

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

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@tmbs.gov.uk

30 June 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, 8th July, 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

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To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 27 May 2015

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

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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

Matters submitted for Information

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(LGA 1972 Sch 12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)
16. 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

Cllr Mrs F A Kemp (Chairman)
Cllr S R J Jessel (Vice-Chairman)

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

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 27th May, 2015

Present: Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr R P Betts, Cllr M A Coffin, Cllr B J Luker, Cllr P J Montague, Cllr H S Rogers, Cllr S C Perry, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr Miss S O Shrubsole and Cllr M Taylor

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

Apologies for absence were received from Councillors Mrs S M Barker, Mrs S L Luck and L J O'Toole

PART 1 - PUBLIC

AP2 15/15 DECLARATIONS OF INTEREST

Councillor Balfour declared an Other Significant Interest in application TM/14/01688/FL (Winsor Works, London Road, Addington) on the grounds that a member of his family owned land adjoining the application site. After making a personal statement he withdrew from the meeting and did not participate in the discussion.

AP2 15/16 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 15 April 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 15/17 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 15/18 TM/14/01688/FL - WINSOR WORKS, LONDON ROAD, ADDINGTON

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 at Winsor Works, London Road, Addington.

RESOLVED: That the application be DEFERRED for a Members' Site Inspection

[Speakers: Mrs C Karnoria, Mr M Cooper, Mrs M F Bailey, Mr D Lovelock, Mr M Bailey and Mr Simon Lake – members of the public]

AP2 15/19 TM/14/03395/FL - THE VIGO INN, GRAVESEND ROAD, WROTHAM

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 at The Vigo Inn, Gravesend Road, Wrotham.

RESOLVED: That the application be DEFERRED for a further report from the Director of Central Services regarding the implications of any alternative decision.

[Speakers: Mr J Collins - agent]

AP2 15/20 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.48 pm

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

Stansted **563062 161016** **8 October 2014** **TM/14/03395/FL**
Downs

Proposal: Change of use of the Vigo Inn Public House to two dwellings with associated residential curtilages and construction of two buildings to create 2 self-catered holiday let units.
Location: The Vigo Inn Gravesend Road Wrotham Sevenoaks Kent TN15 7JL
Applicant: Mr Andrew Forrest

1. Description:

- 1.1 This application was originally reported to APC2 on 27 May 2015 where it was resolved that the application be deferred for a report from the Director of Central Services regarding the potential implications of refusing planning permission.
- 1.2 Since then, the applicant has amended the scheme by reducing the number of holiday let units proposed from five to two. Additionally, a Transport Statement prepared by DHA Transport has been submitted along with several signed emails from former organisers of music events and a bar attendant giving information regarding the approximate number of cars at the premises during events held at the premises.
- 1.3 A copy of my previous report is annexed for ease of information.

2. Consultees (since 27 May):

- 2.1 None

3. Determining Issues:

- 3.1 Members were concerned that the previous scheme reported to APC2 proposed holiday lets which were very small in size and therefore, whilst recognising that no regulatory space standards exist for such accommodation, the reduction in the number of holiday let units now proposed, thus creating two, larger units, is to be welcomed. As set out in my previous supplementary report, to ensure that appropriate management of the facilities is provided, and in the interests of residential amenity, Condition 11 requires that the two holiday let units remain linked to the one bedroom dwelling.
- 3.2 The reduction in unit numbers would also reduce the amount of vehicle movements to and from the site. The applicant has submitted a Transport Statement that compares the trips and movements of the previous public house use, a conventional public house and the proposed development (2 dwellings and 2 holiday lets). The report concludes that the proposal would generate significantly fewer trips each day. I consider that the report is sufficiently robust in its analysis and assumptions and that it clearly shows that the proposed scheme

would be an improvement in highway safety terms compared to the public house use.

- 3.3 The applicant has also confirmed that they support the provision of a footway outside of the front of the property, in line with KCC recommendations, to provide safe pedestrian access to the proposed dwellings, prevent unauthorised parking in front the dwellings and generally improve safety in respect to pedestrian movement around this junction. Should Members be minded to grant planning permission, Condition 4 would satisfactorily secure those improvements.
- 3.4 All other matters remain as my previous report.
- 3.5 In conclusion, the amendments to the scheme are considered to markedly improve upon the originally submitted scheme and the additional information submitted provides an improved basis for comparative analysis. Accordingly it is recommended that planning permission be granted subject to the conditions set out below.

4. Recommendation:

- 4.1 **Grant Planning Permission** in accordance with the following submitted details: Email received 27.05.2015, Drawing AF/400A received 23.06.2015, Drawing AF/401A received 23.06.2015, Email received 23.06.2015, Email received 12.06.2015, Transport Statement CC/10853 received 12.06.2015, Email received 15.05.2015, 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/402 received 01.10.2014, Location Plan received 08.10.2014, Email received 21.04.2015, subject to the following conditions:

Conditions:

- 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 a scheme providing a footway along the frontage to the A227 that provides a 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 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.

- 11 The 1 bedroomed dwelling shall not be occupied other than in connection with the management of the holiday lets hereby approved in accordance with the email dated 27.05.15.

Reason: To safeguard the character and amenity of the area.

Contact: Mark Fewster

Report from 27 May 2015

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 IG3 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.

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- 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.

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- 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

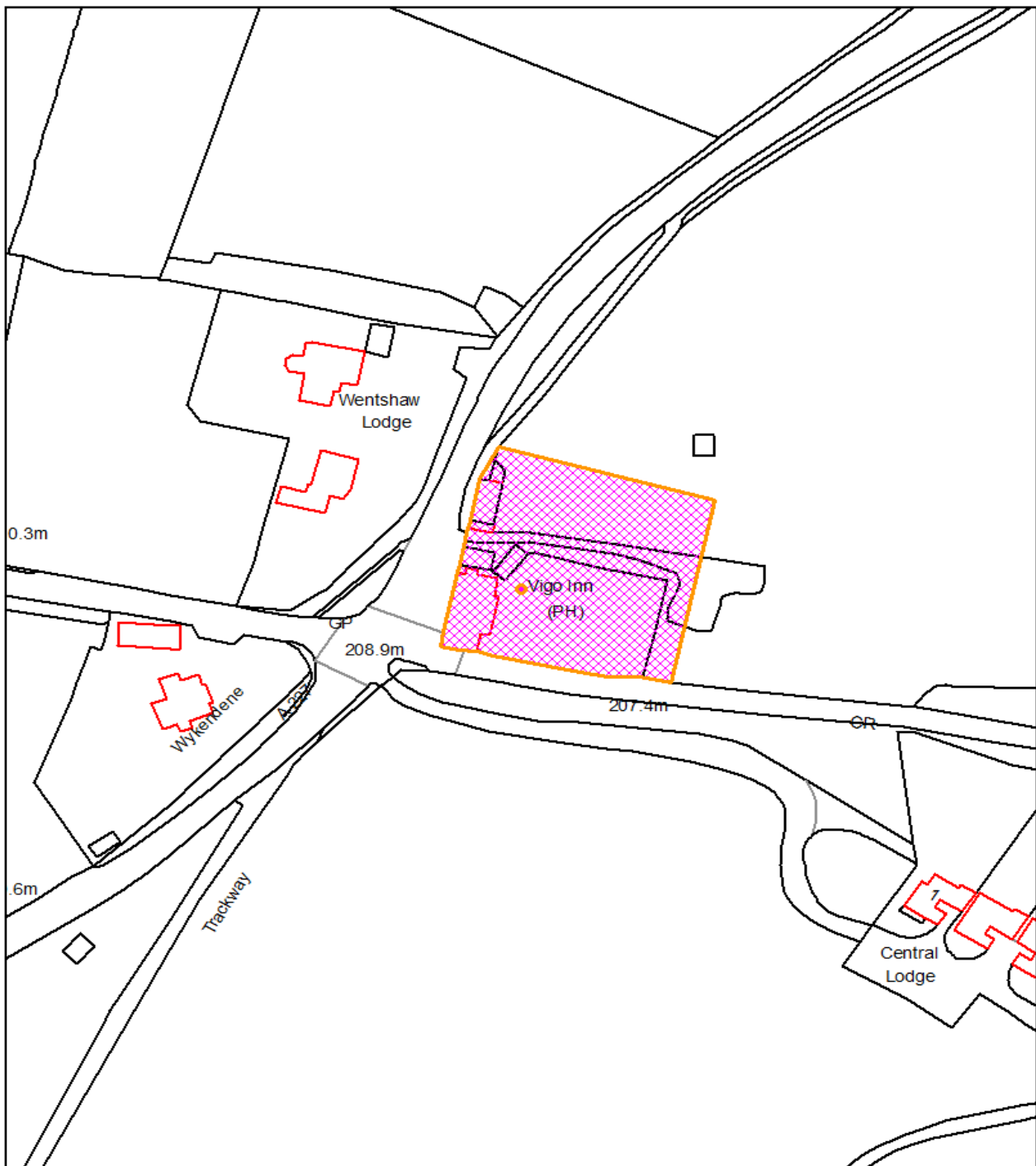
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TM/14/03395/FL

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 2 self-catered holiday let units

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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 This application was originally reported to APC2 on 27 May 2015 when it was deferred to enable a Members' Site Inspection, which was subsequently held on 22 June 2015. Copies of the Committee and Supplementary reports are annexed for ease of information.

2. Consultees (since 27 May 2015):

2.1 Several neighbouring residents have submitted a number of photos and other media showing the activities on the site as well as the large low-loader used to carry the largest plant machine entering and leaving the site. These are available to inspect online.

3. Determining Issues:

3.1 Before addressing the matters arising from the Member's Site Inspection itself, it is necessary to mention that it appears that some of the commentary included in my previous report may have led to some confusion, particularly with regard to the historic uses of the site and the consideration of what could occur on site without the need of a planning application and permission from the Borough Council. The following information is therefore intended to clarify that position.

3.2 Residents have suggested that the Council should be seeking to enforce the hours mentioned within the previous Planning Committee report, being the 'permitted hours'. To clarify, the hours of operation condition cited at paragraph 6.36 of the previous committee report related to an historic planning permission granted in the early 1990's (our reference TM/90/0171) for aluminium recovery operations. The use currently being undertaken by Downwell Demolition is a wholly different use (requiring a planning permission of its own) to that previously granted on the site and as such the conditions imposed on the 1990's planning permission do not have any enforceable status on the current operations at the site.

3.3 The purpose of making reference to this aspect of the planning history of the site was to demonstrate that restrictions have applied to the site in the past, albeit for a

different use, and to identify that the nature of the current use is such that it would be appropriate to impose conditions concerning the hours of operation on any new permission granted by the Council.

- 3.4 Residents have also drawn upon statements put forward by the applicant that they believe they are operating in accordance with the previous uses. Having investigated this matter in some detail, it is my view that the applicants are not operating in such a way. Taking into account the use classes set out in the Town and Country Planning (Use Classes) Order 2014, my considered view is that the operations undertaken currently are classed as "*sui generis*", meaning that they do not fall within any of the categories defined in that Order. It is for this reason that a planning application has been submitted.
- 3.5 The references drawn between the historic lawful uses on site and the current use are intended to demonstrate that there is a baseline for comparative analysis which forms a material consideration against which the current use by Downwell Demolition may be judged. That is not to say that the Council believes the applicant could operate within the terms of those historic permissions/uses; rather that there are some comparisons that can be drawn. B2 (General Industry) relates to the carrying out of an industrial process, with the general assumption being that these types of uses include manufacturing and other uses that generate noise, dust and vibration.
- 3.6 It has been suggested that the original industrial building approved within the northeast corner of the site for aluminium recovery in the early 1990's under reference TM/90/0171 may have been dismantled prior to 2000 and that the existing steel framed structure appeared late in 2013. The Council's aerial photo from 2009 appears to show the existing structure in situ and photos from 2000 and 2003 appear to show an area of iron cladding covering this same area. Although not totally conclusive, the Council is satisfied that the existing structure is consistent with the plans of the building erected under reference TM/90/0171 and that the cladding applied would be repairs to the building that would not require planning consent.
- 3.7 I recognise entirely that this site, and the current use in particular, has caused significant concern to local residents. In some respects the historical authorised use of the site for general industrial purposes sets a context for how the Borough Council can respond to the current planning application. For this reason, the recommendation remains to grant planning permission and in so doing to take the opportunity to restrict the use of the site in its current/proposed use through the imposition of restrictive conditions. Equally if Members, having visited the site, decide to refuse planning permission that would also be a legitimate stance if sufficient amenity grounds can be advanced and if the Committee is not satisfied that the impact of the current use can be adequately controlled by planning conditions. It is important to remember however that the latter course of action would not remove the historical authorised use of the site for general industry; it

would simply be a refusal of the use advanced by the current application by Downwell.

- 3.8 A number of matters were raised at the Members' Site Inspection and these are addressed in detail below:
- 3.9 Members were keen to understand how the large low-loaders that transport the heaviest excavators enter and leave the site safely and took the opportunity to spend some time at the site entrance. Several photos from a neighbouring resident highlighted local concern in this respect. Since the Members' Site Inspection, KCC (H&T) has reviewed this aspect further and provided the following additional comments:

From the information received it is considered that special procedures and practices should be adopted for any exceptional vehicles or load combinations to satisfactorily operate from this site. I would be grateful if the applicant could confirm an appropriate procedure for adoption within their health and safety practices. It is considered that advanced placement of livered escort vehicles to the east and west using orange flashing lights would be helpful in this regard when movement of vehicles of this type and heavily loaded vehicles into and out of the site are undertaken. It would be helpful if the applicant could consider, specify and confirm an inclusion of a procedure of this type. I would hope and expect that practices of this type are undertaken by the applicant at sites from which they operate.

Having visited the site, it is also considered that it would be helpful if a construction management plan could be provided, should this application be approved. The area of the site appeared to be quite well used/covered and I anticipate that the proposals to fully concrete the yard and surface the access road will require some vacation of the site in order to satisfactorily undertake this work.

From observations of the existing gates to the site confirmation of the location of any gates to the proposed reconfiguration of site is also sought.

- 3.10 The applicant has since been requested to submit details relating to the special procedures and practices to be adopted for the largest vehicles and the proposed location of any gates and this information will be reported to Members within the Supplementary Report. I would then anticipate a construction management plan being required by planning condition.
- 3.11 At the Members' Site Inspection, one resident suggested that a central reservation island could be provided in the interests of pedestrian safety. However, I do not consider this to be reasonable or necessary in this case given what the application entails when compared to the historic, lawful use of the site.
- 3.12 The matter of the type of hard surfacing to be used on the upgrade of the access road was also raised by Members. Details of this hard surfacing, which should be

satisfactorily durable, are required by condition. The suitability of the surfacing proposed in terms of highway safety and potential for noise disturbance would then be fully assessed and give sufficient control over this aspect of the development.

- 3.13 It should be noted that the applicant does not own the access road; however the implementation of the permission will be reliant on the phasing of the development being able to be undertaken
- 3.14 The issue of demolition waste and materials being brought onto the site and separated into different containers to be transported off-site to landfill was raised by neighbours. The applicant explained to Members that, on some occasions, waste was separated out on site. Since the Members' Site Inspection, photos and video media of this type of activity have been presented to the Council by a neighbouring resident. I do not consider this to be an activity that is consistent with the proposed depot use and which clearly creates a noise impact beyond what is being assessed in terms of the depot use. It is important to acknowledge that any such activities would constitute waste transfer which is licensed by the County Council. However, given that this particular activity would clearly cause an unacceptable impact in terms of noise and disturbance, I consider it reasonable to recommend a suitable condition ensuring that no demolition or other materials are stored or sorted on the site. This would inevitably require some changes in the way the applicant currently operates but I do not consider this would be insurmountable by any means. Should the condition be breached, there is a clear recourse through planning enforcement powers and would involve serving a breach of conditions Notice.
- 3.15 Members questioned how fuel and chemicals would be stored on the site and the applicant explained that such items still required an open storage location for health and safety reasons. Whilst I appreciate that part of the justification behind the proposals for the new building centres on the improvements to the site in visual terms (reducing the amount of open storage and the resultant impact on the landscape) it is appreciated that a certain amount of open storage will still be required. However, it is my view that this should be tightly controlled to avoid a situation where open storage prevails across remaining parts of the site to an extent that would be visually harmful, diminishing the justification behind the new building. As such, I would suggest that details of the proposed siting and bunding associated with the storage of fuel and chemicals can be required by condition. This has been incorporated within the condition requiring a scheme for open storage on the site which is set out in the recommendation that follows.
- 3.16 A question was raised concerning contamination as to whether a more detailed site investigation should be required prior to determination of the planning application in order to deal with the historic contamination of the site. The EA has stated that it is satisfied with a more detailed site investigation being undertaken prior to commencement of the development (other than demolition of buildings,

removal of hardstanding and site survey works) and I consider this is common practice for a site of this nature and for this scale of development.

- 3.17 One Member asked whether there was any potential for noise bounce back and forth between the proposed acoustic fence and the new building. This matter is currently being investigated in more detail and further information will be presented as a Supplementary matter.
- 3.18 Other matters raised since previously reporting to the Planning Committee include suggestions that pipework was being directed into the stream, that asbestos may be being stored in skips on the site and that it is likely that some form of lighting would be needed on site.
- 3.19 The applicant has advised that no waste has ever been discharged to the stream and that the pipe which overhangs the stream is a rainwater discharge for the workshop building. I note the issue of the storage of asbestos. The applicant, however, is required to adhere to a strict licensing regime under the remit of the Health and Safety Executive which regulates the storage and disposal of asbestos. Although there is evidence that Downwell Demolition has been transferring demolition waste on site from one container to another, I have no reason to believe this material to be asbestos. I do not therefore believe that these matters specifically can be planning considerations material to the determination of this application, and Members should note the suggested condition preventing the storage or sorting of materials on site which would prevent such activity. A condition has also been suggested requiring details of any lighting proposed to be submitted for approval.
- 3.20 As a result of the previous debate and the Members' Site Inspections, I have taken the opportunity to revise several of the previously suggested conditions. These relate to the following matters:
- Levels of finished hard surfaces;
 - A specific hard landscaping requirement removed with details of the hard surfacing of the site and access road dealt with as part of the condition relating to the access improvements;
 - Hours of the proposed use of the site altered to be specific to vehicle movements and loading and unloading;
 - Rewording of the acoustic fence condition to require it to be integrated with the high safety fence along the western boundary;
 - The open storage condition to include details for the storage of fuel and chemicals;

- Added a suggested condition prohibiting the ancillary storing of demolition or other materials on the site;

3.21 If the Committee is minded to grant planning permission then it is likely that the precise wording of these conditions will need careful drafting in order to ensure they are robust and enforceable but the recommendation that follows sets out the matters they are intending to address and seeking to control.

