

C.C.3 (Outline)

Reference Code  
of Application TM/89/1655

KENT COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACTS  
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1976  
REGULATION 5

TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988

Notification of Grant of Outline Permission to Develop Land

To: The Director of Economic Development  
Springfield  
Maidstone  
Kent  
ME14 2LL

TAKE NOTICE that the KENT COUNTY COUNCIL, the County Planning Authority under the Town and Country Planning Acts, HAS GRANTED OUTLINE PERMISSION for development of land situate at West Malling Airfield and adjoining land and being Mixed Use Development, comprising business use, with ancillary storage and ancillary distribution (Use Class B1); residential (C3); hotel/conference centre (C1); convenience retail (A1 and A3); financial and professional services (A2); residential education and training facilities (C2); creche (D1); leisure (D2); sports and recreation facilities; open spaces and landscaping; new access, on approximately 647 acres (262 hectares) together with ancillary road works on land referred to in your application for permission for development dated the twenty-second day of September 1989 with accompanying supporting documents as amended by your memorandum dated the 7th June 1990 and by the documents and plans set out below:

i) Documents

- . Memorandum dated 27/10/89 from Director of Economic Development to County Planning Officer defining the content of the proposed Phase I development.
- . Letter dated 24/5/90 from the Department of Transport to County Planning Officer regarding M20 Junction 4 proposals and lifting of direction dated 12/12/89.
- . Memoranda from Director of Economic Development to County Surveyor dated 14/11/89, 1/12/89, 1/6/90, and 7/6/90 regarding proposed highway works.

- Letter from Director of Economic Development to Maidstone Borough Planner and Surveyor dated 15/12/89 regarding Monitoring of Floorspace Occupation.
- Kings Hill Environmental Statement Supplementary Document (November 1989) - Terence O'Rourke plc, Brian Clouston and Partners, Peter Brett Associates, Ecological Planning and Research, Keith Rushford.
- Kings Hill Environmental Statement Supplementary Statement on Air Pollution (January 1990) - Environmental Research Associates.
- Application Form 2 (dated 17/11/89).
- Airfield Operations at West Malling (Ref. ST 044 - Issue 2) by Metair Aircraft Ltd (January 1990).
- Appendices to the planning conditions:
  - Appendix 1 : Vehicle Parking Standards
  - Appendix 2 : Vehicle Parking Standards
  - Appendix 3 : List of Species Susceptible to Firelight
  - Appendix 4 : Interpretation of Building Density and Footprint Conditions

ii) Plans

- KH3A - Illustrative A20/A228 Junction Improvement
- KH4A - Illustrative A228/M20 Junction Improvement (original Reference 4345/11/23)
- KH4B - Alternative Illustrative A228/M20 Junction Improvement (original Reference 4345/11/24)
- KH5 - Illustrative A26/A228 Junction Improvement
- KH6 - Illustrative A228/Mosquito Road Junction Improvement (original Reference 4345/11/25)
- KCC1 - Definition of Area within which Phase I Built Development Contained and Proposed XYZ Vehicular Access Points
- AS1 - Airfield Operations at West Malling
- AS2 - Airfield Operations at West Malling

ISVR - Scenario 2 Noise and Number Index Contours

KCC2 - Advance Landscaping Areas and Nature Conservation Interest Areas Identified in Relation to Phase I Built Development, Nature Conservation Interest Areas already specifically identified within the rest of the application site; and general areas for further study in the rest of the application site, in order to evaluate their Nature Conservation Interest.

SUBJECT TO THE CONDITIONS SPECIFIED hereunder and APPENDICES 1-4 ATTACHED hereto:

A. GENERAL CONDITIONS

- (1) details relating to the siting, design and external appearance of the proposed buildings, for which detailed approval is being sought, the final details of the means of access and landscaping associated therewith shall be submitted to and approved by the Local Planning Authority before such relevant part of the development is commenced;
- (2) application for approval of reserved matters shall be made not later than the expiration of eight years beginning with the date of this planning permission;
- (3) the development to which this permission relates must be begun not later than whichever is the later of the following dates:
  - (a) the expiration of eight years from the date of the grant of outline permission; or
  - (b) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (4) the details submitted in pursuance of Condition (1) above shall show land reserved for parking or garaging in accordance with the approved Kent County Council Vehicle Parking Standards for the relevant category of development, except in the case of the B1 and C3 uses which shall be at the approved Tonbridge and Malling Borough Council standards. The standards are set out in Appendix 1 to this Decision Notice. Thereafter no permanent development, whether or not permitted by the Town and Country Planning General Development Order 1988 (as amended) (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a private garage or garages in the case of the housing development) or in such a position as to preclude vehicular access to the reserved vehicle parking area;

