

1.5 A Planning Statement sets out the policy background to the site and the Design and Access Statement describes the background to the proposals. A number of specialised, technical reports have been submitted including a Sustainability Report, Transport Assessment, Ecological Appraisal, Environmental (contamination), Ecological, Noise and Flood Risk Assessments and a Travel Plan.

2. Reason for reporting to Committee:

2.1 Called to Committee by Cllrs Parry-Walker and Taylor due to concern over the impact on residents in Papyrus Way.

3. The Site:

3.1 The site comprises 6.81 hectares of land with frontages to both New Hythe Lane and Papyrus Way. The Paddock Wood to Strood railway bounds the site to the east and a new housing development lies to the west on the other side of Papyrus Way. To the north and south lies further industrial development.

3.2 The site is safeguarded for employment use in the Local Development Framework.

4. Planning History:

4.1 The site has a long history of industrial use, dating back beyond 1948.

4.2 Most recent applications:

TM/03/02575/AT	Grant With Conditions	3 October 2003
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Erection of two 10m flag posts with flags

TM/04/00874/FL	Grant With Conditions	6 May 2004
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Modular building for use as employee canteen

TM/04/03475/FL	Grant With Conditions	30 November 2004
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Erection of security gates to three entrances, changes to road layout at Entrance One

TM/11/01072/DEN	Prior Approval Not Required	8 June 2011
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Demolition of existing industrial building for site preparation in advance of approval of reserved matters relating to application TM/11/00285/OA (Outline application for erection of warehouse development (Class B1C/B2/B8) and associated works)

5. Consultees:

5.1 EM&L PC: Makes the following comments:

- Requests landscaping along boundary of site where it adjoins Leybourne Park.
- Lighting should be designed to avoid lightspill.
- Conditions should be imposed regarding colour of buildings.
- Concerned about effects of traffic on air quality along New Hythe Lane.
- Can a condition be imposed re dust control and hours of work during construction.
- General concern re additional traffic on local highway network.
- HGVs should avoid New Hythe Lane and Lunsford Lane.
- Would like to see improved lighting along footpath to station and gated pedestrian access.
- Would ask applicant to support the extension of the 71 bus service to the roundabout at the river for turning.
- Accepts 24 hour working but is concerned that they will be using roads when they are at their quietest.

5.2 Ditton PC: No objection.

5.3 KCC (Highways): Agrees with the methodology of the Traffic Impact Assessment and agrees with the conclusions drawn.

5.4 DHH: Environmental Protection: No objections if the applicants' recommendations in Vanguardia Consulting Report are followed so that the effects on nearby residential properties can be appropriately mitigated. Require details of plant and equipment.

5.5 KWT: Would expect to see a positive contribution to biodiversity and recommend that green infrastructure be designed into the site. Recommends:

- Green/brown roofs on all buildings.
- Buffers to the railway line to include indigenous hedgerow and rough grassland strips.
- Bat roosting opportunities incorporated into buildings.
- Provision of bird boxes in all available locations.

- Retention of the trees on site.
- A green corridor running throughout the site.

Recommends a landscaping and management plan should be submitted prior to any development on site.

5.6 EA: No objection subject to conditions.

5.7 Neighbours: 78/0X/0S/2R + site and press notice. Object for the following reasons:

- Loss of house value.
- Concern over noise from traffic.
- Traffic parks on double yellow lines during the night with engines running and music blaring.

5.7.2A former Councillor has raised concerns about additional traffic on the local road network, the noise impact on the new residential development, that lighting should be contained within the site and would like to see the missing piece of footway from Leybourne Way/New Hythe Lane roundabout to entrance to The Lakes.

5.7.3 North Larkfield Group for the Protection of the Environment: Suggests that 6 car parking spaces should be provided for the station and asks if there is any opportunity to improve lighting along the footpath to the station.

6. Determining Issues:

6.1 The site lies within an employment area where Development Land Allocations DPD policy E1 safeguards the land for employment purposes and adopts a presumption against non-employment uses. Within such areas any new development or redevelopment must not result in an unacceptable impact on residential or rural amenity by virtue of noise, dust, smell, vibration or by visual intrusion or the nature and scale of traffic generation.

6.2 This is the redevelopment of an existing site and while the site has been vacant for some time the building remains and the complex could be fully reoccupied at any time and without the need for a further planning approval. It is against this background of the historic use rights for the site that this application must be assessed. To meet the tests of policy E1 the Council must be satisfied that the impact of the redevelopment scheme is no worse than and, if possible, less than, the current unfettered use rights of the site.

