

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

18 May 2015

To: MEMBERS OF THE AREA 2 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 2 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Wednesday, 27th May, 2015 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 15 April 2015

Decisions to be taken by the Committee

4. Development Control 9 - 12
Introduction and Glossary
5. TM/14/01688/FL - Winsor Works, London Road, Addington 13 - 42
6. TM/14/03395/FL - The Vigo Inn, Gravesend Road, Wrotham 43 - 58
7. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

8. Exclusion of Press and Public

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

9. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Chairman and Vice-Chairman to be appointed at
Annual Council Meeting

Cllr Mrs J A Anderson
Cllr Mrs S M Barker
Cllr M A C Balfour
Cllr R P Betts
Cllr M A Coffin
Cllr S R J Jessel
Cllr Mrs F A Kemp
Cllr Mrs S L Luck
Cllr B J Luker

Cllr P J Montague
Cllr L J O'Toole
Cllr H S Rogers
Cllr S C Perry
Cllr Miss J L Sergison
Cllr T B Shaw
Cllr Miss S O Shrubsole
Cllr M Taylor

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 15th April, 2015

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs E M Holland (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr M A Coffin, Cllr S R J Jessel, Cllr B J Luker, Cllr Mrs S Murray, Cllr H S Rogers, Cllr A G Sayer, Cllr Miss J L Sergison, Cllr Miss S O Shrubsole and Cllr M Taylor

Councillor N J Heslop was also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor C Brown

PART 1 - PUBLIC

AP2 15/8 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

However, Councillors Balfour and Mrs Murray advised that they were Governors at Grange Park School which was adjacent to and shared the same site as Wrotham School. Legal Services had advised that as this did not represent either a Discloseable Pecuniary Interest or Other Significant Interest they could participate in and vote on the discussion.

AP2 15/9 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 21 January 2015 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPHS 3, PART 3 OF THE CONSTITUTION

AP2 15/10 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the

Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP2 15/11 TM/14/04186/FL - WROTHAM SECONDARY SCHOOL, BOROUGH GREEN ROAD, WROTHAM

Two no. single storey class room extensions and first floor extension to the reception plus new roof over external courtyard to form a multi-functional space. Re-cladding of exterior of main building with timber boarding at Wrotham Secondary School, Borough Green Road, Wrotham.

RESOLVED: That the application be APPROVED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; subject to

(1) Addition of condition:

5. The extensions hereby approved shall not be occupied until a Travel Plan has been implemented in accordance with details that have been submitted to and approved by the Local Planning Authority.

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

(2) Amended informative:

1. An operational in/out drop off facility at the entrance to the site would improve the existing highway conditions at arrival/collection times. Future applications to increase student capacity at the site are unlikely to be viewed favourably should such measures not be put in place.

(3) Addition of informative:

6. The applicant is advised that the Travel Plan will be expected to ameliorate the significant congestion caused by the school that impacts on the A227 and there should be regular reviews thereafter.

AP2 15/12 TM/15/00230/RD - TITHEWARD YARD, THREE ELM LANE, GOLDEN GREEN

Details of landscaping and boundary treatment submitted pursuant to condition 5 of planning permission TM/14/01713/FL (Proposed reconstruction of building following storm damage and retaining residential dwelling on site) at Titheward Yard, Three Elm Lane, Golden Green.

RESOLVED: That the application be REFUSED for the following reason:

- (1) The boundary wall, entrance gates and brick piers by virtue of their overall scale and height combined with their unsympathetic design and materials used, and also because of their inherently suburban character, are detrimental to the appearance, character and amenities of the rural locality. As such, the development is contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy and policy SQ1 of the Managing Development and the Environment DPD 2010; and
- (2) Enforcement action to be held in abeyance pending negotiations on whether it is possible to resolve the harmful impact of the height and non-rural appearance.

[Speakers: Mrs Parsons - applicant]

AP2 15/13 ALLEGED UNAUTHORISED DEVELOPMENT 14/00352/WORKM - LITTLE NEPICAR, LONDON ROAD, WROTHAM

The unauthorised erection of a timber sectional building used as a one bedroom annex, following the refusal of planning permission under reference TM/14/04076/FL, which was considered on a retrospective basis was reported.

RESOLVED: That Enforcement action be held in abeyance pending negotiations on whether it is possible to resolve the harmful impact of the siting and the nature of the use of the timber sectional annex building

AP2 15/14 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.35 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

In accordance with the Local Government Access to Information Act 1985 and the Local Government Act 1972 (as amended), copies of background papers, including representations in respect of applications to be determined at the meeting, are available for inspection at Planning Services, Gibson Building, Gibson Drive, Kings Hill from 08.30 hrs until 17.00 hrs on the five working days which precede the date of this meeting.

Members are invited to inspect the full text of representations received prior to the commencement of the meeting.

Local residents' consultations and responses are set out in an abbreviated format meaning: *(number of letters despatched/number raising no objection (X)/raising objection (R)/in support (S))*.

All applications may be determined by this Committee unless (a) the decision would be in fundamental conflict with the plans and strategies which together comprise the Development Plan; or (b) in order to comply with Rule 15.24 of the Council and Committee Procedure Rules.

GLOSSARY of Abbreviations and Application types used in reports to Area Planning Committees as at 16 August 2013

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CBCO	Chief Building Control Officer
CEHO	Chief Environmental Health Officer
CHO	Chief Housing Officer
CPRE	Council for the Protection of Rural England

DEFRA	Department for the Environment, Food and Rural Affairs
DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document (part of the emerging LDF)
DMPO	Development Management Procedure Order
DPD	Development Plan Document (part of emerging LDF)
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 1995
GPDO	Town & Country Planning (General Permitted Development) Order 1995
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust - formerly KTNC
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MLP	Minerals Local Plan
MPG	Minerals Planning Guidance Notes
NE	Natural England
NPPF	National Planning Policy Framework
ODPM	Office of the Deputy Prime Minister
PC	Parish Council
PD	Permitted Development

POS	Public Open Space
PPG	Planning Policy Guidance Note
PPS	Planning Policy Statement (issued by ODPM/DCLG)
PROW	Public Right Of Way
RH	Russet Homes
RPG	Regional Planning Guidance
SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCG	Tonbridge Conservation Group
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)
FC	Felling Licence
FL	Full Application

FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent
LB	Listed Building Consent (determined by Secretary of State if made by KCC or TMBC)
LBX	Listed Building Consent: Extension of Time
LCA	Land Compensation Act - Certificate of Appropriate Alternative Development
LDE	Lawful Development Certificate: Existing Use or Development
LDP	Lawful Development Certificate: Proposed Use or Development
LRD	Listed Building Consent Reserved Details
MIN	Mineral Planning Application (KCC determined)
NMA	Non Material Amendment
OA	Outline Application
OAEA	Outline Application with Environment Assessment
OAX	Outline Application: Extension of Time
ORM	Other Related Matter
RD	Reserved Details
RM	Reserved Matters (redefined by Regulation from August 2006)
TEPN56/TEN	Prior Notification: Telecoms
TNCA	Notification: Trees in Conservation Areas
TPOC	Trees subject to TPO
TRD	Tree Consent Reserved Details
TWA	Transport & Works Act 1992 (determined by Secretary of State)
WAS	Waste Disposal Planning Application (KCC determined)
WG	Woodland Grant Scheme Application

Addington **566383 158727** **5 June 2014** **TM/14/01688/FL**
Downs & Mereworth

Proposal: Change of use of land to depot for demolition company with associated demolition of existing industrial buildings and redevelop with new workshop and office buildings. Installation of vehicle wash facility and associated hard surfacing and parking

Location: Winsor Works London Road Addington West Malling Kent ME19 5AN

Applicant: Downwell Demolition

1. Description:

1.1 The application proposes the following:

- Change of use of the site to demolition company depot (retrospective)
- Demolition of existing industrial buildings
- Construction of new workshop and office buildings
- Laying of concrete hard surfacing
- Installation of a vehicle wash facility
- Provision of a car parking area
- Erection of a high fence (approx. 3.9m) along the western boundary (part retrospective)

1.2 A new L-shaped workshop building is to be sited within the northeast section of the site, providing a floor area of about 613m². As the boundaries are not linear the building will be inset (as a minimum) between 0.5m and 1m from all 4 boundaries. The building provides a simple low profile hipped roof with eaves 3.5m high and a ridge height of 5.8m. The northwest section of the building is to be fully enclosed, while the remaining sections of the building are to be open-fronted and open for the bottom 1m of the side and rear elevations.

1.3 A two storey office building is proposed within the front southwest section of the site where the access road enters the site proper. The building is to be inset about 1.5m from the western boundary and will measure 10.2m by 5.85m, providing a total floor area of 119m². It provides an eaves height of 5.4m and total height of 6.2m. The building is of a simple rectangular form with a low profile dual pitched roof.

- 1.4 It is proposed to change the use of the site to a depot or base for a demolition company (Downwell Demolition). As the company is already operating from the site this change of use is retrospective. The depot will involve the parking of HGVs and company vans, as well as for the storage and servicing of plant machinery, mainly 13 ton and 45 ton hydraulic excavators. It has been stated that the company's plant machines are kept on demolition sites where they are serviced by mobile fitters. When not being used on demolition sites they would be brought to the application site where they would be stored until next required. The yard will also store other equipment associated with the operational needs of the demolition firm including bucket attachments for the excavators, empty waste bins and storage/shipping containers. About 11 employees would be working at the site, which will include office staff currently situated at Kings Hill.
- 1.5 The access road and most of the larger site are to be resurfaced with concrete. A car parking area is to be provided immediately to the north of the new office building. A wash bay facility is to be situated adjacent to the southern boundary and will be partially sunk into the ground with an interceptor being installed. A high fence about 3.9m high is to be erected along a section of the western boundary consisting of a concrete block base with wire mesh above. This fence has already been partially erected.
- 1.6 An arboricultural report, Flood Risk Assessment (FRA) and phase 1 land contamination preliminary risk assessment report have been submitted with the application.
- 1.7 Further supporting information was submitted on 8 September 2014 and 26 January 2015.

2. Reason for reporting to Committee:

- 2.1 The application has been called in to Committee by Councillor Kemp due to local concern and the complex history of the site.

3. The Site:

- 3.1 The application site is located behind the Humphries and Parks Mitsubishi Garage and car sales and Scarbutts Printers premises on the north side of London Road (A20), to the southeast of Addington in the countryside. Access to the site proper is via an access road that extends 90m to the north from the A20, between the Mitsubishi car sales yard to the east and the residential property of Emlyn to the west. The site provides an area of about 0.35ha and is currently being used by the applicant as a demolition company depot.
- 3.2 The main part of the site is relatively flat with a slight slope from the south down to the north towards the stream that runs adjacent to the west and north boundaries. However, the access road to the site is relatively steep, with the level of the A20 being about 10m higher than the level of the site proper.

