
Report of 3 February 2010

Borough Green **560474 156858** **14 August 2009** **TM/09/01898/FL**
Borough Green And
Long Mill

Proposal: Change of use of land for industrial/warehouse use and the erection of terrace of four industrial warehouse units for use for purposes falling within use classes B1, B2 or B8, with associated access and parking provision

Location: Hornet Business Estate Quarry Hill Road Borough Green
Sevenoaks Kent TN15 8QW

Applicant: Hornet Engineering Ltd

1. Description:

- 1.1 The proposal is for the erection of four industrial/warehouse units that would be contained within one building measuring 48m x 18m x 7.6m high to ridge level. The buildings would be erected on land currently located outside the permitted extent of the Hornet Business Estate and, as such, the proposal also seeks permission to change the use of land to B1, B2 and B8 uses.
- 1.2 The building in question would be constructed from fair faced brickwork and profiled metal sheeting with powder coated aluminium windows and metal up and over doors. The roof of the building would be shallow pitched and clad in profiled metal sheeting. The application documents state that the external appearance of the building has been designed to match that of the existing units 7&8 that stand adjacent to the position of the proposed building within the Hornet Business Estate.

2. Reason for reporting to Committee:

- 2.1 At the request of the local Members due to the controversial nature of the proposed development.

3. The Site:

- 3.1 The site is located within the settlement confines of Borough Green, following the adoption of the Development Land Allocations DPD (DLADPD) in April 2008.
- 3.2 The Hornet Industrial Estate contains a single office building and 7 industrial/warehouse units arranged along the southern and eastern parts of the site. Isles Quarry West, which is allocated under policy H2 of the DLA DPD for residential development, adjoins the site to the south. Countryside adjoins the site to the west, which is heavily treed, as is the land between the north boundary of the site and the Haul Road.

3.3 The Haul Road is an unadopted private way located to the north of the application site. It was constructed to carry goods vehicles travelling to and from Isles Quarries, which are located adjacent to the site, whilst they were being worked. This private way enables vehicles to travel between the quarries and the A25 to the north without needing to travel along Quarry Hill Road and Rocks Road which are narrow and flanked by residential properties.

4. Planning History (selected):

MK/4/57/46A Grant with conditions 1 May 1946

Fitting shop.

MK/4/66/43 Grant with conditions 20 May 1966

A plant maintenance workshop, for Amalgamated Redstone Corporation Ltd.

TM/81/798 Grant with conditions 29 September 1981

Erection of two storey offices and continued use of existing building without complying with condition (iii) of planning permission MK/4/66/43 relating to restriction of use to plant maintenance workshop only by Arc Ltd.

TM/83/166 Grant with conditions 22 April 1983

Outline application for erection of industrial units for production and storage (total, 900 sq.metres) to south of existing industrial building.

TM/83/167 Grant with conditions 22 April 1983

Construction of an industrial building of 360 sq.m. adjacent to and south of existing Arcontrol Production building to form new paint shop and test bay, including part re-cladding of existing building.

TM/85/1181 Grant with conditions 25 November 1985

Two storey office building with septic tank drainage.

TM/87/1591 Grant with conditions 18 November 1987

Building to house testing, painting and sub-assembly shops together with related office and mess room facilities.

TM/92/01273/RM Grant with conditions 28 January 1993

Details of landscaping and boundary treatment submitted pursuant to condition (vi) of permission TM/87/1591 (building to house testing, painting and sub-assembly shops etc).