6.3 The proposal options are slightly smaller than the building to be replaced and the illustrative layouts, although not to be determined at this stage, demonstrate that alternative designs of built development for this site can sit comfortably on the site with minimal visual impact on the residential development to the west.

- 6.4 Both alternative illustrative layouts have been designed to ensure an acceptable noise climate. The layouts have taken into account the significant change in local circumstances brought about by the relatively recent development of neighbouring land for housing. HGVs will access the site solely from New Hythe Lane and will skirt the site to the east to access the southern end thus using the building(s) themselves as a noise buffer leaving only car accesses on the frontage to Papyrus Way. Under the existing planning rights for this site lorries are able to use both the Papyrus Way and New Hythe Lane accesses. As a result the current proposal represents something of an improvement over existing circumstances in that HGV movements will be moved away from nearby housing - this must be seen in the context of the Secretary of State having found that the impact of HGVs with the existing site arrangements was acceptable and allowing the nearby new housing on appeal .
- 6.5 It is likely that the site will operate on a 24 hour basis. However at present there are no controls over the hours of use of the site and thus there would be no justification to restrict hours. Nevertheless the noise study suggests that the noise levels are within acceptable levels during the daytime but mitigation measures are required to reduce the operational noise to within acceptable levels at night. The developer proposes to erect a 4m high acoustic barrier between the building(s) and the boundaries, to the rear of the car parking area, to protect the dwellings from any noise breakout from the HGV loading and unloading yards. This is considered to be a significant improvement over current site conditions. DHH concurs with these findings and a suitably worded condition can be imposed on any approval.
- 6.6 Concern has been raised with regard to the perceived risk of increased traffic generation. In part this arises because the site has been unused for some time and therefore it is difficult to recognise the level of traffic generated by the historic unfettered use rights that attract to the site. It is these historic use rights that must form the basis or datum against which the current proposal must be judged. The Traffic Impact Assessment demonstrates that the generation from the redevelopment will be no worse; in fact it concludes that there will be less traffic generated under this proposal than the current historic use rights would imply.
- 6.7 There is also concern with regard to the effect of the development on air quality in the area. As with the traffic generation, the assessment cannot be based on a 'clean sheet' as the site already has established use rights. The air quality impacts effectively improve in the light of the traffic generation assessment as set out in the previous paragraph.
- 6.8 Given the assessment set out in paragraph 6.6, the issues raised by EM&LPC and former Councillor, such as improved lighting for the footpath to the station, the extension to the bus service and providing an additional footpath in Leybourne Way, cannot be required as the proposed development will not worsen the current highway situation.

- 6.9 I understand from correspondence between the Agent and EM&LPC that the Applicant will continue to provide 6 car parking spaces for use by people travelling by train. This offer is welcomed but it will only be on an informal basis as it would be unreasonable to require such a provision by use of a planning condition.
- 6.10 Details of both lighting and landscaping can be required by condition. KWT has raised a number of issues aimed at improving biodiversity. Given that this is a fully developed, brownfield site it would be unreasonable to require all the green infrastructure they have requested. It may, however, be possible to incorporate some elements in a detailed landscaping scheme; this can be pursued further when the detailed site layout is being finalised.
- 6.11 The other issues raised by residents are not material to the consideration of a planning application.
- 6.12 It has been demonstrated that an acceptable development can be accommodated satisfactorily on this site and therefore it is recommended that permission be granted.

7. Recommendation:

7.1 **Grant Permission** in accordance with the following submitted details: Letter dated 02.02.2011, Planning Statement dated 02.02.2011, Design and Access Statement dated 02.02.2011, Air Quality And Odour Survey dated 02.02.2011, Ecological Assessment dated 02.02.2011, Flood Risk Assessment dated 02.02.2011, Desk Study Assessment dated 02.02.2011, Noise Assessment dated 02.02.2011, Report SUSTAINABILITY REPORT dated 02.02.2011, Transport Statement dated 02.02.2011, Travel Plan dated 02.02.2011, Location Plan NK016546/A1/SK016 B dated 16.05.2011, Plan NK016546/A1/102 A dated 16.05.2011, Plan NK016546/A1/101 C dated 16.05.2011 and subject to the following conditions:

- 1 Approval of details of the layout and appearance of the development, the landscaping of the site, and the scale of the development (within the upper and lower limits for the height, width and length of each building stated in the application hereby approved) (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority. (Z007*)

Reason: No such approval has been given.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. (Z004)

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. (Z053)

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 4 No built development shall take place until details and samples of all 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. (D001*)

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 5 Prior to the installation of any external lighting details of the scheme including luminaires and lighting plots shall be submitted to and approved by the Local Planning Authority. The details shall demonstrate that there will be no lightspill outside the site. The lighting shall be installed only in accordance with the approved scheme. (D008*)

Reason: To protect the amenities of nearby dwellings.