3.22 This is clearly a challenging case to balance in a somewhat unusual background and circumstances. There is undoubtedly a detrimental impact on nearby residents as a result of the current/proposed use. That has to be set and judged against the lawful use that can take place on the site without further permission from the Council. In that context, in granting permission for the application the Council has the ability to control and manage the current use by way of conditions as recommended. That would be a reasonable way to proceed if the Committee can be satisfied that conditions can achieve a level of protection. If that is not the case then Members will need to direct themselves to reasons for refusal based upon the impact of the use on the amenity of nearby residents.

4. Recommendation:

4.1 **Grant Planning Permission** in accordance with the following submitted details: Photo montage 3D ILLUSTRATION received 12.05.2014, Letter received 12.05.2014, Location Plan received 12.05.2014, Site Plan received 12.05.2014, Existing Floor Plans KWTP-01 received 12.05.2014, Existing Plans and Elevations KWTP-04 received 12.05.2014, Topographical Survey S05/1582/01 received 12.05.2014, Planning Statement received 05.06.2014, Arboricultural Survey GRS/TS/TCP//AIA/TPP/8/14 received 05.06.2014, Flood Risk Assessment received 05.06.2014, Contaminated Land Assessment EES 12.497.1 received 05.06.2014, Email received 18.06.2015, Supporting Information received 26.01.2015, Existing Elevations KWTP-02 received 24.10.2014, Existing Elevations KWTP-03 received 24.10.2014, Proposed Plans and Elevations KWTP-05 received 24.10.2014, Proposed Plans and Elevations KWTP-06 received 24.10.2014, Email received 27.10.2014, Details KWTP-01 Fencing received 27.10.2014, Supporting Information received 08.09.2014, Email received 31.03.2015, Email received 23.06.2015, subject to the following conditions, **the detailed wording of which to be agreed by the Director of Central Services:**

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 of works, unless the Authority gives written consent to any variation.

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

- 2 Prior to the construction of the buildings hereby permitted, 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 Within 2 months of the date of this decision, a plan showing the existing levels of the site and adjoining land and the proposed finished levels of the slabs of the buildings and hard surfacing of the site shall be submitted to the Local Planning Authority for approval. 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 these reserved parking spaces and turning areas.

Reason: Development without provision of adequate parking and turning is likely to lead to hazardous highway conditions.

- 5 Within 2 months of the date of this decision, a scheme of landscaping and boundary treatment shall be submitted to the Local Planning Authority for approval. The scheme of 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 Within 2 months of the date of this decision, a sustainable surface water drainage scheme for the site shall be submitted to the Local Planning Authority for approval. 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 be implemented in accordance with the approved details and timetable of works.

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

- 8 Within 2 months of the date of this decision, details and a timetable of works to enhance the access road from London Road A20 and provision of hard surfacing to the site, to include durable hard surfacing and the widening of the access road to a minimum width of 4.8m for its entire length, shall be submitted to the Local

Planning Authority for approval. The works shall be implemented in accordance with the approved details and timetable of works, 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 Within 2 months of the date of this decision, details of the construction of an acoustic fence along 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 fence shall also be integrated within the full extent of the proposed high safety fence to be erected to protect the site from stray golf balls. The acoustic fence shall be installed in accordance with the approved details and timetable of works, and shall be retained at all times thereafter.

Reason: In the interests of the aural amenity of neighbouring residents.

- 10 The premises shall be used only for the purposes of a demolition company depot for the storage and repair of plant and vehicles only 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 No vehicles shall arrive, depart, be loaded or unloaded within the application site outside the hours of 07:00 to 18:30 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.

- 12 Any servicing, maintenance or repair works associated with the use shall not be carried on outside the hours of 07:30 to 17:00 Mondays to Fridays and 08:00 to 13:00 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 Within 2 months of the date of this decision, a scheme of open storage and storage of fuel and other chemicals on the site, including any associated bunding, 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 and vehicles 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, to safeguard the site from pollution and to ensure the character and appearance of the site and locality is not significantly harmed.

- 14 Within 2 months of the date of this decision, 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.

- 15 No external lighting shall be installed on the premises without the prior 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.

- 16 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.

- 17 Foul water shall be disposed of directly to the main sewer.

Reason: To prevent pollution of the water environment.

- 18 Piling or any other foundation designs using penetrative methods shall not take place other than with the prior 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.

- 19 No demolition, waste or other associated materials shall be stored or sorted on the site at any time.

Reason: To protect the amenity of nearby residents.

- 20 Within 2 months of the date of this decision, a scheme for the management of demolition and construction traffic going to and from the site (including hours of operation and arrangements for the delivery of materials to the site and the associated parking of vehicles) shall be submitted to the Local Planning Authority

for approval. The development shall be carried out in accordance with the approved scheme unless any variation is agreed in writing by the Local Planning Authority beforehand.

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

21 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 waste material 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

Report from 27 May 2015

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 3610m ² 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.

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- 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.

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- 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.

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- 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.

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- 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.

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- 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.

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- 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.

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- 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.

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- 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

SUPPLEMENTARY REPORTS**AREA 2 PLANNING COMMITTEEDATED 27 May 2015**

**Addington TM/14/01688/FL
Downs & Mereworth****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 at Winsor Works London Road Addington West Malling Kent ME19 5AN for Downwell Demolition**

Private Reps: One further letter of representation has been received, advising of several errors in the report:

- In paragraph 6.13, the two residential properties mentioned, Mayhill and Mayhill Farm Barn, are incorrectly named. These are actually Mayhill House and Mayhill Barn.
- One objection raised about the wording of the description of the development has not been quoted correctly in paragraph 5.4. This concern was summarised as “The change of use of former breakers yard/scaffold contractors is misleading as the current use is industrial”. The objection advised that “*using former breakers yard/scaffold contractors*” is misleading and should read “*former haulage company/scaffold contractors*”.
- In the list of old planning applications for the Downwell Demolition site, two planning applications do not belong to the mentioned site but to the Scarbutts site (TM/91/0470 and TM/96/00129/FL).

DPHEH: The two properties described as to the east of the site in paragraph 6.13 should indeed read Mayhill House and May Hill Barn, and not Mayhill and Mayhill Farm Barn. However, these properties have been advised correctly in my report at paragraph 3.3 and the discussions in paragraph 6.13 relate to views from the east, including from Roughetts Road and the two residential properties (Mayhill House and May Hill Barn).

I accept the incorrect quoting of a concern raised in respect to the development’s description, in paragraph 5.4. The description has been altered to simply read “change of use of land to depot for demolition company ...”.

In respect to the application history, these do not relate to the application site.

RECOMMENDATION UNCHANGED

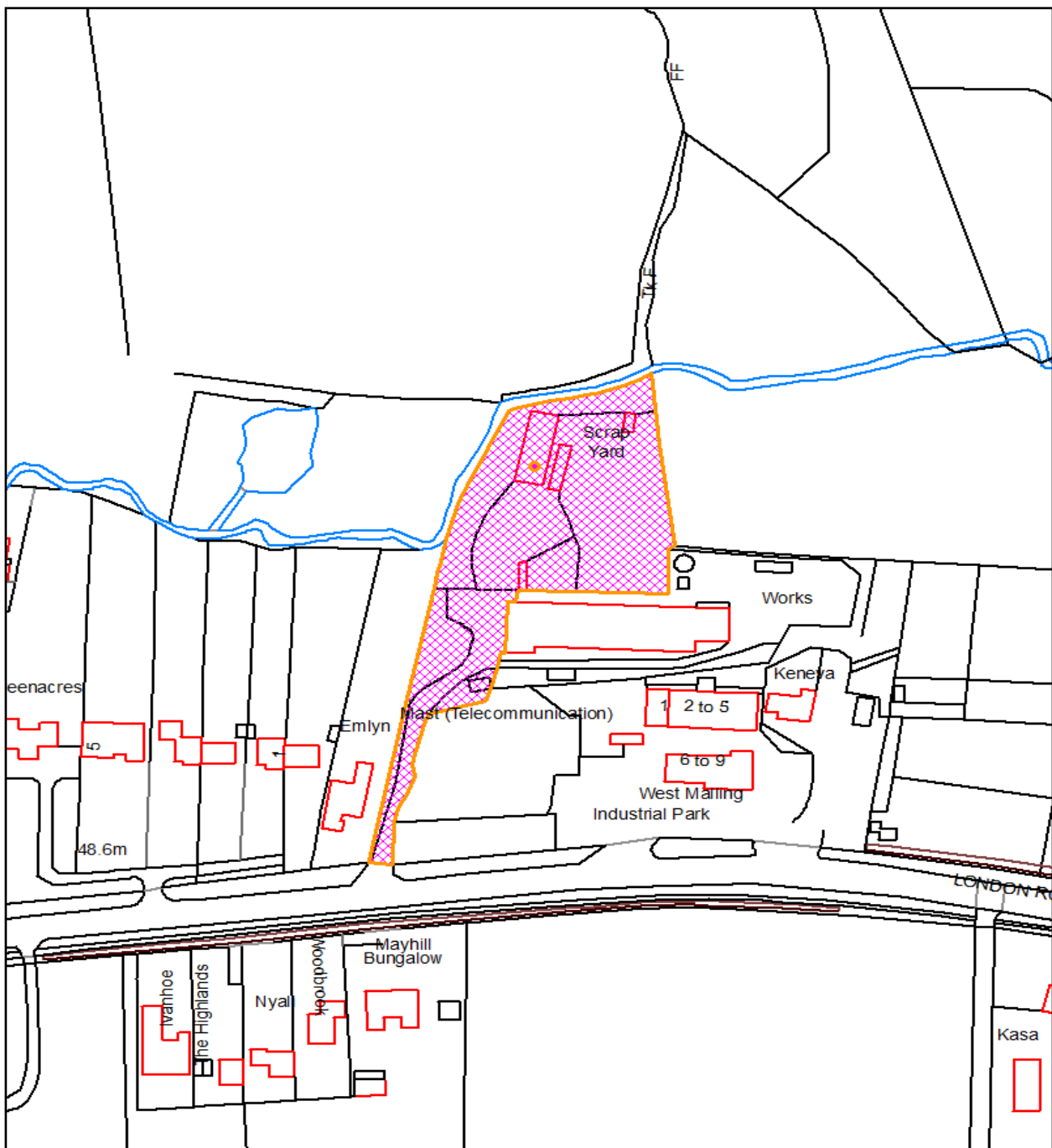
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TM/14/01688/FL

Winsor Works London Road Addington West Malling Kent ME19 5AN

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

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Platt **561956 157554** **27 August 2015** **TM/11/03020/OA**
 Borough Green And
 Long Mill

Proposal: Outline Application: Proposed new industrial building, associated works plus highway amendments to the T Junction of the access road and A25 Maidstone Road. Landscaping details to be reserved
 Location: Phase 3 Platt Industrial Estate Maidstone Road Platt Sevenoaks Kent TN15 8JL
 Applicant: Prime Securities Limited

1. Description:

- 1.1 This application was originally reported to APC2 on 2 July 2014 and was deferred by Members to allow time for the submission of additional plans regarding the proposed junction improvements, and the implications on parking for nearby residents. Additional plans were received on 23 and 24 July 2014, to show swept paths for different sized lorries exiting the junction. However, the circumstances on site changed and additional clarification and further amendments were necessary before the application could be reported back to APC2.
- 1.2 Following an extended period of discussions with the agents and KCC Highways, further amended plans have now been submitted, in addition to those described above, that show revisions to the pedestrian visibility splays following the removal of a hedge along the side boundary of 1 Whatcote Cottages. This property is also now in the ownership and control of the applicant. Consequently, the red and blue lines of the application site have also been amended to include this property in the 'blue' land and the works to provide the pedestrian visibility splays within the red line of the application site.
- 1.3 Copies of the previous Committee and Supplementary reports are annexed for ease of information.

2. Consultees: (received since July 2014 following reconsultation)

- 2.1 PC: We have in the past applications never objected in principle to this application which could create more employment in our area. However, this additional information does not allay our fears over any increase in traffic movements. This will obviously lead to more lorries and cars (for staff) accessing and egressing the site.
 - 2.1.1 We still object to any scheme that will increase traffic on the A25. This route is already over loaded and all traffic goes through our village either towards Sevenoaks or to the Motorway at Wrotham Heath. It was never designed for this amount of traffic. There appears no difference in substance to the previous proposals, with the exception of a reduced pedestrian sight line (15m down to

11m) and the fact that the applicant has purchased the adjoining property and built a wall, which may be acceptable now, but Kent Highways have no jurisdiction over this property and this could be sold to someone else in the future.

2.1.2 As we commented previously, there are applications pending for an increased storage area for this Estate and KCC consideration for the expansion of Borough Green Sand pits. All leading to increases in traffic. There is only one entrance to this Estate on to the A25, virtually opposite our primary school, which is already congested (and dangerous) and shortly we will have a new school with all its attendant access problems.

2.1.3 We all want more residential and commercial expansion in our area but when will Kent do something about the A25? We have suggested alternative routes several times in the past, but to no avail

2.1.4 We are all aware of the Air Quality problems on the A25 corridor that extend, virtually, from Borough Green to Dunton Green, but all that traffic comes through Wrotham Heath and Platt from the motorways.

2.1.5 We have queried in the past the "swept" path analysis and anybody local will attest to the disruption and danger of long articulated lorries going in and out of this site. Lorries are getting longer, so the problem will not resolve itself.

2.1.6 We would still challenge the previous officers' statement that:

"Any changes in traffic can be satisfactorily accommodated without conflict with the rural amenity, without prejudice to highway safety and bring beneficial changes if possible;"

This is patently not true

2.1.7 We have no option but to oppose this and any future development that will exacerbate the existing problems on this trunk route until alternatives are offered

2.2 KCC (Highways): The applicants have now provided swept path analyses for:

- A 10.201m long large tipper (turning radius 11.550m)
- A 15.500m long articulated vehicle (turning radius 6.750m) and
- A 16.500m long articulated vehicle (turning radius 6.870m)

2.2.1 I consider that the improvements proposed offer optimum betterment within the site constraints and is proportional to the application in hand. On behalf of the Highway Authority I write to confirm therefore that I have no objection to this application.

2.2.2 In response to pedestrian visibility amendments Following my response of 31 July 2014 a review of the safety audit revealed that the junction improvements proposed were detrimental to pedestrian visibility crossing the junction bell mouth and that this needed to be addressed. I confirm on behalf of the Highway Authority that I now consider that the applicant has satisfactorily considered and addressed this issue.

2.2.3 The number of HGV movements associated with this proposal has been confirmed and it is considered that these are of a minimal impact in traffic generation terms. The applicant is however proposing enhancements to the junction and has undertaken a number of swept path analyses which in my view demonstrate an improvement over the existing arrangement for all vehicles using this junction. Should these improvements be implemented they will be subject to a Section 278 agreement with this authority.

2.2.4 I can confirm from a study of crashmap.co.uk that there have been two injury crashes at or near to the junction with the A25 in the last nine years. One in 2011 was categorised as a serious injury to a casualty who was walking on the footway opposite. The other in 2013 involved a moped travelling eastbound. The rider hit the road after striking a sunken drain cover causing slight injury. No other vehicles were involved.

2.2.5 In view of the crash record, the number of forecast trips and the enhancements to the junction proposed, I write to confirm on behalf of the highway authority that I have no objection to this application.

2.3 Private Reps: 9 additional letters of objection have been received. Objections have been raised on the following grounds:

- The proposed junction changes will have a limited impact on its use by large lorries.
- Lorries will still swing out across the centre line of the road as the A25 is too narrow.
- An alternative access road into the estate is required and long overdue, the applicants are aware of the long standing concerns.
- The proposed yellow lines will have an impact on car parking, as existing spaces are not sufficient for local residents.
- There is nowhere safe to park for local residents.
- Removal of the hedge has resulted in a greater visual impact and increased noise from the use of the access road.
- Lorry movements from the site take place 24 hrs a day.

- Local residents are not being considered in these plans and noise and pollution in the area is already very high, any increase in traffic movements will increase these issues further which is already above recommended standards and is unacceptable.
- No further development on the industrial estate should be allowed until amenity issues have been sufficiently addressed and noise levels reduced.
- Lorries will be closer to residential properties and vibration for residents will increase, the proposal puts residents' health and life at greater risk.
- The works proposed to the junction will make crossing the junction even harder, it is already dangerous, reducing the pavement will make the situation much worse and make visibility for pedestrians and lorry drivers worse than the existing situation. Crossing the junction is already very hazardous and a serious safety concern.
- School children will be crossing this junction to get to the new school and most properties have young families, their safety will be affected.
- Increasing the distance across the junction that pedestrians need walk is going to make crossing it more dangerous.
- The number of parking bays will be reduced, is alternative parking going to be provided for local residents. There are 6 bays and 10 vehicles that park in this area, there is nowhere else to park cars for residents.
- Replacement car parking could be provided on 1 Whatcote Cottages or a rear access road provided, suitable provision needs to be provided.
- The A25 cannot cope with additional traffic from the proposed development.
- The speed limit of the road also needs to be reduced and a pedestrian crossing installed.
- The plans submitted are inaccurate, providing false information and show no consideration for residents or safety. This is not an acceptable solution.
- The works will increase the risk of a serious accident.

3. Determining Issues:

- 3.1 The Annexed reports deal in some detail with the planning policy position of the proposed development on this site. The application site forms an employment land allocation in the DLA DPD and the site is also a Major Developed Site in the Green Belt. The relevant policies to consider are M1, E2 and E3 of the DLA DPD. Paragraph 28 of the NPPF also identifies the need to support sustainable growth

and create jobs in rural areas. The previous reports therefore need to be read in conjunction with the matters to be discussed in more detail below which centre on the reasons for which the application was previously deferred by Committee.

