



- 1.3 The site is subject to a Unilateral Undertaking under S106 in which the Company and its successors in title have agreed to cause vehicles to be delivered to the property by being driven on the public road by virtue of trade plates or by single vehicle transporters only.

**2. The Site:**

- 2.1 The site measures 0.1ha, with a frontage to the A25 of approximately 20m and a depth of approximately 50m.
- 2.2 There is a gravelled forecourt with a gated access of 4.5m in width with a brick wall across part of the site frontage.
- 2.3 The main office building is on the western side, two storey at the front and single storey at the rear. There is a small storage building and a portacabin between it and the boundary to the Memorial Hall to the west.
- 2.4 At the rear of the site is a flat roofed single storey building with residential properties beyond the rear boundary.
- 2.5 There is a row of parking spaces along the eastern boundary which is formed by a 1.8m high close boarded fence to the garden of a dwelling (Granville). This neighbouring dwelling has a number of flank windows facing the application site at a distance of approximately 2m.

**3. Planning History:**

- 3.1 TM/04/00771/FL Approved 13.07.2004  
Change of use of depot (sui generis) to offices and open display of cars for internet car sales, including retention of portacabin (retrospective).
- 3.2 TM/03/03184/FL Refused 18.12.2003  
Change of use from depot (sui generis) to mixed use of offices (B1a) and car sales together with permanent retention of portacabin.
- 3.3 TM/99/00347/FL Approved 19.05.1999  
Temporary storage building.
- 3.4 TM/97/00419/AT Approved 02.05.1997  
Externally illuminated wall mounted sign.
- 3.5 TM/85/0108 Approved 22.02.1985  
Erect portable single storey cold store following demolition of existing.
- 3.6 TM/81/634 Approved 24.07.1981  
Extension to male toilet block to rear of main building.

3.7 MK/4/62/31 Approved 14.02.1962  
Conversion of dairy to living accommodation.

3.8 MK/4/46/110 Approved 07.08.1946  
Extension to dairy.

**4. Consultees:**

4.1 PC: No objections.

4.2 KCC (Highways): Support the application. I am not aware of any highway issues associated with this use. The post and chain fence needs to be under 0.6m high. Conditions needed on parking and turning space provision.

4.3 DHH: No objections, no history of complaints regarding this site.

4.4 Private Reps: Art 8 Site Notice + 15/0X/0R/0S: No responses received.

**5. Determining Issues:**

5.1 The application seeks a renewal of a planning permission for internet based car sales operation which was granted for a trial 2 year period in order to allow a re-assessment of the impact of the use on residential amenities and highway safety.

5.2 The site is accessed from the A25 which is designated in TMBLP as a primary distributor road until the Borough Green By-pass is implemented, at which stage it would be re-designated as a local distributor road. Policy T19 of the KSP presumes against increasing use of an access onto the primary road network where there will be increased risk of accidents or significant traffic delays.

5.3 The site is within the rural settlement of Platt and Policy P6/1 of the TMBLP applies which states that small scale business development is appropriate in principle. Policy P4/11 requires development not to harm the particular character and quality of the local environment. Policy P7/18 of the local plan relates to the need for adequate on-site parking.

5.4 On the basis of the car sales use being internet based as previously described and subject to the same conditions as previously permitted, continued customer visits would tend to generally be by appointment only rather than ad hoc. Members may agree that the level of traffic attracted by the use in that context will continue to be acceptable. KCC (Highways) reports no highway problems have been experienced since the use has been operating and there have been no adverse comments from the PC or local residents in this respect in response to consultations on this renewal application.

