsidy.

Summary

- 10.103 Following the above assessment, the comments from KCC Highways and National Highways it is considered that the proposed highway arrangements are acceptable, subject to conditions and contributions, and would not be considered to have a detrimental impact in terms of highway or pedestrian safety. Further the development will contribute to improving the accessibility of the site by non-vehicle movements, and integrating into the existing town, and proposed expansion of Paddock Wood, in a sustainable manner in line with the garden settlement principles sought. It is therefore considered that the application is acceptable on highways grounds.

Visual Impact

- 10.104 Chapter 12 of the NPPF emphasises the importance of achieving good design through the development process. Paragraph 126 sets out that good design is a key aspect of sustainable development and Paragraph 134 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

- 10.105 Core Policy 14 (6) of the Council's Core Strategy stresses that a policy of restraint will operate in order to maintain the landscape character and quality of the countryside. Core Policy 4 comments that the Borough's built and natural environments are rich in heritage assets, landscape value and biodiversity, which combine to create a unique and distinctive local character and seeks to conserve and enhance this locally distinctive sense of place and character.
- 10.106 Policy EN1 of the adopted Local Plan requires that the design of the proposal, encompassing scale, layout and orientation of buildings, site coverage by buildings, external appearance, roofscape, materials and landscaping, would respect the context of the site, would not result in the loss of significant buildings, related spaces, trees, shrubs, hedges, or other features important to the character of the built up area or landscape, there would be no significant adverse effect on any features of nature conservation importance which could not be prevented by conditions or agreements, the design, layout and landscaping of all development should take account of the security of people and property and incorporate measures to reduce or eliminate crime, and that the design of public spaces and pedestrian routes to all new development proposals should provide safe and easy access for people with disabilities and people with particular access requirements.
- 10.107 Local Plan Policy EN25 sets out the criteria that development outside the LBD is required to satisfy; including that the proposal has a minimal impact on the landscape character of the area and would respect the architectural and historic integrity of any nearby listed buildings.
- 10.108 The site falls within LCA 13: Paddock Wood/Five Oak Green Low Weald Farmland of the Borough's Landscape Character Area Assessment. The summary of this character area describes 'This area occupies the gentle footslopes of the High Weald and is an important transition between the Fruit Belt and the flat arable and pasture land of the Low Weald and the Medway valley from which it derives much of its character. It is an agricultural landscape with extensive arable fields and local areas of fruit orchards and includes the urban area of Paddock Wood, which has grown up around the rail station.'
- 10.109 Within the section addressing 'Detractors and Opportunities' in the Landscape Character Area assessment it states; 'Extensive suburban residential development at Paddock Wood and, to a lesser extent, at Five Oak Green, often with a flat and open urban/rural interface. The settlements are frequently ringed by poorly managed urban fringe countryside. Large buildings on the edge of Paddock Wood are visually conspicuous due to their white or light colour which contrasts with the surrounding green/ brown landscape. New development around the edge of existing settlements should be unobtrusive and tie in with the local landscape character through appropriate planting treatments. It would be beneficial to target landscape enhancements anywhere but most importantly along the transport corridors and settlement margins.'
- 10.110 Within the emerging Submission Local Plan, Policy EN1 outlines various criteria which all proposals for development will be required to satisfy. With regard to visual impact, the policy requires that proposals should retain and, where appropriate, enhance buildings that contribute positively to the locality and street scene, heritage assets, open spaces, trees/vegetation, features of biodiversity/geodiversity, or other features important to the built or landscape character of the area, unless the proposed development is demonstrably improved overall. In addition, the siting, layout, density, spacing, orientation, and landscaping must respect site characteristics including its topography, natural features, relationship with immediate

surroundings, historic setting, and views into and out of the site. The scale, form, height, massing, proportions, external appearance, and materials should also be compatible with existing buildings, building lines, landscape, treescape, roofscapes, and skylines. Moreover, any car parking and/or servicing should be appropriate to site context and designed and located so as not to cause material harm to the visual amenity and not dominate the street scene and/or public realm.

- 10.111 Policy EN18 of the Submission Local Plan relates to the Rural Landscape and requires developments to conserve and enhance the unique and diverse variety and juxtaposition of the borough's landscape and the special features that contribute positively to the local sense of place, include appropriate mitigation to ensure against significant harm to the landscape setting of settlements, including historic farmsteads and hamlets, not result in unsympathetic change to the character of a rural lane, which is of landscape, amenity, nature conservation, or historic or archaeological importance, restore landscape character where it has been eroded and to preserve intrinsically dark landscapes in accordance with Policy EN8 (Outdoor Lighting and Dark Skies).
- 10.112 In terms of the impact upon the landscape, the site is sensitive in terms of its rural character which feels intensified from inside the site by virtue of its established boundary woodland, trees, hedgerow and shrubs. Currently, the site contains grassland, although is closely related to existing development with built form to the south (Transfesa Distribution Centre), east (Swatlands Farm), to the north-east (Lucks Cottage and Nut Tree Cottage), to the north (an agricultural building/barn in association with Keylands Farm) and to the west (Durrants Farm (opposite Maidstone Road)). The site is not subject to any statutory national landscape designation. The nearest National Designation is The High Weald AONB (located over 2.2km to the south), but the site does presently fall outside of the defined settlement boundary of Paddock Wood, albeit proposed to be within the settlement boundary within the Submission Local Plan.
- 10.113 The application is in outline form where access is the only detailed element at this time. Therefore, the layout, scale and design of individual units is not fixed at this time and would be considered in greater detail at the reserved matters stage. However, a parameter has been provided which does fix the extent of the site to be developed/built upon and highlights the areas to remain undeveloped. Approximately 50% of the site is shown to remain undeveloped and to be utilised for ecological and landscape enhancements. The built form is shown to be located predominantly towards the west and Maidstone Road, whilst retaining the woodland to the front, and the east of the site largely remaining undeveloped.
- 10.114 The site comprises an undeveloped agricultural plot of land which is generally open in nature with some limited views across the site from the adjacent PROW and above the field gate access along Lucks Lane. Immediate views into the site are however generally restricted by the mature boundary vegetation. There are however some longer views into the site from the north. It is important to note that any views of the site from the north looking south include the adjacent Transfesa Distribution Centre.
- 10.115 Any development at this site (allocated within the Submission Local Plan) would bring a greater prominence to the site and would significantly reduce the overall openness of the area which is considered to contribute positively to its character. The site forms part of an important approach to the settlement of Paddock Wood within a rural landscape. The development of the site for employment purposes may appear highly visible above the boundary hedgerows/trees and would announce the presence/edge

of the settlement further along Maidstone Road rather than the current Distribution Centre, located to the immediate south of the site.

- 10.116 Lucks Lane is proposed to be locally widened to accommodate larger vehicles and cars to enter the site from the north. Beyond the site entrance Lucks Lane is proposed to remain unaltered and large vehicles will not be able to proceed. Pedestrians and Cyclists access points into the site are proposed from the existing Public Right of Way (WT249) along the southern boundary of the site.
- 10.117 The proposal seeks to retain the majority of the existing vegetation on the boundaries of the site, the woodland to the north, and most of the central tree line will be retained and/or enhanced. The retained vegetation is proposed to be complemented by a proposed planting scheme consisting of woodland enhancement along Maidstone Road boundary, a new network of hedgerows that is to reflect the species mix of the local area, new tree planting to increase canopy cover and reinforce the green corridors and expand the network. Shrub planting in localised areas is proposed to be used to soften approaches to building frontages. Areas of species rich lawns for amenity areas are proposed to complement the proposed wildflower grasses and area of wetland meadow planting. The existing watercourses are proposed to be managed and improved along with the existing orchard area in the south-east of the site. Such landscape enhancements and mitigation would likely provide an improved setting to the edge of the existing industrial areas and provide new links to the wider area and any future developments.
- 10.118 A landscape appraisal has been submitted to accompany the application, which concludes that the proposals will be in keeping with the character of the wider residential and industrial area providing and improved transition to the wider countryside.
- 10.119 The Council's Landscape and Biodiversity Officer has reviewed the scheme and has commented that the applicant has taken on board previous comments (during the pre-app stage) and the scheme is, noting the quantum of development is of good quality and that the landscaping proposed will be successful in reducing landscape effects and helping to assimilate the scheme into the wider landscape. Matters of detail, such as landscaping, surfacing, materials, lighting etc will either be assessed in greater detail at the reserved matters stage or are secured through condition under this application.
- 10.120 The proposal includes a parameter plan and landscape strategy which shows proposed open space along with drainage and ecological features. Full details of the layout, landscaping and design would be assessed as part of a reserved matters application. The proposal to develop this greenfield site for employment purposes would result in significant harm to the character and appearance of the countryside. However, this harm would be largely localised and would lessen in time as the new landscaping becomes established. In this case, it is considered that the provision of up to 18,150 sqm of employment floorspace towards meeting the borough's employment needs, as identified in the Submission Local Plan and Economic Needs Study, along with various contributions would outweigh the harm that would be caused. The site is considered to be well related to the LBD and could provide this volume of employment floor space without constituting an over or under development of the site.
- 10.121 Details such as materials, lighting, surfacing, boundary treatments can be adequately dealt with via conditions or at the reserved matters stage.

