

Wrotham **562750 158678** **15 August 2011** **TM/11/02214/FL**
Wrotham

Proposal: Demolition of existing buildings and redevelopment of site to provide 7-10 no. B1(c)/B8 units (subject to subdivision) with access, parking and landscaping (with the option to retain existing dwelling and erect 6-8 no. B1(c)/B8 units in the alternative)

Location: The Poplars London Road Wrotham Sevenoaks Kent TN15 7RR

Applicant: Gallagher Properties Ltd

1. Description:

- 1.1 The application is for the redevelopment of the site to provide a new small business park of up to 10 B1(c)/B8 commercial units. The new units will be modern industrial units that will provide flexible accommodation, in terms of the size of the units and their internal layout. Consequently the number of units varies between 6 and 10 individual units, depending on the occupiers and size of the proposed units they require.
- 1.2 The proposed small groups of buildings are to be constructed of brick and metal clad elevations with a panelled roof. Rooflights are proposed in the roof, with large metal shutter doors to the main section of each unit and glazing at the proposed office sections.
- 1.3 In addition, the application has been submitted with an alternative that is effectively a part implementation.
- Redevelopment of the whole site and the erection of up to 10 units.
 - Partial redevelopment of part of the site for up to 8 units with the retention of the existing dwelling on the site.
- 1.4 The proposed units are sited at the front section of the site, adjoining London Road. They are sited along the north and south side boundaries, with a central access road and parking areas in front of the units, to provide up to 51 car parking spaces (with 38 spaces in the partial implementation option). New landscaping is proposed to the front of the site, adjacent to London Road, in the full redevelopment option.
- 1.5 The developed area ends along the line of the existing land drain that extends across the site. Beyond this, new landscaping is proposed to include managed grassland meadow, a balancing pond enhanced to encourage wildlife, and substantial tree and hedgerow planting to the boundaries. This area will be fenced off from the proposed commercial area.

- 1.6 Limited changes are proposed to the vehicular site access; however it is proposed to alter the road markings and layout on London Road to facilitate better access to the site.
- 1.7 Detailed supporting documents include:
- A Planning Statement
 - Design and Access Statement
 - Visual Impact and Landscape Assessment
 - Noise Impact Assessment
 - Desk Top Contamination Report
 - Transport Statement
 - Bat Survey
 - Flood Risk Assessment and Sustainable Drainage Strategy, and
 - Road Safety Audit
- 1.8 A number of minor changes to the scheme were submitted at officers' request regarding the design, materials and site layout, and further justification provided in respect of the proposed height of the units. At the time of writing this report, a number of these amendments are still out to consultation. Any comments and representations received and assessment thereof will be reported in a Supplementary Report to Committee.
- 1.9 The application as originally submitted included up to a maximum of 11 industrial units, but the extra unit was withdrawn following representations.

2. Reason for reporting to Committee:

- 2.1 The sensitive nature of this site and its complex planning history.

3. The Site:

- 3.1 The total site area is 0.9 ha. The entire site is countryside and in the Metropolitan Green Belt and an Area of Outstanding Natural Beauty. Most of the developable site, however, lies within an area allocated as a Major Developed Site in the Green Belt, subject to Policy M1 (m) of the DLA DPD. The north east corner of the application site is outside this policy allocation and solely within the countryside, MGB and AONB.

- 3.2 The majority of the site within the red line area is covered with either buildings, hard standings or hardcore. There is a collection of buildings and structures to the rear of the site. These are a two and single storey industrial building towards the rear northern boundary and a free standing two storey office building between these buildings, sited along the north western boundary. Towards the front of the site and adjoining London Road is a two storey chalet style dwelling, with a fenced garden area.
- 3.3 The north eastern section of the site (blue land under the control/ownership of the applicant) forms a grassed area or a recently cleared and re-graded open area. Dividing these two areas is a surface water drainage channel, partly in a culvert.
- 3.4 The boundaries of the site are a mixture of 1.8 metre high close boarded fencing, mature trees or hedges. There is a high conifer hedge along the north eastern boundary.
- 3.5 To the south-east of the application site there are two dwellings, with the adjacent property 'Belleville' used as a residential care home; to the north is open agricultural land; to the west is the Oakdene Transport Café.
- 3.6 Vehicular access to the A20 London Road is currently directly onto London Road. No change is proposed to the siting of the vehicular access or traffic movement options, but minor works are proposed on the site and public highway.
- 3.7 Except for a 9 month temporary permitted development use in 2009 (as a depot used by contractors for a gas pipe installation), the majority of the site appears to have been last actively used in the early 2000's for a mixed use for B1, B2 and B8 and haulage uses with a two storey dwelling at the site frontage. The site has an extant temporary permission for B1 and B8 use or contractors depot. Part of the site and two storey office building is currently being used as a base for an ambulance service.

