
Report of 28 July 2005

Ditton	571214 158700	24.03.2005	TM/05/00959/FL
Ditton			
Proposal:	Erection of a two storey extension to Cobdown House and construction of two additional buildings all for use Classes B1(a) offices, B1(b) research and development, B1(c) light industry, together with associated parking		
Location:	Cobdown House 548 London Road Ditton Aylesford Kent ME20 6BX		
Applicant:	The Patman Trust		

1. Description:

- 1.1 Detailed planning permission is sought to erect a 2 storey extension to the rear of Cobdown House and to construct 2 new buildings adjacent to the south eastern boundary. The new buildings and extensions would be used for B1 a, b, c purposes (offices, research and development and light industry). The new structures would be of modern, flat or mono pitched roofed design and built of a mix of materials including stock bricks, white rendering, untreated larch cladding and powder coated aluminium.
- 1.2 In association with the development it is also proposed to create new parking areas towards the northern part of the site and to the west side of Cobdown House, being reached via a new accessway running in front of the house, north east of an existing dwelling within its grounds and along the western boundary of the site.
- 1.3 Fifty parking spaces would be provided towards the north of the site, 38 to the west of Cobdown House, 18 to the east of Cobdown House and a further 18 around the proposed new buildings to the south east.

2. The Site:

- 2.1 The application relates to part of the Cobdown Park site situated within the built confines of Ditton. The site is bordered on the north side by the M20 and the industrial estate beyond. To the west, south and east of Cobdown Park are generally residential areas.
- 2.2 The application area covers Cobdown House and its grounds, including the wooded areas to the north of the stream, which runs along the south eastern boundary of the site. Many of the trees within the site are covered by tree preservation orders. The bowling green and sports grounds to the south and east do not form part of the application site. The whole of this area, including the application site and sports pitches is identified under Policy P5/15(b) of the TMBLP

as being suitable for B1 (business uses) but not B2 (general industry) or B8 (distribution). Development is subject to the protection of the open landscaped character of Cobdown House and its parkland.

- 2.3 To the west of the house lie 4 new houses known as Cobdown Park, which were built following consent granted under TM/99/2556.
- 2.4 As well as being identified under policy P5/15/b of TMBLP as suitable for business purposes subject to the protection of the open landscaped character of the house, the site is also identified under policy P4/10 as being an Important Green Space.

3. Planning History:

- 3.1 TM/90/1273 Approved 26.10.1993
Redevelopment of Cobdown House site to provide 3776 square metres of B1 office development with car parking, servicing and access.
- 3.2 TM/98/00782/FL Approved 03.11.1996
Variation of condition 1 of permission TM/90/1273 (redevelopment to provide 3776 square metres gross of B1(a) office, ancillary car parking and servicing and revised access) to renew permission for a further five years.
- 3.3 TM/99/2556/FL Approved 27.07.2000
4 dwellings with garages and access.
- 3.4 TM/03/02205/FL Refused 21.11.2003
Variation of conditions 1 and 8 of permission TM/90/1273 (as amended by TM/98/00782/FL): redevelopment to provide 3776 sq m gross of B1(a) office, ancillary car parking and servicing and revised access) to (i) allow commencement of development after 3 November 2003 and (ii) provide for different parking arrangements to those originally approved.
- 3.5 TM/03/02842/RD Approved 21.11.2003
Details of measures for controlling traffic on internal access roads submitted pursuant to condition 9 of TM/90/1273 (as amended by TM/98/00782/FL).
- 3.6 TM/03/02846/FL Refused 21.11.2003
Removal of condition 6 of planning permission TM/99/02556/FL to allow development of houses and offices as permitted under planning permission TM/90/1273 (as amended by TM/98/00782/FL).

4. Consultees:

- 4.1 PC: Strongly objects to this application because it does not appear to have made adequate provision for the amount of cars and people accessing the site from Station Road. Also, it does not state what kind of business or industry would occupy this site and the proposed new buildings are not in keeping with the

original building. Also the original application to build industrial buildings was not allowed in favour of residential dwellings, therefore industrial buildings should not now be allowed on this site.