- 3.3 Scarbutts Printers adjoins the site to the south and southeast. The dwellings of Mayhill House and May Hill Barn lie further to the east. The Mitsubishi Garage and car sales premises lie further to the south fronting the A20. An open field/meadow lies to the east, with an area of woodland to the north and northeast. The West Malling Golf Course lies to the west and north of the main part of the site. The residential property of Emlyn adjoins the western boundary of the site adjacent to the access road. A number of other residential properties (Nos.1-6 Greenways) are sited further to the west. A cluster of residential properties is also located on the south side of the A20, opposite the site access.
- 3.4 The site is within the Countryside and Metropolitan Green Belt, Zone 2/3 Flood Risk Areas and a Water Gathering Area. The A20 is a Classified Road and an area of Ancient Woodland lies immediately to the north. The site is also designated as a Major Developed Site in the Green Belt - M1(b) and Other Employment Land - E2(o) in the Council's Development Plan.

4. Planning History (relevant):

TM/61/107554/OLD	Grant with conditions	3 May 1961
Workshop and store		
TM/64/10901/OLD	grant with conditions	16 April 1964
A workshop, for N. Wilkinson, Esq.		
TM/74/11886/OLD	Refuse	25 February 1974
Outline Application storage building for K. Noye.		
TM/74/12734/OLD	old application - lapsed decision	16 August 1971
Industrial Building.		
TM/76/10039/FUL	Refuse	23 December 1976
New industrial buildings to garage and maintain lorries.		
TM/76/10626/FUL	Refuse	14 December 1976
Parking area.		
TM/76/10722/FUL	Refuse	14 December 1976
Portable office.		

TM/78/11152/FUL grant with conditions 26 May 1978

Laying of concrete parking area.

TM/79/11397/FUL Refuse 25 May 1979

Extension to existing workshop for storage of spares etc.

TM/82/10787/OUT grant with conditions 28 October 1982

Erection of building for storage of commercial vehicles and plant spares in replacement for existing workshop

TM/82/10791/FUL grant with conditions 13 August 1982

Erection of single storey office to replace existing temporary office

TM/83/11137/FUL Refuse 18 August 1983

Demolition of existing and erection of new industrial building.

TM/84/10976/OUT grant with conditions 14 August 1984

Outline application for erection of replacement industrial building for repair and sales of commercial vehicles and plant, and hire of plant

TM/90/11700/FUL Grant With Conditions 18 July 1990

Change of use to Class B4 (c) and the erection of a steel framed building

TM/91/10295/FUL grant with conditions 31 July 1991

Replacement vehicular access.

TM/96/00129/FL Grant With Conditions 22 March 1996

Renewal of planning application TM/91/0470: Replacement vehicular access

TM/06/02828/FL Refuse 19 January 2007

Demolition of existing buildings and structures and construction of a 4274 sq m self-storage building and external areas; upgrade of access road

TM/07/01426/FL Approved 18 July 2007

Demolition of existing buildings and structures and construction of a new 3610m² self storage building, external areas and upgraded access road.

5. Consultees:

5.1 PC: In principle we have no objections to the proposals but would like the following to be addressed:

- The application should be 'retrospective' as enforcement proceedings have already started. The Parish Council sent a letter to enforcement on the 15 January 2014 voicing their concerns;
- We question the validity of the flood risk assessment;
- The preliminary risk assessment report is out of date - 16 November 2012. Conditions regarding possible contamination of the site will have changed since then;
- We would ask you to check the references to Addington Industrial Park.

5.1.2 PC: (Second submission): Members resolved to now object to the above planning proposals following a consideration of comments from neighbouring properties, other consultees and local knowledge. Our concerns are as follows:

- The Parish Council would like to remind T&MBC that this is a retrospective application. The Parish Council reported their concerns about the change of use of the site many months ago and an enforcement investigation was started. Members are concerned about the inaccuracies in the description of the works carried out at the site. Local knowledge informs us that there are at least two other companies associated with this site of which no mention is made in the application. We would ask T&MBC to consider the validity of the statement made by the applicant that the current and planned activities are in line with the supposedly historic use of the site.
- Operation hours – we are concerned about the proposed hours of operation and the impact on the local residents and amenities. The applicant claims that the extended hours of business are necessary for it to be viable. We would like to highlight that this supports our view that the current operations are not appropriate for this site. There are local precedents for restricting hours of use for industrial operations in what is a rural residential location.
- Noise – The site has been occupied for over a year and local knowledge informs us that the operations now carried out on the site have created a significant increase in the amount of noise generated. The increase in noise would not appear to only be connected to the trucks entering and leaving the site but from the demolition work carried out on site. We feel that the new operations are harmful to the amenity enjoyment of neighbouring properties and would like to remind T&MBC that this site is in the Metropolitan Green Belt. We were asked to give our opinions on the proposed acoustic fencing.

We do not feel that the proposed fencing alone will improve the situation. Similarly there is evidence of tree screening removal from the periphery of the site in recent years.

- Vehicle movements – we disagree with the statement that the vehicular movements on site would be similar to historic movements. We would like to point out that the current operations on site now involve heavy engineering plant and equipment.
- Proposed workshop and office buildings – Although we feel that the proposed buildings could help improve the visual appearance of the site we remain of the opinion that the current use is not acceptable on this site. In addition the proposed buildings have a greater mass than the existing which would seem to represent inappropriate development in the Green Belt.
- Access – we are concerned about the likely increase in the number of vehicles entering and leaving the site on to this busy stretch of the A20 where traffic is travelling at speed. The access/egress onto the A20 is restrictive for large vehicles with limited turning circles and causes carriageway blockage when manoeuvring and constitutes a risk to traffic flow.
- Flood Risk Assessment – We are concerned about the proximity of this site to a stream and the watercourse. Although we have noted the recommendations of the Environment Agency for a substantial remediation strategy to deal with the risks of possible contamination of the site, we would question its validity. You should note that there has been a history of pollution and killing of fish stocks from industrial operations along this watercourse.

5.1.3 In summary we would disagree with the statement that the current and planned operations do not have an unacceptable impact on residential or rural amenities and in particular on the risk of increased noise, light and other environmental pollution hazards.

5.2 Environment Agency (EA): No objection subject to conditions suggested relating to flood risk, groundwater contamination, piling, foul drainage and car washing being included on any permission granted.

5.3 KCC (Highways): I note in the Planning Design and Access Statement that land slopes steeply downwards from the A20 and having visited the site this is evident. Whilst from the building proposals it is not expected that this development will generate large numbers of traffic generation to warrant (under planning policy) concern or further scrutiny, it is also noted from the Planning, Design and Access Statement however that the new workshops will accommodate 'large JCBs, cranes, HGVs and other similar items of large plant.'

5.3.1 Although this is an existing access and I note the comments regarding similar historic use I have studied the topographical survey provided to determine gradients on the access road. Gradients are typically 1:8 approaching the A20 and this accords with maximum gradients recommended in the Kent Design Guide. For effective and efficient movement however, bearing in mind the size and manoeuvrability of vehicles intended, the gradient at the maximum recommended in guidance and the condition of the track observed, I would recommend that enhancements to the access road are required and from the red line plan provided it is considered that there is scope to do this.

5.3.2 I would recommend that a consistent width of 4.8m is provided in order to enable a lorry and car to pass and that a durable pavement surface is also provided. One tree (number 15) may need to be removed to achieve the width proposed and with regards to surfacing this is recommended to assist egress onto the A20 both in terms of potholes not being an unnecessary distraction for drivers and in terms of traction. It is further considered that the latter will also be of some benefit to noise and dust levels.

5.4 Private Reps (including re-consultation): 26/0X/25R/1S + site + press notice. 25 letters of objection have been received, of which 18 are additional representations from neighbours who have already submitted comments. The following concerns have been raised:

- Noise impact from the use operating from 6am six days a week and on weekends and bank holidays, including noise from heavy vehicles leaving the site, vehicle engines, maintenance work, banging, beeping from reversing vehicles, moving of skips and containers, loading and unloading of machines, containers and skips and shouting from employees.
- Rubbish is burnt on-site resulting in pollution from toxic smoke.
- The access road is steep and unsuitable for the vehicles associated with the use and provides poor visibility for entering and exiting the site that is hazardous to road users.
- The use has resulted in an increased level of traffic.
- Trees and vegetation have been removed from the site making the site more visible from neighbouring residential properties.
- The development will be visually intrusive and the proposed buildings would be larger and higher than those existing and therefore would be inappropriate in the Green Belt.
- The new buildings will have a greater visual impact on the area than the existing buildings and will affect the openness of the Green Belt.

- No waste storage and collection facility have been proposed.
- No hours of operation of the use have been specified.
- The site involves much larger vehicles than the previous uses with a significant increase in vehicle frequency and use of very large low loaders carrying demolition vehicles.
- Weekend working is being conducted.
- Possible ground contamination from the vehicle wash facility, vehicle fluids and hazardous material left on the site.
- The site is used for disposing and processing rubbish.
- Impact from temporary floodlights in winter.
- The site is at risk of flooding and has flooded in the past.
- The development would result in a permanent deterioration of the environment and impact on the living conditions of neighbouring residents.
- The change of use of former breakers yard/scaffold contractors is misleading as the current use is industrial.
- A planning agreement in the early 1980s required the temporary storage and office buildings to be removed from the site.
- Any acoustic fence required would need to be suitable for the noise generated by the use.
- No landscaping has been proposed.
- The high fencing would not suit the site's semi-rural environment.
- A number of other businesses appear to be linked to the site.

5.4.2 One letter of support has been received commenting that the site was unkempt and suffered years of neglect, the site and stream have been cleaned up and tonnes of debris has been removed from the site; and the development would enhance the site by removing an unattractive asbestos clad building and portacabins.

6. Determining Issues:

- 6.1 The main issues are whether the proposed development would be inappropriate development in the Metropolitan Green Belt and whether it would affect the visual amenity and character of the area, the living conditions of neighbouring residential occupiers, highway safety or risk of flooding in the area.
- 6.2 The site has a long history of commercial and industrial use with a workshop and garage erected on the site in the early 1960s and laying of concrete for parking in 1977. Planning permissions were also granted for a replacement building for storage of commercial vehicles and plant spares in 1982, erection of an office building to replace a temporary building in 1982 and erection of a replacement industrial building for repair and sale of commercial vehicles in 1984. These permissions do not appear to have been implemented though. A steel framed building used as a furnace for the recovery of aluminium was erected in 1990 along with a change of use of the land to B4(c) (now B2 General Industry). The applicant claims that since this time the site has been used as a transportation depot, a car breakers yard and most recently a scaffolding contractor's yard, none of which had the benefit of planning consent. The Council also has no substantive evidence that would suggest that these uses were lawful as a result of any immunity from enforcement action under Section 171B of the Town and Country Planning Act 1990. It is also noted that planning permission was granted in 2007 for the construction of a large two storey self-storage building under reference TM/07/01426/FL. This permission was not subsequently implemented, but represents a material consideration in respect to this current scheme.
- 6.3 The site is currently in use as a demolition company depot and therefore the proposed development would be partially retrospective. The applicant has stated in the planning statement that this use is currently lawful as it benefits from lawful historic use rights to operate as a haulage and plant yard. However, in reviewing the history of the site and Council records, I consider the last lawful use to be general industry (aluminium smelter and recovery in the early 1990s) which intervened between the preceding storage, repair and sale of commercial vehicles use and the unauthorised uses that came after. I therefore do not concur with the view of the applicant in respect to the lawfulness of the proposed use. In any event, the use of land as a depot for a demolition company is sui generis (a use not falling under any defined use class) and would therefore require planning permission in its own right. Therefore, I am of the opinion that the use is currently unlawful. Notwithstanding this, a planning application has been received for the change of use and complete redevelopment of the site. This is a partially retrospective application, which is afforded by Section 73A of the Town and Country Planning Act 1990.

