

REPORT SUMMARY

REFERENCE NO - 16/508659/FULL		
APPLICATION PROPOSAL Demolition of existing dwelling and erection of B8 warehouse building (13,991sqm) with ancillary offices (4,542sqm), dock levellers, access, parking and landscaping including the creation of new woodland and attenuation pond.		
ADDRESS Land South Of Redwall Lane, Linton		
RECOMMENDATION Approval subject to imposition of planning conditions and S106		
SUMMARY OF REASONS FOR RECOMMENDATION <p>Whilst the application represents a departure from the development plan on account of the significant expansion of an existing business within an area of countryside, the development will secure a substantial number of existing jobs, generate a significant number of new employment opportunities in the future as well as a range of other economic benefits to local businesses and the rural economy. Having regard to the alternative of developing elsewhere in the Borough, including within Economic Development Areas and emerging employment allocations, no such sites are considered to be available or more suitable within the Borough to accommodate such growth. Whilst, the location is not strategically located in respect of the large import element of the business, the location close to the existing premises will have other operational benefits due to the location of the existing workforce and supply chain.</p> <p>Although the scheme will result in landscape harm to the countryside, particularly in the short term, over the medium and longer term this harm will be reduced by a comprehensive landscape mitigation strategy, which will be secured by Section 106 agreement, and which will also secure substantial biodiversity benefits. The other impacts of the development including the impact on the local highway network can be addressed through direct interventions or contributions towards highway works which can also be secured by legal agreement or planning conditions. Further matters such as design, impact on residential amenity, heritage, flood risk and drainage, air quality and ecology are considered to be acceptable subject to the imposition of the appropriate planning conditions. Therefore, applying the planning balance, whilst it is recognised there will be harm caused to the character of the countryside, the economic benefits and the lack of alternative sites within the Borough are considered to represent material considerations which combine to outweigh the policy conflict and identified harm and justify the development in planning terms.</p>		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • The development would represent a departure from the development plan • The recommendation is contrary to the views of Linton and Hunton Parish Council who object to the application 		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL Linton	APPLICANT Berry Gardens Ltd & Alan Firmin Ltd AGENT DHA Planning
DECISION DUE DATE 09/05/17	PUBLICITY EXPIRY DATE 05/05/17	OFFICER SITE VISIT DATE 31.1.2017

RELEVANT PLANNING HISTORY (none for application site but numerous in respect of existing premises to the north and most notable listed below):			
App No	Proposal	Decision	Date
04/2034	Erection of new warehouse and parking	Approved	9.5.2005
05/1172	Extension to building to provide loading bay	Approved	10.8.2005
08/0694	Erection of warehouse building to allow for relocation/expansion of existing business	Approved	23.5.2008
11/1367	Erection of extension and loading bay to pack house	Approved	11.11.2011
12/0153	Two single storey extensions to provide additional chill and office	Approved	26.3.2012
12/1380	Erection of extension to building to create staff facilities and storage and mezzanine floor	Approved	23.10.12

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site is located to the south of Redwall Lane which connects to the A229 to the east. The Wares Farm industrial estate lies to the north and contains a range of B Class uses including the existing Berry Gardens complex of approximately 9,000sqm. The site itself is currently managed grassland which extends from Redwall Lane to the northern boundary to the River Beult which runs to the southern boundary. The land slopes from around 25 AOD in the north west of the site to around 13.5 AOD where the site meets the river and its flood plain, which occupies the southern part of the site. To the north west of the site is a bungalow which is within the ownership of the applicant. An established bund delineates the eastern boundary with Wares Farm, which contains a further complex of large agricultural buildings as well as a large number of caravans which are used for accommodating seasonal workers. Polytunnels are located to the south east and open countryside opens out to the south of the site.
- 1.2 The site lies with the Low Weald, with the Greensand Ridge approximately 2km to the north. With the exception of the adjacent industrial areas, the area mainly consists of pasture and lies within a countryside location with farmsteads and sporadic residential development located along Redwall Lane which includes a residential property adjacent to the north-west boundary of the site. The site lies 4.5km southwest of the Linton Crossroads (via Redwall Lane and A229) which represents the main approach to Maidstone Town Centre.

2.0 PROPOSAL

- 2.1 The application is for the construction of a storage and packing building for occupation by Berry Gardens which will have a floorspace of 18,533sqm including a mezzanine floor for office headquarters of 4,542sqm. The company plan to relocate from their existing base, within the industrial complex to the north, and relocate their

head office from Five Oak Green to combine their entire operations within the new bespoke building. The existing premises would be unsuitable to accommodate the current and projected growth due its size and layout constraints and the new building will contain the requisite chilled storage, processing and packing areas along with a layout which will support the efficient processing operations for local and imported soft fruit.

- 2.2 The site extends to 14ha with 8.9ha to be designated as a landscape and ecological area which will seek to provide landscape mitigation for the proposed building and create biodiversity enhancements as part of an integral strategy. The building will be set within the NE part of the site and will be cut into the landscape, in order to reduce its visual impact and to create a level construction platform, with floor levels set at 20m AOD in relation to the surrounding level of 25.5 AOD to the NW and 21.5 m to the NE boundary. In order to utilise this spoil within the site, land raising will take place within the landscape mitigation area which itself will wrap around the southern and western parts of the building which will include woodland planting, meadow planting and wildlife ponds which will form part of a SUDS scheme.
- 2.3 The building will measure 144m in length with a width of 97.5m which is designed with three hipped bays forming the principal north and south elevations. The building will consist of Kingspan cladding panels coloured green and mushroom with a grey Kingspan clad roof which will measure 12.6m to the ridge. The building will be 8 bays deep with high level aluminium windows to serve the offices. The ground floor of the building is designed to allow the flow of produce through the building with a chilled intake area to the southern part of the building. The central part of the building will contain the packing facilities with the northern part of the building laid out for dispatch with 6 loading bays. Unlike the current building, whereby the internal layout has evolved in a piecemeal fashion, this design and layout of the internal part of the building is specific to the operational needs of the company which is required to support the growth of the business. The building will also contain a mezzanine floor which will contain the headquarter offices, archives, staff facilities including lockers and a canteen area.
- 2.4 The site will also include two access points to the site and an internal road layout which will create one way system for HGVs which will link to the two loading areas to the north and south of the building and also two large car parks for staff and visitors which will provide a total of 232 spaces with HGV parking. The application also proposes highway improvements to Redwall Lane and contributions to Linton Crossroad. A staff recreation facility will also be provided within the site.
- 2.5 The application is supported by an Environmental Statement (ES) which assesses the application under the Environmental Impact Assessment Regulations 2011 (which has recently been superseded by the 2017 Regulations) which includes assessments in relation to landscape, ecology, socio-economic, air quality, transport and noise impacts. The application is also supported by a Landscape and Ecology Management Plan (LEMP).

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) Sections 1, 3, 4, 7 and 11, 12
National Planning Practice Guidance (NPPG)
Development Plan: MBC Local Plan 2000
Emerging Maidstone Local Plan 2011-2031 – DM1, DM3, DM5, DM20, DM24, DM27, DM28, DM34, DM41, ID1

Landscape Character Assessment Guidelines and Maidstone Landscape Character Study

4.0 LOCAL REPRESENTATIONS

4.1 A number of site notices were placed at the site and on the junction of Redwall Lane and the A229 on the 27th January 2017. The application was subject to an initial consultation following validation of the application and a further round of consultation following the submission of amended plans and further information in respect of the application.

4.2 Linton Parish Council has responded to the application and objects on the following grounds;

- No objection to Berry Garden's growth but is no longer a rural enterprise and is a global industrial concern which cannot be sustained in its current location
- Primary industries are farming and tourism and development will cause harm to the wider landscape
- No benefits to the local Linton area and should relocate an area with better infrastructure.
- Flooding and Lighting impacts
- Contrary to the local plan and would harm a landscape of local value and features as defined by the MBC Landscape Assessment
- Development entirely inappropriate and contrary to the NPPF and Local Plan

4.3 Linton Parish Council has requested that the committee undertake a site visit with the Parish Council to understand the site and its concerns.

