



(B) TM/07/01990/FL:

- 1.6 This is the use proposed for the remainder of the former breakers yard, 0.18 ha. It will involve the removal of existing buildings totalling 263 sq m in footprint and the erection of a single workshop building of 235 sq m in footprint. This is to be a car repair workshop, to measure 13.6m by 13.6m with an eaves height of 5m and a ridge height of 7m. It is to be of plastic coated profiled steel sheeting.
- 1.7 Part of the first floor will have a mezzanine floor for 2 offices and staff facilities.
- 1.8 Access will be from Comp lane, initially shared with the commercial car sales proposed for the adjoining site and with the existing workshops that are being retained.
- 1.9 The application states that the site is to be used by the applicants own company based in Offham. There will be 2 full time office staff and 2 industrial staff, hours to be 0800 to 1730 Monday to Saturday and 0800 to 1300 on Sundays and Bank Holidays.
- 1.10 The application includes a section of 2.4m high security fence on the northern side of the workshop site.

## **2. The Site (A&B):**

- 2.1 The application sites lie within the Metropolitan Green Belt, a Special Landscape Area, and outside the rural settlement confines of Offham. Part of the application sites are in a Site of Nature Conservation Interest; principally the part the existing access road cuts through.
- 2.2 The sites lie to the south of Offham and are accessed off Comp Lane, close to its junction with Public Right of Way MR267. Comp Lane is a designated Quiet Lane.
- 2.3 The main parts of the sites lie some distance along a tarmac access road from Comp Lane and until recently mostly comprised a lawful car breakers yard and number of separately rented vehicle repair workshops, as well as an unauthorised skip hire firm. The sites contained a number of single storey workshops/storage buildings, as well as portakabins.
- 2.4 The western extent of the car breakers site was predominantly used for open storage of vehicles and breaking of vehicles, whilst the eastern extent of the site contained the workshops for vehicle repair. The central connecting section was used for car storage.
- 2.5 To the west and south of the sites lie Offham Wood (SNCI), to the east lie stables in different ownership and a paddock. To the north lies the Fre Mel Farm bungalow and the main gated entrance.

**3. Planning History:**

TM/54/10504/OLD Grant with conditions 3 June 1954

Bungalow, agricultural.

TM/65/10345/OLD Refuse 21 July 1965

Outline application for a bungalow.

TM/76/10045/FUL Grant with conditions 11 August 1976

Temporary siting of a caravan.

TM/88/10220/FUL Grant with conditions 8 July 1988

Erection of stable buildings for livery purposes and use of land as paddock.

TM/94/0898/LDCE Lawful development certifies 5 July 1994

Application for Certificate for Existing Lawful Development: use for storage and dismantling of vehicles and use of workshops for repair and maintenance of vehicles.

TM/95/00319/FL Grant with conditions 6 July 1995

Motor vehicle storage building

TM/98/1729/LDCE Refuse 8 June 1999

Lawful Development Certificate Existing: Use of land as a skip hire yard, including sorting of skipped materials

TM/01/03153/FL Refuse 22 January 2002

Change of use of land for parking and storage of cement mixer vehicles (5 No.)

TM03/01002/FL Appeal dismissed 1 September 2005

Cessation of existing industrial and commercial uses and redevelopment of site by erection of 10 new dwellings with associated access, garaging and ancillary works

