

Our Ref: 2013/4301
Your ref: MA/13/1549

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Mr S Clarke
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Dear Mr Clarke

Hybrid planning application MA/13/1549 – re-grading of the site, creation of bunds, new industrial estate comprising 56,020 square metres of B1 office/light industrial, B2 general industrial and B8 storage and distribution, ancillary café, crèche facilities , new access to the A20 and associated infrastructure. Detailed permission for the erection of a new warehouse building (23,533 square metres) and associated office (4145 square metres) with access, service yard, parking and landscaping at Waterside Park, Junction 8 of the M20

As you are aware from our initial letter of objection to the above application dated 25 October 2013 we act on behalf of the Leeds Castle Foundation. We have now reviewed the submission in detail and wish to register our strong objections to the application.

Leeds Castle is a Grade 1 Listed Building and considered to be of exceptional heritage interest. It has substantial landscaped grounds that include numerous other Grade II* and Grade II listed buildings. The garden is also registered by English Heritage for its special historic interest. Section 12 of the NPPF details the nature of the approach that should be taken in relation to heritage matters. Paragraph 128 is of particular importance where it states *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”* The level of detail is expected to reflect the importance of the asset and in this case, Leeds Castle is a Grade 1 Listed Building and a significant level of detail should be required. It is also not just a case of the building but the setting and surroundings also need to be fully considered and this includes non-designated assets as well. The documents accompanying the application have been considered and we have significant concerns in relation to the proposed development as detailed below:

1. Heritage Impact

The details that accompany the planning application have considered the impact on Leeds Castle and the overall setting but we have major concerns in how this has been approached. The importance of the definition of “setting” and how the applicant has considered not only the impact on Leeds Castle but other heritage assets is detailed below.

Definition of setting

An appreciation of 'setting' has tended to be downgraded in the cultural assessment to a consideration of views rather than the actual definition of setting which is "the surroundings in which [an asset] is experienced" (English Heritage The Setting of Heritage Assets 2011). The definition implies a far more wide-ranging consideration of impact than whether or not, or to what degree, the proposed development might be viewed from one particular viewpoint. Setting demands a consideration of the character, land use and visual qualities of the location in its widest sense, including how new development might alter the balance and character of the existing surroundings. The English Heritage document also makes reference to the importance of assessing "visual effects of a development on the surrounding area, visitor and resident populations and landscape." (The Setting of Heritage Assets page 28).

Old England cottage

We can agree that original setting of these cottages has been degraded by the improvements to the road infrastructure, but they still possess a setting which is protected by law and justifies the requisite consideration. The submitted report appears to conclude that the assets' setting cannot be worsened and therefore provides only cursory assessment.

Despite the obviously physical, visual and acoustic impact of the road, the sense of the asset's historic relationship with wider rural context remains legible. This is particularly the case to the south, where the impacts of the road lessen and the views open out to open countryside. The cottage, orientating southwards, still relies in part on the historic relationship with this rural context. The impacts of the road are a consideration, but the cottages were always positioned alongside the old turnpike road and the relationship therefore remains.

The site may only be visible from the first floor windows of the cottages but this does not reduce the levels of care required to 'preserve' existing setting.

The submitted assessment give short shrift to the importance of this asset's remaining setting, concluding that the proposed structures will be screened by the proposed planting. This in no way deals with the actual impacts of large footprint buildings at over 17m in height, and how the loss of the open, rural setting will inevitably further degrade the setting of this listed building, identified as having a 'high sensitivity'. To conclude that the impact will be 'negligible' reflects a cursory assessment. It is our view that the development of the existing open landscape will have at least a moderate adverse level of impact due to the substantially harmful effect on the setting of the asset. In line with the Table 14.3 of the submitted report, this magnitude of impact on an asset of high sensitivity would result in a major adverse effect.

Old Mill Farm

Although unlisted, Old Mill Farm is obviously of historic significance and the presence of the oast houses now forming part of the accommodation is a typical and distinctive feature of the regional landscape. It is easy to understate the value of non-designated assets such as these but, cumulatively, they help to form the identity of the local landscape as well as being valuable and attractive historic assets in their own right.

In the context of Table 14.1, we wonder why this asset has been assigned a low level of sensitivity as it is not in a poor state of preservation and survival? In terms of this table, it should be categorised as a non-designated asset and therefore of 'moderate' sensitivity.