4.4 Hunton Parish Council has responded to the application and objects on the following grounds.

- Loss of countryside
- Significant increase in traffic across Maidstone
- Should be located nearer the motorway
- Compatibility of HGV and lanes unsuitable for HGV
- Highway safety and congestion

In response to the original application documents, there were approximately 63 responses from the general public of which raised the following issues;

- *Increase in traffic and compatibility of country lanes and HGV*
- *Harm to the countryside and local character contrary to local and national policies*
- *Noise from refrigeration units and workers*
- *Highway congestion and cumulative increase on Redwall Lane*
- *Road unsuitable for HGV, blockages and damage to road and road collapses*
- *High proportion of produce imported so should be located near to motorway*
- *Inspectors report which draw attention to A229 congestion- deleted sites*
- *Inappropriate for beautiful rural area and will impact upon walkers and cyclists*
- *Redwall Lane extremely narrow to the west of the site and road network to west unsuitable for any additional traffic*
- *Impact on highway safety*

- *Additional office workers will travel through Hunton causing chaos and congestions- lanes subject to flooding*
- *Impact of lighting*
- *Visibility is poor along Redwall Lane*
- *Loss of agricultural land.*
- *Will exacerbate the flooding issue*
- *No need to be in the countryside and better placed on an industrial site*
- *Impact on residential amenity by reason of traffic increase*
- *Devastation of local wildlife*
- *Landscape mitigation not adequate especially in winter*
- *Air Quality impacts*

4.5 In response to the applications, there has been one letter of support which is from Locate Kent which highlights what it sees as significant economic benefits of the application and the importance of Berry Gardens, both locally and nationally, including work with unemployed persons. It also highlights the difficulties of businesses within Kent finding appropriate premises and the concern that the business may chose to relocate out of the county if the application is not successful.

4.6 In response to the additional information and revised plans and the further consultation undertaken, a further 13 responses have been received from the general public which either confirmed their original objections still stand or raise the general issues which have already been outlined above.

5.0 CONSULTATIONS

CPRE Kent - Object. State that the development is contrary to development plan and policies ENV28 and considers the development to have a significant impact on the countryside and would be better suited to a site nearer the motorway network.

Environment Agency No objections on pollution or flooding grounds with recognition that the development would be subject to the Environmental Permit process and flood warning system

KCC Drainage No objections- consider the Flood Risk Assessment to be sufficient to assess the flood risk facing the site and are comfortable with the submitted detail of SUDS subject to engagement with the Environment Agency at the detailed design stage.

KCC Ecology Have reviewed the evidence and is content that the foul drainage by condition which will ensure no impact is had on the SSSI. Are content there is scope within the development site to maintain Great Crested Newt populations and that the landscape masterplan offers excellent net gains for biodiversity. Suggest conditions requires Ecological Design Strategy and Landscape and ecological management plan (LEMP)

KCC Highways

1ST Consultation

Initially submitted a holding objection on the basis of the impact of increased traffic and congestion to the Linton Road Crossroads and required further information on the TA methodology and other matters

2nd Consultation

Additional information provided by the applicant allows the removal of the holding objection subject to a suite of highway mitigation works and planning conditions, including the Linton Road Crossroads improvement scheme via a 278 agreement. If MBC are minded to approve the application without the provision of these works, KCC would seek to require a financial contribution to a future improvement scheme and safe guarding of land for future improvement of the Linton Road crossroads.

KCC Rights of Way- Note the location of footpath KM129 and offers advice on maintaining route as per legislation

Kent Wildlife Trust No objection and recognises an enrichment of the undeveloped parts of the site but highlights concerns regarding effect of range of birds and farmland animal. Advises that a condition be imposed to require a LEMP and a package of actions aimed at supporting populations of hares and farmland birds

MBC Conservation – No objection and no impact on setting of any heritage asset

MBC Economic Development

Supports application in relation to benefits put forward by the applicant, the need for the development and wider economic benefits.

MBC Environmental Health No objections subject to conditions relation to air quality, noise, lighting, foul drainage, EV charging points and contamination. Also suggest a noise mitigation plan for plant and equipment and noise management plan to mitigated any effects of the development during night time hours

MBC Landscape LVIA follows the general principles of current guidelines, and feels applicant has underplayed effects and the earthworks and mitigation that is being introduced will alter the landscape in a contrived way.

National Planning Casework Unit Acknowledge Environmental Statement and have no comments to make

Natural England No objections but raise potential to impact upon adjacent SSSI. However, they suggest a condition relating to location of storage to protect SSSI

6.0 APPRAISAL

Background

- 6.1 Berry Gardens Ltd has evolved from a number of cooperatives to expand into the current business which is sited at Wares Farm and has its head office at Five Oak Green. The business has grown significantly since its inception, this growth originating from when the company started to import fruit in 1998 to support its local fruit trade which coincided with the significant upward growth in the UK soft fruit market. This together with the signing of exclusive trading deals has led to significant growth of the business with the company supplying major supermarket chains. The company provide packaging and storage facilities for local farms including Clock House Farm at Coxheath as well as processing imported produce from further afield. In 2015, the farm produced 61 million punnets of which 10.5 million punnets were sourced locally and the remainder imported from the rest of the UK or abroad, and presents a growth of around 20% growth rate year on year. The company forecast further growth in sales of £156 (or 70 million punnets) in 2016 to around £190 million

in 2020 (or 107 million punnets). This projected growth will require a growth from the existing workforce of 509 (434 at Wares Farm) to 728 in 2020 and 938 at peak employment numbers in 2024.

6.2 The company current employ 434 staff at the Wares Farm premises with many employees residing in the South Maidstone Area including the immediate ME15 and ME17 postcodes where the highest concentration of employees live. The business is also heavily involved with local fruit farms with the current premises processing around 10.5 million punnets from this local supply chain which in turn are reliant on Berry Gardens as a local processing and chilled storage facility before the produce is sent to market. It has been advised that there is a 30 minute period from transferring fresh produce from field to chiller in order to ensure freshness and to maintain quality in the product. Therefore, whilst the dominant import element to the business, there is also a clear local link with local businesses and the fruit industry which found in the south of Maidstone. For example, it has been advised that Clockhouse Farm at Coxheath are Berry Garden's primary customer, who rely on Berry Gardens (including their cold storage facilities) and currently produce £15 million soft fruit which is growing at 10% per annum.

6.3 The current and forecasted growth is put forward as justification for the construction of a new building and its increased floorspace, bearing in mind the extent of floorspace and the layout constraints of the existing building. The rationale behind the new building is also to bring together the head office with the warehouse operations within one building which will seek to create operational and economic efficiencies for the business. The new floorspace has been designed to create the requisite floorspace for chilled storage, packing and dispatch facilities to accommodate the forecasted growth and achieve this within a logical and efficient layout. This will include an increase in the intake (chilled store) from 2500sqm to 5000sqm which would allow an increase in storage of 650 pallets to 1300 pallets. The packing area will increase from around 1500sqm to 3800sqm which will allow space for 15 packing lines and an increase in the dispatch area from 930sqm to 2500sqm which would allow an increased storage from 250 pallets to 800 pallets. Further floorspace would be increased for storage and requisites from 1115sqm to 1500sqm. Other floorspace will include staff facilities such as the canteen and locker /changing areas and other ancillary facilities. Whilst some of these areas have more than doubled in size above that of the existing premises, other areas have not increased to the same degree on the basis the new building will simply allow a more efficient way of working. Thus, the benefits of the new building do not simply rely on greater floorspace but also on the more logical layout of the floorspace to make production more efficient. The opportunity to combine their existing two sites into one building will also have economic and operational benefits to the business.

Planning Policy Context

6.4 The application would represent the construction of a substantial new building with a floorspace of over 18,000 square metres which will contain the necessary facilities to meet the applicant's current and future growth including its office headquarters that will occupy a mezzanine floor (4542sqm) within the building. The site is located within the countryside as defined by policy ENV28 of the existing local plan and Policy SP17 of the emerging Local Plan and is outside of any settlement boundary or Economic Development Area. ENV28 seeks to protect the character of the countryside whilst SP17 (in its modified form) states development will not be permitted unless they accord with other policies and will not result in harm to the character of the area. Due to the stage in the adoption process, it is considered the policies of the emerging plan can be given significant weight.

