

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

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

9 March 2016

To: MEMBERS OF THE AREA 3 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 3 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Thursday, 17th March, 2016 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest
3. Minutes

To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 4 February 2016

Decisions to be taken by the Committee

4. Development Control 7 - 10
Introduction and Glossary
5. (A) TM/15/02767/FL (B) TM/15/02768/LB - Burham Court, Court 11 - 18
Road, Burham
6. TM/15/04031/FL - Units 1 - 18, Lake Road, Quarry Wood 19 - 36
Industrial Estate, Aylesford
7. TM/16/00021/FL - Kent House, Priory Park, Ditton Court, 37 - 50
Quarry Mills Road, Quarry Wood Industrial Estate, Aylesford
8. Urgent Items

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

Matters for consideration in Private

PART 2 - PRIVATE

9. Exclusion of Press and Public 51 - 52

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.

10. 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 M Parry-Waller (Chairman)
Cllr D Lettington (Vice-Chairman)

Cllr M C Base
Cllr Mrs S Bell
Cllr T Bishop
Cllr Mrs B A Brown
Cllr T I B Cannon
Cllr R W Dalton
Cllr D A S Davis
Cllr Mrs T Dean
Cllr Mrs S M Hall

Cllr S M Hammond
Cllr D Keeley
Cllr S M King
Cllr D Markham
Cllr Mrs A S Oakley
Cllr R V Roud
Cllr A K Sullivan
Cllr B W Walker
Cllr T C Walker

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 4th February, 2016

Present: Cllr M Parry-Waller (Chairman), Cllr D Lettington (Vice-Chairman), Cllr M C Base, Cllr Mrs S Bell, Cllr T Bishop, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr Mrs S M Hall, Cllr S M Hammond, Cllr D Keeley, Cllr S M King, Cllr D Markham, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr A K Sullivan, Cllr B W Walker and Cllr T C Walker

Councillors V M C Branson, N J Heslop and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AP3 16/6 DECLARATIONS OF INTEREST

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

AP3 16/7 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 7 January 2016 be approved as a correct record and signed by the Chairman.

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

AP3 16/8 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.

AP3 16/9 TM/15/02789/FL - LAND ADJOINING WOODSIDE, 431 WATERINGBURY ROAD, EAST MALLING

Change of use of land from agriculture/horticulture to caravan storage facility at land adjoining Woodside, 431 Wateringbury Road, East Malling

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

- (1) The proposed open storage of caravans would, by virtue of its scale and siting in an area of countryside as defined in the Tonbridge and Malling Local Development Framework, be detrimental to the rural character of the area and therefore would be contrary to paragraph 109 of the National Planning Policy Framework 2012 and Policies CP1 and CP14 of the Tonbridge and Malling Local Development Framework Core Strategy 2007.

[Speaker: Mrs S Stevens – applicant]

AP3 16/10 ALLEGED UNAUTHORISED DEVELOPMENT - 15/00323/WORKM - LAND OFF A229 BLUEBELL HILL, AYLESFORD

The report of the Director of Planning, Housing and Environmental Health set out details of an unauthorised erection of a raised building, set amongst the trees, used for storage purposes.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the unauthorised building, the detailing wording of which to be agreed with the Director of Central Services.

PART 2 - PRIVATE**AP3 16/11 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.05 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 23 September 2015

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
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
DMPO	Development Management Procedure Order
DPD	Development Plan Document
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 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
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
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LLFA	Lead Local Flood Authority
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
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way

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
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 (as amended)
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
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

Burham	571755	1 September 2015	(A)TM/15/02767/FL
Burham And Wouldham	162064		(B)TM/15/02768/LB

Proposal: (A)Re-construction of historic outbuilding and use as seasonal holiday lets
(B>Listed Building Application: Re-construction of historic outbuilding and use as seasonal holiday lets

Location: Burham Court Court Road Burham Rochester Kent ME1 3XX

Applicant: Mr Richard Beale

1. Description:

- 1.1 Planning permission is sought for the construction of a new, single storey building intended to accommodate four holiday lets. Listed building consent is also required as it is proposed to attach the new building to an existing listed building situated within the site.
- 1.2 In terms of footprint and built form, the new building is intended to reflect an outbuilding which was previously situated on this part of the site but which has been demolished in its entirety. At the time of our last site inspection, some remnants of the pre-existing building appeared to have been retained (timbers) and evidence has been provided in this regard as part of the applicants supporting information. However, it is clear that the development in question relates to an entirely new building on a clear site, albeit that it may be using reclaimed materials in part. This matter is discussed in more detail in the assessment that follows.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Davis and given the recent planning history of the site.

3. The Site:

- 3.1 The site is located outside of the village confines of Burham and lies within the countryside.
- 3.2 Burham Court is a Grade II Listed Building. The application site was formerly occupied by an outbuilding that formed part of the historic farmyard of Burham Court and that building was curtilage listed. This building was demolished in 2014 and its removal was the subject of enforcement action.

4. Planning History (relevant):

TM/13/01606/FL Approved 9 August 2013

Conversion of pig sheds/stables into 4 seasonal holiday lets

TM/13/01607/LB

Approved

9 August 2013

Listed Building Application: Conversion of pig sheds/stables into 4 seasonal holiday lets

5. Consultees:

5.1 PC: The PC made observations regarding drainage and whether this would be sufficient for 4 modern holiday lets.

5.2 Private reps 0/0X/2R/1S + Site and Press Notice.

- One letter of support received stating that the proposed accommodation could assist families of people of learning disabilities to have short breaks.
- Two letters of objection raising concerns regarding construction standards.

6. Determining Issues:

6.1 I would firstly like to address the recent planning history in connection with this site. Planning permission and listed building consent was originally granted in 2013 for the *conversion* of a pre-existing outbuilding into four holiday lets. The scheme was considered to be policy compliant and allowed for a redundant, agricultural building to be brought back into a meaningful use, securing its long term future; an important consideration given its listed status.

6.2 Following the grant of that permission, and as I understand whilst carrying out works to facilitate the approved scheme for conversion, the building was considered unsound by the developer who then proceeded to demolish it in its entirety. At no point did the developer/applicant make contact with the Council to establish what the best course of action might be. The first knowledge officers had of the situation was when it had become apparent that approval had been sought under the Building Regulations for new foundations. Enforcement investigations subsequently took place and found that the building had been completely demolished. The application now submitted in effect seeks to allow for a new development to take place to provide the four holiday lets within the curtilage of Burham Court.

6.3 Albeit that the recent unauthorised demolition of the listed building amounts to a criminal offence (for which the applicant accepted a caution at the time) and the historic building has now been completely lost (save for a selection of timbers which remain piled on site), planning permission and listed building consent could not simply be withheld now as a punitive means of addressing those previous actions. Instead, the reason for setting out this recent history is to clarify that the starting point for the determination of this application is completely different from that against which the previous application was assessed and ultimately approved. Rather than being a conversion, or even the replacement of an existing building

within the countryside (albeit one that would have been in a different use), this scheme proposes an entirely new building (there is nothing on site to replace) within the curtilage of a listed building and must be assessed against the restrictive policies which apply in such circumstances.

- 6.4 Dealing firstly with the principle of new development within the countryside, policy DC2 of the MDE DPD states that a replacement building in the countryside will be permitted subject to it not being materially larger than the existing building and provided it would be appropriate in scale and design to its setting and any neighbouring buildings and to the character of the area within which it is located. It goes on to state that the replacement of non-residential buildings in the countryside with residential development will be considered on the basis that it is new residential development and will therefore be subject to policy CP14 of the TMBCS. Policy CP14 of the TMBCS restricts development to (amongst others) the one-for-one replacement of an existing dwelling or conversion of a building to residential.
- 6.5 As has been established, there simply is no building to seek to replace or convert in this instance and as such there is a fundamental objection to the proposed development in policy terms.
- 6.6 I note that the applicant has submitted evidence as part of the submission to suggest that timbers from the historic building will be reused as part of the new build but the fact remains that the historic building has been completely lost. The reclamation of a selection of timbers is not consequential in terms of historic significance and in no way amounts to a material consideration that would justify moving away from the adopted policy in this regard.
- 6.7 I am also mindful that paragraph 28 of the NPPF requires a positive approach to the promotion of a strong rural economy and supporting rural tourism which respects the character of the countryside. However, the creation of four holiday lets would make only a minimal contribution to the rural economy and such a contribution would not outweigh the objections to the scheme in terms of principle.
- 6.8 Turning to the specifics of the scheme, and particularly the impact on the setting of the Grade II Listed Buildings, 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 nearby listed buildings). 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. Significance of such an asset can be harmed or lost through alteration of the asset or through development within its setting.
- 6.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duty when carrying out any functions under the Planning Acts with respect to the consideration of whether to grant planning permission for development which affects a listed building or its setting. This requires that the

local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.10 I appreciate that the scheme submitted is attempting to replicate the siting and form of the demolished listed building but that building has been lost and thus the setting of Burham Court has been irrevocably altered by the demolition. It is simply not plausible to state that the development now proposed would reinstate that historic setting; rather there can be no doubting that the proposed development would simply amount to a modern copy of an historic building and that would not contribute to the setting of Burham Court in any way. Again, the reinstatement of the retained timbers would not mitigate this or lead me to a different conclusion, for the reasons already set out above.