4.2 KCC (Highways): For the size of the proposal KCC VPS requires parking for B1 (a) offices at 1 per 25 square metres. Parking requirements are as follows:

4.2.1 Cobdown House- 1210 sq. m - 48 spaces.

4.2.2 Buildings A1 & A2 -900 sq. m - 36 spaces.

4.2.3 Buildings B2 -562 sq. m - 22 spaces.

4.2.4 I am satisfied that an adequate level of off street parking is being provided to serve the development as a whole. No allowance for parking of delivery vehicles is shown. It is likely however that these can be accommodated informally within the parking areas. Should class B1(b) & (c) be implemented then there will be a need to provide lorry/van parking. The developer should be required to provide secure covered cycle/motorcycle storage. This is to be provided at 1 space/200 sq. m. Subject to above no objection subject to conditions.

4.3 KCC Archaeological Officer: Notes the house lies within an area of archaeological potential and recommends a watching brief and associated condition.

4.4 Southern Water: Foul sewage. No objection to discharge to public sewer but there is no public sewer close to the site. Applicant should satisfy planning authority that they have the right to discharge effluent through any private drainage system and building control officers should be satisfied that the private drainage system has adequate capacity to serve the development.

4.5 Environment Agency: Views awaited.

4.6 DEFRA: Views awaited.

4.7 CE (Drainage): Views awaited.

4.8 Kent County Football Association & Kent County Football Association Ltd: Letters have been received in support of the proposal from the organisations who hope to occupy one of the proposed buildings. Administration facilities are required for the various football development programmes as well as meeting rooms for approximately 20 standing committee meetings each year. The Cobdown site would provide an ideal central base in Kent for the work of the organisation.

4.9 Private Representations: 24 representations received, some of which are a circular letter, together with a petition containing 93 signatures. Issues raised include:

- Further encroachment onto a green area.

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- Industrial use is inappropriate in an amenity area.
 - Increased number of vehicles crossing the site.
 - Safety concerns for users of sports facilities.
 - Increased traffic noise.
 - Loss of trees.
 - Harm to long distance views towards the site and challenge to policy P5/15.
 - Strength of bridge over stream.
 - Harm to wildlife in stream and ecosystem.
 - Construction of building on land not under the applicants ownership.

4.10 DHH: No objection.

4.11 MKW: No response.

5. Determining Issues:

5.1 The main areas for consideration are:-

- Effect of development on setting of house, through the introduction of additional built form, removal of trees and formation of parking areas.
- Highway and access issues.
- Effect on protected trees.
- Concerns of neighbours.

Effect on the setting of the house and open parkland

5.2 The site has a specific policy designation P5/15b which permits a B1 use subject to the protection of the open landscape character of Cobdown House and its parkland.

5.3 An office development involving 2 new buildings and redevelopment/extension to Cobdown House was permitted in 1993. This proposal was not implemented and a renewal was sought and granted in 1998. The agent states that this consent has been implemented by the commencement of construction of foundations and water services, with building control approval. Notwithstanding this assertion, I do not believe that permission can be said to have been implemented, because not all the necessary conditions had been discharged at that time. Members may recall that a renewal application (TM/03/02205/FL) was refused because of the

combined impact of the houses and the commercial buildings then proposed. The floorspace in the scheme now proposed has been reduced to recognise the additional built floorspace of the houses. Notwithstanding that the earlier planning permission for offices has now lapsed, the history demonstrates that the principle of developing this site for business purposes and for this overall amount of floorspace has already been established.