- 6.5 In line with the NPPF policy (paragraph 19) of placing significant weight on economic growth and supporting the rural economy (paragraph 28), Policy DM20 (Policy SP21 in the modifications) of the emerging plan states that the council is committed to improving the economy of the Borough and providing for the needs of business. The policy sets out a range of criteria which will be used to achieve this policy goal which will largely be achieved through the retention, intensification and regeneration of existing business estates and economic development premises along with other measures including town centre development and small scale development incentives.
- 6.6 Policy DM41 (Policy DM37 in the modifications) of the emerging plan is the relevant policy to economic development in the countryside and permits the expansion of businesses in rural areas. However, whilst the supportive aims of the policy in respect of the development are relevant, the scale, size and impacts of the development would go beyond that which is permitted by the policy which restricts new buildings to those small in scale and where the building can be integrated into the landscape. The policy then states that where adverse effects would occur, the development should look to locate in one of the Economic Development Areas (EDA), within Maidstone or one the rural service centres. Whilst, the development could be considered to represent an expansion to the existing Wares Farm complex, it would be a substantial expansion, which would represent a more than doubling in size of the existing industrial area in terms of site area and therefore the building could not reasonably be considered to be small in scale. Thus, the scheme would be contrary to policy ENV28, Policy SP17 and DM41 and the key question is whether they are any material considerations which would outweigh this policy conflict.

Alternative Sites

- 6.7 The applicant has followed the approach set out in Policy DM41 which requires the company to look to relocate to the EDAs or within Maidstone or the service centres. This alternative search is also necessary as Regulation 18(4) of the EIA Regulations 2017 requires an assessment of reasonable alternatives to the proposed scheme. Having reviewed the justification and need for the new premises, including the growth projections, it is considered the need for a new building has been justified. Having regard to the policy position outlined above, where it states businesses should look to relocate to one of the EDAs, the applicant has investigated whether there are available EDA sites or emerging allocations or whether there are other sites within the Borough which could be more suitable to deliver the needs of the company in a more appropriate manner. This review of alternative sites also needs to take into account the potential timeframes for delivery for each site. The council's planning policy and economic development teams have reviewed the applicant's approach to assessing these alternative options to accommodate this proposed growth of Berry Gardens which is set out in stand-alone document and is reviewed in the socio-economic chapter of the ES. The applicant has assessed the sites on the basis of the criteria set out by Berry Gardens which can be summarised as;

- (1) Site capable of consolidating two offices/facilities into one building
- (2) Premises should reflect upon the corporate image of farming and agriculture
- (3) Packing facility must be of suitable size to bring efficiency saving which in their view amounts to 14,000sqm and office of around 4,500sqm
- (4) Parking spaces for 200 cars

- (5) Within a 20 minute journey of Clock House farm which is a key production site
- (6) Within easy reach of Wares Farm and Five Oak Green to retain current workforce
- (7) Premises capable of 24hr operations

- 6.8 Whilst, the extent of imports is the dominant part of the business (83% of punnets in 2015), the existing location close to the supply chain and local growers at places like Clockhouse Farm and the wider supply chain is also important to the locational aspect and alternative site search having regard to that set out above. If the site were to be located away from the existing location this may have implications for the growers who currently rely on Berry Gardens for processing, chilled storage and dispatch to the market. The optimum distance from field to chiller is 30 minutes and therefore if Berry Gardens was no longer within such proximity to this supply chain, these businesses could be required to install their own packing/chiller facilities, thus placing a greater strain on these local businesses in terms of the new investment that would be required. As set out above, one of the major fruit growers in South Maidstone, Clockhouse Farm, is largely reliant on Berry Gardens for chilled storage and has little on site storage despite its annual growth in fruit production. Thus, although the locational benefit of locating nearer to the motorway network is recognised, having regard to the extent of imported fruit, there are also locational benefits for locating nearer to the application site due to this functional link with the local supply chain and this is also relevant to the alternative site search and the overall economic considerations. Focusing on the policies of the emerging plan and those of the NPPF which both seek to support economic growth, it is considered some of the above are relevant consideration with others such as point (2) whilst preferable for the company, are not planning considerations.
- 6.9 The Applicant has reviewed allocations within the 2000 Plan and that of the emerging plan set out in policy EMP1. Firstly the MBC 2000 sites, including Eclipse Park and the allocated site in Yalding, these sites either have insufficient land, have other uses which would limit the use of the site or owners have other aspirations and are also are not available. Also these sites are much further from the fruit growers. The Economic Development Areas as set out within policy DM21 of the emerging plan have also been assessed and have either been discounted by reason of size, existing occupation or other constraints which would prevent these being considered as deliverable alternative sites.
- 6.10 The applicant has also reviewed some of the emerging allocations in Policy EMP1 in more detail including land at Pattenden Lane, Marden which is governed by Policy EMP1(4), but which is inadequate due to the size of the site. The applicant has also investigated the EDA at Pattenden Lane where the planning policy team highlighted the vacation of some of the existing units in the near future. However, it is understood, this would be undeliverable on the basis of some of the units will remain occupied on the site and thus the constraints of the site would prohibit the construction of the necessary sized building and its infrastructure. It is also noted that the location of the site is more remote from the motorway network than the application site and would still have to undertake the same route along the A229 and through the town centre.
- 6.11 Woodcut Farm is perhaps the obvious alternative, being the largest allocation within the emerging plan, under Policy EMP1(5) which seeks to deliver 49,000sqm of mixed employment uses. The applicant draws attention to some of the restrictive parts of

the policy which includes a maximum of 10,000sqm per unit. Whilst, this site is strategically located adjacent to the motorway network, there is uncertainty over its delivery bearing in mind the planning refusal last year and therefore it is not available at this time. Furthermore, Berry Gardens did approach the landowner to assess availability who confirmed no bespoke solution could be provided including any mezzanine floors and there would be limitations as to where dock levellers could be located. The site would not be able to provide the parking requirements on site. The constraints outlined above and the uncertainty over delivery enables one to conclude that this cannot be considered an alternative site at this time. The other emerging employment allocations are either below the size required or are in a location which is not suitable for the business.

- 6.12 Finally, the applicant has looked at other sites outside of the policy regime or those suggested to them by the council at the pre-application stage. This includes the Lodge Road at Staplehurst which is protected for employment uses although since that time the Neighbourhood Plan has been adopted and which allocates the land for mixed use purposes with an emphasis on smaller units and residential development. Detling Aerodrome is brownfield site which has been presented as having potential for redevelopment although concerns have been raised by the council in relation to impacts on the AONB. Furthermore, any proposals are at an early stage and for the purposes of this exercise it is considered the site is not available or deliverable as an alternative site to Wares Farm. Other sites such as land at Lenham Storage, Marley Site, Lenham have been assessed but these like the EDA's are fully occupied with existing business and buildings and there is no evidence to suggest these are available.
- 6.13 The council's Economic Development and Planning Policy sections have reviewed the application and the alternative site search and have not identified any sites within the Borough which could meet their needs. It is not considered appropriate to require the applicant to review sites outside the Borough on the basis it is considered necessary to retain the existing jobs within the Borough. I am therefore satisfied that the alternative site search has been robust and based on proportionate evidence to demonstrate there are no other more appropriate alternative sites including those which would comply with the relevant policy approach.
- 6.14 In summary, it is considered the applicant has reviewed the extent of alternative sites which are available and deliverable in order to sufficiently investigate the scope and opportunity of locating elsewhere. It is also considered the ES has meet the requirements of Regulation 18 (d) of the Environmental Impact Assessment Regulations 2017, regarding the need to consider alternatives, which superseded the 2011 regulations in May 2017. Whilst the ES was prepared under the 2011 regulations, it is considered, the ES remains complaint with the 2017 regulations. On review of this exercise it is clear there is a lack of alternative sites within the Borough which could accommodate the proposed building and necessary facilities which are required to support the economic growth of Berry Gardens.

Economic considerations

- 6.15 It is considered that there are no alternative available sites within the Borough which could accommodate the projected growth of the business and thus it is necessary to consider the need and its wider benefits which would allow one to understand the implications should this building not be provided. The latter point is likely to encourage the relocation of business to an area beyond the Borough as if the company is no longer able to locate near to its local market, it could indeed relocate to any part of the country (as produce would already be chilled and thus the 30

minute threshold would no longer be vital). As such, the implications on losing existing jobs, loss of support for the local soft fruit industry and supply chain and other economic benefits could potentially be lost from the Borough. As such this application is not simply assessing the proposed economic benefits but also the retention of existing jobs and such associated existing economic benefits.

