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Proposal:	Refurbishment, extension and sub-division of units
Location:	Units 7 And 8 South Aylesford Retail Park Quarry Wood Industrial Estate Aylesford Kent
Applicant:	South Aylesford Retail Park Nominees Nos. 1 And 2 Ltd

1. Description:

- 1.1 This proposal is for the sub division of two existing units (7 & 8) into three units, the addition of two extensions and the refurbishment of the building involving various external alterations. The proposal also involves the installation of a number of mezzanine floors.
- 1.2 The proposed extensions will increase the footprint of these two units by 257 square metres. The inclusion of mezzanine floors also increases the floorspace, giving a total new floor area of Units 7 & 8 of 3031 square metres, compared to the 2,385 square metres at present.
- 1.3 The refurbishment and external alterations will match those carried out at adjoining units, such as Homebase and Comet, through recladding the building and altering the roof profile.
- 1.4 The applicant has revised the parking layout within this part of the Retail Park, which means that overall three spaces will be lost through the provision of the extensions. The applicant states that the "*the main retail car park would still provide 503 spaces in total*".
- 1.5 The applicant has submitted a Highways Assessment which is available for Members' inspection prior to the meeting. This report identifies scope for improvements to the operation of the London Road junction and an amended plan has been submitted showing such improvements that the applicant would be willing to carry out. This includes altering the layout of Mills Road to provide a second right hand turn lane at the traffic lights, reducing the size of the triangular island on the eastern side of Mills Road, and dedicating land on the south western corner of the junction for the provision of a cycleway.

2. The Site:

- 2.1 The application site lies within the South Aylesford Retail Park, which lies at the front of the Quarrywood industrial area. The site lies to the south of London Road and to the west of the Mills Road roundabout. Units 7 & 8 are the Pets At Home and Halfords stores and the application site area also includes their associated parking spaces. These buildings are brick built with a tiled roof frontage in dark red and browns. A number of the adjoining units, such as Homebase and Comet have been recently refurbished.

3. Planning History (most relevant):

- 3.1 TM/05/01365/LDCP Certified 09.06.2005
LDCP: Installation of mezzanine floorspace (Unit 7).
- 3.2 TM/04/00091/FL Approved 27.02.2004
Refurbishment of existing buildings, including external alterations (Units 1 to 6).
- 3.3 TM/99/02808/FL Approved 22.02.2000
Use of part of store for a veterinary surgery within Use Class D1 (Units 7 & 8).
- 3.4 TM/99/00516/FL Approved 24.05.1999
Alterations to existing retail unit to reduce the size of unit 7 to enable increase in size of adjacent unit by moving party wall and associated external alterations (Units 7 & 8).
- 3.5 TM/99/01575/FL Approved 22.09.1999
External alterations to form new rear service access arrangements (Units 7 & 8).
- 3.6 TM/89/1205 Approved 18.10.1989
Change of use from hot food takeaway to retail unit (Unit 7).
- 3.7 TM/88/00947 Approved 30.03.1989
Construction of retail park comprising non food retail warehouses, restaurant, hot food takeaway, surface car parking and surface access.

4. Consultees:

- 4.1 PC: Strong objection. The design of this junction is not acceptable for the following reasons:
- A single lane entry to Retail Park is considered dangerous;
 - Pedestrian crossing is worse;
 - Slip road entry is shortened and hence is more dangerous;
 - Exit strategy discipline for three lane to two lane needs further consideration at the roundabout area;
 - Sequencing of traffic lights is not shown for pedestrians;
 - Traffic figures are optimistic.
- 4.2 DHH: Health & Safety at Work: There needs to be adequate separation of vehicles and pedestrians in the rearranged car parking areas. I have written direct to the applicant regarding this matter.

4.2.1 Noise: No objection to the principle of the proposed refurbishment, extension and sub division. However, I note that it is proposed to use the “service corridor” next to Unit 5, as a space for articulated vehicle queuing for units 7a, 7B and 8. Access to the service corridor is currently restricted by a barrier at the south western corner of unit 5. This barrier is intended to prevent access to the rear service yard at unsocial hours, with a view to avoiding noise disturbance to the occupiers of houses in Russett Close. For example, prior to the barrier being bought back into use, skips in the rear service yard were being emptied as early as 05:00. It is therefore vital that the use of the barrier is not compromised by the provision of queuing facility.

4.2.2 It is also essential that the refurbishment etc works are carried out with minimum impact on residential amenity. I should therefore be grateful if you would include an informative, inviting the applicant and/or contractor to apply for Prior Consent in relation to the control of construction noise pursuant to Section 61 of the Control of Pollution Act 1974,

4.3 KCC (Highways): As you will be aware the County Council as Local Highway Authority is keen to avoid further intensification of the Mills Road access to Quarry Wood Estate in the absence of a secondary point of access to Hermitage Lane. This secondary access is identified in the current Medway Valley Transport Strategy.