4. Planning History:

TM/41/10001/OLD grant with conditions 2 April 1941

Garage and Fruit Store.

TM/46/10091/OLD grant with conditions 3 April 1946

Fruit House.

TM/48/10357/OLD grant with conditions 25 June 1948

Proposed building for fruit storage.

Area 2 Planning Committee

TM/49/10387/OLD	grant with conditions	19 May 1949
Proposed Piggery.		
TM/49/10403/OLD	grant with conditions	23 June 1949
Fruit picking, Storage Building.		
TM/55/10448/OLD	grant with conditions	24 November 1955
Fruit Packing Shed.		
TM/55/10516/OLD	grant with conditions	20 October 1955
Chicken/Turkey Pens.		
TM/55/10691/OLD	grant with conditions	25 August 1955
Implement Shed (Extension of temporary period).		
TM/64/10375/OLD	grant with conditions	9 July 1964
Bungalow and garage.		
TM/64/11017/OLD	grant with conditions	10 June 1964
The erection of a dwelling.		
TM/72/11095/OLD	Refuse	20 July 1972
Change of use of double garage to a farm shop.		
TM/96/01502/FL	Grant With Conditions	12 December 1996
erection of detached garage		
TM/96/01639/FL	Grant With Conditions	2 January 1997
erection of extensions to the bungalow		

TM/97/01760/FL Grant With Conditions 20 January 1998

loft conversion to form bedroom and bathroom together with elevational alterations

TM/98/00548/ORM ORM approved 6 May 1998

minor amendment replacing hipped roof by gable end submitted pursuant to TM/97/1760FL: loft conversion to form bedroom and bathroom together with elevational alterations

TM/05/00516/LDCE Application Withdrawn 26 April 2005

Lawful Development Certificate Existing: Mixed B1, B2 and B8 use with associated parking and outdoor storage

TM/05/03515/CR3 Application Withdrawn 18 January 2006

Regulation 3 Outline Application for demolition of existing warehousing and storage areas on the site, and the erection of an office building, garaging, salt barn and storage areas, along with associated car parking and landscaping to form a integrated Road Services Depot for Kent County Council (KCC ref. TM/05/0TEMP/0119)

TM/06/02342/CR3 Application Withdrawn 2 October 2008

Redevelopment to provide integrated highway depot comprising offices, garaging, salt barn and storage areas with associated car parking and landscaping

TM/10/02151/FL Approved 21 February 2011

Temporary use of land and buildings for 2 year period for B1/B8 or contractors depot including open storage, siting of portacabins and parking

5. Consultees:

5.1 PC: Wrotham Parish Council has considered the revised application to build B1/B8 business units on the Poplars site and has no objection in principle and would welcome good quality development of the south east section of the site.

5.1.1 We note that the revised plan is less intensive than the previous one and that the unit that faces the road is now to be brick clad. We are also pleased that the open culvert that drains surrounding properties is to be reinstated as the area is prone to flooding during winter months.

5.1.2 The LPA should obtain and agree a detailed scheme of landscaping and on-going maintenance arrangements for the area of the site to the northeast which is outside of the previously developed area and within the AONB. The site will be visible from the long distance footpaths along the Downs escarpment so more tree

planting within this area will help to mitigate its impact. The committee also felt that the light coloured roofscape would be very noticeable from the Downs so a less discordant colour should be agreed by conditioning.

- 5.1.3 The site is close to the Nepicar roundabout so we would like to see all traffic directed left on egress from the site. There should also be a scheme of road markings that facilitates right turning HGV traffic, to be accommodated in a central right turn lane whilst waiting for a safe break in the oncoming traffic.
- 5.2 DHH: Environmental Protection: Report No. MRL/100/047a.1v by MRL acoustics indicates that noise from the proposed development is unlikely to have an impact on the aural amenity of neighbouring properties, however it is recognised that no absolute guarantee can be given until the end users are known, as such several mitigation measures are proposed in section 4.13 of the report. I would recommend that these matters be made into a condition of any permission, along with the restriction on hours of use. If this is done then I have no objection to the application.
- 5.2.1 Food Safety: An asbestos survey will be required and will be necessary prior to demolition work commencing. More information can be found in the HSE publication 'Asbestos -The Survey Guide', which can be downloaded free of charge from the HSE website www.hse.gov.uk.
- 5.2.2 I cannot see any provision for WC facilities on the plans. Facilities for staff should be in accordance with Regulation 20 of the Workplace (Health, Safety & Welfare) Regulations 1992 for each of the proposed units or collectively if WCs are to be provided in a communal area.
- 5.2.3 Waste Management Services: TMBC operates a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day. This is a business/trade property and therefore must comply with all Duty of Care regulations.
- 5.2.4 Contaminated Land: The following comment is based on a review of Knapp Hicks & Partners Ltd Report on Desk Study and Site Walkover Ref: 29982/R/001/DALC dated June 2011.
- 5.2.5 It presents an adequate preliminary risk assessment, detailing a site description, the sites environmental setting, site history, conceptual site model and preliminary risk assessment. It also details limited ground investigation comprising 6 no. trial pits and recommendations on further site investigation. No soil laboratory testing or qualitative risk assessment is presented.
- 5.2.6 Therefore, as recommended in Section 4 of the above report, further site investigation is necessary to assess risks from potential contamination. This investigation should be designed to assess the potential risks from the potential

