

- a) **DOV/17/00451 – Erection of a detached incubation building (Classes B1, B2 and B8) floorspace area 2,475sqm with ancillary cafe (A3) and associated landscaping and car parking - Site at Betteshanger Sustainable Parks, Betteshanger Road, Betteshanger, Deal**

Reason for report: The number of third party representations

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

The Development Plan for the purposes of s38 (6) of the Planning and Compulsory Purchase Act (2004) comprises the DDC Core Strategy 2010; the Saved Policies from the Dover District Local Plan 2002, the Land Allocations Local Plan adopted 2015 and the Kent Minerals and Waste Local Plan 2017. Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

- In addition to the policies of the development plan, there are a number of other policies and standards which are material to the determination of planning applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) together with emerging local planning documents and other local guidance.

A summary of relevant planning policy is set out below:

Core Strategy (CS) Policies – Adopted 2010

- Policy CP2 (Provision of Jobs & Homes) states that land will be identified for 'around' 200,000 sqm across the District between 2006 and 2026. The supporting text to this policy at paragraph 3.16 equates this level of provision to the potential of creating some 6,500 jobs by the end of the plan period. Table 3.1 identifies that unimplemented planning permissions across the district amounted to 155,000 sq m of employment floorspace.
- Policy CP5 (Sustainable Construction Standards) states that new non-residential development over 1000sqm gross floorspace should meet BREEAM 'very good' standard (or any future national equivalent).
- Policy CP6 (Infrastructure) - Development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- Policy CP7 (Green Infrastructure) Planning permission for development that would harm the network will only be granted if it can incorporate measures that avoid the harm arising or sufficiently mitigate its effects. Proposals that would introduce additional pressure on the existing and proposed Green Infrastructure Network will only be permitted if they incorporate quantitative and qualitative measures, as appropriate, sufficient to address that pressure. In addition, the Council will work with its partners to develop the Green Infrastructure Framework and implement proposed network improvements.

- In order to help operate the settlement hierarchy through the development management process Policy, DM1 (Settlement Boundaries) proposes settlement boundaries for planning purposes and sets out how these will be used to help judge the acceptability of individual development proposals. The application site lies outside the settlement boundary where Policy DM1 does not permit development unless *“justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.”*
- Policy DM2 (Protection of Employment Land & Buildings) Land allocated for employment land will not be granted planning permission for alternative uses unless it has been subsequently allocated for that alternative use in a Development Plan Document. Policy DM3 directs new commercial development in the rural area to the designated Rural Service Centres or Local Centres in the settlement hierarchy.
- Policy DM11 (Location of Development & Travel Demand). Planning applications for development that would increase travel demand should be supported by a systematic assessment. Development that would generate travel demand outside settlement confines will not be supported unless otherwise justified by other development plan policies.
- Policy DM12 (Road Hierarchy) states that the access arrangements of development proposals will be assessed with regard to the Highway Network set out in the Local Transport Plan for Kent. Developments that would involve the construction of a new access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of accidents or traffic delays – unless appropriate mitigation can be provided.
- Policy DM13 (Parking Provision) Determining parking solutions should be a design-led process based on the characteristics of the site, the locality, the nature of the proposed development and its design objectives.
- Policy DM15 (Protection of the Countryside) is a policy which restricts development in the countryside; Criteria iii and iv are exceptions where the need can be justified or whether it is accepted that there are no alternative sites subject also to the proposal being of an acceptable scale and not adversely affecting the appearance and character of the countryside.
- Policy DM16 (Landscape Character) Development that would harm the character of the landscape, as identified through the process of landscape character assessment, will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- DM17 (Groundwater Source Protection) specifies categories of development that will not be permitted within Groundwater Source Protection Zones 1 & 2.

Dover District Local Plan (DDLPL) Saved Policies – Adopted 2002

- Saved Policy AS1 specifically relates to the former Betteshanger Colliery pithead for Class B1/B2 and B8 employment use subject to:
 - Evaluation of contamination;
 - The living conditions of nearby residents being safeguarded;

- The proposed buildings being acceptable in landscape terms;
 - Acceptable in highway and site access terms;
 - Pedestrian and cycle links are made to the Deal urban area;
 - Nature conservation and archaeological interests are safeguarded.
- It is relevant that the application site lies adjacent to but not within the allocated site as set out in the Proposals Map but was consented for employment use under the later outline/hybrid permission.

Land Allocations Local Plan (LALP) – Adopted 2015

- Betteshanger Colliery Pithead is specifically referenced at Page 68 of this document which states; “The development of Betteshanger Colliery Pithead for B1, B2 and B8 employment use is covered by Saved Local Plan Policy AS1”.

Kent Minerals and Waste Plan 2017

Policy DM 7 Safeguarding Mineral Resources

- Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding, where it is demonstrated that either:
1. the mineral is not of economic value or does not exist; or
 2. that extraction of the mineral would not be viable or practicable; or
 3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or
 4. the incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or
 5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or
 6. it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or
 7. it constitutes development on a site allocated in the adopted development plan
- Further guidance on the application of this policy will be included in a Supplementary Planning Document.

National Planning Policy Framework (NPPF) & National Planning Policy Guidance (NPPG)

- The NPPF is a material consideration. The foreword to the NPPF recognises that “Development means growth” and that “*Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.*” The foreword goes on to emphasise that “*planning is about helping to make this happen*”.
- Three dimensions to sustainable development are highlighted at paragraph 7 of the NPPF, comprising economic, social and environmental components.

Paragraph 8 of the NPPF makes clear that *“These roles should not be undertaken in isolation, because they are mutually dependent”*.

- This holistic approach to development is further emphasised at Paragraph 9 of the Framework, which emphasises the importance of development in improving the *“conditions in which people live, work, travel and take leisure”*, all factors of which are of particular relevance to this proposal.
- Chapter 1 of the Framework focuses on the need to build a strong, competitive economy and that the planning system should do everything it can to support sustainable economic growth. The economic dimension is recognised as an important element of delivering sustainable development and that Local Authorities should plan proactively to meet these development needs. The Framework makes clear that investment in business should not be overburdened by the combined requirements of planning policy expectations. This is relevant in this case given that, at least geographically, the site is not an urban edge site favoured by policy. Paragraph 21 emphasises that *“Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. This is recognised in the current application.*
- Paragraph 37 states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities. Deal is acknowledged to have high levels of out-commuting and the delivery of employment opportunities from the serviced Betteshanger was a building block of the 2002 plan and 2010 Core Strategy. This is an important context.
- At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 14). This paragraph notes that where the development plan policies are absent, silent or out of date, planning permission should be granted *“unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”* (Emphasis added).
- The NPPF also sets out the economic dimension of the planning system to support sustainable growth, encouraging proactive planning to support a competitive and prosperous economy.
- Paragraphs 109 and 118 of the NPPF acknowledge that the role of the planning system as a means of protecting the natural and local environment from adverse impacts arising from development, and affords considerable weight to the protection of valued landscapes and sensitive areas. However, the Framework further establishes the role of planning as not necessarily a means of *preserving* the natural environment, but a means of contributing to its conservation, and where possible further enhancement. Proposals which therefore seek primarily to enhance and equally minimise the impacts to biodiversity will be viewed favourably. On the contrary, unless the adverse ecological and environmental impacts of a proposed development can be mitigated or at a minimum, compensated for, then planning permission should be refused.
- In considering wider environmental impacts, the NPPF also encourages high-quality design, and seeks to minimise the impacts of noise and light pollution and other adverse impacts, which may arise as a result of new development