- 6.4 The application site is designated as a Major Developed Site in the Green Belt and therefore policy M1 of the DLADPD applies. This policy states that infill development or redevelopment will be permitted where the scheme satisfies all of the provisions specified, along with the caveats that have been applied specifically to the Winsor Works site.
- 6.5 The site is also designated as Other Employment Land where policy E2 of the DLADPD applies. The proposed demolition company depot is a sui generis use and not a General Industry (B2), Business Use (B1) or Storage and Distribution use (B8). The proposal therefore needs to meet the requirements set out in both Part 1 and 2 of this policy. However in respect of Part 2, although not technically classified as an employment use under this policy, the proposed use would be similar in nature to an employment use and would provide a similar level of employment on the site, in my view. As a result, the development would not have a significant adverse impact on the quantity and quality of employment land supply in the area; the site would not be required to be marketed for other employment purposes; and the site is to be redeveloped and will continue as an employment type use.
- 6.6 A number of buildings currently exist on the site, including a large workshop building, a shipping container used as an office and a partially clad steel framed structure (TM/90/171). The shipping container used as an office adjacent to the west side of the workshop was required to be removed on first occupation of the replacement workshop approved under planning reference TM/81/426 under a 1982 legal agreement. However, I do not believe that the replacement office building was built so the obligation would not have applied and therefore the temporary office building has become lawful. A long portakabin building was previously sited to the east side of the workshop building. This building has been removed, but Council's aerial photo records show that it was situated on the site between 2003 and 2012 and therefore would have been lawful prior to its removal. There is also evidence that a variety of waste, including scrap metal, tyres and other heavy industrial waste, was present on the site which has been removed from the site by the applicant.
- 6.7 The application site is in the Metropolitan Green Belt and subject to policy CP3 of the TMBCS and therefore Section 9 of the NPPF applies. Paragraph 89 within this Section advises that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, there are exceptions and one of these includes limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

- 6.8 I have estimated that the existing buildings provide a total floor area/footprint of about 295m² and volume of about 1385m³. This does not include the small office/shipping container shown close to the west side of the existing workshop or the long portakabin which has been removed from the east side of the workshop as these are temporary buildings. The proposed new workshop and office buildings provide a total floor area of 733m² and footprint of 673m². The volume of the buildings would total approximately 3150m³. This more than doubles the amount of buildings/built form on the site. Although the new buildings would be generally similar in height and scale to the existing buildings the amount of additional buildings above that existing would clearly result in a greater impact on the openness of the Green Belt and therefore would be “inappropriate development”.
- 6.9 Paragraph 87 of the NPPF advises that “as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” Paragraph 88 follows by stating that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.
- 6.10 Winsor Works has historically formed part of a larger site that also comprised what is now Scarbutts Printers and Humphreys and Parks Mitsubishi garage and car sales yard. These sites have for many years formed a small established industrial complex within the countryside and, in recognition of this, the area is designated within the Council’s Development Plan as a Major Developed Site in the Green Belt (Policy M1 of the DLADPD) and Other Employment Land (Policy E2 of the DLADPD).
- 6.11 The application site itself has a history of industrial use over the past 50 or so years as well as other unauthorised uses in more recent times, including a transportation depot, car breakers and scaffolding contractor’s yard. This has undoubtedly led to the site becoming heavily polluted and unkempt. The applicant has provided evidence that considerable amounts of waste, including vehicle parts, tyres and other industrial and heavy materials, as well as oil and other pollutants, were present on the site prior to the applicant occupying the site and it is apparent that the applicant has substantially cleaned up the site, removing the vast majority of the waste.
- 6.12 The current access road from London Road to the main part of the site is in a state of disrepair. An upgrade of the access road is proposed which would consist of concrete surfacing being laid for its entire length. KCC (Highways and Transportation) has also advised that the access road should be widened to 4.8m. This would substantially improve vehicle access to and from the site and would reduce impact from dust and noise due to better traction. It is also proposed to

resurface the main part of the site with concrete which would effectively seal-over land that has become highly contaminated over the years. With an appropriate surface water drainage system this would substantially reduce pollutants entering the adjacent watercourse.

- 6.13 The development will result in a number of HGVs, commercial vehicles and large hydraulic excavators and other plant equipment being stored on the site. It is noted that the excavators are very large plant machines that, when extended, can reach a considerable height. These machines though would not be overly visible from the A20 due to the distance of the site from the highway, the much lower level of the site compared to the highway and the intervening commercial buildings and other development. However, when extended, they would be more visible within the landscape as viewed from the east, including from Roughetts Road, the residential properties of Mayhill and Mayhill Farm Barn and from the West Malling Golf Course to the northwest, which would result in some level of visual impact. It is noted that the plant machines are kept off-site most of the time, being moved from demolition site to demolition site, and the number of machines stored on the site at any one time would also be restricted due to the size of the site, the new buildings and the size of the plant machines themselves. In addition, the site is set within a valley or low point within the landscape and is to a substantial degree screened by adjacent industrial/commercial buildings and neighbouring perimeter trees and landscaping.
- 6.14 The existing buildings on the site are in poor condition or have become dilapidated over time and therefore are in clear need of replacement. The development proposes new industrial style buildings to be clad in a metal profile and of a design typical of such buildings. The buildings will be of a similar height to that of the main existing workshop building on the site and, although they are to be larger in their footprint, I consider that they would offer a substantial visual improvement to the site overall compared to what is existing. It is important to note here that planning permission was granted in July 2007 for a very large two-storey self-storage building on the site which provided a floor area of 3610m² and a total height of 8.5m; notably much larger in size, scale and bulk than the buildings proposed here.
- 6.15 I am therefore of the view that the long standing industrial use of the site, the material improvements to the appearance and function of the site and to the localised environment as a result of the development, along with the past planning permission for the site that was granted for a larger building than that proposed here, would amount to very special circumstances that would outweigh the harm to the Green Belt from the development's inappropriateness. Although I recognise that there would be some impact on the openness of the Green Belt from the height of the plant machines, I do not consider this to be so great as to outweigh the other considerations in favour of the development in respect to Green Belt policy.

- 6.16 Policies CP24 of the TMBCS and SQ1 of the MDEDPD require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. It should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 6.17 The new workshop and office buildings proposed are of a design and scale typical of such industrial/commercial buildings. The workshop building provides eaves of a generous height to accommodate commercial and plant vehicles, with low profile roofing to restrict the building's overall height. It will also be clad with a standard metal profile but details and colour of materials can be approved at a later date. The workshop building forms an L-shape, situated adjacent to the northern and eastern boundaries of the site. It will provide an enclosed section at its northwest end with the remainder of the building being open fronted.
- 6.18 I am of the view that, due to the combination of this part of the site being set about 10m below the level of the A20, and the large Scarbutts building and Mitsubishi car sales yard intervening between the A20 and the site, the proposed workshop building, vehicles and plant machinery stored on the site would not be overly noticeable from the nearby highway. The office building would be more visible due to its position further forward on the site but I do not consider that it would be visually dominant or intrusive within the street-scene, given it would be set at a level about 6-7m lower than the highway, set back 75m from the edge of the highway and sited adjacent to the existing large Scarbutts building. I am therefore satisfied that the buildings are of an appropriate size and scale for the site and have been designed and sited to relate effectively with adjacent properties and development.
- 6.19 The site is set within a valley or low point in the landscape. The open golf course land and woodlands to the north rise considerably beyond the stream that runs along the northern boundary of the site. Established trees lie within the adjacent field to the east adjacent to the eastern boundary of the site, which provide a good level of screening from the field. The site is very well screened from the south by the Scarbutts Printers building that extends about 60m in width. The site is also relatively well screened by trees and landscaping within the rear sections of the adjacent residential properties and within the golf course site to the west. The proposed office building is to be sited opposite the west flank of the Scarbutts building, close to the western boundary of the site and adjacent to the rear garden of Emlyn. This building will also assist in screening the larger site.
- 6.20 Some of the larger excavator plant machines would be visible within the landscape as viewed from the east and north when partially or fully extended resulting in some level of visual impact. However, given the close relationship of the plant machines to adjacent industrial/commercial buildings and the trees adjacent to the

north, east and west boundaries of the site, I do not consider that this visual impact would be harmful. Also, the number of the large excavators would be restricted due to the size of the site and the open area not covered by buildings.

- 6.21 The existing access road to the site is currently in disrepair providing a thin bitumen surface heavily worn and potholed with some loose gravel. The main part of the site is laid with a mix of soil and gravel. It is proposed to resurface the access road and the majority of the main part of the site with concrete. I am of the view that this would provide a substantial visual improvement to the site.
- 6.22 A tree report prepared by GRS Arboricultural Consultant has been submitted with the application. The report shows that there are no trees located within the main part of the site and that the development could be implemented without any detrimental harm to trees adjacent to this part of the site. Some landscaping is situated between the access road and the western boundary which provides some level of visual amenity, softening of the site and visual separation from the residential property of Emlyn to the west. I am aware that works are proposed to upgrade the access road and that some of this landscaping may be affected. However, I am of the view that any impact on this landscaped area of the site can be minimised by imposing a condition requiring a scheme of landscaping to be approved. This would specify that existing landscaping should be retained where possible and that additional landscaping be proposed to compensate for any such loss. No additional landscaping has been proposed and the applicant has advised that the site does not warrant such a provision. Although I do not consider it reasonable or necessary to require any landscaping within the main part of the site, in order to enhance the appearance of the site, particularly as viewed from the street-scene and access road, appropriate landscaping should be provided along the access road and around the office building. As mentioned, a condition can be added to this effect.
- 6.23 New high fencing is to be provided along the western boundary of the main part of the site adjacent to the stream. The fence will consist of linking concrete blocks to the lower part with wire mesh fencing above providing a total height of 3.9m for a length of 35m. This fence has been partially erected with the cement blocks and uprights visible on-site. It has been advised that the fence is proposed to protect the site and employees from stray golf balls as the site is directly adjacent to a green within the West Malling Golf Course. I consider the height and design of the fence to be generally acceptable, given the nature of the use, location of the site behind adjacent commercial development and its close proximity to a green within the golf course. More specific details of the fence can be secured by a condition on any permission granted.