- (5) the parking provision required by condition (4) above shall be provided in respect of development comprising Class B1 Business Use, in accordance with the formula set out in Appendix 2 to this Decision Notice unless otherwise approved in writing by the Local Planning Authority;

**B. LANDSCAPING CONDITIONS**

- (6) at the time of the submission of the first set of details pursuant to Condition (1) above a Statement of Overall Landscape Strategy for the site as a whole shall be submitted to and approved by the Local Planning Authority and shall be implemented when the relevant part of the site is developed unless otherwise agreed in writing by the Local Planning Authority;
- (7) a series of detailed landscaping proposals in relation to the relevant part of the development hereby permitted shall provide for details of the planting densities, the use of indigenous species as appropriate, paying due regard to the minimal usage of species identified in Appendix 3 to this Decision Notice (except in respect of the retention, reinforcement or replacement of existing plant material on the site) and shall provide for the preservation of existing trees and hedgerows, and earth mounding;
- (8) the detailed landscape schemes submitted for the relevant part of the development shall show the exact location, spread and type of all existing trees and hedgerows on the relevant part of the site and clearly indicate those which it is proposed to retain and those for which consent to remove is sought, and the means of fencing or otherwise protecting trees and hedgerows to be retained during construction works;
- (9) on approval, the schemes shall be carried out to the reasonable satisfaction of the Local Planning Authority no later than the first available planting season within a timetable to be agreed with the Local Planning Authority; and shall be maintained to the satisfaction of the Local Planning Authority for a period of 10 years;
- (10) no felling of trees and no clearance of scrubland shall take place without the prior written consent of the Local Planning Authority;
- (11) in the event of any of the trees/shrubs included in the landscaping proposals or any replacement trees/shrubs being removed, dying, severely damaged or becoming seriously diseased within ten years of planting they shall be replaced within twelve months with trees/shrubs of similar size and species to those originally proposed to be planted;
- (12) the best practicable means shall be taken to ensure that, in the course of all construction works on the site, no branches shall be lopped and no roots over 50mm diameter shall be severed from live trees. If this occurs, by whatever means, the severed end shall be cut to give a clean and smooth surface which should then be treated with a fungicidal sealant;

- (13) at the time of the submission of the first set of details pursuant to Condition (1) above a scheme shall be submitted to and approved by the Local Planning Authority to show the areas for storage of and the protection of stripped topsoil. No topsoil shall be removed from the site, nor shall there be any deviation from the approved storage arrangements except with the written approval of the Local Planning Authority;

**DEVELOPMENT PRINCIPLES**

- (14) the first phase of development hereby permitted shall be limited in respect of the business use, to a maximum of 1 million square feet (92,900 square metres) of business use (Class B1) floorspace by new construction, including ancillary storage and distribution; and in respect of the residential use; to 250 dwellings;
- (15) the built development hereby approved shall be limited to the area edged pink on the plan accompanying this decision and no built development shall take place outside this area and on the area edged blue on the plan accompanying this decision other than approved infrastructure works and approved landscaping, and/or open space/amenity areas without the prior written approval of the Local Planning Authority;
- (16) the maximum density of the buildings erected on the site for business use, as defined by Class B1 of the Town and Country Planning (Use Classes) Order 1987, shall not exceed 15,000 sq ft per acre, nor an overall average density of 12,500 sq ft per acre; calculated as set out in Appendix 4 to this decision;
- (17) the maximum building footprint for the business use as defined by Class B1 of the Town and Country Planning (Use Classes) Order 1987 shall not exceed 12,500 sq ft per acre; calculated as set out in Appendix 4 to this decision;
- (18) a minimum area of 40% of the site shall be provided for open space/open amenity areas and/or for landscape purposes and no permanent development whether or not permitted by the Town and Country Planning General Development Order 1988 (as amended) (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown without the prior approval in writing of the Local Planning Authority;
- (19) no building or other structures on the site shall be erected or used for any purpose within Classes B2-B8 inclusive of the Town and Country Planning (Use Classes Order) 1987 (or any order amending, revoking and re-enacting that Order), without the prior consent in writing of the Local Planning Authority;