(paragraphs 123 and 125). Whilst “*unreasonable restrictions*” should not be placed upon development, safeguarding measures should seek to “*mitigate and reduce to a minimum*” these adverse impacts to ensure that acceptable levels of amenity are maintained. The importance attached to high-quality design, and its contribution to the improvement of space and place, is established further within the NPPF, at paragraphs 56 to 61 specifically. They identify the need for design which facilitates the creation of “*safe and accessible*” environments, and help to “*establish a strong sense of place*”, respective of the local surroundings. Whilst designs should be sympathetic to the locality, it is not the position of the NPPF to “*impose architectural styles*” or “*stifle innovation*”, and “*unnecessary prescription*” of detail should be avoided.

- The general spatial priorities set out in the adopted local plan are repeated in the NPPF in respect of optimising the use of sites in sustainable locations and focusing development where public transport linkages are good, and there is a balance of land uses, thereby minimising the need for car movements (paragraphs 34, 35 and 37). Planning permission should be refused on highway grounds only where “*the residual cumulative transport impacts are severe*” (para 32). Travel Plans are also encouraged for developments which generate significant amounts of movement, as a way of implementing sustainable travel (paragraph 36).

Other Material Considerations

Economic Development Needs Assessment [EDNA] (Approved by Cabinet, 1st March 2017)

d) Relevant Planning History

Whilst there is a lengthy history of the site associated with the colliery and more recently the country park, the most relevant to this proposal is a hybrid application (i.e. part outline, part detailed) under LPA Ref DOV/02/00905 which was approved by the local authority on the 17th August 2004. The site related to the hybrid application comprised the wider 120ha former Betteshanger Colliery (Pithead) site, split into the eastern tip site and western colliery site. It included the erection of class B1, B2 and B8 business, industrial and warehousing units within the western colliery site, creation of a community and a country park, erection of a visitor centre, construction of recreational cycling facilities and sculpture park to the east, and construction of water treatment facilities, access roundabout, associated roads and car parking facilities throughout.

The quantum of Class B1, B2 and B8 floorspace set out in the application totalled 22,300 sq. m of which the application site made a proportional contribution toward. At this time, the masterplan envisaged 9 zones of development with an office zone totalling some 12,077 sq.m of up to three storey buildings and two industrial zones of up to two storeys totalling 10,219 sq. m. The application site is identified in the masterplan (Zone 2) for a building of B1 or B2. The indicative height of the building is two storeys although it is relevant that for an adjoining site opposite Almond House a three-storey height parameter is outlined.

Implementation of Phase 1, including the roundabout and community park / visitor centre has subsequently been undertaken, with the visitor centre currently under construction. It is relevant that a number of conditions relating to archaeology, soil conditions, nature conservation, drainage strategic landscaping and access for the whole of the site were discharged to part implement the permission. However, the

permission for Phase 2, applicable to the current application site and the allocated employment area (Policy AS1), has since been accepted as having lapsed. As part of this outline/hybrid permission, a Masterplan Report was approved, (Condition 31). The intention was for this masterplan to inform the submission of later reserved matters applications. The findings of the masterplan framework report at this time, with respect to the application site are therefore addressed under the main issues of this report.

A Screening Opinion to determine whether an Environmental Statement was required was submitted by the applicant. In a decision reference DOV/17/00355, it was confirmed that no ES would be required.

e) Consultee and Third-Party Responses

Statutory and third-party consultees were consulted upon the application and a second round of consultation was carried out with key consultees following the receipt of additional technical information. 9 individual responses were received from local residents. The main responses are outlined below

Southern Water

Southern Water raise no objection subject to safeguarding conditions being imposed and the need for future maintenance of the SUDS system. As a rainwater harvesting system is proposed, it is requested that any planning consent is conditional upon the approval of the details of the rainwater harvesting system, prior to commencement of the development and upon the approval of a maintenance regime for the system, prior to occupation of the development.

Environment Agency

Raise no objection to the proposal, subject to full contamination conditions, including remediation strategies, verification reports and, and prohibition of any piling / penetrative works without the written consent of the LPA.

Environmental Health

In response to the additional Geotechnical Report submitted by the applicant, the Environmental Health Team raise no objection subject to the imposition of a planning condition requiring further gas monitoring to ascertain whether any gas protection measures within the building fabric are required. Original conditions attached to the earlier outline permission relating to the need for a watching brief and verification report are also recommended. The possibility of the leaching of controlled water in to the groundwater system has been highlighted and this is a matter addressed in the Environment Agency's consultation response.

Natural England

Natural England originally sought additional points of clarification because of the proximity of the application site to the Thanet Coast and Sandwich Bay Ramsar site, and the Sandwich Bay to Hacklinge Marshes SSSI site. To sufficiently mitigate any adverse impacts, Natural England advised that the following were secured via a planning condition:

Foul water sewerage should be connected to a public main, but if not possible, it must be demonstrated that alternative solutions would not negatively impact upon water quality of the nearby Ramsar and SSSI sites.

Prevention measures to prevent pollution from hydrocarbon run off from roads, car parks and hardstanding within the development, which could enter any watercourses connected to the nearby Ramsar and SSSI sites.

As SUDS are proposed, it must be demonstrated that water quality and water levels within the nearby Ramsar and SSSI sites will not be adversely impacted.

Following this response, the applicant was requested to provide further information. Following the receipt of the additional report Natural England has confirmed that “based on the additional information submitted Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection”.

Kent County Council Flood Authority

Following the submission of a Surface Water Drainage Strategy, comments from KCC as Flood Authority were requested. It was established that soakaways would not be workable and the applicant proposed a combination of SUDS measures including rainwater harvesting, filter drains and permeable paving with underground tanked storage which KCC have confirmed is acceptable. Measures will be put in place to control water quality. A key issue has been a disagreement about the controlled flow of stored surface water to a pond and wetland within the applicants control to the south of the application site. KCC has required that a flow should not exceed 2 litres per second and the consultants have modelled this flow and agree it is achievable. This will be secured by way of condition and on this basis KCC Drainage Officer raise no objection to the proposal.