- 6.16 Paragraph 19 NPPF states significant weight should be placed on supporting economic growth and the emerging planning MBC policy DM20 (SP 21 in the modifications) also state that the council will seek to support the local economy. Of particular relevance is NPPF paragraph 28 which states planning should support economic growth in rural areas. The application documentation sets out the current and future projected growth of Berry Gardens and sets out the direct and indirect economic benefits that will accrue from the expansion of the business. This includes 504 new jobs up until 2024, the relocation of a head office within the Borough which will bring jobs from the adjacent borough of Tunbridge Wells, 353 new jobs produced through the supply chain and additional economic benefits generated from business rate revenues and investment in services and goods in the supply chain. There will also be obvious economic benefits during the construction phase whereby jobs and investment in the construction sector will occur which has been calculated by the applicant using employment multiplier calculations.
- 6.17 Of relevance to this matter, are the benefits to local growers, such as Clockhouse Farm, who currently supply Berry Gardens and utilise the close proximity in getting fresh produce to chillers within 30 minutes of picking. If Berry Gardens were to relocate, these growers, which are also important to the local rural economy, could have to invest in similar chiller facilities on each of their sites which would have potential implications on these smaller businesses.
- 6.18 Thus it is clear there is an identified need for the new building and significant economic benefits will accrue from the application in accordance with the NPPF principles and the aims of local policies.

Landscape Impact/Landscaping

- 6.19 The site lies directly south of the Wares Farm Industrial Estate in open countryside as defined by Policy ENV28 of the MBC Plan 2000 (and continued by SP17 of the emerging plan) which requires the character of the countryside to be protected and enhanced. Of relevance to the assessment of the landscape impact is the context of the site and its surroundings, which include a number of substantial buildings, including the existing Berry Gardens premises and other industrial buildings, set on a higher level, located to the north east and directly to the east of the site are a number of substantial buildings and a large bund which runs southwards along the eastern boundary with the application site to screen a large caravan site which is used for seasonal worker accommodation. To the south of the site is open countryside, interspaced by fruit growing and polytunnels. The levels drop from around 25 AOD at the NW corner of the site, to around 13 AOD to where the land meets the River Beult to the south.
- 6.20 The scheme involves the construction of a substantial building which is cut into the landscape by around 3m, with finished site levels of between 18.5 AOD to the north of the building (the building will have final floor level of 20 AOD) against the existing level of 21.5 AOD in the NE of the site. Further level changes will facilitate landscaped areas, car parks, roads and loading bays. Due to the levels of the land, the southern part of the development area will sit at around 18.5 AOD and be graded down to 16-17 AOD where the land will then continue fall to the river. The

development will also involve land level changes to the south of the building, utilising the spoil, which will include two bunded areas which will lie within the landscaping and ecological area. A substantial landscape strategy will be implemented which will include planting to the frontage and boundaries to the site as well as a substantial swath of woodland planting around the western and southern parts of the building, with meadow and hedgerow planting to lead down to the flood plain of the site.

- 6.21 The site does not lie within any protected area or special landscape area as defined within the Maidstone Local Plan 2000 or by the emerging plan. The Greensand Ridge Special Landscape Area (2000 Plan) lies to the north of the road but this designated area is not being carried forward within the emerging plan. Instead within the emerging plan, a new landscape of local value (LLV) will be designated, which will be known as Sutton Valence Greensand Ridge Landscape, but this new local landscape does not extend as far south as the existing SLA and will be approximately 1km to the north away from the application, with Barnes Lane delineating the south boundary of the LLV.
- 6.22 In terms of the Maidstone Local Landscape Character Assessment 2012 (MLCA), the site lies partly within Yalding Farmlands Character Area (northern part of the site) and Beult Valley character area forming the southern part. The site falls within the Low Weald National Landscape Character Area although it does not fall within the Low Weald LLV which is a considerable distance to the south west nearer Staplehurst and Headcorn. Yalding Farmlands is defined as being largely pastoral land and orchards with drains towards the River Beult with broadleaf woodland blocks and regular patterns of medium sized fields laid to pasture. The MBC Landscape Capacity Study (MLCS) defines the character area as having a high Landscape sensitivity and a moderate visual sensitivity making the landscape sensitive to change. The Beult Valley Character Area is defined as a low lying valley of the River Beult with rich native hedgerows and mature oaks, mixed agricultural land and sparsely scattered small woodland. The capacity study 2015 also defines a high landscape sensitivity and moderate visual sensitivity and like the Yalding is sensitive to change as a character area.
- 6.23 The application is supported by Landscape Visual Impact Assessment (LVIA) which is contained within a landscape chapter within the ES. This establishes a study area and this assessment considers a number of views from a number of vantage points including those from Redwall Lane, those from local footpaths and public vantage points to the south and those more long range views further north from the Greensand Ridge.
- 6.24 The LVIA assesses the impact from number of points along Redwall Lane, which is considered to be insignificant or neutral from the east with views from the west part of Redwall Lane moderate adverse although it concludes that with the maturity of the landscape strategy the views would either be beneficial or neutral in landscape impact suggesting the landscape strategy would be effective in mitigating the impact from these viewpoints.
- 6.25 In terms of views from public footpaths, the LVIA concludes that from the footpath directly to the south, the KM229 and KM129, will have a moderate adverse impact when looking northwards from the footpaths) and although the landscape strategy will limit views, it is likely the rooftop of the proposed building will still be visible. From the KM144 which lies to the south west of the site, the building would be visible and thus impact would be moderately adverse in the short although in time, the landscape strategy would screen the development. In terms of longer term views

such as from the Bull PH/Linton Churchyard and the Greensand Way to the north, the LVIA considers the effects to be minor adverse although it is not considered to change the character of the wider area in such long range view.

- 6.26 MBC Landscape has reviewed the methodology and assessment undertaken by the applicant regarding the impacts of the development and considers the LVIA to follow the principles of current guidelines. However, they consider the applicant has underplayed the impact of the development suggesting the level changes and platform will be contrary to the open character of the landscape. Whilst MBC Landscape recognise the level of landscaping proposed but they consider the planting of wildwood on raised levels would appear contrived in the landscape. The MBC Landscape officer also considers the development would restrict views across the floodplain and the development would interrupt this openness which currently contributes to the intrinsic character of the local landscape. I would concur with the MBC officer, in that the level of harm as concluded in the LVIA is somewhat understated and the level of harm, from certain positions is more harmful than suggested by the applicant.
- 6.27 The principal views of the site are those from Redwall Lane and from the footpath network from the south and west, whereby views will be afforded and in longer range views from the Greensand Way to the north. From Redwall Lane, the creation of the new access points and the urbanising features such as car parking, will be visible along Redwall Lane although it is acknowledged, views will diminish as one travels further east and west. Whilst the woodland planting will in time help soften the views, especially directly in front of the site, the creation of two industrial access points, through which the building will be visible, will have an adverse impact on the local character although the degree of harm is reduced on the basis such views will be within a context where there are already industrial type buildings and other built form rather than an undeveloped rural context. Notwithstanding the landscaping mitigation provided to the site frontage, it is clear there will be visual harm caused to the character of the countryside although it is likely this will be restricted to road users and local residential properties residing on Redwall Lane, as the lack of footway limits passers-by.
- 6.28 In terms of the impact of the development from the footpaths, there will be views from the south, northwards, towards the development, which currently include views of the industrial type buildings to the north and east of the application site. In the short term, there will be clear views of the building and the land raising which would cause significant harm to local character on the basis of the inclusion of this substantial built form into open countryside. However, over the medium and long term, on maturity of the landscaping area, views of the building and site will either be fully screened or be reduced and limited to that of the upper parts of the building.
- 6.29 MBC Landscape have questioned the appropriateness of wildwood planting on raised land level but it is noted that the pockets of woodland are noted as being characteristic of the Low Weald landscape and the Yalding Farmland character areas and thus it could be argued this is not inappropriate within such a context, especially as in time the level changes will be largely invisible in views. Whilst, it is considered the impact of the building will be limited to certain points along this route (on maturity of mitigation) and the affected users will be limited to those users such as ramblers, walkers and fisherman, it is considered the harm would represent a moderate adverse impact. The application is also supported by CGI images, which are used as a visual guide, which shows the views from the southern footpath, the KM229, to be largely obscured by woodland after 10 years once this has matured. Whilst, the development would be contrary to certain landscape guidelines sets out in the LCAA

due to the scale of the development, the detail of the proposed landscape strategy does draw from these guidelines and would on maturity represent a characteristic of the wider landscape area.

