

TM/00/02586/RD Grant 17 January 2001

Details of external materials submitted pursuant to condition 2 of planning permission TM/00/01287/FL: erection of 1022 sq m warehousing

TM/00/02587/RD Grant 17 January 2001

Details of landscaping and boundary treatment submitted pursuant to condition 5 of planning permission TM/00/01287/FL: erection of 1022 sq m warehousing

TM/00/02588/RD Grant 14 November 2002

Details of soil investigation submitted pursuant to condition 10 of planning permission TM/00/01287/FL: erection of 1022 sq m warehousing

TM/06/00461/FL Grant 19 April 2006

Single storey office extension to existing warehouse

TM/06/02006/FL Grant 9 August 2006

Erection of temporary buildings

TM/07/00700/RD Grant 10 April 2007

Details of landscaping submitted pursuant to condition 5 of planning permission TM/06/00461/FL: Single storey office extension to existing warehouse

TM/12/02283/FL Pending Consideration

Removal of condition 2 of planning permission TM/06/00461/FL (single storey office extension to existing warehouse)

5. Consultees:

- 5.1 Snodland TC: Strongly objects. Overdevelopment of the site. The adjacent residence is not shown on the plans, the proposed development is too close and would be detrimental to the adjoining residential property. No hours of operation are stated.
- 5.2 KCC (Highways): No objection subject to recommended planning conditions.
- 5.3 EA: No site specific advice offered.

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- 5.4 DHH: Environmental Protection: No environmental protection issues raised by the B1 element. The B2 use has the potential for noise which may require noise attenuation measures,
- 5.5 Private Reps: 21/0X/0S/1R + site notice: Two letters of objection have been received from the operator and resident of the adjacent site. One received 16.05.12 in response to the original application and one received 03.08.12 in response to the amended details. The objection is received from the occupier of The Woodyard. The Woodyard is immediately to the west of the application site where the objector and her family live, in two mobile homes, and run a business. The objector wishes the following to be taken into consideration and requests that the application is rejected so that the family's quality of life is preserved.
- Be very close to our homes.
 - Block light on to our homes.
 - Create a nuisance from increased noise operating the warehouses and the associated traffic associated with warehouses, therefore also causing traffic and further noise pollution.
 - Have a detrimental effect on our health and quality of life.
 - When planning was granted for the current building on the site, the building position was moved from what was requested to the current position so that there was no impingement on our homes.

6. Determining Issues:

- 6.1 The site currently comprises the north part of a wider site. Planning permission was granted at the wider site in 2000 for B8 warehousing with the erection of an ancillary office extension in 2006. The current application seeks to subdivide this wider site, separating the existing warehouse and ancillary offices to the south from the proposed B2 (with ancillary B1) use to the north.
- 6.2 The scheme originally comprised the erection of three units. However the scheme has subsequently been amended to comprise two units
- 6.3 The site lies within an area designated as Employment Land under Policy E1(b) of the DLADPD 2008. This means that B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses are acceptable in principle. The proposal is therefore essentially policy compliant.
- 6.4 While the site is located within an existing industrial area residential caravans are located at the adjacent site. The adjacent residents have raised objection to the application.

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- 6.5 The objectors state that the buildings will be close to their homes. The proposed building is sited a minimum of 4m from the nearest point of the adjacent site. In this instance this is considered an adequate separation distance considering that both the application and the adjacent site are located within an area designated suitable for B1, B2 and B8 use.
- 6.6 The objectors state that the buildings will block light to their homes. It is considered that the development would not lead to an unacceptable loss of light due to the orientation of the development in relation to the residential caravans. The buildings are located to the north east of the caravans and although the application is submitted in outline form only the siting and scale of the buildings is to be set at this time. The building is illustrated as having an eaves height of around 5m and, given the distance away from the boundary and the presence of the 2m high acoustic fence it is not considered that a building of this scale will lead to any undue shading bearing in mind orientation and sun path.
- 6.7 The objectors are also concerned about the proposed planting to the western boundary of the site and that the proposed trees will block light to their homes. The landscaping shown on the submitted drawings is indicative only and this matter has been reserved for future consideration. However the existing 2m acoustic fence will shield the caravans from any planting 2m or below in height. In addition any future landscaping scheme could be designed to limit the height of the planting by controlling the type of species or imposing an appropriate maintenance arrangement to limit the height of any trees or shrubs.
- 6.8 The objectors are concerned about the increased noise from the operation of the warehouse. As the application is submitted in outline form only, the precise nature of the proposed B2 use is not yet known. It is therefore considered appropriate that, details of the precise B2 use must be submitted together with mitigation measures, such as may be needed to enhance the protection given by the acoustic fence.
- 6.9 The objectors are also concerned about increased noise disturbance from traffic movements associated with the development. However this matter was considered when assessing the original B8 application in 2000 where this part of the site was allowed to be used as HGV parking. In order to mitigate the impact of this a 2m high acoustic fence was constructed around this part of the site to separate it from the adjacent residential caravans. As the siting of the proposed building will move vehicle movements further away from the western boundary of the site it is considered that the potential noise impact from vehicles using the site would not be exacerbated and may be reduced.
- 6.10 The existing B8 use at the site can operate on an unrestricted 24 hour basis from Monday am to Saturday noon. In order to ensure no additional impact on adjacent residential amenity it is appropriate to restrict the operational hours of the proposed B2 use.