- 5.4 Following from this it is necessary to compare the current proposal with those previously agreed and take account of any changes in circumstances at the site. The approved scheme involved the construction of 3 new buildings totalling 3776 square metres, together with parking provision. One of these buildings was to be sited to the south east of Cobdown House, one to the south west and the other roughly in the vicinity of Cobdown House itself.
- 5.5 The current scheme involves a gross floor area of 2816 square metres including the area of Cobdown House. This, taken together with the area of the 4 new dwellings (960 sq. m) erected in recent years to the west results in a total of 3776 sq. m, equivalent to that of the 1993 scheme. To summarise therefore the proposed redevelopment would not involve the introduction of any additional floor area above that already agreed for the site as a whole.
- 5.6 The location of the proposed buildings has also been carefully considered having regard to the approved scheme. Under the current application Cobdown House would remain (and be extended) with 2 smaller buildings being positioned to the south-east. Whilst it will be possible to view these two buildings across the playing field when approaching from the south, I do not consider that they will have a harmful effect on the setting of the site. It could be argued that by introducing two smaller buildings this will have less visual impact than a single bulkier and probably more prominent building adjacent to the stream (as was the case with the previously approved scheme).
- 5.7 I am of the opinion that the extension to the rear of Cobdown House and northern parking area will not be damaging to the setting of the site as they would be effectively screened by existing and new tree planting. The area of most concern lies immediately to the west of Cobdown House where it is proposed to create a 38 space car park and new access route. This part of the site has been the subject of discussions with the agent to improve the form of the car park so that any change in character is minimised and harm is limited. To achieve this the plans have been revised to show the access route set into the ground, a replacement double retaining wall with shrub planting between and new tree planting to the south and west to screen the car park. It is concluded that these measures will together protect the landscape setting of Cobdown House.
- 5.8 From a landscape point of view it is considered that sections North-South through this area are required to ensure a satisfactory form of development can be achieved.

Highway Issues

- 5.9 Both the approved developments and the current proposal will clearly involve the introduction of additional vehicle movements into/out of and through the site. It is recognised that vehicle access already exists between well used playing fields and that those using the sports facilities and accessing Cobdown House will need to take care to avoid any conflict with each other. As this access is on private land the responsibility for safety rests primarily with those using and accessing the site. Notwithstanding this, the earlier planning permissions for office development included a condition requiring details of measures for controlling traffic on the internal access. Such a condition could be imposed to this application. A previous traffic management scheme was approved under TM/03/02842/RD.
- 5.10 The Highways Engineer has indicated that there is sufficient parking provision for the amount of floor space to be provided, although van and lorry parking spaces will be needed if B1 b & c uses are proposed. Appropriate safeguarding conditions can be used to control this matter.

Effect on protected trees

- 5.11 Part of the Cobdown House site is the subject of a blanket TPO. This extends over an area from the motorway to the north to the stream to the south east. In effect this means that the extension to Cobdown House and parking areas to the west and north will be situated on land that is not covered by a TPO. The 2 new buildings and parking areas to be positioned adjacent to the stream would be constructed in the protected area. From a landscape point of view it is noted that the tree survey and recommendations for work and new planting are sound. A single larch tree is to be removed to the west of the entrance as it lies under the canopy of a beech tree and its removal is good silvicultural practice. It is recognised that the siting of the two buildings will involve the removal of some screening vegetation. Due to the location of the buildings it would not appear to be possible to introduce new screen planting to the south east part of the site. Moving the two buildings further into the site would only result in a more harmful effect on the protected trees in Cobdown Wood. It must however be remembered that the principle of building on this part of the site, together with some associated tree loss, was inherent in the previously approved proposals.

Other concerns raised by neighbours

- 5.12 The strength of the bridge over the stream and its ability to cope with additional traffic is a private matter and any strengthening measures would be the responsibility of the applicants. It would also be necessary for the applicants to ensure that the ecosystem of the stream is not damaged. In particular, a condition can be attached to restrict surface water run off from the site into the stream, as per the earlier consents. Views of the EA are still awaited, but any matters arising could be covered by condition in any supplementary report if necessary.

Conclusion

5.13 The site is identified for business purposes in the Local Plan and the principle of developing it in this way has been established under previous consents. The currently proposed level of development would not result in a greater amount of floor area than previously agreed. The setting of Cobdown House will be altered by the proposed development but as with the original application care has been taken to ensure the parkland setting is not compromised. On balance it is considered that the open landscape setting of Cobdown House would be protected to a satisfactory degree.

