

**Aylesford**  
Aylesford

**573625 157547 6 February 2013**

**TM/13/00342/FL**

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Proposal: Proposed public house/restaurant and associated works  
Location: Land East Of A20 And South Of St Laurence Avenue Allington  
Maidstone Kent  
Applicant: Marston's Inns & Taverns

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**1. Description:**

- 1.1 Detailed planning permission is sought for the construction of a public house/180 cover restaurant with 60 parking spaces and a play area/beer garden to the south. A managers flat would also be provided in the first floor of the building. Vehicular access would be from St Laurence Avenue with a pedestrian access being provided from the A20.
- 1.2 The proposed building would have a gross internal floor space of 581 square metres. The majority of the building would be 6.6m in height with a maximum ridge of 10.7m. It is estimated that it would provide employment for an equivalent of 30 full time staff. It is stated that the new building would be energy efficient and would minimise waste production. The building would be constructed towards the front corner of the land with the parking area behind. To the rear of this, a landscaped area would be retained.
- 1.3 It is intended that the applicants will provide a community style pub, being predominantly food led, to serve those living locally and passing trade to and from the M20. The hours of operation have not been specified but it is understood that the pub/restaurant would remain open throughout the day and evening.

**2. Reason for reporting to Committee:**

- 2.1 The proposal involves development within the Strategic Gap.

**3. The Site:**

- 3.1 The application relates to a 0.73ha roughly triangular shaped parcel of vacant scrubland located towards the eastern side of the borough and close to the boundary with Maidstone Borough. The site is bounded by the A20 to the south west and the railway line on an embankment to the south. To the north is St Laurence Avenue leading to the 20/20 Industrial Estate and the Allington Quarry Waste Management facility.
- 3.2 The site lies adjacent to a roundabout leading to slip roads to junction 5 of the M20. To the west and in close proximity to the site are the Police Traffic Head Quarters and the Coldharbour Gypsy site. The land also falls within the Strategic Gap as identified within the adopted Core Strategy.

#### 4. Planning History:

|   |                                       |              |
|---|---------------------------------------|--------------|
| TM/93/00034/OA  | non-determination<br>appeal dismissed | 3 March 1994 |
| Outline application for the erection of petrol filling station, cashier/sales area and car wash |                                       |              |
| TM/94/00025/AT  | refuse                                | 4 May 1994   |
| Direction sign  |                                       |              |

#### 5. Consultees:

- 5.1 PC: No objection. Strategic Gap is noted but on balance the development will not have any diverse effects on the area and provides an additional amenity/jobs in an area soon to have significant new housing development.
- 5.2 KCC (Highways): Initially requested tracking diagrams to indicate that all vehicles accessing the site were able to turn within the site and leave in a forward gear. No objections raised subject to various safeguarding conditions.
- 5.3 Network Rail: No representations received.
- 5.4 Maidstone Borough Council: Recommended that consideration should be given to the highway implications of the development in light of their (MBC's) proposed Strategic Site Allocations to the north west of Maidstone. Reference has also been made to sustainable design and modes of transport, ecological enhancements retention of existing landscaping, permeable parking areas, use of high quality materials and suitable lighting.
- 5.5 Private Reps: Eight letters of representation have been received, four in support of the proposal and four against.
  - 5.5.1 It is noted that the site is surrounded by similar development and that there are no similar amenities nearby. Also that the addition of a pub/restaurant would be a positive enhancement and of benefit to those working nearby.
  - 5.5.2 Others note that the site falls within the Strategic Gap which seeks to preserve the open and undeveloped gap and the proposal will intrude into the open space which separates the two boroughs. It is noted that the proposal will increase the already congested roundabouts and that the developer should be required to contribute towards providing a safe way under the railway bridge for all users. It is stated that the site is cut off from residential areas and is unsuitable for this proposal.