- 3.2 Before discussing the technical detail concerning the additional and amended plans that have been submitted which seek to further illustrate the impact of the proposed junction improvements, it should be noted that Paragraph 32 of the NPPF clearly states that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*
- 3.3 Turning to the technical details now provided, the submitted swept path plans show the junction as existing and proposed. Drawing number SK07 shows the tracking of the proposed realigned junction with regards to HGV movements for a 15.5m long articulated vehicle, and drawing number SK12 shows the realigned junction without the associated tracking information. Drawing number SK09 shows the tracking for a 16.5m long articulated vehicle, in answer to concerns regarding the manoeuvring capabilities of a vehicle of this size using the realigned junction.
- 3.4 More recently, an additional drawing (SK13) has been submitted to show an improvement to pedestrian visibility splays following the applicant's purchase of 1 Whatcote Cottages and the subsequent removal of part of the high boundary hedge that was previously outside the control of the applicant or the County Council. (A new brick boundary wall, at a lower height, has been constructed to form the new boundary to 1 Whatcote Cottages). A further drawing (SK14) shows the existing car parking bays on Maidstone Road and that the proposed works to the junction do not affect or reduce the number of those car parking bays.
- 3.5 In my view, these plans identify that the proposed junction works being put forward by the applicant would be an improvement to the existing situation in terms of manoeuvrability and would not result in the loss of any parking spaces in the adjacent layby to the front of the terraced properties. The only impact would be to where the kerb tapers off to form the layby at the front of these properties. This would amount to a slight reduction in the length of the taper leading into the layby, but would not affect the actual parking spaces available within the layby. The tapered part of the layby will be shorter than present but that part cannot accommodate a legally parked car/van in either the existing or proposed layout, as it would be too narrow in width in any case.
- 3.6 The proposed junction improvements will also result in a reduction in the depth of the footway at the corner of Maidstone Road and the access road to Platt Industrial Estate. This would not however reduce parking availability as this reduction in width of the footway does not affect the layby. Any parking on this part of the footway at present (like all parking on footways) is unauthorised and should not be safeguarded in the proposed plans. The submitted plans also show that double yellow lines are to be extended to include the junction, and that

pedestrian visibility is improved for those crossing the junction. KCC H&T have no objection to the extension of double yellow lines around the junction which endorse that no cars should be parking at this point.

- 3.7 The tracking information provided in connection with the implications arising from the junction improvements related to the movements of a 16.5m long vehicle, show that the minimum gap created to the footway opposite increases from 1.2m to 2.2m. The above gap measurements vary for different sized lorries due to the different axle number/configuration of the longer vehicles, with the 15.5m long vehicle shown to be the worst case scenario, as it has a larger swept path than the 16.5m long vehicle due to the axle arrangement.
- 3.8 In terms of the proposed pedestrian visibility, it is my view that this has been already been significantly improved by the removal of part of the high boundary hedge along the access road that restricted views for both lorry drivers of pedestrians and for pedestrians of lorries on the access road when trying to cross the junction. A significant number of objections have been raised at the reduction of the footpath, which also forms part of the pedestrian viability proposals, at this point on the allegation that it makes crossing more difficult for pedestrians. The objections are raised due to pedestrians needing to take longer to cross the road and not being able to see traffic until standing much closer to the junction than the current line of the footpath allows. However, increased visibility for both users is considered to be a more beneficial outcome overall than the current situation.
- 3.9 It should be noted that KCC (H&T) raised no objection to the junction works as originally submitted and considered them to result in improved highway safety for users of the junction, cars travelling along Maidstone Road and for pedestrians crossing the junction. The additional drawings submitted following the last Committee show that this would still be the case no matter the size of the vehicle utilising the junction. These latest swept path plans have been fully considered by KCC H&T who have confirmed the view that the improvements offer “optimum betterment within the site constraints” and are proportional to the application in hand. No objection is therefore raised to the junction works on the grounds of highway safety in line with Policy SQ8 of the MDE DPD and paragraph 32 of the NPPF.
- 3.10 I recall that KCC (H&T) have raised some concerns regarding pedestrian safety since the application was last reported to APC2 but these have been fully resolved with the recent additional plans in respect of pedestrian visibility as described above. They have also confirmed that the HGV movements and traffic generation associated with this proposal are minimal and represent just a 2.2% increase. The issues that are largely addressed in this report are long standing and would not be exacerbated by such an extent to result in a severe impact on highway safety in terms of either vehicle movements or traffic generation. With this in mind, it is important to recognise that the proposed junction improvement works are not *required* in order to make the development acceptable in planning terms,

moreover they have been *offered* by the applicant as way in which to improve upon an historic situation which causes local concern. This is an important distinction to make because requiring the works through condition or legal agreement would not be considered proportionate or reasonable and therefore would not meet the tests set down in the NPPF. Nevertheless, the proposals put forward by the applicant should be welcomed as a positive and proactive response to local concern. The applicant is currently considering the preparation of a Unilateral Undertaking detailing the works to be undertaken in this regard and further detail of this will be reported as a Supplementary matter for Members continued information.

- 3.11 In respect of additional noise, pollution and amenity issues that have been raised in the recent representations, these matters are largely addressed in the previous reports to APC2 and a noise assessment identified a limited effect overall, being within acceptable standards for a new proposal.
- 3.12 I refer back to the previous reports in respect of planning policy considerations which identify that, in principle, the erection of an industrial unit on the site is acceptable in policy terms and forms an employment policy allocation. These reports also identify that the proposal will be generating local jobs and expanding an existing local business, which should be welcomed in general terms.
- 3.13 For the reasons discussed above, and in my original annexed reports, the proposed development would also accords with national and local planning policy, and would not significantly harm highway safety or result in significant traffic generation that can not be accommodated by the highway network. As such, I recommend that planning permission be granted subject to planning conditions.

4. Recommendation:

- 4.1 **Grant Planning Permission** in accordance with the following submitted details: Elevations 3999-003 C received 01.11.2011, Floor Plan 3999-004 A received 29.07.2011, Topographical Survey received 05.07.2012, Topographical Survey received 23.07.2012, Site Plan 3999-002 E received 05.07.2012, Letter received 01.11.2011, Letter received 18.06.2012, Letter received 05.07.2012, Letter received 23.07.2012, Design and Access Statement received 01.11.2011, Transport Assessment received 01.11.2011, Planning Statement received 18.06.2012, Desk Study Assessment received 18.06.2012, Habitat Survey Report received 18.06.2012, Letter received 20.01.2014, Letter received 05.02.2014, Certificate B received 05.02.2014, Email received 20.01.2014, Road Safety Audit received 20.01.2014, Survey Reptile received 20.01.2014, Tree Report received 20.01.2014, Letter received 20.09.2012, Engineering Layout 614034/SK05 A 10.201m received 06.03.2014, Engineering Layout 614034/SK07 15.500m received 23.07.2014, Noise Assessment received 20.06.2014, Engineering Layout 614034/SK09 16.500m received 24.07.2014, Email received 24.07.2014, Email received 20.05.2015, Letter received 29.05.2015, Drawing 614034/SK12

received 21.05.2015, Details 614034/SK13 received 21.05.2015, Drawing 614034/SK14 received 21.05.2015, Email received 28.05.2015, Location Plan 15/137/01 received 28.05.2015, Topographical Survey received 23.07.2012, Email received 22.07.2014, subject to the following conditions:

Conditions

1. Approval of details of the landscaping of the site, (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

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

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

3. No new development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

4. If during the development, contamination not previously identified is found to be present on site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure any contamination encountered during construction works on site is properly investigated and in necessary remediated in accordance with the National Planning Policy Framework aims for sustainable development. The site lies within a location where groundwater is vulnerable to pollution, due to the presence of a principal aquifer beneath the site and the location within Source Protection Zone 3 for local public water abstractions.

5. Prior to the commencement of the development, a detailed reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. This strategy should include measures for reptile relocation from the site prior to development. All work shall then progress in accordance with the agreed mitigation strategy, unless otherwise approved in writing beforehand with the Local Planning Authority.

Reason: In order to ensure that the reptiles found on site are adequately protected.

6. No development shall be commenced until:

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

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or 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.

7. The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

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 development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping 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 appearance and character of the site and locality.

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

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

10. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

11. The business shall not be carried on outside the hours of 06.00 to 22.00 Mondays to Fridays and 8.00 to 13.00 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.

12. There shall be no open storage of materials, plant or equipment outside the area(s) shown for such use on the approved plans, and the height of open storage shall not exceed 2 metres.

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.

13. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

Informatives

1. Prior to occupation, the applicant is required to enter into a Section 278 agreement with the Highway Authority in order to achieve the necessary associated off site highway works.
2. No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact the Public Rights of Way officer before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then the Public Rights of Way office at Kent County Council will deal with any application. The Public Right of Way must not be stopped up, diverted, obstructed or the surface disturbed. There must be no encroachment on the current width, at any time now or in the future and no furniture or fixtures may be erected on or across the Public Right of Way without consent.
3. The exact position of foul sewers must be determined on site by the applicant before the layout of the proposed development is finalised. All existing infrastructure should be protected during the course of construction works.
4. No new soakaways should be located within 5 metres of a public sewer and no excavation/development or new tree planting should be located within 3 metres of either side of the centreline of the foul rising main and foul sewer.
5. A formal application for connection to the public sewerage system is required in order to service this development. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access, before any further works commence on site. The applicant is advised to discuss this matter further with Southern Water.

6. The applicant should contact 03708 506506 or consult the Environment Agency website to establish whether any EA consent will be required. www.environment-agency.gov.uk
7. The developer is advised to:-
 - i) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination;
 - ii) Refer to the Environment Agency Guiding principles for land contamination for the type of information that is required in order to assess risks to other receptors such as human health.
 - iii) Refer to the website at www.environment-agency.gov.uk for more information.
8. Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access), so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.
9. If it is proposed to store more than 200 litres (45 gallon drum = 205 litres), or any type of oil on site, it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.
10. If any protected species is encountered during the course of the development, then works should cease and advice sought from an ecological consultant in accordance with the Wildlife and Countryside Act 1981.
11. The applicant is advised that the mammal hole on the southern boundary of the original reptile survey area be monitored in conjunction with the reptile mitigation strategy to establish whether it is being used by badgers.
12. The applicant is strongly advised to contact the Environmental Protection Team at the Local Authority to determine what changes will be needed with regard to the Environmental Permit, which the current site is subject to, issued by the Environmental Protection Team under Regulation 13 of the Environmental Permitting Regulations 2010 (as amended).
13. During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours; on Saturday 08:00 to 13:00 hours, with no work on Sundays or Public/Bank Holidays.
14. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.

Contact: Lucinda Green

Report from 2 July 2014

Platt Borough Green And Long Mill	561956 157554	5 February 2014	TM/11/03020/OA
Proposal:	Outline Application: Proposed new industrial building, associated works plus highway amendments to the T Junction of the access road and A25 Maidstone Road. Landscaping details to be reserved		
Location:	Phase 3 Platt Industrial Estate Maidstone Road Platt Sevenoaks Kent TN15 8JL		
Applicant:	Prime Securities Limited		

Discussion

In the main agenda Report I indicated that further detail would be provided with regard to the noise study and its findings.

The noise study predicts the noise impact to nearby dwellings as a result of the change of the kerb line. It uses conventional technical measures to assess the changes in noise climate, arising from all traffic turning to the east, as it may affect these nearby dwellings. Environmental Protection team colleagues have assessed the study.

They find that the LA_{max} readings (the LA_{max} shows the highest noise level reached in a given time period) taken during the daytime, which would be replicated already at night, show levels above those cited in both BS8233 and World Health Organisation's 'Guidelines for Community Noise' for sleep disturbance. So the existing situation currently is in excess of the guidelines for night-time sleep disturbance.

Guidance on dealing with applications that have a potential noise impact is given in NPPF Planning Practice Guidance (PPG - as cited in the Noise Report) and the Noise Policy Statement for England (NPSE – as cited in NPPF). In terms of this case the guidance that indicates the increase in LA_{max} by virtue of bringing the kerb line closer to the nearest property would not be significant. The change in noise would 'slightly affect the acoustic character of the area, but not such that there is a perceived change in the quality of life' and falls within the "No Observed Adverse Effect" category. This is because the change of 1.8dB (whilst technically making the environment noisier) would be imperceptible to the human ear.

The report does also highlight that the closest point of travel is actually slightly further back from the realigned kerb line, when vehicles will be level with the window. It goes on to say that the noisier part of the vehicle's travel will be when it is pulling onto the A25, which is at the point of the revised kerb line.

In light of this, I am satisfied that the changes in the noise environment resulting from the revised kerb line, provided to overcome an earlier highways objection, do not justify resisting the proposal on noise grounds.

Report from 2 July 2014

As a result the recommendation below supports the grant of permission, subject to suitable conditions.

Recommendation:

Grant Planning Permission in accordance with the following submitted details: Elevations 3999-003 C dated 01.11.2011, Floor Plan 3999-004 A dated 01.11.2011, Topographical Survey dated 05.07.2012, Topographical Survey dated 23.07.2012, Site Plan 3999-002 E dated 05.07.2012, Letter dated 01.11.2011, Letter dated 18.06.2012, Letter dated 05.07.2012, Letter dated 23.07.2012, Design and Access Statement dated 01.11.2011, Transport Assessment Final dated 01.11.2011, Planning Statement dated 18.06.2012, Environmental Statement dated 18.06.2012, Habitat Survey Report dated 18.06.2012, Letter dated 20.01.2014, Certificate B dated 05.02.2014, Location Plan dated 20.01.2014, Road Safety Audit dated 20.01.2014, Survey Reptile dated 20.01.2014, Tree Report dated 20.01.2014, Topographical Survey dated 05.07.2012, Topographical Survey dated 23.07.2012, Letter dated 20.09.2012, Drawing 614034/SK05 Rev A dated 06.03.2014, subject to:

Conditions

- 1 Approval of details of the landscaping of the site, (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.
- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.
- 3 No new development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.
- 4 If during the development, contamination not previously identified is found to be present on site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Report from 2 July 2014

Reason: To ensure any contamination encountered during construction works on site is properly investigated and in necessary remediated in accordance with the National Planning Policy Framework aims for sustainable development. The site lies within a location where groundwater is vulnerable to pollution, due to the presence of a principal aquifer beneath the site and the location within Source Protection Zone 3 for local public water abstractions.

- 5 Prior to the commencement of the development, a detailed reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. This strategy should include measures for reptile relocation from the site prior to development. All work shall then progress in accordance with the agreed mitigation strategy, unless otherwise approved in writing beforehand with the Local Planning Authority.

Reason: In order to ensure that the reptiles found on site are adequately protected.

- 6 No development shall be commenced until:

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

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or 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.

Report from 2 July 2014

7 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

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 development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping 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 appearance and character of the site and locality.

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

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

Report from 2 July 2014

- 10 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

- 11 The business shall not be carried on outside the hours of 06.00 to 22.00 Mondays to Fridays and 8.00 to 13.00 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.

- 12 There shall be no open storage of materials, plant or equipment outside the area(s) shown for such use on the approved plans, and the height of open storage shall not exceed 2 metres.

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.

- 13 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

Informatives:

- 1 Prior to occupation, the applicant is required to enter into a Section 278 agreement with the Highway Authority in order to achieve the necessary associated off-site highway works.
- 2 No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact the Public Rights of Way officer before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then the Public Rights of Way office at Kent County Council will deal on the basis that:
 - The applicant pays for the administration costs
 - The duration of the closure is kept to a minimum

Report from 2 July 2014

- Alternative routes will be provided for the duration of the closure
- A minimum of 6 weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in the future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

The successful making and confirmation of an order should not be assumed.

- 3 The exact position of foul sewers must be determined on site by the applicant before the layout of the proposed development is finalised.
- 4 No new soakaways should be located within 5 metres of a public sewer.
- 5 No excavation/development or new tree planting should be located within 3 metres of either side of the centreline of the foul rising main and foul sewer.
- 6 All existing infrastructure should be protected during the course of construction works.
- 7 Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access, before any further works commence on site. The applicant is advised to discuss this matter further with Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel: 01962 858688).
- 8 A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo James Street, 39A Southgate Street, Winchester, SO53 9EH (Tel: 01962 858688) or www.southernwater.co.uk.
- 9 The applicant should contact 03708 506506 or consult the Environment Agency website to establish whether a consent will be required. www.environment-agency.gov.uk
- 10 The developer is advised to:-
 - i) follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination;
 - ii) Refer to the Environment Agency Guiding principles for land contamination for the type of information that is required in order to assess risks to other receptors such as human health.
 - iii) Refer to the website at www.environment-agency.gov.uk for more information.

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- 11 Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access), so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.
- 12 Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres), or any type of oil on site, it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.
- 13 If a protected species is encountered during the course of the development, then works should cease and advice sought from an ecological consultant.
- 14 The applicant is advised that the mammal hole on the southern boundary of the original reptile survey area be monitored in conjunction with the reptile mitigation strategy to establish whether it is being used by badgers.
- 15 The applicant is strongly advised to contact the Environmental Protection Team at the Local Authority to determine what changes will be needed with regard to the Environmental Permit, which the current site is subject to, issued by the Environmental Protection Team under Regulation 13 of the Environmental Permitting Regulations 2010 (as amended).
- 16 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours; on Saturday 08:00 to 13:00 hours, with no work on Sundays or Public/Bank Holidays.
- 17 Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is thus recommended that bonfires not be had at the site.
- 18 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.