TM/05/01653/FL Grant With Conditions 26 August 2005

Removal of condition restricting subdivision of industrial property and to allow office building to be occupied independently of the industrial units within the site; changes to external appearance of existing buildings

TM/05/04031/FL Grant With Conditions 13 February 2006

Change of use from B1 and B2 to B1, B2 and B8

TM/09/01765/FL Pending Consideration

Removal of conditions, being condition 10 of TM/83/166, condition 9 of TM/87/1591 and condition 7 of TM/00/00461, to allow goods vehicles to be in operation on an unrestricted basis

5. Consultees:

5.1 PC: No objections.

5.2 DHH: Environmental protection: I have concerns on the basis that the site is in close proximity to the Isles Quarry West site which is designated for residential development. The application site is also in close proximity to existing housing on Conyerd Road, Harrison Road and Quarry Hill Road. It is my understanding that there is an hours of use restriction currently on the site which would go some way to protecting residential amenity. However I must recommend that any new units be restricted to B1 usage.

Further Comments:

5.2.1 I remain concerned about the adverse noise effects the development will have on the Isles Quarry West site which is earmarked for residential development, as well as the existing housing on Conyerd Road, Harrison Road and Quarry Hill Road. In order to allay these concerns I would recommend that a noise assessment be carried out to demonstrate that noise will not be at nuisance levels if the application were granted.

5.2.2 Contaminated land: No objection.

5.3 KCC (Highways): No objections. The proposal provides for four small industrial units, each being provided with 5 off street parking spaces with a further 3 communal visitor spaces serving all four units. I would find this level of car parking suitable to serve a B2, B8 and B1 (High Tech/Research/Light Industrial) use but not solely B1 office use. However, the submitted floor plans do not suggest that a

sole office use is proposed. The plans show an open floor with staff facilities in one corner. The applicant is reminded that the minimum size for a parking bay is 2.5m (width) x 5.0m (length) with end bays widened to 2.7m. Disabled bay 3.6m (width) x 5.5m (length).

- 5.3.1 No provision for the parking of commercial vehicles is shown on the submitted plan. However, the location of the main doors to the units suggests that a commercial vehicle can be parked in front of the doors adjacent to the car parking bays. Although this arrangement will block some of the parking bays, with suitable site management this should work.
- 5.3.2 The submitted plan shows the provision of a commercial turning head. With the size of the units it is assumed that articulated lorries will not be visiting the site as the proposed turning head will not accommodate this size of vehicle.
- 5.3.3 I am satisfied with the access arrangements. With the deed of easement enabling commercial vehicles to use the Haul Road potentially reducing the need for commercial vehicles to use Rock Road/Quarry Hill to access the wider highway network is a benefit.
- 5.4 Private Reps (including responses to the public Notice): 8/1S/0X/2R. The two letters of objection make the following points:

- Any external lighting has a significant effect on the surrounding environment especially to nearby residential properties.
- Any use should be compatible with and cause no loss of amenity to the future occupants of the adjacent site at Isles Quarry West.

The letter supporting the application makes the following point:

- There is a lack of suitable industrial premises in the Borough Green area for anyone wishing to start a new business or expand an existing one. The new units will help to overcome this shortage.

6. Determining Issues:

- 6.1 The site now lies within the settlement confines of Borough Green where employment development is acceptable in principle under policy CP 12 of the Tonbridge and Malling Borough Core Strategy 2007.
- 6.2 Policy CP 24 of the TMBCS requires all development proposals to be well designed and through scale, density, layout, character and appearance respect the site and its surroundings.

6.3 Whilst the site lies within the settlement confines of Borough Green, the buildings would be located very close to the boundary with the Green Belt. The following advice contained within PPG 2 is, therefore, relevant in this instance and states:

“The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design”.

6.4 The main issues therefore relate to the impact of the development upon the character of the rural locality and the amenity of the adjacent Green Belt, as well as its impact upon residential amenity.

6.5 The proposed building would be located to the west of the existing buildings within the Hornet site and would be adjacent to the western edge of the settlement confines. Open countryside lies immediately to the west of the site and the land drops down significantly between the application site and the Borough Green Road located approx. 500 metres away. Within this area of open countryside many trees are located.