sources identified in the Preliminary Risk Assessment (Table 2.3) and include a programme of gas monitoring to establish the ground gas regime at the site, and soil leachate testing to establish if any contaminants that may be identified may potentially leach to controlled waters. Therefore the standard land contamination condition should be applied.

5.3 KCC (Highways): This site is situated on the A20 less than 200m from Junction 2a of the M26. The site entrance is at the commencement of lane separations which direct and manage traffic approaching Nepicar roundabout (junction 2a). The site entrance is also less than 15m from an exit to a transport café, opposite a lay-by (often used by lorry drivers needing to take a break and commuters) and less than 25m from another entrance/exit to the south which serves several properties. The latter has its own right turning lane on a road which is generally separated by a ghost island with regular central islands containing keep left bollards and arrows; overhead lighting etc.

5.3.1 The transport arrangements in this area typically comprise an assortment of movements combining not least:-

- decelerating and lane changing traffic approaching junction 2a off Wrotham Hill
- accelerating and separating (northbound) traffic leaving junction 2a
- decelerating traffic entering Oakdene café on one side of the road and the lay-by on the northbound side
- slow moving traffic leaving either of these facilities
- traffic turning right, from the middle of and sometimes across the full width of the road, to access these facilities and other facilities nearby.

5.3.2 There is a high percentage of lorry traffic in this area, a petrol filling station 200m to the north and an industrial/commercial unit area next door to that (Gasoline Alley). The crash records described in paragraph 2.5.3 of the applicant's Transport Assessment are in my view indicative of the errors that can arise from the inordinate observational demands that at times occur in this area. The application proposes to add 214 vehicles per day to this mix (net increase of 87 vehicles (68%) above that which might otherwise be permitted) which is of some concern. The proximity of neighbouring junctions will compromise visibility when accesses to the right of exits are in themselves being used/occupied. Right turns in and out are also at times anticipated to be challenging.

5.3.3 Having said that it is appreciated that the site has been derelict for some time and, from reading other local consultation responses, it is understood that development and improvement of the site is generally welcomed. It would be prudent for this proposal, however, if an independent safety audit for the access arrangements could be provided prior to formally considering the planning application. A detailed

drawing of the access proposals to accompany this would also be beneficial. It is noticed that, to date, plans submitted have concentrated on details within the site and a detailed and dimensioned design of the access proposals on the A20 is considered essential to enable a formal highway response to be made.

5.3.4 Following additional information: Thank you for providing this stage 1 safety audit and drawings with respect to planning application TM/11/02214/FL, The Poplars, Wrotham. This work I believe has been worthwhile and helpful in highlighting problems and reassuring that they are not insurmountable. I would agree that carriageway markings on the northbound lane highlighting and directing to adjoining right turn lanes will be important. I also agree that encouraging left turns out of the site, even when exiting traffic wishes to travel north, to use Nepicar Roundabout, would be beneficial. It is also noted that a review of street lighting will be required once the street lights on the central island proposed for removal are also withdrawn.

5.3.5 I further agree that the central area of the A20 is in relatively poor condition in comparison to those areas that are regularly trafficked. This area is currently largely unused due to its proximity to the central island. As part of this proposal, carriageway reinstatement to the central island area will be required when it is removed. It is considered reasonable and appropriate, however, that the developer provides the right turning area to this site to a suitable standard to the satisfaction of the highway authority. These works and any other necessary surrounding measures, including street lighting requirements, will need to be undertaken via a legal agreement with the highway authority.

5.3.6 In terms of the planning application, in the light of the additional information and studies provided, I confirm that I have no objection to the proposal.

5.4 Private Representations 6/0X/1R/1S, site and press notice (Departure).
Objections have been received on the following grounds:

- We need more houses, not warehouses at this site.

