

**East Malling &
Larkfield**
Larkfield North

570525 159278 28 August 2012

TM/12/02631/FL

Proposal:

Demolition of all existing buildings and structures on site; ground works to create development levels; construction of a new 870 sq m, three storey KM Group headquarters office; construction of 55 dwellings including garages; creation of a new vehicular access from Sheldon Way and New Hythe Lane, including provision of a new mini roundabout; provision of access roads, footpaths, landscaping and associated infrastructure

Location:

Messenger House New Hythe Lane Larkfield Aylesford Kent ME20 6SG

Applicant:

The KM Group And Redrow Homes

1. Description:

- 1.1 Full planning permission is sought for the redevelopment of the existing business and industrial premises to form a mixed development of 55 residential dwellings and a new 3 storey office building to replace the existing Kent Messenger Offices. The new office is to be accessed from Sheldon Way with the residential development served by three new accesses off the east side of New Hythe Lane, the majority of the development served off a new mini-roundabout at the access with Larkfield Leisure Centre with a private access each side serving three dwellings each fronting New Hythe Lane.
- 1.2 The supporting information submitted with the application states that the proposed development is driven by the desire of the Kent Messenger to be able provide modern office accommodation at the site and retain its employment generating use in a location where it has had a presence for a considerable period of time. Given changes in the way newspapers are produced the buildings previously used for printing and storage are now redundant and vacant so the amount of land required to employ the same amount of workers is considerably reduced. This enables the majority of the site to become available to support the office development.
- 1.3 The site layout has been revised since the original submission as a result of the responses received to the public consultation exercise.

2. Reason for reporting to Committee:

- 2.1 The application is reported to committee at the request of Cllr Taylor due to questions regarding property sizes, room sizes, construction standards, parking provisions and the proposed roundabout on New Hythe Lane.

3. The Site:

- 3.1 The application site is located to the east side of New Hythe Lane to the north of access to Sheldon Way. The site is currently occupied by a number of large industrial buildings and areas of hard surfacing with the current offices at the southern end of the site adjacent to the staff car park. The site is in part terraced due to the fact that the land slopes down towards the north. Given the industrial nature of the site there is little on site landscaping of merit. The existing New Hythe Lane frontage is characterised by an area of dense tree scrub that is growing out of the bund that historically formed part of the site when it was a quarry.
- 3.2 The land to the east and south of the site is industrial development that is a mix of B1, B2 and B8 uses. There is also a childrens' indoor play area in one of the units accessed from Sheldon Way. To the north of the site there are gardens of the existing houses on New Hythe Lane and in the north east corner, the rear of industrial premises accessed from Bellingham Way.
- 3.3 Vehicular access to the site is currently gained only from Sheldon Way.

4. Planning History:

TM/64/10647/OLD grant with conditions 26 November 1964

Erection of a newspaper printing works and offices.

5. Consultees:

- 5.1 PC: No objection in principle to the new offices subject to there being appropriate parking. Concerned that building houses on employment land may lead to pressure to find more employment land on green field areas. Concerns also regarding the new roundabout, access points and potential traffic issues that may arise. Also concerned regarding road and industrial noise and impact on future residents.
- 5.2 Natural England: No objections in principle. Most points raised relate to the details that would normally be covered by condition.
- 5.3 EA: No objections subject to conditions.
- 5.4 DHH: No objections subject to conditions.
- 5.5 KCC (Highways): No objections in principle subject to conditions.
- 5.6 PCT: Seek contributions towards local surgeries.
- 5.7 Leisure: Require contributions towards open space provision.

5.8 Private Reps: 24/0X/6R/0S + Site and press notice. 6 Letters received raising the following concerns:

- Works do not respect the scale and character of the existing development in the area.
- Lead to overlooking and loss of privacy from new houses surrounding a previously secluded garden. Development would therefore be contrary to the occupants under the Human Rights Act, specifically Article 8 (right to respect for a person's private and family life) and Protocol 1 Article 1(right to peaceful enjoyment of all their possessions which includes the home and other land).
- Scale of flats and houses to the northern end of the site would result in a loss of privacy to the rear of the existing houses in New Hythe Lane.
- Children with special needs would be adversely affected by the construction works and general change.
- Given the position of site controls should be imposed on the hours of working during the construction phase.
- Difference in levels would lead to concerns regarding undermining foundations and the need for supporting structures
- Concerns regarding the inclusion of a mini roundabout on a blind stretch of the road.
- Existing traffic flow is causing cracks in properties. A new road should be created out onto Bellingham Way to alleviate traffic on New Hythe Lane.
- New Hythe Lane is too busy without any additional traffic from the new houses.
- Having the residential use adjacent to the industrial area will create tensions between the residents and HGV users leading to restrictions to the detriment of businesses in the area.
- Existing buildings should be surveyed to check for asbestos prior to demolition.