6.11 More generally, policy CP24 of the TMBCS requires 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.

6.12 Notwithstanding my preceding assessment concerning matters of principle and detailed listed building considerations, I acknowledge that the building proposed and its envisioned use would not cause any harm to amenity in more general terms. Equally, there would be no adverse highway safety implications arising from the scheme. However, these factors in no way mitigate the harm already identified.

6.13 In light of the above assessment, I consider that the proposed development fails to meet the requirements of the NPPF or relevant LDF policies; it would amount to new development within the countryside, of a type for which there is no provision in policy. Furthermore, the development would neither preserve nor enhance the setting of Burham Court. As such, I recommend that planning permission and listed building consent be refused accordingly.

7. Recommendation:

(A)TM/15/02767/FL

7.1 **Refuse planning permission** for the following reasons:

- 1 The proposal is not a form of development that is normally permitted in the countryside as listed in Policy CP14 of the Tonbridge and Malling Borough Core

Strategy and no material considerations exist that justify the setting aside of this provision. Accordingly, the proposal is contrary to policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007 and policy DC2 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010.

- 2 The proposed development would not preserve the setting of Burham Court, a Grade II listed building or its special architectural or historic interest. The proposed development is therefore contrary to policy CP1 of the Tonbridge and Malling Borough Core Strategy 2007, and paragraphs 129,131, 132 and 133 of the National Planning Policy Framework 2012. Furthermore, there would be no public benefits of the proposal sufficient to overcome this harm, contrary to the requirements contained in paragraph 134 of the National Planning Policy Framework 2012.

(B) TM/15/02768/LB

7.2 Refuse listed building consent for the following reasons:

- 1 The proposed development would not preserve the setting of Burham Court, a Grade II listed building or its special architectural or historic interest. The proposed development is therefore contrary to policy CP1 of the Tonbridge and Malling Borough Core Strategy 2007, and paragraphs 129,131, 132 and 133 of the National Planning Policy Framework 2012. Furthermore, there would be no public benefits of the proposal sufficient to overcome this harm, contrary to the requirements contained in paragraph 134 of the National Planning Policy Framework 2012.
- 2 The building to which the proposed development would be attached is listed under Section 1 of the Planning (Listed Building and Conservation Areas) Act 1990 as being of special architectural or historic interest, and the approval of works to this building would be premature in the absence of any associated planning permission for the proposed development.

Contact: Robin Gilbert

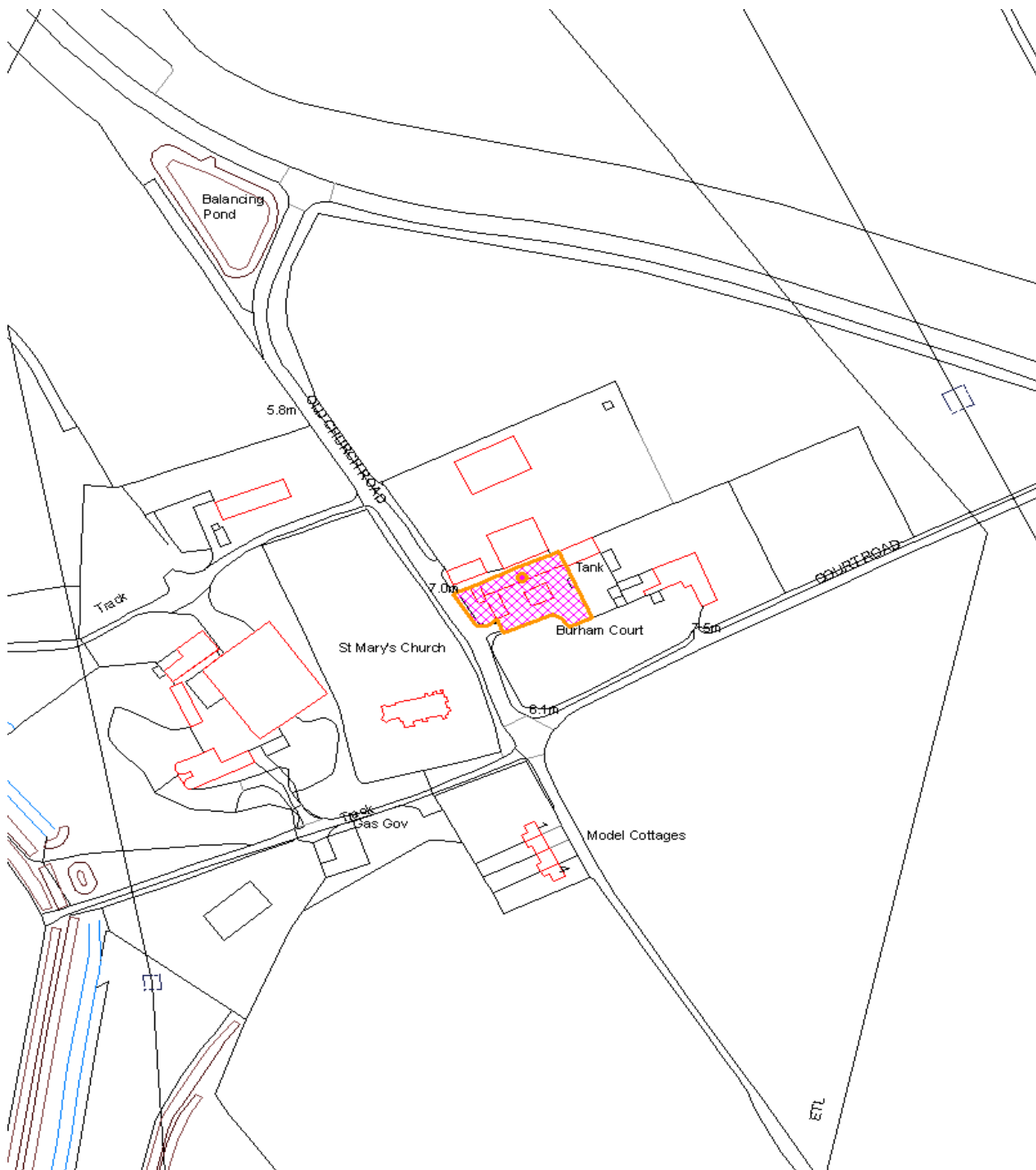
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(A) TM/15/02767/FL & (B) TM/15/02768/LB

Burham Court Court Road Burham Rochester Kent ME1 3XX

(A) Re-construction of historic outbuilding and use as seasonal holiday lets & (B) Listed Building Application: Re-construction of historic outbuilding and use as seasonal holiday lets

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Aylesford **572077** **21 December 2015** **TM/15/04031/FL**
Aylesford South **157561**

Proposal: Erection of extensions to existing buildings for use falling within use classes B1(c), or B8; alterations to existing access roads including introduction of one-way system within site; excavation of foot of embankment and erection of retaining wall, provision of additional on-site parking; erection of security fencing with gates along site frontage with Lake Road

Location: Units 1 To 18 Lake Road Quarry Wood Industrial Estate
Aylesford Kent ME20 7TQ

Applicant: Wynnstay Properties Plc

1. Description:

- 1.1 The application seeks approval for rear extensions to three blocks of industrial units within the Quarry Wood Industrial Estate. The extensions would be two storey as are the existing units, and would extend to the same width, eaves and ridge height of these units. These would create 5 additional units, varying in size, and designed to be flexible so either self-contained or capable of amalgamation with existing units.
- 1.2 The existing units fall within B1(c), B8 uses. The extensions would create an additional 999sqm of industrial/storage floorspace, giving a total on site of 5,597sqm. The original proposal was for B1(c), B2 and B8 use of the extensions to the existing units. This was amended to remove the proposed B2 use during the course of the application as there has never been any approval for B2 use on site, and it would be inappropriate given the proximity to residential properties.
- 1.3 To accommodate the extensions within the site it is also proposed to cut into the existing bank running along the rear of the site to allow for a re-configuration of the roads within the site. This would involve excavating into the base of the bank and installing a crib retaining wall between approximately 2m – 2.5m in height, to allow for the extensions, the re-aligned and extended circulation roads, and additional parking. The existing palisade fence would be removed from the base of the bank and replaced with a 1m high wooden post and rail fence on top of the new crib retaining wall, running the length of the rear boundary. The parking provision on site would be increased from 105 spaces to 134 spaces, and from 18 goods vehicle spaces to 23.
- 1.4 The final part of the proposal is to improve site security and therefore negate the need for the existing palisade fence along the rear boundary. This would involve the erection of a new 2m high palisade fence along the site frontage, with two sets of sliding security gates. It would be located along the back edge of the footpath in front of the existing landscaping and bushes along the site frontage.

