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Proposal:	Variation of condition 1 of planning permission TM/04/00479/DR3 (Application for renewal of Planning Permission TM/02/02648/DR3: Two sales pitches for mobile traders 1) Hot food trader 2) Fresh farm produce) to allow for the permanent retention of two sales pitches for mobile traders
Location:	Land East Of Bailey Bridge Road Aylesford Kent
Applicant:	Tonbridge And Malling Borough Council

1. Description:

1.1 Permission is sought to vary condition 1 of consent TM/04/479 to allow the permanent use of the site for two sales pitches for mobile traders. (Hot food trader and fresh farm produce).

2. The Site:

2.1 The application relates to a site adjacent to the western end of a long narrow car park situated on the south-eastern side of the road outside the village confines but within an Area of Local Landscape Importance and Strategic Gap. The land is under Council ownership. The boundary of the Conservation Area runs along part of the northern boundary. To the south and east is an identified recreation area.

2.2 Relevant TMBLP policies include P2/18 (development in the strategic gap), P3/17 (development in ALLI), P4/4 (development in Conservation Area).

3. Planning History:

3.1 TM/02/02648/FL Approved 27.03.2003
Change of use to sales pitch for mobile trading units.

3.2 TM/04/00479/DR3 Approved 26.03.2004
Renewal of previous permission for two sales pitches for mobile trading units.

4. Consultees:

4.1 PC: Objection to permanent sales pitches. Would accept an annual review subject to relevant conditions. If TMBC is mindful to make this permanent we would not want to see the overflow car park entrance blocked and it should be hard standing.

4.2 KCC (Highways): Initially some highway issues were raised to the original planning application TM/02/02648/FL but a temporary permission was granted. The renewal was granted under TM/04/00479/DR3. Since the renewal no real

problems have been reported or observed apart from some temporary waiting/parking that sometimes takes place on the verge near the car park access, which does not seem to have created adverse conditions.

- 4.3 DHH: Disposal of waste from the mobile trade business will be an issue - could this be included in planning conditions?

This is a business /trade property and therefore must comply with the Duty of Care regulations relating to waste storage/disposal.

- 4.4 Environment Agency: Raises no objection in principle but the applicant is made aware that the site is at risk of tidal flooding and should register on the Environment Agency's flood warning service. In addition all precautions should be taken to avoid discharges and spillages to the ground. These matters can be covered by Informatives.

- 4.5 Private Reps: None received. No response to site notice.

5. Determining Issues:

- 5.1 As with the previous applications the principal issues for consideration are matters concerning highway safety and the impact of the proposals on the amenity of the area and nearby residential properties.
- 5.2 In terms of highway safety, the KCC Highways Engineer has confirmed that no real problems have been reported or observed at the site. This would indicate that the mobile traders have operated without causing harm to road safety.
- 5.3 I am not aware of any recent complaints from local residents regarding issues of noise and disturbance associated with the use. The use of a sound-reduced electricity generator has been accepted in the past by the DHH as a means of limiting noise associated with the site. Based on the information currently available I am of the opinion that there is no clear justification for resisting the renewal of the planning permission on a permanent basis.
- 5.4 In terms of the impact of the proposal on the character of the Conservation Area it is again noted that this is a fairly prominent location adjacent to the entrance to the village. Whilst the siting may not be ideal it would not now be appropriate to seek to argue that there has been undue harm to the character and visual qualities of the setting of the Conservation Area, given that the proposal has previously been accepted on a temporary basis, and impact on the Conservation Area was not cited as a reason for the temporary limitation.
- 5.5 The concerns of the parish council are noted. As the sales pitches have had the benefit of two previous temporary permissions and have operated apparently without causing harm to residential amenity I do not believe it would be justifiable to limit any further permission to a temporary period. The issue regarding access

to the “overflow car park” can again be dealt with through any lease/agreement that may be granted by the Borough Council as landowner. Nevertheless, I understand from the Estates Services Manager that, although the grassed area adjacent to the formal car park is occasionally used for parking, it is not suitable for this use on a regular basis and this would not be encouraged by the Borough Council, as landowner. In the light of this, a formed hardstanding is not considered necessary or appropriate. This might, moreover, lead to confusion as to the actual extent of the formal car park.

- 5.6 With regard to litter, an informative was attached to the previous permission urging the provision of litter bins and the clearance of rubbish from the site at the end of each trading day. A similar informative can also be attached on this occasion. I understand that the licence, granted to the traders by the landowner, also requires that they provide dustbins and remove rubbish related to their trades from the site.
- 5.7 To conclude it is acknowledged that, the issues surrounding those trading pitches were considered to be finely balanced at the time of the previous applications. The impact of the uses has already been tested in the context of temporary permissions. Given that there have been no serious problems associated with the uses of the sales pitches I am satisfied that a permanent permission can now be granted.

6. Recommendation:

- 6.1 **Grant Planning Permission**, as outlined in the information received 31.01.2006 and subject to the following conditions:

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

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

- 2 No trading shall take place between 23.00 hours and 0700 hours the following day.

Reason: In the interests of the residential amenity of the occupants of nearby properties.

- 3 No electrical generators other than a sound reduced generator shall be used in connection with the sales pitches.

Reason: In the interests of the residential amenity of the occupants of the adjacent properties.

Informatives:

- 1 The applicant is urged to ensure the provision and servicing of litter bins. The applicant is also urged to make sure the site is clear of rubbish at the end of each trading day.
- 2 This is a business/trade property and therefore must comply with the Duty of Care regulations relating to waste storage/disposal.
- 3 The operators are advised to register on the Environment Agency's flood warning service and to not enter or evacuate the site (as appropriate) when a notification is received. Call Flood line on 0845 988 1188.

Contact: Hilary Johnson