10.122 For the above reasons the proposed development is considered acceptable, subject to conditions, in regard to its visual impact and is considered to meet the requirements of national and adopted and emerging local policy.

Residential Amenity

10.123 Policy EN1 of the Council's Local Plan, requires under criterion 2 that proposals would not cause significant harm to the residential amenities of adjoining occupiers, and would provide adequate residential amenities for future occupiers of the development, when assessed in terms of daylight, sunlight and privacy.

10.124 Within the Submission Local Plan, Policy EN1 outlines various criteria which all proposals for development will be required to satisfy. With regard to residential amenity, the policy requires that proposals should not cause significant harm to the amenities of occupiers of neighbouring properties and uses. Criterion 1 requires that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity, vehicular movements, or overlooking and criterion 2 requires that the built form does not create an unacceptable loss of privacy and overbearing impact, outlook, or daylight and sunlight enjoyed by the occupiers of adjacent/nearby properties. In addition, the policy requires that proposals should create safe and secure environments and incorporate adequate security measures and features to deter crime, fear of crime, disorder, and anti-social behaviour.

10.125 It is considered that the residential properties likely to be most affected by the proposal are Nut Tree Cottage, Lucks Cottage, Swatlands Farm, Keylands Cottage, and 1 and 2 Keylands Oast. The proposal may also have an impact upon Swatlands Barn, Swatlands, and Durrants Farm.

10.126 Both Nut Tree Cottage and Lucks Cottage are located immediately to the north-east of the site and are two-storey, brick-built, semi-detached properties which front onto Lucks Lane to the east with gardens to the rear (west) backing onto the application site. The residential curtilage of Lucks Cottage, the southern-most property, also abuts the application site along the entirety of its southern boundary. The northern boundary of Nut Tree Cottage also abuts Lucks Lane along its full extent.

10.127 Keylands Cottage is also located approximately 13m to the north-east of the application site, on the eastern side of Lucks Lane. The property is a predominantly two-storey, brick-built, detached property with a single-storey northern element and a mixture of black-painted cladding/clay wall tile finishing on the first floor level. The residential curtilage of the property extends to the north along the eastern bend of Lucks Lane.

10.128 Immediately to the east of Keylands Cottage are 1 and 2 Keylands Oast, both of which are semi-detached and respectively located approximately 30m and 40m from the application site. The properties are converted oast houses from a former four-kiln oast building. The properties are both two-storey, constructed from a mixture of brick and white-painted cladding. Both residential curtilages extend to the north.

10.129 Swatlands Farm is located immediately to the east of the application site and is a two-storey, brick-built, detached property which fronts onto Lucks Lane to the east with a garden to the rear backing onto the application site. Both the western and northern boundaries of the property's residential curtilage back onto the application site.

10.130 Swatlands Barn and Swatlands, which are semi-detached and Grade II listed, are respectively located approximately 50m and 60m south-east of the application site.

Both properties are two-storey and rendered with chamfered rustication. Swatlands Barn, the western-most property, is located on the corner of Lucks Lane to both the south and west, with Swatlands fronting onto Lucks Lane to the south only.

10.131 Durrants Farm is located approximately 20m to the west of the application site, to the west of Maidstone Road. The property is a two-storey, detached, brick-built dwelling with clay tiling on the first floor level. The residential curtilage of the property extends along Maidstone Road to the north.

10.132 The change in use of the land to an employment site would result in some additional disturbance to the existing surrounding residential properties, when compared to existing; however, this is not considered to be significant to warrant a refusal on this ground. As this is an outline planning application with all matters reserved (except access), details of the scale, layout, appearance and landscaping would be considered at reserved matters stage. Any future reserved matters application would have to demonstrate that it would not result in significant harm to the residential amenity of adjoining properties, in accordance with Policy EN1 of the Local Plan.

10.133 Concerns have been raised in regard to the hours of use of the site and noise. An acoustic noise assessment has been prepared by a suitable professional and its findings are largely agreed by the Environmental Protection Team. The report finds that the noise generated as a result of increase in overall levels of road traffic noise will not be significant and of a very low impact with no adverse effect on any residential amenity. The Environmental Protection team also considered that noise from the proposed offices should not be an issue unless there is any plant associated with ventilation systems. This is again a matter that would be assessed in more detail at the reserved matters stage. Noise may be generated by the internal activities and processes and therefore these units will need to be assessed on an individual basis depending upon the actual end-user. This again is a matter that would be assessed in greater detail at reserved matters stage where further noise assessments will be required. However, it is not considered that the application would warrant refusal on such grounds at this stage.

10.134 In regard to hours of use it is noted that the majority of the units within the adjacent Transfesa Distribution Centre have no restrictions in place. Given that this development is located adjacent to this Key Employment Area and can be seen as an extension to it, as shown within the Submission Local Plan, it is not considered that it would be justified or that any such condition restricting hours of use would meet the relevant tests to restrict the hours of operation at this site. It is however noted that there are powers to deal with statutory nuisance from noise and disturbance through Environmental Health Legislation.

10.135 Some concern has also been raised in regard to increased security risk. Comments have been received from Kent Police and an informative is attached to ensure that such comments are taken into consideration by the applicant/developer when preparing any reserved matters application. This application does not however warrant refusal on such grounds.

Heritage and Archaeological

10.136 On the opposite side of Maidstone Road to the application site lies the historic farmstead of Durrants Farm and to the east of the site lies the grade II listed property of Swatlands. There are also a small number of non-designated heritage assets along Lucks Lane, including a converted oast building (Keylands Oast).

- 10.137 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and case law makes it clear that, amongst other things, when a development will harm a heritage asset or its setting, the decision-maker must give that harm considerable importance and weight; with reference to S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it clear that the decision-maker is only asked to preserve the special character and appearance of such areas and not enhance them.
- 10.138 Paragraph 194 of the NPPF sets out that *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting...'* It goes on to comment that *'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'*
- 10.139 Paragraph 199 of the NPPF states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*
- 10.140 Core Policy 4(5) of the Council's Core Strategy sets out that heritage assets, including listed buildings will be conserved and enhanced and special regard will be had to their settings.
- 10.141 Policy EN5 of the Council's Submission Local Plan relates to Heritage Assets and sets out that *'Proposals that affect a designated or non-designated heritage asset, or its setting, will normally only be permitted where the development conserves or enhances the character, appearance, amenity, and setting of the asset....'*
- 10.142 A Cultural Heritage Desk Based Assessment has been submitted to accompany the application which identifies the archaeological potential of the site, and the potential adverse built heritage impacts of the proposal. The assessment concludes that the site is making a low contribution to the significance of the grade II listed property of Swatlands and that the proposal would represent a very low degree of less than substantial harm. The study also concludes that the site makes a moderate contribution to the limited significance of the non-designated heritage assets along Lucks Lane and that the development would represent an overall low adverse impact to their significance. It goes on to comment that the potential built heritage impacts of the proposed development could be reduced or avoided through the appropriate setting back of built form from Luck's Lane and the use of dense planted boundaries to screen and lower the perceived density of future built form within the site.
- 10.143 The study also considers the site to have a generally low archaeological potential for evidence relating to all past periods of human activity. The study however considers the site likely to contain evidence, in the form of plough soils and former field boundaries, of agricultural cultivation dating from the Medieval period onwards. It considers that any remains, should they occur on the site would most likely be of local significance only. It concludes that the development of the site is unlikely to have a significant archaeological impact.
- 10.144 The Council's Conservation Officer (CO) considers that the submitted assessment underplays the significance of the surrounding/nearby heritage assets along with the contribution the application site makes towards their significance. The CO considers

that the proposal will irreversibly alter the agricultural setting of the surrounding heritage assets and cause less than substantial harm in accordance with Paragraphs 202 and 203 of the NPPF.