Kent County Council Highways

In response to the submission of additional information and clarification of points as requested, Kent County Council Highways do not object to the proposal. Subject to the suggested conditions, it is considered that the proposals are unlikely to have a severe impact upon the highway that would warrant a refusal on highway grounds. Additionally, some of the generated trips to/from Deal and Sandwich will also have been already accounted for and assessed as part of the approved residential developments in those areas in the recent past.

Whilst the proposal is likely to generated approximately 78 vehicle trips in the morning network peak hour, and 55 in the PM peak hour, it is noted that a proportion of these trips are likely to already exist on the highway network arising from the existing vehicle movements of future employees at the site.

It is also acknowledged that, whilst relative to the masterplan for the entire western site, future provision of bus stops and minor diversions of existing bus routes are feasible requirements which will be triggered in due course with potential further development. Although a future scenario, once implemented, they could provide hourly bus services between the site and Deal/Sandwich/Canterbury.

Taking all of the above into account the proposals are unlikely to have a severe impact on the highway that would warrant a refusal on highway grounds. The following should be secured by condition:

- Provision of measures to prevent the discharge of surface water onto the highway.

- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Completion and maintenance of the vehicular, pedestrian and cycle accesses shown on the submitted plans prior to the use of the site commencing.
- Retention and maintenance of the existing pedestrian route between the site and Circular Road, including removal of the existing fence on the footway between Betteshanger Road and Circular Road.
- Provision of signage to deter use of the Broad Lane access/egress.
- Provision and implementation of a Travel Plan in accordance with details to be submitted to and approved by the Local Planning Authority, to include the following:
 - (a) Discounts for public transport use;
 - (b) Discounts for cycle purchase, servicing and accessories,
 - (c) Best endeavours to enable the diversion of the proposed 81 hourly bus service into Circular Road.

Construction Management Plan to include the following:

- (a) Routing of construction-related vehicles to/from the A258;
- (b) Parking and turning for delivery vehicles and site personnel,
- (c) Wheel washing facilities.

The applicant should note that future planning applications will need to consider the cumulative impact of the masterplan development site on the highway network and improved public transport access to mitigate the same.

Dover District Councils Ecological Advisor

The Ecological Impact Assessment is thorough and a summary including recommendations is provided. As long as those recommendations (and their detail as in the report text) are fulfilled as a condition, there is no objection on ecological grounds.

It has been noted as part of a wider landscape character assessment of the north of Deal, that the proposed development will be visible from paths within Betteshanger Country Park. The proposed building will break the skyline. Within the context of the nearby Almond House, the housing on Betteshanger Circle, the presence of a new building need not have an adverse visual impact, but the height of the proposal is of concern in that it could result in a new and non-vernacular building type dominating the local landscape. The proposed loss of green space for car parking to the south of Almond House is also a concern and the recommendation for associated landscaping in the ecological impact assessment should be taken forward as mitigation.

Minerals and Waste Planning (Planning Advisory Group)

As the site lies within a mineral safeguarding area where geological records suggest 'Brickearth' is likely to be present in the area, consideration must be had for

safeguarding requirements. Policy DM7 of the Kent Minerals and Waste Plan safeguards minerals unless there are reasons for exemption which can include the low quality of the minerals in the ground or that it can be demonstrated that it would be uneconomic to mine, or lastly the site already benefits from a development plan allocation or an extant permission.

Currently the planning application makes no references to mineral safeguarding or the relevant policies within the KMWLP and no supporting information has been provided within the planning application documentation as to how the exemptions of Policy DM7 have been met. In the absence of such information, the County Council, as Minerals and Waste Planning Authority, objects to the application. Subject to the receipt of further information to demonstrate how mineral safeguarding is to be addressed, KCC will be happy to review this position.

Kent County Council Public Rights of Way

A public footpath PROW EE367 passes adjacent to the proposed site. KCC's PROW raises no objection to the proposal. However, a general informative is suggested regarding the maintenance of the PROW, specifically ensuring that no hedges or shrubs are planted within 1.5m of the PROW's edge, and that no disturbance of the surface of the path, or erection of furniture which would obstruct its use either during or after development, should occur.

KCC Archaeology

KCC Archaeology advise that at that time of the original SEEDA application, watching brief was detailed as mitigation for the preparation works, which included platform creation. This was a safeguard imposed as a condition to record any remains of the old colliery that may be encountered. It is noted that the proposed application site may lie within an area that would not have been excavated by SEEDA, and therefore the same potential for artefacts remains. It is therefore advised that a condition for a watching brief be attached to any permission for this development proposal. The following clause would be appropriate:

AR4 *No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved by the Local Planning Authority.*

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

Northbourne Parish Council

Raise concern that the application states that the site will be connected to the main sewer, contrary to the advice from Southern Water that no such public sewers exist within the nearby area to serve the development. Clarification as to the means of drainage connection to the mains has been submitted by the applicant and this is addressed in the main assessment section of the report.

In response to the advertisement of the planning application a total number of 9 representations have been received by local residents focusing mainly on the following issues:

- The proposed building is too tall

- It is not in keeping with the rural landscape or hamlet
- It would lead to the over-supply of office and work-space
- Queries raised over the ratio of 250 workspaces to 100 car parking spaces
- The proposal would lead to an increase in traffic on an already busy road network
- General comments relating to the dislike of the building's design, seen as "intrusive", "ugly" and "box-like." The proposal should be more in keeping with the buildings already within the wider area.
- As part of a Country Park, the proposal will result in loss of ecology and open space.

Other comments:

- Disabled access provision is limited – the disabled toilet and parking is noted, but other facilities such as hoists and showers are needed to facilitate the needs and mobility of disabled users of the prospective units;
- Concerns for the limited availability of public transport access to service the site;
- Queries were raised over the increased need for road maintenance;
- Consultation with the local community has not taken place (NB since this time a Local Exhibition providing further information on the submission although this was attended by 4 residents);
- Concern raised over the viability of the office spaces;
- The Discovery Park complex would be a more suitable location;
- There is not an identified need within the community for workspace units;
- Concern raised over the delayed opening of the Visitors Centre at Betteshanger Country Park and the cumulative effects of its opening with the proposed incubation building;
- There is no evidence of buildings on the application site before;
- The proposed café could add unnecessary competition for local cafes and recently established wellness centres in Deal;
- As a hamlet, Betteshanger was identified as unsuitable for large-scale development;
- Concerns raised over the increased pressure on the sewerage infrastructure.

Head of Inward Investment (DDC)

The redevelopment of Betteshanger Colliery, being one of three collieries in Dover District comprising part of the former Kent Coalfield, has been a long-term ambition for both Dover District Council and other agencies alike.