- (20) the maximum floorspace of buildings erected or used on the site for uses within Class A1(a) of the Town and Country Planning (Use Classes) Order 1987 (or any order amending, revoking and re-enacting that Order), shall not exceed 50,000 sq ft;
- (21) no dwelling within the first phase of the development hereby permitted shall be occupied within the zone identified as likely to be exposed to a noise level exceeding 35 NNI resulting from aircraft landing at or taking off from the West Malling Airfield, on the attached Plan labelled ISVR NNI Contours Scenario 2;
- (22) no built development hereby permitted shall take place otherwise than in accordance with the height limitations and safety areas of operation of the runway as defined on Plan Nos. A.S.1 and A.S.2; and any other activities on the airfield shall conform to the safety code defined in Document ST 044: Airfield Operations at West Malling dated January 1990 prior to the cessation of use of the runway for flying purposes;
- (23) within 12 months of the first approval of details pursuant to Condition (1) above, a programme for the provision of an appropriate level of creche/nursery, sports and fitness centre and community recreational open space in locations to be agreed with the Local Planning Authority shall be submitted to and approved by the Local Planning Authority and shall be implemented as approved unless otherwise agreed by the Local Planning Authority in writing;

#### D. GENERAL ENVIRONMENT AND MANAGEMENT CONDITIONS

- (24) provision shall be made by the developer when submitting details pursuant to Condition (1) above to enable telephone and electricity services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (as amended) (or any Order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority;
- (25) details of location and screening of any areas for open storage of goods and materials ancillary to the uses permitted shall be submitted to the Local Planning Authority pursuant to Condition (1) above; no open storage shall take place elsewhere upon the site otherwise than with the prior approval of the Local Planning Authority in writing;
- (26) details and samples of all materials to be used externally including for roads, footways, parking areas and any means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the development is commenced, unless otherwise agreed in writing with the Local Planning Authority and the development shall be implemented as approved to the satisfaction of the Local Planning Authority;

- (27) at the time of the first approval of details pursuant to Condition (1) above, a scheme of works and management for the accommodation of nature conservation interest including wildlife habitats as shown on Plan No. KCC2 shall be submitted to and approved by the Local Planning Authority, in respect of the area edged pink on plan KCC1, such scheme to include a programme for implementation. No deviation shall take place from the approved scheme except with the written approval of the Local Planning Authority; in the event that an application for permission or approval of details is submitted in respect of the area edged blue on KCC1 such submission or application shall be accompanied by a scheme of works and management for the accommodation of the areas of Nature Conservation Interest including wildlife habitats (as shown on KCC2) in a form consistent with that submitted for the land edged pink;
- (28) notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the 2nd Schedule to the Town and Country Planning General Development Order 1988 (or any order amending, revoking, and re-enacting these Orders), no change of use of existing buildings, increase in useable floorspace or outward extension of existing buildings within the application site shall take place without the prior approval of the Local Planning Authority;
- (29) the developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow them to observe any excavations and record items of interest and finds. The developer will inform the Local Planning Authority of the start date of construction works on site not less than two weeks before the commencement of such works;
- (30) within 36 months of the first approval of details pursuant to Condition (1) above, a scheme shall be submitted making provision for the long term retention and renovation of the Observation Tower adjoining A228 and the Control Tower adjoining the runway; no works whatsoever shall be carried out to those buildings, including partial or total demolition, prior to the approval of this scheme save with the express written approval of the Local Planning Authority; the scheme shall be implemented as approved to the satisfaction of the Local Planning Authority;

#### E. INFRASTRUCTURE CONDITIONS

- (31) at the time of the first approval of details pursuant to Condition (1) above, details of the trunk service networks for foul and surface water disposal shall be submitted to and approved by the Local Planning Authority. Details of drainage schemes necessary to drain the relevant part of the development shall be submitted to and approved by the Local Planning Authority, at the time of the submission of other details pertaining to that relevant part of the development. No building shall be occupied until the necessary drainage works to serve the relevant section of the development is implemented to the satisfaction of the Local Planning Authority;

