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Proposal: Partial demolition of Unit 5 (BHS) and formation of a new shop frontage, pedestrian areas and parking in front of it, removal of the burger van and the erection of a new 'pod' building (for cafe/retail use (Class A1/A3), with operations/CCTV room, public toilets and public information), improved pedestrian links, CCTV/security fencing and lighting improvements and landscaping

Location: South Aylesford Retail Park Quarry Wood Industrial Estate
Aylesford Kent

Applicant: South Aylesford Retail Park Nominees No.1 And No.2 Ltd

1. Description:

- 1.1 This proposal is for the erection of a new 'pod' building at the site's entrance off the Mills Road roundabout. The proposed building will be two storey and provide two small retail units, two A3 café's along with a management/CCTV room, public toilets and public information area. The proposal also involves the demolition of the front section of the BHS unit, which will make the building flush with the adjoining retail units.
- 1.2 The proposal will result in a decrease in retail floorspace of 67 square metres, whilst the pod will provide 293 square metres of A3 Café use and 316 square metres for customer service requirements, such as public toilets, public information areas and operations/CCTV space, also within the pod.
- 1.3 The proposed pod will have a maximum height of 10.5m, as part of the site will be 1.8m lower than adjoining ground levels by the Mills Road roundabout. The pod is not a standard square or rectangular shape, as it features curved sections fronting onto Mills Road roundabout and the main internal access road. The widest sections of the building will be 28m by 26m. The building is to be finished in external materials to match those of the newly refurbished adjacent retail units. The reduced BHS store will also match the adjacent newly refurbished units.
- 1.4 The applicant is also seeking to revise the parking layout within the retail park, as well as improving pedestrian links through the site, the erection of CCTV camera's, external lighting, new security fencing and additional landscaping. The proposal will also result in the removal of the burger van from the retail park.
- 1.5 The applicant has submitted a design statement and a transport statement, which are available for Members inspection.

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. The ground levels from the Mills Road roundabout to the western boundary of the retail park fall away and in particular, the site of the proposed pod is already cut into a bank and substantially below the ground levels by the Mills Road roundabout. A number of the units within the retail park have been recently refurbished.

3. Planning History:

- 3.1 TM/04/00091/FL Approved 27.02.2004
Refurbishment of existing buildings, including external alterations (Units 1 to 6).
- 3.2 TM/88/0947 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: No objection.
- 4.2 KCC (Highways): This proposal encompasses a number of elements that provide a balance of parking, retail and café uses along with security facilities all to the benefit of the retail park. I am of the opinion that these proposals are unlikely to provide for a 'worse' situation than existing.
- 4.3 DHH: The environmental health issues raised by this application are noise, odour and light. I am concerned to safeguard the amenity of residents living in the vicinity of the application site from noise from fixed plant, odour emissions from kitchen extract ventilation system in the pod building and artificial light from the service yard. So far as I am aware, no information has been submitted in respect of the specification and design of any of these elements. To safeguard the situation, I recommend that any permission that might be granted be subject the conditions to cover these matters.
- 4.4 Private Reps: 48/0X/0S/0R.
- 4.5 A8 Site Notice: 38 letters received objecting on the following grounds:
- Why can't the burger van stay? It has been on the site for the past 14 years;
 - The traffic movements will increase from the site.

5. Determining Issues:

- 5.1 The main issues to be considered are whether the proposed development is appropriate in terms of the policies that apply to this retail area, whether the proposal will detract from the visual amenity of the locality and whether the proposal will constitute a highway hazard.
- 5.2 The application site lies within the retail warehousing designation on the Proposals Map of TMBLP 1998 and is subject to policy P5/19. The proposed pod development is in essence to service the wider retail park and will be solely ancillary. The new Government guidance in PPS6 seeks to exercise greater control over new retail development at out-of-centre and edge-of-centre locations. The proposed development actually reduces the extent of retail floorspace provided on the site, whilst making new provision for ancillary facilities to the retail park, such as café and customer service facilities. It should be noted that the original planning permission TM/88/0947 included planning permission of a restaurant and hot takeaway facilities within the site. However, these were not implemented, as the unit was subsequently developed as a retail unit (with planning permission). The provision of these ancillary food and customer services facilities are very minor in terms of the floorspace compared to total floorspace provided within the retail park, whilst there is actually a slight decrease in retail floorspace. These uses are principally to serve the existing retail unit and will not harm the viability or vitality of nearby shopping centres.
- 5.3 The proposal will be sited partly on existing parking spaces and a section of the landscaping belt fronting upon the Mills Road roundabout. The proposed pod building is a very modern style building, with curved glazed frontages facing on the main public vantage points. The new building will utilise the changing ground levels, which will minimise its visual impact from the Mills Road roundabout. The building will be constructed from matching materials to the adjacent refurbished units. As the design is modern, it is sympathetic in style and design to the adjacent units. The building will have a barrel roof and is a similar height to the other retail units in the main parade, as being 10.5m to the highest point. The proposed pod is in a very prominent position, but because of the high quality and fitting design it will not detract from the visual amenity of the locality especially as it will be seen against the backdrop of the motor car dealerships, which are at a higher level, to the south .
- 5.4 The existing landscaping area up to the Mills Road roundabout is being slightly reduced, however, the applicant has submitted a more intensive landscaping scheme for the remainder of the area, including the planting of a number of hornbeam trees. The remaining landscaped area will vary in depth from 2.2m to 4.3m. The applicant is also as part of the reconfiguration of the car parks within the retail park proposing additional tree and shrub planting, along the main internal access road and between the BHS and Halfords stores. The proposed additional

planting will help to soften the appearance of the retail park and I am satisfied that the reduction of the frontage planting will not significantly detract from the visual amenity of the locality.