**6. Determining Issues:**

- 6.1 The application is considered in relation to Tonbridge and Malling Borough Core Strategy policies CP1 (sustainable development), CP2 (sustainable transport), CP5 (development in the Strategic Gap), CP14 (development in the countryside), CP24 (high quality environment). Also of relevance are paragraphs 7, 14, 17, 21, 32 and 124 of the National Planning Policy Framework 2012.
- 6.2 In the light of the above, it is firstly necessary to consider whether the principle of development in the Strategic Gap is acceptable in this instance, having regard to the purpose of the Gap, which is to maintain the visual separation between Maidstone and the Medway Gap settlements, but also taking account of vehicle activity, noise, air quality and general amenity.
- 6.3 In the light of this location within the Strategic Gap, the applicants were requested to provide a reasoned justification as to why these policies should be set aside in favour of the proposal. In response, the applicants' agents state that in their view the land offers little in the way of landscape quality and does not contribute to the overall policy objective in respect of maintaining separation and separate identities. The immediately adjacent development is urban in nature and these uses lessen the robustness of the Strategic Gap. It is concluded that the development would not be an alien feature of the area and would not erode the character of the Strategic Gap.
- 6.4 A further visual appraisal of the Strategic Gap has also been submitted which assesses the setting and landscape around the site. It is noted that the site lies adjacent to a busy 4-arm roundabout that connects to the M20 and a railway line. Urbanisation is acknowledged as being more pronounced along the transport corridors. The landscape is considered to be "indistinct" due to its proximity to the urban area of Maidstone. It is noted that the Strategic Gap is not a landscape designation and that interim policies within Maidstone Borough indicate housing allocations adjacent to the Strategic Gap.
- 6.5 Although the absence of development rather than landscape quality is the essential feature of the Strategic Gap, the agent considers there is a need to consider environmental character/quality. The immediate area around the site is considered to be a traffic corridor with a considerable amount of visual clutter in the form of road signs/adverts etc and as such it does not, they say, feel as if you are entering a countryside gap between settlements. There is a distinct urban feel rather than a clear edge to the settlements. As a result, the applicants' agent concludes that the change of use of this piece of Strategic Gap would not result in undue harm to the character of the area.
- 6.6 Although I do not agree with all the arguments put forward on behalf of the applicants, having considered carefully the actual effect of this development on the visual integrity of the Strategic Gap, I believe that it would not be unduly harmful. This is, in part, due to the topography of the site and the surrounding area. The

development would not be particularly prominent in public views and there are opportunities to enhance the screening of the site with additional landscaping. This will reduce the visual impact at close quarters.

- 6.7 Secondly it is necessary to consider the planning history for this site. In 1994, an outline planning application was made for the construction of a petrol filling station and car wash. An appeal was made against non-determination. The Council noted that if the application had been determined in time it would have been refused as constituting development in a rural area which would prejudice the function of the Green Wedge between Allington and Aylesford. The main considerations were identified as being whether the proposal would significantly harm the appearance of the countryside and if so, whether such harm would be outweighed by improvements to highway safety and the provision of a service to road users. The Inspector concluded that the need and general advantages of the scheme were not sufficient to outweigh the harm which would result from this form of built development in this part of the Green Wedge between Maidstone and the Medway Gap towns. For these reason the appeal was dismissed.
- 6.8 The current application submitted 20 years later is for a restaurant/pub rather than a petrol filling station. The proposal has been found to be acceptable in terms of highway and environmental issues. Whilst the appeal decision is a material consideration, as mentioned above it is considered that the current applicants have put forward a satisfactory case for this different proposal within the Strategic Gap.
- 6.9 The proposed building would have a gross internal floor space of 581 square metres with the majority of the building being 6.6m high and a maximum ridge height of 10.7m. Vehicle access would be from St Laurence Avenue leading to 60 parking spaces to serve the 180 seater restaurant. The design and scale of the building would be acceptable in this location and would not result in overdevelopment as sufficient amenity/landscaping space would remain towards the southern side of the site. It has been indicated that the development would involve an energy efficient building with minimal waste production. The proposal is considered to be sustainable as it would serve a specific catchment being located at the entrance to an existing employment site and relatively close to a built up area.
- 6.10 An external lighting scheme has been prepared to ensure the entrance and public areas are appropriately lit. Low level bollard lighting would be used in order to discourage crime and promote safety.
- 6.11 Appropriate landscaping measures and habitat planting have been incorporated throughout the site. There are approximately 11 larger trees growing along or near the southern boundary with a scattering of smaller trees. A tree survey has shown that the proposed development would not impact upon the existing trees along the southern boundary. There are no protected trees at the site and for safety reasons