- (32) there shall be no new connection to the existing public sewer within the application site without the prior approval in writing of the Local Planning Authority;
- (33) no vehicular access to the site shall be made other than at the two proposed points on the A228 West Malling bypass, and at the existing point on the A228, except with the prior approval in writing of the Highway Authority and the Local Planning Authority;
- (34) no vehicular access points shall be reopened without the prior approval in writing of the Local Planning Authority;
- (35) at the time of the first submission of details pursuant to Condition (1) above, a statement and plan shall be submitted to and approved by the Local Planning Authority showing:
  - (a) the principles of highway hierarchy and internal access arrangements; and
  - (b) the principles of pedestrian and horse movements between points abutting the site shown on the plan which when the development is completed will connect the said points the relevant part of such routes to be constructed contemporaneously with the relevant part of the development;
- (36) full details of the internal access arrangements shall be submitted to and approved by the Local Planning Authority before the relevant part of the development which is applied for is commenced, and shall be implemented as approved to the satisfaction of the Local Planning Authority;
- (37) no development hereby approved shall be occupied until:
  - (a) the access to the site shown on Drawing Nos. KH2 and KH2A, including its junction with the A228 West Malling Bypass has been approved and implemented to the satisfaction of the Highway Authority and the Local Planning Authority; and
  - (b) the relevant part of the internal road network has been approved and implemented to the satisfaction of the Local Planning Authority;
- (38) the proposed highway works at the A20/A228 junction, as shown on Drawing No. KH3A, or as otherwise approved by the Local Planning Authority shall be carried out when actual additional generated traffic flows from new development reach a level of 300 trips per peak hour AM inbound for 15 week days (Monday-Friday) in any 4 week period. The trips shall be monitored by a permanent continuous system and analysis shall be carried out at regular 6 monthly intervals or as otherwise required by the Highway Authority and the Local Planning Authority;



- (39) no development hereby approved beyond 250,000 ft<sup>2</sup> GFA shall commence until the highway improvements for the M20/A228 junction shown on Drawing No. KH4A, have been constructed;
- (40) no development hereby approved beyond 650,000 ft<sup>2</sup> GFA and 200 houses shall commence until the highway improvements for the M20/A228 junction, shown on Drawing No. KH4B, have been constructed; and
- (41) the proposed highway works at the A26/A228 junction, as shown on Drawing No. KH5, and an improvement of the junction of the A228 with Mosquito Road, as shown on Drawing No. KH6 (4345/11/25) shall be carried out when actual additional generated traffic flows from new development reach a level of 600 trips per peak hour AM inbound for 15 week days (Monday-Friday) in any 4 week period. The trips shall be monitored by a permanent continuous system and analysis shall be carried out at regular 6 monthly intervals or as otherwise required by the Highway Authority and the Local Planning Authority.

The reasons for the imposition of such conditions are:

- A.
  - (1) no such details have been submitted;
  - (2) in pursuance of Section 42(2) of the Town and County Planning Act
  - & (3) 1971;
  - (4) development without the provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking;
  - (5) development without the provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions on the public highway;
- B.
  - (6) in pursuance of Section 59 of the Town and Country
  - (7) Planning Act 1971 and to protect and enhance the
  - (8) appearance and character of the site and the
  - (9) locality and additionally (Condition 7) to
  - (10) safeguard against the spread of plant disease;
  - & (11)
  - (12) in order to protect existing trees;
  - (13) to facilitate the provision of the landscaping works;
- C.
  - (14) in order that proposals for future phases of development may be
  - & (15) determined in the light of Strategic Planning, Highways and Local Planning implications;

- (16) to ensure that the character of the development
- (17) is carried out in conformity with the underlying
- (18) principles of Policies S1 and ED5 of the Kent
- (19) Structure Plan Second Alterations;
- & (20)
- (21) to provide an acceptable noise climate for residential development;
- (22) in the interests of aviation safety;
- (23) in order to ensure that the development is adequately provided with supporting facilities;

D.