- 5.5 The proposed reduction of the BHS store floorspace will harmonise the building line to that of the adjacent retail units. The new frontage of BHS will be designed and finished in external materials to match the adjacent units which have already been refurbished. These proposed works will enhance the visual amenity of the locality.
- 5.6 The proposal also involves additional external works, such as the erection of lighting columns, CCTV cameras, revised pedestrian routes through the site and 3m high security fencing in the rear service yard behind the main parade of retail units. These works are to increase pedestrian safety and security on the site. The proposed erection of external lights and CCTV will not detract from the visual amenity of the locality, given the nature of the location (subject to further details being submitted). The proposed 3m high security fence in the service yard will only be visible from public vantage points along Lake Road, itself an industrial estate road, and will not significantly detract from the visual amenity of the locality.
- 5.7 In terms of the impact of the proposed artificial lighting on the visual and residential amenity, the lighting is within a retail warehouse and industrial area, where artificial lighting already currently exists. The DHH raises no objection subject to imposing a condition to control the extent of artificial lighting in the service yard areas. Such details would include the extent of illumination, direction of lighting, whether lights are fitted with shields and their hours of use. All these matters, as well as the further details of the design of these lights can be controlled by condition.
- 5.8 The DHH has requested full details of any external plant and mechanical extraction units fitted to the kitchen's for the café's be controlled by condition, to ensure that there is no detrimental impact on the nearby residential area. Subject to this imposition the DHH raises no objection.
- 5.9 In highway terms the proposal will result in a decrease in retail floorspace, an increase in A3 café floorspace and as well as increase in customer service floorspace. The decrease in retail floorspace is being achieved through the demolition of the front section of the BHS store. The KCC Highways raises no objection to the increase in the overall changes in floorspace. KCC is aware that there are agreed improvements to the Mills Road/London Road junction. In particular, the increased floorspace created with the café's and service areas will improve the amenities provided for the users of the retail park and it is expected that users will be able to make more linked trips within the retail park. The Transport Statement states "*it will not be expected to generate any primary vehicular trips, and therefore traffic generation associated with the development proposal is considered to be zero*". KCC Highways do not consider that the

proposals are unlikely to provide for a 'worse' situation than existing. Therefore, the proposal will not create an additional traffic hazards in terms of traffic movements. Notwithstanding this, the provision of the pod on this site was included in the transport assessment submitted under planning application TM/05/1734/FL, which includes improvements to the junction of Mills Road and London Road. I consider it reasonable to impose a condition prohibiting the use of the pod until the highway improvements have been carried out (envisaged to be carried out this summer).

- 5.10 The proposal will reduce the parking spaces from 503 to 500 following the new build and reconfiguration of the car park. However, the Transport Statement states there will be a net increase in parking spaces available to customers in practical terms, as the overspill car park will now be available to customers as well as the burger van being removed. The applicant confirms that they are intending to continue car park management scheme, which imposes a 3 hour maximum parking period within the retail park to prohibit parking by non users of the retail park. Notwithstanding the difference between the practical and actual parking numbers, the KCC Highways raise no objection to these parking arrangements nor has opposed the revised pedestrian routes through the car park areas to the retail units.
- 5.11 The proposed development will also involve the removal of the burger van from the site. The burger van currently occupies a number of parking spaces and does not appear to have been subject to any previous planning approval. It has not been previously considered to be expedient to pursue this type of development at retail parks. A large number of objections have been received requesting the burger van remains on the site, as it provides a local service. This proposal will free up six additional parking spaces within the centre of the retail park, however, as mentioned above there will still be a minor reduction in the overall parking provision. Ultimately, the retention of a burger van on the retail park is a private tenancy matter between the owner of the burger van and the applicant. However, should Members believe that there is merit in retaining the Burger Van on this site, it may be possible to impose a condition seeking its retention.
- 5.12 In light of the above considerations, I am satisfied that the proposal is appropriate, will not detract from the visual amenity of the locality and will not result in highway hazards, therefore I support this proposal.

6. Recommendation:

6.1 **Grant Planning Permission** as detailed by letters dated the 04.04.2006 and the 10.03.2006, Transport Statement dated 09.03.2006, Design Statement received on the 13.03.2006 and by plans 1788/PP/05 Rev A, 0644-PD11 Rev A, 0644-PD-15, 0182/PD08 Rev M , 0045/PD04 Rev E, 0045/PD05 Rev C and 0045/PD06 Rev B 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 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 scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning 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.

4 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.

5 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.

- 6 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.

- 7 At no time shall the noise rating $L_{Ar,T}$, calculated in accordance with the method provided in BS4142:1997, attributable to the combined operation of all existing fixed plant and machinery and additional fixed plant and machinery installed pursuant to the implementation of this permission shall exceed the background noise level $LA_{90,T}$ by more than 3dB at the outside of any noise sensitive premises.

Reason: In the interests of residential amenity.

- 8 No development shall take place until details of external lighting & CCTV, including details of the level of illumination, direction of lights and cameras, shielding, hours of use, precise siting and design have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

- 9 The uses hereby permitted within the pod shall not be commenced until the highway improvements to the junction of Mills Road and London Road as approved under planning application TM/05/1734/FL have been carried out and brought into use.

Reason: In the interests of highway safety. *

Contact: Aaron Hill