It is our view that the submitted assessment has downplayed the impact of the proposed development on the setting of this asset. In our view, the sheer scale and extent of the proposed development would cause a very significant and harmful change to the rural landscape setting of the existing building. In view of the mis-categorisation of the asset against the significance table, the outcome of our assessment of a high level of impact on an asset of moderate significance is a major adverse effect.

Leeds Castle & the Registered Park & Garden

The assessment suggests that the parkland is largely 20th century in date. Whilst it is factual that a number of restorations and improvements were made during that century, the landscape has its origins in the 12th century and, as the list description itself states, the planting arrangements remain close to Hogben's 1748 plan. It is not satisfactory or accurate to summarise its value as relating to the 20th century.

The description of the park refers to it being mainly introverted in character. This completely ignores the way in which the formal landscape relates to the wider, informal landscape in intentional ways. In some cases, specific approaches or views are screened by designed planting but in others there is an intentional overlap beyond the formal boundaries of 'the park' to borrow the visual qualities of long distance views to the open countryside. The latter will form part of its setting. Whilst there are some planted barriers, there are other areas of the park, notably on the west side, which are largely open to adjoining landscapes.

In addition, the setting of a parkland also relies on the quality of the approaches to it, even if there is built form or landscaping between which limits intervisibility. The approach to the designated area is part of the experience of the asset (particularly in a rural context) and it is not sufficient to discount the value of these areas as being outside the designation or falling outside setting. The setting of Leeds Castle very much relies on its relationship with the wider open countryside, and the impacts of the upgraded road network are a reason to defend the existing rural characteristics, not a justification for allowing their further degradation.

The assessment also refers to the 'immediate' setting of the Castle and appears to draw conclusions based on this; but there is no detailed consideration of the 'extended' setting, into which the proposed development can be considered to fall. If the extended setting of the Castle and the Registered Park can be considered to be formed by predominantly rural, open countryside then the proposed development cannot be considered to preserve this characteristic. In particular, we cannot align phrases such as the development being "hardly visible" (unspecific about location or viewing height) with a robust assessment of its impact on setting.

We also consider that the detailed conclusions offered in the submitted assessment are drawn from an appraisal of individual views and not from a spatial consideration of the assets in their wider setting. Had the assessment been undertaken in this manner (in other words, with consideration of the surroundings in which the asset is experienced), then the level of impact would have been set at least at low, and possibly medium. In the context of an asset whose sensitivity is high, the conclusion should have been a major adverse effect.

Summary

We therefore have concerns over how the submitted report has approached the categorisation of assets in terms of their sensitivity, the means by which 'setting' has been assessed and also the

appraisal of resultant levels impacts. As all of the above relate firmly to conclusions which have been drawn by the applicant in support of their proposal, we consider that the potential heritage impacts have not been adequately assessed and that the conclusions drawn cannot be relied upon by the Local Planning Authority.

2. Allocation of employment land

The current application is considered premature in the light of the current consultations that are taking place. The applicant relies on the Draft Core Strategy (DCS) that was published in 2011 that has been superseded by the emerging Local Plan. The DCS was not subject to any formal examination and it cannot therefore be assumed that it would have been found sound and this site allocated for employment purposes. As part of the emerging Local Plan, further research is being carried out and the Report to the Council's Cabinet Meeting on 13th March 2013 approved the interim Local Plan policies for development management purposes. Part of this report included a reference to Junction 8 as a Strategic Employment Site subject to further assessments in relation to employment needs and demand. This assessment relates to the entire Borough.

The current application emphasises the need of two existing employers within the Borough, Scarab Sweepers and ADL and that this site is basically the only site option available to them otherwise they will leave the Borough. This appears as a threat to the Council and the detailed assessment supporting the applications does not appear to stand up to scrutiny.

The application includes significant more land than the two companies require from the information provided and there is a high degree of speculative development. Independent office buildings are proposed and this should be subject to a sequential test. The supporting documents however dismiss this on the basis it is part of a larger application and this type of use is need to assist with the "Gateway" to Maidstone from the motorway.

The application is therefore not the minimum required to meet the two needs of an employer but an overall speculative development for profit. Neither Company owns the site and the supporting information states they each intend to acquire a freehold interest. There is no guarantee that the local companies will finalise the option and the development is permanent and would exist for many years. The Council must therefore assess the application on the basis of the nature of the proposed uses and not the individual company's cases. Whilst it is sometimes ideal for a company to have its entire operation under one roof, this is not always essential and the application focuses on a desire, not a demonstrated need. It appears the criteria for relocation focuses on the motorway and this has been the key driver for pushing this site forward.