The former Redevelopment Agency, The South-East England Regeneration Agency (SEEDA), was charged with responsibility for bringing forward proposals for the site following the closure of the Colliery. A redevelopment scheme was subsequently taken forward by SEEDA. This scheme incorporated a new access roundabout on to the A258, site spine roads and serviced plots on the site of the Colliery buildings on the west side of the A258 along with a Country Park on the former tip site on the east side of the A258. Substantial consultation took place with the local community, key stakeholders, agencies and the like, with the major consideration being related to HGV traffic on unsuitable roads; hence the reason for new access onto the A258.

Despite the provision of an effectively serviced industrial and commercial offer at Betteshanger, little interest was received by SEEDA in relation to the business park, with the site standing dormant for a number of years save for a number of uses

taking place the last remaining building known as Almond House. Following the winding-up of SEEDA, the site was transferred to the Homes and Communities Agency (HCA).

As part of a district wide search by Hadlow College for new facilities in East Kent, DDC highlighted the opportunity at Betteshanger. Following extensive negotiation with the HCA, the Betteshanger site – including both the Business Park and the Country Park – was transferred to Hadlow College under the backdrop of a performance based agreement between the parties. This process has been supported throughout by DDC, with Betteshanger featuring prominently in the Council's Corporate Plan which is the Council's main strategic document, providing a framework for the delivery of services. The Corporate Plan is a clear statement of the Council's vision and priorities and provides the context for other strategies and plans that DDC produce.

The Corporate Plan has the following Vision: "Securing a prosperous future for the district, which will be a place where people want to live, work, invest and visit", with a Priority One focus of a "Thriving Economy".

Under the objective of delivering a Thriving Economy, the Corporate Plan indicates that "Our Plan is boldly pro-growth and pro-business. Economic growth is essential if we are to tackle important issues in our district such as unemployment, low skills, inequality, and improve health and wellbeing, and the quality of life for our residents"

Working closely with Hadlow, significant investment has been secured over recent years which has seen major progress on the redevelopment and regeneration of the Country Park with progress clearly evidenced on site. While this is to be commended, more needs to be done to achieve progress on the Business Park. While the national focus has seen priority attention directed to the Enterprise Zone Programme, it is important that opportunities are now taken to progress Betteshanger Business Park in such a way that it provides both direct benefits locally but also adds support to the nearby EZ at Discovery Park.

The current application, for the erection of a three storey B1, B2 and B8 business incubation building with ancillary cafe (A3), associated landscaping and car parking which has been prepared, has been developed from an inward investment perspective with Hadlow. It is supported by an application for European funding through a current approved European Structural and Investment Fund Round 2 submission. This is a competitive and time critical opportunity, particularly as the current Brexit debate is placing greater pressures on future programmes, which needs to be realised as a priority.

As an aside, it is also relevant to note that Locate in Kent acknowledge the growing need for serviced accommodation and the importance of delivering more commercial development.

Crucially, this acknowledges the growing need for serviced accommodation and the importance of delivering more commercial development.

In conclusion, I therefore strongly support the current application for the following reasons which, if approved, will:

- Provide a major step forward for the redevelopment of the Betteshanger Business Park;
- Secure competitively bid for ESIF investment funding;

- Help realise the Council's Corporate objectives specifically for Betteshanger;
- Provide supporting opportunities to the nearby flagship Enterprise Zone at Discovery Park; and
- Also help to achieve the wider aspirations of the National Planning Policy Framework through ensuring that Betteshanger can contribute economically, socially and environmentally in the widest sense.

f) The Site and the Proposal

- 1.1 The application site comprises a small land parcel of 0.99 ha located in the western, former pit head portion of a total landholding that extends approximately 120ha, including the Fowlmead Country Park to the north of the A258 (Sandwich to Deal) main road.
- 1.2 The land parcel lies either side of a main internal spine road, Betteshanger Road, close to the existing building of Almond House, and includes the existing car park to these offices. This portion of the site lies in one of the most elevated positions within the total landholding.
- 1.3 The site is adjoined to the east side by a range of buildings that are in employment use. Beyond Almond House, residential properties front a highway known as Circular Road which is arranged in a circular layout.
- 1.4 The site is situated close to the edge of Deal, some 2.7km from the town centre and 4.4km to the south east of Sandwich town centre.
- 1.5 The proposal comprises;
- The erection of a three-storey building to provide a gross internal floor-area of c.2,475 sq.m of mixed Use Class B1, B2 and B8 floorspace and ancillary café (A3).
 - The building is proposed for use as a "Enterprise Incubation Hub", to provide start-up incubation, office and manufacturing space to support a wide variety of health-based enterprises and SMEs.
 - The proposed building would measure 32.25m to ridge height, with a footprint of 960 sq.m (80m x 12m).
 - Materials include black timber cladding, black and orange terracotta tiling, grey/silver steel frames and clear/orange tinted glass, with PV roof-panels also proposed.
 - The configuration of the building also includes a 'split-core' design to allow for easy sub-division to allow for the requirements of future tenants.
 - At ground-floor level, it is proposed that a reception area, 'touch-down' benches for informal meetings, meeting rooms, WC and kitchen facilities, lockers, shower facilities and 6 x flexible B2 use manufacturing units are provided.
 - At first and second-floor levels, it is envisaged that a mix of open plan, 4-6 people and 10-14 people office spaces, meeting rooms, WC and kitchen facilities are also provided.
 - The proposal will include the provision of 85 car parking spaces, inclusive of 4 disabled spaces, located North and South of Betteshanger Road, with a large proportion utilising an expanded car-park to that existing to the South of Almond House. 6 motorcycle spaces and 28 cycle spaces with store are also proposed.
 - Existing pedestrian footpaths and cycle paths to the North and South of Betteshanger Road will also allow pedestrian and cyclist access to the site.
 - Signage to aid the direction of traffic and ease vehicle trips away from the Broad Lane/A258 junction is also to be implemented following highway input and consultation with the local community.

- The building will incorporate high-quality and sustainable natural cross-ventilation systems, with PV panels on the roof also proposed. This is intended to enable the building to operate with an 'A' level EPC rating, and a 'Very Good' to potentially 'Excellent' BREEAM rating, in exceedance of typical Building Regulation Standards.