6. Determining Issues:

6.1 The site is within the urban confines of Larkfield in an area specifically designated in the Tonbridge and Malling Local Development Framework for employment generating uses. When considering the application due regard has to also be given to the aspirations of the National Planning Policy Framework (NPPF) that seeks to support existing businesses whilst providing a supply of new housing. To this end the principal considerations with this application are the principle of the

development in this location; impact on the surrounding area; impact on the character of the street scene; highways matters; and other issues raised through the consultation process.

- 6.2 The site is indicated under Policy E1 of the Development Land Allocations DPD as land safeguarded for employment uses. This policy though has to be read in context of the NPPF which has, as part of its aims, the desire to support economic development through business and also to support the reuse of previously developed urban sites for housing development. NPPF indicates that "*Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*" As Members may be aware the site was once the major print centre for Kent Messenger Group with significant anti-social hours working as a result of overnight printing and delivery of newsprint. However, over the last few years those industrial uses have ceased and the site has become vacant with the exception of the office complex which is proposed to be replaced in an updated form in this proposal.
- 6.3 The application has been submitted due to the desire of the Kent Messenger to remain in this locality and retain its cadre of experienced staff in modern office premises on the site (in place of the existing outmoded and overly extensive facilities). The majority of the existing office building on site is redundant as are the previous storage and print hall buildings. Thus the new offices would provide a similar level of employment as the existing but on a considerably smaller footprint. This change in the form of the premises on the site enables a considerable amount of the site to become available for other uses. Given the existing and proposed levels of employment at the site it is not considered that the development is *in principle* contrary to the intentions of the LDF and it accords with the aims and aspirations of the NPPF. In light of all circumstances I would not wish to oppose the application in principle in respect of land use.
- 6.4 The re-development of the site would not have a significant impact on the overall area and indeed would lead to reduction of the risk of the anti-social hours operations that that have characterised the site in the past and led to undesirable local impacts. The creation of a residential frontage along the east side of New Hythe Lane would blend in with the existing residential character. The applicants have stated that the road frontage would be well landscaped and this can be controlled by planning condition. Due to the changes in levels compared with the surroundings it is considered that the development would not have an adverse impact on the amenity of the existing properties adjacent to the site as the new buildings would be set lower than the surroundings. Adequate boundary treatments can be ensured by use of conditions and this would also include any

retaining structures required. The layout has been amended to address some of the concerns raised regarding the position of the flats in the north east corner and this change is considered an improvement over the original layout.

- 6.5 The design of the buildings themselves is considered to be complementary to the area, being of traditional brick and tile design and appearance that would positively contribute to the overall character of the area.
- 6.6 The office building proposed is set on the south east corner of the site. Being three storeys it is somewhat taller than the existing buildings but its siting and design limits its overall bulk and would not lead to significant concerns about its impact on the surroundings. Visually it relates most closely to the industrial complex around Sheldon Way. The building would not be detrimental to the overall setting of the Larkfield Church Conservation Area to the south of Sheldon Way as the church is set on higher land and surrounded to the north and west by tree and shrub areas.
- 6.7 The works would result in the loss of the existing quarry bund along the street frontage of New Hythe Lane and the associated vegetation. This wooded area is mentioned in the Character Area Appraisal as a feature of the street scene but a more detailed inspection of the trees indicates that the trees are poor quality diseased Elms that have a limited life expectancy. The applicants have acknowledged the importance of the character of the street scene in this locality and are therefore proposing that suitable replacement landscaping is provided to retain the general character of the vicinity – this may be required by condition.
- 6.8 The proposal involves the creation of four new accesses in total; three from New Hythe Lane and one onto Sheldon Way. The Sheldon Way access would serve only the car park for the office building. The majority of the traffic generated by the houses would join New Hythe Lane at a new mini-roundabout that would be shared with Larkfield Leisure Centre. Two smaller private accesses, serving three dwellings each, are to be located each side of the roundabout.
- 6.9 The development would generate additional car movements in the vicinity, but this situation has to be viewed against the fact that the site would no longer generate HGV traffic on the northern end of New Hythe Lane. It also has to be remembered that the site currently benefits from an unrestricted B2 industrial use that could be utilised by another operator, other than the KM Group, without the need for planning permission. It is therefore considered from a traffic generation point of view that the development would not have an adverse impact on the local highways network.
- 6.10 Parking has been provided to the new units in full accordance with the parking standards contained within IGN3. The roundabout would, in itself, effect some speed management/ traffic calming that would effectively slow the flow of traffic at this point of New Hythe Lane, something that historically has been a concern to