Contact: Holly Pitcher

Report from 2 July 2014

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEEDATED 2 July 2014

Platt **TM/11/03020/OA**

Borough Green And

Long Mill

Outline Application: Proposed new industrial building, associated works plus highway amendments to the T Junction of the access road and A25 Maidstone Road. Landscaping details to be reserved at Phase 3 Platt Industrial Estate Maidstone Road Platt Sevenoaks Kent TN15 8JL for Prime Securities Limited

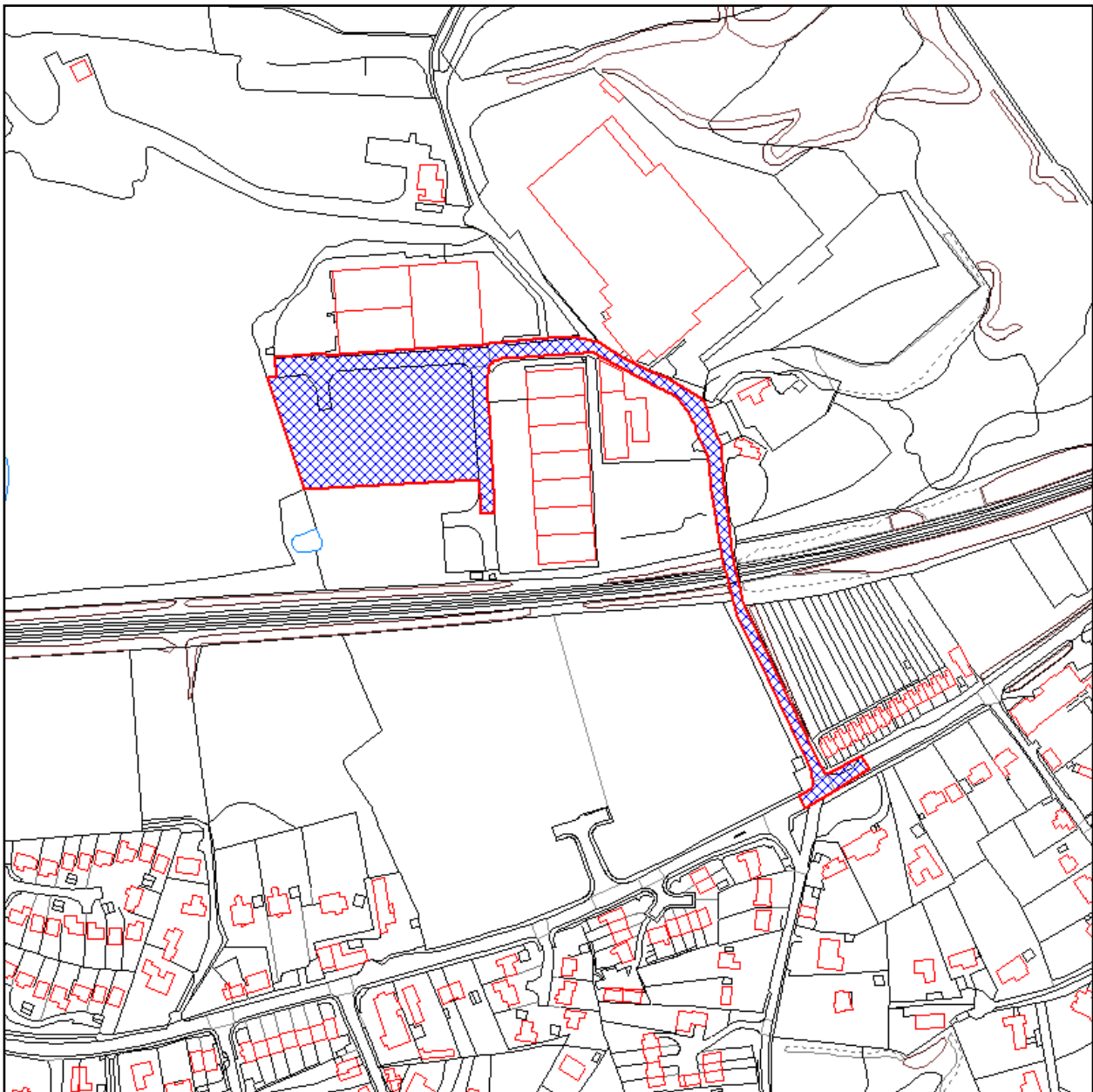
No supplementary matters to report

TM/11/03020/OA

Phase 3 Platt Industrial Estate Maidstone Road Platt Sevenoaks Kent
TN15 8JL

Outline Application: Proposed new industrial building, associated works plus highway amendments to the T Junction of the access road and A25 Maidstone Road.
Landscaping details to be reserved

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West Malling **568641 157681** **18 February 2015** **TM/15/00531/FL**
West Malling And
Leybourne

Proposal: Use of land to provide station car parking and new access
Location: Land West Of Station Road North West Malling Kent
Applicant: Mr Guy Kemsley

1. Description:

- 1.1 The proposal is for the change of use of land, previously used for agricultural/horse grazing, to provide a car park to serve West Malling railway station. The submitted plans show 204 spaces, of which 3 are shown as allocated for disabled persons.
- 1.2 Vehicular access is shown to be from an existing access onto the site, from Lucks Hill. Modifications to the existing access are proposed to accommodate visibility splays.
- 1.3 The proposal involves creating a pedestrian access onto Station Road North, which provides pedestrian access onto Platform 2 and access to Platform 1 and the ticket office via the existing footbridge.
- 1.4 The submitted plans show the provision of lighting to the car park, a small car park office building (2.5m x 6m) and some additional landscaping.

2. Reason for reporting to Committee:

- 2.1 Called in by Cllr Luker due to significant local concern.

3. The Site:

- 3.1 The site measures 0.67ha (1.65 acres) and is a triangular area, which has recently been cleared of grass.
- 3.2 To the west of the site lies the railway bridge and associated abutments. Directly adjacent to this railway bridge to the west is the existing access to the station approach (Station Approach South).
- 3.3 To the south-east is a station car park run by Network Rail. Beyond that are 2 further station car parks which are privately run. These car parks can be accessed by the A228 West Malling by-pass, or from Lucks Hill.
- 3.4 The access arrangements have been recently changed at West Malling Station, so that vehicles coming to the station from the West Malling bypass can drive through the station vicinity to access the proposed car park in Lucks Hill.

- 3.5 To the east of the site is an existing road to the north of the station, which allows a drop-off point for passengers, and provides direct pedestrian access to platform 2.
- 3.6 To the north of the site beyond Lucks Hill lies More Park Roman Catholic Primary School and the Catholic Church of St Thomas More. The site lies outside the rural settlement of West Malling, within the open countryside. The site lies adjacent to the West Malling Conservation Area, which lies to the north of Lucks Hill. The site lies within Flood Zone 1.
- 3.7 The speed limit of this part of Lucks Hill is 30mph. There is no footway on Lucks Hill on the side of the application site. There are double yellow lines on the side of the proposed access, and a single yellow line opposite. There is pedestrian footway on the other side of Lucks Hill, used by children accessing the school.
- 3.8 West Malling Station is a Grade II Listed Building.

4. Planning History (relevant):

- 4.1 None

5. Consultees:

- 5.1 PC: Members object to the proposal on the following grounds:
- Capacity – Members challenged the validity of the applicant's figures as WMPC has carried out an informal assessment of its own;
 - Train Services – Members did not consider that there had been an increase in usage because of a new high speed link in Snodland;
 - Removal of trees – the trains are now clearly visible from Lucks Hill as they are no longer shielded by trees. Those trees had not been shown to be causing any problems so their removal is unwarranted;
 - Flooding – it was proposed to install a deep bore soakaway which Members did not feel would be effective. The water table is high and there are continuing problems with flooding in Frog Lane and the farm land adjacent to the application site;
 - Members considered that a Flood Appraisal is needed.
- 5.2 KCC (Highways): I note the good historic crash record of this section of road and the applicant's comments regarding the timing of expected commuter attraction and egress in relation to More Park Catholic Primary School activity adjacent. It is noted that there will be an even attraction to the proposed car park from the East Malling and West Malling directions, at 35% from each (with 30% attraction from the A228).

- 5.2.1 Contrary to popular opinion and perhaps counter-intuitively, the congestion and apparent disorder often observed outside schools at school start/finish times rarely causes conditions that result in injury crashes occurring. Rather, this is a situation where inconvenience and delays from congestion result in some people experiencing anxiety and frustration. What needs to be considered is the degree to which this application may add to that, over and above the current, given, quantum.
- 5.2.2 Using arrival and departure profiles of the 270 space car park to the south the applicant has estimated arrival and departure patterns for the proposed 204 space car park. A total of 258 two-way vehicle movements throughout a 12 hour day are forecast, which as I understand it, will not result in the car park reaching capacity. Six arrivals and 28 departures are forecast in the evening peak period 5 -6pm and 24 arrivals and 2 departures are expected during the morning peak period 8-9am. On average this equates to a vehicle movement every 2.5 minutes. Higher arrival rates are expected before 8am equating to a vehicle movement on average every 1.25 minutes (figure 4.6 of the Transport Statement). Figure 4.9 on page 18 of the applicant's Transport Statement gives a more detailed breakdown of the movements anticipated during school pick up and drop off times.
- 5.2.3 Whilst I reiterate that it is considered that it would be preferable for 2 vehicle entrances to be provided at this car park (the other off Station Road North), it is not considered from the traffic movement numbers given that this is an essential requirement.
- 5.2.4 I am also grateful for the swept path analyses given for vehicle movement in and out of the car park, with school associated car parking in place on the northern side of Lucks Hill. This shows that fundamentally, for vehicles of the intended use, access and egress can be satisfactorily undertaken. Looking at the right turn out of the car park, it may be advisable that some very minor widening of the car park entrance on the western side is provided to assist/ease this improvement, but this is an issue that can be confirmed through the necessary S278 agreement that will be required with KCC (Highways) should the application be approved.
- 5.3 Network Rail: The developer must make sure that the development does not encroach onto Network Rail land;
- 5.3.1 The proposal should not affect the safety, operation or integrity of the company's railway and its infrastructure;
- 5.3.2 The proposal should not undermine the support zone or damage the company's infrastructure;
- 5.3.3 The proposal should not interfere or obstruct any works or proposed works of Network Rail both now and in the future;

5.3.4 Any lighting should not interfere with the siting of signalling apparatus and/or train drivers vision of approaching;

5.3.5 No storm/surface water effluent should discharge from the site or operations on the site into Network Rail's property;

5.4 Private Reps (including reconsultation): 1/36R/2S/0X + site +press notice. Two letters of support and 36 letters of objection received, including 7 from previous objectors through reconsultations. 1 petition received, with 116 signatures.

5.4.1 The following comments have been made in the 2 letters of support for the application:

- Now that the next phase of development at Kings Hill and a new school has started, the popularity of West Malling Station will increase further and demand for parking will rise;
- The full reintroduction of a high speed link to London by 2018 will also put pressure on parking;
- The current periodic flooding in the adjacent roadway is a result of the large amount of leaf fall from the trees, which block the poorly maintained drains;
- I note the objections raised by the siting of the access to the site close to the bridge. However, the existing road access to the station is also close to the bridge;
- This proposal will reduce the amount of commuter street parking in West Malling.

5.4.2 The following concerns have been raised in the objection letters and petition:

- Commuters will speed past the school at morning drop off time to get to the car park to catch their trains;
- There is insufficient justification as to why a new car park is required;
- Additional car parking will generate demand;
- If the car park is primarily to deal with new housing to be built at Kings Hill the car park should be located closer to the A228;
- When the Transport Statement already shows that there are high levels of traffic flowing along Lucks Hill, it is alarming to think that this will increase;
- Creating further traffic flow along Lucks Hill, particularly during the morning commute and morning school run, will have a detrimental impact on child safety;

- There are limited pedestrian footpaths within the vicinity of the Lucks Hill;
- Where will surface water go? Lucks Hill has a history of flooding, particularly near to the school;
- The school has been flooded in the past, which impacts upon the education of the children and the economy, with parents having to take time off work;
- Concreting a car park will reduce the land available for soakaway and will exacerbate the problem;
- For the applicant to state that the development will not increase the risk of flooding elsewhere is a clear indictment of their lack of concern for the local community;
- The proposal would be likely to result in an increase in flooding to More Park School and it could see fuel and oil effluent from the car park run-off mixed with the flood waters, which would increase the potential for health impact;
- There has been ground water flooding reported at Frog Lane and around the Abbey;
- The drawings show the petrol interceptor within the north western corner of the car park but there is no detail of where it will discharge;
- The proposal does not address any possible contamination of the site. The site was previously agricultural and it is located next to the Network Rail embankment, which possibly could be sprayed with pesticides and there are two substations near the site that could potentially have some leakage.
- It is hard to see where the security guard would be situated;
- The application ignores the additional traffic that the school creates at various times of the day, both during school hours and after school – parents evenings, football matches, out of school breakfast, music evenings, etc.
- The school is open between 7.30am and 6pm, with drop off starting at 8.20am and pick up starting at 2.40pm;
- It is unclear whether the car park is pay and display or pass controlled;
- Lucks Hill is not a wide road and visibility for the proposed car park is poor;
- The proposal will have a detrimental impact on air quality – emission increase from extra traffic next to the school;
- The proposal will result in loss and erosion of the Green Belt and surrounding countryside;

- The proposal will contravene Policy CP11 and CP14 of the TMBCS, in that it will be located outside of the confines of urban areas;
- The area does have a future as an agricultural area and this has not been explored by the applicant – it is suitable for horse grazing, growing crops or as an allotment
- Detrimental impact to neighbouring properties;
- The car park would need to be well screened from the school and Lucks Hill;
- The Transport Assessment refers to northern and southern car parks (para 4.2.7), and provides data for the southern car park. Where is the remaining data;
- Where were the traffic monitors placed – did they cover Swan Street to cover traffic going into the car parks from West Malling and did it cover Lucks Hill to cover the entrance to the ‘kiss and drop’ on Station Road North;
- There are still plenty of spaces available in the existing car parks – there is no evidence that they have reached capacity;
- The increase in traffic using Lucks Hill as a result of the proposal will result in a detrimental impact on pedestrian safety for the surrounding pedestrian paths;
- During the morning peak period it is regular for only one lane of Lucks Hill to be available to traffic due to parking the full length between the railway bridge and the church;
- Point 5.14 of the Planning Statement is incorrect as the car parks at the station are now available to all road users;
- The applicant’s other car park is often closer to capacity as it has been set markedly cheaper than the other car parking provision;
- The car park usage survey took place 3 weeks before Christmas, when just about every station car park in the country was probably nearing capacity;
- The applicant’s Transport Statement appears flawed. Paragraph 4.3.6 states that at least 90% occupancy (243 vehicles) between 9.30am and 5.30pm. However, the same report states that CCTV shows only 187 vehicles using the car park. If the CCTV survey was conducted after 7am, at which time it is claimed the car park is already over half full (approx. 150 vehicle), then there would be nearly 340 vehicles in a car park with 270 spaces. It only relates to the applicant’s existing car park and not the other available car parks, which may have had spaces available;

- Paragraph 4.4.6 of the Transport Statement indicates that it is expected only 147 vehicles are expected to use the car park. Why are 212 spaces proposed, 65 more than expected;
- A 200 capacity car park on Lucks Hill could lead to a further 400 vehicle movements a day along the road. Given much of the new development is occurring in Kings Hill, traffic will come via the A228 Ashton Way, travel along Station Approach and turn right onto Lucks Hill by the railway bridge, which has poor sightlines;
- Network Rail have recently cleared the trees along the railway boundary, increasing the light and air to the land, which will promote better growth;
- If further rail services are proposed, there needs to be a better integration between bus and rail services, and more encouragement to travel to the station by bicycles and bus, particularly following the improvements to the bus/ rail interchange at West Malling;
- The grouping of the existing station car parks are entered directly from roads whose sole purpose is to access the station;
- The Planning and Compensation Act 1991 requires policies for the 'conservation of the natural beauty and amenity of land and the improvement of the physical environment'. The destruction of trees, grazing land and hedgerows that would occur if the application is granted contravenes these policies;
- The Arboricultural Report does not take into consideration the Kent Biodiversity Action Plan. This is a greenfield site with hedgerows and trees as well as grazing land. This would therefore require a more detailed biodiversity survey and ecologist report;
- The 'Growth without Gridlock' report states that road transport is responsible for 30% of Kent's greenhouse gas emissions. This being the case, the creation of a new car park will add to this problem;
- The applicant has given no regard to the impact imposed upon St Thomas More Catholic Church, which lies opposite the car park;
- An increase in traffic would be likely to have a detrimental effect to the existing good accident data for Lucks Hill;
- The car park would be located at a higher ground level to the school playground and would therefore reduce the risk of safety of children;
- The proposed temporary works on the site are not defined. There is no information on the proposed levels and any information on the amount of

excavation that will need to be undertaken, or of how waste management will be applied;

- The vision splay necessary for the entrance and exit of the proposed car park would involve the removal of hedge/ tree barriers for some distance, exposing the car park to clear view. This will urbanise the rural setting and will further undermine the distinctive character of West Malling;
- The proposal cites the nearby school location as a precedent for development. This and the neighbouring site opposite the proposed entrance have a parkland setting with screening and mature trees in keeping with the area's rural setting. This is not the case with the proposed car park;
- When exiting the existing Station Approach, to the south of the station, there is a blind spot due to the railway bridge support. This would be exacerbated by creating new vehicle access on the other side of the railway bridge.
- Lucks Hill is a narrow road and during school drop-off and pick-up times is reduced to one lane, due to parking by parents;
- The station buildings are Grade II Listed and are important nearby properties;
- The green landscape and entry is a major asset to the town;
- West Malling historic centre is a national asset and must be protected from urban sprawl;
- The site lies adjacent to the north-west part of the West Malling Conservation Area, which is important to the setting of the town;
- KCC statistics state that in excess of 8,000 vehicles use the High Street (Bull Bridge), and many vehicles are excessively speeding. Figures will increase as Kings Hill develops and Leybourne Grange expands. The accident injury public cost at Town Hill, High Street, Swan Street and St Leonards Street is approximately £3,000,000 (using KCC figures). Police statistics show in excess of 40 accidents, which required emergency public services. Setting up a parking facility, which requires a massive increase in traffic volumes on these access roads, would be irresponsible, un-informed and criminal as there is no demonstrated need, but the danger is demonstrated;
- There is extensive serious damage to the fabric of the historic centre property from acid traffic blast;
- Horizontal vibration cracks are visible in ancient ragstone walls;
- The railway bridge in the High Street is suffering severe vibration damage and may have to be rebuilt;

- The site is excellent horticultural land, ideal for growing hazel nuts, which was its historic use. With the adjoining transport links this is commercially viable;
- Tarmacking the site will stop any biodegrading from taking place of the raw sewage deposited by trains;
- The proposal will result in an increase in congestion to the junction of Swan Street with the High Street;
- The pedestrian footpath adjacent to the school is very narrow. The increase in traffic would be detrimental to its safety, particularly as the footpath is used by children walking to the school;
- The proposal would be detrimental to the protection of the countryside and Strategic Gap between settlements;
- The proposal states that the land is useless for agriculture/livestock. This is only because it has not been looked after. For most of the last 4 decades the field has kept sheep and horses;
- The proposed lighting that would be installed in the car park would further disturb local wildlife and negatively impact upon West Malling;
- If the developer were to encourage support for his proposal by offering the school run parents short term parking, there would be risk to children and parents crossing the road at busy times. In this situation, if not all parents chose to park in the proposed car park, there would be additional parking hazards along the perimeter of the school combined with vehicles entering and exiting the car park opposite, with adults and children crossing throughout;
- The site is a haven for rabbits, birds and other wildlife. The visual impact is already apparent from the felling of all of the mature trees and apparent thinning out of the hedgerows;
- If the pupils of More Park School are surrounded by hard landscaping and parked cars, then this will have a detrimental impact on their behaviour;
- Who is the car park for? It is too far from the village for shoppers and businesses and new development at Kings Hill should be covered by shuttle buses, not encouraging new residents to make more short car journeys
- Is there any guarantee that the land will not be used for a building in the future?