- 10.145 Paragraph 202 of the NPPF states *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 10.146 Paragraph 203 sets out that *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*
- 10.147 The CO however comments that the indicative layout submitted indicates that there will be a good level of screening around the site, which will reduce the level of harm and that this should form an importance part of any reserved matters application. They also comment that the western side of the listed property of Swatlands has been greatly altered (between the farmhouse and the site) and that the role of the application site in terms of the farmhouse's significance has been reduced for this reason and the fact it is no longer in the same ownership. The CO concludes that the proposal would represent less than substantial harm at the lower end of the scale but promotes appropriate landscaping to ensure that the presence of a new industrial estate in this location is reduced as much as possible when experiencing the setting of the listed farmhouse.
- 10.148 In this case, it is considered that the public benefits of the proposal, including the provision of additional employment land/floorspace to meet the Borough's need, the creation of additional employment opportunities in the borough and Paddock Wood; financial contributions towards local facilities/services, improved connectivity, and benefits to the local economy as a whole outweigh the less than substantial harm identified.
- 10.149 In regard to archaeology KCC Heritage has considered the application and considers the area to be identifiable on the 1st Ed OS map as a possible farm complex associated with Swatlands, a 16th century or earlier residence. It considers that remains associated with the earliest uses of this site as a Post Medieval farm may survive on site and in view of this archaeological potential recommend a condition relating to a field evaluation, investigation, recording and reporting. This condition has been recommended.
- 10.150 Based upon the above and subject to conditions it is considered that the proposed benefits of the scheme would outweigh the limited less than substantial heritage harm and is therefore considered to be acceptable in heritage terms.

Energy and Sustainability

- 10.151 Paragraph 152 of the NPPF sets out that the planning system *'should support the transition to a low carbon future in a changing climate..'* Paragraph 157 goes on to state that *'In determining planning applications, local planning authorities should expect new development to:*

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

- 10.152 Core Policy 5 of the Council's Core Strategy sets out that the Council will apply and encourage sustainable construction principles and best practice in order to combat avoidable causes of climate change adapt to and/or mitigate already-unavoidable impacts of climate change. All new developments are expected to make efficient use of water resources and meet local and national renewable energy and energy efficiency targets, as well as wider carbon reduction targets.
- 10.153 The Council recognises the benefits of renewable energy technologies and the significant opportunities that exist within new builds to integrate them. Consequently, and as set out with the Council's Renewable Energy SPD, the Council expects all major development to incorporate renewable energy technologies.
- 10.154 Policy EN2 of the Council's Submission Local Plan relates to Sustainable Design Standards and sets out that minimum design standards must be achieved for all major non-residential developments. The policy sets out that non-residential developments over 500sqm would be required to achieve a BREEAM score of Excellent.
- 10.155 Policy EN3 of the Council's Submission Local Plan relates to climate change mitigation and adaptation. The policy sets out that the Council will strongly support proposals for zero carbon and low emission development. It requires the construction of new buildings to incorporate design features that help deliver radical reductions in greenhouse emissions and help mitigate climate change impacts. The policy aims to achieve this using the following measures:
- '1. A 'fabric first' approach in which all development comprising the construction of new buildings is required to reduce operational CO2 emissions by at least 10% below the Target Emission Rate (TER) as set out in Building Regulations Part L (2013);
2. Requirement for major development comprising the construction of new buildings to reduce operational CO2 emissions by 15% using renewable energy-generating technology to be installed on site. The 15% reduction will be calculated only after the 'fabric first' approach has been applied.'*
- 10.156 The policy also requires that development must incorporate measures that adapt to the impacts of climate change. The Council's Submission Local also accounts for the 2021 uplift to Part L of Building Regs which came into effect on 15th June 2022.
- 10.157 An Energy Strategy has not been submitted to accompany the application and it is therefore not possible to determine whether the criteria of the existing adopted policy requirements described within the Renewable Energy SPD to first reduce emissions and then offset 10% of site wide carbon emissions through the use of renewable energy generating technology, have been met or exceeded.
- 10.158 However, a sustainability assessment and BREEAM pre-assessment has been submitted to accompany the application. The report considers that the proposed scheme will potentially achieve an interim score of 55.88% against the BREEAM 2018 Version 3 Environmental and Sustainability Standard. This translates into an interim BREEAM rating of Very Good.
- 10.159 To meet the criteria in Submission Local Plan Policy EN3 (revised at Examination), the proposed development would need to reduce site wide emissions by 5% beyond 2021 Part L (with a further 35% overall carbon reduction strongly encouraged).

- 10.160 From discussions with the Council's Environmental Officer, it is considered that the proposal is acceptable in regard to this matter subject to a condition relating to an energy reduction strategy. It is therefore considered that the proposal would not warrant refusal on such grounds.
- 10.161 As set out within the submitted Sustainability and BREEAM assessment the application has not been able to achieve sufficient credits at this stage (55.88%) on BREEAM to achieve an Excellent Score (70%) and as required by Policy EN2 of the Council's Submission Local Plan. This is largely due to the site conditions rather than the proposed development itself, the outline nature of the application and shell-only status of BREEAM assessment. However, a 'Very Good' score is proposed.
- 10.162 The Council's Environmental Officer has considered the details of the assessment and application and has not sought to object to the application. They recommend that the score is closely monitored at the detailed design stage to determine if opportunities are available for improvement. A condition is recommended to ensure that a minimum BREEAM score of 56% is achieved and shall be reviewed at reserved matters stage with a view to achieving a higher score.

Drainage and Flooding

- 10.163 Paragraph 159 of the NPPF sets out that *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'*
- 10.164 Paragraph 167 of the NPPF goes on to require that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, that where appropriate, applications should be supported by a site-specific flood-risk assessment and that development should only be allowed in areas at risk of flooding where, in the light of an assessment it can be demonstrated that:
- 'a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
 - d) any residual risk can be safely managed; and*
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*
- 10.165 Paragraph 169 requires that *'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*
- a) take account of advice from the lead local flood authority;*
 - b) have appropriate proposed minimum operational standards;*
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
 - d) where possible, provide multifunctional benefits.'*