1.5 The proposals do not affect or change in any way the existing boundary treatments in place on top of the bank and bund to the rear of the site, which form the rear boundaries to properties in Holtwood Avenue.

2. Reason for reporting to Committee:

2.1 The application is being reported to planning committee at the request of Cllr Walker due to the strength of local opposition to the proposal.

3. The Site:

3.1 The site is approximately 1.48 hectares in size and is located within the urban confines of Aylesford. It is also within the boundaries of the Safeguarded Employment Land as allocated in the DLADPD. It is part of the Quarry Wood Industrial Estate which is part of a wider development also including out of town retail units. The whole site is within an Area of Archaeological Potential, and a Group TPO includes the top northern corner of the site.

3.2 This wider industrial estate lies to the south of the A20 London Road. Access is from this road at the point of the cross roads with Sycamore Drive. It includes a mix of industrial users and a variety of unit sizes.

3.3 The units the subject of this application are two storey in height, some with mezzanine floors. There are 18 units split into three blocks situated at right angles to Lake Road. These were originally granted permission in 1984. Access is via three points from Lake Road with parking laid out between the three blocks of units. A two way service road curves around between the first two blocks, and the third access point leads to a dead end access and egress road. The buildings here are a mixture of brick and green profile cladding.

3.4 A row of detached two storey dwellings in Holtwood Avenue abuts the north western rear boundary of the site. A balancing pond abuts the north eastern side boundary, and industrial units lie adjacent to the south west and opposite to the south east. The site is fenced to the rear and sides but is open at present along the front boundary.

3.5 The physical rear boundary of the site is formed by the base of a tree covered bank, with a bund on top which rises up towards the rear gardens of properties in Holtwood Avenue. (This has an overall height of 7metres.) At present a palisade fence runs along the base of the bank within the site.

3.6 In terms of ownership boundaries, the actual rear boundary to the site runs along the base of the bank/bund on the other side from the industrial site, abutting rear gardens in Holtwood Avenue. Boundary fencing is in place on the top of the length of the bank/bund, leaving a portion of land within ownership of the site but being used by some residents of Holtwood Avenue as an additional part of their rear garden. One property has formalised this situation by acquiring ownership of

the section of bank abutting their rear garden, hence the dog leg in the rear boundary line as shown on the plans.

4. Planning History (relevant):

TM/84/10103/FUL Approved 03 October 1984

Three detached buildings with associated car parking, lorry parking and circulation space: Units 1, 2, 3A, 3B (Block A) and Units 12A, 12B, 13A, 13B, 14 and 15 (Block C) for use as Class III light industrial or Class X warehouse purposes with ancillary offices Units 4-11 (inclusive) (Block B) and units 16, 17, 18, 19, 20 and 21 (Block C) for use as Class III light industrial purposes with ancillary offices.

TM/85/10455/FUL Approved 21 January 1985

Additional ancillary office space (Block A and C)

TM/86/11780/FUL Approved 28 April 1986

Change of use of industrial building to warehousing (unit 8)

TM/87/11392/FUL Approved 27 February 1987

Use as warehousing with ancillary offices (unit 18)

TM/89/10911/FUL Approved 29 November 1989

Extension and modification of existing internal office and workshop accommodation and alterations to elevations (unit 8)

TM/89/10663/FUL Approved 21 December 1989

Transfer of offices from ground floor to mezzanine floor (unit 1)

TM/94/00071/FL Refused 16 December 1994

Change of use of building from class B1 to class B2 and minor internal alterations to form office area (units 5 and 6)

TM/95/51433/FL Approved 5 January 1996

change of use to B8 storage and distribution (unit 7)

TM/96/01418/FL Approved 22 November 1996

change of use of premises from Class B1 to Class B8 (units 5 and 6)

Installation of window in south elevation

5. Consultees:

5.1 KCC (H&T) : No objection on the following grounds:

- Accesses are existing with no record of any crashes in the last 10 years;
- The proposed gates would be set back 2m from the highway to allow visibility when exiting;
- The proposal allows adequate turning for cars and HGVs;
- The proposed parking provision meets the standards as set out in the Kent and Medway SPG4 – Kent Vehicle Parking Standards;
- Conditions are suggested with regard to the operation of the gates, parking spaces, turning areas, and construction related issues.

5.2 Parish Council: Strong objection raised on the grounds of the inability of the existing infrastructure to cope with the increased traffic movements, and the encroachment of the extensions on nearby residential properties by way of noise implications.

Private Reps : 22 + Site and Press Notice (0X/11R/1S): 11 letters of objection (three of which are from the same address), raising objection on the following grounds:

- Dispute that the boundary line is drawn correctly;
- Land on the bund abutting rear gardens in Holtwood Avenue has been maintained by some owners of properties in Holtwood Avenue for over 30 years and is a natural habitat for wildlife, flora and fauna, and bats;
- Harm to wildlife and bats;
- Increased air pollution;
- Extended units and working area would move closer to neighbouring properties and will increase noise pollution to these properties;
- Object to the position of the proposed palisade fence;
- Regular use of existing units occurs outside normal working hours causing disturbance in the night and early morning;

- Existing use of external areas for storage is not allowed;
- Noise and disturbance causing harm to amenity, (general industrial noise, HGV movements, reversing beepers, HGV refrigeration/air con unit noise from HGVs parked in Lake Road or on the site overnight);
- Litter from lorries parking in Lake Road attracts seagulls. This and the noise and unacceptable toilet practises would increase with the extensions;
- Noise pollution levels are higher in the summer months when neighbouring windows are open but the survey was undertaken in November. The noise survey was not for a long enough period and did not include evenings/weekends. The noise report assumes height of the existing bank/fence compared to ground levels are the same overall; this is not true. It also assumes all boundary treatments are in an acceptable state of repair;
- Smells from the burger van parked in Lake Road likely to increase with more units being occupied and increased personnel on site;
- The proposed extensions will increase the view of the roofs of these units from properties in Holtwood Avenue;
- Proposed retaining wall will be easy for intruders to climb and gain access to rear of properties in Holtwood Avenue, so would prefer to see the palisade fence along the bottom of the bank retained;
- Due to increased noise pollution they wish the existing rear boundary fence on top of the bund to be replaced by a 4m acoustic fence. Existing boundary treatments are not successful at preventing noise pollution, including loud screeching noises from unit 1 – 3;
- Noise pollution from a voice alarm from one of the units;
- Loss of trees on the bank will increase noise pollution;
- Increased planting is required on the bank. Wooded areas on the bank in the Conservation Area are protected so the same should be afforded to these trees;
- A guarantee is required that the proposed gates will be locked at night, and to remind users to be respectful given proximity to neighbours. The gates and fence should be secure enough to prevent boy racers and unauthorised access during weekends and evening;
- Increased traffic congestion at the point of access to/exit from the site to the A20;

- B2 use should not be included, and if allowed should be restricted. *(B2 use has now been removed from the proposal;*
- Users of the new units should be limited to those who generate low noise, low air pollution, non-industrial, non-manufacturing, or just B8;
- Validity of the traffic survey is questioned. The impact should include other sites such as the new development on the corner of Hermitage Lane, housing at Preston Hall, Allington and Barming as all feed onto the A20;
- Area outside Homebase is often flooded causing congestion on the A20 which should be resolved by a suitable study and then rectified before any new building in the estate;
- Application refers to extensions but plans show separate units;
- No indication of working hours on the application form;
- Plans showing loading from rear of lorries is a misrepresentation as some lorries currently unload from the side only by forklift;
- KCC Highways has assumed no change in traffic or parking, which is incorrect. Inadequate manoeuvring may result in lorries choosing not to enter the site;
- Plans do not show the chimneys/ventilation stacks on one of the units which have altered the skyline. If these are permitted development then similar ones on the extensions would be close to residential properties;
- Request that the scheme be amended by change to unit design so they are only extensions to existing units rather than separate units, remove all external doors to extensions other than fire exit, remove parking spaces at the end of unit E, replace existing fence on top of bund and increase height of fence on retaining wall, gates to be operated by landlord only not tenants, CCTV be installed to monitor out of work activities;
- External plant should be controlled by condition;
- Poor maintenance of trees on the bank is reducing light to neighbours properties, proper maintenance should be controlled and trees should be reduced in height at the top of the bank with more planting at the base;
- The existing green corridor created by the bund should be maintained.