- 5.5 The applicant has confirmed via his agent that the Unilateral Undertaking as detailed above will be complied with such that no vehicles will be delivered by multi-vehicle transporters. This remains a positive approach to the problem of the site's location on the A25.
- 5.6 In terms of on-site parking, the site is able to acceptably accommodate the parking requirements needed for the use although conditions need to be re-imposed to ensure that customer and staff parking is not displaced by the display of vehicles for sale.
- 5.7 In terms of the appearance of the site, it remains possible to control the number of cars displayed. In my opinion, the display of cars is not unduly prominent in the street scene due to the car display area being behind the entrance gate and front wall, rather than on the site frontage. The site frontage has been enclosed with a low post and chain fence and this is to continue as a method of preventing car display for sale or customer parking on the frontage.
- 5.8 An issue which formed one of the reasons for the temporary nature of the planning permission was the impact on residential amenities. Car sales is a use which often gives rise to a particular character of noise (doors slamming, engines being revved, customers/salesmen conversations and car preparation) that may impact on residential amenities sufficient to justify refusal.
- 5.9 The application does not propose to alter the opening hours, which excludes opening on Sundays and Bank and Public holidays. Conditions can still be imposed to require mechanical car washing/valeting to take place inside a building and to control security lighting.
- 5.10 Members will note that the DHH does not object to the proposal. In the previous application a condition was imposed requiring improvements to the boundary with 'Granville' to reduce noise and visual impact. The close board fence in situ has recently been painted and also repaired in parts to reduce the noise transference through knot holes and gaps between warped boards. An "acoustic fence" has not been installed. However, there have been no complaints on noise grounds to DHH and no objections on amenity grounds from the PC or local residents. I am therefore satisfied that the fence improvements, although relatively minor in nature, are sufficient in this particular case.
- 5.11 Whilst the site is in a primarily residential area, the relevant policies do not presume against an appropriate commercial use. In this case, continuing to rely on the car sales business being run as originally outlined is crucial to acceptance of this type of use. Approval of the application is therefore recommended, subject to the re-imposition of previous conditions as set out below.
- 5.12 With regard to advertisements, in a conventional case, it would be inappropriate to use planning conditions to prevent the display of advertisements. However, in this case a reduction in signage to the minimum needed for safety actually serves a

clear planning purpose to constrain the nature of the use by not encouraging passing trade. Therefore I propose to continue to suggest a condition requiring all existing signs to be removed and no new signs introduced unless authorised in writing by the Local Planning Authority. I can advise Members that 2 A-boards have been displayed on the site frontage. These have been the subject of discussions with the site owner who claims they are directions to customer parking. If Members are minded to grant permanent planning permission, this matter and any other possible breaches of previously imposed conditions will be the subject of continued investigation. A report back to Members would take place with any recommended action that may prove to be expedient.

**6. Recommendation:**

6.1 **Grant Planning Permission** as detailed by letters from R C Adams dated 24.02.2006 and 30.03.2006; site location plan date stamped 14.02.2006; drawing AA/2006/1A; unilateral undertaking dated 17.06.04; supporting statement and company profile received on 02.03.2004 (in relation to TM/04/00771/FL) and subject to the following conditions:

1 The following details approved pursuant to planning permission TM/04/00771/FL shall be retained at all times in accordance with the approved details:

- design, positioning and hours of operation of security lights;
- method of permanently preventing vehicular parking on the frontage to Maidstone Road.

Reason: In the interests of residential amenities.

2 The use hereby permitted is for car sales based solely upon the methods described in letter dated 29.02.2004 and company profile date stamped 02.03.2004 submitted pursuant to planning permission TM/04/00771/FL.

Reason: To accord with the terms of the application and in the interests of residential amenities and highway safety.

3 The area shown on the submitted layout as vehicle parking space and turning area shall be kept available for the designated uses and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto.

Reason: Development without provision of adequate accommodation for the parking or on-site turning of vehicles is likely to lead to hazardous conditions in the public highway.

- 4 At no time shall the noise rating level  $L_{A,T}$ , calculated in accordance with the method provided in BS4142:1997, attributable to the operation of all fixed and mobile plant and machinery installed at the premises exceed the background noise level  $L_{A90,T}$  by more than 3 dB at any noise sensitive premises.

Reason: To protect the aural environment of nearby dwellings.

- 5 The on-site stock of vehicles for sale shall be a maximum of 15. Customer and staff parking areas shown on the approved plan shall be kept available at all times for their stated purpose and shall not be used for the display of vehicles for sale.

Reason: To limit the overall scale of the use in accordance with the terms of the application and in the interests of visual and residential amenity, and because development without the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking.

- 6 There shall be no activities on the site in connection with the business outside the hours of 0830 to 1800 Mondays to Fridays and 0830 hours to 1800 hours Saturdays with no working on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

- 7 There shall be no repairs or maintenance of vehicles on the site at any time.

Reason: To avoid unreasonable disturbance to nearby residential properties.

- 8 All mechanical cleaning, preparation and valeting of vehicles shall be carried out within the building identified for this purpose, during which time the doors and windows of the building shall be kept closed, except when required to be open for the purpose of access.

Reason: To protect the aural environment of nearby dwellings.

- 9 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992 (or any order amending, revoking and re-enacting those Regulations) no advertisements shall be displayed on the site without the prior written consent of the Local Planning Authority.

Reason: The display of signage could encourage ad hoc visits by passing customers which would give rise to an unacceptable increase in the risk of accidents and significant delays on the A25.

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