6.6 Due to the location of the proposed development, particular consideration has to be given as to whether the building would be visually prominent in the local and wider landscape. In order to assist in assessing this, the applicant arranged for a mechanical lift to be placed within the footprint of the proposed building and extended to a height that matched the ridge height of the proposed buildings (7.6 m). The machine was painted bright yellow, which contrasted starkly with the green/brown backdrop of the surrounding countryside.

6.7 As part of this application, the applicant has submitted photographs of views looking towards the site from Borough Green Road and the Haul Road, as well as a visual impact assessment. These show which buildings within the site are visible in the wider locality as well as the mechanical lift that was placed within the site.

6.8 The case officer has viewed the application site from various points along Borough Green Road and the Haul Road. The only point where the mechanical lift was visible was from the Haul Road, immediately to the north of it (and opposite the intended position of the proposed building). This view was only gained due to the presence of a gap in the trees in this area. This gap was recently created during the construction of a temporary access to serve the site whilst the main access to it was being improved (in accordance with planning permission TM/08/01860/FL). Young trees have already been planted within this gap that will, in time, obscure views of the proposed building.

6.9 The lift was not visible from any points along Borough Green Road nor from the north western end of the Haul Road (the end close to the junction with Borough Green Road). Part of the existing building within the site was visible from Borough

Green Road, as a dark green object in the far distance. Again it was considered that this view of the existing building was only gained due the break in the tree screen that is described in the previous paragraph of this report. Taking into account the position of the proposed building, the existing tree screen and topography of the landscape, I do not consider that the proposed building would be visually prominent when viewed from public vantage points to the north-west and west of the site.

- 6.10 The proposed buildings would have a similar form and design to the existing buildings within the Hornet Industrial Estate and will be the same height as the nearest existing units (nos. 7 &8) within the industrial estate. The proposal in terms of mass, scale, size and appearance would, therefore, be in keeping with the existing industrial development in the existing Hornet site.
- 6.11 In light of the above, I do not consider that the proposed building would detract from the rural character of the locality or the amenity of the adjacent Green Belt and, therefore, complies with policy CP 24 and PPG 2.
- 6.12 In terms of residential amenity, policy CP1 of the TMBCS, saved policy P3/17 of the TMBLP and current Government guidance contained within PPG 24 are relevant.
- 6.13 Policy CP 1 of the TMBCS states at point 3 that the need for development will be balanced against the need to protect the environment. When determining planning applications the quality of residential amenity will be preserved.
- 6.14 Saved Policy P3/17 of the TMBLP relates to the impact of noise upon residential and other noise sensitive properties. It states at point 3 that, in considering proposals for noise generating development, the proposal should not have a significant adverse noise impact on any nearby noise-sensitive uses.
- 6.15 PPG 24 refers at paragraph 10 to Noisy Development. It states:
- “Much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. The Planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that subsequent intensification or change of use may result in greater intrusion and they may wish to consider the use of appropriate conditions.”*
- 6.16 The proposed development would increase the level of employment activity and the number of traffic movements to and from the Hornet Business Estate compared to what currently occurs. However, there are conditions attached to current planning permissions that restrict to the movement of goods vehicles to and from the site outside normal working hours. Ordinarily, I would recommend

that the same condition be imposed upon the current application, if approved. However, Members will note that another application (TM/09/01765/FL) that relates to the Hornet Business Estate is also on this agenda. The other application seeks to remove the conditions that currently restrict goods vehicle movements to and from the site and replace them with a S106 Planning Obligation that requires goods vehicles to travel only via the Haul Road between the site and the A25 during certain hours of the day/days of the week. Therefore, if application TM/09/01765/FL is approved as per the recommendation, then I would also recommend that this application be subject to the same planning obligation in order to protect the residential amenity of local residents.