6. Recommendation:

6.1 **Grant Planning Permission** as outlined on plans numbered as follows:

817.10C dated 15.06.2005, 817.11B received 24.03.2005, 817.12A received 24.03.2005, 817.13C received 15.06.2005, 817.14C received 15.06.2005, 817.15 received 24.03.2005, 817.16B received 15.06.2005, 817.17A received 24.03.2005, 817.18 received 24.03.2005

Tree survey CHD/L1 received 24.03.2005,
Site plan received 24.03.2005,
Planning statement received 24.03.2005 and
Letter dated 14.06.2005 subject to the following conditions:

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

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

2 The development shall be constructed at the level indicated on the approved drawing.

Reason: In the interests of amenity and privacy.

3 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

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- 4 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

- 5 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment including cross sections north-south through the car parking area to the west of Cobdown House. 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.

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.

- 6 The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

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.

- 7 All trees planted shall be protected (particularly against stock and rabbits) immediately upon planting and such protection shall be retained at all times for 10 years thereafter.

Reason: In the interests of good forestry and amenity.

- 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 Prior to the development hereby approved commencing details of secure covered cycle/motorcycle storage at a rate of 1 space per 200 square metres floor area shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In the interests of highway safety.

- 11 Prior to the commencement of development a scheme of measures for controlling traffic on the internal access road, including boundary treatment (to restrict access onto the playing fields), speed restriction measures and a form of priority for crossing the bridge over the stream shall be submitted to the Local Planning Authority. The scheme as approved shall be implemented prior to the first occupation of any of the buildings hereby approved.

Reason: In the interests of vehicular and pedestrian safety.

- 12 No development shall take place until details of an attenuation system to control the rate of surface water discharged to Ditton Stream shall be submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. (D008*)

Reason: To prevent the overloading of the drainage system.

- 13 No lighting for the car park shall be installed without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of residential amenity and the visual amenity of the locality.

Informatives:

- 1 You are reminded that in the interests of highway safety the vehicle routes and parking places within the site are clearly defined.

Contact: Hilary Johnson

Report of 25 August 2005

Ditton	571214 158700	24.03.2005	TM/05/00959/FL
Ditton			
Proposal:	Erection of a two storey extension to Cobdown House and construction of two additional buildings all for use Classes B1(a) offices, B1(b) research and development, B1(c) light industry, together with associated parking		
Location:	Cobdown House 548 London Road Ditton Aylesford Kent ME20 6BX		
Applicant:	The Patman Trust		

1. Description:

1.1 Members will recall that this application was considered at the committee meeting on 28 July 2005 where it was deferred for a Members Site Inspection (DPE pages 55-65). The site inspection took place on 17 August 2005. A copy of the report to the July meeting is attached at Annex 1.

2. Consultees (further comments following the drafting of the original Committee report as reported on the supplementary report):

- 2.1 PC: Revised comments: The Council continues to object to this application because of the impact the amount of cars would have on Station Road. Also the plan still does not indicate what type of industry the plans are for. The original application for industrial buildings several years ago was refused in favour of building residential properties which did go ahead, therefore industrial buildings should not be allowed.
- 2.2 Southern Water: No comment.
- 2.3 Drainage Engineer: No observations.
- 2.4 KCC Sport Development: Letter of support. The organisation considers the proposals would have a profound effect on the success of various sports initiatives as the site has been chosen as an administrative centre for Kent Football.

3. Determining Issues (comments in relation to above consultation responses):

3.1 When the housing development (TM/99/02556/FL) was permitted in July 2000, it covered part of the parking area for the permitted office development. The consent included a condition, stating that only one planning permission could be implemented on this part of Cobdown - in effect, a choice would have to be made between 4 houses or the parking area for office development. This condition does not prevent office development at Cobdown, but rather requires that an alternative parking arrangement would be required if the (then approved) office development

was to proceed. Members will note the applicant has submitted plans for a different scheme altogether, with adequate parking to serve this development, without harm to the parkland setting of Cobdown House.