- 10.166 Policy EN18 of the Local Plan relates to flood risk and seeks to avoid increased flood risks from developments and that developments incorporate practicable and effective flood protection and mitigation measures that would be maintained for the lifetime of the development along with practicable and effective measures would be included as part of the development proposals to prevent the increased risk of flooding elsewhere.
- 10.167 Policy EN25 of the Submission Local Plan comments within the preamble that it is essential that new development across the borough does not increase flood risk, either on site or elsewhere and provides adequate drainage provision so that flood risk is managed effectively. The policy itself sets out that *'Proposals for new development should contribute to an overall flood risk reduction, and development will only be permitted where it would not be at an unacceptable risk of flooding on the site itself, and there would be no increase to flood risk elsewhere...'* Policy EN26 relating to sustainable drainage sets out that *'All development applications should include adequate drainage provision. Drainage should be considered as an integral part of the development design process, with Sustainable Drainage Systems (SuDS) utilised unless where demonstrated to be inappropriate...'*
- 10.168 The site falls within Environment Agency Flood Zone 2, while the north-western boundary as well as the majority of the eastern, south-eastern, and southern part of the site is also within Flood Zone 3. The site also lies within a Strategic Flood Risk Area. In accordance with the guidance within the NPPG the proposal represents less vulnerable development and therefore is acceptable in principle within such zones as identified by the Environment Agency's comments.
- 10.169 In regard to drainage the proposal is to discharge surface water into the tributary to the River Teise through a below ground gravity network, with on-site attenuation prior to outfall. Five attenuation tanks are proposed across the site, which are shown to be largely located adjacent to the proposed units and within the parking areas along with two flood compensation attenuation areas shown to be situated adjacent to Unit 5 towards the south-east of the site. Foul flows are proposed to outfall to the public foul sewer located on Maidstone Road to the south-west of the site.
- 10.170 The applicant has been in discussion with KCC Flood and Water Management and the Environment Agency (EA) during the application process and has submitted additional supporting evidence.
- 10.171 The EA has highlighted that development that encroaches on rivers can have a potentially severe impact on their ecological value and that networks of undeveloped buffer zones might also help wildlife adapt to climate change and help restore watercourses to a more natural state as required by the river basin management plan. The EA has considered the development to be acceptable subject to a condition requiring a scheme to protect an 8m buffer zone around the watercourse. A condition has therefore been attached.
- 10.172 The EA has raised no objection to the development in relation to flood risk. They have considered that the application is for less vulnerable, commercial use and is appropriate within this location. The EA has recommended a condition in regard to flood risk and mitigation and this has been attached.
- 10.173 KCC Flood and Water Management has commented that further information will be required at the reserved matters stage when the design and layout is fixed. It has recommended conditions in regard to surface water drainage for all rainfall durations and intensities, a detailed sustainable surface water drainage scheme and a

verification report. Such conditions have been attached and agreed with the applicant. With the above in mind the scheme is acceptable in terms of surface water drainage.

10.174 In terms of foul water, the views of Southern Water has been sought in this respect. The comments received highlight that network reinforcement will be required to accommodate the development. Southern Water request a condition securing that the occupation of the development is aligned with the delivery of the Southern Water reinforcement works. This condition is considered to meet the conditions tests and would be imposed. The Council is working closely with Southern Water regarding the growth proposed around Paddock Wood, including land in east Capel, to ensure the infrastructure is planned for and provided during its next Business Plan, AMP 8. Discussions will remain ongoing in this regard.

10.175 Based upon the above the development is considered acceptable in regard to this matter, subject to conditions.

Ecology

10.176 Paragraph 174 of the NPPF sets out that decisions should contribute to and enhance the natural and local environment including by minimising impacts on and providing net gains for biodiversity. Paragraph 179 seeks to enhance biodiversity and promote the conservation, restoration, and enhancement of priority habitats, ecological networks and recovery of protected species and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 180 of the NPPF comments that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

10.177 Core Policy 4 of the Council's Core Strategy sets out that the borough's built and natural environments are rich in biodiversity. The policy seeks to avoid net loss of biodiversity and geodiversity across the borough as a whole and that opportunities for biodiversity enhancements will be identified and pursued by the creation, protection, enhancement, extension and management of green corridors and through the development of green infrastructure networks in urban and rural areas to improve connectivity between habitats.

10.178 Criterion 5 of Policy EN1 of the Local Plan requires developments to not have a significant adverse effect on any features of nature conservation importance which could not be prevented by conditions or agreements. Policy EN9 of the Council's Submission Local Plan seeks for developments to provide net gain.

10.179 A number of ecological assessments and surveys have been submitted to accompany the application and from discussions with the Council's Landscape and Biodiversity Officer the findings are largely considered to be acceptable. It is considered that the negative effects in terms of ecology are in the overall balance acceptable, and the positive effects are recognised.

10.180 The ecological strategy is tied in with the Landscape strategy and is considered to be appropriate. It retains key habitats at the site and provides for their enhancement. Full details of the proposals can be secured by condition, will be the subject of a reserved matters application(s) and all landscape areas are covered by a Landscape Ecological Management Plan which is to be secured through a condition.

- 10.181 The submitted details identifies a shortfall of 3.9 area units of biodiversity. Where there is a shortfall on site it is appropriate to seek gains off site. This can be provided on another site or through a biodiversity banking scheme. The Council has an interim biodiversity net gain scheme in place at a cost of £18,000 per biodiversity area unit meaning that the shortfall of 3.9 Units would equate to £70,200. This has been agreed and is to be secured as a financial contribution within the s106 agreement.
- 10.182 Based upon the above assessment and the comments received from the Council's Landscape and Biodiversity Officer the proposed development is considered to be acceptable subject to conditions and financial contributions.

Trees

- 10.183 Policy EN13 of the Council's adopted Local Plan comments within the preamble that 'Trees and woodland contribute greatly to the appearance of the countryside, and the character of many of the towns and villages within the Plan area, as well as providing valuable wildlife habitats.' The policy itself sets out that *'Development will not be permitted if it would damage or destroy one or more trees protected by a Tree Preservation Order, or identified as Ancient Woodland, or in a Conservation Area, unless:*
- 1. The removal of one or more trees would be in the interests of good arboricultural practice; or*
 - 2. The desirability of the proposed development outweighs the amenity value of the protected tree'*
- 10.184 Policy EN12 of the Submission Local Plan relates to Trees, Woodland, Hedges, and Development. The policy sets out that permission will not normally be permitted where the proposal adversely affects important trees, woodlands, and hedgerows and that where there is an unavoidable loss of trees on-site, however, an appropriate number of suitable replacement trees (in terms of species and size) that replaces or exceeds that which is lost will be required to be planted on-site.
- 10.185 A detailed Arboricultural Impact Assessment, Method Statement and Tree Protection Plan have been submitted with the application and amended following discussions between the applicant and the Council's Tree Officer. These documents highlight 89 arboricultural features within the site. No trees on site or directly adjacent are subject to a Tree Preservation Order or within a Conservation Area.
- 10.186 From discussions with the Council's Tree Officer there are considered to be three key arboricultural features within the site, a small wood-like tree group along the northwest boundary with Maidstone Road, the tree line running north east to south west through the centre of the site and the orchard located in the southern end of the parcel. The accompanying report identifies that the development would require the removal of 4 individual trees and sections of 2 groups of category B trees and 12 individual, 4 sections of groups and 1 hedgerow of category C trees. In addition, 5 individual trees as category U are also proposed to be removed.
- 10.187 Whilst the loss of trees/planting at the site is somewhat regrettable, it is considered to be limited and largely necessary to accommodate the proposed access and development. It is also considered that should the access had been proposed directly onto Maidstone Road that the level of tree loss would have been much greater and result in the loss of valued woodland. From discussions with the Council's Tree Officer, it is considered that the loss of trees within the site has been suitably mitigated through replacement planting as shown within the illustrated landscape master plan, along with improvements to the woodland strip along Maidstone Road.

10.188 With the above in mind and the comments from the Council's Tree Officer it is considered that the proposed development, subject to conditions, is acceptable in regard to tree impact.

Community Engagement

10.189 The NPPF gives great weight and support to proposals where active community engagement has taken place, with Paragraph 16(c) promoting early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses.

10.190 The applicant sought pre-application advice from the LPA and the scheme was subject to a Design Review from a Design Review Panel. Following these discussions the following alterations and improvements were made to the scheme:

- Road location through the middle tree belt altered, to reduce disturbance to existing trees.
- Improvements and increased connectivity north to south and east to west.
- More of a 'farmstead' approach to the south of the tree belt, with local vernacular being expressed in roof form (Kent barns).
- Unit 3 pulled back from the neighbouring houses, and the overall heights being reduced on Units 3 and 4.

10.191 The applicant also contacted Capel Parish Council and Paddock Wood Town Council and subsequently presented the scheme and responded to queries raised. In addition, a public consultation website was set up by the applicant, to inform local residents of the emerging proposals and to seek views and comments prior to formal submission of a planning application. On the same day, the applicant delivered 4,000 leaflets covering all households and residents in Paddock Wood which notified them about the proposal and the consultation website.