- 6.24 Accordingly, with the imposition of the aforementioned conditions, I do not consider that the new buildings or development overall would materially harm the established character of the area or visual amenity of the surrounding locality. The development would therefore satisfy policies CP24 of the TMBCS and SQ1 of the MDEDPD, and Part 7 of the NPPF.
- 6.25 The Local Highway Authority (KCC Highways and Transportation) has reviewed the proposed development in respect to impact on the road network and other highway matters. It has been noted that the existing access road provides a gradient of about 1:8 approaching the A20 and this is considered to accord with the maximum gradients recommended in the Kent Design Guide. However, given the size and manoeuvrability requirements of the vehicles to be using the access road, it has been recommended that enhancements be made to the access road, including the provision of a consistent width to the access road of 4.8m, to enable a lorry and car to pass, and the laying of a durable pavement surface. This would improve egress onto the A20 by reducing distractions from potholes and improving traction. It has also been noted that a tree may need to be removed to accommodate the increased width of the access road. In light of this advice from the highway authority, I am satisfied that with the implementation of the recommended enhancements to the access road which can be secured by condition, the development would not result in significant harm to highway safety and that any residual cumulative impacts on the transport network would not be severe. The development therefore accords with policy SQ8 of the MDEDPD and paragraph 32 of the NPPF.
- 6.26 A stream which is classified as an ordinary watercourse runs adjacent to the western and northern boundaries of the site and Zone 2/3 Flood Risk Areas extend through the southern half of the main part of the site. The application consists of development that is 'less vulnerable' which is an appropriate use as outlined in the Technical Guidance to the NPPF on flood risk, but paragraph 103 of the NPPF requires a FRA to be submitted. The site is also allocated in the Development Plan as a Major Developed Site in the Green Belt where a special caveat permits development subject to a FRA identifying any mitigation measures. In accordance with paragraph 104 of the NPPF, the Sequential Test would not need to be applied in this case but a site specific FRA is required.
- 6.27 The applicant has submitted a FRA. In this document it has been noted that the proposed office building is to be situated outside the flood risk area and a large part of the proposed workshop building will also be outside of this area. The section of the workshop building that extends into the flood risk area has been designed to be open-fronted and open for the bottom 1m of the side and rear elevations, which would not restrict flood water flows.

- 6.28 The EA has advised that the development would be acceptable in respect to flood risk subject to a condition requiring a sustainable surface water drainage scheme to be submitted to and approved by the local planning authority. New concrete surfacing is proposed over most of the site which would increase the overall impermeable footprint, increasing surface water runoff generation. The sustainable surface water drainage scheme for the site should demonstrate that the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding either on or off the site. I am therefore satisfied that the proposed development, with the imposition of the aforementioned condition, would not increase flood risk in the area, satisfying paragraphs 100, 103 and 104 of the NPPF.
- 6.29 In respect to land contamination, the applicant has submitted a Phase 1 Preliminary Risk Assessment Report (Ref. EES 12.497.1) prepared by Ecologia and dated 16 November 2012. This report reviews and updates a previous report written in 2006 and provides detail on the previous uses of the site and its environmental setting. The conceptual site model identifies a pollutant linkage to the underlying aquifer and the Leybourne Stream. The report recommends that this could be dealt with by installing barriers and perimeter drainage, and the proposed hard standing will prevent any infiltration. Contrary to the report which recommends that no intrusive investigation is required due to the long history of industrial uses on the site, it is considered necessary in this case that an intrusive investigation being undertaken as contaminants have the potential to be mobilised during construction and pose a risk to site workers and the Leybourne Stream. A suitable condition requiring the additional site investigations to be undertaken will be imposed on any permission granted.
- 6.30 In order to protect controlled waters, including groundwater, the EA has also suggested a condition be imposed on any permission granted advising that no piling or any other foundation designs using penetrative methods be permitted other than that approved by the Local Planning Authority.
- 6.31 It has been indicated on the application form that foul water is to be connected to the main sewer. A condition can be added to any permission granted to require any different form of disposal of foul water to be submitted to and approved by the Local Planning Authority.
- 6.32 A vehicle wash facility is to be provided adjacent to the southern boundary of the site. This will be dug into the ground and will provide an interceptor. A condition suggested by the EA could be added to any permission advising that no sewage or trade effluent, including vehicle wash and steam cleaning effluent is to be discharged to the surface water drainage system.
- 6.33 I am therefore satisfied that the development, subject to the conditions mentioned above, would prevent unacceptable risks from pollution and would therefore satisfy paragraphs 120 and 121 of the NPPF.

- 6.34 No external lighting has been proposed for the site but it is likely to be required with the proposed use. Such lighting has the potential to harm neighbouring amenity and the wider rural landscape. A condition will be imposed on any permission granted advising that no external lighting shall be installed on the site unless details of such lighting have been submitted to and approved by the Local Planning Authority.
- 6.35 The activities associated with the proposed use include HGVs, vans and cars entering and leaving the site, the loading and unloading of hydraulic excavators, skips and containers and the servicing of plant machinery, mainly the hydraulic excavators. Due to the proximity of the site to residential properties these activities have the potential to create noise nuisance that could harm residential amenity. Complaints from residents have been received by the Council in respect to noise from some of these activities relating to the current use of the site by Downwell Demolition that has resulted in the Council serving an abatement notice on the applicant. The applicant has advised the Council that they intend to appeal the notice. I consider that the concerns raised by neighbouring residents in respect to this planning application reflect those that have necessitated the abatement notice and therefore will, in any event, be taken into account within the assessment of this application. It should be noted that the application is for the complete redevelopment of the site and therefore impact on residential amenity will be assessed on this basis and not on the existing use of the site in its current condition.
- 6.36 The applicant has advised that the site is currently afforded unfettered hours of use and indeed it is likely that the number of previous unlawful uses over the past 15-20 years appear to have operated without any control on hours of use. It is however noted that the last lawful general industry use conducted in the early 1990s (aluminium recovery under reference TM/90/0171) had a condition controlling hours of use to 0800-1800 Monday to Friday and 0800-1300 Saturday. This clearly shows that restrictions have been applied in the past. Therefore, as a result of this and the specific nature of the demolition company depot use, including its heavy vehicle movements, activities and particular effects on the visual and aural amenity of the surrounding area, which in itself constitutes a material change of use of the land, unfettered hours of use would not be acceptable in this case. However, in taking account of the past general industry and similar uses of the site, and the movements and activities specific to the use, suitable hours of operation can be achieved in order to minimise impact on the amenity of neighbouring residents.
- 6.37 It is acknowledged that noise would be generated from HGVs and low-loaders entering and leaving the site and that this has the potential to harm the residential amenities of the occupiers of the dwellings to the west, in particular Emlyn. However, the new concrete surfacing would smooth out the road surface which would have a noise reducing effect on the current uneven surface. The provision of an acoustic fence for the entire length of the western boundary would also

assist in reducing noise from heavy vehicles. Details of such an acoustic fence, suitable to mitigate noise from heavy vehicle types that will use the access road could be secured by a condition on any permission granted. Although the applicant has advised that HGVs leave the site between 6-7am weekdays to deliver plant machines to contract sites, I am of the view that the movement and loading and unloading of the HGVs with the large excavator plant machines earlier than 7am on weekdays, given the site's proximity to residential properties, would create an unacceptable level of noise at an early time when residents can expect to have limited noise disturbance prior to starting a normal business working day. In striking a balance between the existing industrial nature of the site, the nature of the proposed use and the reasonable expectations of neighbouring residents within this established area, I consider that the general use of the site should not be carried on outside of the hours of 07:00-18:30 Monday-Friday; 08:00-17:00 Saturday; with no working on Sundays or Public and Bank Holidays.

- 6.38 The use also involves the servicing and repair of hydraulic excavators which would be undertaken both within the new open-fronted workshop building and within the open given the significant size of some of the plant machines. These workshop activities would create noise normally expected from a workshop service repair use. Given the longstanding general industry use of the site though, I do not consider that these activities can be deemed to be unacceptable in this case. However, the activities need to be viewed in conjunction with the proposed demolition depot use as a whole and its potential cumulative impact. Therefore, I consider it reasonable in this specific case to restrict the servicing, maintenance and repair works to the hours of 07:30-17:00 Monday-Friday; 08:00-13:00 Saturday; with no working on Sundays or Public and Bank Holidays. These hours are similar to those suggested by the applicant for these activities.
- 6.39 I am therefore satisfied that with the laying of new surfacing to the access, the provision of an acoustic fence along the full length of the western boundary and the restrictions on the hours of general use of the site and hours of servicing, repairs and maintenance, noise impact can be satisfactorily mitigated to a level that would not harm the aural amenity of neighbouring residents. The development would therefore accord with paragraph 123 of the NPPF.
- 6.40 The existing access road is in a poor state, currently consisting of a damaged tarmacked surface with loose gravel material which can create dust. It is proposed to resurface the entire access road and most of the larger site with concrete which, in my view, would assist in controlling the level of dust being created to an acceptable level. Also, a vehicle wash facility is proposed for wheel washing and more general cleaning of vehicles. This would also help reduce dust levels from vehicles using the site.

- 6.41 The application site is positioned to the west and northwest of the deepest sections of the rear gardens of the nearby dwellings to the west. I also note that these neighbouring residential rear gardens extend about 60m from the rear of the dwellings. The site is also relatively well screened by trees and other landscaping within the rear areas of these neighbouring gardens. Although the proposed office building may be partially visible from the deeper areas of the neighbouring residential gardens, this level of impact would not be visually intrusive or unacceptable, in my view. Also the office building would assist in screening the larger area of the site. Although HGVs and large hydraulic excavators that extend quite high will be stored on the site I do not consider, given the site characteristics and relationship with neighbouring properties, that these would be harmful to the visual amenity of nearby residents.
- 6.42 Accordingly, subject to the imposition of the specified conditions, I am satisfied that the proposed development would not result in impacts that would harm the amenities or living conditions of neighbouring residents.
- 6.43 No information has been submitted relating to any proposed refuse area or waste collection regime. However, a condition can be added to any permission granted requiring a scheme of refuse storage and disposal to be submitted to the local planning authority for approval.
- 6.44 Paragraphs 18 and 19 of the NPPF supports sustainable economic growth on which significant weight should be placed. The redevelopment of the site will provide new premises for a growing local business. The business is an established entity within the building industry and will employ about 11 staff on-site. This would provide a clear benefit to the local rural and domestic economies, in my view.
- 6.45 An area designated as ancient woodland lies to the north and northeast of the site. However, the stream separates the site from the woodland and the site has been in a similar type of use for many years. Therefore, I do not consider that the proposed use and redevelopment of the site in land use planning terms would change the level of impact on protected species or result in any additional effect on the biodiversity of the area.
- 6.46 With the above detailed considerations in mind, I now turn to the main requirements of policy M1 of the DLADPD, which are addressed below:
- The development proposed is contained within the existing established site and does not result in any extension of the site.
 - The proposed buildings are of a similar height to that of the existing workshop building.