- 6.30 However, whilst the mitigation and landscape strategy will be effective in screening the development in mid range views from the footpaths, the development will be visible in longer distant range views, including from the Greensand Ridge, a LLV, and thus development will cause harm to the character of the countryside by reason of the scale of its built form and the urbanising effects of the development within the wider landscape. Moving onto the significance of such views, whilst these views would be possible from certain points from the north, including from the Greensand Way, the building would not be seen as an isolated feature, due to its location adjacent to industrial estate and the complex to the east and the intervening landscape features will filter and limit views from certain points. The sensitivity of the location from which views are afforded is noted and thus the significance of the harm should be increase to moderate adverse impact rather than the minor adverse concluded in the LVIA.
- 6.31 The context of the site and its surroundings reduces the sensitivity of the immediate landscape and the long term management and implementation of the landscape strategy will reduce the harm caused in medium range views from the south. However, the development will cause adverse harm to the landscape when viewed from Redwall Lane and when seen in longer range views from the north, although the aforementioned context reduces the significance of this. As a result of the above identified harm, the development would still be contrary to contrary to Policy SP17 and Policy ENV28 and paragraph 17 of the NPPF which seeks to protect the intrinsic beauty of the countryside.

Highways

- 6.32 The application is supported by a Transport Assessment (TA) and Travel Plan which seeks to analyse the transport impacts of the development and propose measures which can promote sustainable travel. This information was reviewed by KCC Highways and a number of meetings have since been held between the council, KCC Highways and the applicant's transport consultants and further documentation was prepared.
- 6.33 The site will be accessed via two access points to the NE and NW of the site in place of the existing field access which will facilitate a one way system for HGVs within the site. The car parking facilities will amount to 232 car parking spaces and 6 HGV spaces (in addition to the 12 loading bays). On the basis, of the floorspace and the nature of the business, which operates on a shift system, it is considered the parking and access arrangements are sufficient. KCC Highways have reviewed this and have no objections to the application on this basis.

Transports impacts and proposed mitigation (including trip rates)

- 6.34 The TA sets out the projected increase in traffic generation that will result from the proposed building and this is based upon surveys of the existing Wares Farm complex to understand the travel behaviour of existing staff. The calculated trip rates also include the likely trip rates that will result from the existing Berry Gardens premises which will be returned to light industrial units similar to the existing wider estate. The methodology and the resulting estimate of vehicle movements has been reviewed by KCC Highways and consider these to present a realistic picture of the additional vehicle trips on the wider local highway.

- 6.35 The TA calculates that the new building will create 762 additional one-way car trips and 92 HGV trips and 244 LGV trips within one 24hr period which can be broken down to 4 and 10 trips per hours respectively for the latter. Of this, it is expected there will be 110 car trips in the AM peak and 278 trips in the PM peak which is based on the 2020 staff levels. This has been made on the basis of the vehicle occupancy remaining at 63% which is the modal share at the current facility at Wares Farm. In terms of distribution of these, it is envisaged that HGV's will travel easterly along Redwall Lane, along the A229 and through Maidstone Town Centre to the M20. In terms of LGV, it is estimated 25% will route west along Redwall Lane, with the remainder heading East with 45% of these heading north to Linton Crossroads. With regards to car trips, 70% will head east along Redwall Lane and at the junction with the A229, two thirds of the traffic will head north towards Linton crossroads.
- 6.36 KCC Highways consider the above assumptions on trip rate and distribution provide a robust basis for testing capacity of the key junctions including the immediate junction of Redwall Lane and the A229, the Linton Crossroads and the A229 corridor further north. Firstly taking the Redwall junction, the applicants are seeking to improve the junction radii and move the 40 mph to the south of the junction. KCC have considered the junction will continue to operate satisfactorily and within capacity with the development.
- 6.37 Concerns have been raised by residents and the Parish Council regarding the appropriateness of Redwall Lane for the development and HGV traffic although it should be noted the lane is already used for HGV traffic for the existing premises and industrial units further west along Redwall Lane. The applicant is proposing improvements to the lane including some road widening and relocation of hedgerows with the aim of improving forward visibility along the road. KCC have no objection to these improvements and in terms of the route to the west of the site along Redwall Lane, KCC recommend the junction design prevents westerly travel along Redwall Lane. The applicant has provided further information on the junction radii and installation of a bollard to prevent HGV's turning west. These works can be secured via a Section 278 as the works are contained on either highway land or land under the control of the applicant. KCC advise that these physical works are further supported by a legally binding routing agreement as a means of ensuring all HGVs route to the east via the A229.
- 6.38 In addition to the general concerns regarding Redwall Lane, concerns also arise regarding westerly car travel along Redwall Lane, the TA estimates approximately 34 movements in the AM peak and 56 in the PM peak. KCC Highways remain concerned regarding this issue and consider the improvements at Linton Crossroads will influence the use of this route and the attractiveness of this to car users. With the imposition of a condition relating to junction design, HGV routings (which would be secured via the S106) vehicle tracking and the contributions towards improvements in respect of Linton Crossroad (transfer of land and bus stop), it is considered the development can satisfactorily limit HGV movements and other traffic to the west. In order to monitor and if necessary address, the use of the westerly parts of Redwall Lane, it is considered necessary to require monitoring of Redwall Lane, west of the site, and the S106 to secure contributions to allow for direct interventions, if necessary, provide a necessary sanction if a problem is identified.
- 6.39 The TA also assesses the existing capacity of the Linton Crossroads and the proposed impact of the development on the capacity of the crossroads. Table 9.1 on the following page shows the junction's operating capacity with the base traffic and committed housing developments (without mitigation) shown as at 2021. The table

then shows the impacts of the development in brackets which adds the proposed development to the base traffic and committed development which enables members to appreciate the impact of the development on this junction;

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Linton Hill (S) Base	101.3% (102%)	38 (41.6)	93.5% (124.4%)	32 (133)
A229 Linton Road (N)	105.6% (105.7%)	57 (65)	92.3% (92.4%)	24 (27.5)
B2163 Heath Road (W)	105.9% (112%)	46 (59.8)	103.3% (103.3%)	42 (42.1)
B2163 Heath Road (E)	108.6 (112.5%)	55 (67)	277.8% (277.8%)	232 (243)

Table 9.1- Base traffic data and committed development with the effects on the junction with the proposed development included shown in brackets (no mitigation)

- 6.40 As can be seen above, the junction with the base traffic and committed developments, all arms in the AM peak and two arms in the PM peak will be in excess of the theoretical capacity of the junction (100%). When the proposed development is added to this situation, the effects on the capacity of the junction will remain similar, with the exception of the Linton Hill Arm (S) in the PM peak which will increase from 93% (above design capacity) to 124% (above theoretical capacity) and will result in the mean queue lengths increasing by 101 vehicles on this arm.
- 6.41 It is considered the proposed development on Linton Crossroads, when considered cumulatively in relation to the growth base data and committed development is largely limited to its impact on the southern arm which will be affected by significant increased queue lengths in the PM peak.
- 6.42 It is relevant to this application and these effects, to acknowledge future mitigation works and whether these would alleviate the impacts of this development, as well as addressing existing congestion issues which exist at the junction. As part of the housing schemes within the Coxheath Area, developers have been required to contribute towards improvements which enable a junction improvement scheme to be implemented. These mitigation works have been subject to preliminary concept design by Mott McDonald, consultants instructed by the council, which seek to increase capacity of the junction to accommodate the future growth. The TA has assessed the potential impact of such a scheme on the junction capacity which can be seen on the next page in Table 9.2 where the increase in capacity of the junction as a result of an improvement scheme can be seen. To allow for comparison purposes, the cumulative impact of the development without mitigation is provided in brackets;

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Linton Hill (S) Base	81% (102%)	12 (41.6)	105.4% (124.4%)	45.8 (133)
A229 Linton Road (N)	80.2% (105.7%)	10.5(65)	76% (92.4%)	7 (27.5)
B2163 Heath Road (W)	71.9% (112%)	11 (59.8)	77.6% (103.3%)	13 (42.1)
B2163 Heath Road (E)	80% (112.5%)	14 (67)	102.1% (277.8%)	29.8 (243)

Table 9.2 Table showing capacity and queue lengths following implementation of preliminary Linton Crossroads improvement scheme with the no migration scenario showed in brackets)