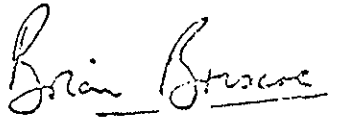
- (24) to protect the environmental quality of the locality;
- & (25)
- (26) as no such details have been submitted and to ensure that the development does not harm the visual amenity of the area;
- (27) in order to protect and enhance nature conservation interests;
- (28) in order to control development;
- (29) as no such details have been submitted and in the interests of archaeological research;
- (30) as no such details have been submitted and to ensure that the development does not harm the character and appearance of the existing buildings;

E.

- (31) as no such details have been submitted and to ensure that the development only takes place in accordance with the provision of the necessary infrastructure;
- (32) as the existing public sewer has inadequate capacity to serve the development;
- (33) to ensure the safe and free flow of traffic;
- & (34)
- (35) as no such details have been submitted and
- & (36) to enhance existing rights of way in the locality;
- (37) to ensure the safe and free flow of traffic;
- & (38)
- (39) as directed by the Department of Transport to
- & (40) ensure the safe and free flow of traffic; and

(41) to ensure the safe and free flow of traffic.

Dated this twelfth day of June 1990.



(Signed) .....

County Planning Officer

Springfield  
Maidstone  
Kent ME14 2LX

## VEHICLE PARKING STANDARDS

## USE CLASS A1 and A3:

- (a) Large Stores 1 car space per 18m<sup>2</sup> floor space (this includes operational provision of 1 car space per 2,000m<sup>2</sup> floor space plus one lorry space per 500m<sup>2</sup> floor space.
- (b) Hypermarkets and Superstores 1 car space per 10m<sup>2</sup> floor space (this includes operational provision of 1 car space per 2,000m<sup>2</sup> floor space - see para 1.3 of General Information) plus one lorry space per 1,000m<sup>2</sup> floor space.
- (c) Non-Food Retail Warehouses 1 car space per 25m<sup>2</sup> floor space (this includes operational provision of 1 car space per 2,000m<sup>2</sup> floor space) plus one lorry space per 500m<sup>2</sup> floor space.
- (d) Small Shops 1 space per 18m<sup>2</sup> floor space.

Note

For all Large Retail Establishments the lorry space standard only applies up to six lorry spaces. For sites where the standard would require more than this, a minimum of six spaces is required, the actual number to be determined by consideration of the operational requirements of each development. Site layouts should include adequate standing and manoeuvring space for vehicles waiting to unload. This may be on the car park if peak times for cars and lorries do not coincide.

USE CLASS A2 1 car space per 20m<sup>2</sup> floor space (this includes 1 space per 400m<sup>2</sup> floor space for operational purposes).

BUSINESS USE B1 1 car space per 20m<sup>2</sup> floor space plus provision for parking and turning of lorries to be agreed with the Local Planning Authority.

USE CLASS C1 1 car space per bedroom (including staff accommodation). Plus - 1 car space per 8m<sup>2</sup> floor space associated with bars. Plus - 1 car space per 20m<sup>2</sup> floor space associated with dining areas.

## USE CLASS C2

- |   |  |
|---|--|
| (a) Residential Hostels   | One space per two occupants to one space per eight occupants dependent upon the purpose of the hostel.                         |
| (b) Old People's Homes  | One space for every two full-time members of the staff and one space for six residents (other than staff) for use by visitors. |
| (c) Further Education Establishments                                      | 1 car space per 2 members of staff plus 1 car space for every 5 full-time equivalent students.                                 |
| (d) Hospitals   | 2 car spaces for every 3 beds.   |
| (e) Clinics, etc  | 4 car spaces for each consulting room.   |
| (f) Accommodation for residents at the Standards appropriate for Class C1 |  |

N.B. The precise requirement for car parking will be established in the context of the specific elements of the development proposal.