TM/03/03862/FL      Grant With Conditions      13 February 2004

Erection of dutch barn to give weather protection to car breaking equipment

**4. Consultees: (A&B)**

- 4.1 EA: no objections but site lies over a major aquifer and care needed to avoid pollution of groundwater with suggested conditions. The site is also near Offham landfill and past uses are such that a contamination condition is needed.
- 4.2 KCC (Highways): The car repair workshop proposal is to use part of the site by removing the existing buildings and allow the construction of a new workshop. Any two storey high level stacking of vehicles that might currently take place will be removed. Suitable vehicles storage and customer parking to be provided on the site; I would expect to see suitable parking provision for the four full time members of staff to be employed; parking standards suggest up to 4 spaces per service bay. The applicant suggests that some 20 vehicles could visit the site per day, which could be comparable to existing traffic movements to a car breakers yard. Although the site is located some distance from the public highway, no details of turning of delivery vehicles is shown. I would require confirmation of how the site will operate. Although some parking is shown, lorry turning arrangements need to be identified. However, in principle, subject to the above, I raise no objections as the proposal seems to be similar to what might be carried out under the original use.
- 4.3 The other application is to allow a change of use of part of the existing site to the sale of commercial vehicles, with new office facilities. The Lawful use of the site currently works as car breakers, where vehicles are delivered, stored, broken up and disposed over a period of time. The proposed use will remove the high level stacking of cars that can take place, the heavy cranes and machinery that can be used at present within the site. The plans show the main area will be converted to storage and display compound for commercial vehicles within a new fenced area. It is not clear how many vehicles are likely to be displayed, although a floor area of some 120 sq m is shown on the form. This seems to be for the new portacabin and existing storage building. I would expect to see suitable parking provision for the ten full time members of staff to be employed; parking standards suggest one parking space per member of staff, plus one per 50sqm of office / gross display space. Details suggest that some 25 vehicles could visit the site per day, although deliveries may be more intense at certain times, they are likely to be comparable to existing traffic movements to a car breakers yard. Although the site is located some distance from the public highway, I would suggest that a layout plan be provided to illustrate how the site will operate. I note that the proposed operating times vary from the original, with occasional deliveries until 2000hrs. The existing plan shows customer parking, however staff parking, delivery / turning areas for lorries to be shown, before further comment.

4.4 PC: Concerned with the consequences of the all the various uses when considered together. If planning consent were to be granted this would result in three different planning consents/lawful use certificate: existing workshops; Sale of commercial vehicles with ancillary office portacabin; commercial vehicle repairs, workshop and fencing. These uses would be in addition to the existing bungalow, existing (9) and proposed (11) stables and log cabin plus another 3 stand alone stables with all the various developments serviced by a single access off Comp Lane and the suggestion of using another access "track" connecting also to Comp Lane but closer to the Village Green. We believe that in considering the two applications it is also important to consider the whole range of uses on the site and their consequential combined impact. Whilst it was recognised that the applicant has obviously spent a considerable amount of money in cleaning up the site which is a considerable visual improvement, there was unanimous agreement that the Parish Council should object to the application for the following reasons:

- Traffic generation and the consequential implications that the applications individually and taken together will have on both Comp Lane, which is designated a Quiet Lane, and Offham village in general. There has been no assessment of the impact of traffic generation included with the vehicle sales application, and having spoken to Northgate Vehicle Sales, at the invitation of the applicant, and factoring up potential vehicle movements in accordance with information they provided from their current site in Snodland where they store only 90 vehicles it would appear that the figure of 25 vehicles visiting the site during each normal working day are a gross underestimate of the likely number of vehicles and the consequential number of vehicle movements both in and out of the site.
- Comp Lane itself is of restricted width and in several places between Seven Mile Lane and the Village Green it is insufficiently wide for two cars to pass let alone larger vehicles. The detrimental effects from the increase in traffic by "rat-running" are clearly evident as the once grassy banks are being constantly eroded away and the speed of many of the vehicles are a danger to other road users – cyclists, horses and pedestrians – the latter of which there are many in the summer months as the agricultural students walk to and from Orchard Place Farm.
- The application indicates that the site will be serviced by a single access from Comp Lane adjacent to a residential property The Bungalow. The applicant has stated however that the intention would also be to use the "track" that connects Fre-Mel Farm to Offham village connecting also to Comp Lane adjacent to a residential property Alexander House. There are concerns from a point of view of highway safety with both of these proposed access routes in terms of width, visibility etc.

