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<b>Addington Downs</b>	<b>564365 158149</b>	<b>19 May 2011</b>	<b>TM/11/00669/FL</b>
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Proposal:	New vehicle preparation bay with associated car parking area and photographic studio (retrospective)
Location:	Big Motoring World (Former Valrosa) London Road Addington West Malling Kent ME19 5PL
Applicant:	Big Motoring World

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## **1. Description:**

- 1.1 The application is retrospective and is to regularise the erection of a large building in the SE corner of the site. It is used as a valeting bay in relation to an adjacent car sales/servicing business (Big Motoring World) but also with one part in use as a photographic studio for the purposes of taking photographs of cars for use in marketing purposes, eg on the internet.
- 1.2 The submitted plans show that the building has a shallow pitched roof. It measures 12m by 16m with an eaves height of 4m and a ridge height of 5.65m. It is of Olive green coloured profiled metal sheeting. Part of the roof has clear sheeting for natural light. There are 4 sets of large roller doors to the front elevation. Internally, in one quarter of the building there is a wash bay separated by an internal wall from the remainder, which is used as an indoor car preparation area with photography studio.
- 1.3 There are 4 floodlights to the front elevation intended to illuminate the forecourt and one to the western flank. There are 2 rainwater collection butts to secure surface water from the roof, for use in the car washing. Effluent from the washing is shown to connect to a mains foul drain system.
- 1.4 The area around the building is laid to hardstanding and used for parking of the valeted vehicles but also for overflow parking for the workshop, MOT centre and new vehicle arrivals. The parking area is lit by 3 sets of double floodlights on columns.
- 1.5 The agent has clarified that, for health and safety reasons, the indoor valeting of cars is necessary for the welfare of the staff, especially in poor weather conditions.
- 1.6 In terms of a planning justification, the agent advises that the scheme complies with policy M1 of the DLA DPD because the footprint of the residential buildings removed from the site when the car sales use expanded onto the Edmont bungalow site last year is comparable with the cumulative footprint of the valeting building plus the extension to the sales building. It is further argued that: the valeting building is as low in height as possible; its colouring merges it into the landscape; and that there is no change to traffic flows. The agent argues that the foul drainage arrangement is long standing and is as per the established car uses

on the original part of the site (ie along the western boundary). He further submits that all drainage will meet the requirements of the Environment Agency.

**2. Reason for reporting to Committee:**

2.1 The site has a controversial planning history.

**3. The Site:**

3.1 The site is located in the countryside, outside the settlement confines of Addington, on the south side of the London Road (A20). The site lies wholly within a Major Developed Site (MDS) in the Green Belt, to which policy M1 of the Development Land Allocations DPD applies.

3.2 The actual site of the valeting bay was the rearmost part of the garden of Edmont, which was a dwelling set behind the Venture transport café. To the rear (south) is the mainline railway. To the north and west are the car sales and car maintenance uses respectively. A residential dwelling and garden of Bonheure lies to the immediate east.

3.3 The site of the valeting bay is therefore the final phase of the car related use which originally comprised of a strip of land located along the western side of the site (between the London Road and the railway line) which was the subject of a Lawful Development Certificate for Existing Use (TM/95/00014/LDE) for vehicle sales with provision of servicing, and repair and breakdown facilities and full range of vehicle services including hire. The remainder of the site was previously a transport café (Venture Cafe) and dwelling/garden of Edmont. After a series of planning applications from 2007 for the Venture café site, retrospective planning permission for the expansion of the car sales to the Venture Cafe and Edmont part site was granted in 2010 under ref TM/10/00938/FL. However, that planning permission did not include any works or operations on the SE corner where the valeting bay and associated hardstanding were subsequently installed.

**4. Planning History (selected):**

TM/83/11207/FUL grant with conditions 17 June 1983

Side extension to cafe to provide additional eating area, kitchen, stores and WC and re-roofing of entire building together with extension to existing parking area.

TM/93/00015/FL withdrawn 2 November 1993

Change of use of site and buildings from car sales and repair to plant hire

TM/94/00018/AT refuse 12 April 1994

Display of four No. flag poles

TM/94/00019/AT      grant with conditions      26 May 1994

Display of replacement illuminated box signs

TM/95/00003/LDCE      lawful development      5 May 1995  
certifies

Lawful Development Certificate Existing: for vehicle sales with provision of servicing, and repair and breakdown facilities and full range of vehicle services including hire

TM/04/02498/OA      Grant With Conditions      21 September 2004

Outline Application for the demolition of existing cafe, garage and bungalow and remove hardstanding and erect 3 no. B1/B8 use buildings with parking

TM/06/03909/FL      Approved      23 March 2007

Construction of single storey office with disabled/unisex toilet

TM/07/04481/OA      Approved      28 March 2008

Outline Application for demolition of all buildings and construction of new showroom and workshop building in connection with car sales (Re-submission)

TM/09/02132/FL      Approved      26 March 2010

Change of use of land and building from residential to the use for the display and sale of motor vehicles including the provision of car parking and vehicle display areas. Two storey front extension and alterations to the building