it is recommended that 3 of the larger trees are removed. From a landscape point of view, there are no objections and the submitted ecology assessment concludes that the development can proceed subject to relevant mitigation and enhancement measures. It is considered appropriate to retain an ecological area to the rear of the building.

- 6.12 The KCC Highways Engineer notes that St Laurence Avenue is subject to a 30 mph speed limit and that there is a cycle/footway along the northern side. In addition a footway/cycleway runs along the south western boundary of the site and a pedestrian link is proposed to London Road. The site is also served by existing bus routes in the vicinity.
- 6.13 A TRICS database has been used to estimate the number of trips likely to be attracted to the site and the results indicate that this proposal would be likely to generate 29 two way vehicle trips on a peak Friday evening and 31 two way trips during the Saturday lunch time peak hour. A submitted highway capacity assessment indicates that there is sufficient reserve capacity to accommodate the development traffic. In the light of the above, no objections are raised to the vehicle activity associated with the proposal and the parking provision within the site.
- 6.14 A Transport Assessment was submitted with the application covering the relationship with the local highway network and access arrangements. The proposed facility will clearly result in additional traffic and vehicle movements along St Lawrence Avenue. The number of parking places to be provided is considered proportionate to the development and its locality.
- 6.15 It has been indicated that accommodation for a full time manager would be provided above the pub. Given the location of the building close to several busy roads, it has been necessary to ensure that the standard of amenity within the proposed accommodation would be satisfactory in terms of noise and air quality levels.
- 6.16 An air quality assessment was submitted with the application and has been the subject of detailed consideration. Additional information has now been received from the applicants' agents and it is concluded that no new receptor will be introduced into an area that exceeds air quality National Objectives. Therefore mitigation measures are not appropriate for this application. Additionally, the overall air quality impacts of the development are deemed to be insignificant. The Environmental Health Officer agrees with this conclusion based on the evidence provided. Whilst the impacts from construction are deemed to be negligible without mitigation, it is recommended that best practice guidelines are still followed and this can be covered by an Informative.

- 6.17 One of the concerns with the proposed development is the effect of environmental noise (traffic & plant) on the managers accommodation. A noise survey has been received that concludes that the first floor can be suitably insulated to ensure appropriate levels of amenity with mitigation measures.
- 6.18 It is proposed to dispose of the foul drainage by a package treatment plant. There were, initially environmental health concerns over this proposed arrangement due to concerns about the type of materials which should not be disposed of into the unit and which could affect its performance. The applicant states that he has been advised by the producer of the plant that the quantities of beer and/or cleaning fluid will be insignificant as a proportion of the total sewage flow and so unlikely to adversely affect the operation of the plant. If this is indeed the case then the original objection can be withdrawn. From an environmental health point of view it was recommended that the applicant submit confirmation from the plant producer over these matters. Further information has recently been received in this regard and any further comments will be included in a Supplementary Report.
- 6.19 Maidstone Borough has made a number of comments about the proposal, as outlined above. Their emerging Core Strategy is seeking to allocate the area of land between the railway line and the nearest residential development to the south, for further housing development. The sites are separated by the railway line and the proposed pub and restaurant should not be unduly harmful to any new housing in the area identified by Maidstone Borough, in terms of noise or disturbance. The general matters raised have been addressed as outlined above.
- 6.20 A number of representations have been received from nearby businesses and individuals, some in favour of the proposal and others against it. All comments have been given careful consideration. The concerns about the Strategic Gap and extra vehicle activity in an already busy area have been addressed above. It is, however, recognised that the addition of a pub/restaurant in this location would be a positive enhancement, especially for those employed in businesses in the nearby industrial estate and those travelling through the area.
- 6.21 The proposal has been the subject of lengthy discussions and refinement. It is considered that the applicants have provided satisfactory justification for the introduction of new built form within the Strategic Gap without resulting in the significant erosion of its character. The form of the building shown would be appropriate in terms of size and scale and would also make a positive contribution to local employment in the area.
- 6.22 It is concluded that the proposal is acceptable having regard to Core Strategy policies CP1, CP2, CP5 and CP24 and the above mentioned paragraphs of the NPPF. For this reason, it is recommended that planning permission can now be granted subject to safeguarding conditions.