- 6.17 However, consideration must be given to the consequences if Members refuse to grant permission for application TM/09/01765/FL. If this were to happen, then the S106 obligation would not be applicable to this application either. In this eventuality, the amenity of the local residents must still be protected, and the most reasonable solution in this set of circumstances would be for Members to impose the same type of condition that restricts vehicle movements to and from the site as those which currently apply to the site (and which are the subject of application TM/09/01765/FL).
- 6.18 I note the comments of the DHH. However, I must clarify that there are no conditions that restrict the hours that commercial operations may take place within the existing Hornet site. The use of the existing Hornet site is not restricted to B1 (Light Industrial uses), having had a lawful use for uses falling within class B2 (General Industrial) use for many years. Planning permission was also recently granted for B8 use within this site in 2005.
- 6.19 Therefore, whilst the proposal would increase the level of employment related activity within the Hornet site, I am satisfied that noise arising from this would not be readily discernable from that generated by activities that could already lawfully occur within this site.
- 6.20 Providing that vehicle movements to and from the site are controlled by the S106 obligation or by a condition as discussed earlier in this report, I am satisfied that the proposals would not unacceptably detract from residential amenity and would comply with policy CP 1 of the TMBCS, saved policy P3/17 and current Government guidance contained within PPG 24.
- 6.21 I note the comments of the DHH concerning the issue of the development affecting the amenity of future residents living within Isle Quarry West. Members will be aware that the application site lies immediately to the north of Isles Quarry West, which is designated for residential development (200 units) under policies CP 18 of the TMBCS and H2 of the DLA DPD. The designation of this adjacent site for housing development is a material consideration in this case and needs to be given appropriate weight. i.e. the amenity of future residents of this adjacent land needs to be considered.

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- 6.22 Whilst the site is designated for residential development, no planning application has been submitted for the adjacent site at Isles Quarry West at the time of writing this report. Whilst the Borough Council has received informal enquiries over the last 2 years from two separate parties, an informal enquiry for a proposed residential development is **not** currently being considered by Officers. Consequently, there are no details at this time of the likely number, layout or position of the proposed dwellings within this site.
- 6.23 Furthermore, Policy H 2 (criterion c) requires any residential development of the Isles Quarry Site to have regard to the potential environmental impact of continuing employment use on the upper platform (which includes the application site), which is not to be incorporated into the residential development. The policy requires the future residential development within Isles Quarry West to have a satisfactory noise climate that complies with saved policy P3/17 of the TMBLP. The onus is, therefore, upon the eventual developer of the Isles Quarry site to design a residential scheme in the knowledge that any existing employment use that is occurring within the locality at that time could continue to operate.
- 6.24 Furthermore, given that the nature and scale of the existing employment site and the proposed use of a planning obligation to control goods vehicle movements to and from the site, I do not consider that the residential amenity of future properties located within Isles Quarry West would be unduly affected by the noise and general disturbance arising from the proposed development. Indeed it would be very difficult to distinguish noise that is generated within the application site from that generated within the existing premises within the Hornet site.
- 6.25 Therefore, I do not consider that significant weight can be given to the likely impact of the proposed development upon the future residents of Isles Quarry West, as a defined scheme has not yet gone through the planning application process and indeed any scheme will need to be designed to enable the residential properties to have an acceptable aural environment in any case.
- 6.26 Kent Highways has not objected to the proposed development. The site is not immediately adjacent to the public highway, but lies at the end of a private access that is approximately 250m in length and serves the existing Hornet site, as well as the access to Isles Quarry West. Therefore any issue regarding manoeuvring vehicles within the site are not likely to affect the safe or free flow of traffic using the public highway.
- 6.27 In light of the above, I recommend that planning permission be granted.