6. Determining Issues:

- 6.1 Policy CP12 of the TMBCS identifies the Rural Service Centres within the Borough. It states that housing and employment development or redevelopment, conversions and changes of use will be permitted within the settlement confines of the Rural Service Centres. The site lies outside of the settlement confines of West Malling. Therefore, the proposed change of use to a car park is a Departure from the Development Plan.
- 6.2 Policy CP14 of the TMBCS sets out development that will be appropriate for a countryside location. This includes development for which a rural location is essential. The provision of a car park within the countryside does not fall within any of the other uses listed within Policy CP14. The applicant suggests that, given that the site is located out of town, it must follow that any parking for the station would need to be out of town, and therefore a rural location is essential.
- 6.3 The applicant has put forward a case that there is a need for an additional car park. Currently, West Malling Station provides services direct to London Victoria and London Blackfriars, along with Ashford International, Maidstone, Canterbury, Margate and Dover. There are 11 trains before 9am on weekday mornings into Victoria or Blackfriars. Services have recently recommenced to serve London Blackfriars.
- 6.4 The Govia Thameslink rail franchise agreement sets out the franchise requirements for southern rail services from 2018, with services stopping at Blackfriars, Farringdon and St Pancras Stations, as part of the new Thameslink City service.
- 6.5 In addition to this, there have also been a number of planning permissions granted (or resolved to be granted) for new housing development, at Kings Hill (635 units), Area F1 Kings Hill (48 units), Leybourne Chase (approx. 500 units), Holborough Lakes, Halling and Peters Pit, Wouldham. The applicant suggests that whilst a number of these developments are closer to alternative stations, these stations follow different routes which are less attractive.
- 6.6 Policy CP1 of the TMBCS seeks to encourage high quality sustainable development, which requires that need for development to be balanced against impact on the natural and historic environment. This is supported by paragraphs 7, 9 and 14 of the NPPF. Paragraph 30 of the NPPF supports a pattern of development which facilitates the use of sustainable modes of transport. The proposal would support a sustainable transport mode (rail travel). Whilst it is important to encourage bus links to the station, particularly through the new developments coming forward, it is not necessarily going to be the case that all residents needing to travel by train will use bus links, even if they are in place. Therefore, it is important to provide additional parking in addition to accommodate the increase in demand.

- 6.7 The applicant has provided figures from spot counts undertaken in all three of the existing station car parks. These figures suggest that over a two week period the car parks were operating between 88 and 100% capacity, during the middle of the day, when the demand for parking was at its peak. I note the concerns raised relating to capacity of the existing three car parks and have monitored these car parks at various times during the course of the application. Whilst it is very rare that they have reached 100% capacity overall, there are times when there are few spaces available, and I believe that the future likely demand must be considered prior to 100% capacity being reached on a daily basis. With the development of new dwellings nearby, and the expansion of services from West Malling to other London stations in the future, there is likely to be a greater requirement to use the rail services. Whilst I note the comments in relation to the additional pressure that this proposal will have upon traffic in West Malling and the surrounding area, the inevitable fact is that as a result of government policy there is an increasing requirement to provide additional homes in the Borough, and this in turn results in an increase in demand for facilities such as rail use. Much of the traffic generated will access the site from a number of alternative directions. Whilst many of the new large housing developments do not need to make contributions towards bus shuttle services, on balance, I am of the opinion that the applicant has demonstrated a case of very special circumstances.
- 6.8 Policy CP2 of the TMBCS states that new development that is likely to generate a significant number of trips should be well located relative to public transport, cycle and pedestrian routes, with good access to local service centres. It goes on to say that new development should be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated and provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic character of the area. KCC (Highways) is satisfied that the surrounding road network is capable of supporting additional traffic travelling to the proposed car park.
- 6.9 I note the considerable number of concerns raised with respect to the impact that vehicles travelling along Lucks Hill at morning school drop off and afternoon pick up times would have upon road and pedestrian safety. KCC (Highways) has advised that the congestion observed outside schools rarely causes conditions that result in injury crashes occurring. Twenty four arrivals and two departures are expected during the morning peak period (8-9am), equating to a vehicle movement every 2.5 minutes.
- 6.10 The proposed access is along a relatively narrow stretch of road where, at school times, there are vehicles parked opposite the proposed access, narrowing the road further. Swept path analyses have been provided by the applicant for vehicle movements in and out of the car park with school associated car parking in place on the northern side of Lucks Hill. KCC (Highways) is satisfied that this shows that for vehicles of the intended use, access and egress can be satisfactorily

undertaken. In light of this, KCC (Highways) raised no objections to the proposal in terms of Policies CP24, SQ8 and paragraph 34 of the NPPF; the latter sets out that development should only be refused on highway grounds where the residual impacts of development are severe.

- 6.11 I note the concerns in relation to the proximity of the proposed access with the railway abutments and the existing access to the station, beyond these abutments, which has poor visibility when turning right onto Lucks Hill. However, KCC (Highways) has no objections to the location of the proposed access.
- 6.12 In regard to the safety policies of the LDF and NPPF, the applicant has considered the use of part of the car park by parents to drop off/pick up children from the adjacent primary school. However, they do not wish to offer this for the following reasons:
- The evidence demonstrates that the large majority of traffic movements into and out of the car park will be outside of school drop off/pick up times, and KCC (Highways) does not raise concern about conflict with school traffic as an objection;
 - By introducing free short term parking, it is not reasonable to construct, maintain and provide over 10% of the total parking on a free basis;
 - Inviting school drop offs onto the site will introduce additional safety and insurance responsibilities that the applicant is not willing to accept;
 - The creation of some spaces on a different tariff will introduce management difficulties and require additional levels of supervision to avoid abuse of free parking;
 - The applicant is unconvinced that all parents would use a drop off facility, so these problems would not be resolved.
- 6.13 I have considered whether the proposed access could alternatively be achieved from Station Road North. However, there are some more mature trees along this access, and additional work would be required to construct the access due to the topography of the land. In addition to this, the access into Station Road North lies adjacent to an access to the Church, and many parents also park along that access at school times. I do not consider that it would be likely to have any significant difference from a highway safety point of view.
- 6.14 Policy CP24 requires all development to be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, siting, character and appearance be designed to respect the site and its surroundings and, wherever possible, make a positive contribution towards the enhancement of the appearance of the area. Development which by virtue of its

design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted.

- 6.15 Policy SQ1 of the MDE DPD states that all new development is required to protect, conserve and, where possible, enhance the character and local distinctiveness of the area and the prevailing level of tranquillity, the distinctive setting of, and relationship between, the pattern of the settlement, roads and the landscape and important views.
- 6.16 With regards to lighting levels, whilst the rural location is relevant, it is envisaged that lighting levels will need to be adequate for CCTV/security purposes both for vehicles and passengers returning to their vehicles. Columns 5m high are generally adequate for that function.
- 6.17 I note the concerns raised about the trees that have been recently cut down. The far end of the site, adjacent to the railway line, is owned by Network Rail and therefore most of the trees referred to are within their ownership and fall outside of the application site. These trees were not protected by TPOs and the site does not lie in a Conservation Area. Therefore, whilst the impact of the removal of these trees is quite significant this is not part of the consideration of this application and Network Rail has a policy of removing trees to suit their objectives.
- 6.18 The site is relatively flat, and the submitted section plan demonstrates that the levels of the land will not be significantly altered as a result of the proposal. Further landscaping could be provided along the frontage of the site, adjacent to Lucks Hill, to provide additional screening, particularly within the winter season. This would assist in screening the site from the surrounding countryside and from the adjacent Conservation Area. The applicant has submitted amended plans to provide additional planting within the site, to assist in softening the visual impact of the site and I consider that this is particularly essential given the rural location of the site. In this regard, I consider that the proposed car parking spaces should be interspersed by a number of single stemmed trees. These would grow about the height of the cars, and also assist in softening the visual impact of the car park from a longer distance. The latest landscaping plans have not taken account of this but I believe that further, enhanced landscaping can be controlled by a planning condition.
- 6.19 The West Malling Conservation Area lies to the North of the site. Subject to the site being appropriately screened adjacent to Lucks Hill I consider that the proposal will not result in a detrimental impact upon the character and appearance of the setting of the adjacent Conservation Area.
- 6.20 The NPPF requires the setting of Listed Buildings to be taken into consideration in the assessment of any new development proposals. The site lies some 135m from the Station Building itself and as a result does not harm the setting of the Listed Building. The proposal therefore complies with the requirements of the NPPF in this regard.

6.21 Members will note objections to the proposal on the grounds of drainage, and the fact that the surrounding area has a history of flooding. The indicative geological record for the site shows permeable Hythe Beds beneath the site partially overlain by Sandgate Beds. The applicant is proposing to use deep bored soakaways, and these would be most appropriate for the site. A deep bored soakaway was successfully used to drain Station Road North, which lies adjacent to the site. A well designed drainage system will therefore be sustainable, within the confines of the site, and should not add to any existing problems in Lucks Hill. Details of a system of drainage can be agreed in further detail prior to development commencing.

6.22 I note the concerns raised in relation to vibration cracks in ragstone walls. However, this is not a material consideration.

6.23 In light of the above considerations, on balance, I consider that the impact of the development on the open countryside and adjacent Conservation Area is justified and recommend accordingly.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Planning Layout 2014/2159/001 D received 22.06.2015, Email received 22.06.2015, Letter received 12.05.2015, Arboricultural Survey received 12.05.2015, Transport Statement ADDENDUM received 12.05.2015, Plan 2014/2159/002 received 12.05.2015, Planning Statement received 18.02.2015, Transport Statement received 18.02.2015, Location Plan received 18.02.2015, subject to the following conditions:

Conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2 The use of the car park hereby approved shall not take place until details of CCTV security and lighting have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with the approved details.

Reason: To reduce potential harm to the visual amenity of the locality.

3 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is

the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 4 The access shall not be used until the area of land within the vision splays shown on the approved plans has been reduced in level as necessary and cleared of any obstruction exceeding a height of 1.05 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.

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

- 5 The use shall not commence until a petrol/oil/grease interceptor has been installed so that all surface water drainage from the paved areas passes through such interceptor.

Reason: To prevent pollution of surface and underground water courses.

- 6 No development shall take place until details of the existing and proposed levels have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to assess adequately the impact of the development on visual amenities.

- 7 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of surface materials for the car park. The development shall be carried out in accordance with the approved details and retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

- 8 No chattels shall be installed on the site without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess adequately the impact of the development on visual amenities.

Informatives:

- 1 With regard to works within the limits of the highway, the applicant is asked to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181.

- 2 The applicant is reminded that if a protected species is encountered during the course of development, work shall cease and advice be sought from an ecological consultant.

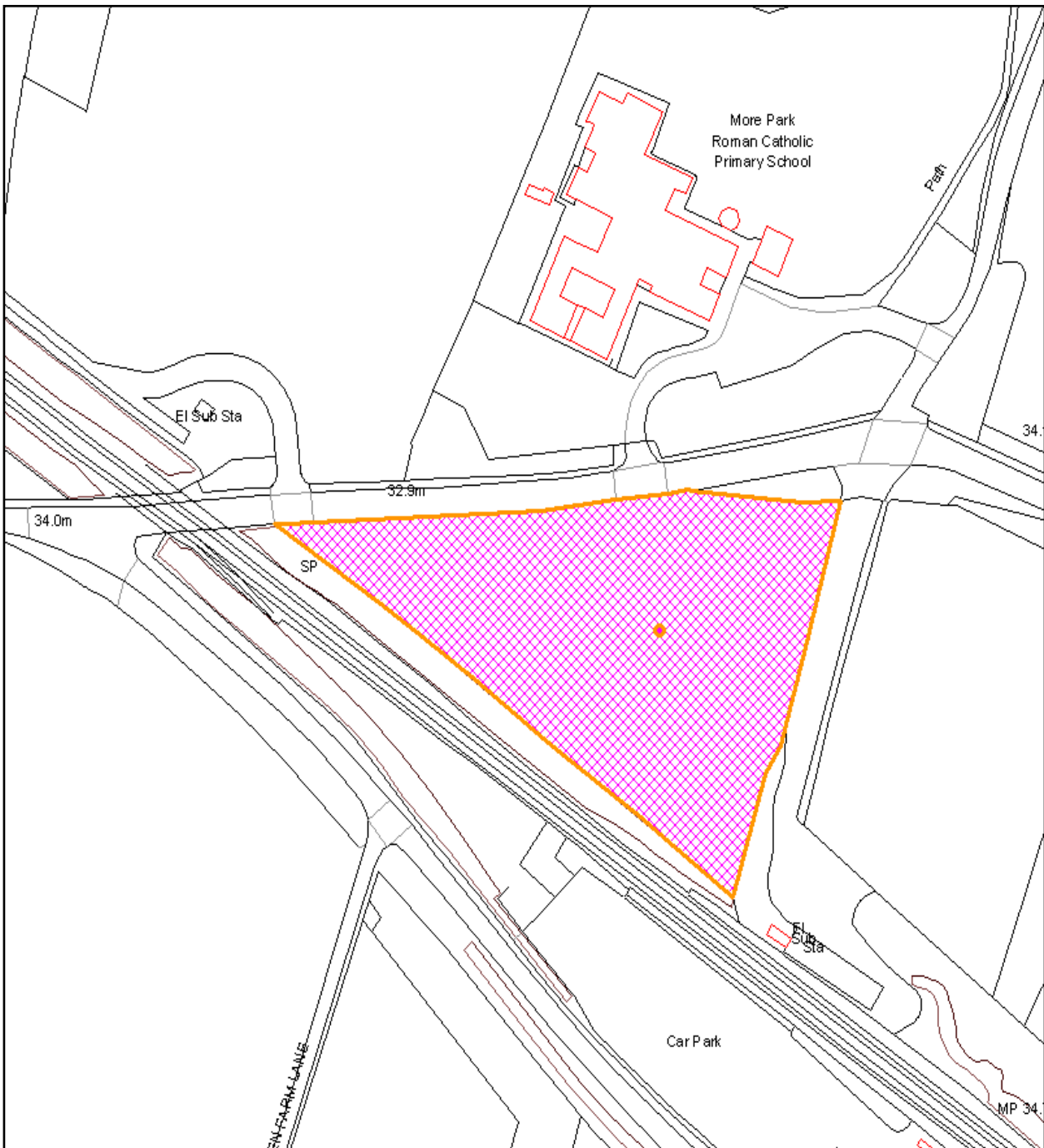
Contact: Glenda Egerton

TM/15/00531/FL

Land West Of Station Road North West Malling Kent

Use of land to provide station car parking and new access

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Platt	562919 154218	31 March 2015	TM/15/00876/FL
Borough Green And Long Mill			

Proposal:	Use of part of ground floor and whole of first floor of existing detached building as a living room, 2 bedrooms, bathroom and utility room as part of 2 Keepers Cottages
Location:	2 Keepers Cottage Swanton Valley Lane Maidstone Kent TN15 8TA
Applicant:	Mr Ian Williams

1. Description:

- 1.1 This site has a complex history. In 2006, planning permission was granted for a triple carport and stable with first floor tack room storage under TM/06/03316/FL. This was 6m by 13.75m footprint and 5.7m high. It was to replace an unsightly barn. Whilst stabling can be an appropriate MGB use, the building as a whole was inappropriate development in the Green Belt but was granted on the basis of a set of very special circumstances (VSCs): being an domestic adjunct that would have been Class E permitted development except for its height and the stabling and tack room elements being appropriate small scale recreational development in MGB terms.

- 1.2 This approved outbuilding was not carried out but an unauthorised triple carport with annexed residential development was erected instead. It was also built in a slightly different location and to different (bigger) dimensions: 13.75m by 6.6m by 6.1m high. The different use and greater size meant that the VSCs did not apply in the same way and to the same extent.

- 1.3 A regularising retrospective planning application was submitted in 2008 and refused. An Enforcement Notice was issued (16 June 2009). In the light of the 2006 planning permission having established the principle of an acceptable outbuilding of similar size/siting, the enforcement notice under-enforced, ie it only referred to the use, requiring the cessation of "the use of the building as a single family dwellinghouse and to use the building only for purposes ancillary to the use of the dwellinghouse known as 2 Keepers Cottages".

- 1.4 Appeals were lodged against both the Enforcement Notice and the refusal of planning permission. The Inspector dismissed both appeals (04 January 2010), and amended the Enforcement Notice to require the removal of a kitchen which had been installed at the building and any beds and other furniture designed for sleeping.