- Scepticism as to the reality that all vehicles in connection with the vehicle sales would be driven individually into and out of the site and that there would be no “low loaders” or other such multi vehicle capacity carriers and very great concerns that multi vehicle carriers would be used which may or may not be able to access the site due to the restrictions of both access ways which could mean that such vehicles would load vehicles on and off from the Village Green, which needless to say would not be at all acceptable to the Village.
- A previous planning application for 10 houses proposed a range of improvements to the existing access from Comp Lane in terms of widening it/creating passing bays; improvements to the junction with Comp Lane to facilitate visibility splays etc., albeit it that all additional land required to carry out such improvements was owned by third parties. As nothing is mentioned of any similar works in this application we presume that none are proposed. However, we note that any proposals to improve either of the access ways would involve third party landowners.
- Another principle concern is the status of the land in terms of range of permitted uses if a planning consent were to be granted. We are aware that this issue is currently the focus of debate on other current applications by TMBC.
- Obviously the proposed uses are in many ways far preferable to the operation of a scrap yard and it has been suggested that if consent for this application is not forthcoming then this is what the site will revert to, operating at full capacity, with consequential significant traffic generation. The site has not operated at full capacity for some considerable time. Obviously the applicant has the benefit of an Existing Use Certificate allowing him to operate the site in this way and it is his prerogative to exercise his right. However, whilst not an attractive proposal to the Village we do not believe that this possibility in itself justifies the granting of a planning permission for an alternative non sustainable commercial use given the sites current status as Metropolitan Green Belt and SLA.
- Whilst the applicant states that the portacabin is “temporary”, presumably in time this would be replaced with a more substantial structure. The proposal is for a significant increase in floorspace from 30 sq m. to 120 sq.m which could also be significant in terms of what uses such a space could accommodate within the use category of any potential planning permission.
- There has been no information provided to justify the 20 vehicle figure put forward in connection with the vehicle repairs proposal or whether or not this is a maximum number of vehicles or whether the numbers could increase with additional consequences on the overall traffic movements.

- There are no details given of types of vehicles likely to enter the site other than falling within the categories cars and light goods. We presume therefore that all such vehicles would be individually driven in and out of the site and that there would be no multi vehicle carrier of any description.
- The proposed use for commercial vehicle repairs and workshop is akin to one of the permitted uses within the Certificate of Lawful Use for five workshops. However the application area does not include the existing workshops and therefore there are implications as indicated above in terms of the proposed change in use of the land and the consequential opportunities for further development.
- If the principle of the application is acceptable to TMBC then we do have some minor concerns with some of the detail of the application: any potential light pollution from lighting columns in centre of the site should be minimised; permitted hours of operation should be reasonable and no trading Saturday, Sunday or Bank Holidays. We have some concerns with operating the site beyond 5.30pm as it would be hard to monitor or enforce “occasional”; Contamination – application states that site is contaminated but no details given of contamination or whether or not any such contamination should be removed or otherwise dealt with?; Surface water – states N/A – but potentially large area of hard standing and surface water will have to be accommodated in some way or can it all be dealt with by natural run off into surrounding woodland and grazing land?

4.5 DHH: standard land contamination condition is needed and in order to avoid disturbance to the bungalow at Fre Mel, the hours of use and the number of vehicles visiting needs to be considered, matching those established on the site with the exclusion of any working on Sundays and Public Holidays.

4.6 Private reps (6/2R/1X/0S) + Departure site and press notices: One letter raises no objection but queries the impact on traffic numbers. One objection to each application is summarised as follows :

- This is a further abuse of a Green Belt site, changing its status to brown field and opening the floodgates to unlimited industrial/commercial usage
- Will increase HGV traffic on a single lane, part of the Quiet Lanes initiative but used as a rat run
- The combined proposals are no different to application TM/01/03153/FL the refused application for the parking and storage of cement mixers.

**5. Determining Issues:**

- 5.1 The site is outside a rural settlement and is in the Green Belt and the main issue is that whether vehicle sales and vehicle repairs in this location and associated buildings are inappropriate and if so, whether there are any very special circumstances or other material considerations that would presume in favour of the proposals. Relevant national policies are PPG2, PPS7, strategic policies SS1, SS2, SS8, EN1; EP7 of the Kent and Medway Structure Plan 2006 and policies P2/16 of the Tonbridge and Malling Borough Local Plan 1998 and CP1 of the LDF Core Strategy.
- 5.2 A second issue is the environmental sustainability of the location: relevant policies are SS1 and TP3 of the Kent and Medway Structure Plan 2006 and CP2 of the LDF Core Strategy. The impact on highway safety and impact on rural or residential amenity are issues, relevant policies being QL1 of the Kent and Medway Structure Plan 2006 and policy P4/11 of the Tonbridge and Malling Borough Local Plan 1998.
- 5.3 The impact of the applications on the nature conservation interest of Offham woods SNCI, involves consideration of PPS9 and policies EN7 of the Kent and Medway Structure Plan 2006 and P3/2 of the Tonbridge and Malling Borough Local Plan 1998.
- 5.4 The lawful use of the site is as a car breakers and Members will also note from the history that there were other unauthorised uses from time to time such as skip hire and the storage of cement mixers.
- 5.5 The Lawful Development Certificate TM/94/0898/LDCE allows the following:
- Double stacking of cars
  - Employee Hours 0800 to 1730 Mon to Sat and 0800-1330 Sundays
  - Occasional cars and lorries outside the above hours
  - Storage, dismantling of cars and use of lorry bodies for storage of dismantled cars
  - Storage of associated skips
  - Resale of parts
  - Parking of recovery lorry, skip lorry
  - Stationing of mobile crane, Hi Mac grab and caravan
  - Use of 5 workshops for the repair and maintenance of vehicles, hours 0800 to 1730 Mon to Sat and 0800 to 13.30 Sundays plus associated parking.