TM/09/02384/FL      Approved      26 March 2010

Retrospective application for change of use of former cafe building and associated land for the display and sale of motor vehicles, including the provision of car parking and vehicle display areas

TM/10/00938/FL      Approved      9 July 2010

Retrospective application for the change of use of the former Venture Cafe building, associated land and residential land for the display and sale of motor vehicles. Demolition of the existing bungalow, garage and office building (formerly Valrosa). Erection of a two storey extension to the former Venture Cafe building for office use in connection with the display and sale of motor vehicles. Provision of car parking and vehicle display areas



- this is a site that has been considerably developed in recent years and that we remain concerned about the effect this is having on the wildlife and their loss of habitat and of course the local community generally;
- The applicant's conclusion states that this proposal helps to rationalise its business in an urban area. This is not an urban area, it is very much RURAL;
- The statement that the new building does not exceed the height of the existing building is incorrect;
- The application suggests that the building is not visible. The Parish Council believe it is very visible and can be seen from the A20 and public footpath MR172 and has a detrimental effect on neighbouring properties;
- Concerns about polluted water on the site particularly as once again the application suggests that any water will be discharged to the existing soakaway. The Parish Council would like to see the results of tests to ascertain how hazardous the water is and if there is any land contamination. If there is any risk of the water being polluted then the Parish Council understand that an appropriate licence needs to be obtained from the Environmental Agency and that an interceptor would need to be installed;
- The Parish Council remain concerned about the excessive lighting on this site. This building has added further to the problem which is harmful to the local community;
- There is also concern about the likely increase in traffic generated entering and leaving the site;
- The application suggests that no further planting is required to the boundary next to the studio as this has already been done. The Parish Council would like to point out that no planting has been carried out on this boundary. There is just a fence.

5.2 DHH: No objections.

5.3 EA: We have no objection to the principle of the development, but have concerns relating to the drainage as the documents submitted appear to be contradictory. The planning statement advises that "The outflow from the new vehicle washing facility does not go through this interceptor but is connected to the foul drainage system through an existing connection..." This would be our recommendation as drainage from vehicle washes must not pass through interceptors, as the detergents and chemicals they contain prevent interceptors from working correctly. However, drawing 1537.01 shows the drainage from the bay going via the interceptor. We would therefore advise you to seek clarification from the applicant that the valeting drainage is not passing through the interceptor. This site lies over a Source Protection Zone 3 for the public water supply and so any discharges to

soakaway from the car park pose a pollution risk to the groundwater. The applicant is advised that an Environmental Permit (EP) is likely to be required for any discharge from this site and as such they should contact our National Permitting Centre on 08708 506 506 as soon as possible. Please note that permits can be refused. If the applicant already holds an EP (previously called a 'discharge consent') they should check that the addition of the new area being drained is still within the consented limit.

5.4 Private Reps (12/3R/0X/0S) plus Art 13 Site Notice: 3 objections have been received as follows:

- The building is a loud, illuminated and unappealing conglomeration.
- Light pollution.
- The building's height exceeds the height of other buildings locally and that of the buildings previously on the site.
- The building is visible from neighbouring gardens, the MR172 and from the road, more so when the trees lose their foliage.
- The site is rural, not urban as claimed in the application.
- There is inconsistency in the line of the northern boundary compared to previous submissions.
- Yet another retrospective application at this site, will TMBC ever decide against an application by this company?
- The new building footprint far outstrips that of the original buildings.
- The conditions on the original plans have not been complied with and there are outstanding problems with pending investigations and conclusions.
- Advertising is unregulated and includes cars on the grass verge and a huge banner with no permission.
- There was supposed to be an internal parking and turning area for vehicle deliveries but the A20 is regularly dangerously blocked by long car transporters which take up half the road and sometimes car restrainers are left in a heap in the road.
- Trees to be planted on the eastern side have not been enforced and a wooden fence occupies the area.
- Noise from slamming car doors, revving engines and shouting.

- Assessment needed regarding Trosley pumping station being affected by run off of water and oil from the business.
- Local people are concerned at how the firm conducts itself and no further applications should be considered until all the outstanding matters have been dealt with satisfactorily.
- The hours in the application form are for the sales activity - they should be the same as conditioned for the workshop.

**6. Determining Issues:**

- 6.1 The main determining issues concerning this proposal are the principle of the development and its impact upon the character of the countryside and residential amenity.
- 6.2 The site is subject to Policy M1 of the Tonbridge and Malling Development Land Allocations DPD, which identifies this site as being a “Major Developed Site” (MDS) suitable for redevelopment subject to a number of criteria being met. The site also lies in the Green Belt.
- 6.3 Those M1 criteria relevant to this site are:
- it does not lead to any greater impact on the openness of the Green Belt and the purposes of including land within it;
  - it leads to an overall improvement in the environment, does not harm the landscape setting, includes provision for the maintenance of landscaped areas and appropriately integrates with its surroundings;
  - any changes to traffic generated can be satisfactorily accommodated without conflict with rural amenity and without prejudice to highway safety and if possible bring beneficial changes;
  - it does not exceed the height of existing buildings;
  - for redevelopment, the proposed coverage of the site by buildings (i.e. the footprint) is no larger than the ground floor extent of the original buildings unless occupying a larger footprint would achieve a reduction in height which would benefit visual amenity and reduce impact on the wider Green Belt.
- 6.4 This policy also requires, in relation to this particular site, that proposals should provide for a visual enhancement of the site, a rationalisation of the existing accesses onto the A20 and include appropriate measures to ameliorate road traffic and railway noise.