- The development proposes substantial improvements to the access road to and from the site by way of a new concrete hard surface and widening of the access, and the highway authority has advised that the traffic generated by the development would not harm the road network or prejudice highway safety in the area.
- The proposed new concrete surfacing to the majority of the site will prevent infiltration of surface water and, with the installation of a suitable surface water system, would reduce the level of pollution entering the local watercourse and ground water. The resurfacing and new buildings, as discussed above, would also provide an overall visual improvement to the site. Additional landscaping and approval of all boundary treatments could be secured by condition to ensure that the site will be suitably softened and its overall setting enhanced. I am therefore satisfied that the development will appropriately integrate with its surroundings.
- The development proposes buildings that provide a much larger footprint and coverage of the site than the original/existing buildings and there is no reduction in height of the buildings proposed compared to the existing buildings. This would also result in a greater impact on the openness of the Green Belt. Notwithstanding this, it has been established above that in this case very special circumstances exist under National Green Belt Policy.

6.47 Therefore, although the provisions of this policy are not strictly met in respect to the building coverage of the site and impact on the Green Belt, as very special circumstances have been justified, I consider this non-compliance to be acceptable in this specific case.

6.48 The site specific caveats for Winsor Works under policy M1 include:

- Rationalisation and improvement of accesses onto the A20
- Achievement of a satisfactory noise climate having regard to proximity of the A20
- Any necessary mitigation measures identified through a FRA
- Investigation and remediation of any land contamination

6.49 The development would result in substantial improvements to the surfacing and width of the access; the new surfacing of the access road and the required construction of an acoustic fence along the western boundary will improve the noise climate surrounding the site; a FRA has been submitted that the EA has advised satisfactorily shows that the development will not increase flood risk in the area subject to an appropriate surface water drainage scheme being approved; and in addition to the submitted site investigation report, a condition can be imposed requiring an intrusive site investigation and remediation of the site to be

implemented prior to occupation of the buildings. I am satisfied that the proposed development satisfactorily addresses all of the above caveats and therefore the development would satisfy this policy.

- 6.50 Part 1 of policy E2 of the DLA DPD advises that continued employment use of the site is considered suitable subject to new development creating no unacceptable impact on residential amenity or rural amenity by virtue of noise, dust, smell, vibration or other emissions, or by visual intrusion, or the nature and scale of traffic generation. The listed impacts that relate to the development have been discussed previously, where it has been concluded that with the imposition of appropriate conditions, the development would not adversely impact on neighbouring residential amenities or on the rural amenity of the surrounding area.
- 6.51 The Parish Council has raised a number of objections to the development and has advised of inaccuracies with the description of the development. The grounds of objection include: impact on the amenities of local residents from the proposed operating hours; significant increase in the noise generated on the site; use of heavier vehicles than previous uses; traffic safety concerns with the access; the buildings will have a greater mass than those existing that would be inappropriate in the Green Belt; the validity of the flood risk assessment is questioned; and the phase 1 preliminary risk assessment report is out of date. The description of the development has been altered to reflect the partial retrospective nature of the development and the reference to previous unauthorised uses has been removed. The matters of the operating hours of the use and noise impact from movements and activities on the site and their potential impact on nearby residential amenities have been addressed in some detail above where it has been concluded, that with the inclusion of mitigating conditions, the development could be conducted without unacceptable harm to residential amenities. The highway authority has advised that the access and movements to, from and within the site would be acceptable with specified alterations to the access road. An assessment of the scheme in respect to National Green Belt Policy has also been made with it being concluded that very special circumstances exist in this specific case and it would be acceptable in respect to policy M1. In respect to flood risk and pollution, the submitted reports have been reviewed by the EA and Council's Environmental Protection Team and are considered to provide proposals that are acceptable, subject to conditions.
- 6.52 A number of neighbouring residents have objected to the development on grounds that the use would affect residential living conditions due to noise from heavy vehicle movements, servicing and other activities associated with the use and the early hours of operation; the buildings would be visually intrusive and would impact on the character of the area and openness of the Green Belt; it would be hazardous to road safety; and would impact on the environment from contamination and flooding. These matters have been addressed above within

this report. I have also noted the matters of burning of waste on-site, non-provision of a refuse area and landscaping and external lighting but I am of the view that these can satisfactorily be dealt with either by conditions or informatives.

6.53 Several neighbours have expressed concern that associated businesses that work alongside Downwell Demolition may also be occupying the site. In particular, it has been noted that Inner City Environmental vans and a range of containers and skips have been seen occupying the site and concerns have been raised in respect to the possibility of asbestos from these vehicles and containers impacting on nearby stream and local environmental conditions. The applicant has advised that Inner City Environmental is part of the overall Downwell Demolition operation, being responsible for the management of asbestos as part of the business. I consider this to be ancillary to the proposed use of the site as a demolition depot and that the storing and management of equipment relating to the disposal of asbestos is controlled under a licensing regime by the Health and Safety Executive. An informative can be added to advise the applicant to ensure any required licences are in place.

6.54 As I have explained earlier in this report, the Council has recently served an abatement notice on Downwell Demolition in respect to noise impact from activities on the site. However, I am of the view that consideration of this issue within the land-use planning regime means that the development when implemented, including the resurfacing, construction of new buildings and provision of an acoustic fence along the western boundary, along with the imposition of conditions relating to the hours of use of the site and repair and servicing activities, would be sufficient to mitigate noise to an acceptable level. By permitting the development with conditions the Local Planning Authority will be better placed to control the use of the site which is currently limited given the site's history of industrial use and the unfettered hours that appear to have been in place associated with what appears to be a series of unauthorised uses over the past 15-20 years.

6.55 In light of the above, I consider that the proposed development, subject to the imposition of conditions, satisfactorily accords with the relevant provisions of the Development Plan and NPPF, and therefore approval is recommended.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Photo montage 3D ILLUSTRATION dated 12.05.2014, Letter dated 12.05.2014, Location Plan dated 12.05.2014, Site Plan dated 12.05.2014, Existing Floor Plans KWTP-01 dated 12.05.2014, Existing Plans and Elevations KWTP-04 dated 12.05.2014, Topographical Survey S05/1582/01 dated 12.05.2014, Planning Statement dated 05.06.2014, Arboricultural Survey GRS/TS/TCP//AIA/TPP/8/14 dated 05.06.2014, Flood Risk Assessment dated 05.06.2014, Contaminated Land Assessment EES 12.497.1 dated 05.06.2014,

Supporting Information dated 26.01.2015, Existing Elevations KWTP-02 dated 24.10.2014, Existing Elevations KWTP-03 dated 24.10.2014, Proposed Plans and Elevations KWTP-05 dated 24.10.2014, Proposed Plans and Elevations KWTP-06 dated 24.10.2014, Email dated 27.10.2014, Details KWTP-01 Fencing dated 27.10.2014, Supporting Information dated 08.09.2014, Email dated 31.03.2015, subject to the following:

Conditions

- 1 Within 2 months of the date of this decision, a detailed scheme of phasing of the development, including a timetable of works, shall be submitted to the Local Planning Authority for approval and the development shall be undertaken in accordance with this approved scheme and timetable, unless the Authority gives written consent to any variation.

Reason: To ensure that the development is undertaken in an order and manner that would minimise impact on neighbouring residential amenity and the character of the area.

- 2 Prior to the construction of the buildings, a detailed schedule of all materials to be used externally on the buildings shall be 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 area or the visual amenity of the locality.

- 3 Prior to the commencement of construction works on the site, a plan showing the existing levels of the site and adjoining land and the proposed slab levels of the buildings and associated finished ground levels of the site shall have been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

- 4 The new buildings shall not be occupied until the areas shown on the submitted layout as vehicle parking spaces and turning areas have been provided, surfaced and drained. Thereafter those areas 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 2015 (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 provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 5 Prior to the commencement of construction works on the site, a scheme of hard and soft landscaping and boundary treatment shall be submitted to the Local Planning Authority for approval. The scheme of soft landscaping shall take into account any landscaping to be removed to widen and resurface the access road and to construct the acoustic fence along the western boundary, and additional landscape plantings shall be proposed to compensate any landscaping lost. Suitable plantings shall also be provided around the office building and car parking area. The buildings shall not be occupied until the landscaping scheme has been approved. 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.

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.

- 6 The development hereby approved shall be carried out in such a manner as to avoid damage to existing trees, including their root system, or other planting to be retained as part of the landscaping scheme, other than those specified for removal within the approved scheme, by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the visual amenity of the locality.

- 7 Prior to the commencement of construction works on the site, a sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding on or off the site. The scheme shall subsequently be implemented in accordance with the approved details prior to first occupation of the new buildings.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site.

- 8 Prior to the commencement of construction works on the site, details and a timetable of works to enhance the access road from London Road A20, to include durable paved resurfacing and the widening of the access road to a minimum width of 4.8m for its entire length, shall be submitted to and approved by the Local Planning Authority. The works shall be implemented in accordance with the approved details, and shall be retained and maintained thereafter.

Reason: To ensure the safe and free flow of traffic and to protect the aural environment of nearby dwellings.

- 9 Prior to the commencement of construction works on the site, details and a timetable for the construction of an acoustic fence to run the full length of the western boundary of the site, including the full length of the site's common boundary with the residential property of 'Emlyn', shall be submitted to and approved by the Local Planning Authority. The acoustic fence shall be installed in accordance with the approved details, and shall be retained at all times thereafter.

Reason: In the interests of the aural amenity of neighbouring residential properties.

- 10 The premises shall be used only for use as a demolition company depot and for no other purpose (including any other purpose in Class B1, B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).

Reason: To protect the amenity of nearby residents and the openness of the Green Belt.

- 11 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), the layout of the development shall not be varied by means of sub-division or amalgamation of any units, nor 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 of parking and vehicle circulation in the interests of safe and free flow of traffic.

- 12 The use shall not be carried on outside the hours of 07:00 to 18:30 hours Mondays to Fridays and 08:00 to 17:00 Saturdays with no working on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

- 13 Any servicing, maintenance or repair works associated with the use shall not be carried on outside the hours of 07:30 to 17:00 hours Mondays to Fridays and 08:00 to 13:00 hours Saturdays with no working on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

- 14 Prior to the commencement of construction works on the site, a scheme of open storage for the site shall be submitted to the Local Planning Authority for approval. The development shall be undertaken in accordance with the approved scheme and no storage specified, other than plant machinery, shall exceed 4m in height, unless agreed in writing by the Local Planning Authority for any variation.