One letter mentions support on the following grounds:

- Support for the proposed security gates if used correctly.

6. Determining Issues:

- 6.1 One of the core principles contained in paragraph 17 of the NPPF requires the planning system to proactively drive and support sustainable development to deliver the homes, business and industrial units the country needs. Paragraph 19 requires a commitment to support and encourage sustainable economic growth. The proposed development therefore meets this underlying principle of the NPPF.
- 6.2 The proposed site is within a safeguarded employment area as covered by policy E1 of the DLADPD 2008. This policy states a presumption in favour of employment uses within the area and, as such, the proposed extensions and associated development are considered to be in line with this policy and acceptable in principle. The policy does however require that any such new development shall not result in any impact upon residential amenity by way of unacceptable noise, dust, smell, vibration, emissions, visual intrusion, or traffic generation. As such B2 uses would not be appropriate in areas of the wider industrial estate which are in close proximity to residential dwellings.
- 6.3 Policy CP21 of the TMBCS 2007 also safeguards employment areas and limits the uses and development that would be appropriate.
- 6.4 The proposal is being put forward to allow for the continued growth of those existing companies which want to remain on site but need to expand, and to create new opportunities for small business use. The improved circulation road, which would be one way, is required to prevent the existing unauthorised parking by people largely not connected to the site. The blocked circulation road can lead to larger vehicles reversing back out on to the main Lake Road. The proposed frontage boundary security fencing is required to prevent the current misuse of the site which remains open after the units have closed. This misuse by young drivers and lorry drivers parking overnight is creating noise and disturbance outside of operating hours.

Design

- 6.5 The proposed extensions would be of a design and materials palette to match the existing units to ensure a seamless transition between old and new. The size and bulk of the extensions would continue that of the existing units and I am satisfied that their appearance would be in keeping with the industrial nature of the surrounding area.
- 6.6 The re-design of the roads within the site would be an improvement to the overall design and appearance of the site.
- 6.7 The proposed palisade fence and security gates at 2m high along the site frontage are in keeping with the industrial nature and surroundings of the area and are therefore considered to be acceptable in design terms.

Highways and parking

- 6.8 A Transport Statement has been submitted with the application. This determines that, due to the small scale of the extensions and the differing operational requirements of the site compared to those of the retail park, the proposal will not cause any significant harmful addition to the current levels of traffic entering and exiting the whole estate.
- 6.9 The proposal would result in an increase in car and lorry parking on site, and a re-configuration of the access and circulation arrangements on site. The Highways Authority is satisfied that the proposed parking provision is in line with its adopted standards. The Authority also approves of the circulation arrangements in that there is adequate turning within the site for cars and HGVs. It has raised no objections to the increase in traffic generation that the extensions would generate. A number of conditions and informatives have been requested which will be added to any grant of permission.

Neighbouring amenity

- 6.10 It is noted that there is neighbour concern regarding the accuracy of the rear boundary line and issues of land ownership. As mentioned at the beginning of this report, the site boundary line is shown to include both sides of the bank as being within the site ownership. This means that although there is a boundary fence along the top of the bund, the actual site ownership extends beyond this physical boundary to include the bund slope on the other side of this. This has been maintained and included by some properties in Holtwood Avenue as part of their garden space.
- 6.11 Whether any formal arrangements have been made regarding this are not relevant to the determination of the planning application. Only one property has formally obtained ownership of this part of the bund within their garden, and this is indicated by the dog leg on the site location plan. Land Registry records confirm that the boundary line as shown is in fact correct and does include the strip of land on the down slope of the bund, apart from the land to the rear of the garden to no. 65 Holtwood Avenue.
- 6.12 The proposed extensions would bring the buildings closer to the rear of the site and therefore closer to properties in Holtwood Avenue. This will increase the view of the apex of the roof of the buildings from some properties; however the extensions would be between approximately 35 – 53m from the rear elevations of properties here. Therefore the change to the view, given these distances and the lower land level of the site compared to Holtwood Avenue, would not be considered harmful to neighbouring amenity.
- 6.13 The relationship between the site and these properties also ensures no overlooking or overbearing impact on the properties in Holtwood Avenue.

- 6.14 Noise and disturbance are the main impact to be considered in terms of how the proposal will affect neighbouring amenity. To support the application in this regard a Noise Impact Assessment has been submitted. The noise level survey was carried out at the site boundary with nearest residential properties on Thursday 26th November between 7am – 11am. The dominant noise source in the area was identified as being from commercial vans, HGVs, staff and customer cars, forklifts and general noise associated with a busy industrial estate. The majority of noise was recorded as coming from external sources rather than from within the units.
- 6.15 There is some concern from residents that the survey was not conducted for long enough or at an appropriate time of day. The survey has been considered by the Local Planning Authority and was considered sufficient to illustrate the likely impact from the proposal.
- 6.16 The existing bank and bund, and the difference in land levels where the site is set below that of the houses in Holtwood Avenue, provide an existing amount of acoustic protection for these neighbours. The proposed extensions, the associated traffic movements and the newly positioned circulation road will increase the noise levels to some degree, within a closer distance to these properties in Holtwood Avenue. Any traffic movements, although slightly closer, will be to the base of the bank and so will have the maximum benefit of the bank/bund and fence. It is not anticipated that the traffic use here will be so substantial as to cause undue harm by way of noise interference from residents in Holtwood Avenue.
- 6.17 The noise assessment recommends that the units be constructed of noise insulated wall and roof panels. It is anticipated that this, along with the distance to the boundary and the bund, will result in a noise impact level at the nearest residential property of less than 30DB(A). This is considered by the Council to fall within acceptable limits. Uses falling within use class B1 are expected to generate noise levels that are acceptable near to residential areas. Any proposals for a more intense noise generating activity outside of this class will be re-assessed at such a time, as they would require permission.
- 6.18 The previous condition attached to the original permission which restricted the hours for commercial vehicles using the site will be carried forward to a grant of permission for this proposal. This is an enforceable condition should neighbours feel a breach is occurring. The original permission did not include a condition restricting the hours of operation of the approved units. It would not therefore be appropriate to add such a condition for the extensions to these units. They would be free to operate as the existing units do, with only the existing restriction to commercial vehicle movements on site.
- 6.19 There have been a number of objections from neighbours to the noise generated by lorry drivers parking in Lake Road overnight, as well as litter. This is however

something that the determination of this application cannot control as it is happening outside of the site boundary.

- 6.20 It is noted that some neighbours wish to see the existing fencing on top of the bund replaced with 4m high acoustic fencing. As mentioned above, this is not considered to be a necessary requirement as the current measures in place create acceptable acoustic mitigation measures in line with relevant requirements.
- 6.21 Security for neighbours and their properties will be improved by this proposal due the new palisade fence proposed to the front of the site securing it outside normal working hours. At present the site is open to any who wish to use it once the units have closed. Neighbours have commented that young drivers and lorry drivers are using the site, resulting in antisocial behavior and causing noise and disturbance at anti-social times of day and night. The new fence would prevent this and the gates would be closed when the units on site are closed. I am of the opinion therefore that although the existing palisade fence along the base of the bund within the site is to be removed, overall site security, and therefore that of neighbours, will be improved by securing the whole site from the front. A condition to manage the operation of the security gates will be added to ensure correct and enforceable use of the gates is in place.

Landscaping and trees

- 6.22 The proposal is to thin out some of the trees on the bank, including some loss of trees as part of the excavation of the bank. These trees are not within a Conservation Area and the Council's Tree Officer is satisfied with these proposed works. A landscaping condition will be added to any grant of permission to secure some soft landscaping within the site.
- 6.23 The future maintenance of the trees is not a matter for control by the Local Planning Authority and remains the responsibility of the landowner.

