

3. Planning History:

TM/83/1250 Approved 27 November 1985

Outline application for mixed use development.

TM/88/1824 Approved 27 September 1991

Distribution depot including vehicle workshop and ancillary buildings, light industrial development comprising 14 units with access and associated site construction/engineering works.

TM/91/0201/FL Application withdrawn prior to the completion of legal agreement
Distribution depot plus light industrial units.

TM/96/00238/FL Approved 05 December 1996

B1, B2 and B8 use classes development comprising 7 units with access from Mills Road and associated site construction and engineering works.

TM/04/04376/FL Approved 23 September 2005

Application under Section 73 for removal of condition 14 of planning permission TM/96/00238/FL (seven industrial units) to allow the 24 hour movement of heavy goods vehicles.

TM/06/00021/RD Approved 28 April 2006

Details of method statement for noise levels submitted pursuant to condition 2 of planning permission TM/04/04376FL: Application under Section 73 for removal of condition 14 of planning permission TM/96/00238FL (seven industrial units) to allow the 24 hour movement of heavy goods vehicles.

TM/07/03368/EASC screening 24 September 2007
opinion EIA not required

Request for Screening Opinion in accordance with Town And Country Planning (Environmental Impact Assessment) (England And Wales) Regulations 1999: Proposed dot com warehouse.

4. Consultees:

4.1 Aylesford PC: No objections in principle but raise the following points:

- Is vehicle maintenance to take place overnight
- Proposed position of refrigeration plant

- Are the car wash and fuel island to be used at night

4.2 KCC (Highways): No objection provided the site does not generate more traffic than the approved consent for the site.

4.3 DHH: Environmental health issue raised by this application is noise from:

- Fixed plant and machinery, including refrigeration plant fitted to delivery vans whilst they are parked.
- Lorries delivering goods to the warehouse.
- The vehicle maintenance area.
- Vans delivering goods to customers homes.
- Noise from any tannoy systems that might be installed at the site.
- Reverse warning alarms on vans moving within the site.

Subject to the imposition of conditions to require that the noise from the operation of reverse warning alarms is inaudible at the boundary of any dwelling and that no tannoy/loudspeaker system is installed or operated outside the building I would not wish to object to the application.

4.4 Private Reps: 125/0X/9R/1S + site and press notice:

Nine letters received raising the following concerns:

- Wrong location for such a development.
- Building too large for the site.
- Plant room too close to residential properties.
- Impact on residential amenity from fixed plant.
- Increase in noise and light pollution at unsocial hours for Holtwood residents.
- No noise monitoring carried out as required by previous application and no residents committee set up with the landlords as previously suggested.
- No control of vehicle movements.
- Disturbance from reversing alarms.
- Although stated that that all activities will be within the building after 11pm this cannot be true as vans will be moving into the maintenance bays all night.

- HGVs will park up and keep running on the road outside the site.
- Impact of traffic generation on the surrounding road network and also air quality.
- Sound attenuation measures should be employed in the forms of fencing and/or bunds.
- Further landscaping required around the site.
- Subdued lighting to be used rather than those that leave an 'orange glow'.
- Only one access for emergency vehicles.
- Site would be better used to create an area for sport, exercise and recreation as it would be more environmentally friendly and healthier for the people in the area.
- Impact on local wildlife.
- Development does not honour commitments on the Governments Communities website that states the Communities and Local Government is committed to protecting and enhancing the environment and to tackle climate change, a global phenomenon with major environmental, social and economic implications for this Country.

4.5 One letter of support stating that the development overcomes the general concerns of previous applications for the site and as it covers the last site on the development there are no grounds for turning it down subject to conditions to ensure that light pollution is kept to a minimum. Should the opportunity arise a road link from Mills Road to Hermitage Lane should also be constructed.

5. Determining Issues:

5.1 This full application proposes the construction of a home shopping distribution centre on the final two vacant plots on the Priory Park Industrial Estate. The application seeks the construction of a single building in place of the two units with B1, B2 and B8 use already consented on the site. As the other units have been constructed the planning permission is extant. Given the extant consent for development on the site the principle of industrial development has been set and the purpose of this report is therefore to assess the differences between the proposed and approved development.

5.2 The application proposes the development of a 'dot com' distribution centre. This would mean the creation of a virtual supermarket where online supermarket orders are picked and sent out from this site rather than an existing supermarket. The

site would therefore distribute groceries and homewares by 3.5 tonne van between the hours of 6am and 11pm with the 'store' being replenished overnight.

- 5.3 The use proposed falls generally within Class B8 and so is within the uses approved on the site. The development has the benefit that its type of use would lower the overall impact on the surroundings than if the approved scheme was constructed. The building has been designed to act as an acoustic barrier, screening the residential development to the north from noise from the industrial estate. All servicing of the unit and external plant is to be on the elevations that face away from the residential development to the north. A 3m high acoustic barrier is also proposed around the noise sensitive northern boundary, closest to Ragstone Court and Acorn Grove, where the topography of the site allows. The HGV unloading bay is enclosed as is the vehicle maintenance workshop.
- 5.4 The building proposed would have an overall floor area less than that of the two approved buildings on the site. The building would also be lower than the original Gateway scheme for the site. The curved roof design would ensure that the highest part of the building is set approximately 30m away from the site boundary so further reducing the bulk of the building when viewed from outside of the site.
- 5.5 Concerns have been expressed regarding noise from various sources on the site. The previous conditions applied to the site relating to the use of tannoys, fork lift trucks and noise levels from fixed plant and machinery would all still relate to this site. The building has been designed to site all fixed plant to the southern side of the building above the van loading area so that it is screened by the whole building from the residential properties to the north. The plant area in the eastern corner of the site contains emergency generator and sprinkler equipment so would not be in constant use and would therefore not normally require the provision of acoustic attenuation measures. A 3m high acoustic fence is to be provided to the northern boundary of the site adjacent to the HGV loading bay. It is considered though appropriate to attach a condition to any approval for full landscaping and boundary treatment so that the full boundary can be assessed prior to the commencement of development.
- 5.6 The applicants are aware of the concerns of the local residents regarding the use of the vehicle maintenance building, fuel island and vehicle wash. For this reason it is considered appropriate to limit the hours of use of this area to ensure that there is no overnight working. There are concerns regarding the impact of reverse warning alarms (beepers) on the surroundings. Although the applicants consider that the distance to the nearest properties would be sufficient to limit the impact it is considered from experience of the site that it would be appropriate to impose restrictions on their use.
- 5.7 With regard to concerns regarding lighting on the site, details of any external lighting and the routing and lighting of emergency exits etc would be sought by condition on any consent.