- 3.2 In light of above considerations and those raised in my July report, I consider that planning permission should be granted.
- 3.3 Any matters arising from the Members' Site Inspection will be reported in the supplementary report.

4. Recommendation:

- 4.1 **Grant Planning Permission** as outlined on plans numbered 817.10C dated 15.06.2005, 817.11B received 24.03.2005, 817.12A received 24.03.2005, 817.13C received 15.06.2005, 817.14C received 15.06.2005, 817.15 received 24.03.2005, 817.16B received 15.06.2005, 817.17A received 24.03.2005, 817.18 received 24.03.2005, Tree survey CHD/L1 received 24.03.2005, Site plan received 24.03.2005, Planning statement received 24.03.2005 and Letter dated 14.06.2005, subject to the following conditions:

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

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

- 2 The development shall be constructed at the level indicated on the approved drawing.

Reason: In the interests of amenity and privacy.

- 3 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 4 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

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- 5 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment including cross sections north-south through the car parking area to the west of Cobdown House. 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.

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.

- 6 The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

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.

- 7 All trees planted shall be protected (particularly against stock and rabbits) immediately upon planting and such protection shall be retained at all times for 10 years thereafter.

Reason: In the interests of good forestry and amenity.

- 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 Prior to the development hereby approved commencing details of secure covered cycle/motorcycle storage at a rate of 1 space per 200 square metres floor area shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In the interests of highway safety.

- 11 Prior to the commencement of development a scheme of measures for controlling traffic on the internal access road, including boundary treatment (to restrict access onto the playing fields), speed restriction measures and a form of priority for crossing the bridge over the stream shall be submitted to the Local Planning Authority. The scheme as approved shall be implemented prior to the first occupation of any of the buildings hereby approved.

Reason: In the interests of vehicular and pedestrian safety.

- 12 No development shall take place until details of an attenuation system to control the rate of surface water discharged to Ditton Stream shall be submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. (D008*)

Reason: To prevent the overloading of the drainage system.

- 13 No lighting for the car park shall be installed without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of residential amenity and the visual amenity of the locality.

Informatives:

- 1 You are reminded that in the interests of highway safety the vehicle routes and parking places within the site are clearly defined.

Contact: Hilary Johnson

 SUPPLEMENTARY REPORTS

AREA 3 PLANNING COMMITTEE

DATED 25 August 2005

 Ditton **TM/05/00959/FL**
 Ditton

Erection of a two storey extension to Cobdown House and construction of two additional buildings all for use Classes B1(a) offices, B1(b) research and development, B1(c) light industry, together with associated parking at Cobdown House 548 London Road Ditton Aylesford Kent ME20 6BX for The Patman Trust

DHH: PPG24 (Planning & Noise) recommends the use of BS 8233:1999 (Sound Insulation and Noise Reduction for Buildings) to assess the acceptability of noise levels in developments such as offices. For open plan offices (unoccupied) internal noise levels should be in the range 45-50 dB LAeqT and for meeting rooms, executive offices (unoccupied) a level of 35-40dB LAeqT is recommended. The applicants could be asked to demonstrate that the building envelope is capable of giving internal levels in line with these recommendations. BS 8233 gives a methodology for this.

KCC Highways: If using PPG13 as guidance to a maximum to assess parking rather than Kent Vehicle Parking Standards the following could be considered.

Use	Floor Area m.sq	KVPS 1:25	PPG13 1:30	offered
Cobdown House	1210	48	40	38
A1	900	36	30	18
A2	900	36	30	18
B2	562	22	19	50
Total		142	119	124

As the applicants are not far from the maximum the argument should be centred on a travel plan. Whilst it is unlikely that a shortfall of dedicated parking will impact on highway safety if not provided, there is sufficient room on site for the parking to take place, but at a price. It is likely that the parking would take place on the internal road network, which could cause a safety problem and would be more visible.

Environment Agency: No objections but recommends conditions covering surface water drainage arrangements.