5.4.2 The letter of support states this application is a good thing as the buildings are derelict, it would be better to have new buildings than the eyesore at present.

5.5 Environment Agency: We have no objection to the application, providing the following three conditions are attached to any permission granted.

5.5.1 Condition 1 : Prior to the commencement of the development approved by this planning permission (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified;
 - a) all previous uses;
 - b) potential contaminants associated with those uses;
 - c) a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

5.5.2 Condition 2 : Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

5.5.3 Condition 3 : Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

The development shall be carried out in accordance with the approved details.
Reason: To prevent pollution of groundwater in deep aquifers beneath the site through pathways formed by inappropriate foundation works during development.

Reasons: To ensure development is consistent with PPS 23: Planning and Pollution Control. To ensure areas of suspected contamination do not pose unacceptable risks to controlled waters.

5.5.4 Land contamination

The Report on Desk Study and Site Walkover (Knapp Hicks & Partners Ltd, June 2011) has been carried out in line with relevant guidance. The recommendations for further investigations at the site to determine any required appropriate remediation works should be carried out and relevant proposals agreed with the LPA before any site clean-up works are commenced.

The relevant planning condition should not be discharged until such time as all relevant works are complete and a closure report submitted and approved by the LPA. Any construction on site should not commence until this approval has been granted.

5.5.5 Piling With respect to any proposals for piling through made ground, we would refer you to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. We suggest that approval of piling methodology is further discussed with the EA when the guidance has been utilised to design appropriate piling regimes at the site. The guidance should be available on the EA web site.

5.5.6 Storage of fuels/chemicals Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.

5.5.7 Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

5.6 Natural England: This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species.

5.6.1 The protected species survey has identified that bats, a European protected species may be affected by this application. Please refer to our standing advice. The standing advice states that permission could be granted (subject to other constraints) and that the authority should consider requesting enhancements.

5.6.2 In addition, we support the suggestions made at page 23 of the bat survey, supplied by Wildthing Wildlife Consultants, to retain mature trees and shrubs on site and install lighting which minimises light pollution; we note the recommendations at page 10 of the same report for the installation of bat boxes as part of any enhancement strategy and the importance of the selection of building materials in accordance with CIRIA best practice.

5.6.3 Following amendments: No further comments.

5.7 CPRE: This area is greatly in need of high quality built development as it has been semi-derelict for many years. We note that the revised plan is less intensive than the previous one and that the unit that presents to the road is now to be brick faced in a similar manner to the Invicta Business Park, also in London Road.

5.7.1 CPRE has no objection in principal to this proposal and in fact welcomes some positive development for this site. The LPA should obtain and agree a detailed scheme of landscaping and on-going maintenance arrangements for the area of the site to the northeast, which is AONB designated. The site will be visible from the long distance footpaths along the Downs escarpment so some tree planting within this area will help to mitigate its impact.

5.7.2 The committee felt that the light coloured roofscape was somewhat stark and that a darker roof finish would be less visible from the Downs.

6. Determining Issues:

6.1 This is a proposal for the redevelopment of an important site within the Borough. The site has a long and complex planning history and a number of policy and other planning issues are relevant in any consideration of this application. The most relevant national guidance and local planning policies are:

- PPG2: Green Belts
- PPS4: Planning for Sustainable Economic Growth
- PPG24: Planning and Noise

Tonbridge and Malling Borough Core Strategy:

- CP1: Sustainable Development
- CP3: Metropolitan Green Belt

- CP7: Areas of Outstanding Natural Beauty
- CP14: Development in the Countryside
- CP21: Employment Provision
- CP24: Achieving a High Quality Environment

Development Land Allocations Development Plan Document:

- M1: Major Developed Sites in the Green Belt (Part M)

Managing Development and the Environment Development Plan Document:

- CC1: Sustainable Design
- CC3: Sustainable Drainage
- NE2: Habitats Networks
- NE3: Impact of Development on Biodiversity
- SQ1: Landscape and Townscape Protection and Enhancement
- SQ6: Noise
- SQ8: Road Safety
- SQ9: Crime and Disorder

6.2 The Draft National Planning Framework has recently been published and was currently subject to a period of consultation until 17 October 2011. Given the draft status of the Framework, the Council considers that the relevant national planning advice in respect of this are contained within the relevant policies detailed above.

Principal Policy Considerations:

6.3 The whole site is in the countryside and Green Belt with the majority of the site being allocated under the Major Developed Sites (MDS) Policy M1 of the DLA DPD that allows for infill development *or* redevelopment. The rear north east corner of the site is outside the MDS area. That part of the proposal is therefore, by definition, inappropriate development in the MGB and a Departure from the Development Plan. If the scheme is to be approved, very special circumstances must be demonstrated.