- 6.43 This data, which has been reviewed by KCC, shows the junction improvement works would be effective in mitigating the effects of the committed housing developments and the proposed development and although two of the arms would remain over capacity, this is not dissimilar to the current situation where other development have been approved in such a context. Furthermore, in order to enable to provide further flexibility to the overall scheme, the applicant is offering the land to the SW of the junction, to enable a left turn lane to be incorporated into the scheme and enable the relocation of the bus stop on the W arm to be located within the lane, outside of the main carriageway.
- 6.44 Through this additional land, the applicant has also suggested improvements to the Mott McDonald scheme, and they consider that these improvements could produce a scheme that would bring all arms below design capacity (90%) as of 2021 with the exception of the eastern Heath Road arm which would be minimally above this but would result in a reduction of mean queue length on Linton Hill (S) from 133 (no mitigation) to 12. This could be achieved with this additional land involved and thus provides significant improvement to the overall mitigation scheme. Such a scheme would also require a reduction in cycle times for traffic signals. Whilst, this design is untested and further preliminary work is required, it is additional land available, the potential of which enables the inclusion of a left turn lane with the benefit of increasing capacity to the junction. KCC Highways acknowledge that the proposed improvements could have a benefit to highway safety and that it is suitable in principle. However, it does state that because its delivery is reliant on the County Council, there is a lack of certainty that the mitigation will be delivered when it is required and this certainty is essential if this is to be considered.
- 6.45 KCC Highways will remove its holding objection if the applicant were to implement the junction improvement scheme along with the other improvements or failing that, if MBC were to go against its advice, it then states that the said land should be safeguarded and a financial contribution should be secured towards the junction scheme.
- 6.46 It is clear that an improvement scheme for the Crossroads, whatever its final design, will be sufficient to adequately mitigate the committed development and that of the

proposed development. It is also considered there is sufficient certainty that the Crossroad Improvement scheme will be delivered within a timeframe to mitigate the proposed development. It is a key point, that the estimate trips from the development relates to a point time at 2021 and unlike housing development, the total trips will not originate on completion on the development but will occur as the business develops. Secondly, these trips are not necessarily new trips as some of these trips are already on the network (including existing staff) and therefore this is relevant. Thirdly, the impacts of this development on Linton Crossroad should be considered on the basis these were based on the busiest period for the business (May to December) and therefore represent a worst case scenario for the impacts.

- 6.47 However, the critical point is the likelihood of the delivery of the junction improvement scheme and it is considered there is sufficient certainty of this. The scheme is within the control of the Borough and County Council and is identified as infrastructure which is an integral part of the council's growth strategy set out in the emerging plan. The allocation of sites at Coxheath and the locality were justified in highway terms on exactly the same basis. Indeed, the council's Infrastructure Delivery Plan confirms the improvement scheme is 'critical' to the implementation of its local plan and considers the scheme deliverable within 5 -10 years. Indeed three contributions for the Local Plan sites have been secured by legal agreement with a further outstanding contribution to be secured from the draft allocation site H1(60) at Forstal Lane which is currently before the council for determination. It is understood, a contribution from one of the housing sites is shortly to be released to the County Council, with others forecast to be paid over the coming year, and therefore it is envisaged KCC Highways could commence on this infrastructure in the near future.
- 6.48 Therefore, it is clear the council and indeed the County Council have raised no objection to housing schemes within the area but on the basis contributions would be paid and the works implemented within the short/medium term through the County Council. Therefore KCC Highway's request for the applicant to undertake the entirety of the junction works prior to commencement is considered to be unreasonable and would not meet the CIL tests on the basis it is not fairly and reasonably related in scale and kind to the development. Therefore, the proposed mitigation put forward by the applicant regarding the transfer of the land to the SW of the Crossroads and a financial contribution to secure the relocation of the bus stop on the western arm is considered proportionate to the impacts of the development bearing in mind those factors set out in the preceding paragraphs. It is not also considered appropriate to seek a further financial contribution to the crossroad scheme itself, bearing in mind the value of the land (including its potential non-monetary value for improving the scheme) and the fact the contributions secured by the housing sites should secure the funds necessary to fund the crossroad improvement works.
- 6.49 In relation to the wider highway network including the A229 corridor further north, some residents have referred to the Local Plan Inspectors report whereby some sites were deleted from the Local Plan on the basis of highway impacts. However, bearing in mind, the points made above and the review by KCC in respect of this corridor, it is not considered the effects on the A229 Corridor, which would include the Wheatsheaf junction further north or through Maidstone Town Centre, could be considered severe and therefore in accordance with Paragraph 32, it is not considered this could substantially weigh against the development.
- 6.50 Therefore, in summary, the wider impacts of the development would not have a severe impact on the wider highway network and subject to the mitigation package for Linton Crossroads and conditions regarding a travel plan, highway works and

other highway matters, there are no highway matters that would justify a refusal of planning permission.

Design (including sustainable construction).

- 6.51 The building will have a warehouse appearance; steel clad with panels of green and mushroom coloured kingspan profiled cladding, with its northern elevation consisting of three bays, each with a hipped roof running N-S which will be clad in grey Kingspan panels. The north east bay will project slightly northwards and will consist of glazed panels, green living walls in order it forms the focal point of the building and the entrance to the Head Office. The remainder of the façade will primarily relate to the functional purpose of the building as a storage and distribution building. The central bay of the northern and southern elevations will each contain 6 dock levellers/loading bays with the 1st floor level containing fenestrations to serve the offices and canteen.
- 6.52 The application is supported by an energy statement and the development is proposed to exceed the BREEM Very Good standards for water efficiency and energy credits as per the requirements of Policy DM2 and will contain renewable energy within its design through approximately 650sqm of PV panels on the roof which will create a reduction of 30% in carbon emissions. The scheme will also seek to achieve BREEAM outstanding rating in relation to energy which would be in excess of the policy guidance set out in Policy DM2. Having regard to the high energy usage of the business, the opportunity to improve upon the existing premises, holds further weight in support of the application.
- 6.53 The design of the building and the site is considered to be appropriate to its function and purpose and includes a range of design features which seek to improve upon traditional warehousing development including the NE corner elevation which seeks to break up the mass of the building and provide interest within the most visible part of the building from Redwall Lane. On this basis, it is considered the scheme will meet the principles of good design and section 7 of the NPPF and policy DM1 of the emerging plan.

Ecology

- 6.54 The application is supported by an ecology chapter within the ES which is based upon the relevant protected species surveys and biodiversity records. The application is also supported by a Landscape and Ecology Management Plan (LEMP) which seeks to secure the biodiversity gains across the site.
- 6.55 The applicant undertook Great Crested Newt (GCN) survey on any nearby ponds, including that of the pond to the north of Redwall Lane and a balancing pond adjacent to the site whereby a good population of GCN was recorded. The report recognises the loss of potential habitat within the site but considers the site to be sub-optimum for the terrestrial habitat due to its use and type of vegetation. The report also concludes there will be no direct impact on bats but highlights buildings on the adjoining boundary as having a number of roosts and thus any development should protect these roosts and provide opportunity to foraging by bats within the LEMP. There is not considered to be potential for other protected species such as badgers, dormice, reptiles or water vole.
- 6.56 Due to the potential for GCN on the site, the ecology chapter outlines a range of recommendations that will be requires including trapping and relocation and habitat enhancements which will compensate the loss of any terrestrial habitat. For bats, it will need to ensure the boundary with the eastern buildings is protected and any

further lighting does not impact upon this protected species. The wider LEMP which is discussed below will provide compensatory habitat and wider biodiversity enhancement.

LEMP

6.57 As set out above, 8.9ha of the site will be set aside for ecological enhancements and landscaping will be delivered for a multitude of purposes. It will seek to implement recommendations by the ecologist including wildlife corridors, meadow grassland planting and wildwood planting. The strategy will include new hedgerows, to recreate former field boundaries, species rich grassland, newly planted woodland, wildlife ponds which will also form part of the sustainable drainage system as well as other new habitat across the site including log piles and hibernacula and bat and bird boxes. All new planting across the site will be of native origin or be a good pollinator depending upon the planting situation. It is proposed this plan is secured by S106 to require further detail on mitigation and enhancements and ensure long term management and monitoring.

6.58 KCC Ecology has reviewed the above and has no objections and acknowledges the opportunity for excellent gains in biodiversity as part of the development. They also confirm there is sufficient information presented in respect of ecology in order for a decision to be made. They acknowledge the loss of terrestrial habitat in connection with the balancing pond north of the site but consider there is scope within the proposed development to ensure there is no detrimental impact on the population. They also believe it is likely a Licence from Natural England would be granted to allow these works to proceed on the basis the scheme is likely to pass the derogation tests. Kent Wildlife Trusts have also reviewed the application and again recognise the opportunity for biodiversity enrichment and advises that a management plan should be focused upon conservation of farmland birds and hares to mitigate any loss of range of these threatened species.