- 1.5 A revised planning application was submitted in 2010 (TM/10/03036/FL) in an attempt to overcome the Inspectors' concerns by only removing the cooking

facilities in the building. There was a non-determination appeal but that was also dismissed in 2011.

- 1.6 It is apparent that the Enforcement Notice has not been complied with. However, the applicant considers that his personal circumstances have changed in terms of his extended family and his healthcare needs and has submitted this application to allow the Borough Council to formally re-assess previous decisions on the site. It is also submitted that there is now more Government Support for annex accommodation for extended families. An appeal decision from 2002 has also been submitted which, it is suggested, has a bearing on the particular manner of use of the annexe.
- 1.7 This application seeks permission to use the building as a supplementary accommodation to the main dwelling house. The application details that this use as ancillary accommodation would comprise keeping the bathroom and “utility room” at ground floor (to contain only a washing machine, tumble drier and sink) and the provision of beds in the rooms at either end of the building at first floor. The area immediately above the staircase would be a “living room”. It is said that meals would be prepared and eaten in 2 Keepers Cottage. The eldest grandchild would sleep in the second bedroom in the main house.
- 1.8 A site visit indicated that the submitted “existing plan” is incorrect in that there were 3 bedrooms in the first floor (2 and living room are indicated) and that only half rather than 75% of the ground floor is the machinery/workshop. One of the bays is now a residential store accessed from the kitchen albeit without a door in the main external door way at the time of the visit.
- 1.9 The applicant has indicated that he is willing to have a personal planning permission and enter into a S106 Agreement to guarantee that the whole property of 2 Keepers Cottage is used only as a single dwelling house.
- 1.10 The agent has submitted a planning statement stating:
 - The applicant is fully aware of the requirements of the enforcement notice and is grateful to the Council for their forbearance in not requiring the execution of the Notice while Mrs Williams remained alive. Mrs Williams died recently.
 - In the dismissal of the appeal regarding TM/10/03036/FL, the Inspector’s attention was not drawn to any “very special circumstances” to warrant setting aside the presumption against inappropriate development.
 - Since that decision in August 2011, the applicant’s health circumstances have changed and he is now permanently unfit to work and therefore dependent upon his son and his son’s partner in terms of his finances and health and welfare.

- His son now has three children. The two elder children are settled at Borough Green Primary School and it is important that their education is not disrupted by having to vacate the annexe to 2 Keepers Cottage and find a new home.
- The family are rooted to this property by the cremated ashes in the garden of Mr Williams Sr's wife and two grandchildren: ie, their tenure of the property is permanent and unlikely to be ended at any time in the future.
- Case law suggests that if the property is used as proposed with 2 Keepers Cottage then it would constitute use as a single family dwelling house on the basis of ***the manner of its use***. The enforcement appeal at Broadway Meadow Cottage, Whitford Bridge Road, Stoke Prior Worcestershire is a good example of this. (APP/P1805/C/01/1079568 &569). The Inspector accepted that the son of the family lived in a separate building but took his main meals in the main house and had his laundry washed there. Also the utility supply meter for both buildings, the postal address and telephone were all in the main house and the garden was not sectioned off. That case was based upon advice set out on now withdrawn Circular 10/97, but the principles remain relevant.
- If this application is refused and the terms of the Enforcement Notice are executed, then the family would have to crowd into the main house or move elsewhere, causing serious disruption to the children's education
- There is one other "Very Special Circumstance" that postdates the two appeal decisions. That is the Government Policy to assist families to stay together and for different generations to support each other. The (former) Secretary of State for Communities and Local Government Eric Pickles made a public statement reported in the Daily Telegraph on 1st June 2012 relating to domestic Annexes. Mr Pickles said: -

"We are keen to remove tax and other regulatory obstacles to families having a live-in annexe for immediate relations. We should support homeowners who want to improve their properties and standard of living. These reforms should also play a role in increasing the housing supply."

This proposal will aid the social and economic wellbeing of the whole family and this Statement is a major material consideration that should be weighed in the balance with the other "Very Special Circumstances" in determining this application.

- In terms of harm upon the "openness" and visual amenities of the Green Belt, the building exists and so no change to the openness would occur.
- Additional vehicles to that of the Applicant will still have to come to the property, regardless of the outcome of the application, because Mr Williams has no intention of leaving the premises and he will need regular support in order to live there.

- The land on which the building stands is part of the legitimate curtilage of the 2 Keepers Cottage and the Council has not sought to limit its use for incidental domestic purposes since its establishment in 1988.
- The applicant is willing to enter into a S106 Agreement to guarantee that the property remains as a single family dwelling and is not split into two dwellings
- Mr Williams requests that permission be granted for the above arrangements to endure so long as he resides at 2 Keepers Cottages. The eldest of Mr Williams' grandchildren will henceforth sleep in the second bedroom of 2 Keepers Cottages.

1.11 In response to the objections received during the course of determination of the planning application, Mr Williams has responded that

- *It is suggested that I am exaggerating my illnesses: I have had major heart surgery in the past due to very serious heart attacks, and currently should be going for more surgery which I am avoiding due to fear of being operated on. And I also suffer from mental health issues which I am receiving counselling for. He states that he has seen me using a chainsaw which is true but he fails to mention that this was a one off occurrence to remove two branches from a birch tree and my son was there helping me with the heavy lifting and general graft.*
- *He then puts forward a suggestion that I am doing this for my own financial gain which my Planner has already mentioned that my wife and grandchildren's ashes are spread in the garden which makes the land priceless to me and my son.*
- *Mr Conroy likes to use the word "illegal dwelling" which gives the image of a building which does not belong but the fact is; regardless of the outcome the building itself is accepted by the Council and is going nowhere and shouldn't be considered as illegal.*
- *Then he claims that the traffic that my sons family add is causing harm to the track (PUBLIC BRIDLEWAY) that serves my house, this track is used by the land owners who manage the wood land and sees a lot of activity regardless of my family, up to 10, 45 ton articulated lorries several wood cutters in their vans and tractors every day.*
- *He states that I have 2 vans and a lorry which I have at my property these are my private vans. The lorry he mentions is in fact a small 3.5 ton transit van. My son does bring these home but he can only drive 1 at a time so it isn't as bad as he tries to suggest. My son needs to bring a van home as the local bin man won't collect our house hold waste, and expects us to leave it at the side of the road half a mile away from my property so he takes all off our rubbish to work where we dispose of it in our work bins.*

- *It is not that easy for local councils to find housing especially for someone who needs at least a four bedroom house in the Borough Green area. My son is more than willing to compromise living space where he is, as he has grown to love the area where he has called his home for the past seven years and has made roots to the land.*
- *All past planning applications are not relevant as I am applying for different circumstances, this application should be judged on its own merit.*
- *Back in 2009 when I originally lost the right for my son to reside in the property they actually moved into a caravan parked directly outside the properties front door which was completely legal and used for sleeping in. They did cook all of their meals in my house, but after some time it just seemed impractical that they had to spend their time living in the property just to go out to a caravan to sleep.*
- *I have not done this with subterfuge as Mr Conroy suggests, it's just as time has evolved so have circumstances and it seems a shame to NOT put a good building to good use, to accommodate a family which is closely bonded.*
- *I own a pallet company elsewhere and there is no reason to use my property for the purpose of my company other than to receive mail.*
- *They seem to have a personal vendetta against me and my family and I hope that this is taken into account when decisions are being made.*
- *I am willing to accept restrictions if it is passed. The aim is to be able to use the existing building as living and bedroom space ancillary to the main house, not as a separate dwelling.*
- *My Son's children can roam freely between my house and the building in which they reside. We do not see any boundary between the two properties,*
- *My grandchildren's welfare is not jeopardised by residing in the barn conversion.*
- *No ramblers, cyclists, dog walkers or horse riders have submitted a single complaint.*
- *One objector has helped another of his close friends achieve exactly the same as I am applying for at Hurst Barn. There is a new track to serve his property, which was created by destroying some of the Green Belt land*
- *Although I respect the PC's concerns the points that he argues are that the openness of the green belt are affected, which I have already mentioned the building itself is approved and I can't see how the openness of the land is affected by my family occupying it.*

- *Access to my property is across someone else's land. That land is owned by Fairlawn Estate who are the largest land owner in our area, I have never received any complaints from Fairlawn nor have they ever objected to any of my planning applications. It should also be noted that I have legal right of access, on my deeds to my property across both Mr Dain and Fairlawn Estates land.*

2. Reason for reporting to Committee:

2.1 The complex planning and enforcement history.

3. The Site:

3.1 The site is located in the MGB and is part of a Local Wildlife Site. The very South Eastern corner is part of an AAP.

3.2 The application site comprises a semi-detached cottage and associated curtilage. The semi-detached cottage formerly comprised part of a single dwelling (together with 1 Keepers Cottage), but this was subdivided into two in 1988 following a grant of planning permission, and has been extended considerably since in the form of a two storey rear extension and a single storey conservatory to the south eastern corner. The main host dwelling has 2 bedrooms currently although one has a large dressing room attached which appears to have potential to be a third bedroom.

3.3 The relatively large building is located approximately 12.5m to the south of the main host dwelling. At the ground floor, there is a garage/workshop, together with a kitchen area, a bathroom (comprising a shower, basin and toilet) and staircase to the first floor. The first floor area comprises three rooms. At the time of the site visit, all 3 rooms in the roof void were in use as bedrooms, there being no corridor.

3.4 In addition to this large building, there are various sheds and other outbuildings located within the curtilage of the property. A small memorial style garden is on the southern boundary.

3.5 The application site, together with the adjoining dwelling (2 Keepers Cottage) and curtilage, is located at the heart of Ancient Woodland comprising a chestnut plantation, with vehicular and pedestrian access provided by bridleways which run through the wood to the west of the application site (from where views of the front (western) elevations of the dwelling and building are possible).

4. Planning History (relevant):

TM/88/10123/FUL grant with conditions 30 March 1988

Conversion of single dwelling into two.

TM/88/11736/FUL grant with conditions 7 July 1988

Two storey rear extension.

TM/06/03316/FL Approved 6 December 2006

Triple carport and stable with first floor storage

TM/08/01974/FL Refuse 16 April 2009

Appeal dismissed 4 January 2010

Retrospective application for a triple carport with annex, residential accommodation above

TM/10/00525/FL Refuse 28 April 2010

Change of use to Holiday Let of an existing outbuilding within the curtilage of 2 Keepers Cottage.

TM/10/03036/FL Non-determination
appeal
Dismissed 5 August 2011

Use of part ground floor and first floor of existing detached building as annexe

TM/10/03410/FL Refuse 9 May 2011

Single storey side extension and retention of wall

TM/12/01556/DEEM Refused 4 January 2010

Deemed application as a result of Enforcement Appeal (09/00021/ENFNOT) for use of the building for residential purposes

The enforcement history is that an enforcement notice was served in June 2009 and required the applicant to:

cease the use of the building as a single family dwelling house and to use the building only for purposes ancillary to the use of the dwelling house known as 2 Keepers Cottages.

This was upheld but varied on appeal to:

cease the use of the building as a single family dwelling house and remove the kitchen and all associated fixtures and fittings and any beds and other furniture designed for sleeping.

5. Consultees:

5.1 PC: We would object to this retrospective application. We would refer to your refusal of the last application, TM/08/011974/FL, a reason being:

The Local Planning Authority considers that the development entails the erection of a dwelling house within the Metropolitan Green Belt and rural area, rather than a residential annex that is genuinely incidental and ancillary to the host dwelling. The erection of a dwelling house within this site is inappropriate and, therefore, contrary to current Government guidance contained in PPG 2 and PPS 7, policies SS 2 and HP 5 of the Kent and Medway Structure Plan 2006 and policies CP 3 and CP 14 of the Tonbridge and Malling Borough Core Strategy 2007.

5.1.1 This refusal was upheld on appeal and reinforced a previous appeal.

5.1.2 We would dismiss the copy of the appeal decision of Broadway Meadow Cottage as it does not appertain to the Green Belt, so it should not affect this outcome.

5.1.3 The applicant is now attempting to justify its use as an annex due to "very special circumstances". Whatever the circumstances, we would suggest that the living arrangements within a family are not a planning issue, i.e. if the applicant needs a carer or equivalent, there are other arrangements available. Not necessarily his whole line of relations to be housed adjoining the property.

5.1.4 We do not therefore see this as a very special circumstance to overturn MGB openness. If TMBC consider that this will constitute a very special circumstance, then people would appreciate firm evidence, as this could lead to a dangerous precedent, especially with properties tucked away out of sight and unobserved.

5.1.5 We need to appreciate that these two ragstone cottages were built in 1800-50 one of which was a game keeper's cottage. The access is across someone else's land. The plans show only 2 bedrooms and lounge in the upstairs of the garage. This is to house two adults and three children. Assuming one adult sleeps in the main house as a carer, then the annex will have to accommodate the remaining adult and three children - in two bedrooms.

5.1.6 There will be nothing to stop the applicant from using the garage as a lounge and then the annex will be as originally intended.

5.2 Private Reps (2/2R/0S/0X) plus 13 site notice. Two objections have been received, summarised as follows:

- This is Green belt - defined as follows "once green belt has been defined local planning should plan to enhance useretain the landscape". This is a Special Landscape Area: a non-statutory conservation designation used by local government to categorise sensitive landscape which are either legally or as a matter of policy PROTECTED from development or manmade influences. This is a Site of Nature Conservation Interest.
- The building would still amount to a massive extension that would not have been granted planning permission. The large triple garage and/or stables permission was acquired to mask the real intent to build a dwelling right at the start.
- The premises were to be made of Oak frame and weatherboard clad but breeze block covered by cladding was used instead together with pvc house windows. The building is bigger and longer than 2 Keepers Cottage.
- If at the outset Mr Williams had been open and honest and submitted a Planning Application for permission to build a separate dwelling within the grounds of his property this would never have been approved. The Council is negligent in having allowed this development to proceed without check.
- He moved in the son and his partner and child. They have since then permanently resided in the premises. The occupancy now totals two adults and four children, not three children as stated in his current planning application.
- The building has been fitted out with a kitchen, bathroom bedrooms and living area. The only times that they have not lived there was on visits by Planning Enforcement to pretend nobody lived there.
- There are now only two open bays left of the garage, the rest of the structure being used by the occupants to live in. Two bays are left, the third being portioned off and incorporated into the building.
- This building has never been checked under Building Regulations or any other legitimate process to ensure that it has been built in a safe and proper manner as a dwelling where a large number of persons, including children, live.
- Much money has been spent to save this area of unique woodland containing rare species: the woodland has been regularly and professionally

coppiced providing employment for local people and preserving the viability of the traditional crafts this involves.

- The amount of vehicular traffic includes the use of at least six vehicles daily. These included Mr William's vehicles, his lodger's vehicles, two work vans and a flat back lorry which on numerous occasions over several years have been fully loaded with pallets. This vehicle being driven by his son; a large 4x4 used by his son and partner, also a large tractor belonging to his cousin is used daily and parked on his land. They are not living in or visiting 2 Keepers Cottage but living in the illegal dwelling.
- The vehicular traffic increases to up to ten vehicles at weekends. The Weald Way is an important walking path of national importance which all these vehicles use. Users of this path have to move out of the way to allow these vehicles to pass. The visual impact on the green belt woodland is dramatic to see so many vehicles parked in such a rural area and spoils the openness and beauty of such a scenic area. There are numerous daily school runs causing constant disruption which will only increase in the future as the children grow and get their own methods of transport.
- This is the registered address for a pallet business. Lorries and other traffic, totally inappropriate for the tracks, disrupting the track surface to the inconvenience of those who wish to use it for legitimate woodland management, for recreation as a footpath (walkers, cyclists and horse riders, bird watchers etc) and for access to their property.
- Mr Williams would regularly use a company white van. He is fit enough to leave home Monday to Friday at 8am and return home at various times in the afternoon. On his return he is still fit enough to carry out heavy wood working on a very regular basis. This includes carrying heavy wood, and operating heavy wood working power tools including chainsaws. He walks without any aid and regularly works in his large garden. This includes lawn mowing, maintenance of his trees where he has recently been seen climbing a high ladder and pruning the tree with a chain saw and cutting trees with a chainsaw and shovel digging.
- Between 2006 and to date Mr Williams has submitted numerous planning applications - all have been refused despite citing similar special circumstances re his health. Following Mrs Williams' terminal illness, they stayed there another three years with yet another planning application being made seeking permissions already refused. If this application is refused he will no doubt appeal again. We would ask that enforcement takes place instead of yet again allowing delaying tactics for them to remain.
- Planning Inspectorate concluded that his illness was not sufficient to justify inappropriate building especially when this was a newly built structure

deliberately built as a dwelling not as a stable/garage and storage area. Mr Williams' supposed needs could be met by family member/s residing with him in the house or elsewhere and driving up to Keepers Cottage to meet his supposed needs. Keepers Cottage is remote but still close to many other settlements.

- If Mr Williams was so ill that it would be better for him to have a carer to reside with him within the house of 2 Keepers Cottage where there is sufficient space for this person to live. He does not need six persons to live in an illegal dwelling to look after him when a carer can live in.
- By the very nature of the remoteness of the properties, water and electric services are provided from elsewhere. The water is pumped from a small pump house twice a day. It was not designed to cater for a separate dwelling catering for an additional six persons. When Mr Williams placed an unauthorised diverted water supply to the still unoccupied building he explained that it was for his wife's washing machine and not for a family now consisting of 6 persons. The electricity supply was likewise so designed. The illegal dwelling has its own telephone line.
- The majority of this separate land plot is strongly fenced off from the land belonging to 2 Keepers Cottage apart from a smaller area of garden which in the main is divided by a number of fruit trees albeit there is no restricted access but a clear defined line. A large number of children's playing equipment including a very large trampoline, very large wooden swing, slide and tree house structure and shed belonging to the illegal dwelling are all situated on this land, not that of 2 Keepers Cottage.
- In respect of 'settled children', two of the four children may well be at nursery and infants school in Borough Green: they could live in "one of the significant number of settlements close by" without disrupting their schooling. It is apparent that on hot days the premises are too hot and they have to let the children remain outside until very late to try and overcome this.
- We have no doubt that, if granted, the conditions will be broken and the building used as a separate dwelling. There will not be a "limited" permission but enforcement of such conditions will go by the wayside and if any inspection takes place this will be by arrangement giving him time to show apparent compliance.
- The cited appeal was about one man eating with his parents not living a separate life. It should be noted that the property shown in the stated case was subsequently offered for sale as a separate property for a lot of money.