10.192 The applicant also met with neighbouring residents to discuss the proposals with them. These discussions resulted in amendments to the scheme to take their views into account, most notably the relocation of unit 3 and the reduction in heights to units 3 and 4 as shown on the indicative plans.

Other Matters

Public Right of Way

10.193 With regard to Public Rights of Way, there is a Kent County Council Public Right of Way (PROW; WT249) which runs along the entire south-western and southern boundary of the application site to the north/rear of existing development within the Transfesa Industrial Estate. The PROW is accessed via Maidstone Road to the west and leads to Lucks Lane to the east.

10.194 The adopted Core Strategy 2010 recognises that PROWs provide an important recreational facility, providing useful links for non-leisure trips such as trips to work. PROWs can also be an important part of a wider green infrastructure network which need creating, protecting and enhancing. In particular, criterion 7 of Core Policy 8 requires that PROW links between existing and proposed areas of open space, recreational, cultural and community facilities and the communities they serve will be improved, where possible, as part of a multi-functional Green Infrastructure Network. In addition, the Core Strategy states that the development, maintenance and improvements of the PROW network, within and around existing and new urban and rural developments, will be treated as an integral part of the development process.

- 10.195 The Submission Local Plan also recognises the importance of the PROW network, whereby Strategic Policy 6 (Transport and Parking) seeks to prioritise active travel through enhancing PROWs (including footpaths, bridleways, and byways) for non-motorised transport. Policy EN1 (Criterion 6) also requires that the design and layout of all new development is accessible to all, and maintains and maximises opportunities for permeability and linkages to existing PROWs. Policy TP 2 (criterion 4) also states that development proposals will only be permitted provided that the existing public footway, bridleways, and PROW networks are safeguarded. In addition, development should secure positive outcomes for these networks, adhere to good design principles, and contribute toward the delivery of Kent County Council's Rights of Way Improvement Plan objectives. Opportunities should be taken through development to enhance these networks, including improvements to signage, surfacing, and the creation of new path links that improve connectivity. Where appropriate, financial contributions for off-site PROW improvements will also be sought.
- 10.196 The application proposes a number of pedestrian linkages within the site to the existing PROW (WT249) that runs along the south-western and southern boundary of the application site and includes an extension to the pavement south-west along Maidstone Road to link to existing pavements adjacent to entrance to Transfesa Road from Maidstone Road. The KCC Public Rights of Way Team were consulted as part of this application, who state within their comments that such proposed pedestrian links to the PROW from the site are welcomed. KCC Highways and Transportation Team also supports the extension to the existing footway northwards from the Transfesa Road/Maidstone Road junction to meet the PROW, which would ensure that pedestrians can access bus services on Maidstone Road. The PROW Team also requested that surface improvements to the PROW are secured as a contribution given that the proposals will result in increased use of the PROW. Contributions to improve the PROW have subsequently been agreed with the applicant.
- 10.197 In addition, the PROW Team recommended that any fencing along the PROW should be set back from the PROW to allow for a more open aspect to the footpath. It was also not considered clear whether any fencing is to be retained along the boundary with the area marked as orchard on the landscape masterplan; the preference is to have this removed if possible, or set back from the PROW. With regard to these comments, the Council considers that the details of boundary treatments can be adequately dealt with through conditions or at the Reserved Matters stage when the final layout of the site is fixed.
- 10.198 The KCC PROW Team also requested the following: no furniture, fence, barrier or other structure may be erected on or across the PROW without the express consent of the Highway Authority; there must be no disturbance of the surface of the PROW, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority; no hedging or shrubs should be planted within 1 metre of the edge of the PROW; that the applicant is made aware that any planning consent given confers no consent or right to close or divert any PROW at any time without the express permission of the Highway Authority; and that no Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. These will consequently be ensured via informatives.

Land Contamination

- 10.199 With regard to land contamination, there is potentially contaminated land identified adjacent to a small part of the south-western boundary of the application site

(Unspecified Use – Medium Risk), as well as across the full extent of the southern-most boundary (Depot / Dispensing of Automotive Vehicles). There is also potentially contaminated land identified further to the east of the application site in relation to the railway (Railway Land – Medium Risk). A Phase I and Phase II Report have been submitted by the applicant, which have been prepared by a suitable profession, which identifies possible asbestos cement on the roof of a small livestock shelter onsite.

10.200 Core Policy 5 (Sustainable Design and Construction) of the Council's Core Strategy requires that all new developments manage, and seek to reduce, air, light, soil and noise pollution levels, acknowledging that the presence of contaminated land can be a risk to human health and the environment. It is recognised, however, that development proposals can present an opportunity for the remediation of contaminated land and as such developments are expected to conform to the principles and requires set out in the Borough Contaminated Land Inspection Strategy. Furthermore, any development on previously developed land, or development with sensitive end uses, should take potential land contamination into consideration.

10.201 In addition, the Submission Local Plan at Policy EN28, relating to land contamination, sets out that development proposals on a site that is known, or suspected, to be affected by contamination will only be permitted (in lined with the requirements of the Council's latest adopted Contaminated Land SPD) where practicable and effective measures are taken. These measures should avoid: exposing future occupiers and users of the development or people in the locality to unacceptable risk to health; threatening the structural integrity of any existing building or structure built on, or adjoining, the site; causing the contamination of any watercourse, water body, or aquifer; causing the contamination of adjoining land, its residents or users, or allowing such contamination to continue; and, damaging or putting at unacceptable risk the quality of the natural environment. The policy consequently requires a risk assessment to be undertaken at the earliest stage, detailing the methodology by which risks will be addressed and ensuring the treatment and/or removal of all contaminants prior to the commencement of development.

10.202 The Council's Environmental Protection Team has commented that there is an indication of land contamination in the area, while noting that a Leap Phase I & II Contaminated Land report (ref LP2586 dated June 2021) has been submitted to accompany the application. Whilst the report found no significant contamination, a watching brief type of condition should be attached to any permission granted. In addition, the team notes that any demolition or construction activities may have an impact on local residents. Accordingly, pre-commencement conditions ensuring the production of a Construction Method Statement, the submission of details relating to measures dealing with the emission of dust, odours or vapours, as well as a condition relating to land contamination (if during construction/demolition works evidence of potential contamination is encountered), and a condition relating to the storage of oils, fuels and chemicals, have been applied.

Air Quality

10.203 Policy EN21 of the Submission Local Plan sets out the Council's approach toward protecting air quality in the borough. The policy sets out that development will not be permitted when it is considered that the health, amenity, or natural environment of the surrounding area would be subject to unacceptable air quality effects (that are incapable of being overcome by a condition or planning obligation), taking into account the cumulative effects of other proposed or existing sources of air pollution in the locality. In addition, sensitive receptors will be safeguarded at all times. The

policy also states that where detailed assessments are required, developments are expected to at least be air quality neutral, with air quality positive proposals strongly encouraged. In the interest of improving air quality borough-wide, however, all relevant development is required to install the following small-scale mitigation measures: low NO_x heating, i.e., emitting less than 40mg NO_x per kWh; electric vehicle charging infrastructure (points and cabling, or any new technology requirements); and, cycle storage that is sufficient and convenient. Finally, as set out in Policies STR 6, TP1, and TP2, contributions towards mitigation measures may also be considered necessary, and the use of sustainable transport measures, such as supporting sustainable public transport, shared transport initiatives, cycle/footways, improved connectivity, and green infrastructure to reduce pollution concentrations and exposure are strongly encouraged.

10.204 It is noted that the site is located outside the Tunbridge Wells Air Quality Management Area. However, it is considered that due to the scale of the proposed development and its site position that it does warrant an Air Quality Emissions Reduction condition to be applied. It is also considered that the installation of EV Charging Points would assist in the promotion of a sustainable travel option. Consequently, conditions have been applied relating to such matters.