Other issues

- 6.24 Potential air pollution as a result of the proposal has been considered. It is recognised that the site is served by the junction with the A20 which lies within the Aylesford AQMA. Based on the expected trip generation from the proposal it is considered to be unlikely that the extensions would result in a significant deterioration of the AQMA. However low emissions options will be suggested through an informative to make the proposal air quality positive.
- 6.25 In answer to other queries raised in objection letters, the proposal must be assessed in the form which it is submitted. Suggested alternative options cannot be taken into account unless amendments are required during the course of the application in response to an issue felt to be unacceptable by the local planning authority.

- 6.26 An ecology statement has been submitted as part of the application which confirms that whilst wildlife may be present, the site is of low ecological value, and the proposal would not therefore be contrary to policy NE3 of the MDEDPD. The removal of non-native species of trees towards the base of the bank such as Norway Maple and Italian Alder will actually improve the wildlife value of the existing tree belt. A visual screen would still however be maintained following removal of these non-native species. A condition to manage the details of the tree removal would ensure appropriate thinning.
- 6.27 The proposal does not affect the height of the existing earth bund nor the boundary fencing on top.

Conclusion

- 6.28 The application comprises extensions to existing commercial units which seeks to generate additional employment opportunities in the Borough. This is to be welcomed and accords with the aims of the NPPF. The relationship with the nearby dwellings in Holtwood Avenue would not represent such harm to amenities as to be considered contrary to policy, and the use of appropriate conditions will ensure that the future operation of the site is controlled so as not to be detrimental to these amenities. The application is therefore acceptable and is recommended for approval.

7. Recommendation:

This was approved in accordance with the following submitted details: Details fencing dated 21.12.2015, Details retaining walls dated 21.12.2015, Planning Statement dated 21.12.2015, Design and Access Statement dated 21.12.2015, Ecological Assessment dated 21.12.2015, Noise Assessment dated 21.12.2015, Tree Report dated 21.12.2015, Transport Statement dated 21.12.2015, Location Plan 3644/P01 dated 21.12.2015, Existing Floor Plans 3644/P100 dated 21.12.2015, Elevations 3644/P200 A dated 21.12.2015, Elevations 3644/P201 A dated 21.12.2015, Elevations 3644/P202 A dated 21.12.2015, Site Layout 3644/P20 A dated 21.12.2015, Site Survey 13446/S1 dated 21.12.2015, Elevations 3644/P203 A dated 26.01.2016, Email dated 26.01.2016.

Conditions / Reasons

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

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

2. No development, other than ground works and site preparation, shall take place until details and samples of materials to be used externally, to include details of acoustic materials, have been submitted to and approved by the Local Planning

Authority, and the development shall be carried out in accordance with the approved details.

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

3. The use shall not be commenced, nor the premises occupied, until the area shown on the approved plan as vehicle parking, loading and off-loading and turning 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 or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway.

4. No development, other than ground works and site preparation, shall take place until details of the surfacing and draining of the vehicle parking and turning area have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details before this area is brought into use and shall be so retained at all times thereafter.

Reason: To ensure the adequate drainage of surface water from the site.

5. Prior to the erection of the hereby approved palisade fence and security gates along the front boundary, details shall be submitted to and approved in writing by the Local Planning Authority, to include a management plan for the agreed operation of the security gates. This shall be implemented as approved and adhered to hereafter. The existing palisade fence along the rear boundary shall not be removed until the approved front boundary palisade fence and security gates have been erected.

Reason: To ensure the security of the site outside of working hours in the interests of the security and amenities of nearby residential properties.

6. The security gates hereby approved shall be left open during 'working hours' to prevent vehicles needing to wait on the highway for them to open.

Reason: To ensure the prevention of hazardous on-street parking.

7. Prior to the commencement of works on site, details of the provision for construction vehicle loading/unloading and turning facilities, and for the provision of parking facilities for site personnel and visitors on site, shall be submitted to and approved in writing by the Local Planning Authority. These approved details shall be adhered to for the duration of construction.

Reason: To ensure no adverse impact upon levels of highway safety.

8. There shall be no external plant, machinery, ventilation or air conditioning units installed or operated on site without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of nearby residential properties.

9. All manufacturing and storage activities shall take place only within the buildings hereby permitted.

Reason: in order to maintain planning control in the interests of the amenities of the area.

10. No development whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) is to be carried out within the application site, other than the extensions and associated parking and manoeuvring space hereby permitted, without the consent in writing of the Local Planning Authority.

Reason: To maintain planning control over the premises in the interests of the amenities of the area and to prevent over development of the site.

11. The buildings hereby approved shall not be enlarged or altered including the provision of internal mezzanine floors, or the subdivision of units to create additional units, without the approval in writing of the Local planning Authority.

Reason: To maintain planning control over the subsequent enlargement of these premises in the interests of the amenities of the area and to prevent over development of the site.

12. Movements of commercial vehicles within the site shall be restricted to 07.00 - 22.00 Monday to Friday and 07.00 - 13.00 Saturdays with no movements on Sundays or Public or Bank Holidays.

Reason: In order to maintain the amenities of the area and in particular the amenities enjoyed by the residential properties in the vicinity.

13. No development, other than ground works and site preparation shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. 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.

14. Prior to any works to trees within the site, details of a scheme for the removal of trees on the bank shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved by the Local Planning Authority.

Reason: In the interests of the ecological value of the bank and the amenities of neighbouring residential properties.

15. There shall be no windows or doors, other than the pedestrian doors hereby permitted, created in the north western rear elevations of the extensions hereby permitted.

Reason: To protect the aural environment of the nearby dwellings.

16. No external lighting shall be installed in connection with the development unless details are submitted to and approved by the Local Planning Authority.

Reason: In the interests of neighbour amenity

17. Prior to the first occupation of the extensions hereby approved, details of a scheme for the storage and screening of refuse shall be submitted to and approved in writing 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

18. Prior to the occupation of the extensions hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of provision for cycle parking facilities. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To promote cycling as part of a healthy active lifestyle choice in accordance with Policy SQ7 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document 2010.

19. The premises shall be used for uses within Class B1(c) and B8 only and for no other purpose (including any other purpose or permitted change in Classes B1 and B8; of the Schedule to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: In the interests of neighbouring amenity.

Informatives

1. The applicant is advised to liaise with and to update the neighbouring properties in Holtwood Avenue during the course of the construction, and afterwards should significant issues or changes arise. This will encourage good neighbour

relations between the site and adjacent properties.

2. The applicant is requested to incorporate low emission designs into the proposal hereby approved in order to achieve a positive impact upon the Aylesford Air Quality Management Area. Such designs could include a car sharing scheme for staff and visitors, dedicated spaces for low emission vehicles, electric vehicle charging facilities, cycling facilities etc. For further information on air quality and reducing air quality footprints please contact environmental.protection@tmbc.gov.uk
3. During the demolition and construction phases, the hours of noisy working likely to affect nearby properties (including deliveries), should be restricted to Monday to Friday 7.30 hours - 18.30 hours; Saturday 08.00 - 13.00 hours; with no such work on Sundays or Public or Bank Holidays.
4. 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. I would thus recommend that bonfires not be had at the site.
5. 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.
6. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Contact: Holly Pitcher