## USE CLASS C3

- |                                      |  |
|--------------------------------------|--|
| (a) Flats with two or three bedrooms | Provision shall be made for the parking or garaging of one car and the casual parking of a second car for each dwelling. Where the casual spaces are provided on a communal basis, the minimum provision for such casual car parking shall be one car parking space for every dwelling.  |
| (b) Terraced Housing                 | Provision shall be made for the parking or garaging of one car and the casual parking of a second car for each dwelling. Where the casual parking spaces are provided on a communal basis, the minimum provision for such casual car parking shall be one space for every dwelling. Parking must be closely associated with each dwelling. |

- (c) Detached or semi-detached houses with three-bedrooms or less

Provision shall be made for the parking or garaging of one car and the casual parking of a second car within the curtilage of each dwelling. As an alternative, the casual parking spaces can be provided on a communal basis when the minimum provision for such casual car parking shall be one car parking space for every dwelling.

- (d) Detached or semi-detached houses with four-bedrooms or more

Provision shall be made for the parking or garaging of two cars and the casual parking of a third car within the curtilage of each dwelling. As an alternative, the casual parking spaces can be provided on a communal basis when the minimum provision for such casual car parking shall be one car parking space for every dwelling.

Note

Parking provision should be well located so that on-street parking is minimised. It will normally be expected that for houses all car parking be provided within the curtilage. The Kent Design Guide gives illustrations of suitable layouts. If communal spaces are provided for casual parking then the distance from dwelling curtilage to the nearest parking space should not normally exceed 25m. Communal spaces can be provided in off-street areas or, optionally, within the highway limits.

- (e) Retirement Accommodation

Anticipated age range of Residents

Car parking provision

50-55 years 1 space for each unit  
 55-60 years 1 space for two units  
 60-65 years 1 space for three units  
 Over 65 years 1 space for four units.

USE CLASS D1

- (a) Community Centres

1 car space for every 5 fixed seats, or 1 car space per 4m<sup>2</sup> floor area, whichever is the greater. Where appropriate up to 50% of required spaces may be provided as overflow parking eg on grassed areas.

- (b) Place of Worship

1 car space for every 10 seats.

## USE CLASS D2

- (a) Indoor Sports Facilities To be assessed individually on maximum usage. See Appendix B.
- (b) Places of Entertainment 1 car space for every 5 fixed seats or 1 car space per 4m<sup>2</sup> floor area, whichever is greater.
- (c) Playing Fields Hardstanding to be provided within the site, together with facilities for vehicles turning. The size of the parking area will be dependent upon the character of the playing field.

### Note

There is such great variety in scale and type of development within this land use class that it is inappropriate to give a single standard based on floor area. Each proposal should be assessed individually to give a theoretical maximum use of facilities, and hence car parking requirement. This will ensure adequate provision for peak usage and ensure freedom of movement at other times.

An allowance should also be made for change over periods and booking times should be staggered as far as possible to ease the load at peak times.

Where activities such as skating or swimming are provided, with no fixed number of participants, demand should be calculated according to the theoretical capacity of the facility. A further allowance should be made for spectators and visiting teams.

### Example

<u>Maximum Usage Facility (People)</u>	Estimated	Estimated
	<u>Car Spaces Required</u>	
Main Hall	30	15
Small Hall	20	10
5 Squash Courts	10	8
Weight Training	8	4
Table Tennis	4	2
Snooker	4	2
Meeting Room	12	6
Staff	5	4
		Total 51
	+ 20% for change-over	<u>61</u>

## APPENDIX 2

Prior to the occupation of the relevant part of the development the appropriate provision shall be constructed for lorry parking and turning to the approved standard (see Appendix 1) and 50% of the motor-car parking provision. Thereafter the Local Planning Authority shall monitor the utilisation of the motor-car parking, on each relevant part of the development, and shall require the occupier to increase motor-car parking provision as may be necessary. The monitoring exercise shall take the form of a quarterly inspection of each relevant part of the site, to determine actual parking usage and such results shall be aggregated at the end of each calendar year. In the event that usage of parking exceeds an average of 75% at the end of any calendar year, then the occupier shall implement the provision of additional car parking by creating a further 25% of the total necessary provision to the standards required in Condition (4). This annual monitoring exercise shall be carried on until such time as 100% provision of car parking is provided on the relevant part of the site. The contingency parking provision shall be provided, as soft landscape area, in accordance with a scheme required by Conditions (1) and (7) until such time as necessitated by the implementation of this formula.