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.

- 15 Prior to the commencement of construction works on the site, details of a scheme for the storage and collection of refuse shall be submitted to the Local Planning Authority for approval. The buildings shall not be occupied except in compliance with the approved scheme which shall be retained at all times thereafter.

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

- 16 No external lighting shall be installed on the premises without the prior written approval of the Local Planning Authority. If any external lighting is proposed then details must include a layout plan with beam orientation and a schedule of equipment including luminaire type, mounting height, aiming angles and luminaire profiles.

Reason: In the interests of amenity of nearby residential occupiers.

- 17 No sewage or trade effluent (including vehicle wash or vehicle steam cleaning effluent) shall be discharged to any surface water drainage system.

Reason: To prevent pollution of the water environment.

- 18 Foul water shall be disposed of directly to the main sewer, unless agreed in writing by the Local Planning Authority for any variation.

Reason: To prevent pollution of the water environment.

- 19 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled waters, including groundwater.

- 20 No construction works shall be commenced on the site 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.

Informatives

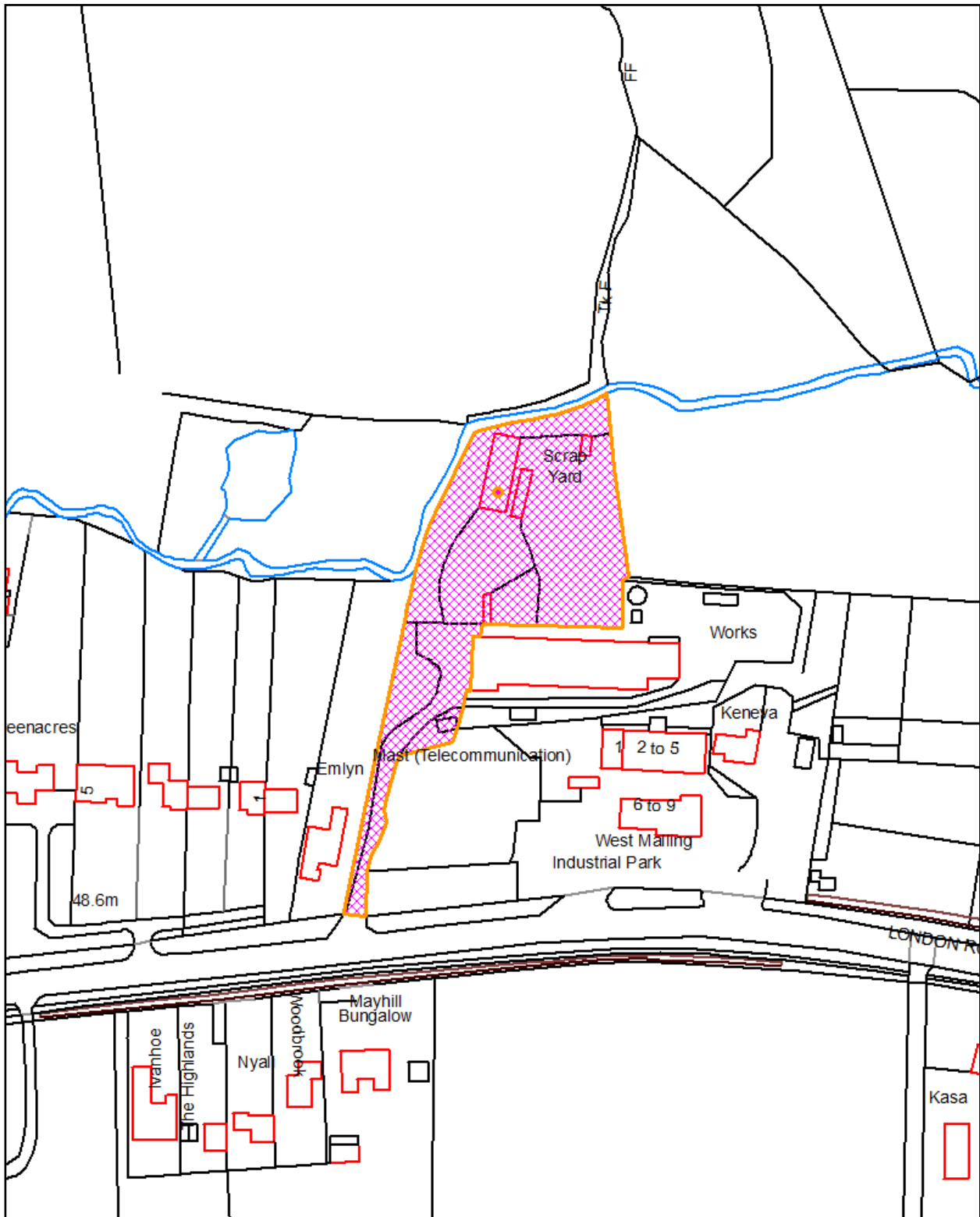
- 1 The applicant is reminded that the relevant licenses from the Health and Safety Executive should be in place in respect to works involving asbestos and the storage of vehicles, plant machines and containers used for such works.
- 2 The applicant should be aware that the disposal of demolition waste by incineration or use of bonfires on the site can lead to justified complaints from local residents and would be contrary to Waste Management Legislation.

Contact: Mark Fewster

TM/14/01688/FL: Winsor Works London Road Addington West Malling Kent ME19 5AN

Change of use of former breakers yard/scaffold contractor's base to depot for demolition company with associated demolition of existing industrial buildings & redevelop with new workshop & office buildings. Installation of vehicle wash facility and associated parking facilities

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Stansted **563062 161016** **8 October 2014** **TM/14/03395/FL**
Wrotham, Ightham &
Stansted

Proposal: Change of use of the Vigo Inn Public House to two dwellings with associated residential curtilages and construction of two buildings to create 5 self-catered holiday let units
Location: The Vigo Inn Gravesend Road Wrotham Sevenoaks Kent TN15 7JL
Applicant: Mr Andrew Forrest

1. Description:

- 1.1 The application proposes to change the use of the Vigo Inn Public House premises to form two dwellings with associated residential curtilages and parking, and 5 holiday-let units within the two partially built outbuildings.
- 1.2 The main public house building is to be subdivided to form a 1-bedroom dwelling within the northern part of the building and a 4-bedroom dwelling within the southern part, each over two levels. The beer garden is to be divided following a similar dividing line to the dwellings. Two parking spaces are to be provided for each dwelling located beyond the rear boundary of the residential curtilages. As internal works that have partly divided the building have been carried out, the application is partly retrospective.
- 1.3 The two partially built outbuildings located to the north of the main building are to be completed and converted to self-contained holiday let units. Two units are to be created within the southern outbuilding and 3 units within the northern outbuilding. Five parking spaces are proposed for the holiday-lets within the northeast corner of the site.
- 1.4 The applicant has submitted a planning statement that provides trading figures for 2011-2013, a summary of the running of the pub and works undertaken since late 2010, and a map and collated list of public houses within a 10 mile radius of The Vigo Inn and what they offer. A detailed history of the premises provided by the previous owner has also been included within the planning statement. This consists of a general history of the pub since the late 1940s, details of the running of the pub and maintenance works carried out from the early 1980s, and a viability report showing trading figures for 2003-2006 and reasons for the closure of the pub in 2007 before it changed hands.

2. Reason for reporting to Committee:

- 2.1 The application has been called in to Committee by Councillors Kemp, Balfour and Coffin due to local concern.

3. The Site:

- 3.1 The application site is located on the north-eastern corner of the junction between Gravesend Road (A227) and Vigo Hill, to the southeast of Fairseat. It comprises a two storey Public House building that fronts Gravesend Road, abutting an area of land that is “highway” albeit having been used for ad hoc parking and therefore is not part of the carriageway. A generous beer garden area is provided to the rear of the building which is enclosed by hedges and trees. A gravelled internal access road is provided down the north side of the Public House leading to a car park adjacent to the northeast corner of the beer garden. A small outside toilet block and timber outbuilding are located within the northern section of the beer garden. Two partially constructed replacement outbuildings are sited to the north of the main building either side of the vehicle access and close to the Gravesend Road frontage.
- 3.2 The site is within the countryside and Metropolitan Green Belt and an Area of Outstanding Natural Beauty (AONB). Gravesend Road, Vigo Road and Vigo Hill are all Classified Roads.
- 3.3 A field lies to the northeast of the site which is also under the ownership of the applicant. Woodlands lie to the south and the dwellings of Westshaw Lodge and Wykendene lie across Gravesend Road to the northwest and southwest, respectively.

4. Planning History (relevant):

TM/76/11182/FUL grant with conditions 22 July 1976

Provision of further car parking facilities and construction of vehicular access.

TM/83/10996/FUL grant with conditions 24 January 1983

Single storey rear extension to provide toilets.

TM/08/03259/FL Application Withdrawn 15 December 2008

Change of use of public house with ancillary residential accommodation to single dwelling

TM/11/00384/FL Approved 23 August 2012

Change of use of land for car parking, vehicular access, erection of timber outbuilding to provide additional seating and food preparation areas, installation of petanque pitch (Partially Retrospective)

TM/11/00444/FL Refuse 1 March 2012

Single storey side and rear extension public house

TM/12/02368/FL Approved 11 February 2013

Oak framed outbuilding to public house premises to be used for storage purposes

TM/12/03534/RD Approved 11 June 2013

Reserved details application for condition 5 (details of car park signage) submitted pursuant to TM/11/00384/FL (Change of use of land for car parking, vehicular access, erection of timber outbuilding to provide additional seating and food preparation areas, installation of petanque pitch (Partially Retrospective))

TM/13/02776/FL Approved 23 December 2013

Rebuild existing outbuilding

TM/14/01055/RD Approved 14 May 2014

Details submitted pursuant to condition 1 (roof materials) of planning permission TM/13/02776/FL (Rebuild existing outbuilding)

TM/14/02053/FL Application Withdrawn 8 October 2014

Change of use of the Vigo Inn Public house to a dwelling with associated residential curtilage

5. Consultees:

- 5.1 PC: Objection to the application. The applicant has attempted to show that the pub needs to be closed down due to the problems with trading. However, pubs are successful due to the style of the owner/manager. Therefore we believe, as with other pubs that have closed in the Parish, that before any change of use is put forward, the pub needs to be marketed on the open market as a going concern for a period to prove that there is no demand as a running business. If TMBC is minded to grant a change of use to convert the pub into two private residences after a suitable period of marketing, we would not object to this in principle. However, we believe that this change of use would change the site from being a business to a private residential site. The existing barns with their footing will then provide all the outbuildings (ie garages etc) that two private dwellings would need. Therefore we would vigorously oppose the provision of converting the buildings into holiday lettings. Stansted is already well catered for in the parish with holiday lettings and if this becomes a residential site, it should not then be allowed to have a lettings business attached to it.
- 5.2 KCC (Highways): No objection to the application. The plans show:
- That the highway forecourt area in front of The Vigo Inn is reclaimed as verge or garden as part of this application.