Medium and Low Pressure Gas Pipes

10.205 There are no low, medium, intermediate or high pressure gas pipes within the application site. However, there is a medium pressure pipeline to the west of the application site which runs along Maidstone Road as well as to the south along Transfesa Road. There is also a low pressure gas pipeline running along Maidstone Road further to the south-west, as well as to the south along Transfesa Road. Southern Gas Networks (SGN) was consulted as part of the application who provided mapping which confirms the above, although it is noted that the pipes shown are only those owned by SGN and not any privately owned pipes or pipes owned by other licensed Gas Transporters. With regard to the gas mains in close proximity to the application site, SGN stated within their comments that there should be no mechanical excavations taking place above or within 0.5m of any low/medium pressure system or above or within 3.0m of an intermediate pressure system, with the recommendation that the gas safety advice booklet provided should be passed to the applicant as well as that safe digging practices in accordance with HSE publication HSG47 must be used to verify and established the actual position of any mains, pipes, services and other apparatus on site before any mechanical plant is used. This will consequently be ensured via an informative.

10.206 ESP Utilities, a separate licenced Gas Transporter, was also consulted, but it would appear that no ESP gas/electric network are found in close proximity to the application site. It was noted, however, that the applicant is required to regularly keep ESP updated regarding the extent and nature of the proposed works in order to full establish whether any additional precautionary or diversionary works and necessary to protect ESP's gas network. This can again consequently be ensured via an informative.

10.207 Given the above, and that there are no identified low, medium, intermediate or high pressure gas mains on the site or likely to be affected, the proposal is not considered to pose a risk to any gas pipeline within the vicinity of the application site. However, as above, relevant informatives have been applied.

Construction Management

10.208 Given its temporary nature little weight can be given to this matter. It is considered that a construction management plan is necessary however in this instance given the

scale of the development and the site's location. Therefore, a condition has been recommended. There are also powers to deal with statutory nuisance from noise and disturbance from construction sites through Environmental Health Legislation.

Subsidence and Structural Impact

10.209 Concerns has been raised in regards to potential subsidence and the structural impact upon the surrounding residential properties. Such matters are considered to be civil matters rather than planning issues. However, any development at the site will need to comply with the relevant building regulations and legislation.

Timing of Application

10.210 Comments have been received requesting that the decision is deferred until a decision is made by the Inspector on the new local plan. However, an application has been submitted and the LPA is required to assess the application on its merits and determine. As set out above, Paragraph 48 of the NPPF sets out that weight may be given the emerging policy. The Submission Local Plan has been through examination stage and the Inspector's letter to outline his initial findings and next steps is expected shortly. The plan is therefore considered to be at advanced stage. Paragraph 49 of the NPPF goes to state that:

'in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.'*

10.211 The granting of permission would not be considered to undermine the plan-making process due to the site being allocated within the Submission Local Plan and as discussed earlier in the appraisal section, being in accordance with the relevant policy requirements and aspirations. It is also noted that the evidence base which underpins the Submission Local Plan identifies a need for additional employment floorspace in the borough and that the proposed development would significantly contribute to meeting the boroughs needs in this regard.

10.212 It is therefore considered that, for the above reasons, and in line with Paragraph 49 that the proposed development does not warrant refusal on such grounds or that a decision should be deferred.

Legal Agreement and S106 Contributions

10.213 Legislation requires that planning obligations (including Legal Agreements) should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably relate in scale and kind to the development.

10.214 The requirement for developments to provide or contribute towards the services for which they create a need is set out in Core Policy 1 of the Core Strategy and

requirements relating to various types of contributions, including transport are referred to in various Core Strategy and Local Plan policies.

10.215 Agreed contributions are sought in line with the requirements of Policy STR/SS1 in the Submission Local Plan. The Strategic Sites Infrastructure Framework (SSIF) which forms part of the Strategic Sites Masterplanning and Infrastructure Study relates to new development within the Paddock Wood and east Capel emerging allocation, to which the application site lies. This schedule relates as a whole to the residential elements, but in line with the CIL regulations and the emerging policy it is considered that the proposed employment development should contribute to certain elements, namely: towards the A228 Whetsted Road/B2160 Maidstone Road roundabout, bus route subsidy and local cycling and walking infrastructure.

10.216 The Council instructed Stantec to provide advice on how to apply the SSIF to non-residential schemes and they have provided a formula based on trips, similar to the approach adopted elsewhere and this has been the starting point for the consideration of the level and range of contributions.

10.217 In this instance the LPA, following discussions with KCC and Stantec have considered the following to be appropriate:-

- A228 Whetsted Road/A228 Bransbridges Road/B2160 Maidstone Road roundabout - £16,042.74
- LCWIP measures: £83,892.00
- Bus route subsidy: £96,256.45
- Biodiversity Net gain: £70,200.00

This is on the understanding that this development would wholly deliver the widening of Lucks Lane and the junction improvements with Maidstone Road, which would also be of benefit to the SLP site of Keylands. In the event that Keylands advances at a greater pace and delivers these improvements or the costs are shared then a different level of contribution would be appropriate. The contributions would be as above apart from the LCWIP measures, which would rise to £249,892.41. This alternative should be included within the Section 106.

10.218 These are considered to meet the relevant tests as listed above and the applicant has agreed to these contributions.

Conclusion

10.219 In conclusion, whilst the proposed development is considered to cause some harm to the landscape by virtue of the introduction of new build development on the site, when assessed against the requirements of the NPPF, adopted and emerging Local Plan (including the Paddock Wood Masterplan) policies and having particular regard to the emphasis in the NPPF and NPPG on supporting sustainable development and contributing to the delivery of economic uses, this harm is considered to be outweighed by the significant economic benefits which would be delivered. Based on the findings as outlined above, the proposal is considered to be sustainable development. It would also provide significant public benefits, which have been outlined earlier and which outweigh the harm to the landscape and less than substantial harm to nearby heritage assets. The development is considered to be acceptable in highway terms and would provide significant contributions to mitigate its impact. Overall, the proposed development is considered to be acceptable in the overall balance of issues discussed within this report and there are not considered to be any other material planning considerations which would indicate a refusal of planning permission.

10.220 All pre-commencement conditions and contributions have been agreed with the applicant's agent.

11.0 RECOMMENDATION –

A) GRANT SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE HEAD OF LEGAL PARTNERSHIP MID KENT LEGAL SERVICES BY 30 NOVEMBER 2022 (UNLESS A LATER DATE BE AGREED BY THE HEAD OF PLANNING SERVICES) TO SECURE THE FOLLOWING:

- A228 Whetsted Road/A228 Bransbridges Road/B2160 Maidstone Road roundabout- £16,042.74
- LCWIP measures: £83,892.00
- Bus route subsidy: £96,256.45
- Biodiversity net gain: £70,200.00

- In the event that Keylands advances at a greater pace and delivers partly or wholly the improvements to Lucks Lane/Maidstone Road the contributions to the LCWIP measures, would rise proportionately from £83,892.00 to a maximum of £249,892.41.

and subject to the following conditions:

1. Approval of the details of the layout, scale, appearance, internal access roads, and landscaping of the development (hereafter called "the Reserved Matters") for each development phase shall be obtained from the Local Planning Authority in writing before development within that particular phase commences and the development shall be carried out as approved.

The first reserved matters application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason: To comply with the provisions of the Town and Country Planning (General Development Procedure) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to establish a timescale for the submission of reserved matters and implementation, having regard to the scale of the development.

2. The development shall be carried out in accordance with following approved plans (insofar as the details shown relate to the access to the development):

20-176-SGP-STE-ZZ-DR-A-131004 - Proposed Site Plan-G
15823-H-03 P2 - Proposed Access with Boundary Overlay
20-176-SGP-STE-XX-DR-A-130002 --C- Parameters Plan

Reason: To clarify which plans have been approved as part of this application.

3. The reserved matters for any part of the site or phase of the development shall be in general conformity with the Gross Development Area as shown on the submitted

Parameter Plan (20176 SGP STE XX DR A 130002--C-) and shall be accompanied by a Design Statement for each phase.

Reason: To ensure that individual reserved matters and phases follow the masterplanning principles and do not prejudice the ability to deliver the development in an acceptable manner.

4. The development hereby permitted shall comprise a mix of Classes B2 (General industrial), B8 (storage and distribution) and E(g) (Commercial, Business and Service Uses) of which the development shall include:-

- No more than 15,028sqm of B2/B8 floorspace.
- No more than 3,122sqm of E(g) floorspace.