2 Main Issues

- 2.1 The main issues raised by this application are considered to be;
- The principle of development and the relevance of the previous planning permission and employment allocation that affects the former Betteshanger Colliery site;
 - The scale and specifically the height of the building and its impact on the character and appearance of the locality and the adjoining Almond House building;
 - The impact of the development on the living conditions of adjoining residential occupiers;
 - The effect of the proposal on the wider highway network and specifically the London Road/Manor Road roundabout at Deal and the ability of the proposal because it relates to only a small part of a wider allocation to realistically stimulate enhanced public transport linkages in isolation. Levels of parking provision that are offered are also an important consideration;
 - The economic benefits of the proposal are also an important consideration (particularly because of the availability of public funding) and the number of jobs that the proposal can create is also an important balancing consideration;
 - The safeguarding of the potential for minerals to be extracted from the ground prior to the commencement of development;
 - Other matters including the impact on wildlife and biodiversity, water quality and safeguarding surface water flow, and foul drainage.

3 Assessment

Principle

- 3.1 The site lies outside the saved Dover Local Plan (adopted 2002) Policy AS1 Action Area which designates an allocated area to the south of the application site for employment uses. A hybrid planning permission DOV/02/0905 (which was approved in 2004) for the total landholding, has lapsed, despite a number of components of the permission having been implemented. The Fowlmead Country Park opened in May 2007 and the main road infrastructure (including strategic landscaping and drainage) serving the pit head area was also constructed at around this time. Many overlapping conditions relating to the whole of the site (relating to ground investigations, ecology and archaeological surveys etc) were discharged at this time.
- 3.2 The hybrid planning permission (LPA Ref DOV/02/00905) relating to the total Betteshanger allocation did approve land beyond the Policy AS1 allocated area as part of a comprehensive land use approach to the whole colliery site. This past approval, although now technically lapsed, remains a material consideration and it is relevant that the application site was identified as a location for an employment building as part of the approved masterplan.
- 3.3 Condition 31 of the above hybrid permission stipulated that reserved matters should accord with the principles of the Master Plan Report (prepared by Rummey Design Associates) which identified the former pithead site for up to 22,400 m² of

employment space. The construction of the road infrastructure, provision of the strategic landscaping and the configuration of the estate road itself now effectively implemented under this hybrid permission, has created a self-contained development parcel which the proposed employment building is shown to be sited on.

- 3.4 The recent EDNA Report of consultants NLP on behalf of Dover District Council supports employment provision in the district and recognises the need for regeneration. The level of employment provision allowed for by the hybrid permission is, itself, identified in the employment land supply (set out at Page 200 of the Land Allocation Local Plan adopted in 2015). Having regard to the brownfield status and history of use as a colliery and the more recent outline/hybrid approval, it is considered that the principle of employment development is acceptable, despite the development proposals in the strictest terms needing to take account of more restrictive spatial policies in the development plan that would normally be applied to the countryside such as Policy DM1/DM15 and DM3 of the adopted Core Strategy.
- 3.5 The wider context for the former colliery site at Betteshanger has to be taken into account in the assessment of its geographical location and sustainable location. This brownfield site was identified as a regeneration area and has been identified as an employment node serving the district in both the 2002 Local Plan and 2010 Core Strategy.
- 3.6 The site visually and functionally forms part of the pit head site and consent has been previously been granted for employment use at the application site. The constructed estates roads have since created an obvious infill pocket for employment development.
- 3.7 In summary, the proposal is consistent with the long term economic objectives of the district. Significant infrastructure has already been put in place to accelerate employment interest to serve the employment objectives of this key site for the district and for these reasons, the principle of employment uses on this portion of the site on balance is considered to be justified in this location for a mix of Class B1/B2 and B8 uses.

Location and Height of the Development

- 3.8 The shape of this land parcel is linear and narrow in depth and is sandwiched between a number of existing buildings (including Intercrop) to the west, the main estate road to the east and the elevated Almond House which is sited above a rising bank at the southern boundary of the site.
- 3.9 The building operationally works more efficiently by providing two cores within the building. The siting orientation of the proposed building also maximises solar gain with its east-west axis and minimises excavation by generally working with the existing site contours. The proposal is for a single linear building measuring 80m x 12m with car parking to the front and western side with surrounding landscaping. For these reasons, the proposal is considered to represent a logical design layout response to the site constraints in terms of its footprint.
- 3.10 The applicant requires a floorspace of 2,500sqm for the incubator unit and because of the footprint of the building, this will require a building of 3-storey height. This is higher than the two-storey parameter identified by the 2004 masterplan for this part of the wider employment site. Notwithstanding this, the masterplan did indicate that buildings of up to 3 storeys could be sited in the foreground of Almond House close to the application site.

- 3.11 There are a number of public footpaths in the locality, and the applicant has prepared two supporting landscape reports and additional presentational material illustrating how the building would appear in the landscape. The proposed building whilst seen against the backdrop of existing buildings is of a greater massing than the buildings to the north and whilst lower than the ridge of Almond House to the south, will have an impact on the current setting and character of the area because of the eaves height and length of the proposed building. The measured ridge height of Almond House is shown at 35.1m. The height of the proposed incubator building is shown as 32.25m to ridge and 30.41m to eaves and despite being a full three storeys, is set down in the landscape relative to Almond House.
- 3.12 The landscape impact of the proposal is considered further in the conclusions to this report.

Impact on the Living Environment of Adjoining Residential Occupiers

- 3.13 The applications site adjacent (to the south and east) to a large area of allocated employment land that has not been built out and is owned by the applicant. The proposed land use is consistent with these uses (Classes B1/B2 and B8) as identified by the allocation.
- 3.14 To the north of the application site lies the existing agri/employment buildings known as Intercrop and the proposal is also consistent with these nearest uses on this side.
- 3.15 The village of Betteshanger, served mainly off Circular Road, lies to the south west of the application. Residents are partially screened by Almond House which is an office building which is also elevated in relation to the application site and separated from the nearest residential property in Circular Road by 76 metres.
- 3.16 Representations from neighbours have raised a number of issues including the design and height of the building and traffic generated by the proposal (for other issues raised please refer to the consultation section of the report). The applicant has stated that the height and siting of the building is necessary to achieve the funding required for the development. The applicant has produced additional photomontages to demonstrate how the building will be viewed in the landscape and whilst it is accepted that in certain views from Betteshanger the building will be visible, it will not cause material harm to residential amenity or landscape character and this impact must be balanced against the economic benefits of bringing forward jobs through a further round of public funding after past efforts of marketing of the adjoining serviced employment site have been unsuccessful.
- 3.17 In conclusion, the design of the building is considered to be of a high quality and this will be strengthened by the use of good quality materials. The three floors of the building will increase the perceived massing but on balance the overall height will be seen from vantage points in the context of the landscape and adjacent development and adequately assimilated. The distance of separation to the nearest residential properties the policy allocation and historic use of the site and wider area are such that the impact of the proposal on the living conditions of adjacent occupiers is not so significant as to warrant the refusal of the application.
- 3.18 During the construction process, issues of noise and dust will be controlled by the imposition of a condition that will require a Construction Management Plan in the event that the proposed scheme is considered acceptable in planning terms.