- 6.11 The application provides a total of 9 vehicle parking spaces, two of which are substantially larger being designed for vans, and a vehicle turning area. This provision meets the established requirements and is acceptable. .
- 6.12 The site lies within an area of flood risk; however the proposed B1 and B2 uses are considered less vulnerable development. The EA has not raised any concern or offered any site specific advice. The FRA submitted as part of the application concludes that the ground floor levels are to be set 0.3m above the predicted flood level of 4.9m AOD. The use of surface water attenuation and permeable paving will negate any increase in runoff and the use of suspended ground floors with open voids below will ensure no loss of flood water storage. The use of these measures can be ensured by planning condition.
- 6.13 This site is allocated for employment use in full compliance with the NPPF and its desire to support sustainable economic growth. The use conforms with the aims of E1. The concerns of the objectors are noted but the balance falls in favour of approving the planning application as any potential adverse impact can be overcome by the imposition of appropriate planning conditions.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Proposed Plans and Elevations 12-05-01 E dated 31.07.2012, Site Plan 12-05-LOCATION dated 23.03.2012, Email dated 11.04.2012, Design and Access Statement dated 23.03.2012, Flood Risk Assessment dated 02.04.2012, Survey LAND CONTAMINIATION dated 11.04.2012, Planning Statement 12-05-PLANNING STATEMENT dated 11.04.2012 subject to the following:

Conditions / Reasons

- 1 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.

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

- 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.

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

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- 3 No use within Use Class B2 shall commence until full details of the precise nature of the B2 use, including full details of any associated plant, machinery or equipment to be used or installed, have been submitted to and agreed by the Local Planning Authority. These details shall include any necessary mitigation measures to ensure that the use, including any plant, machinery or equipment, does not have unacceptable impact on the amenity of nearby residential properties through the transmission of noise or vibration or by virtue of dust, smell or other emissions. The approved measures shall be implemented before the use commences and thereafter retained. All these requirements shall also apply to any subsequent use within Use Class B2, should the occupancy or nature of the use change.

Reason: To ensure no unacceptable impact on adjacent residential amenity in accordance with Policy E1 of the Development Land Allocations Development Plan Document 2008 and paragraph 123 of the National Planning Policy Framework 2012.

- 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 to the satisfaction of the Local Planning Authority. 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 and be contrary to Policy SQ8 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document 2010.

- 5 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted plan as vehicle turning area has been provided, surfaced and drained to the satisfaction of the Local Planning Authority. 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 the provision of adequate accommodation for the turning of vehicles is likely to be detrimental to highway safety and therefore contrary to Policy SQ8 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document 2010.

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- 6 The access details shown on the approved plans shall be constructed prior to the occupation of any buildings hereby approved or the use of the site being commenced, and the access shall thereafter be retained.

Reason: Development without provision of adequate vehicle access onto the public highway is likely to be detrimental to highway safety and therefore contrary to Policy SQ8 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document 2010.

- 7 Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 5.5m from the carriageway edge.

Reason: To ensure no adverse impact upon highway safety in accordance with Policy SQ8 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document 2010.

- 8 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: The provision and maintenance of the vision splay as shown on the approved drawings must be created and retained to ensure no adverse impact on highway safety in accordance with Policy SQ8 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document 2010.

- 9 The B2 use hereby permitted shall only be operated between the hours of 08.00 and 18.00 Monday to Friday and 09.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To ensure no unacceptable impact on adjacent residential amenity in accordance with Policy E1 of the Development Land Allocations Development Plan Document 2008.

- 10 Deliveries and collections at both B1 and B2 uses as permitted shall only be made during the hours of 08.00 and 18.00 Monday to Friday and 09.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To ensure no unacceptable impact on adjacent residential amenity in accordance with Policy E1 of the Development Land Allocations Development Plan Document 2008.

- 11 No materials, plant or other equipment of any description shall be kept or stored in the open.

Reason: To ensure no unacceptable impact on adjacent residential amenity in accordance with Policy E1 of the Development Land Allocations Development Plan Document 2008.

- 12 No tannoy shall operate outside the permitted buildings at any time.

Reason: To ensure no unacceptable impact on adjacent residential amenity in accordance with Policy E1 of the Development Land Allocations Development Plan Document 2008.

- 13 The noise from the operation of reverse warning alarms shall be inaudible at the western site boundary adjacent to The Woodyard.

Reason: To ensure no unacceptable impact on adjacent residential amenity in accordance with Policy E1 of the Development Land Allocations Development Plan Document 2008.

- 14 All plant, machinery and equipment to be used must be located within the permitted buildings and be so installed, maintained and operated so as to prevent the transmission of noise and vibration into any neighbouring premises.

Reason: To ensure no unacceptable impact on adjacent residential amenity in accordance with Policy E1 of the Development Land Allocations Development Plan Document 2008.

- 15 The recommendations of the Flood Risk Assessment received 02.05.12 shall be implemented and thereafter retained. The ground floor levels of the permitted units are to be set 0.3m above the predicted flood level of 4.9m AOD and be suspended with open voids below.

Reason: To ensure there is no increase in flood risk in accordance with paragraph 103 of the National Planning Policy Framework 2012.

- 16 The existing acoustic fence to the western boundary with The Woodyard shall be retained.

Reason: To ensure no unacceptable impact on adjacent residential amenity in accordance with Policy E1 of the Development Land Allocations Development Plan Document 2008.

Informatives

- 1 Adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway.
- 2 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the public highway or any adjacent site.

- 3 The planning permission hereby granted does not include permission for the erection of any external lighting.
- 4 The applicant should be aware that they are responsible for the safe development and secure occupancy of the site. The Council, acting as the Local Planning Authority, has determined the application on the basis of the information available to it - this does not mean that the land is free from contamination.
- 5 Certain types of operation permissible under a B2 Permission may also require a Permit under Regulation 13 of the Environmental Permitting Regulations 2010 (as amended). Any person operating a Prescribed Process without such a Permit is liable to prosecution. The Applicant is thus strongly advised to contact the Environmental Protection team to determine if any proposed use would require such a Permit.

Contact: Maria Brown