6.4 Policy M1 of the DLA DPD identifies most of this site as a Major Developed Site in the Green Belt (MDS) which, notwithstanding the Green Belt location, confirms this site as one where infill development or redevelopment will be permitted in

principle. It derives from a national planning objective in PPG2 (Green Belts) to achieve environmental benefits from encouraging reasonably beneficial uses for such previously developed land.

6.5 Policy M1 includes a number of criteria to be applied when considering applications for redevelopment. These include:

- 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 maintenance of landscaped areas and appropriately integrates within its surroundings;
- Any changes to traffic generated can be satisfactorily accommodated without conflict with rural amenity and without prejudice to highway safety;
- It does not exceed the height of existing buildings;
- For infill development, it does not result in an extension to the currently developed extent of the site; and
- For redevelopment, the proposed coverage of the site by buildings is no larger than the ground floor extent of the original buildings.

6.6 In addition there are also site specific caveats in respect of Nepicar Area East, London Road, Wrotham (Section M) These are:

- Respecting the setting of the site within the AONB;
- Integration of development into the area;
- Inclusion of a high quality roofscape to protect long distance views;
- Provision of satisfactory access to the A20;
- Achievement of a satisfactory climate in accordance with Policy SQ6 having regard to the proximity of the A20 and the M20 and M26 motorways;
- Investigation and remediation of any land contamination; and
- Any necessary mitigation measures identified as a result of an archaeological assessment.

6.7 In respect of the above requirements, a number of reports have been submitted in support of the application that cover all the issues identified above. These are discussed in detail later in the report. These reports include a Visual Impact and Landscape Assessment. The Landscape Appraisal identifies in some detail that

the site is seen in limited views from the adjoining AONB and open countryside and is largely obscured from view by the topography of the area. Consequently the proposed development will result in a very limited impact on the surrounding landscape and there is a very limited impact on the AONB from any public viewpoint. I do not, therefore, consider that there will be any detrimental impact on the landscape and visual amenities of the AONB as a result of this development, subject to an appropriately subtle colour palette.

- 6.8 Consequently, in terms of the MDS part of the site, I am of the opinion that the proposed development will not worsen the existing impact on the landscape character of the AONB and the proposed development on the MDS is therefore well integrated into the surrounding area. The application in relation to the MDS does not therefore harm the landscape setting and consequently does not lead to any greater impact on the openness of the Green Belt. Notwithstanding that conclusion, an appropriate landscaping scheme for the site is still required and should be fully implemented, which will ensure the site integrates into the local landscape further and enhances the overall character of the site. A condition requiring a full landscaping scheme and maintenance of the landscaping scheme has therefore been imposed. Therefore the development complies with policy CP7 of the TMBCS 2007.
- 6.9 In terms of the proposed introduction of new development on the limited area that is the non-MDS part of the application site, in light of the conclusion of the Landscape Appraisal, the proposed development will not worsen the existing impact on the wider landscape character of the AONB, notwithstanding an inevitable localised landscape impact (which can also be dealt with by use of a condition). Technically, by definition, but the development is inappropriate development, the impact on the visual openness and also any other harm caused by this inappropriateness is limited ..
- 6.10 The shape of the application site gives a more logical physical configuration to the application site which, in my view, is understandable in terms of facilitating a viable commercial reuse of the site. Therefore, although use of a small part of the overall application site would be a departure from the Development Plan, I am of the opinion that this is acceptable on this occasion, in the context of the wider proposal which will bring an otherwise derelict site back into an appropriate active use. The need to reinstate a use on this site and thereby give scope for an improvement to the appearance of the site and locality as a result is, on balance, of sufficient weight to allow this development as proposed. The improved development form thereby achieved amounts to very special circumstances sufficient to justify permission in the green belt for that small part of the scheme that amounts to inappropriate development.

Design and Height of the Proposed Development:

- 6.11 In respect of the above policy considerations and criteria identified in policy M1, the proposal results in an increased level of development on this site that exceeds the existing level of development. Consideration therefore needs to be given to the height of the proposed buildings and the increased level of development across the site. The policy requires new buildings to be no higher than the existing buildings. The highest building on the site is 8.4 metres; the ridge height of all the proposed buildings is also 8.4 metres. Enhanced landscaping is being proposed to mitigate visual impacts.
- 6.12 Following detailed discussions between officers and the applications, the agent advises it is not practicable to reduce the height of the proposed buildings and meet modern standards.
- 6.13 The colour of the proposed roof materials has also been queried with the applicant as representations from CPRE and the Parish Council have questioned the proposed colour. The applicants have now confirmed that the proposed roofs will be dark grey and have also provided the specification of the proposed materials. A dark grey is considered to be the most appropriate colour in this location and will result in the proposed buildings in time blending into the landscape, site and wider views of the area – the precise hue can be dealt with by condition.
- 6.14 Therefore, although the proposed development will cover a wider footprint and area than the existing built development, the design, materials and height of the development has been designed to minimise the impact as far as possible. The justification provided by the applicant for this development and the increase in size and number of buildings goes on to indicate that the development results in no significant detrimental impact on the landscape or immediate locality. The proposed landscaping and enhancement scheme, further minimises this impact and brings about an overall improvement to the site as a whole this should be given due weight when considering the policy context for MDS sites. For these reasons I am satisfied that the variation from the specific details of policy requirements in M1(a) are justified in this case.

Noise and noise mitigation:

- 6.15 A Noise Impact Assessment has been submitted and the site assessed in accordance with BS:4142 that assesses the level of background noise in a location and whether additional noise would be audible in adjoining residential properties as a result. The Noise Assessment identifies that noise from the site will not give rise to an unsatisfactory noise environment for adjoining properties, due to the existing level of background noise from the major roads nearby. It also factors in the retention of the Poplars remaining as an adjacent dwelling in the partial redevelopment option. The report is considered to be fit for purpose and complies with relevant criteria and Policy SQ6 of the MDE DPD.

6.16 There are a number of recommendations identified in the submitted noise report that need to be secured by the use of a planning condition as mentioned by DHH in their comments. These recommendations are considered necessary, prior to occupation, to ensure any noise impact is minimised as far as possible. These requirements include 2-2.5 metre high acoustic fencing to boundaries, appropriate insulation to buildings, including roofs, doors and windows adjacent to residential boundaries to be kept closed and any hard standing areas to be of appropriate materials and adequately maintained. A condition to require these recommendations to be complied with would ensure that the impact of noise on adjacent properties is controlled and minimised as far as possible and consequently should not give rise to significant disturbance to those residential properties.

Transport and Highway Considerations:

6.17 In respect of highway issues, at the time of writing the report, it is understood that the existing access arrangements within the site are largely to be retained with minor changes to the layout. The position of the access is not proposed to change nor any restricted movements of egress and ingress. The submitted Transport Statement identifies that the increased use of this access and the increased traffic associated with the proposed development of the site is not significant and is not likely to give rise to highway amenity and road safety issues as a result. A maximum of 51 on-site car parking spaces are also proposed for the full redevelopment option, which would comply with current parking standards for this type of development and the restricted site. The lesser number of 38 spaces for the partial redevelopment option also meets standards.

6.18 Alterations are being proposed to the road markings on London Road and, in particular, the provision of a dedicated right turn lane within the central island area of London Road. The need for these changes has also been highlighted by the Parish Council in their representation. A road safety audit was also requested by KHS due to the high volumes of traffic on London Road. This has highlighted a number of issues on London Road, including signage, lighting and maintenance. Such matters that relate to this site would be fully controlled via a legal agreement with the Highway Authority. This would also include the provision of the changes to the road markings. Notwithstanding this, a condition will also be imposed to ensure the access arrangements comply with the plans submitted for consideration.

6.19 As a result of the road safety audit and minor revisions to the access arrangements, to date KHS raised no objections based on the information submitted. However, I understand that further consideration is being given by KHS to the request of the Parish Council for ingress/egress restrictions and the practicalities of such alterations. I envisage I will be able to update Members on the outcome of that further work at the Committee meeting.

6.20 Further conditions will also be imposed relating to the provision of parking, loading, off-loading and turning areas. The proposed development therefore complies with the requirements of Policy SQ8 of the MDE DPD.

Drainage and SUDS:

6.21 A Flood Risk Assessment and Sustainable Drainage Strategy has been submitted in support of this application. The report identifies a limited risk of flooding although on-site surface water drainage needs to be addressed and accounted for as a result of development on this site. Any development of this site also needs to provide for the future restoration of an existing pond and associated open drainage features on the site.

6.22 It is proposed to retain and use the current open surface water drain that extends across the width of the site. (Development is not proposed to extend beyond this point and the red line of the application site also runs along a similar line to the drain.) The existing pond is proposed to be used as a balancing and attenuation pond that will accommodate increased peak surface water flows from the application site. This pond will also form a wetland and wildlife feature. In addition, treatment swales, permeable paving and rainwater harvesting are also proposed and will control surface water run-off entering the water environment. At this stage, limited details have been provided in respect of the pond, swales, paving and rainwater harvesting but these details can be controlled by condition. In principle these provisions are a sustainable approach to surface water drainage on the site and provide appropriate SUDS for the site.