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Email dated 23.04.2013, Email dated 13.06.2013, Letter DP/JB/JMA3353 dated 12.06.2013, Visual Impact Assessment dated 12.06.2013, Letter dated 21.03.2013, Plan 12052:SK05 B dated 21.03.2013, Air Quality And Odour Survey dated 14.04.2013, Letter dated 12.06.2013, Letter dated 20.05.2013, Letter dated 06.02.2013, Letter TM/12/1614/FINF dated 06.02.2013, Design and Access Statement dated 06.02.2013, Planning Statement dated 06.02.2013, Air Quality Assessment dated 06.02.2013, Ecological Assessment dated 06.02.2013, Statement ENERGY AND CARBON MANAGEMENT dated 06.02.2013, Statement MARSTONS TWO FOR ONE dated 06.02.2013, Statement ENERGY RECOVERY dated 06.02.2013, Noise Assessment dated 06.02.2013, Transport Assessment dated 06.02.2013, Tree Report dated 06.02.2013, Contaminated Land Assessment dated 06.02.2013, Site Plan dated 06.02.2013, Plan TMBC LDF PROPOSALS MAP dated 06.02.2013, Location Plan 3228/P100 B dated 06.02.2013, Site Plan 3228/P102 D dated 06.02.2013, Existing Site Layout 3228/P103 C dated 06.02.2013, Site Plan 3228/P104 F dated 06.02.2013, Floor Plan 3228/P105 D dated 06.02.2013, Floor Plan 3228/P106 A dated 06.02.2013, Elevations 3228/P107 B dated 06.02.2013, Sections 3228/P108 dated 06.02.2013, Planning Layout 3228/P110 A dated 06.02.2013, Details 3228/P111 A dated 06.02.2013, Details 3228/P112 dated 06.02.2013, Plan 12052:SK01 B dated 06.02.2013, Plan 12052:SK03 A dated 06.02.2013, Planning Layout 12052:SK4 A dated 06.02.2013, Plan 12052:SK5 A dated 06.02.2013, Artist's Impression 3228/P113 A dated 06.02.2013, Details 3228/P114 dated 06.02.2013, Landscape Layout SPP1736 P 01 E dated 06.02.2013, Planning Layout 298-55-PE01 A dated 13.02.2013, 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. Prior to the development hereby approved commencing details of the slab levels of the approved building 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 proposal.

Reason: In order to secure a satisfactory environment and in accordance with paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.

3. 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 and in accordance with paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.

4. 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 building 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.

5. 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.

### **Informatives**

1. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
2. There is insufficient detail to comment on the layout and facilities in the kitchen area. The applicant is advised to make contact with the Borough Council's Food Safety team at the earliest opportunity to ensure the kitchen will meet food hygiene requirements and to register the business.
3. There does not appear to be separate WC provision for staff. There should be separate WC provision in accordance with the Workplace (Health, Safety and Welfare) Regulations 1992 (as amended).
4. This is a business/trade property and therefore must comply with all the Duty of Care regulation.



5. It is suggested that best practice guidelines are still followed as suggested in 6.2, 6.3 and 6.4 of version 2 of the Air Quality Assessment (1547/1/F2).

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