Private Representations: Two further letters of representation have been received. Reference has been made to the volume of traffic using the access road across the playing field including occupants of the houses in Cobdown Park and the users of the bowls club and the safety of children using the playing field.

Reference has also been made to the question of whether the 1998 consent for the renewal of the office accommodation has been implemented having regard to the planning history records for the site.

DPT: The applicant has confirmed that the proposed building elements facing towards the motorway will be imperforate, existing openings will be sealed and mechanical ventilation installed. The applicant is willing to consider additional planting on the south side of the stream, although this land does not fall within their ownership. The applicants are aware of the need to protect the stream. They do not consider that any of the proposed development would take place on land that does not fall within their ownership and do not consider there is a need to serve Notice on any other owners under the GDPO. The applicants are prepared to submit an up to date traffic management scheme and travel plan and would accept a condition to cover these matters.

DPT: The applicant has made reference to the issue of whether the 1998 consent has been implemented by reason of the submission of details and commencement of work on the foundations. Conditions 2, 4, 9 and 13 of TM/98/782 required the submission and approval of details prior to the expiry of this consent on 3.11.03. Applications were received for all these reserved details, although the last date of receipt was 3.11.03 for condition 4 (landscaping). It would not have been possible therefore for the Council to determine details pursuant to condition 4 before the 1998 consent expired.

The site is identified for business purposes and is allocated on the adopted Local Plan accordingly. The 1999 application for 4 houses was not a substitute for office development. It was recognised that the residential application involved land that had been identified (under the original application for office use) for car parking. Consequently it would not have been possible to implement the office scheme without providing an alternative and acceptable location for the lost parking space. To ensure that the office development and residential development were not implemented together, it was considered appropriate to impose a condition whereby only one consent could be implemented. The condition imposed only referred to the development within the area of the residential site and did not apply to the rest of the site for office permission. The condition would not preclude any office development on the remainder of the Cobdown House site but would instead require a fresh planning application to identify alternative replacement parking provision.

The Building Regs records indicate that an inspection of part of the foundations for building A was carried out on 30.10.03, again shortly before the planning permission was due to expire. In terms of the suggestion that a material start on the original office development has been secured, I do not agree with this statement, as not all the details pursuant to the conditions on the original planning permission had been submitted and approved prior to the development commencing on site. Therefore, this was not a lawful commencement of the original development.

Since the 1990 permission there has been the amended phasing of the traffic light controlled junction of London Road with Station Road and the removal of the footbridge, together with a general increase in traffic.

In addition, changes to the lifetime of planning permissions has just come into force, reducing the length of a planning permission from five years to three years and therefore the standard time period condition has been amended.

Condition 6 as outlined in the report relating to protection of existing trees has been strengthened.

The applicants' agents have been asked to amend the site location plan to include the vehicular access across the playing fields. This has yet to be received and will need to be the subject of further consultation.

AMENDED RECOMMENDATION:

Grant Planning Permission as main report, subject to receipt of amended site location plan, the amendment of conditions 1 & 6 and the addition of the further conditions set out below:

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

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

- 6. The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority and any planting removed with or without such consent shall be replaced within 12 months with suitably sized stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.**

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.

- 14. The bridge over the stream providing access to the site shall be retained at all times and at no time shall it be removed or altered without the prior consent in writing of the Local Planning Authority.**

Reason: In the interests of the visual amenities of the area.

- 15. Development shall not begin until a scheme for protecting the proposed buildings from noise from the M20 has been submitted to and approved in writing by the Local Planning Authority and all works which form part of the scheme shall be completed before any of the permitted buildings are occupied.**

Reason: In the interests of the residential amenity of the new development.

- 16. Prior to the development hereby approved commencing a travel plan shall be submitted to and approved in writing by the Local Planning Authority and such measures shall be implemented and retained thereafter.**

Reason: In the interests of highway safety.

- 17. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.**

Reason: To prevent pollution of the water environment.

Add Informative:

- 1. The applicant is advised to ensure that adequate access and turning facilities for a fire engine are provided within the site. For further advice the applicant is advised to discuss the matter with the Chief Building Control Officer.**
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