6. Determining Issues:

- 6.1 The main consideration is that there have been two appeal decisions on this outbuilding, one from 2010 and one from 2011. Both predate the NPPF, national PPG and recent permitted development changes for residential dwellings from conversions but the LDF policy context is the same.
- 6.2 In regard of the refusal TM/08/01974/FL and associated enforcement appeal, an Inspector's decision letter dated January 2010 refused planning permission and upheld the enforcement notice. At this time, the building comprised a fully-equipped modern kitchen with a breakfast area and a bathroom, containing a shower, WC and wash hand basin, at ground floor level, while at first-floor level were two bedrooms off a large living area.
- 6.3 In regard of refusal TM/10/03036/FL, which was a non-determination appeal, this was dismissed by decision letter dated 5 August 2011. At that time, the layout was the same as in 2010 although there were no cooking facilities at that time.
- 6.4 In the 2010 appeal decision letter, the Inspector determined at paragraph 10 that there was no justification for the use of the building for primary residential purposes ie, that were not incidental to the use of 2 Keepers Cottage, and accordingly dismissed the Section 78 appeal against the refusal of planning permission.
- 6.5 In reaching this decision and his conclusions regarding the Enforcement Notice, the Inspector considered that there was a clear relationship between the provision of the kitchen, bathroom and bedrooms within the building and its use as a self-contained residential unit.
- Paragraph 7 of the decision letter detailed that the fully-equipped modern kitchen and bathroom and two bedrooms off a large living area gave the overall appearance of the building as being a self-contained residential unit
 - Paragraph 11 detailed that the minimum steps necessary to prevent the continued use of the accommodation as a separate unit of residential accommodation were the "removal of the kitchen and its fittings, which duplicate facilities in the main house, and the removal of beds and similar items of furniture, which would reduce the likelihood of the building being occupied overnight".
- 6.6 Therefore, the existence of the kitchen, bathroom and beds were considered to bring the use of the appeal building outside that which could be considered to be ancillary to the use of the main dwelling at the site. The enforcement notice was upheld and the requirement was amended to: "**remove the kitchen and all associated fixtures and fittings and any beds and other furniture designed for sleeping**".

6.7 The 2011 Appeal decision was looking at an identical scheme except the cooking area was deleted. That letter endorsed the 2010 appeal decision letter and added the following observations:

- Paragraph 9 said the use of the rooms in the upper part of the ancillary building as primary habitable rooms would, when taken cumulatively with other alterations and extensions that have already taken place, result in a disproportionate increase in the overall space available for use as living accommodation. This would be compounded by the use of part of the ground floor as a bathroom and utility room. This to be the case irrespective of whether or not they are used by members of the appellants' family. The proposed use would therefore be inappropriate development that would be, by definition, harmful to the Green Belt.
- Paragraph 10 said by providing additional sleeping accommodation within the ancillary building, Green Belt openness would be harmed as a result of additional vehicular movements in the area and the tendency to increase the amount of domestic paraphernalia in the area, evidence of which was clearly seen on the site visit. The increased intensity of use of the site would therefore be harmful to the openness and visual amenities of the Green Belt.
- Paragraph 11 said no reasons were given to justify why the extended family had to live either together or on this site.

6.8 It should also be noted that the DCLG "Technical Guidance for permitted development for householders" indicates that, in the authors' view, a "purpose incidental to a dwelling house would not cover normal residential uses, such as self-contained accommodation nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom or kitchen". This Guidance is increasingly being referred to by Inspectors in appeal decisions concerning buildings in the curtilage of a dwelling which contain such accommodation and represents a material consideration in the determination of this application.

6.9 In terms of the development plan policies, Policy CP3 of the TMBCS remains and requires development to accord with National Green Belt policy. Paragraph 79 states that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 87 states 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 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This building was not a converted rural building but was built initially as a residential accommodation. A new outbuilding is not one of the types of appropriate development listed in paragraph 89 of the NPPF.

- 6.10 I therefore consider that, in light of the Inspector's comments which are material considerations of significant weight, the building cannot be viewed as an annexe (i.e. as a building which is ancillary to 2 Keepers Cottage) when it contains such primary living accommodation as a kitchen or bedrooms. Given that the applicant wishes for bedrooms for his extended family and has specifically indicated this in the submitted plans and supporting documentation, the proposed use cannot be considered to be ancillary to the main use of the dwelling, which has already been found to be unacceptable in MGB terms by two Inspectors within a similar local and national policy context. I share the view that the proposed use as detailed in the submitted application would comprise inappropriate development that would also by the introduction of domestic vehicular use and paraphernalia, harm the openness and amenities of the MGB.
- 6.11 A case of Very Special Circumstances has been put forward by the applicant's agent. The comment from the former Secretary of State in 2012 about intended changes to "regulatory obstacles" is not considered to be specific enough to be assured that it would outweigh the planning policies of the NPPF or indeed still be relevant in 2015 bearing in mind the large number of changes to the planning regime since that date.
- 6.12 The offer of the legal agreement and the request for a personal planning permission are noted but do not overcome the issues highlighted by the previous Inspectors in 2010 and 2011. The health issues of the applicant do indicate some increased need for live-in care but that is not necessarily only provided by the current situation (ie the son, his partner and 3 of 4 children living in the building). Educational needs of the children are not dependent on living at the site.
- 6.13 One other change since 2011 that needs to be considered is the relaxation of the planning regime with regard to permitted development rights to convert certain types of buildings to residential use. There is no specific right to convert a domestic outbuilding to become a self-contained dwelling. As an example, had the building been an agricultural barn before May 2013, then it could enjoy permitted development rights if the LPA were satisfied that there were no concerns in terms of, inter alia, transport and highways impacts of the development, and whether the location or siting of the building makes it otherwise impractical or undesirable as a dwelling. It is my view that there is not a strong fall back argument as the building has never been anything other than an unauthorised annex and the acceptability of the location could be questioned in terms of the sustainability as it is only served by bridleways and as such not permitted development in any case.
- 6.14 It is therefore recommended that planning permission be refused for reasons similar to those in the dismissed 2011 appeal. The Enforcement Notice against the nature of the use that was upheld and varied by the Inspector in the 2010 decision therefore remains expedient. Measures will need to be taken to ensure it is now complied with.

7. Recommendation:

7.1 Refuse planning permission for the following reasons:

- 1 The building is inappropriate development in the Metropolitan Green Belt. It would include the provision of primary accommodation which is not a purpose which is genuinely incidental and ancillary to the enjoyment of the dwelling house. Therefore there is no adequate case of very special circumstances to outweigh the harmful inappropriateness by definition. The proposal is contrary to Policy CP3 of the Tonbridge and Malling Borough Core Strategy and paragraphs 17 and 79- 89 of the National Planning Policy Framework 2012
- 2 The use of the building would harm Green Belt openness as a result of additional vehicular movements in the area and the tendency to increase the amount of domestic paraphernalia. The intensity of use of the site would therefore be harmful to the openness and visual amenities of the Green Belt, contrary to Policy CP3 of the Tonbridge and Malling Borough Core Strategy and paragraphs 79/89 of the National Planning Policy Framework 2012.

Contact: Marion Geary

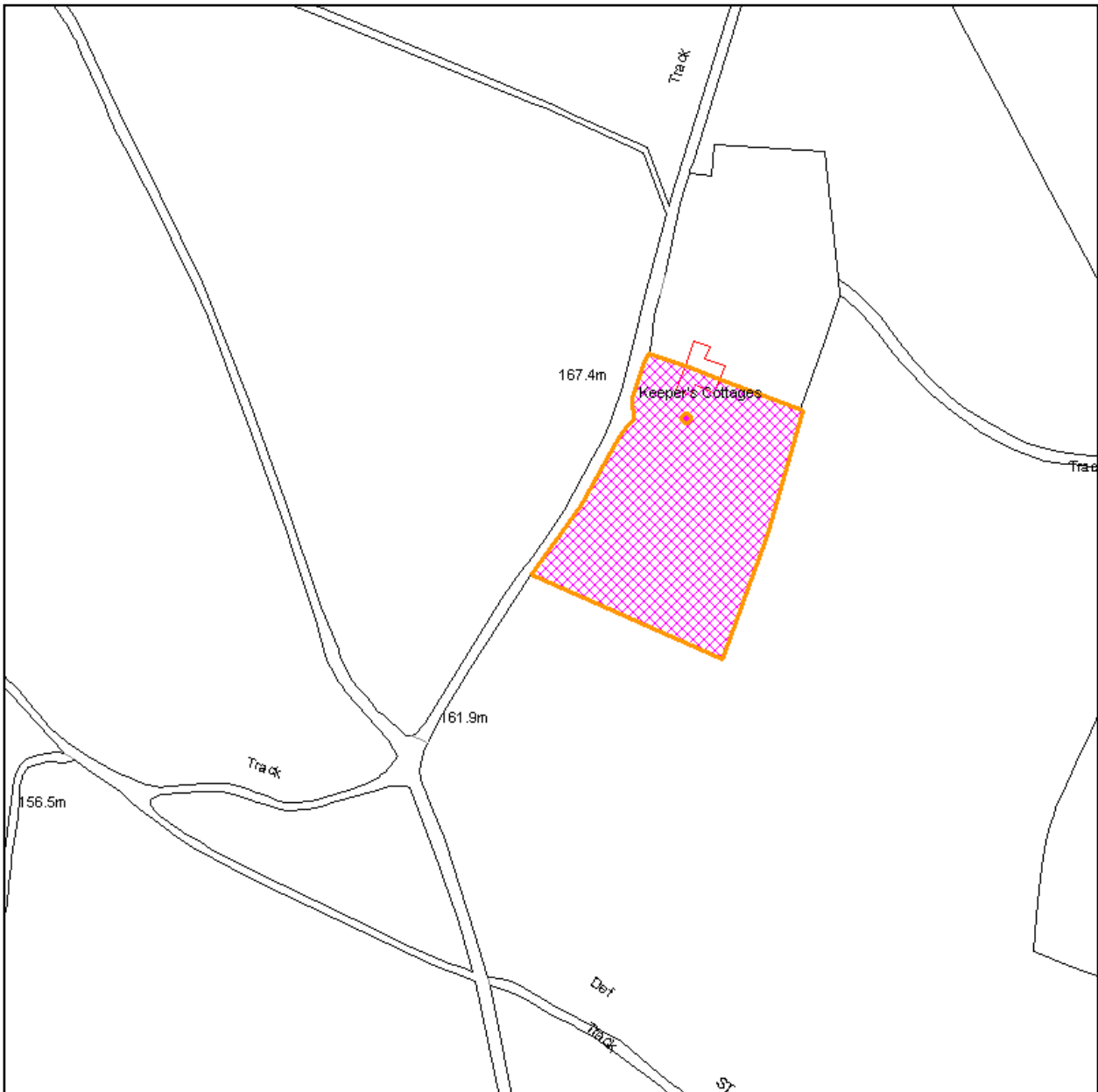
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TM/15/00876/FL

2 Keepers Cottage Swanton Valley Lane Maidstone Kent TN15 8TA

Use of part of ground floor and whole of first floor of existing detached building as a living room, 2 bedrooms, bathroom and utility room as part of 2 Keepers Cottages

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Alleged Unauthorised Development

Wrotham

13/00344/WORKM

561130 159272

Wrotham, Ightham And
Stansted

Location: Site Of Court Lodge Cottage Old London Road Wrotham
Sevenoaks Kent

1. Purpose of Report:

- 1.1 To report the unauthorised erection of a large single storey building, the erection of a shed within the curtilage of the former Court Lodge building which is Grade II Listed and currently undergoing conversion, and the construction of a footpath within the site.
- 1.2 Under our Delegated powers we have recently served a Breach of Condition Notice with regard to the road surface within the site which is currently formed from a Tarmac surface but is shown to be constructed out of Tar and Chip as approved under TM/14/02756/NMA and TM/12/01674/RD, and will shortly be issuing a Breach of Condition Notice (a breach of condition 11 of TM/10/03521/FL) on the white gate that has been erected along Old London Road.
- 1.3 Details of the landscaping pursuant to condition 11 of TM/10/03521/FL have recently been approved under TM/12/01674/RD, in relation to Phase 2 (Demolition of Court Lodge Cottages and creation of a courtyard development, consisting of eight dwellings within two new buildings, including three affordable units, together with new access to Old London Road) and a Non Material Amendment to planning permission TM/11/01782/FL (Demolition of single storey side extensions, erection of building for 6 garages and 2 bed flat above, and conversion of Court lodge to provide 2 no. apartments and 4 no. dwellings including alterations to existing Gardeners Cottage) to update the landscape proposal (TM/14/02756/NMA). During these applications the applicant was written to on a number of occasions about the matters set out in paragraph 1.1, but unfortunately no action to revert to the approved plans received in relation to TM/14/02756/NMA or TM/12/01674/RD was taken. Given that these applications were for Reserved Details and a Non Material Amendment, the Local Planning Authority has no powers to place further conditions when determining these matters, and therefore the matters are now being considered in terms of whether further Enforcement Action should be taken.

2. The Site:

- 2.1 The site lies within the settlement confines of Wrotham, within the Wrotham Conservation Area and the Kent Downs AONB.
- 2.2 The site comprises (a) Court Lodge, a detached building, formerly a single dwelling house, which has been converted into 2no. apartments and 4 no. dwellings

(TM/11/01782/FL & TM/11/01783/LB), known as Phase 1; (b) a courtyard development consisting of eight dwellings (TM10/3521/FL), known as Phase 2; and a development of 5 detached dwellings to the north of the site (TM/08/03010/FL) known as Phase 3. The site is screened from Old London Road by an area of mature trees.

- 2.3 The main building is a Grade II Listed Building, with a large communal lawn lying to the south and north of this
- 2.4 The north-eastern frontage to Old London Road consists of a 2.6m high ragstone wall and 1.4m estate railing.

3. Planning History (selected):

TM/06/01574/FL Approved 23 November 2011

Demolition of single storey side addition, erection of replacement building and conversion of Court Lodge to provide 7 no. dwellings, with new vehicular access and footway to Old London Road

TM/06/01573/LB Approved 23 November 2011

Listed Building Application: Demolition of single storey side addition, erection of replacement building and conversion of Court Lodge to provide 7 no. dwellings, with new vehicular access and footway to Old London Road

TM/07/03032/FL Approved 6 December 2007

Demolition of Court Lodge Cottage and the creation of a courtyard development consisting of eight dwellings within three new buildings together with new access to London Road

TM/07/03033/CA Approved 6 December 2007

Conservation Area Consent: Demolition of Court Lodge Cottage

TM/08/03010/FL Approved 9 June 2009

Erection of five detached houses with access from Court Meadow

TM/10/02914/FLX Approved 14 January 2011

Extension of time for planning permission TM/07/03032/FL: Demolition of Court Lodge Cottage and the creation of a courtyard development consisting of eight dwellings within three new buildings together with new access to London Road

TM/12/01770/FL Approved 28 September 2012

Variation of condition 1 to planning permission TM/08/03010/FL (Erection of 5 detached houses with access from Court Meadow) to vary the phasing of development in conjunction with TM/06/01574/FL and TM/06/01573/LB

TM/10/02915/CAX Approved 10 December 2010

Extension of time for Conservation Area Consent TM/07/03033/CA: Demolition of Court Lodge Cottage

TM/11/01782/FL Approved 19 December 2012

Demolition of single storey side extensions, erection of building for 6 garages and 2 bed flat above and conversion of Court Lodge to provide 2 no apartments and 4 no dwellings including alterations to existing Gardeners Cottage

TM/11/01783/LB Approved 16 August 2013

Listed Building Application: Demolition of single storey side extensions and conversion of Court Lodge to provide 2 no. apartments and 4 no. dwellings

TM/13/01848/NMA Approved 24 July 2013

Non Material Amendment (minor amendments to landscaping) to planning permission TM/11/01782/FL (Demolition of single storey side extensions, erection of building for 6 garages and 2 bed flat above, and conversion of Court Lodge to 6 apartments and associated works including alterations to existing Gardeners Cottage)

TM/14/02756/NMA Approved 10 April 2015

Non Material Amendment to planning permission TM/11/01782/FL (Demolition of single storey side extensions, erection of building for 6 garages and 2 bed flat above, and conversion of Court Lodge to provide 2 no. apartments and 4 no. dwellings including alterations to existing Gardeners Cottage) to update the landscape proposal

4. Alleged Unauthorised Development:

- 4.1 Without planning permission the erection of a single storey building within the grounds of Court Lodge, the erection of a shed also within the grounds, and the construction of a footpath within the site.

5. Determining Issues:

- 5.1 It has become clear that as the construction on the site has progressed a number of developments have taken place within the site which have not received planning permission from this Authority.

- 5.2 The site lies within the rural settlement confines of Wrotham. Policy CP13 of the TMBCS states that new development within the confines of rural settlements, including Wrotham, will be restricted to minor development appropriate to the scale and character of the settlement.
- 5.3 TMBCS policy CP24 sets out the general criteria for all new development including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:
- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
 - the distinctive setting of and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 5.4 Paragraph 131 of the NPPF states that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets (in this case the Listed Building and Conservation Area). Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The significance of such an asset can be harmed or lost through alteration of the asset or through development within its setting.
- 5.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that there is a general duty when carrying out any functions under the Planning Acts with respect to any buildings or other land within a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The developers have constructed a large single storey building (clad in UPVC) on a hard surface base in a location shown on the most recently approved landscaping scheme as being an area comprising brick hardstanding. The building has been inspected and, at the time of this inspection, was empty but it would appear to be intended to be used as a communal garden room. The building by virtue of its overall size, siting, specific design and materials used detracts from the setting of both the Listed Building and the Conservation Area. For this reason, the development is contrary to Policy CP24 of the TMBCS, policy SQ1 of the MDE DPD and paragraphs 131 and 132 of the NPPF.
- 5.6 A new footpath has been constructed leading from the unauthorised building described above through the site in a westerly direction. The area covered by the footpath should be laid to lawn. The footpath is constructed of tarmac and is an urbanising feature in a rural location, again detracting from the setting of the Listed Building and Conservation Area. There is no need for this footpath to remain in situ and the construction methods and materials are not appropriate for this area. For this

reason, the development is contrary to Policy CP24 of the TMBCS, policy SQ1 of the MDE DPD and does not meet the requirements set out in the NPPF.