- That appropriate parking is provided for the division to the two properties proposed as well as for the holiday lets to the rear where appropriate turning can also be provided so that exiting all properties onto the A227 can be undertaken in a forward gear from the existing access.

5.2.2 These measures are proposed in the interests of highway safety for this development proposal. In the interests of highway safety it is also considered that the width of and entry radiuses to the existing access should be maximised as much as possible and to this end further S278 works may also be required to detailing of the footway on the northern side. With regards to the car parking standards required, the applicant should refer to IGN3 and the standards for a Suburban edge/Village/Rural context. I would be grateful if the applicant could confirm the number of bedrooms proposed for each dwelling and the associated car parking proposed for each dwelling to conform to the standards required.

5.2.3 KCC (Highways) (Re-consultation): I note the car parking and turning proposals to the rear of the properties planned and confirm on behalf of the highway authority that this is considered to be acceptable. Should this application be approved it is considered that a suitable condition is applied requiring these areas to be retained for that use. With regards to the front of the property it is considered that tactile paving should be placed at the end of the footway to the north of the access to bring attention to the access. It is my understanding that the front forecourt to the public house is highway and for road safety reasons it is recommended that this is reinstated to highway verge and footway. The applicant will need to enter into an agreement with this authority to establish this prior to occupation.

5.3 Private Reps: 11/0X/11R/0S + site + press notice. 11 letters of objection have been received, of which 3 are additional representations from neighbours who have already submitted comments. The following concerns have been raised:

- The proposal would result in a loss of a real ale pub and a facility for the local residents and community.
- The road access to the Gravesend Road is dangerous and the additional traffic from the development would exacerbate the situation.
- The proposal will result in a loss of a pub with historic significance.
- The pub is near to long distance footpaths and would result in a loss of a facility for hikers.
- The pub is within walking distance of the village of Fairseat and the southern parts of Meopham and Vigo Village resulting in a loss of a local community facility.
- Local village shops have closed and since then the Inn has been one of the few meeting places left in the area.

- The pub has all the facilities in place to be able to be run successfully as a local amenity.
- Internal works to divide the pub have already been undertaken.

6. Determining Issues:

- 6.1 The main issues include whether the loss of the public house would be acceptable in policy terms and whether the development would affect the openness of the Green Belt or character and visual amenity of the area. Land contamination issues, impact on aural amenity from road noise and impact on highway safety will also be considered.
- 6.2 The application site is in the Green Belt and therefore Section 9 of the NPPF applies. The development primarily consists of the re-use of existing buildings which is listed as a form of development that would not be inappropriate in the Green Belt under Paragraph 90 of the NPPF. However, it also involves the change of use of the land to residential curtilage and holiday lets which is not listed and therefore the proposal would be “inappropriate development”.
- 6.3 The development will involve the construction of two outbuildings that were granted planning permission to be rebuilt (references TM/12/02368/FL and TM/13/02776/FL). These buildings had been substantially commenced at the time of receipt of the application and are currently partly built. In reality there would be no new buildings erected on the site. There is currently no fencing that encloses the northern and eastern boundaries of the Public House. The development would formalise boundaries on these sides of the site and appropriate rural type boundary treatments could be provided. This would properly define the site and proposed uses, preventing further encroachment into the adjacent field. The existing gravel hard surfacing to the internal access road and rear car parking area is to be retained with a slight enlargement to accommodate car parking for the dwellings. Some paraphernalia associated with the residential properties and holiday lets could be expected but I do not consider that this would have any greater impact on the openness and visual amenity of the Green Belt than that potentially relating to the public house use. I am therefore satisfied that this amounts to very special circumstances that would outweigh the potential harm to the Green Belt from the development’s inappropriateness. In order to safeguard the openness of the Green Belt I consider it necessary for permitted development rights to be removed to restrict enlargement of the buildings and erection of outbuildings without consideration of a planning application.
- 6.4 Paragraph 28 of the NPPF advises that in order to promote a strong rural economy, local plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

- 6.5 Policy CP26 of the TMBCS advises that the Council wishes to protect viable community facilities that play an important role in the social infrastructure of the area and that an assessment of the viability of retaining the existing use in the case of any proposal that might result in its loss would be required. The policy is intended to include public houses, particularly where these might be the only such facilities in a village.
- 6.6 Policy CP26(3) of the TMBCS advises that the loss of a community facility will only be permitted if an alternative facility of equivalent or better quality and scale to meet identified need is either available or the applicant has proved to the satisfaction of the Council that there is likely to be an absence of need or adequate support for the facility for the foreseeable future.
- 6.7 A detailed statement has been submitted by the previous owner which provides information on the operation of the pub and maintenance works undertaken up to when the pub was closed in 2007. A short viability report for 2003-2006 was also part of this information which clearly shows the pub was in financial decline at that time. The applicant has stated that the premises were on the market for about 3 years from 2007 and to their understanding they were the only interested party. The applicant has provided financial details in respect to the trading of the pub since it was taken over and reopened in late 2010, with some varied figures that provide a questionable accuracy. However, notwithstanding this, I consider it to be sufficiently clear from the information submitted that the financial position of the pub has been modest and in decline for many years and that a wet sales only pub is unlikely to be very viable unless it has a high turnover and is in a mainstream location where driving is unlikely to be an issue.
- 6.8 The applicant has submitted a planning statement that provides a list of public houses within a 10 mile radius of the site and these have also been mapped. It has been shown that more than 20 pubs are located within this 10 mile radius and 3 pubs within a 5 minute drive, including The Villager in Vigo Village and The Plough and The George in Trottscliffe. A description of each pub has been provided that gives a general guide of what they offer and indeed their quality. I consider the measure of drive time to be relevant in this case as The Vigo Inn is situated in an out-of-village location that has a limited footfall catchment and therefore is reliant on patronage travelling to the premises by car. On behalf of the applicant DHA Planning, in an email dated 15.05.2015, has outlined supporting arguments for the proposed development. It has been suggested that "small public houses are rarely viable due to their very limited floor space and inability to cater for the pub food market" unless located in a town centre where footfall is very high. In this case it has been recognised that the local area is very well served by much larger facilities that provide food and are more easily accessible. It has been advised that in order to retain the public house, large-scale extensions would be needed to cater for food, including dining areas and improved kitchen, as well as toilet and parking provisions; and that these would have an impact on the Green Belt and AONB, and would have highway implications as the existing

access is not suited to an increase in vehicle movements that would arise. I am therefore of the view that it has been clearly shown that better quality alternative public house facilities are available in the local area and, accordingly, the proposal would satisfy Policy CP26(3)(a) of the TMBCS. The loss of the Public House is therefore deemed to be acceptable in this specific case.

- 6.9 The development provides a new site layout with two residential curtilages being created, a communal area for the holiday-lets and parking for both the dwellings and the holiday-lets. The dwellings are suitably laid out internally and provide linear plots that would respect the pattern of development in the area. The development includes the completion of the two outbuildings approved to be rebuilt located to the north of the main pub building. These buildings will be fitted out to provide 5 self-contained holiday let units, each comprising a single room with kitchen, bathroom and sleeping facilities. The buildings are to be clad in brick and horizontal weatherboarding and clay roof tiles which would complement the rural setting. I consider the layout of the holiday-lets to be acceptable, adequate parking is provided and the site is situated well away from neighbouring residential properties and therefore it would not harm neighbouring amenity, in my view. The site boundaries can be formalised with rural style fencing, which can be required by condition. These boundary treatments and the overall layout of the site would enhance the appearance of the site and character of the area, in my view.
- 6.10 The proposed development, subject to a condition requiring a landscaping plan including boundary treatments, would thus satisfy policies CP24 of the TMBCS and SQ1 of the MDEDPD.
- 6.11 An existing vehicle access is positioned to the north of the main building and between the two partially built outbuildings. This provides access to the existing gravelled car park to the Public House which will be extended slightly behind the proposed residential plots to provide 2 car parking spaces for each of the dwellings. This satisfies the Residential Parking Standards in the IGN3. A parking area for 5 cars for the holiday-lets is to be provided within the northeast section of the site, which is an acceptable level of provision for this type of use, in my opinion.
- 6.12 The Local Highway Authority (KCC Highways) has reviewed the scheme and advised that it has no objection in principle to the use of the forecourt as front gardens but it is technically highway land so the applicant would need to enter into a Section 278 agreement with the highway authority to reinstate the forecourt as highway verge and footway or to establish the front garden. Therefore any agreement between the highway authority and the applicant in respect to alterations to this forecourt area would be outside of the remit of planning. In the event that the applicant does not secure the necessary agreement with KCC, an alternative means of entering the new dwellings will be needed. A condition can be imposed on any permission to require details of any alternative scheme to be approved by the Local Planning Authority.

- 6.13 The existing access to the site is not considered to be ideal, being positioned on a sweeping bend of the A227. I am of the opinion that the proposed scheme would reduce the number of vehicles using this access compared to that of a public house. Also, the highway authority has recommended that the width and entry radiuses of the existing access be maximised and that tactile paving be provided at the end of the footway on the northern side of the access to bring attention to the access. These improvements can be secured by condition on any permission granted. I consider the reduction in vehicle movements from the proposed uses and the access alterations would result in an overall improvement to highway safety in this immediate locality.
- 6.14 I am therefore satisfied that the development would not harm highway safety or result in any cumulative highway impacts that would be severe which is the relevant test of the NPPF. The proposal would therefore satisfy policy SQ8 of the MDEDPD and paragraph 32 of the NPPF.
- 6.15 The proposed conversion of an existing building to residential and rebuilding and re-use of existing buildings as holiday-lets are forms of development listed as acceptable development in the countryside under policy CP14 of the TMBCS.
- 6.16 The conversion of the Public House building to two dwellings needs to meet the criteria set out in policy DC1 of the MDEDPD. In this regard, the Public House is a rural building that is permanent and structurally sound and is capable of conversion without reconstruction. The proposal does not involve any additional building works and the new use can be accommodated without requiring extensions. There are no adjoining properties and as such it would not harm neighbouring amenities. As confirmed above, the development would not result in any harmful highway impacts. The field adjoining is isolated and not part of a larger viable agricultural unit. An appropriate landscaping scheme can be secured by condition which would preserve the visual amenity of the site and wider rural area. Although areas of woodland lie to the south and east, these are well separated from the application site by the highway and the adjacent field and therefore protected species would not be affected by the development. The residential living environments created would complement the surrounding uses or operations which comprise residential properties, fields and woodlands. The new residential curtilages would relate effectively to the existing buildings and other features on the site and therefore would not have an adverse impact on the rural character and appearance of the countryside. The proposal therefore accords with the provisions outlined in policy DC1 of the MDEDPD.
- 6.17 Paragraph 28 of the NPPF advises that to promote a strong rural economy, local plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. The application proposes the rebuilding of the two outbuildings to the north of the main pub building to create holiday-let

accommodation. Policy DC5 of the MDEDPD, in-line with Paragraph 28 of the NPPF, advises that proposals for new tourism and leisure facilities in rural areas will be permitted subject to specified criteria being met.

