

**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

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**1. Description:**

- 1.1 Members will recall that this application was deferred from the 3 February 2010 meeting of the Area 2 Planning Committee for a Part 2 Report and for officers to seek land added to the application site to protect trees and shrubs recently planted in this area.
- 1.2 A copy of my previous main and supplementary reports is attached as an Annex to this report.
- 1.3 Members are advised that the issues discussed on the Part 2 report for TM/09/01765/FL apply equally to this case in terms of the hours of vehicle movements to and from the site.
- 1.4 The area of landscaping that is of concern is a section of embankment that is located on the south side of the haul road and which lies to the north of the application site. The area of land in question lies outside the ownership of the applicant and is, in fact, currently owned by Hansons.
- 1.5 The applicant has verbally confirmed (at the time of writing this report) that he will not include this additional area of land within the red line of the application site area. A letter explaining the reasoning of this position is expected and will be reported in a supplementary report.

**2. Determining Issues:**

- 2.1 Members may recall that the gap was created in this embankment in order to provide a temporary access to the application site whilst the main access was being upgraded in accordance with planning permission ref. TM/08/01860/FL. Whilst this permission was being implemented, an alternative means of access was required to enable the businesses within this site to continue operating. The gap in the embankment was, therefore, created for a specific purposes for a temporary period of time.

- 2.2 The temporary gap in the embankment has now been infilled and details of how this area has been planted have now been provided. 49 trees consisting of Ash, Oak, Scots Pine, Field Maple and Hawthorn have been planted. In addition 70 shrubs (Dogwood, Hazel, Holly, Viburnum) have also been planted within this area.
- 2.3 Members may agree that the act of reinstating the embankment and the extent of replanting that has been carried out is a substantial and costly undertaking. There would not appear to be any logical reason to suppose that this part of the embankment and the planting that has taken place on it would be removed in the future.
- 2.4 Removal of the embankment could require planning permission as an engineering operation in any event. Also, even if it were possible to impose a condition to retain screen planting, Government advice is that such a condition should safeguard the trees and shrubs for a period of 5, or, at the most, 10 years. After this time, the protection would expire.
- 2.5 As is stated in my previous report, even with the existing gap in the tree planting along the haul road, the proposed building is unlikely to be visually prominent in the wider locality due to the topography of the area and the extensive tree screening to the north and west of the application site.
- 2.6 In concluding on this issue, I consider that, even without the ability to use planning conditions to protect this screen planting, the development is acceptable as detailed in this and my previous report. I therefore recommend that subject to the applicant entering into a S106 Obligation with regard to the routing of goods vehicles, planning permission be granted.

### **3. Recommendation:**

- 3.1 **Grant Planning Permission** as detailed in: 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, Letter dated 11.02.2010, Letter HANSONS dated 11.02.2010, Documents PLANTING dated 11.02.2010, Site Plan SIGNAGE dated 11.02.2010, subject to:

- The applicant entering into a Planning Obligation under section 106 of the Town and Country planning Act 1990 to achieve the following:

To require all goods vehicles accessing and leaving the site to do so only via

the haul road. No deliveries or despatch of goods vehicles shall take place 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.

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 or 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.

Reason: Development without provision of adequate accommodation for the parking 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 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.

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

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 sub-division 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) and (c), B2 and B8 and for no other purpose (including any other purpose in Class B1 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.

### **Informatives**

- 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.
  
- 3.2 In the event that the applicant does not enter into a legal agreement as set out in paragraph 3.1 of this report within six months of the date that Members resolve to grant permission, then **Refuse Planning Permission** for the following reason (updating Development Plan policies relevant at that time as necessary):
  - 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 P6/13 of the Tonbridge and Malling Borough Local Plan 1998 and current Government guidance contained within PPG 24.

Contact: Matthew Broome