Reason: In order to ensure an appropriate mix and scale of development in respect of the highways impact upon the surrounding highway network and also in the interests of minimising the impact upon the character and appearance of the locality.

5. Prior to the commencement of above ground works on each phase of the development hereby approved, details and sample panels of all materials to be used in the external construction of that phase and to be used externally, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To safeguard the characteristics of the locality. Such details are fundamental to the application and are therefore required prior to its commencement.

6. The details submitted in pursuance of condition 1 shall include details of existing and proposed level details, site survey and cross sections to include the relationship with adjacent development plots within the site and the wider area.

Reason: To ensure a satisfactory development within the site.

7. Prior to the commencement of the construction works, including earthmoving, for any phase of the development a Construction Environmental Management Plan relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Construction Environmental Management Plan and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The Scheme shall include details of:

- A programme for carrying out the works, including set up, preparation and clearance of the site;
- Details of the number and frequency of construction vehicle movements;
- Construction vehicle routes to and from and within the site with distance details;
- A construction workers' travel plan;
- A detailed traffic management plan to control traffic during the construction phases,
- Details of on-site parking and site operatives', contractors and construction vehicles;
- Details of any temporary buildings, enclosures and staff facilities;
- Measures to minimise and control noise, vibration, dust, odour, exhaust, smoke

- and fumes during construction;
- Construction delivery hours;
- Design and provision of site hoardings;
- Details of noise mitigation;
- Measures to minimise the potential for pollution of groundwater and surface water;
- Measures to protect water resources;
- Measures to protect ecology;
- Measures to protect trees, woodland and planting;
- The arrangements for public consultation and liaison during the construction works;
- Measures to prevent the transfer of mud or other detritus onto the highway and its prompt removal if it occurs;
- Details for soil management in accordance with the DEFRA construction code of practice for sustainable use of soils on construction sites;
- Details of the storage and removal of any spoil from the site including likely number of vehicle trips;
- Provision of wheel washing facilities.
- Temporary traffic management / signage.
- Provision of measures to prevent the discharge of surface water onto the highway.

The construction of the development shall be carried out in accordance with the approved Construction Environmental Management Plan relating to that phase of development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the area, air quality, water resources, trees and ecology during the construction phase. Such details are fundamental to the application and are therefore required prior to its commencement.

8. Prior to the commencement of above ground development of each phase, a strategy for the provision of proposed pedestrian and cycle routes within the site (to connect with routes leading to main destinations in the locality of the site) shall be submitted for approval. The strategy shall identify the location of each of the routes, the phase of development during which the route would be completed, and provide an outline of the type, width, signage, surfacing and lighting of the route together with a maintenance strategy for each of the routes, including its future long-term status and thereafter maintained in accordance with the approved maintenance details.

Reason: To ensure connectivity with adjacent development and local facilities and to provide adequate sustainable transport measures.

9. Notwithstanding the details submitted, no development shall take place until details of tree protection in accordance with British Standard BS 5837:2012 have been submitted to and approved in writing by the Local Planning Authority. These details shall be set out in a standalone Arboricultural Method Statement (AMS) and scaleable Tree Protection Plan (TPP) or, where appropriate, a combined AMS/TPP or set of statements and plans.

The approved AMS and TPP shall be provided to the site foreman prior to commencement of development, and all contractors on site shall be made aware of the specified tree protection measures.

The AMS and TPP shall cover all trees to be retained which could be impacted by

the development, and shall include specific measures to protect these trees through all phases of the development, including measures for:

- The location of site facilities and materials storage;
- Changes in ground levels, including the location of construction spoil;
- Excavation, including for drainage and other services;
- Installation of new hard surfaces; and
- Preparatory works for new landscaping

Where these may encroach into root protection areas and/or present canopy spreads.

The contact details of the arboriculturist to be appointed by the developer or his agents to oversee tree protection on the site, including the frequency of visits, and the reporting of findings shall be submitted to the LPA.

All construction activities shall be carried out in accordance with the approved AMS and TPP, unless otherwise agreed in writing by the Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990, to safeguard existing trees to be retained, mitigate impacts from development which could lead to their early loss and protect the public amenity and character of the local area.

10. The hereby approved development shall be carried out in such a manner as to avoid damage to the existing trees to be retained, including their root systems, and other planting to be retained by observing the following:

- All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, and in accordance with the approved Tree Protection Plan and Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction;
- No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
- No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group.

Each phase of the development shall be carried out strictly in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

details are fundamental to the application and are therefore required prior to its commencement.

11. Prior to the commencement of above ground works in any phase of the development, details of hard and soft landscaping and a programme for carrying out the works within that phase shall be submitted to the Local Planning Authority for approval. The submitted scheme shall include details of hard landscape works, including hard surfacing materials; and details of soft landscape works, including planting plans, written specifications (including cultivation and other operations associated with the plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: In order to protect and enhance the amenity of the area. Such details are fundamental to the application and are therefore required prior to its commencement.

12. The landscaping scheme approved for each phase of development shall be carried out fully within 12 months of the completion of the development on that phase. Any trees or other plants which, within a period of ten years from the completion of the development on that phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In the interest of visual amenity and in order to protect and enhance the amenity of the area.

13. Prior to the commencement of above ground works of any phase of the development, details of boundary treatments details (including planting, walls, fences and railings) within that phase shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation of the buildings they relate to and in accordance with a timetable previously agreed in writing with the Local Planning Authority. Development within that phase shall be carried out in accordance with the approved details and shall be permanently maintained.

Reason: To ensure a satisfactory appearance for the development in the interests of visual amenity and to secure a reasonable degree of privacy for occupiers of the proposed dwellings. Such details are fundamental to the application and are therefore required prior to its commencement.

14. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP should also include the following:

- Description and evaluation of features to be managed.
- A scheme for the enhancement of biodiversity.
- Planting and management scheme for ecological areas.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).

- On-going monitoring and remedial measures.
- Details of the body or organisation responsible for implementation of the plan, which is to be overseen by a Steering Group.
- A woodland management plan.
- The composition and organisation of the Steering Group which, unless otherwise agreed, should comprise 1 representative from each of Tunbridge Wells Borough Council, the landowner, and Kent Wildlife Trust.
- Where monitoring indicates that the conservation aims and objectives of the LEMP are not being met, the LEMP shall also set out how contingencies and/or remedial action will be identified, agreed and implemented to ensure the development delivers the biodiversity objectives of the originally approved scheme.
- Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The LEMP shall be implemented in accordance with the approved details.

Reason: To protect and enhance the landscape and existing species and habitat on and adjoining the site (on land under the applicant's ownership and control). Such details are fundamental to the application and are therefore required prior to its commencement.

15. No development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon principles contained within the Flood Risk Assessment dated 2nd August 2022 prepared by RSK and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

16. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is

consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

17. The occupation of the hereby approved development shall be implemented to align with the delivery by Southern Water of any required sewerage network reinforcement measures.

Reason: To ensure that adequate waste water network capacity is available to adequately drain the development and to ensure flood risks are minimised.

18. No building hereby permitted shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components.
- A general arrangement plan with the location of drainage measures and critical features clearly marked.
- An approximate timetable for the implementation of the drainage system.
- Details of the future maintenance requirements of each drainage or SuDS component (including watercourses), and the frequency of such inspections and maintenance activities.
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

19. Prior to the erection of the building(s) hereby approved, written and illustrative details for operational carbon reduction within the development such that a 5% saving in site wide emissions beyond 2021 Part L can be achieved using the fabric first approach, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

In addition to this, where it is considered that overall carbon reduction of 35% cannot be achieved, evidence shall be provided explaining why this is not possible which

includes a demonstration of how the planning application will otherwise comply with the ambitious legal requirement of the Climate Change Act 2008.

Reason: To ensure a satisfactory standard of development which meets the needs of current and future generation in accordance with the Climate Change Act 2008.

20. The development hereby approved shall achieve a minimum BREEAM score of 56% which shall be reviewed at reserved matters stage with a view to achieving a higher score.