Contamination issues:

6.23 A Desk Top Study and Walkover Report have been submitted in respect of potential contamination of the site. These reports find limited evidence of significant contamination but recommend that further site investigation is necessary to assess potential risks more fully and include a programme of gas monitoring. However, if further potential contamination should be revealed during the construction of the site, then this must be notified to the Council. An appropriately worded condition will be attached to this end. Furthermore the Environment Agency has also requested that further conditions are imposed in respect of potential contamination. I am therefore satisfied that the issue of contamination and its future control is adequate in relation to this site and the application therefore complies with the requirement identified in policy M1 of the DLA DPD.

Ecological and Protected Species:

6.24 A habitat and Bat Survey has been submitted in support of this application. The whole site was assessed and a full survey undertaken to determine if bats are using the existing buildings on this site. The survey concluded that five species of bat are feeding, foraging and commuting within and adjacent to this site. The

survey found no evidence of bats roosting on or within the buildings on the application site. In addition, the quality of the habitat on the site was assessed as low to moderate. Consequently, no licence is required for works on the site but it is recommended that existing trees and shrubs should be retained and enhanced and any external lighting shall be designed to reduce light spillage. It is also recommended that integrated bat boxes should be installed into the main design of the new buildings. Natural England also concur with these views and recommendations. All these matters have been addressed by the imposition of appropriate conditions. In this respect, the application therefore complies with policies M1 of DLA DPD and NE2 and NE3 of the MDE DPD.

Archaeology:

- 6.25 At the time of writing this report, comments are still awaited from KCC Heritage Unit in respect of archaeological matters and, as such, if any planning conditions need to be imposed to this effect. This matter clearly needs to be addressed, in line with Policy M1 requirements. Consequently this matter will be discussed in a Supplementary Report to Committee prior to the meeting.

Conclusions:

- 6.26 A number of conditions have also been imposed to maintain control over the site, its use and the development. These conditions are considered necessary to allow this development on this sensitive and complex site.
- 6.27 This application represents an acceptable solution to the future of this site, as envisaged in LDF policies. I can therefore recommend approval, subject to the issues that may be raised in the supplementary report and appropriate conditions.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details:

Letter dated 15.08.2011, Letter dated 12.08.2011, Planning Statement dated 15.08.2011, Design and Access Statement dated 15.08.2011, Desk Study Assessment dated 15.08.2011, Report GROUNDSURE dated 12.08.2011, Contaminated Land Assessment dated 12.08.2011, Noise Assessment dated 15.08.2011, Environmental Assessment dated 12.08.2011, Transport Statement dated 15.08.2011, Landscape Statement VISUAL IMPACT ASSESSMENT dated 15.08.2011, Ecological Assessment BAT SURVEY dated 15.08.2011, Flood Risk Assessment SUDS dated 15.08.2011, Landscape Layout 1130/11/1 rev a dated 15.08.2011, Location Plan 3327/P01 dated 15.08.2011, Email dated 14.11.2011, Site Layout ACCESS dated 14.11.2011, Site Layout T0102/SK006 A dated 14.11.2011, Road Safety Audit dated 14.11.2011, Report RSA RESPONSE dated 14.11.2011, Letter dated 16.09.2011, Letter dated 09.09.2011, Proposed Elevations 3327/P05 A dated 16.09.2011, Proposed Elevations 3327/P07 A dated 16.09.2011, Proposed Elevations 3327/P08 A dated 16.09.2011, Proposed Elevations 3327/P09 dated 16.09.2011, Email dated 22.11.2011, Schedule

MATERIALS dated 22.11.2011, Site Plan POLICY AREA dated 22.11.2011, Site Layout 3327/P/004 A dated 22.11.2011, Proposed Elevations 3327/P06 C dated 22.11.2011, Site Layout 3327/P/10 A dated 22.11.2011, subject to:

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 for each relevant part of the site being redeveloped 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 development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment for each relevant part of the site being redeveloped. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

4. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

5. No building hereby permitted shall be occupied until a close boarded timber fence 2 metres high has been erected along the south eastern boundary of the site. This fence shall be retained thereafter.

Reason: To retain and enhance the character of the locality.

6. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space for each relevant part of the site being redeveloped 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.

7. No building shall be occupied until the area shown on the submitted plan as loading, off-loading and turning area for each relevant part of the site being redeveloped 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.

8. Prior to the commencement of the development approved by this planning permission (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
1. A preliminary risk assessment which has identified;
 - a) all previous uses;
 - b) potential contaminants associated with those uses;
 - c) a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure development is consistent with PPS 23: Planning and Pollution Control. To ensure areas of suspected contamination do not pose unacceptable risks to controlled waters.

9. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure development is consistent with PPS 23: Planning and Pollution Control. To ensure areas of suspected contamination do not pose unacceptable risks to controlled waters.

10. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: To prevent pollution of groundwater in deep aquifers beneath the site through pathways formed by inappropriate foundation works during development.

Reason: To ensure development is consistent with PPS 23: Planning and Pollution Control. To ensure areas of suspected contamination do not pose unacceptable risks to controlled waters.

11. No development shall be commenced until (for each relevant part of the site being redeveloped) :

(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.

12. There shall be no operation of the business(es) nor use of the site by any related commercial traffic outside the hours of 7.00 to 18.00 Mondays to Fridays and 08.00 to 13.00 on Saturdays with no working/use by commercial traffic 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.

13. No external lighting shall be erected on the site without the prior written approval of the Local Planning Authority. Any external lighting scheme submitted for approval should include measures to reduce light spillage and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To ensure the character and appearance of the development and the locality is not significantly harmed.

14. Integrated bat boxes shall be installed in the proposed buildings. These boxes shall fully comply with guidance identified in the Full Emergence and RE-entry Bat Survey dated July 2011 and received on 15 August 2011 by Wildthing Wildlife Consultants. Such works shall not be varied without the prior written approval of the Local Planning Authority.

Reason: The protection and enhancement of habitat for protected species.

15. Before works commence details to include the construction, maintenance, planting and materials of the proposed surface water drainage, attenuation/wildlife pond, treatment swales and rainwater harvesting shall be submitted to and approved by the Local Planning Authority.

Reason: The protection of surface water flows and to prevent the risk of flooding.

16. The vehicular access arrangements, including changes to markings on London Road shall be fully implemented in accordance with Plan No. T0102/SK006 dated 14.11.11 or any variation thereto agreed in writing by the Local Planning Authority.

Reason: The protection of highway safety.

17. The recommendations referred to in Paragraph 4.13 of the submitted Noise Impact Assessment by MRL Acoustics dated 15 August 2011 shall be fully implemented and maintained in accordance with the recommendations. These measures shall not be varied without the prior written approval of the Local Planning Authority.

Reason: The protection of the aural environment of neighbouring residential properties.

18. 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 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.

19. No materials, plant or other equipment of any description shall be kept or stored (in relation to the commercial uses) in the open other than in areas 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.

20. All commercial operations shall be carried out within the buildings, the doors and windows of which shall be kept closed, except when required to be open for the purpose of access.

Reason: To protect the aural environment of nearby dwellings.

21. No development shall take place until details of a scheme for the handling, storage and disposal of all waste materials and refuse have been submitted to and approved in writing by the Local Planning Authority. The approved scheme, which shall show provision for the covered storage of such materials, shall be fully implemented before the use of the premises is commenced, and shall be retained and utilised at all times thereafter.

Reason: In the interests of pollution control in general and residential amenities in particular.

22. No fans, louvres, ducts, similar apparatus, or public address system audible from outside the building shall be installed to the commercial units without the prior written approval of the Local Planning Approval.

Reason: In the interests of the aural environment and to control the use of such equipment on the site.

23. The commercial premises shall be used for B1(c) 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 ensure the protection of residential amenities and to ensure car parking provision is appropriate for any alternative use.

24. Before works commence on site, a maintenance and management plan in respect of the maintenance of the landscaped areas, grassland, meadow, wildlife pond and all proposed planting shall be submitted to and approved by the Local Planning Authority. Such scheme as approved shall be fully implemented in accordance with the approved plan and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: The protection of the visual amenities of the site and wider environment.

Informatives

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to the Legal Services Partnership Manager, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to trevor.bowen@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
2. During construction, provision shall be made on the site to accommodate operatives' and construction vehicles, loading, off-loading or turning on the site.
3. Prior to the works commencing on site parking for site personnel, operatives and/or visitors shall be provided and retained throughout the construction of the development.
4. Adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.
5. An asbestos survey will be required and will be necessary prior to demolition work commencing. More information can be found in the HSE publication 'Asbestos-The Survey Guide, which can be downloaded free of charge from the HSE website www.hse.gov.uk.
6. TMBC operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day. This is a business/trade property and therefore must comply with all Duty of Care regulations.

7. Facilities for staff need to be provided in accordance with Regulation 20 of the Workplace (Health, Safety & Welfare) Regulations 1992 for each of the proposed units or collectively if WC's are to be provided in a communal area.
8. Your attention is drawn to the need to fully comply with the requirements of the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010, particularly in regard to protected species.

Contact: Lucinda Green