4.3.1 It is noted that the applicants are prepared to improve the capacity of the traffic signal junction and dedicate land to enable improvements to be made for cycle and bus facilities. Furthermore, I am advised by the LPA that provision of mezzanine floors to a GFA of some 370sqm could be implemented without the need for planning consent.

4.3.2 Overall this shows a significant improvement of the operation of the A20/Mills Road junction with the proposed extension and the proposed junction improvement.

4.3.3 Given the special circumstances, I would be prepared to recommend to the LPA that consent be granted subject to the following conditions:

- The modified junction proposals shown generally on drawing No.202226/2D to be brought into use prior to the first occupation of the proposed extension.
- Land for the widened cycleway and bus lane on the Mills Road and A20 frontages to be dedicated to the Highway Authority free of charge. This will need to be subject of a short Section 106 Agreement.
- The improvement works as mentioned above to be subject to the completion of full Stage 1 and 2 technical assessment and safety audit and a Section 278 agreement.

4.4 Private Reps: 12/0X//0S/0R.

4.5 A8 Site Notice: No response.

5. Determining Issues:

5.1 The main issues to be considered are whether the proposal will detract from the visual amenity of the locality, whether it harms the residential amenity of nearby dwellings and whether it constitutes a highway hazard.

5.2 The application lies within a retail warehousing designation on the TMBLP 1998 and therefore, the principle of two relatively minor extensions is acceptable. The new Government guidance in PPS6 seeks to exercise greater control over new retail development at out of centre and edge of centre locations. In particular, the new guidance seeks to prevent new and additional classes of goods or services being sold. The proposed new operator will be Paul Simon home furnishings, which falls within the existing range of goods permitted to be sold from this retail park. Therefore, the increase in floorspace by the extensions of 257 square metres for the sale of existing permitted goods will not harm the viability or vitality of nearby shopping centres.

5.3 The application site lies within the existing Retail Park, which is surrounded by industrial and commercial development. The adjoining units within the Retail Park have been refurbished by significant alterations to their external appearance. Members will recall that these refurbishment works were the subject of some considerable debate when initially proposed, particularly with regard to the choice of colours and materials. Now that they have been partially implemented, I believe that these works have improved the visual appearance of those rather dark coloured retail units. The external works proposed to units 7 & 8 are to match those already carried out to the adjoining retail units. Therefore, the choice of white and silver metal cladding and cream stock bricks will not detract from the visual amenity of the locality, indeed the changes will, I believe, enhance the appearance of the Retail Park.

5.4 The proposed extensions have been designed to match the new appearance of the units and will not result in any overdevelopment of the complex. The proposals will result in the loss of parking spaces and a reduction in the size of the rear service yard, however, these are discussed in greater detail below. The proposed extensions will not detract from the visual amenity of the locality.

5.5 The proposed works lie some distance from the nearest residential properties in Holtwood Avenue and Russett Close, with the existing terrace of retail units (Homebase to BHS) in between. The proposed extensions and sub division will not harm the residential amenity of these residential properties. However, I am aware that during the refurbishment of the other retail units, construction works resulted in noise complaints. It is therefore, suggested that the applicant contact

the DHH to agree appropriate working hours for the construction works in the interests of amenity of the dwellings in Holtwood Avenue and Russett Close.

- 5.6 DHH has also flagged up a matter regarding use of the service road behind Units 1-5 as an overflow waiting and turning area for HGVs, as the service yard for the refurbished units is to be reduced in size. Whilst the use of this overflow parking area during normal working hours is acceptable, the DHH seeks to ensure that vehicles do not use this area at unsocial hours. This service area is currently controlled by a barrier, which prevents vehicles from using the service area adjacent to Russett Close outside normal working hours.
- 5.7 The proposed installation of mezzanine floors within the existing retail units would not require the submission of a planning application. Indeed, the applicant already has a Lawful Development Certificate to insert 193 square metres in the Halfords unit. However, this has not been implemented to date.
- 5.8 I should explain that the insertion of mezzanine floors into an existing building does not currently constitute “development” within the meaning of the Planning Acts and thus, in the absence of a specific condition to the contrary, would not require a planning application. Although recent legislation provides for the definition of development to be widened to include such mezzanine floors, the Government has not yet set a date for this particular piece of legislation to be brought into force.
- 5.9 The applicant is seeking to increase the floorspace by 646 square metres (including that covered by the LDC), of which only 257 square metres is currently capable of being controlled by the Local Planning Authority, this being the extensions that increase the size of the building overall. The provision of 257 square metres of floorspace would generate a need for up to 25 additional parking spaces. However, given the proposed extensions to the existing Halford units extend over existing parking spaces, the proposal results in a net loss of 3 parking spaces, once the parking area is reconfigured. The applicant indicates that there is spare capacity within the car park as whole, referring to a total figure of 503 spaces, including the overflow car park adjacent to unit 5 (BHS). In addition, the applicant has identified a small amount of parking on the site by non users of the retail park. The applicant has recently sought to address this matter by introducing an enforced 3 hour maximum parking period for the retail park. Given these circumstances and lack of objections raised by KCC to the minor reduction in parking spaces, this element of the proposal will not result in hazardous highway conditions.
- 5.10 In terms of the highway improvements offered by the applicant to the London Road junction, these will result in the loss of a corner of the applicant’s land ownership in order to facilitate the provision of a cycle lane and bus lane. In particular, the hedgerow at the junction of Mills Road and London Road would need to be removed, in order to provide an additional 1.5m strip of land to allow for