The emerging Local Plan is subject to an examination by an independent Inspector and the Council itself is still producing its evidence base. Junction 8 has been highlighted as a potential site to meet the needs of the Borough, if a need is identified. However, this should be formally assessed in relation to alternative sites that may come forward. This is of critical importance on sites of this nature that would have a strategic impact on the Borough, surrounding local authorities and a major transport network, the M25. Not only does the level of need for employment land to be considered by an Inspector but the alternative sites as well. It cannot therefore be assumed that the emerging Local Plan would be found sound and adopted in its current form. In this context the current application must be considered premature on a matter of principle.

The details submitted with the application also appear to be limited. There is a variety of description and then conclusions stated without any meaningful assessment having taken place. For example, in relation to the height of the proposed buildings and the impact on Leeds Castle, the conclusion is

that the roof would be hardly visible and therefore any material impacts would be avoided. This fails to properly assess the impact on a heritage asset.

We have previously raised the issue regarding the impact on the tourism trade during and after construction in respect of the disruption and the approach to Leeds Castle. The potential loss of income directly to the charity that is charged with the Castle's preservation, and the knock-on impact to surrounding business that also rely on tourism is of major concern. Significant road works could well put off tourists visiting the site and the current application states construction works would last between 5 and 6 years. The castle's local economic impact is assessed at being over £50m a year, which would be jeopardised by this construction. There is no real assessment within the submission of the impact this may have on the tourist trade and the fundamental impact on visitors and staying guests at Leeds Castle.

The reports gloss over these issues and state there would be a negligible impact. Paragraph 6.4.44 of the Environmental Statement (Non-Technical) considers the effect on the tourism industry and acknowledges that Leeds Castle is a sensitive receptor. However, the report concludes at paragraph 6.4.45 that as there would be an "... *insignificant effect in terms of congestion, which suggests that the impact on the tourism industry would be negligible.*"

Visitors may be put off visiting and staying overnight at the Castle in its entirety due to traffic problems on the M25 or shorten their visit to avoid potential delays to their journey. There is only limited information regarding noise, dust and disturbance during construction. This could have a significant financial impact on the income for the Charity. Whilst the applicant promotes the benefits of employment for two local companies in terms of financial figures, there is no similar assessment in relation to loss of tourist trade and the resultant impact could devastate the income for Leeds Castle which is essential to maintain a Grade 1 Listed Building.

In relation to the current application there are several important paragraphs within the NPPF that need to be considered. The NPPF is clearly in favour of sustainable development and clearly states at paragraphs 153 that "*Local planning authorities should seek opportunities to achieve each of economic, social and environmental dimensions to sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued.*"

Paragraph 154 states Local Plans should ensure that they address the spatial implications of economic, social and environmental change. The current application goes against this Guidance and is therefore considered premature as it does not allow these significant strategic changes to be formally considered by an Independent Inspector at a public examination.

3. The impact of additional traffic on the local road network.

Following a review of the Transport Assessment and the Transport section of the EIA we are concerned with the approach taken in the assessment of potential transport impacts for the Waterside proposal for a number of reasons:

The traffic counts have not been done at appropriate times

It is recognised that DHA have undertaken a number of surveys to assess existing usage of roads and junctions. This includes Manual Classified Counts (MCC) and queue measurements undertaken on Tuesday 21st May 2013, as well as Automatic Traffic Counts (ATCs) for a 1 week period from the 5th to the 11th June 2013. The locations for these surveys included

- M20 Junction 8
- M20 link road / A20 Ashford Road roundabout
- The A20 east bound 'flyover' bridge
- A20 Ashford Road / Eyhorne Street / Great Danes Hotel roundabout
- A20 Ashford Road / Penfold Hill roundabout
- links in and around the above network

We agree with the types of surveys undertaken, and that these locations are appropriate for the proposal and to assess the existing transport infrastructure.

However, the dates that these surveys have been undertaken is not reflective of current usage. Given that Leeds Castle is a popular tourist spot, most of the trip generation to this site occurs during the summer holiday period, between July and August. We would expect the levels of traffic to be significantly higher at the Penfold Hill and Greta Danes Hotel roundabouts at these times than those found in the ATC undertaken in June. This is especially surprising given that DHA acknowledge at paragraph 6.6.5 of their report that many events at Leeds Castle will take place during school holidays. They suggest that many 'events' take place during daylight hours and as the "*development traffic is much reduced*", "*there is not any potential conflict envisaged*".