- 5.6 Whilst it is true that the site is vacant and has been cleared and resurfaced, there is no evidence that the cessation of use is abandonment and so a car breaking use in accordance with the LDCE could be restarted.
- 5.7 In countryside and Green Belt terms, the new buildings are inappropriate and in an unsustainable location. The use is not considered to be inappropriate as compared to the existing use, there is no greater impact on the openness of the Green Belt and the purposes of including land in the Green Belt. The use is as unsustainable as was the car breaking use.
- 5.8 Hence in the light of the fall back position, I am of the view that the LDCE that covers the vast majority of the sites subject to these 2 applications represents a very special circumstance in that both proposed uses will have an overall reduced impact on the openness of the countryside/Green Belt. The new buildings are similar in footprint to the previous buildings that were on the site and so I am also of the view that there are very special circumstances in justification of their inappropriateness.
- 5.9 Similarly, in highways terms, KCC (Highways) is satisfied that the use of the site for commercial car sales and motor vehicle repairs will not be significantly worse in terms of highways safety than the car breaking use which has taken place in the recent past.
- 5.10 The hours of use of the retained 5 vehicle repair shops is established by the LDCE and includes working 0800 to 1300 hours on Sundays and Public Holidays. I note the comment of DHH but in my view, the additional use of the new proposed car repair workshop for that purpose for identical hours will not worsen amenities significantly as the new workshop is much further from neighbouring residential property, and, has more scope to carry out repairs inside the building than is the case for the 5 retained established car repair workshops at the eastern entrance of the site.
- 5.11 Bearing in mind the balance of the uses proposed for the site, the majority is for the open display of commercial vehicles for sale, and the minority is for motor vehicle repairs. The vehicle sales are for reduced hours than allowed for car breaking by the LCDE. On this basis, I am satisfied that the overall impact of the new mix of uses on this site is no worse in residential or rural amenity terms.
- 5.12 There is no net change in site area proposed in these applications compared to the previous use that would impact on the nature conservation interest of the SNCI.
- 5.13 The representations from the Environment Agency and DHH relate to the possibility of contamination and the need for a careful consideration of drainage in order to prevent pollution of the groundwater environment and to ensure end users are protected from contamination. I therefore suggest relevant conditions to deal with these issues.

- 5.14 In response to some of the additional points raised by objectors, the LDCE already defines this site as a Brownfield site and establishes the principle of industrial and commercial use.
- 5.15 The PC wishes for the vehicular use of the 2 proposed uses to be considered cumulatively with the existing use rights for the retained workshops, the livery yard and the bungalow and to assess whether that level of traffic is acceptable on a Quiet Lane such as Comp Lane. The approach taken by KCC highways is to look at the acceptability of the material difference between the uses being proposed and the use being replaced. This is because these applications have no net effect on the established traffic flows of the bungalow, livery and 5 retained workshops.
- 5.16 The PC questions the accuracy of the traffic figures given and states that the Snodland site has only 90 vehicles displayed and that 25 visits per day related to commercial car sales is a gross underestimate. The traffic figures have not been disputed by KCC (Highways). However, I am mindful that traffic flows to a commercial vehicles sales site would normally be less than for a normal car sales site and suggest a condition be imposed to control the nature of the vehicles sold. The PC states that the car breaking use has not been acting at full capacity for some time and so this alternative commercial use is not preferable to the village. It is my view that the fall back position of an intensive use of the site for car breaking is realistic material consideration in favour of these proposals.
- 5.17 The comment from the PC on the size of vehicles used to deliver is accepted and needs to be the subject of a legal agreement as there is a scenario whereby deliveries could take place using multi-vehicle transporters outside land controlled by the applicant and so a condition would not be enforceable.
- 5.18 I am also of the view that the full extinguishment of the car breakers use needs to be assured by the implementation of the car sales proposal and this is also suggested to be part of the legal agreement.