the improvements. The existing mature hedgerow is of native species, however I am satisfied that this important screen can be retained through the provision of replanting further into the applicant's land holding. Should the repositioned hedge not "take", then a replacement hedge of suitable size could be replanted. None of the trees covered by the Tree Preservation Order covering the frontage would be affected by these works. The proposed highway improvements will not detract from the visual amenity of the locality. The provision of the land for the bus lane and cycle lane will be given effect by the applicant dedicating land to Kent Highways, which will be covered a Section 106 Agreement.

- 5.11 I note the strong objections from the Parish Council regarding the design of the new junction. This design has been subject to discussions with KCC Highways as to the most appropriate layout in order to address the increasing capacity problems for vehicles leaving Quarrywood. The applicant has indeed amended the scheme and KCC Highways support the scheme as submitted. The junction improvements would also be subject to separate highway consents in terms of Stage 1 and 2 technical assessment and safety audit and a Section 278 agreement. These highway agreements and audits would cover much of the PC concerns in greater detail, however, KCC Highways is satisfied in principle that the plans for junction improvements are acceptable in highway safety terms. It should also be noted that I am recommending that the extensions are not occupied until the junction improvements have been carried out and are in operation. Therefore, until the junction improvements have been fully assessed, and passed by KCC Highways, the extensions will not be built.
- 5.12 In light of the above considerations, I am satisfied that the proposal will not detract from the visual amenity of the locality, will not harm the residential amenity of nearby dwellings and will improve the highway conditions locally, therefore I support this proposal.

6. Recommendation:

6.1 **Grant Planning Permission** as detailed by letter dated the 26.09.2005, 16.09.2005 and 31.05.2005, Transport Assessment dated 31.05.2005, and by plans 202226/2 Rev D, 0644-PD00 Rev C, 0644/PD01 Rev H, 0644/PD02 Rev D, 0644/PD03 Rev B, 0654/F02 -Rev B, 0644/PD06 Rev E, 0644/PD05 Rev G and 0644/PD04 Rev B subject to:

- The applicant entering into a Section 106 Agreement for the dedication of land to the Highway Authority for a cycle way and bus lane;
- 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 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.

- 3 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.

- 4 The extensions hereby permitted shall not be occupied until the highways improvements as detailed in drawing 202226/2 Rev D have been carried out and brought into use.

Reason: In the interests of highway safety.

- 5 No skips, containers or other structures shall be stationed within the service yard area without the prior written consent of the Local Planning Authority.

Reason: In the interests of highway safety.

- 6 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, including the relocation of the frontage hedgerow. 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.

- 7 No retail store shall occupy less than 8,000 square feet of gross floorspace, provided that internal subdivisions shall be permitted which do not create the external appearance of a unit in multiple occupation. No further subdivision or installation of mezzanine floors shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To avoid harm to the viability and vitality of nearby shopping centres.

- 8 Deliveries of goods shall be undertaken only between the hours of 07:00-18:00 Mondays to Fridays with no deliveries on Saturdays and Sundays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of nearby residential properties.

- 9 No external plant, such as heating or ventilation plant shall be installed without the prior written approval of the Local Planning Authority.

Reason: To protect the amenities of nearby residential properties.

- 10 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005, no goods shall be sold from the premises without the prior written approval of the Local Planning Authority, other than DIY home and garden improvement products, hardware, self-assembly and pre-assembled furniture, household furnishings, floorcoverings, electrical goods, motor and cycle accessories, cycles and pet care

Reason: To avoid harm to the viability and vitality of nearby shopping centres.

Informatives:

- 1 The applicant is advised that a co-ordinated approach be applied to the highway works in conjunction with those also approved to the north of Hall Road and London Road. The applicant is advised to contact Kent Highway Services on 01474 544028.
- 2 The applicant is advised to contact the Director of Health and Housing on 01732 844522, regarding applying for Prior Consent in relation to the control of construction noise pursuant to Section 61 of the Control of Pollution Act 1974,
- 3 The applicant is advised that overflow lorry parking adjacent to unit 5 and the turning area within the service corridor should be restricted to use solely during normal working hours and the barrier lowered to prevent use at unsocial hours.

Contact: Aaron Hill