7. Recommendation:

7.1 **Grant Planning Permission** as detailed by Design and Access Statement dated 28.07.2009, Planning Statement dated 28.07.2009, Block Plan P.20 2272 dated 28.07.2009, Location Plan 001 dated 28.07.2009, Site Plan P.21 2272 dated 28.07.2009, Floor Plans And Elevations P.22 2272 A dated 28.07.2009, Floor Plans And Elevations P.23 2272 A dated 28.07.2009, Letter dated 13.08.2009, Letter dated 14.08.2009, Letter dated 14.08.2009, Email PHOTOGRAPHS dated 03.11.2009, Photographs dated 03.11.2009, Report VISUAL IMPACT ASSESSMENT dated 03.11.2009, Plan PHOTO LOCATION dated 03.11.2009, Letter dated 11.09.2009, subject to:

- The applicant entering to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to undertake the following;

To require all goods vehicles accessing and leaving the site to do so only via the Haul Road before 0700 hours and after 1800 hours Monday to Friday and before 0700 hours and after 1300 hours on Saturdays and on Sundays and public holidays. No deliveries or despatch of goods shall take place on Sundays and public holidays via Quarry Hill Road or Rocks Road, and;

- 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 take place until details and samples of 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.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

- 3 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.

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.

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- 4 No manufacturing process or ancillary operation shall be permitted in the service yard except for the delivering and despatch of goods.

Reason: In the interests of the residential amenities of the locality so as to avoid disturbance by reason of noise.

- 5 No development shall take place until details of finished floor and ridge levels of the building, and the existing and proposed ground levels have been submitted to and approved by the Local Planning Authority and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 6 No lighting shall be affixed to the exterior of the building hereby approved, or within the car parking and servicing areas associated with it, without the written consent of the Local Planning Authority.

Reason: In the interests of rural and residential amenity.

- 7 If, during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted details of such contamination, and the mitigation to deal with it, to the Local Planning Authority and the submitted details have been approved in writing by the Local Planning Authority. The mitigation measures so approved shall be undertaken prior to the occupation of the buildings, the subject of this planning permission.

Reason: In the interests of amenity and public safety.

- 8 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space. (P004)

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 9 No building shall be occupied until the area shown on the submitted plan as a turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995

(or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area. (P011)

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

7.2 In the event that the applicant does not enter into a Planning Obligation as set out in paragraph 7.1 of this report within six months of the date that Members resolve to grant permission, then **Refuse Planning Permission** for the following reason:

1. The development would result in unacceptable detriment to the amenities of local residents due to the increase in goods vehicles using residential streets at times when they should expect quiet enjoyment of their property. The development is, therefore contrary to policy CP 1 of the Tonbridge and Malling Borough Core Strategy 2007, saved policy P3/17 of the Tonbridge and Malling Borough Local Plan 1998 and current Government Guidance contained within PPG 24.

Contact: Matthew Broome

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 3 February 2010

Borough Green TM/09/01898/FL
Borough Green And
Long Mill

Change of use of land for industrial/warehouse use and the erection of terrace of four industrial warehouse units for use for purposes falling within use classes B1, B2 or B8, with associated access and parking provision at Hornet Business Estate Quarry Hill Road Borough Green Sevenoaks Kent TN15 8QW for Hornet Engineering Ltd

DPTL: Members are advised that the application site was amended during the course of the application to include the haul road and so the site plan in the agenda is not fully correct.

In order to deal with concerns over possible future use of the buildings as intensive office uses, I suggest additional conditions to prevent office use and to control mezzanines and subdivision of the units.

The informative suggested on TM/09/01765/FL to reduce the noise from reversing vehicles is also now suggested on this application.

AMENDED RECOMMENDATION:**Additional conditions:**

10: Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), the layout of the development shall not be varied by means of subdivision or amalgamation of any units, nor by the insertion of additional floors, without the prior permission in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess the impact of such variation on parking and vehicle circulation in the interests of safe and free flow of traffic.

11. The premises shall be used for purposes falling within use classes B1(b), B1(c), B2 and B8 and for no other purpose (including any other purpose in Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to assess the impact of other uses on parking and vehicle circulation in the interests of safe and free flow of traffic.

Add Informative:

- 1. The applicant is advised to investigate the possibility of fitting broadband variable amplitude reverse alarms to goods vehicles and forklift trucks operating within the application site.**
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