- 6.18 In respect of this policy, the buildings would be rural in their appearance being clad in brick and timber weatherboarding with clay roof tiles and as such would not detract from the rural character of the area. The holiday-lets would provide some benefit to the local economy by providing short stay leisure accommodation in an area where there are known walking tracks. The development will not affect any agricultural unit and would not harm biodiversity in the area as the site is relatively established and well separated from the nearby woodlands. The proposal would not affect any public right of way and would not generate a level of traffic that would affect the highway network or harm road safety in the area. The holiday-let facilities are small in scale, are well screened from public vantage points and are sited well away from neighbouring residential properties. As a result, I do not consider that this proposed holiday accommodation would give rise to an unacceptable level of impact from lighting or noise nuisance from the use. The proposal therefore meets the provisions outlined in policy DC5 of the MDEDPD.
- 6.19 The development does not involve any net additional buildings and the uses would not have a greater impact on rural amenities than the existing public house use. Therefore I do not consider that the proposal would have an adverse effect on the natural beauty and quiet enjoyment of the AONB. The proposal therefore accords with policy CP7 of the TMBCS.
- 6.20 The main building and the outbuildings to be rebuilt to create holiday-lets are all very close to Gravesend Road A227. The change of use of these buildings to residential and holiday-let uses will require additional acoustic protection from road noise to ensure a satisfactory residential living environment for the future occupants and holiday-makers. The applicant has not submitted a noise assessment with the application but I consider that suitable noise attenuation measures can be provided to satisfactorily mitigate noise impact from the road environment. Such measures can be secured by a condition on any permission granted. Accordingly, subject to such a condition, the proposed development would satisfy paragraph 123 of the NPPF.
- 6.21 Due to the age and previous use of the site, it is necessary in this case to impose a condition that advises that if any contamination is found during the development works then work shall cease until an investigation and remediation strategy has been agreed with the Local Planning Authority. As a result, the development would accord with paragraph 120-121 of the NPPF.
- 6.22 I note the comments made by the Parish Council. The Parish has suggested that the pub should be required to be marketed for sale for a period of time to show that there is no demand for the business. However, there is no such requirement outlined in national or local planning policy. It has also been suggested that

Stansted is well catered for with holiday-lets and therefore the proposed holiday accommodation should not be allowed. Tourism accommodation is encouraged by national planning policy and the development in this case involves the rebuilding of existing buildings for such accommodation which would minimise impact on the character and amenity of the rural area.

6.23 Comments have also been received from local residents. The key objections relate to the loss of the Public House as a community facility, the proposals not being sympathetic to the character of the area and the impact of the development on the road access to the A227 and on highway safety. I acknowledge that The Vigo Inn has been a pub for a number of centuries but this in itself does not preclude its conversion in principle based upon policy CP26 of the TMBCS and paragraph 28 of the NPPF. It has been suggested that the pub provides a meeting place for local residents of Fairseat, Vigo and Trottiscliffe and a resting place for walker/hikers using the national trails in the area and that it is within walking distance for local residents and on a main bus route. I acknowledge that the pub may have survived on local patrons and those needing a place to stop whilst using the walking tracks in the past, but I do not consider that such patronage these days is sufficient for a public house to survive in such an out-of-village location which is now reliant on customers travelling by car. Furthermore, I consider the local footfall catchment to be small and its location in respect to the denser population within the settlement of Vigo Village to be well detached and a substantial distance away. In light of the large number of local public houses that provide quality facilities, access and parking, I do not consider the retention of The Vigo Inn as a community service to be justified in this case. The proposals do not involve any additional building works beyond what was previously on the site, taking into account the rebuilding of the outbuildings, and the limited scale of the holiday-let facilities and improvements to the appearance of the site from the new boundary treatments and landscaping would improve rather than harm the character of the area. The development will also arguably result in a reduced number of vehicles accessing the site and the opportunity exists to improve the access to the site which is currently less than satisfactory, which would improve highway safety.

6.24 In light of the above, I consider that the proposed development satisfactorily accords with the relevant provisions of the Development Plan and NPPF, and therefore approval is recommended.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Existing Floor Plans GROUND FLOOR received 10.02.2015, Existing Floor Plans FIRST FLOOR received 10.02.2015, Site Plan received 03.02.2015, Email received 21.04.2015, Planning Statement received 01.10.2014, Proposed Floor Plans GROUND FLOOR received 01.10.2014, Proposed Floor Plans FIRST FLOOR received 01.10.2014, Elevations DWELLINGS received 01.10.2014,

Drawing AF/400 received 01.10.2014, Drawing AF/401 received 01.10.2014, Drawing AF/402 received 01.10.2014, Location Plan received 08.10.2014, Email received 15.05.2015, subject to the following:

Conditions / Reasons

- 1 Within 2 months of the date of this decision, details and samples of all materials to be used externally on the holiday-let buildings shall be submitted to the Local Planning Authority for approval, 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 site or the visual amenity of the locality.

- 2 The holiday-let units shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

- 3 The buildings shall not be occupied until details of alterations to the existing vehicle access, maximising its width, and any proposed gates have been submitted to and approved by the Local Planning Authority. The approved works shall be carried out prior to the first occupation of the dwellings and holiday-let units hereby approved.

Reason: In the interests of highway safety.

- 4 The dwellings hereby approved shall not be occupied until the frontage to the A227 as shown on the approved Site Plan dated 2 February 2015 has been completed as front gardens or highway verge and footway, or until an alternative scheme of the means of pedestrian access to and from the main entrance doors of the dwellings has been implemented in accordance with details which have been submitted to and approved by the Local Planning Authority. The alternative scheme shall include appropriate measures to safeguard the safety of the occupants, visitors and pedestrians. The scheme implemented shall be retained at all times thereafter.

Reason: To ensure the safety of the occupants of the dwellings and pedestrians and in the interests of highway safety.

- 5 The buildings shall not be occupied, until an acoustic report providing a scheme of acoustic protection for the dwellings and holiday-let units that satisfies the requirements of BS 8233:2014 has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwelling or holiday-let unit to which it relates and shall be retained at all times.

Reason: To safeguard the aural amenity of the future occupiers of the buildings.

- 6 The buildings shall not be 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 2015 (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 provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 7 The buildings shall not be occupied, until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. The scheme should include new fencing along the north and east boundaries of an open rural type. 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.

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 The buildings shall not be occupied until tactile paving is provided at the end of the footway to the north of the access.

Reason: In order to improve the visibility of the access in the interest of highway safety.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, B, D and E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure that any future development does not harm the character of the area or openness of the Green Belt.

- 10 (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

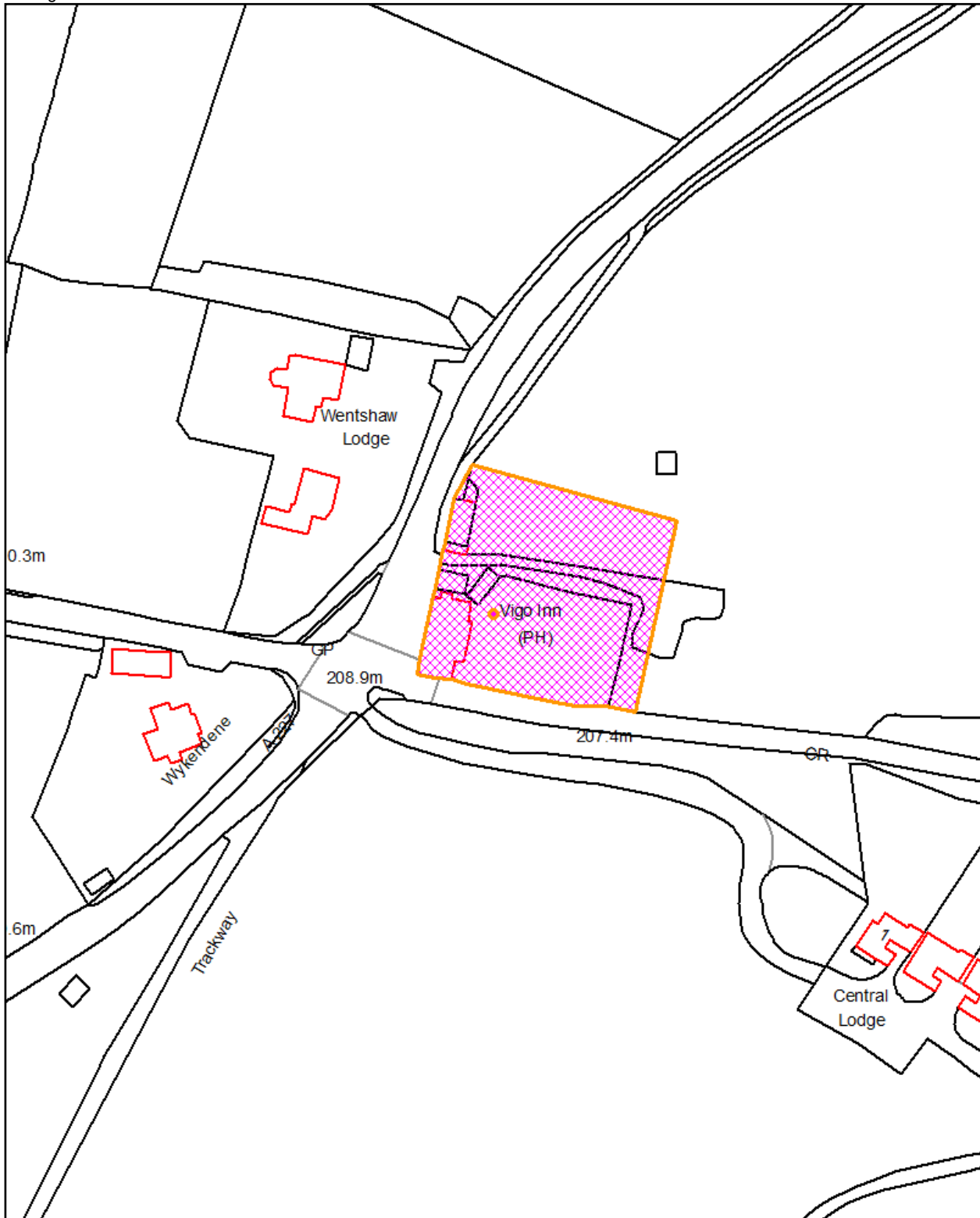
Contact: Mark Fewster

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TM/14/03395/FL: The Vigo Inn Gravesend Road Wrotham Sevenoaks Kent TN15 7JL

Change of use of the Vigo Inn Public House to two dwellings with associated residential curtilages and construction of two buildings to create 5 self-catered holiday let units.

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