Mineral Safeguarding

- 3.19 The Kent Minerals and Waste Local Plan (July 2016) contains Policy DM7 which seeks to safeguard minerals where geological mapping suggests they potentially might exist. In this case, the mineral is potential brickearth. The policy seeks to ensure that minerals, if found, are extracted before later development commences. Policy DM7 acknowledges that the safeguarding policy can be set aside for reasons including a) if planning permission has already been granted or the site is allocated or b) samples show that the mineral quantity is very poor or c) it can be demonstrated that it would be uneconomic to extract the mineral or d) the need for the development overrides the need to safeguard the mineral. KCC object to the application on the grounds that insufficient information to address the mineral safeguards of policy DM7 has been submitted with the application.
- 3.20 The KWMP was adopted in July 2016 and therefore this was not a requirement of the earlier hybrid application, and as the site lies immediately adjacent to the allocation, neither of these exceptions apply. The applicants submitted further geotechnical information and consider that because of the ground conditions, the comparatively small area of site to which the scheme relates and excavation already carried out with the former colliery use, there is a low probability that the quality or quantity of brickearth would be realistically viable to mine. However, on the basis of the current evidence available, this cannot be conclusively established and KCC maintain their objection.
- 3.21 In this case, specific mineral testing has not been undertaken but as part of a geotechnical survey trial pit logs from the ground investigation. These results show the majority of the eastern part of the site has a thickness of approximately 2m of Made Ground overlying a thin layer of Head Deposits of up to approximately 0.6m which in turn overlies Chalk. In this area of the site the Head Deposits predominantly comprise sand and gravel which the applicant does not consider to be suitable for use as brickearth and given the thickness of overburden as well, would not be economical for viable extraction. The western part of the site generally has between 1.7m and 2.5m thickness of Head Deposits which may be considered more appropriate as brickearth, this part of the site is only around 0.15ha in area and therefore a potential volume of Head Deposits of only around 3000 cubic metres could be excavated. The applicant does not deem this to be economical quantum of minerals to justify extraction given the machinery needed to mobilise to excavate such a small amount of potential brickearth.
- 3.22 Notwithstanding the above, in view of the length of time that this serviced employment site has failed to attract investors in build out and job creation and the availability of public funding to bring forward and create employment, that on balance the need for the development outweigh the potential mineral value.
- 3.23 At the time of writing, KCC maintains a holding objection whilst further justification from the applicant is considered. The applicant is willing to undertake a further investigation for brickearth if permission is forthcoming and if present in viable quantities would extract the material before the commencement. Given the economic benefits of the development, the imposition of a planning condition to require intrusive extraction surveys for minerals to be undertaken, prior to the commencement of development, is considered an acceptable way forward.
- 3.24 The applicant will accept a condition is imposed that would safeguard the potential for minerals as follows:

Prior to the commencement of development, the applicant will undertake an intrusive extraction surveys for minerals and the findings shall be submitted and agreed with the LPA/KCC. Should high quality minerals be present, a method of extraction that must be economically viable shall be agreed with the LPA/KCC and the programme for extraction of all agreed minerals completed before the development of the approved incubation buildings hereby approved, is commenced.

Impact on the Highway Network

- 3.25 The hybrid permission, whilst no longer a fall-back position, did grant permission for an employment development of over 22,400 sq m of mixed B1/B2 and B8 space that included the application site. The 2004 permission did permit most of the internal road and drainage infrastructure and the roundabout at the entrance to Fowlmead Country Park. Since the time of the road construction, none of the permitted serviced employment land has come forward. Whilst other residential development at the fringe of Deal has been granted since this road infrastructure was constructed, potential traffic generation from the employment site would have been taken into account in the accompanying Transport Assessments to consider the wider highway impact particularly with regard to the London Road/Manor Road roundabout. In view of this context, the earlier permission and the road infrastructure that it has already brought forward alongside the Fowlmead Country Park are material to the consideration of this application.
- 3.26 The saved Local Plan (Policy As1) allocates 22,000 sq m of employment floorspace from the wider colliery site. This is a firm allocation in the development plan which does justify significant employment based highway movements quantum from the colliery site. The current application is for 2,475 sq m of employment space which is some 11% of the allocated total (22,000 sq m) for the rest of the colliery site. Given the headroom, 89% of the total allocated amount that would remain in the highway network should this scheme be consented, it is concluded that a highway capacity objection concerning the additional impact on the London Road/Manor Road roundabout could not be sustained. The applicants will be advised that if cumulatively the quantum of employment land on the remainder of the allocated area exceeds the 22,000sqm (when the application site is included), then additional highway modelling relating to the wider capacity and specifically London Road/Manor Road will be required.
- 3.27 It is important that alternatives to car use are promoted through land use decision making. Locationally the site is a legacy of the colliery and is some distance from central Deal. However, it remains one of the major planned employment nodes serving the district which frustratingly has not been built out. The proposal itself is also a relatively small-scale application in isolation (stimulated by grant funding) and can realistically offer little in terms of substantive changes to bus provision. The applicants have engaged with the bus operators Stagecoach to discuss possible bus routing changes but Stagecoach themselves are re-evaluating provision at the current time and as a result no firm proposals are realistically deliverable.
- 3.28 It is relevant that cycleway provision and footpath connectivity across the applicant's wider landholding were delivered by the hybrid application. The applicant has offered travel plan provisions including a car sharing incentivisation and voucher reward schemes. A Travel Plan condition is recommended.
- 3.29 The submission includes 85 car parking spaces and 4 disabled spaces along with the provision of 28 cycle spaces. This level of provision exceeds that of the earlier hybrid permission. This is allocated to the West of the site, and separately on the South side of Betteshanger Road within the existing car park of Almond House where 28

cycle spaces are also proposed, with covered storage to the East of the site. Overall, it is considered that adequate vehicle and cycle parking is provided together with suitable access and turning for delivery vehicles, and this is supported by KCC Highways.

- 3.30 It is important in this context to consider the history of the colliery and background to why the site has been allocated as an employment node for the district and why the earlier hybrid outline application (which has been part implemented) is of relevance in weighing up the site's geographical credibility. Whilst not an edge of settlement site, the background and level of public investment in road, drainage and landscape infrastructure to redevelop this brownfield site justify why it can still be considered a sustainable location.
- 3.31 Taking the above factors into account, it is concluded that the proposals are unlikely to have a severe impact on the highway that would warrant refusal on highway grounds and is supported by KCC Highways. Furthermore, sustainable access to this established employment site can be optimised through the operation of an effective travel plan.