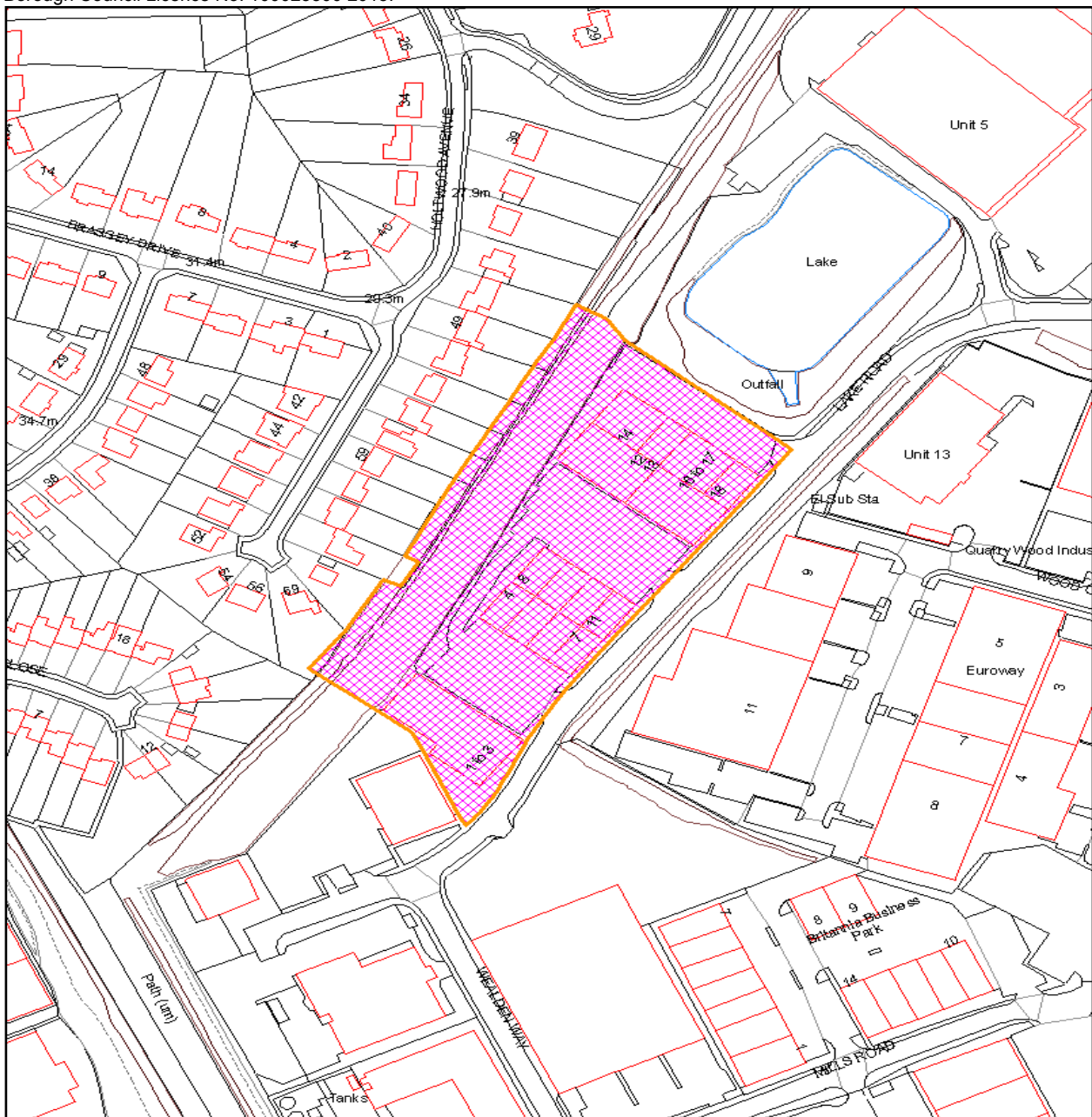
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TM/15/04031/FL

Units 1 To 18 Lake Road Quarry Wood Industrial Estate Aylesford Kent ME20 7TQ

Erection of extensions to existing buildings for use falling within use classes B1(c), or B8; alterations to existing access roads including introduction of one-way system within site; excavation of foot of embankment and erection of retaining wall, provision of additional on-site parking; erection of security fencing with gates along site frontage with Lake Road

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Aylesford	571840	6 January 2016	TM/16/00021/FL
Aylesford South	157332		

Proposal: New cold store and ancillary office link to existing building
Location: Kent House Priory Park Ditton Court Quarry Mills Road Quarry
Wood Industrial Estate Aylesford Kent ME20 7PP

Applicant: Kent Frozen Foods

1. Description:

- 1.1 The application seeks approval for an extension to provide additional cold storage on site, and a link to the existing building over the vehicular access to create additional ancillary office space. Associated parking and landscaping are also proposed.
- 1.2 The proposed additional space is a requirement for the growing needs of Kent Frozen Foods, a local company which supplies high quality frozen, chilled and ambient food products to a range of customers including retailers, hotels and restaurants. This will enable the company on site to retain their competitiveness in the food service sector by benefiting from bulk purchasing and extended product ranges.
- 1.3 The proposed extension would create an additional 1,847sqm of B8 industrial warehouse (cold store), and 610sqm of ancillary office space. It would be located on an area currently used for lorry parking. The existing bank along a small section of the side boundary will be excavated to create some of the floor space and a retaining wall erected. The cold store building would be 17.2m high and the office link over the access road would be 14m high. This provides two floors of offices over the access road linking to the existing 4 storey offices on site.
- 1.4 The existing entrance point in the side boundary would be relocated 8m southwards to accommodate the extension.
- 1.5 The proposal would result in an increase in employees of 14 (12 full time and 2 part time). It would also result in the loss of 1 car space and 26 light goods vehicles. Parking at both satellite sites (3E & 6B), is included in the provisions for the company and space will be re-configured at site 6B.

2. Reason for reporting to Committee:

- 2.1 The application is being reported to planning committee at the request of Cllr Walker due to concerns over increased traffic in the estate as a whole.

3. The Site:

- 3.1 The site is approximately 1.3 hectares in size and is located within the urban confines of Aylesford. It is also within the boundaries of the Safeguarded Employment Land as allocated in the DLADPD. It is part of the Quarry Wood Industrial Estate which is part of a wider development also including out of town retail units. The whole site is within an Area of Archaeological Potential.
- 3.2 This wider industrial estate lies to the south of the A20 London Road. Access is from this road at the point of the cross roads with Sycamore Drive. It includes a mix of industrial users and a variety of unit sizes.
- 3.3 The site the subject of the application includes three separate sites all located off Mills Road. The largest is the main site and the location for the proposed extensions. This is the site of the existing main cold storage and ancillary office building which was purpose built in 2004 for Kent Frozen Foods. There are two smaller satellite sites, units 3E and 6B, opposite and adjacent but one. These house a smaller industrial unit on each with surface parking to the front. Unit 6B is adjacent to the Ditton Court Quarry Local Wildlife Site.
- 3.4 The main site has a large surface parking and manoeuvring area to the rear of the building and a smaller staff/customer parking area in front of the building. This site is on the corner of Mills Road so has access points on two sides. The existing building here is 4 storeys high. This site is opposite the large Tesco distribution warehouse and the rear of the site abuts a bank of trees and shrubs rising up from the rear boundary.
- 3.5 The nearest residential properties lie approximately 250m from the site of the proposed extension, in Ffinch Close.

4. Planning History (relevant):

96/00238/FL Approved 5 December 1996

B1, B2 and B8 use classes development comprising 7 units with access from Mills Road and associated site construction and engineering works

TM/02/02946/ORM ORM approved 28 November 2002

Revised details of design of building to site 5 of planning permission
TM/96/00238/FL: B1; B2 and B8 use classes development comprising 7 units with access from Mills Road and associated site construction and engineering works

TM/09/01844/FL Approved 16 September 2009

Proposed installation of an emergency generator to provide electricity during a power failure

TM/11/02741/FL

Approved

19 December 2011

Renewal of temporary change of use to hand car wash and valeting centre together with the siting of a metal framed covered structure and portacabin for period of 3 years

5. Consultees:

5.1 KCC (H + T): No objection. There are no substantial safety issues which would prevent this application from being implemented. The traffic generation figures forecast represent an operational maximum for the proposal, and sustainable transport practices are proposed. A construction management plan is required as per the applicant's proposal, and the applicant will be required to enter into a Section 278 agreement regarding the relocated access.