Ornamentals particularly susceptible to FireblightHighly susceptible

*Cotoneaster bullatus*  
*C. salicifolius* var. *floccosus*  
*C. salicifolius* 'Herbstfeuer'  
*C. salicifolius* 'Repens'  
*C. salicifolius* 'Parkteppich'  
*C. watereri* and cultivars

*Crataegus monogyna*  
*C. monogyna* 'Stricta'  
*C. oxyacantha* 'Plena'

*Pyracantha atalantioides*

*Sorbus 'aria'*

*S. 'Joseph Rock'*

*Stranvaesia davidiana*  
*S. d. undulata*  
*S. d. 'Fructoluteo'*

Susceptible, can be severely attacked

*Amelanchier canadensis*  
*Chaenomeles superba* "Crimson Gold"  
*Cotoneaster buxifolius*  
*C. dammeri*  
*C. 'Coral Beauty'*  
*C. divaricatus*  
*C. frigidus*  
*C. 'Cornubia'*  
*C. frigidus* x *salicifolius* 'Exburiensis'  
*C. frigidus* 'Hybridus Pendulus'  
*C. x 'Watereri'*  
*C. horizontalis*  
*C. simonsii*

*Crataegus x lavalleyi*  
*C. crus-galli*  
*C. x mordenensis*  
*C. prunifolia*

*Malus floribunda*  
*M. sargentii*  
*M. 'Van Eseltine'*

*Pyracantha angustifolia*  
*P. coccinea* 'Lalandei'  
*P. Crenato-serrata* 'Golden Glow'  
*P. 'Orange Glow'*  
*P. rogersiana* 'Flava'  
*P. atalantioides* 'Watereri'  
*Pyrus communis*  
*P. calleryana*

*Sorbus americana*  
*S. aria* 'Lutescens'  
*S. aria* 'Magnifica'  
*S. aria* 'Majestica'  
*S. aucuparia*

#### APPENDIX 4

For the purposes of interpreting Conditions (16) and (17) attached to the planning permission TM/89/1655 the building density and footprint tests should be applied at three levels: the Site, the relevant part of the development, and individual development plots.

"The Site" means the land at West Malling Airfield and adjoining land in the County of Kent comprising 647 acres (262 hectares) or thereabouts to which this decision notice relates shown edged red on plan KH1 attached hereto.

"The relevant part of the development" means the area of land for which approval of details is being sought pursuant to Condition (1) of the planning permission.

"Development plot" is defined as the area of land associated with any building proposed for B1 use including all of the land between the kerb of the road frontage or frontages, the rear boundary and the side boundaries as may be determined by the developer its successors and assigns such area to include any landscaped areas falling within these boundaries.

For the purposes of demonstrating compliance with Conditions (16) and (17) the developer its successors and assigns shall submit to the Borough Council with each application for approval of details, a plan showing the particulars of any existing detailed approvals pursuant to permission TM/89/1655 together with any building(s) proposed in the current application. The plan shall include figures showing the average building density for the area of the Site developed to date (including the current application) and the building densities and footprints for individual development plots.

- NOTE (i) This permission is confined to permission under the Town and Country Planning Acts, the Town and Country Planning General Development Order 1988, and the Town and Country Planning (Applications) Regulations 1988 and does not obviate the necessity of compliance with any other enactment, bye-law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be requisite.
- NOTE (ii) Section 53 of the County of Kent Act 1981 (Access for Fire Fighting Purposes) will apply to this permission and will be considered when plans are deposited with the appropriate authority for approvals under the Building Regulations 1976.

#### NOTIFICATION TO APPLICANT

- (1) If the applicant is aggrieved by the decision of the County Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971. If he wants to appeal then he must do so within six months of receipt of this notice using a form which is obtainable from the Department of the Environment, Tollgate House, Houlton Street, Bristol BS2 9DJ. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that permission for the proposed development could not have been granted by the County Planning Authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the Development Order, and to any directions given under the Order. In practice the Secretary of State does not refuse to consider appeals solely because the decision of the County Planning Authority was based on a direction given by him.
- (2) If permission to develop land is refused, or granted subject to conditions, whether by the County Planning Authority or by the Secretary of State for the Environment, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances he may serve on the Council of the County District in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
- (3) In certain circumstances, compensation may be claimed from the County Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 and related provisions of the Town and Country Planning Act 1971.