existing residents. The two new private access points do not raise any highway objections subject to the retention of appropriate visibility splays. These matters have been assessed by KCC highways and found acceptable.

- 6.11 Given the location of the site adjacent to other industrial premises and New Hythe Lane, it is considered appropriate to ensure noise mitigation measures at the dwellings to ensure that an adequate standard of sound insulation and thus internal noise climate is provided. This can be controlled by condition. Also, as the site is previously developed industrial land it is considered necessary to require full land contamination details before works can commence to build the new units.
- 6.12 The site would normally attract a requirement for affordable housing and open space contributions. It is considered though due to viability issues and, in particular, the desire to seek the retention of the Kent Messenger on site the development could not support both. It is, therefore, considered, due to the specific circumstances of this proposal, that no contributions or provisions be sought.
- 6.13 With regard to the other issues raised during consultation, matters to do with the construction phase of the development are not controlled through planning legislation. Issues to do with noise, dust and disturbance would fall under environmental protection legislation operated by colleagues in Environmental Health. The developers will be advised to seek to agree arrangements in advance.
- 6.14 The assessment of the scheme has taken into account potential impacts on adjoining properties and gardens including a comparison of potential impacts from the proposed scheme and those that could have occurred as a result of the historic use of the site.
- 6.15 Overall it is considered that the development of houses and an office building is acceptable in this location as it would support an existing local business and provide a variety of open market housing in full accordance with the aims of the NPPF.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 28.08.2012, Other RECEIPT FOR SUBMISSIONS dated 28.08.2012, Notice dated 28.08.2012, Validation Checklist dated 28.08.2012, Planning Statement dated 28.08.2012, Design and Access Statement dated 28.08.2012, Flood Risk Assessment dated 28.08.2012, Flood Risk Assessment APPENDICES A-G dated 28.08.2012, Flood Risk Assessment APPENDICES H-J dated 28.08.2012, Transport Statement dated 28.08.2012, Transport Statement APPENDICES A-E dated 28.08.2012, Transport Statement APPENDICES F-G dated 28.08.2012, Transport Statement PLANS dated