5.2 Kent Police: No objections

5.3 Natural England: No comments to make.

5.4 Parish Council: Strong objection, the existing infrastructure cannot cope with any further development on this site.

5.5 Private Reps: 4 + Site and Press Notice (0X/4R/0S) 4 letters received objecting on the following grounds:

- Noise and disturbance will be worse than existing and harm amenity and the conservation area and nature reserve;
- Noise and disturbance from traffic movements early in the morning and vehicle movements within the site;
- Noise from plant and refrigeration units;
- Noise during construction should be restricted;
- Light pollution from artificial light will harm amenity;
- Harm to character and enjoyment of Ditton Nature Reserve, Holtwood Conservation Area and homes between;
- Harm to wildlife;
- Impact on TPO trees and nature in the area;
- Pollution from increased traffic movements;
- The Weeks report is out of date and does not include details of flooding in 2014;

- Previous conditions have not been monitored on the site; this should be rectified prior to a decision;
- Noise levels generated by the proposal will exceed previously agreed levels;
- Noise from lorries parking outside the site;
- Vehicle maintenance and washing should be restricted to certain times of day;
- No policing of the double yellow lines in the area;
- Additional traffic congestion during and after construction;
- Harmful impact to air quality;
- Increased number of refuse vehicles required will add to noise;
- The applicants should prove Legionella monitoring;

6. Determining Issues:

- 6.1 One of the core principles contained in paragraph 17 of the NPPF requires the planning system to proactively drive and support sustainable development to deliver the homes, business and industrial units the country needs. Paragraph 19 requires a commitment to support and encourage sustainable economic growth. The proposed development therefore meets this underlying principle of the NPPF.
- 6.2 The proposed site is within a safeguarded employment area as covered by policy E1 of the DLADPD 2008. This policy states a presumption in favour of employment uses within the area and, as such, the proposed extensions and associated development are considered to be in line with this policy and acceptable in principle. The policy does however require that any such new development shall not result in any impact upon residential amenity by way of unacceptable noise, dust, smell, vibration, emissions, visual intrusion, or traffic generation. As such B2 uses would not be appropriate in areas of the wider industrial estate which are in close proximity to residential dwellings.
- 6.3 Policy CP21 of the TMBCS 2007 also safeguards employment areas and limits the uses and development that would be appropriate.
- 6.4 The proposal is being put forward to allow for the continued growth of this existing company which has operated in the local area for 40 years and wishes to remain on this site. The need to expand is in response to commercial competition and the need to improve operations and service on site in this respect.

Design

- 6.5 The proposed design incorporates Mircorib composite panels to match existing, apart from for the office link between the old and new elements. This difference would define the massing of both warehouse elements and highlight the office use of the floors linking them.
- 6.6 The bulk of the office and storage extensions is considered appropriate in this industrial location and would be similar to that of the existing buildings on site. Although large, the proposal is not considered to represent an overdevelopment of the site. The curved roof design feature of the existing building is carried across into the new extensions. Viewed against the backdrop of the treed bank to the original quarry, the bulk and design detailing are considered acceptable.

Highways and Parking

- 6.7 The existing one-way circulation system within the site would be retained as existing, with lorries and cars entering the site through the front boundary opposite the Tesco distribution depot. Cars will filter to the left as existing and use parking spaces to the front and side of the building. KFF supply vehicles will continue to route around the building to the rear loading area and warehouse docks. All vehicles will then continue to exit from the exit point in the side boundary; however the location of this will be relocated 8m southwards to allow for the footprint of the proposed extension.
- 6.8 Parking provision at site 3E would remain the same in terms of number of spaces, (19) and the layout. Parking provision at site 6B would increase from 9 car parking spaces to 17 with an amended layout. This is considered sufficient to cater for the increased staff numbers the extension would generate. There would be only one car parking space lost on the main site. There would be a reduction in the number of on-site van and lorry parking spaces within the main site of 26 spaces. However this is not considered by the Highways Authority to be unacceptable.
- 6.9 The circulation and parking arrangements are considered acceptable to the Highways Authority. A Section 278 agreement will need to be entered into with the Highway Authority with regard to the relocation of the exit point. The submitted safety audit is not considered to raise any substantial safety issues that would prevent the application from being implemented.
- 6.10 The trip generation is considered to be minimal with 5 extra arrivals in the morning peak and 6 arrival/departures in the afternoon peak. An overall increase of 6% of all vehicle movements is anticipated, which would be spread throughout the day. This level of increased traffic generation is also considered to be acceptable, and although there is concern that this will increase the existing traffic congestion in the area as a whole, it would not be to such a level as to have a harmful impact on the local highway network that could merit refusal on highways grounds. The proposal will have no significant adverse impact upon surrounding road networks,

particularly in peak times. The proposal is anticipated to create only 3 extra vehicle movements between the 08.00 – 09.00 peak and 9 such movements during the PM peak.

- 6.11 16 new cycle parking spaces are proposed as well as locker and shower facilities. Car sharing is an existing practice, which would be continued and promoted further. This would include a database of home postcodes and vehicle registrations, the possibility of engaging a local minibus company for local pick up and drop off points, and a subscription to the government bike to work scheme for example.

Neighbour amenity

- 6.12 The nearest residential properties are approximately 250m to the south west and 290m to the north east. However it is accepted that noise is of great concern to these residents. Noise generators such as plant and equipment associated with the cold store would be located internally within the building. Due to the topography of the site and this distance to residential properties any levels of noise experienced would not unduly affect these surrounding residential neighbours.
- 6.13 The minimal increase in traffic movements associated with the site are not considered to result in a noticeable effect upon noise levels. As such, harm to amenities by way of noise and disturbance is not something that could be viewed as a justification for refusing the proposal.
- 6.14 Noise from reversing lorries is something that is expected in an industrial estate location such as this and, whilst it may be audible at times, would not be of a such a level as to be considered so harmful as to breach policies. Any consistent noise pollution that is felt to be unreasonable would be monitored by Environmental Protection and dealt with by this legislation.
- 6.15 Given the distances between the site and the nearest residential properties, it would not be appropriate to condition the control of external lighting as part of the proposal. It is anticipated that the building itself will block light and noise from within the existing yard and act as a barrier to some degree between the site and the houses to the north, which would be an improvement on the current situation. However it should be noted that no additional yard lighting is proposed as part of the development.

Landscaping and Trees

- 6.16 The mature landscaping between the footway and site boundary will be maintained and protected during construction.

Other Issues

- 6.17 The extension is not in close proximity to the Local Wildlife Site and therefore would not cause any harmful impact which would be considered contrary to policy. Satellite site 6B is adjacent to the Local Wildlife Site but the only change here would be to the layout of the existing parking area, again something which would not result in harm to wildlife or the ecological value of the area. Natural England is of the view that the application is not likely to result in any significant impacts on statutory designated nature conservation sites or landscapes.
- 6.18 The proposal will not affect the surrounding sites of wildlife interest and will only develop an area of existing hardstanding.
- 6.19 Quarry Wood Industrial Estate exits into the Aylesford Air Quality Management Area (AQMA), which exceeds air quality objectives for annual levels of nitrogen dioxide. It is noted the proposed development would not result in a significant increase in trip generation. The proposal incorporates new cycle spaces and a willingness to put in place a car sharing scheme for staff. As such the proposal cannot be considered to have such an impact on the air quality of the area as to be considered harmful.
- 6.20 Geo-environmental and flood risk and drainage appraisals submitted with the application confirmed that the proposal would have no related issues in these respects. The site of the proposed extensions has been covered in concrete since 2004 and ground contamination is therefore unlikely to have changed since the 2003 Weeks report. However a new report has been commissioned and works were due to commence in January 2016. A condition will secure the submission and approval of this report.
- 6.21 The flood risk assessment submitted concludes that the new building is in an area of hard paving with no additional run off generated. The existing storm drainage which utilises on-site trench soakaways will be modified. The proposed buildings would not be affected by floodwater given the location of the site beyond flood zones and the proposed floor levels 1.2m above ground level.

Conclusion

- 6.22 The application comprises extensions to an existing premises occupied by a locally based company, which seeks to expand in response to commercial needs and pressures, and to generate additional employment opportunities in the Borough. This is to be welcomed and accords with the aims of the NPPF. The relationship with the dwellings in Finch Close, due to distances involved, would not represent such harm to amenities as to be considered contrary to policy. The application is therefore acceptable and is recommended for approval.

7. Recommendation:

This was approved in accordance with the following submitted details: Design and Access Statement dated 06.01.2016, Flood Risk Assessment dated 06.01.2016, Environmental Investigation dated 06.01.2016, Transport Statement dated 06.01.2016, Location Plan 4346-097 dated 06.01.2016, Existing Site Plan 4346-098 dated 06.01.2016, Existing Site Plan 4346-099 Units 3E/6B dated 06.01.2016, Site Plan 4346-100 Units 3E/6B dated 06.01.2016, Site Plan 4346-101 dated 06.01.2016, Site Plan 4346-102 dated 06.01.2016, Existing Elevations 4346-103 dated 06.01.2016, Proposed Elevations 4346-104 dated 06.01.2016, Section 4346-105 dated 06.01.2016, Existing Floor Plans 4346-106 dated 06.01.2016, Proposed Floor Plans 4346-107 dated 06.01.2016, Letter response to objections dated 22.02.2016, Email dated 22.02.2016, Road Safety Audit dated 22.02.2016,

Conditions / Reasons

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

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

2. No development, other than ground works and site preparation, shall take place until details and samples of materials to be used externally, to include details of acoustic materials, have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

3. The use shall not be commenced, nor the premises occupied, until the area shown on the approved plan as vehicle parking, loading and off-loading and turning 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 or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway.