There are a number of issues with this summation. Firstly, the assessment of existing road usage has not been undertaken during a school holiday, and so cannot accurately reflect the likely impact on Leeds Castle. Secondly, this assumption only recognises specific events and completely ignores the significant number of regular tourists (600,000 a year, or up to 7000 a day) that are visiting Leeds Castle without attending a specific event. Thirdly, the report suggests that the development traffic will be "much reduced" outside commuting times, but the trips assessment at 5.2.36 and table 5-22 states that only 323 of the total 1,047 arrivals will happen before 9am, and only 181 of 1,050 total departures between 5pm and 6pm. This suggests that 724 (over two thirds) of arrivals will occur during normal daylight hours that would clearly have a significant impact on the local network.

On this basis, a thorough assessment of the likely impacts on the highways cannot be undertaken until the relevant data has been provided or accounted for.

Traffic generation

The proposal suggests that the total number of trips generated by the proposal would be 2,096, which would be predominantly made by private car and HGV delivery vehicles. Given that the majority of people will be using private cars or HGVs we would question the inclusion of 249 cycle bays, given that paragraph 7.2.1 suggests that "*The development itself is not forecast to generate significant levels of walking and cycling trips given its location on the east side of Maidstone.*" On this basis, it would appear that the inclusion of such a large number of cycle bays is to deflect away from the more realistic private car generation of the site.

Increased traffic deterring visitors to Leeds Castle

Furthermore, there is a very real threat that the significant increase in use of the existing junctions will act as a natural deterrent to potential visitors at Leeds Castle. There is also an inadequate assessment of the potential impact of employees using cross country routes to get to work. Depending on where the existing workforce live, there could be a significant impact on the traffic use of the B2163 that runs past the Castle main gate and on to Leeds Village. Parts of this road are single section/one way in places. Such negative impacts would result in a reduction in visitors to

Leeds Castle, which would be contrary to Policy CS13 of the Interim Approval of Maidstone Borough Local Plan Policies (March 2013), which seeks to protect the historic environment. However, the transport assessment does not identify this policy as being of relevance and has not assessed the impacts of the proposal deterring visitors from the site.

Insufficient data

As set out above, the transport assessment does not provide sufficient detail to prove the proposal will not have a significant detrimental impact on the existing transport network, or surrounding villages and historic tourist attractions. This includes:

- No data for school holidays and weekends to assess the current impact of visitors to Leeds Castle;
- No breakdown of private car users and those walking or cycling;
- No assessment of the potential deterrent of proposal on prospective visitors to Leeds Castle.

In the light of the above, Leeds Castle Foundation therefore objects to the proposal on the grounds of insufficient assessment of the likely transport impacts of the proposal on existing transport network, and the likely significantly detrimental impact on tourism within the area.

Conclusion

In our opinion the principle of the current development proposed is clearly contrary to the existing development plan for the area, the Maidstone Borough Wide Local Plan 2000. The land is not allocated for employment purposes and whilst the Council has given consideration for development around Junction 8, this has only been part of a public consultation exercise and not subject to a public examination. The Council is still updating its evidence base for the emerging Local Plan and development of the scale and nature proposed as part of this planning application would have a significant and strategic impact on the nature of growth and development within the Borough. Development of this scale, in our view, must be considered premature prior to a thorough assessment of all the potential employment sites within the Borough. When the application is considered in detail, the proposals go well beyond meeting the needs of the two companies and must therefore be viewed on the basis of employment for the Borough and not retaining two particular companies for the reasons stated above. Whilst the creation (or rather relocation) of 454 jobs is not something to be ignored, this has not been considered in the light of the significant adverse impacts that would occur as the result of this development.

In summary, we therefore raise a strong objection to the proposed development on the following grounds:

- We have demonstrated that the heritage assessments are inadequate and this on its own represents a reason for refusal.
- The level of development is far in excess of the requirements for the two companies and must therefore be considered speculative and assessed purely on spatial land use issues.
- The proposals are premature and should be considered as part of the emerging Local Plan process that will be subject to a public examination.
- The impact of the proposal on local tourism during the construction phase (5-6) years has not been properly assessed.
- Insufficient assessment of the likely transport impacts of the proposal on existing transport network, and the likely significantly detrimental impact on tourism within the area.

I would be grateful if you would keep me informed of any amendments or additional information that is submitted regarding this application and when it is likely to be reported to a Committee Meeting.

Yours sincerely

A handwritten signature in black ink that reads "Lisa Skinner". The letters are cursive and connected.

Lisa Skinner

Director

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