28.08.2012, Ecological Assessment dated 28.08.2012, Noise Assessment dated 28.08.2012, Archaeological Assessment dated 28.08.2012, Archaeological Assessment FIGURES 1-8 dated 28.08.2012, Archaeological Assessment FIGURES 9-13 dated 28.08.2012, Environmental Assessment AND APPENDICES A-E dated 28.08.2012, Environmental Assessment APPENDICES F-N dated 28.08.2012, Environmental Assessment GEOINSIGHT REPORT PART 1 dated 28.08.2012, Environmental Assessment GEOINSIGHT REPORT PART 2 dated 28.08.2012, Environmental Assessment EMAPS LARGE SCALE dated 28.08.2012, Environmental Assessment EMAPS SMALL SCALE dated 28.08.2012, Landscape Layout 1420/01 REV A dated 28.08.2012, Drawing 10.057/102 dated 28.08.2012, Drawing 10.057 BROADWAY dated 28.08.2012, Drawing 10.057 CANTERBURY SH1 dated 28.08.2012, Drawing 10.057 CANTERBURY SH2 dated 28.08.2012, Drawing 10.057 DOUBLE GARAGE TYPE 1 dated 28.08.2012, Drawing 10.057 DOUBLE GARAGE TYPE 2 dated 28.08.2012, Drawing 10.057 KENILWORTH SH1 dated 28.08.2012, Drawing 10.057 KENILWORTH SH2 dated 28.08.2012, Drawing 10.057 KENILWORTH SH3 dated 28.08.2012, Drawing 10.057/BP1 REV B dated 28.08.2012, Drawing 10.057/BP2 REV B dated 28.08.2012, Drawing 10.057/BP3 REV B dated 28.08.2012, Drawing 10.057/BP4 REV B dated 28.08.2012, Drawing 10.057/BP5 REV B dated 28.08.2012, Drawing 10.057/BP6 REV B dated 28.08.2012, Drawing 10.057/BP7 REV B dated 28.08.2012, Drawing 10.057 FLATS SH1 dated 28.08.2012, Drawing 10.057 FLATS SH2 dated 28.08.2012, Drawing 10.057 FLATS SH3 dated 28.08.2012, Drawing 10.057 FLATS SH4 dated 28.08.2012, Drawing 10.057 FLATS SH5 dated 28.08.2012, Drawing 10.057 FLATS SH6 dated 28.08.2012, Drawing 10.057 FLATS SH7 dated 28.08.2012, Drawing 10.057 FLATS SH8 dated 28.08.2012, Drawing 10.057 PEMBROKE dated 28.08.2012, Drawing 10.057 SINGLE GARAGE TYPE 1 dated 28.08.2012, Drawing 10.057 STRATFORD dated 28.08.2012, Drawing 10.057 TRIPLE GARAGE SH1 dated 28.08.2012, Drawing 10.057 TRIPLE GARAGE SH2 dated 28.08.2012, Drawing 10.057 WARWICK dated 28.08.2012, Drawing 10.057 YORK dated 28.08.2012, Letter dated 30.10.2012, Drawing 10.057 OXFORD dated 30.10.2012, Drawing 10.057 SHREWSBURY dated 30.10.2012, Site Plan 1204/02/04 D dated 30.10.2012, Site Layout 10.057/100 G dated 30.10.2012, Street Scenes 10.057/101 C dated 30.10.2012, Email Barton Willmore dated 06.11.2012, 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 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 Prior to the development hereby approved commencing details of the slab levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In order to secure a satisfactory standard of development and in accordance with paragraphs 17, 57, 58 and 61 of the National Planning Policy Framework.

- 4 Notwithstanding the provision of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in any elevation of the buildings other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property and in accordance with paragraphs 17, 57, 58 and 61 of the National Planning Policy Framework.

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the building without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property and in accordance with paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.

- 6 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. The scheme shall include full details of all boundary retaining walls and structures. 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.

- 7 No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 8 No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been 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 and 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.

- 9 No development shall be commenced until full details of a scheme of acoustic protection of habitable rooms having windows that will be exposed to a level of noise in Noise Exposure Category B, C or D as set out in Policy SQ6 of the Tonbridge and Malling Borough Local Plan have been submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall

be sufficient to secure internal noise levels no greater than 30 LAeq dB in bedrooms and 40 LAeq dB in living rooms with windows closed. Additionally, where the internal noise levels will exceed 40 LAeq dB in bedrooms or 48 LAeq dB in living rooms with windows open the scheme of acoustic protection shall incorporate appropriate acoustically screened mechanical ventilation. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reason: To protect the aural environment of the occupiers.

- 10 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 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 parking space.

Reason: Development without professional or adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and is in accordance with paragraph 35 of the National Planning Policy Framework 2012.

- 11 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

- 12 Development shall not begin until details of the junction between the proposed service road and the highway have been approved by the Local Planning Authority; and the buildings shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic.

Informatives

- 1 During the demolition and construction phase the hours of working (including deliveries) shall be restricted to Monday to Friday 0800-1800 hours, Saturdays 0800-1300 hours with no work on Sundays or Public or Bank Holidays. You are advised to contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to seek the necessary consents required under Section 61 of the Control of Pollution Act 1974.

- 2 The use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation and therefore it is recommended that bonfires are not held at the site.
- 3 Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council- Highways and Transportation (Website: www.kent.gov.uk/roads and transport.aspx or telephone: 08458 247800) in order to obtain necessary Application Pack.
- 4 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to nameandnumbering@tmbc.gov.uk. To avoid difficulties, for first occupiers, 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.

Contact: Robin Gilbert