## **6. Recommendation:**

(A) TM/07/01987/FL:

- 6.1 **Grant Planning Permission** as detailed by : Letter ADB/725 received 08.06.2007, Letter ADB/725 received 19.06.2007, Design and Access Statement received 19.06.2007, Location Plan received 08.06.2007, Site Plan 725/1 received 08.06.2007, Letter received 02.07.2007, Certificate B received 02.07.2007 subject to

- A Section 106 planning obligation in which:
  1. the owner and any successors in title agree to cause vehicles to be delivered to the property by being driven on the public road by virtue of trade plates or by single/double vehicle transporters only

2. the change of use to commercial vehicle sales shall be implemented over the whole application site and shall not be implemented in conjunction with the car breakers use certified under TM/94/0898/LDCE

• The following conditions:

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2 No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety. (N015)

- 3 The business shall not be open to customers outside the hours of 0830 to 1730 Mondays to Fridays with no opening on Saturdays, Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority. (I003\*)

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

- 4 There shall be no deliveries outside the hours of 0830 to 2000 Mondays to Fridays or on Saturdays, Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority. (I003\*)

Reason: To avoid unreasonable disturbance to nearby residential properties.

- 5 No development shall take place until details of security lighting have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. (D008)

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 6 No development shall take place until details of foul and surface water drainage have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. (D008)

Reason: In the interests of pollution prevention.

- 7 No development shall take place until details of on site parking and turning for staff, customers and delivery vehicles have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details and so reserved thereafter. (D008\*)

Reason: In the interests of highway safety and amenity.

- 8 There shall be no more than 1 portacabin stationed on the site of maximum size 6m by 15m as shown on drawing 72511 hereby approved and no other chattels unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the openness and amenities of the Green Belt.

- 9 The site shall be used for commercial vehicles sales only and for no other purpose. (T006\*)

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

### Informative

- 1 You are advised to contact the Environment Agency with regard to appropriate methods of surface water and foul drainage on this site which lies over a major aquifer.
- 2 You are recommended to take full account of the advice given in PPS 23 Planning and Pollution Control. You should note that this Council, acting as Local Planning Authority, has determined the application on the basis of the information available to it – this does not mean that the land is free from contamination. (Q047\*)

(B) TM/07/01990/FL:

- 6.2 **Grant Planning Permission** as detailed by Letter received 08.06.2007, Letter received 19.06.2007, Design and Access Statement received 08.06.2007, Site Plan received 19.06.2007, Block Plan 725/1 received 08.06.2007, Plan 725/2 received 08.06.2007, Certificate B received 02.07.2007, subject to the following conditions:

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety. (N015)

- 3 The business shall not be carried on outside the hours of 0800 to 1730 Mondays to Saturdays or outside the hours of 0800 to 1300 on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority. (I003)

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

- 4 No development shall take place until details of security lighting have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. (D008)

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 5 No development shall take place until details of foul and surface water drainage have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. (D008)

Reason: In the interests of pollution prevention.

- 6 No development shall take place until details of on site parking and turning for staff, customers and delivery vehicles have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details and so reserved thereafter. (D008\*)

Reason: In the interests of highway safety and amenity.

- 7 No development shall take place until details and samples of all materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details. (D001)

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 8 All vehicle repair work shall be carried out within the workshop, the doors of which shall be kept closed, except when required to be open for the purpose of access. (N005)

Reason: To protect the aural environment of nearby dwellings.

- 9 No materials, plant or other equipment of any description shall be kept or stored in the open other than in areas and to such heights as may be approved in writing beforehand by the Local Planning Authority. (I006)

Reason: To avoid obstruction of vehicle parking/manoeuvring areas and to ensure the character and appearance of the development and the locality is not significantly harmed.

### **Informatives**

- 1 You are advised to contact the Environment Agency with regard to appropriate methods of surface water and foul drainage on this site which lies over a major aquifer.
- 2 You are recommended to take full account of the advice given in PPS 23 Planning and Pollution Control. You should note that this Council, acting as Local Planning Authority, has determined the application on the basis of the information available to it – this does not mean that the land is free from contamination. (Q047\*)

Contact: Marion Geary