The SSSI

6.59 The River Beult SSSI lies to the south of the site and enjoys statutory protection. The application has been reviewed by Natural England, KCC Ecology and the Environment Agency as to the potential impacts on the SSSI. The most notable potential impact is the fact the drainage, both foul and surface water, will discharge into the river. However, the applicant is proposing a SUDS system which will utilise filters and remove potential contaminants and the foul water will be dealt with by way of a package treatment plant which will seek to deliver a good quality outflow. In any case, the drainage will require an Environment Permit from the EA which requires the water outflow to be of sufficient environmental quality and ensure any discharge does not adversely affect the SSSI. The EA confirm that Natural England will be consulted again as part of this permit process to ensure the ecological interests of the SSSI are maintained. All three of these statutory bodies, have no objections to the scheme or to the principle of discharging into the SSSI but recommend a suite of conditions. This includes the restriction of storage within 10 metres (Natural England) and conditions relating to the LEMP (KCC Ecology) which are recommended to be imposed if permission is granted. Also to ensure no impact is caused by reason of drainage water, it would be necessary to impose conditions relating to the need to agree details of the drainage arrangements prior to the occupation of the building and the Environment Permit process should deal with the foul water process.

6.60 In summary, the application is supported by sufficient evidence in accordance with Natural England Standing Advice and will accord with Policy DM3 of the emerging plan and Paragraph 118 of the NPPF by conserving biodiversity and seeking

opportunities to achieving net gains in biodiversity. The provision of the southern landscape and ecology zone is an opportunity to secure net gains in biodiversity which can be managed over the long term through the section 106 agreement.

Other Matters

Residential Amenity/Noise

- 6.61 Concerns have been raised regarding the potential impact of noise from plant, HGV movements during the night, on-site activity and general comings and going which could result from a business which is reliant on 24 hour operations. The nearest residential receptors are River Farm and those properties at Wares Farm which are understood to be in the applicant's ownership. In such an assessment, it should be noted that the existing estate to the north does not have any restrictive hours conditions nor do the industrial units further to the west. The application is supported by a Noise Assessment which forms part of the wider ES document which assessed the potential noise impacts from both the construction and operational stages of the development. The assessment concluded that the development could have adverse impacts during construction and that mitigation would be required through the provision of acoustic fencing along the western boundary.
- 6.62 In terms of operational impacts, the assessment concluded that the daytime impact would be negligible adverse impact across all four locations and in night time hours there would be a major adverse impact at the Wares Farm and a minor adverse at River Farm with the significance of this being moderate adverse as the receptor has high sensitivity at night being a residential property. As the Wares Farm receptors are either non-residential receptors or are in the ownership of the applicant, it is considered the River Farm represents the receptor which could be most affected by the development. However, as shown in the submitted noise assessment, the main noise source at night is the HGV movement, which will operate one per hour and would have an impact on River Farm due to the access position. Therefore, appropriate mitigation would be required.
- 6.63 This information has been reviewed by the council's Environmental Health team who have agreed that with the appropriate mitigation the scheme could be carried out without any adverse impact. However, they said that further information and detail should be provided in the form of a Noise Mitigation plan for plant and equipment in order the development meets the relevant standards. They also request a Noise Management Plan to ensure no effects are caused by the 24hr operations and will require measures such as silent approach, no beepers for reversing vehicles and supervision of activities. Acoustic fencing to be provided on the western boundary of the site in the proximity of the adjacent residential properties to mitigate both construction and operational impacts. The EHO also raises the issue of number of vehicles to enter and leave the site during the period between 2300 and 0600hrs and its considered necessary to restrict the number of vehicles as proposed by the applicant, no more than 8 (1 per hour) during these hours and a condition to require the applicant to keep records of vehicle movements for review if necessary.

Air Quality

- 6.64 The application is supported by an Air Quality Assessment which seeks to assess the impacts of the development during construction and those road emissions resulting from the site once complete. The guidance defines sensitive receptors as being residential properties (in relation to both dust and vehicle emissions) and ecological receptors. The assessment defines residential properties nearest to the site as being

sensitive to dust particles with properties along Loose Road, Sutton Road and the SSSI to the south as being an ecological receptor.

- 6.65 The assessment screens out the SSSI on the basis of DMRB guidance in respect of operational effects but requires mitigation to avoid dust particles during construction. The assessment then considers the impacts on residential receptors in relation to the construction phase and advises mitigation in the same manner as the ecological impacts. In relation to the operation phase, the report concludes that the marginal increase in NO₂ is less than 1% of the Air Quality Objective and thus the impact is considered to be negligible on all receptors. MBC Environmental Health have reviewed this information and they concur that any increase in nitrogen dioxide is likely to be negligible but considers an air quality mitigation is imposed including electric parking condition is attached to encourage the use of electric/hybrid vehicles. On this basis it is not considered there are any impacts from the development on air quality grounds subject to the imposition of the relevant conditions.

Drainage and Flood Risk

- 6.66 The majority of the site lies within Flood Zone 1 with the southern part of the site where it adjoins the River Beult is located in Flood Zone 3. However, as the part of the site to be developed lies within Flood Zone 1, it would pass the sequential test and follow the NPPF principle of directing development to areas of lowest risk flooding (paragraph 103).
- 6.67 The scheme is also supported by Sustainable Urban Drainage System (SUDS) which have been reviewed by KCC Drainage who consider the strategy is acceptable subject to a condition requiring further detail. The foul sewage from the site will be provided by way of a package treatment plant and this has been reviewed by the Environment Agency, Natural England and KCC Drainage. The consistent response from these organisations is that it is acceptable in principle subject to the Environment Permit process which is a separate regulatory regime (governed by the EA) which will ensure the water outflow is of sufficient quality to avoid any impacts. Appropriate conditions regarding SUDS and an informative regarding the Environment Permit process are recommended.

Heritage

- 6.68 The application is supported by a desk based archaeological and heritage assessment which confirms there are no heritage assets on or adjoining the site but there is a listed building at Burford Farm 600m to the west and Linton Park, a grade II* Listed Park and Garden some 1.25km to the north and the site presents low potential for all archaeological periods.
- 6.69 Due to the location and angle of views of any heritage asset in the wider landscape, it is not considered the scheme adversely affects the setting of any heritage asset. Whilst there are long distance views of the Church in the tree line along with other built form, these assets are glimpsed views at various points along the footpath where, they come into and out of view of the footpath user. Whilst the development would block these long range views at a limited particular point on the footpath, the development will not alter the manner in which any heritage asset is viewed from the footpath in that the environment is an evolving one, where natural features and the topography limits views of the assets, with other parts being more open and thus the manner in which the assets are experienced will not fundamentally change. Indeed at certain points in the southern part of the site, the views are obstructed by mature trees. The MBC Conservation officer has been consulted on this issue who has confirmed he does not consider the application to affect the setting of any heritage asset due to the distance of the views and type of views afforded to the asset, which

would make it difficult to substantiate that there would be any affect on setting. Furthermore, the remote location of the views also contributes to the conclusion that the development will not affect the setting of any heritage asset.