- 5.8 The noise from HGV movements would be covered by the conditions imposed in the 2004 consent. The noise limits set cover all HGV noise anywhere within the Priory Park development from the footbridge to the end of the access road and all sites. A full noise monitoring operation in accordance with the approved monitoring strategy has not yet been carried out as one of the assumptions set is that the development is completed. Also no complaints regarding noise from HGV movements have been received by DHH since the approval of the condition. Noise from parked delivery vans would be covered by the fixed plant condition if they are parked with engines/chillers running.
- 5.9 With regard to the impact of traffic movements, the supporting statement submitted with the application indicate that the level of HGV movements generated by the site would be lower due to the nature of the specific use than that which could be generated by the extant consent. A comparison has been undertaken between the traffic generation of an existing facility in Croydon and TRICS data for the type of traffic generation that could be expected from the extant consent. These findings indicate that the proposed use would potentially produce less traffic overall and given the nature and hours of the operation would also avoid the main peak traffic times at the junction of Mills Road and the A20.
- 5.10 Given the recent adoption of the Core Strategy and the size of this development it is considered appropriate to attach a condition to the consent requiring the development to seek to use renewable energy in accordance with Policy CP1. For this reason a condition is attached to require submission of relevant details.
- 5.11 Overall it is considered that this development would have less of an impact on the surroundings than the extant consent and subject to conditions is considered to be acceptable.

6. Recommendation:

- 6.1 **Grant Planning Permission** in accordance with the following submitted details: Certificate A dated 18.09.2007, Letter dated 10.09.2007, Design and Access Statement dated 10.09.2007, Location Plan P00 C dated 10.09.2007, Survey P01 dated 10.09.2007, Site Layout P02 C dated 10.09.2007, Elevations P03 B dated 10.09.2007, Elevations P04 A dated 10.09.2007, Floor Plan P05 B dated 10.09.2007, Floor Plan P06 A dated 10.09.2007, Floor Plans And Elevations P07 A dated 10.09.2007, Site Layout P08 dated 10.09.2007, Noise Assessment 078350 dated 10.09.2007, Flood Risk Assessment dated 10.09.2007, Transport Assessment dated 10.09.2007, Environmental Assessment dated 10.09.2007, and subject to the following:

Conditions / Reasons

- 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 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 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 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.

- 5 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 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.

- 6 No materials, plant or other equipment of any description shall be kept or stored in the open other than in areas and to such heights 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.

- 7 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. 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.

- 8 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 an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. Surface water shall not be allowed to discharge into contaminated land.

Reason: To prevent pollution of the water environment.

- 9 No development shall take place until details of any external and security lighting 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.

- 10 No use shall take place on the site which would give rise to unacceptable impact on the amenity of nearby residential properties by virtue of dust, smell, vibration or other emissions.

Reason: In the interests of residential amenity.

- 11 At no time shall noise attributable to the operation of fixed plant and machinery (LAr,T) exceed the measured background noise level (LA90,T) by more than 3 dB outside any noise sensitive premises. (The terms (LAr,T) and (LA90,T) have the meaning assigned to them by the British Standard BS4142:1990 "Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas").

Reason: In order to ensure a satisfactory aural environment.

- 12 No tannoy shall operate outside any building on the site at any time.

Reason: In the interests of residential amenity.

- 13 Any fork lift trucks operating at the site shall be electrically powered.

Reason: In the interests of residential amenity.

- 14 The noise from the operation of reverse warning alarms fitted to delivery vans shall be inaudible at the boundary of any dwelling.

Reason: In the interests of residential amenity.

- 15 No development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before any unit is occupied or sold the renewable energy equipment shall have been installed and the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.

Reason: To ensure that the development compliance with Policy CP1(4) of the Tonbridge and Malling Local Development Framework Core Strategy 2007.

- 16 No development shall take place until details of emergency exit pedestrian walkways to the northern sides of the building 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 walkways do not result in the loss of boundary acoustic screening or visual amenity of the locality.

- 17 The vehicle maintenance workshop, fuel island and vehicle wash shall not be used at any time between the hours of 11pm and 6am Monday to Sunday inclusive.

Reason: In the interests of residential amenity.

- 18 Conditions 1 and 2 imposed on planning permission TM/04/04376/FL are also imposed on this permission, in so far as they are still subsisting and capable of taking effect.

Reason: For the reasons originally cited.

Informatives

1. With regard to works within the limits of the highway, the applicant is asked to consult The Highways Manager, Kent Highways , Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.
2. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate number(s) to the new property/ies. To discuss the allocation of numbers you are asked to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or telephone Trevor Bowen, Principal Legal Officer, on 01732 876039. To avoid difficulties, 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. (Q050)

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