Reason: To ensure a satisfactory standard of development which meets the needs of current and future generation in accordance with Core Policy 5 of the Tunbridge Wells Borough Core Strategy 2010 and the Climate Change Act 2008

21. Prior to the commencement of development, the applicant, or their agents or successors in title, will secure:

- 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 further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;
- iii programme of post excavation assessment and publication.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated.

22. The developer should have regard to the MRL acoustic report (ref RL/100/1836.1v1 dated February 2022) and shall submit for approval written evidence that the development meets all the recommendations specified in the report prior to occupation. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of preserving residential amenity.

23. No external lighting shall be installed without the prior written approval of the Local Planning Authority. Any submission shall refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with any approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interest of visual amenity, residential amenity and in the interest of wildlife.

24. Full details of all measures to be taken to deal with the emission of dust, odours or vapours arising from the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first use of the premises. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first use of the premises and shall be operated and retained in compliance with the approved scheme.

Reason: To prevent the transmission of odours into neighbouring properties to protect amenity.

25. Prior to the commencement of above ground works for each phase, details of refuse storage and screening for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, be made ready for use prior to the first occupation of any building hereby approved and be retained as such thereafter.

Reason: To facilitate the collection of waste, preserve visual amenity of the development and to reduce the occurrence of pests.

26. Prior to the commencement of construction works on each phase, details of the proposed earthworks for that phase shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development of each phase shall be carried out in accordance with the approved details unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area. Such details are fundamental to the application and are therefore required prior to its commencement.

27. Prior to the commencement of construction works on each phase of the development, details of the finished ground floor levels within that phase, shown in relation to the proposed site levels shall be submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be carried out in accordance with the approved details unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area. Such details are fundamental to the application and are therefore required prior to its commencement.

28. The details submitted in pursuance of condition 1 shall include full details of the car and cycle parking provision and implantation for each phase of the development including details of EV charging points. The development shall be carried out in accordance with the approved details, be made ready for use prior to the first occupation of any building hereby approved and be retained as such thereafter.

Reason: To ensure a sufficient level of car and cycling parking is provided and in the interests of highways safety.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure either between the buildings and Lucks Lane or forward of any buildings towards any internal road(s) shall be erected unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to protect the visual amenities of the locality.

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that

Order with or without modification), no development or change of use shall be carried out unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of protecting the character and amenities and highway safety.

31. Vehicular access to the site to be provided by means of a new priority junction from Lucks Lane as shown in principle on Drawing Number 15823-H-01 Rev P6 and the highway works are to include the widening of Lucks Lane between its junction with the B2160 Maidstone Road and the site access, with widening also taking place at the B2160 Maidstone Road / Lucks Lane junction itself to facilitate the movements of larger vehicles as shown on 15823-H-01 Rev P6. The highways works to be delivered by means of a S278 Agreement prior to commencement of the development and shall be fully implemented in accordance with the approved details prior to the first use of the hereby approved development.

Reason: In the interest of highway safety.

32. The gradient of the access to the Lucks Lane / Maidstone Road B2160 junction is to be no steeper than 1 in 10 for the first 1.5 metres from junction and no steeper than 1 in 8 thereafter.

Reason: In the interest of highway safety.

33. Prior to the first use of the hereby permitted development, details of signage and a signage strategy shall be submitted, approved in writing by the Local Planning Authority and implemented in accordance with the approved details. The signage strategy and details shall include, but not be limited to, the following:

- Signage to ensure HGVs are routed through the westernmost section of Lucks Lane and northbound on the B2160 Maidstone Road to the A228.
- Advanced weight limit ahead signage on entrance to Lucks Lane from B2160 Maidstone Road.
- Weight limit of 7.5 tonnes signage to the east of the site access.
- Left-turn only' signage on the exit of the site access.
- HGV directional signage and advanced town centre weight limit signage opposite Lucks Lane on its junction with B2160 Maidstone Road.

The approved details shall be fully implanted prior to the first use/occupation of the site and shall not be varied unless agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety.

34. A footway to link the site with the existing footway along B2160 Maidstone Road is to be delivered and provided prior to the first use of the site and hereby approved development and shall thereafter be maintained.

Reason: In the interest of connectivity and sustainability.

35. Details of any proposed works affecting the culvert on Lucks Lane are to be submitted and approved in writing with the Local Planning Authority prior to the commencement of any such works. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To avoid increased flood risk and in the interest of highway safety.

36. The provision and maintenance of the visibility splays as shown on Drawing Number 15823-H-03 Rev P2 with no obstructions over 0.9 metres above carriageway level within the splays, shall be provided prior to the first use of the site and shall be maintained thereafter.

Reason: In the interest of highway safety.

37. The hereby approved development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: In the interest of sustainability and to reduce car dependency.

INFORMATIVES

1. As the development involves demolition and / or construction, it is recommended that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Compliance with this document is expected.
2. A copy of the SGN gas safety advice booklet should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation. Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes.
3. As the plans for the proposed work develop the applicant/developer is required to keep ESP Utilities Group regularly updated about the extent and nature of the proposed works in order for ESP to fully establish whether any additional precautionary or diversionary works are necessary to protect the gas network.
4. Consideration should be given to the important information and guidance set out within the letter provided by UK Power Networks to ensure safety around nearby electrical lines and/or electrical plants. In particular, if excavation works affect Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), UK Power Networks should be contacted.
5. No furniture, fence, barrier or other structure may be erected on or across the Public Right of Way (WT249) without the express consent of the Highway Authority. There must also be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority. In addition, no hedging or shrubs should be planted within 1 metre of the edge of the Public Right of Way. The applicant should also be aware that any planning consent given confers no right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority. Finally, no Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and

confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, KCC need six weeks' notice to process this.

6. Consideration should be given to the comments raised within the consultee comments provided by Kent Police when preparing any Reserved Matters application to ensure that the detailed proposals create an accessible and safe environment while minimising crime and disorder and fear of crime.
7. Consideration should be given to the comments raised within the consultee comments provided by the Kent Fire and Rescue Service when preparing any Reserved Matters application to ensure that that there is sufficient water available on site for firefighting along with available emergency access.
8. At the detailed design stage, the applicant should require the relevant land drainage consents from the Upper Medway Internal Drainage Board, as outlined within their letter, in accordance with the Board's byelaws (namely byelaws 3, 4, 10, and 17) as well as Section 23 of the Land Drainage Act 1991.
9. Consideration should be given to the comments raised within the consultee comments provided by Network Rail when preparing any Reserved Matters application to ensure that the detailed proposals maintain the safe operation of the railway and protect Network Rail's infrastructure.
10. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, if works may affect the public highway, including any highway-owned street furniture, the applicant is advised to engage with KCC Highways and Transportation at an early stage in the design process. Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

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

11. This development involves work to the public highway (strategic road network and local road network) that can only be undertaken within the scope of a legal Agreement or Agreements between the applicant and National Highways (as the strategic highway company appointed by the Secretary of State for Transport) and, as necessary and appropriate, the Local Highway Authority. Planning permission in itself does not permit these works.
12. 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 (and at no cost to National Highways). Works to the highway will normally require an agreement or agreements, under Section 278 of the Highways Act, with National Highways and the Local Highway Authority. Advice on this matter can be obtained from the Spatial Planning Team, National Highways, Bridge House, Walnut Tree Close, Guildford, Surrey, GU1 4LZ. Email planningse@nationalhighways.co.uk Tel 0300 470 1046.

13. It is the responsibility of the applicant/developer to ensure that all of the relevant permissions are granted by Southern Water prior to works commencing.
14. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.
15. The applicant must expedite the third party Traffic Regulation Order (TRO) process to relocate the existing weight limit restriction for vehicles greater than 7.5 tonnes on Lucks Lane to the section east of the new access junction.
16. The submission of any reserved matters application for this site shall include details of the pedestrian and cycle route in line with Tunbridge Wells Borough Council's Strategic Site Masterplan.
17. The applicant is strongly advised to consider the use of public art as part of the detailed design rationale for the site.

Case Officer: James Moysey

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