4. Prior to the occupation of the extensions hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of provision for cycle parking facilities. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To promote cycling as part of a healthy active lifestyle choice in accordance with Policy SQ7 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document 2010.

5. Prior to the first occupation of the extensions hereby approved, details of a scheme for the storage and screening of refuse shall be submitted to and approved in writing 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

6. Prior to the commencement of works on site, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority to include details of:

- the provision for construction vehicle loading/unloading and turning facilities;
- intended hours of construction
- the parking of construction related vehicles on site;
- wheel washing to include adequate drainage arrangements to ensure no water drains over the public highway with regular checks of the public highway;

These approved details shall be adhered to for the duration of construction.

Reason: To ensure no adverse impact upon levels of highway safety.

7. 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.

8. No building shall be occupied until works for the disposal of foul and surface water drainage have been provided on the site, in accordance with a scheme approved by the Sewage Undertaker and Building Regulations, to serve the development hereby permitted.

Reason: In the interests of pollution prevention

9. Prior to being discharged into any watercourse, surface water, sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. Surface water shall not be allowed to discharge into contaminated land.

Reason: To prevent pollution of the water environment.

10. Prior to the commencement of works on site, the detailed report relating to the sampling, and groundwater and gas monitoring works carried out on site in January 2016, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

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

Reason: To ensure any unforeseen contamination is dealt with appropriately and to ensure there are no unacceptable risks to groundwater within the underlying principal aquifers from historic contamination in line with Paragraph 120 of the National Planning Policy Framework (2012).

12. Notwithstanding the provisions of Article 3 of 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 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 on parking and vehicle circulation in the interests of safe and free flow of traffic.

- 13 No materials, plant or other equipment of any description shall be kept or stored in the open other than in areas and to such heights as may be approved in writing beforehand by the Local Planning Authority.

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.

- 14 No external lighting shall be installed on the hereby approved extension 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 the residential amenity of nearby dwellings in accordance with Policy CP24 of the Tonbridge and Malling Core Strategy 2007.

- 15 No use shall take place on the site which would give rise to unacceptable impact on the amenity of nearby residential properties by virtue of dust, smell, vibration or other emissions.

Reason: In the interests of residential amenity.

- 16 No heavy goods vehicles shall enter or leave the site outside the hours of 06.00hrs to 22.00hrs other than as set out in Table 1 (page 11) of the Grub Taylor Report dated May 1992 (as reproduced as Appendix 4 of the Report Number 61/92 by Moir Hands Associates dated 13 May 1992), as approved by planning permission TM/96/00238/FL.

Reason: In the interests of residential amenity.

- 17 At no time shall noise attributable to the operation of fixed plant and machinery (LAr,T) exceed the measured background noise level (LA90,T) by more than 3 dB outside any noise sensitive premises. (The terms (LAr,T) and (LA90,T) have the meaning assigned to them by the British Standard BS4142:1990 "Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas").

Reason: In order to ensure a satisfactory aural environment.

- 18 No tannoy shall operate outside any building on the site at any time.

Reason: In the interests of residential amenity.

- 19 Any fork lift truck operating at the site shall be electrically powered.

Reason: In the interests of residential amenity.

- 20 Prior to the occupation of the building(s) hereby permitted, details of sustainable transport practices as proposed in the Design and Access Statement

dated 27 December 2015, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of sustainable travel.

Informatives

1. During the demolition and construction phases, the hours of noisy working likely to affect nearby properties (including deliveries), should be restricted to Monday to Friday 7.30 hours - 18.30 hours; Saturday 08.00 - 13.00 hours; with no such work on Sundays or Public or Bank Holidays.
2. 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.
3. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
4. The signage as shown on the elevations will need to be the subject of an advertisement consent application.
5. Further information on air quality and reducing air quality footprints is available at environmental.protection@tmbc.gov.uk
6. In seeking to discharge the condition(s) pertaining to contaminated land remediation, the applicant is advised that all studies and assessments submitted must be carried out by a competent person and conform to CLR11: Model Procedures for the Management of Land **Contamination** (DEFRA 2004.)
7. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of sewage or trade effluent from buildings and fixed plant into or onto ground or into ground waters. Such consent may be withheld. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters).

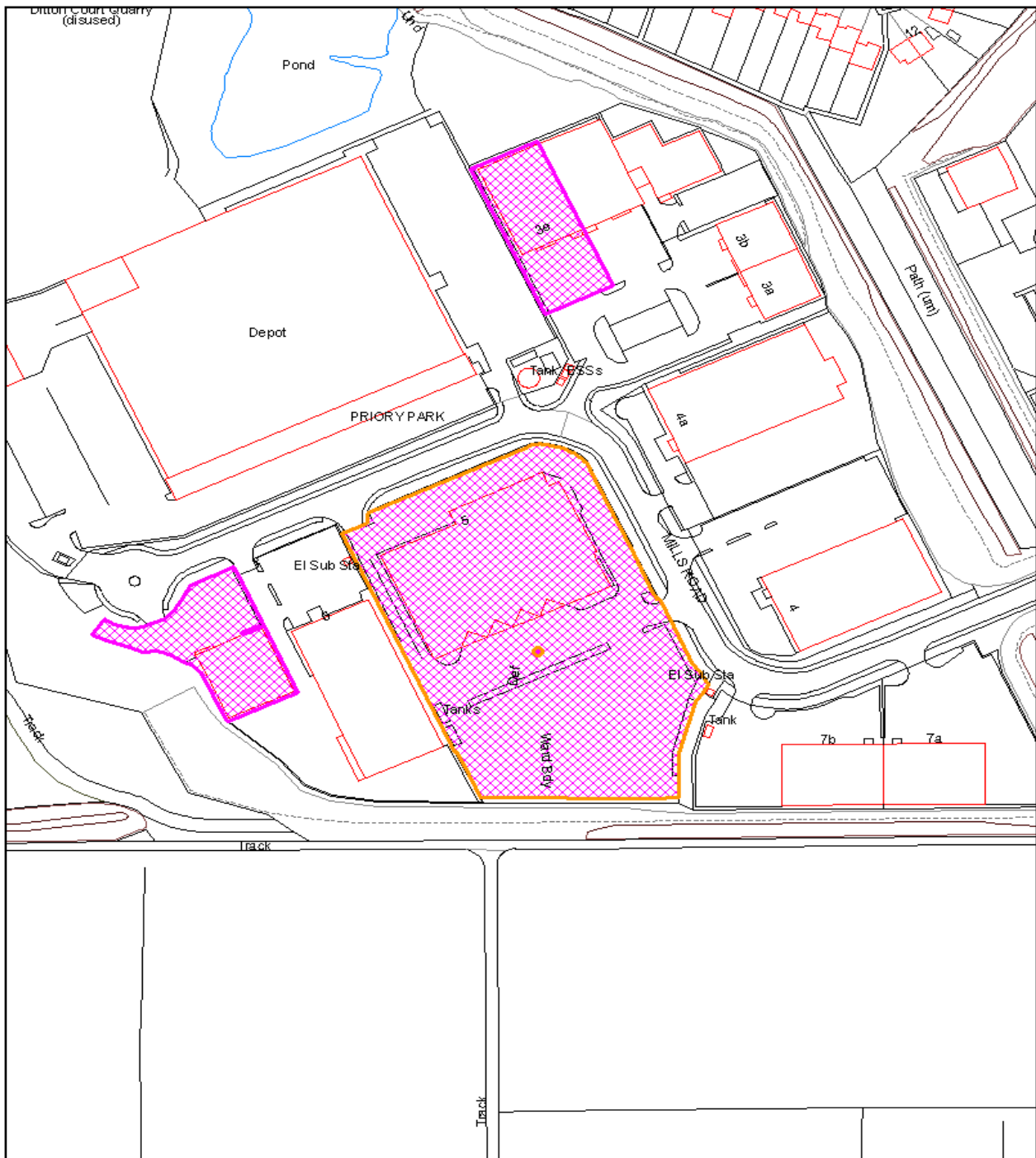
Contact: Holly Pitcher

TM/16/00021/FL

Kent House Priory Park Ditton Court Quarry Mills Road Quarry Wood Industrial Estate
Aylesford Kent
ME20 7PP

New cold store and ancillary office link to existing building

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Agenda Item 9

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.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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