- 6.5 In light of the designation of the site under Policy M1, I am satisfied that the broad principle of adding an ancillary commercial development is acceptable in broad policy terms.
- 6.6 In terms of the requirements of policy M1, the agent submits that the cumulative footprint of the valeting building; the extension to the sales building (the converted Venture Café); the sales reception area; and workshops etc, amount to site coverage less than existed in the form of various outbuildings and the demolished bungalow of Edmont.
- 6.7 The height of the proposed building at 5.95m would also be lower than the demolished bungalow (approx 6m high) although it is bulkier overall and it would not be lower than the other numerous assortment of small outbuildings removed *in lieu*.
- 6.8 The land levels within the site vary significantly from front (north) to back (south) and from west to east as well. The valeting building therefore stands on a higher part of the site than the demolished bungalow and as a consequence is more prominent. The demolished bungalow was also set behind a row of mature conifers that screened it significantly.
- 6.9 Whilst the new building has a significant scale, height and prominent position, on balance it is not unacceptable in visual amenity terms in my opinion. Its position is immediately rear of a permitted car sales use and it is viewed in the long range against a backdrop of trees adjacent railway and its green colour reduces the visual impact.
- 6.10 The car parking hardstanding is a normal form of development associated with new commercial buildings, I would not consider refusal justified.
- 6.11 Whilst in themselves the valeting bay and hardstanding do not improve visual amenities over and above the garden that existed beforehand, it is argued by the agent that the judgement on visual benefits mentioned in justifying TM/10/00938/FL should also be applied to this latest phase of the redevelopment. While I do not think that this is a strict interpretation of M1, I consider the proposal visually acceptable and improving of visual integration bearing in mind the change to the character of the wider site and its context following the approval of TM/10/00938/FL.
- 6.12 Of course, there does need to be mitigation of both the building and the car parking by use of a landscaping condition. Members will note that there is an allegation from neighbours that previous approved landscaping has not been completed and this will be investigated separately.

- 6.13 One area of concern relates to exterior floodlighting. Five halogen floodlights attached to the building and others on 3 poles are the subject of a current enforcement investigation. This is continuing to ensure that any lighting accepted does not lead to excessive glare affecting rural and residential amenities.
- 6.14 The surface water and washing effluent drainage considerations must be clarified. There are on-going discussions with the agent in the light of the EA concerns and the enforcement investigation will need to continue to secure an acceptable resolution.
- 6.15 Hours of operation are proposed to be 08.00 to 18.00 Monday to Saturdays and 10.00 to 16.00 on Sundays, which are similar to the car sales activity, and as part of the use will in all likelihood involve preparation of cars for collection, the hours proposed are not objected to by DHH and therefore are not considered to be unreasonable in my opinion.
- 6.16 In light of the position and height of the proposed building I am satisfied that the proposal would not cause a loss of light, privacy or outlook to the neighbouring residential properties.
- 6.17 Kent Highways is satisfied that the scheme is acceptable in terms of highway safety, considering the parking, turning and accessing arrangement to the valeting bay part of the wider site to be acceptable.
- 6.18 In light of the above, I recommend that planning permission is granted.

## **7. Recommendation:**

- 7.1 **Grant Planning Permission** as detailed by Design and Access Statement dated 19.05.2011, Planning Statement dated 19.05.2011, Floor Plan 1537.02 rev B dated 28.04.2011, Site Layout 1537.01 rev C dated 19.05.2011, subject to:

### **Conditions / Reasons**

- 1 Notwithstanding the drainage in situ, within 1 month of this decision, details and a timetable of a foul and surface water drainage strategy, to satisfactorily deal with the location of the site on an Aquifer, shall be submitted to the Local Planning Authority for approval. The approved scheme shall be fully implemented to the approved timetable.
- Reason: In the interests of pollution prevention.
- 2 Notwithstanding the lights in situ, within 1 month of this decision details and a timetable of a security lighting strategy, to satisfactorily deal with the location of the site in a rural area, shall be submitted to the Local Planning Authority for approval. The approved scheme shall be fully implemented to the approved timetable.

Reason: In the interests of rural and residential amenity.

- 3 The use of the building shall not be carried on outside the hours of 08:30 to 18.00 Monday to Saturdays and 10.00 to 16.00 on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance to nearby residential properties.

- 4 The building and the hardstanding hereby approved shall be used for valeting and photography and related parking. All use shall be incidental and ancillary to the car sales use of the neighbouring premises and neither the building nor the parking area shall be used for car repairs, maintenance, servicing or MOTs.

Reason: To avoid unreasonable disturbance to nearby residential properties.

Contact: Marion Geary