- 5.7 In addition, a shed has been constructed on what will be the formal garden of one of the new dwellings formed from the original Court Lodge building. The shed has been constructed in a prominent position and as a result detracts from the setting of both the Listed Building and the Conservation Area and is contrary to the policies set out above.
- 5.8 For the above reasons I believe that it is expedient to take enforcement action and, if Members are minded to approve such action, I think it is appropriate to issue three separate enforcement notices against each individual breach of planning control.

6. Recommendation:

- 6.1 Enforcement Notices to **BE ISSUED**, the detailed wording of which to be agreed with the Director of Central Services, requiring the following:
- Removal of the unauthorised single storey building and landscape the area in accordance the approved landscaping plan 01-523-101 N dated 13 March 2015.
 - Removal of the unauthorised footpath and landscape the area in accordance with the approved landscaping plan 01-523-101 N dated 13 March 2015.
 - Removal of the unauthorised shed and landscape the area in accordance with the approved landscaping plan 01-523-101 N dated 13 March 2015

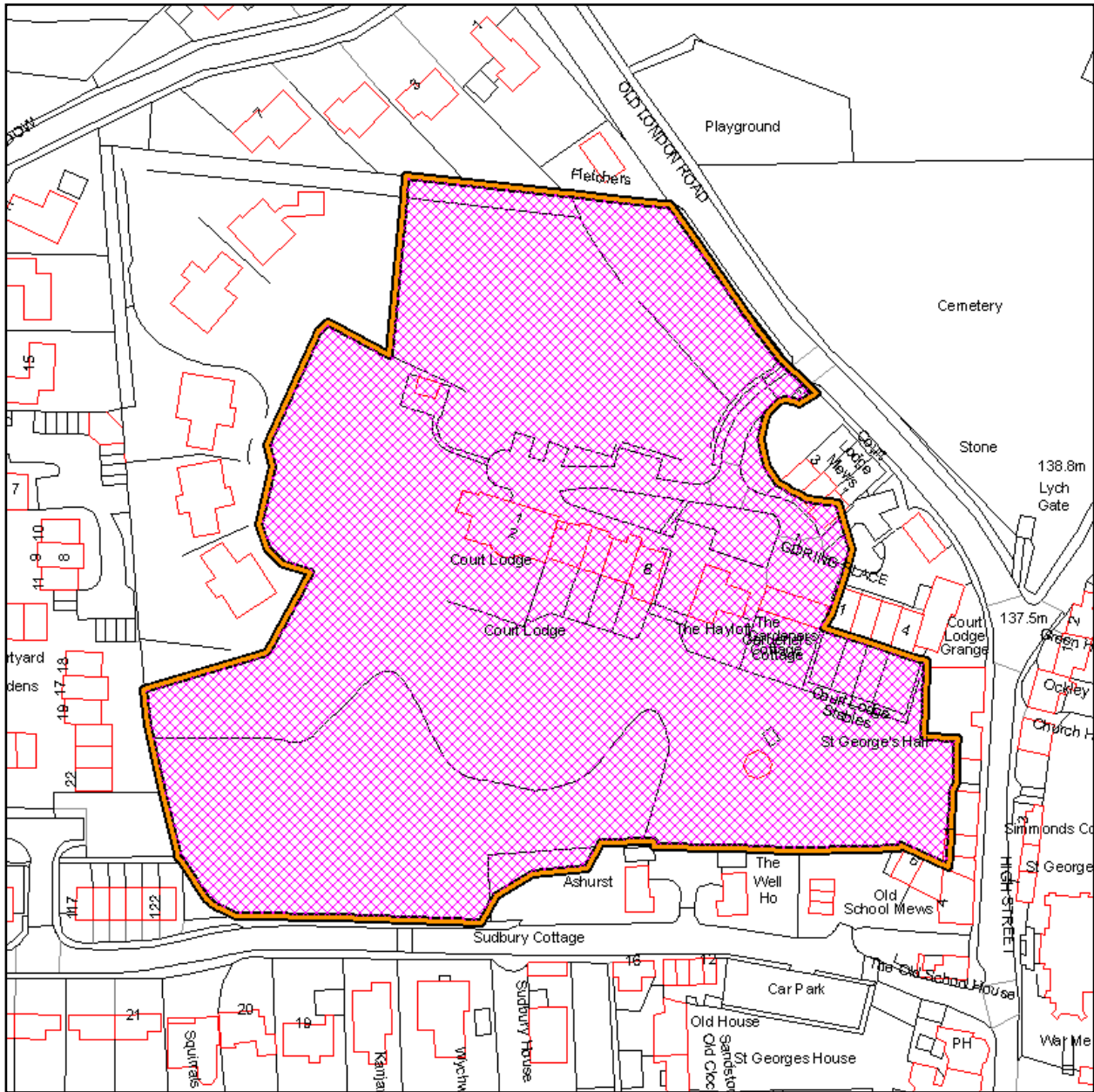
Contact: Richard Edmonds

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13/00344/WORKM

Site Of Court Lodge Cottage Old London Road Wrotham Sevenoaks Kent

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Alleged Unauthorised Development

Trottscliffe

15/00142/WORKM

564923 161158

Downs And Mereworth

Location:

The Warrens Pilgrims Way Trottscliffe West Malling Kent
ME19 5EW

1. Purpose of Report:

- 1.1 To report the unauthorised construction of a two storey building within the grounds of The Warrens, Pilgrims Way.

2. The Site:

- 2.1 The property is a 1920s bungalow set in a large plot (approximately 40m x 205m) on the south side of that part of Pilgrims Way to the east of Pinesfield Lane. The site is at the foot of the scarp slope of the North Downs and within the AONB and the Green Belt.

3. Planning History:

67/10593/OLD (MK/4/67/450) Approved 10.10.1967

Outline application for a bungalow and garage (extension of period)

73/10559/OLD (MK/4/73/141) Refused 19.03.1973

Outline application for chalet bungalow

74/12097/OLD (TM/74/798) Refused 14.10.1974

One bungalow

TM/07/00523/OA Refused 10.04.2007

Outline application for a bungalow

4. Alleged Unauthorised Development:

- 4.1 Without the necessary planning permission, the construction of a two storey building within the grounds of The Warrens, Pilgrims Way.

5. Determining Issues:

- 5.1 A timber building with ground floor and loft beneath a tiled roof and with a floor plan of 6.170m x 3.330m (20.546 square metres) has been replaced by a new two storey building. The new building has been built partly on the same foundation with an additional ground floor extension 3m wide x 3.260m deep (9.780 Square Metres) on

the southern elevation. The new building has block walls with horizontal timber boards cladding the exterior elevations and a tiled roof. There is a flat roofed dormer on the southern roof slope. There are white double glazed UPVC windows and doors. There are mains electricity and water supplies via the main dwelling, but no foul water drainage was seen at the time of inspection. Inside there is one small room in the north east on the ground floor. The remaining ground floor is open plan with a kitchen sink and small worktop. There are light fittings and plug sockets with provision for more. The internal walls are lined with plasterboard with vertical timber wall cladding around the sink area. At present there is ladder access to the loft area, where the roof is partially lined. Works are still in progress.

- 5.2 The owners have stated that they were verbally informed that the gradual alteration or improvement of the building would not require planning permission. The roof was supported while the original timber framed walls were removed and replaced by block walls. The roof timbers were then found to be rotten and the whole roof structure was then replaced. Parts of the existing structure are still on site and do show evidence of rot.
- 5.3 However, apart from the original brick foundation to the main building, the whole structure is new, including a new internal concrete floor slab. This is therefore a new building rather than the alteration or improvement of the original building and is larger than the building it has replaced. The new structure is on a slightly sloping site, but has a dual-pitched roof partly with a ridge that is higher than 4 metres (4.2 metres) and partly with a flat roofed dormer extension that is 4.3 metres high. The new structure has two storeys and is more than 20 metres from the nearest wall of the main dwelling house and covers more than 10 square metres of ground within the AONB. For these reasons the building does not constitute permitted development within Part 1, Class E of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The structure must therefore be regarded as a new building within the AONB and the Green Belt, that does require the benefit of planning permission.
- 5.4 Government Guidance relating to development within the Green Belt is contained within Section 9 of the NPPF and seeks to restrict inappropriate development, which should only be allowed in very special circumstances. One of these exceptions does allow for the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces and it would not have a greater impact upon the openness of the Green Belt than the existing development. Policy CP3 of the TMBCS states that national Green Belt policy will be applied.
- 5.5 Policy CP1 of the TMBCS requires all new development to result in a high quality sustainable environment. Policy CP14 restricts development in the countryside generally to be (inter alia) one for one replacements or appropriate extensions to buildings. Policy CP24 requires all development to be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, siting, character and appearance be designed to respect the site and its surroundings and, wherever possible, make a positive contribution towards the

enhancement of the appearance of the area. Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted.

- 5.6 According to Policy SQ1 of the MDE DPD, all new development within the Kent Downs AONB is required to protect, conserve and, where possible, enhance the character and local distinctiveness of the area and the prevailing level of tranquillity, the distinctive setting of, and relationship between, the pattern of the settlement, roads and the landscape and important views.
- 5.7 The new building is in the same location as the original building and about 34 metres from the nearest wall of the main dwelling. The owner advises that the building is to be used to accommodate their parrot collection and as a sewing room, both uses that are incidental to the enjoyment of the dwellinghouse. The new building clearly has a larger overall footprint and height than the existing building it replaces. For these reasons, the building in question represents inappropriate development within the Green Belt which is, by definition, harmful. Further to this harm, I consider that the substantial size and prominence of the building is causing overt harm to the openness of the Green Belt at this point, which is exacerbated by the fact that the building is located some distance from the main house. The development is therefore contrary to the requirements of the NPPF and policy CP3 of the TMBCS.
- 5.8 Furthermore, the inclusion of a flat roof dormer in the roof and the protruding element on the southern ground floor increases the scale, bulk and prominence of the structure in the landscape and results in an incongruent design and appearance with inappropriate detailing detrimental to the appearance and character of the rural area contrary to policies CP14 and CP24 of the TMBCS and policy SQ1 of the MDE DPD.
- 5.9 I accept that the owners of the site state that the building is intended to be used in connection with their specific hobbies but the building has been constructed and fitted out in such a way that suggests it could be capable of being occupied independently in the future. It is not characteristic of a more open style aviary structure you might expect birds to be kept in, for example, and its relative separation from the main house brings into question how reasonably related it would be to the activities of the main house in terms of accommodating hobby activities.
- 5.10 In these circumstances I consider that the most appropriate course of action is to serve an enforcement notice to secure the removal of the building.

6. Recommendation:

An Enforcement Notice to **BE ISSUED** the detailed wording of which to be agreed with the Director of Central Services, requiring the removal of the unauthorised building.

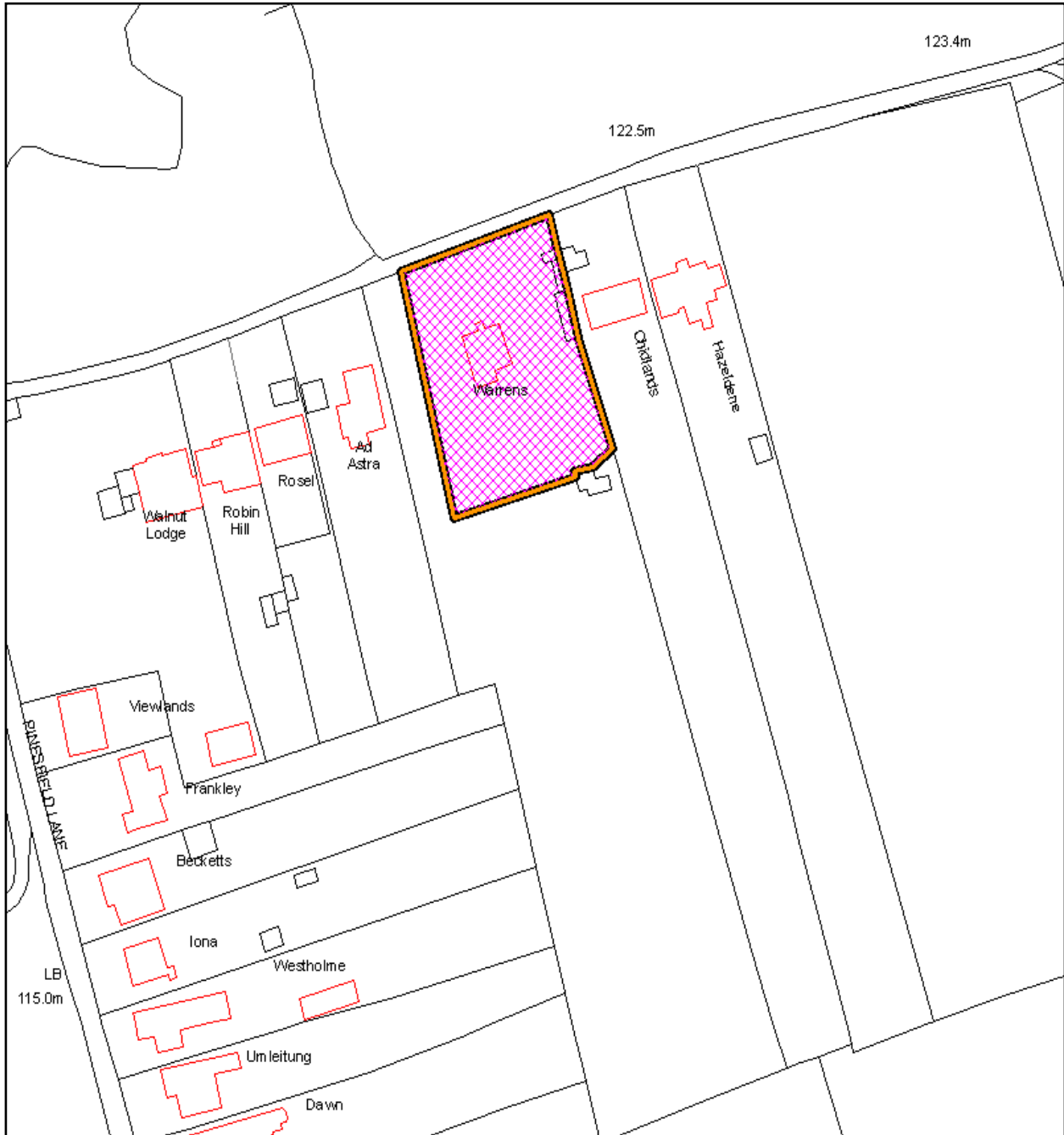
Contact: Gordon Hogben

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15/00142/WORKM

The Warrens Pilgrims Way Trottscliffe West Malling Kent ME19 5EW

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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

08 July 2015

Report of the Director of Planning, Housing and Environmental Health and Director of Central Services

Part 1- Public

Matters for Information

ENFORCEMENT ACTION IN CONNECTION WITH DEVELOPMENT AT LAND REAR OF 19 – 29 STATION ROAD, BOROUGH GREEN – UPDATE REPORT

To update Members on enforcement action taken using emergency powers in connection with the development on land to the rear of 19 – 29 Station Road, Borough Green.

1.1 Introduction

- 1.1.1 Planning permission was granted for the development of this site for residential purposes under reference TM/12/02970/FL. The planning permission was subject to a number of restrictive conditions including a requirement on the developer to formally submit details of the slab levels of the building. These details were formally submitted and approved but it became clear that the development subsequently under construction was being constructed almost 1m above the approved slab level, with the prospect of significant increases in height of the development overall.
- 1.1.2 Due the potential for harm that could arise from this deviation in slab level, it was considered appropriate to issue a Temporary Stop Notice on 21 May 2015. This was served in order to ensure that unauthorised works did not continue to progress on site whilst officers took the opportunity to assess the implications of the construction to date and establish whether any remedial action could be negotiated in order to overcome the potential harm arising from the increased height of the slab level. The Notice took immediate effect but the temporary nature of such Notices meant that it only had effect until 18 June 2015.
- 1.1.3 During this period, the developer complied with the Temporary Stop Notice and stopped all works on site and a meeting was held with a view to negotiating an appropriate solution. However, the developer indicated that the development, in their view, had to be constructed at the current level to enable a sufficient fall and flow to enable the drainage system to operate efficiently. Technical discussions have been held in this respect with the

Council's own Building Inspectors who have advised that there are other technical solutions that could be adopted to resolve this issue other than simply increasing the slab level. It should be noted, that following the commencement of the development, the developer did not approach the Council to explain that such a problem had been encountered, instead choosing to simply carry on with the works.

- 1.1.4 At this time, officers also considered whether the design of the building could be amended in such a way that could compensate for the increased height of the slab level, such as a reduction in the ridge height and accommodating the first floor rooms within the roof space for example. Each scenario explored by officers created a different issue of its own, in terms of either visual impact or concerns regarding residential amenity, given the highly constrained nature of the site. It was therefore concluded that the only way the development could be undertaken in an acceptable way was to accord with the previously approved plans and levels.
- 1.1.5 Having exhausted all potential avenues for resolving this matter during the period of the Temporary Stop Notice, the decision was taken that the only remaining course of action was to use the emergency powers of the Director of Central Services to serve an Enforcement Notice requiring the removal of the unauthorised development. The Enforcement Notice was served on 18 June 2015 in order to coincide with the expiry of the Temporary Stop Notice. If no appeal is lodged by the developer, the Notice will become effective on 21 July 2015 with a period for compliance of three months.
- 1.1.6 We have reported this matter to the Committee in view of the potentially serious nature of the breach of planning control and the significant extent of the works required by the Enforcement Notice to rectify the unauthorised situation.

FOR INFORMATION

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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