7.0 CONCLUSION- PLANNING BALANCE

- 7.1 It is clear the scheme would generate significant economic benefits which include retention of existing jobs for local people and creation of new employment opportunities and the relocation of a head office within the Borough. As well as these direct benefits, there will also be significant indirect benefits either through the supply chain or those through investment in local businesses. In light of NPPF policy and the economic thrust of the planning system in general, such considerations must be given significant weight in any decision. Whilst, it is recognised that the development would be contrary to the development plan on account of the scale of the expansion proposed by the applicant, the lack of available or deliverable alternative sites within the Borough to enable such economic benefits lends weight to the scheme. Indeed, the lack of such suitable alternative does present the potential for the applicant to look beyond Maidstone. This lack of alternative sites and the economic benefits, both existing and proposed, to the Borough should be given substantial weight.
- 7.2 Against these benefits, are the impacts of the development on countryside character which would be contrary to policy ENV28 and SP17. Whilst the scheme proposes a comprehensive landscaping plan, which would in part mitigate the impacts of the building in certain views, the building and its associated development will still be visible in long and medium views and from Redwall Lane. It is recognised however, that the landscaping strategy will in time, mitigate the effects of the building in certain contexts and will reduce the overall harm caused by the development. However, having regard to the policy objective whereby there is a policy context supporting the protection of countryside character, the harm to the countryside is also given significant weight.
- 7.3 In addition to the main issues, the landscape strategy will deliver a suite of biodiversity enhancements which will create a net gain in biodiversity and the landscape strategy will create variety of new habitats including woodland, meadow planting, aquatic environment and new hedgerow planting. Having regard to the policy aims of creating net gains in biodiversity, this factor can be given moderate weight. The focus on sustainable construction and use of renewable energy also lends weight in support of the application.
- 7.4 The impacts of the scheme on the wider Highway network are not considered to cause a severe impact and on balance will be acceptable with some of the mitigation proposed will indirectly provide benefits to existing road users and in the case of Linton Crossroads will assist in providing the potential for a better scheme to be delivered by the County Council.
- 7.5 The scheme is acceptable in all other regards including that relating to drainage, air quality, heritage and loss of agricultural land.
- 7.6 Therefore, on balance, it is considered the economic benefits presented by the application and the lack of alternative sites, represent material considerations and together with the ecological enhancements and other factors, will outweigh the conflict with countryside policies and the harm caused to the character of the countryside. The development is also acceptable with regard to all other matters

8.0 RECOMMENDATION - Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:

- **Transfer of land to the SW of the Linton Crossroads to the County Council to safeguard land for a future left turn lane**
- **Financial contribution to secure relocation and construction of bus stop on western arm of Heath Road (Delegation to be afforded to Head of Planning to secure the level of contribution)**
- **Securing of LEMP and long term management of ecology/landscape area including details mitigation and enhancements**
- **Monitoring and management of traffic within vicinity of site including that to the west of the site access on Redwall Lane**
- **A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted (delegated authority to the Head of Planning to agree the financial contribution)**
- **Requirement to enter into a HGV routing agreement**
- **Travel Plan and monitoring fee**
- **Delivery and Monitoring committee- made up of ward councillors, parish council representative, developer/LPA represented and nominated planning committee representative to oversee quality of delivery and on-going management of the ecological enhancement area. This is to include a contribution of £10,000 towards the running costs of this committee.**

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below

CONDITIONS to include

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

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

2. The materials to be used in the development hereby approved shall be as indicated on the approved plans DHA/11488/11B unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development

3. The development hereby approved shall not commence above slab level until, details of hard landscape works have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land;

Reason: To ensure a satisfactory appearance to the development.

4. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;
5. The approved details of the access points as shown on plan 11487-H-01 shall be completed before the commencement of the use of the land or buildings hereby permitted and the sight lines maintained free of all obstruction to visibility above 1.0 metres thereafter;
6. Prior to the commencement of the development hereby approved, details of all fencing and boundary treatments, including an acoustic barrier, to be erected on the western boundary with River Farm, including details of its ongoing maintenance shall be submitted to and approved by the Local Planning Authority. Once these are approved the approved fencing and boundary treatments shall thereafter be installed and permanently retained.

Reason: to protect the amenity of adjoining occupiers and ensure a good standard of design is achieved.

7. No occupation of the development hereby permitted shall take place until the following off-site highways improvements have been completed;:
 - (a) Extension of the existing 40mph speed limit to the south of the Redwall Lane junction with the A229.
 - (b) Creation of access points to site including installation of a Bollard to prevent westerly HGV travel on Redwall Lane from the north west access point
 - (c) Improvements to Redwall Lane and Junction of Redwall Lane and A229 as set out in the Transport Assessment
8. The development hereby permitted shall be carried out strictly in accordance with the slab level shown on the approved drawing TEQ1817-04D

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

9. The development hereby approved shall not commence until details of the final site levels have been submitted to and approved in writing by the local planning authority. These details shall include the proposed final external site levels, 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 should then be carried out in relation to these details and retained thereafter

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

10. Prior to the commencement of the development a scheme for the control and monitoring of the movement of HGV shall be submitted to the Local Planning Authority. On approval of the scheme by the Local Planning Authority, this scheme should be implemented and operated at all times and shall be available for review by the Local Planning Authority. No more than 8 HGVs shall enter or leave the site during the hours or 2300hrs and 0700hrs.

Reasons: In the interests of Local amenity

11. The development hereby approved shall not commence until a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development and should also include mitigation measures set out in the Air Quality and Noise Assessment in order to reduce impacts from Dust and Noise during the construction phase. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.
12. Development shall not begin 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 on the preliminary strategy prepared by DHA Environment (Dec 2016) 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 100yr storm) can be accommodated on site and disposed of to the River Beult, with any offsite discharge from the approved development limited to a maximum rate of 24l/s.

No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include 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.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal to reduce the risk of on/off site flooding and to ensure ongoing efficacy of the drainage provisions.

13. No storage of oils and fuels are to be stored on site within 10m of the river edge or any field drain, ditches (including field ditches) and other surface water system which are connected to the SSSI. Any other storage to take place within the site must be stored in a bunded tank or mobile container that complies with current regulations.

Reason: to protect the ecological interests of the River Beult SSS1

14. The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

15. The approved landscaping details shall be carried out during the first planting season (October to February) following first occupation of the building. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

16. The proposed building shall achieve at least a BREEAM Very Good level. A final certificate should be issued within 6 months of first occupation of the building to confirm the Very Good BREEAM rating has been achieved:

Reason: to ensure efficiency use of natural resources and achieve sustainable energy production in line with Policy DM2 of the emerging Maidstone Local Plan.

- 15 Prior to the commencement of development beyond slab level, details of a Noise Mitigation Plan for the sound insulation of the building and any plant and Equipment shall be submitted for approval by the Local Planning Authority. This should incorporate details regarding mitigation measures such as sound insulation of the building envelope, screening, louvers, direction of orientation, location, enclosures etc. The plan shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR30 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. In addition The equipment shall be maintained in a condition such that it does not exceed NR30 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority. The development shall be carried out and operated in accordance with the approved details.

Reason: to protect the amenity of the area

16. Prior to the commencement of development beyond slab level, a Noise Management Plan will be submitted for approval by the Local Planning Authority. This plan should describe the management of deliveries and activity on the site during both night time hours (2300-0700hrs) and day time hours (0700-2300hrs). The rating level of noise emitted shall be at least 5dB below the existing measured ambient noise level $L_{A90, T}$ during the day time and night time periods. The plan should set out any mitigation measures that are required. This plan will be prepared in consultation with the council's Environmental Protection Team. The objective should be to ensure that the plan meets the BS4142 and NR30 standards. The building shall not be used until the plan is approved and all activity on the site thereafter shall be carried out in accordance with this plan.

Reason: To protect the amenities of the surrounding area

17. Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
18. Prior to the commencement of development above damp proof course level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development

19. No building hereby permitted shall be occupied until details of any lighting to be placed or erected within the site have been submitted to and approved in

writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

20. Prior to the occupation of the building(s) hereby permitted, 18 parking spaces to be served by electric vehicle charging points shall be installed with dedicated off street parking, and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

21. The development hereby approved shall not commence above slab level until, details of satisfactory cycle storage facilities on the site have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building(s) or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

22. The development shall be strictly undertaken in relation to the Great Crested Newt Mitigation set out in the Environmental Chapter and its recommendations shall be fully implemented in line with its recommendations and timescales for implementation

Reason: In the interest of ecology and biodiversity enhancement.

23. The development hereby permitted shall be carried out in accordance with the following approved plans:

DHA/11488/01 SITE LOCATION PLAN
DHA/11488/02 EXISTING SITE PLAN
DHA/11488 REV B ELEVATIONS
TEQ/917-04D SITE LAYOUT
3874DR001 H LANDSCAPE MASTERPLAN
TEQ 1817-03D INDICATIVE SECTIONS
WM/512/P/12 ROOF PLAN
WM/511/P/15 MEZZAINE FLOOR
WM/511/10 GROUND FLOOR
DHA/11488/03A SITE LAYOUT
TRANSPORT ASSESSMENT AND APPENDICES
ENVIRONMENT ASSESSMENT AND ES TECHNICAL NOTE
FLOOD RISK ASSESSMENT
LANDSCAPE AND ECOLOGY MASTERPLAN.

Reason: To clarify which plans have been approved

Planning Committee Report

INFORMATIVES

Case Officer: Ashley Wynn

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.