Other Matters

Design

- 3.32 The approved Masterplan Report accompanying the original 2002 application acknowledged the need for the redevelopment of the site to provide "modern buildings" in order to fulfil "modern needs", and as such, more traditional architectural styling and conventional colliery building forms were considered inappropriate for the development. For these reasons, the contemporary styling of the proposed development meets this design criteria.
- 3.33 In terms of materials, the proposed building comprises a mixture of exposed metallic silver-coloured metal frames, black and orange terracotta tiling, translucent tinted and opaque orange glass panels, clear glass windows and PV roofing panels. The use of exposed steel frames was identified within the approved Masterplan Report, and the use of PV panels makes effective use of the building's south-eastern orientation. The proposed use of the black terracotta reveals reduces the visual impact of the building upon approach and from longer-distance views and will be controlled by planning condition.
- 3.34 It is considered that the proposal is a well-designed building using attractive/quality materials. Overall in pure design terms the building is a well-proportioned linear building 12m in width by 80m in length.

Sustainable Construction

- 3.35 A pre-assessment has been undertaken producing a 'Very Good' rating with an aspiration for an 'Excellent' rating which meets Policy CP5 of the adopted Core Strategy. The Environmental Health Officer has requested that 10% of parking spaces are served by electric vehicle charging points and this is also included as a condition to this effect is included within the recommendation.

Archaeology

- 3.36 The site is not within a Regionally Important Geological Site (RIGS) although it lies in close proximity. It is noted by KCC Archaeology however, that as per the original

hybrid application, there is potential for artefacts related to the old colliery site to exist within the site. As the application site is unlikely to have formed part of the area originally investigated, as a safeguard to protect any remains, an archaeological watching brief will be secured by condition as recommended during consultation.

Landscaping

- 3.37 The proposal will replace part of the approved strategic landscape framework that was implemented in line with the hybrid outline consent LPA Ref DOV/02/00905. Proposed landscaping at the “nose” of the land parcel at the northern end of the site will help to assimilate the building within its surrounds. Landscaping is also proposed on the banks and boundaries of the site at the southern end including a buffer adjacent to the car parking area proposed in the foreground to Almond House. Details of the landscaping structure details of which will be secured by condition meet the requirements of Core Strategy Policy DM16.
- 3.38 A border of planting is proposed towards the northern boundary of the site, as well more sporadically around the site perimeter, and more intensively to the East. This will help to screen the proposed development and further contain the site, whilst also screening the residential development of Circular Road and existing industrial units to the north. All existing trees on-site have been identified as Category C. As replacement trees and additional planting are being provided as part of the proposal, it is considered the removal of a small overall number of trees to accommodate the proposed employment building is acceptable.

Ecology

- 3.39 Natural England and DDC’s Principal Ecologist have no objections to the proposal subject to safeguarding conditions as the ecological findings contained in the consultant’s report concluded that the site supported very low-levels of ecological activity and no protected species were identified on or nearby the site at the time of the survey.
- 3.40 Whilst no potential for roosting bats was identified, the existing boundary vegetation and hedgerow showed potential for foraging and commuting bats. As recommended within the report, therefore, retention and enhancement of vegetation boundaries is advised, and any necessary removal of vegetation should be replaced with native species. In light of the potential for foraging bats, and the potential for roosting bats in the nearby property of Almond House to the West, precautions to limit light spill from the proposed building are recommended and a Building Management System connected to automatic blinds to control light spillage towards sunset / nightfall is recommended.
- 3.41 The site is also nearby to the Thanet Coast and Sandwich Bay Ramsar site and SPA and the Sandwich Bay SAC. It is also located near to the Sandwich Bay to Hacklinge Marshes SSSI designated site of national importance. However, due to the non-residential nature of the proposal, it is not considered that the proposal will contribute to increase recreational impacts and associated disturbance of the natural environments. Subject to pollution controls to limit pollution of water supplies potentially connected to the designated sites, as suggested by the EA and Natural England, it is considered that the impact of the proposal upon the designated sites would be minimal.

Heritage Issues

- 3.42 Almond House has a strong industrial connection with the history of the site as a colliery and occupies a prominent position within the overall site. The proposed employment building is separated by a) a proposed car-parking area, b) the roadway and c) a difference in levels with the separating bank grading down by 3 metres to the site level of the proposed incubator building. The height and massing of the proposal relative to Almond House has been addressed in the supporting landscape reports and the photomontage material highlights the reduced ridge height of the proposed building compared with that of Almond House. It is noteworthy that the approved masterplan identified buildings of potentially up to 3 storeys in height in the direct foreground of Almond House. On balance given the economic benefits of the proposal and the parameters accepted through the earlier masterplan, it is concluded that the proposal will have an acceptable impact on Almond House which will remain elevated and the provision of car parking in the foreground to this building is acceptable given that the land is allocated for employment use and the provisions for this portion of the site in the original approved masterplan.

Drainage

- 3.43 In response to the comments of the Parish Council the applicant has confirmed that Hadlow College took ownership of the former colliery site from the Homes and Communities Agency in 2013 and has been responsible for the management and maintenance of the sewage plant (the Plant) since this time. The Plant is managed through a maintenance contract which oversees all elements of its day-to-day management.
- 3.44 A Membrane Bioreactor (MBR) plan was installed by the South East England Development Agency in the early 2000's, replacing the former onsite Plant, as the Betteshanger site is too far from a main sewage connection for it to be economically viable to connect. The MBR Plant was put in place as it was deemed at the time to be the best system to treat the effluent to the very stringent water quality standards set on this discharge permit by the Environment Agency.
- 3.45 Since taking ownership of the site, the College has undertaken an options review of the Plant due to the very high costs associated with its ongoing management and maintenance. The viability of a mains connection was once again ruled out as economically unviable due to the distance to the nearest mains in Sholden. Following this review the MBR Plant was decommissioned and a new Plant was installed which is both easier to maintain and will continue to meet the water quality standards as set by the Environment Agency. The new Plant became fully operational early this year (2017). The system has been designed with sufficient capacity to meet the current needs of the Betteshanger circle, Almond House and the requirements of the future incubation building. Should further capacity be required in future in line with the ongoing development of the Betteshanger Business Park, the plant capacity could be increased at this time.
- 3.46 The proposed new building will connect to the foul sewage system after the point of connection of the Betteshanger residential properties and Almond House, and will be treated by the Plant. Given the capacity of the tank and lower point of connection of the proposed employment building this provision is considered to be acceptable.
- 3.47 A surface water drainage strategy has been prepared to support the proposal. Following discussion with KCC's Drainage Team it was agreed that soakaways were not appropriate. The agreed solution was to provide surface water storage on site and then flow would be discharged at the equivalent of Greenfield run off rates to an existing attenuation pond within the applicants control. Subject to the future

management of the surface water system this is considered an acceptable means of addressing surface water flow and water quality is also controlled by this strategy.