- 6 The details submitted in pursuant to Condition 1 shall show land, reserved for vehicle parking, cycles and motor cycles in accordance with the adopted County Parking Standards. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter 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 the reserved vehicle parking area. (P002*)

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 7 Any light fitting installed within the offices shall be recessed or otherwise screened to limit the emission of light outside the building unless otherwise agreed in writing by the Local Planning Authority. (N013)

Reason: To protect the amenities of nearby dwellings.

- 8 Prior to the occupation of the building(s) hereby permitted a Travel Plan shall be prepared for each of the occupants based on the recommendations set out in Section 7 of the Walker Engineering Travel Plan dated 2010 to be submitted to

and approved in writing by the Local Planning Authority. The Travel Plan shall include details of how (each) Travel Plan shall be monitored. The Travel Plan as approved shall be implemented on the first occupation of the unit to which it relates.

Reason: In the interest of sustainable travel.

- 9 Prior to the commencement of development details of a surface water scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall be based on sustainable drainage principles and include an assessment of the hydrological and hydro geological context of the development. The scheme shall be fully implemented in accordance with the approved details before the development is completed.

Reason: To reduce the risk of flooding by ensuring the satisfactory storage and disposal of surface water from the site and to prevent pollution of the groundwater and the public water supply.

- 10 No development shall be commenced until:

(a) a further gas risk assessment has been undertaken (to comply with current guidance) and a revised risk assessment undertaken for the current end use to include the additional gas monitoring and the Supplementary Geo-Environmental Assessment data.

(b) based on the results of the additional risk assessment, a Remediation Strategy detailing a scheme to contain, treat or remove any contamination, as appropriate, shall be submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air or controlled water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

- 11 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. 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 Authority gives written consent to any variation. (L001)

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.

- 12 No development shall be commenced until a detailed noise assessment has been submitted to and approved by the Local Planning Authority. The assessment shall accord to BS4142 and demonstrate that the rating level of any proposed use, including any mitigation measures if appropriate, is no more than the background level when measured at the boundary of the nearest noise sensitive property. The approved details shall be implemented prior to the first use of the unit(s) hereby approved.

Reason: To safeguard the amenities of the occupiers of the nearby dwellings.

- 13 The use of the access shall not be commenced until turning facilities have been provided within the curtilage of the site and these facilities shall be retained thereafter free from any obstruction. (H012)

Reason: In order that a vehicle may enter and leave the site in a forward direction to ensure the safe and free flow of traffic.

- 14 Any gateway to the access shall be set back 5.0 metres from the edge of the highway. (H013)

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

- 15 Means of HGV vehicular access to the site shall be derived solely from New Hythe Lane. (H010*)

Reason: To ensure the safe and free flow of traffic and in the interests of residential amenity

- 16 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. (I006)

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.

- 17 Prior to the installation of any external plant details shall be submitted to and approved by the Local Planning Authority. The details shall include a full technical specification and an acoustic assessment.

Reason: To safeguard the amenities of the occupiers of the nearby dwellings.

Informatives

- 1 Care should be taken during and after construction to ensure that all fuels, oils and any other potential contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental or unauthorised discharge to ground. The areas for storage should not drain to any surface water system.
- 2 Where it is proposed to store more than 200 litres (45 gallon drum or 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage)(England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.
- 3 In formulating the detailed design and layout and, in particular, the landscaping scheme required pursuant to condition 11, the developer is to consider and incorporate appropriate measures to enhance biodiversity within the site.
- 4 The Local Planning Authority acknowledges and welcomes the content of the applicants' agents' letter dated 20 July 2011 addressed to East Malling and Larkfield Parish Council with regard to the continuation of the informal arrangements for provisions of parking spaces for use by people travelling by train.

Contact: Robin Gilbert