4. Conclusion

- 4.1 There are three dimensions to sustainable development which are highlighted at paragraph 7 of the NPPF and comprising economic, social and environmental components. The need to protect and enhance the built environment is therefore one component of the holistic assessment of sustainable development and this represents a balancing of considerations against the positive economic and social benefits of the scheme. Paragraph 8 of the NPPF makes clear that “These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards and well-designed buildings and places can improve the lives of people and communities. It is a central principle of the NPPF that precious land use resources that are either vacant or underused (particularly those that are well related to settlements) should be used more efficiently and that it is incumbent upon planners to review this type of opportunity and find creative solutions so that the potential of the land asset is utilised. The NPPF emphasises the need for LPAs to take into account the particular circumstances of each application. For instance, paragraph 10 acknowledges that “Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas”.
- 4.2 In this case the individual circumstances and background to the submission is relevant. The application site forms part of a hybrid consented area which included the provision of a roundabout, the country park, road infrastructure, drainage and landscaping that has been fully constructed. Parts of the original hybrid (outline) permission have lapsed including the provision of some 22,000 sq m of employment floorspace. It is relevant that the original outline approval included a masterplan that identified the location of a number of employment areas. The application site is brownfield and part of the former colliery and adjacent to a wider area that is allocated where a long-established masterplan identifying the site for employment development has been in place since 2004. For these reasons, the principle of employment development despite the fact that it is not included within the surrounding employment allocation is considered acceptable.
- 4.3 The report has shown that the proposed linear shape is a logical design response to the shape of the site. It has been shown that a condition will ensure that any potential brickearth beneath the site can be excavated before the commencement of development if proven to be viable.
- 4.4 Ecological interests have been shown to be safeguarded together with drainage, water quality, the policy requirements met with respect to sustainable construction and archaeology.
- 4.5 The living conditions of the residential occupiers at Betteshanger in the vicinity of Circular Road are considered to be adequately safeguarded by the proposal as is the setting of the nearby Almond House which is elevated in relation to the ridge height of the proposed building.
- 4.6 Through the Travel Plan, (to be secured by conclusion), initiatives to encourage modal shift will be put in place. Wider cycleway connections and walkways and road infrastructure has already been put in place by the part implemented hybrid approval.

- 4.7 This proposal equates to only 11% of the overall quantum of employment development that the wider site is allocated for 22,00 sq m. For this reason, it would be unreasonable for the LPA to sustain an objection on highway capacity grounds as a higher level of development has previously been committed. This needs to be cleared by Kent Highway Services.
- 4.8 Because of the three-storey height of the proposed building it will be visible from surrounding vantage points and whilst the height will be greater than the adjoining Intercrop buildings to the north, it will sit below the height of Almond House which occupies an elevated land level. Additional supporting landscape evidence has been produced together with additional visual material to evaluate the prominence of the building within the landscape. Whilst the proposal is viewed against the backdrop of surrounding buildings and residential properties occupying more elevated positions and is a relatively small pocket of land that displays perimeter landscaping and is set within a rolling topography, the massing of the building will have a noticeable impact on the local landscape. This landscape impact must be balanced against the economic and social benefits of the proposal. Landscape consultants for the applicant suggest that mitigation planting is likely screen any views of the proposed building in 5-7 years.
- 4.9 In this case, the proposal makes use of available European funding (it is relevant that the incubation building is subject of an ESIF application supported by SELEP and being managed by the DCLG) and it is hoped this investment will “pump prime” interest from other employment uses. Following the construction of major road infrastructure within the site this land has been marketed as serviced employment land without success. It is recognised that the serviced employment land has not delivered occupied floorspace and buildings and that European funding is available to overcome current viability issues which will serve to improve the prospects of the wider employment site taking off and promoting investor confidence. The Enterprise Incubation Hub will offer a range of preventive health care uses which are linked to education and training. The submission offers to provide for hard to reach groups and promotes entrepreneurship training linked to educational establishments like Hadlow, West Kent and Ashford College. It is noted that the supporting planning submission refers to 74 jobs and 60 indirect jobs created during the construction stage and the job creation target for the operating building is 250 jobs is strongly supported by both the Head of Inward Investment and Locate in Kent.
- 4.10 The incubation hub will offer low rent, business start-up that is flexible. The objective is that the building will become established on site and create demand to move on to larger space. This is recognised as an important economic objective and if successful, will help to deliver other employment buildings on serviced sites within the allocated and previously consented area. The economic and social justification for this proposal given the availability of public funding is strong.
- 4.11 In summary, the proposal will be visible because of its massing and three storey height, but the design and siting of the units is acceptable. Overall, and on balance, it is considered that the visual environmental harm is significantly outweighed by the economic and social benefits of the submission. For these reasons, it is recommended that permission be granted.

g) **Recommendation**

I GRANT PLANNING PERMISSION subject to:

1. Standard 3-year time limit for commencement;
2. Schedule of amended plans;
3. Use Class B1/B2 and B8;
4. Floor area limit 2,475sqm;
5. Hours of operation;
- 6.

Intrusive mineral extraction survey; 7. Site levels and sections (may be affected by extraction); 8. Construction Management Plan to be submitted prior to commencement of use; 9. Safeguard against contamination; 10 No infiltration of surface water drainage into ground unless otherwise approved in writing with the LPA; 11. Details of external lighting, including hours of illumination (which shall identify compliance with 'Bats & Lighting in the UK (BCT, 2009) in accordance with recommendations of the submitted Ecological Assessment; 12. Details of external finishes and materials; 13.Landscaping (planting plan, timetable and maintenance plan). 14. Scheme of tree protection; 15. Details of nesting bird mitigation, prior to clearance of site and/or commencement of development; 16. Operation of construction/clearance machinery/tools shall prevented outside the hours specified; 17 Contamination watching brief; 18. Safe storage of chemicals; 19 BREEAM 'very good' standard; 20. Detailed Travel Plan; 21. No external storage or display of goods, equipment or waste; 22. Noise Safeguards; 23. Provision of electric charging points; 24.Landscaping details (including detailed planting plan, hard surfacing, means of enclosure, planting timetable and landscape management plan) with specific details of the implementation and long-term management of the tree shelter belt along the southern boundary. 25. Conditions requested by the EA. 26. Conditions requested by Kent Highways; 27. Conditions requested by the ecological officer.

- II The applicant is advised that if cumulatively, the quantum of employment land on the remainder of the allocated area exceeds the 22,000sqm (when the application site is included), then additional highway modelling relating to the wider capacity and specifically London Road/Manor Road will be required.
- III Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and informatives, in line with the issues set out within the recommendation above and as resolved by Planning Committee at I above, and to GRANT PLANNING PERMISSION in accordance with these terms.

Case Officer
Alister Hume