

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
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24 May 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, 2nd June, 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

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To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 17 March 2016

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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.
11. 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 Mrs S M Hall (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 S M Hammond

Cllr D Keeley
Cllr S M King
Cllr D Lettington
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, 17th March, 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 S M Hall, Cllr S M Hammond, Cllr D Keeley, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr A K Sullivan, Cllr B W Walker and Cllr T C Walker

Apologies for absence were received from Councillors Mrs T Dean and S M King

PART 1 - PUBLIC

AP3 16/12 DECLARATIONS OF INTEREST

Councillor D Davis declared an Other Significant Interest (OSI) in respect of applications TM/15/02767/FL and TM/15/02768/LB on the grounds that, as a member of both the Borough and Burham Parish Councils he was unable to represent the views of both authorities. He made a statement regarding the applications and withdrew from the meeting during consideration of this item.

Councillor M Base advised that, as a member of Aylesford Parish Council and its Planning Committee, he had not been involved in its consideration of applications TM/15/04031/FL and TM/16/00021/FL and did not have to declare an Interest in these matters.

AP3 16/13 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 4 February 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 16/14 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the prerequisites, 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 16/15 (A) TM/15/02767/FL (B) TM/15/02768/LB - BURHAM COURT, COURT ROAD, BURHAM

(A) Re-construction of historic outbuilding and use as seasonal holiday lets and (B) Listed Building Application: Re-construction of historic outbuilding and use as seasonal holiday lets at Burham Court, Court Road, Burham.

RESOLVED: That

- (1) Application (A) be REFUSED for the reasons set out in the report of the Director of Planning, Housing and Environmental Health; and
- (2) Listed Building Application (B) be REFUSED for the reasons set out in the report of the Director of Planning, Housing and Environmental Health

[Speakers: Mr M Hall (Agent to the Applicant) and Mr R Beale (Applicant)]

AP3 16/16 TM/15/04031/FL - UNITS 1 - 18, LAKE ROAD, QUARRY WOOD INDUSTRIAL ESTATE, AYLESFORD

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 at Units 1 to 18 Lake Road, Quarry Wood Industrial Estate, Aylesford

RESOLVED: That the application be APPROVED subject to

- (1) the amendment of the recommendation to commence 'Grant Planning Permission in accordance....';
- (2) the addition of the following condition:-

20. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification

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.

(3) the addition of informative:-

7. The applicant is advised to contact Southern Water to confirm that additional flows can contribute to the existing public surface water sewer in Lake Road, given discharge to attenuation storage located further north in Lake Road. If attenuation storage is required this will need to be accommodated within the site layout.

[Speakers: Mr J Balcombe (Aylesford Parish Council); Mr G Chick (member of the public) and Mr C Atkinson (Agent to the Applicant)]

AP3 16/17 TM/16/00021/FL - KENT HOUSE, PRIORY PARK, DITTON COURT, QUARRY MILLS ROAD, QUARRY WOOD INDUSTRIAL ESTATE, AYLESFORD

New cold store and ancillary office link to existing building at Kent House, Priory Park, Ditton Court, Quarry Mills Road, Quarry Wood Industrial Estate, Aylesford

RESOLVED: That the application be DEFERRED to enable officers to seek additional information regarding levels of traffic generation associated with the proposed development.

[Speakers: Mr J Balcombe (Aylesford Parish Council) and Mr C Clark and Miss S Haywood (members of the public)]

PART 2 - PRIVATE

AP3 16/18 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.55 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

GLOSSARY of Abbreviations and Application types

used in reports to Area Planning Committees as at 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

Ditton
Ditton

21 March 2016

TM/16/00955/FL

Proposal:

1. An extension and refurbishment to the existing clubhouse building to provide for a higher standard of social and function space and 2 teaching rooms. 2. An extension and refurbishment of the existing squash and gym building to provide a further 3 squash courts and wet and dry changing rooms as well and a gym space and dance studio. 3. A new build changing room block to provide changing facilities for 4 teams and associated officials. As well as spectator toilets and a kitchen space with serving hatch. 4. Provision of 2 3G pitches on the existing sports field

Location:

Cobdown Sports And Social Club Station Road Ditton
Aylesford Kent ME20 6AU

Applicant:

Marpaul Southern Limited

1. Description:

1.1 Planning permission is sought to undertake various works to upgrade the facilities at the Cobdown sports ground. The works include the following:

- Extension to and refurbishment of the existing clubhouse building to provide for improved internal spaces comprising a reception area, entrance lobby, office, wc facilities, a sports bar and function room, 2 no. classrooms, a first floor viewing terrace looking towards the pitches, a snooker room, restaurant and a private dining area;
- New sports facility containing 4 no. squash courts and 1 exhibition squash court, 10 changing rooms, changing rooms for officials, a fitness suite, a dance studio, DDA compliant WC/shower and training facilities and office and storage space;
- Provision of 2no. 3G fenced pitches on the existing sports fields comprising a floodlit 3G hockey pitch, a floodlit 3G football pitch with small stand and a grass football pitch;
- Additional parking area to provide 55 car parking spaces.

2. Reason for reporting to Committee:

2.1 At the request of Cllr Cannon.

3. The Site:

- 3.1 The site is located between the A20 and M20 and to the west of Station Road. It is located within the urban confines of Ditton and adjacent to the Cobdown Farm Conservation Area.
- 3.2 The area is designated as open space in the LDF. The land is currently laid to grass with a number of mature trees dotted around the area. The area is visible from London Road and Station Road and slopes gently down from the A20 in the south to the M20 in the north. The land is open with views over towards the north downs.
- 3.3 The site has a number of buildings on it related to the use including the clubhouse, squash and gym building and a number of storage buildings. Access is also gained through the site to the business premises at Cobdown House and also to the residential units at Sheldon Court.

4. Planning History (relevant):

TM/01/02145/FL Grant With Conditions 15 October 2001

Erection of open fronted bowls shelter

TM/02/01366/LDCP Certifies 30 July 2002

Lawful Development Certificate Proposed: Metal container to be sited in secure compound

TM/90/10354/FUL grant with conditions 31 July 1990

Erection of building to provide 2 Squash Courts, Weight Training Room and Changing Rooms.

TM/90/10995/FUL grant with conditions 8 March 1990

Conversion of redundant toilets to offices and siting of a portakabin for a temporary period while the conversion works are carried out.

TM/94/00361/FL grant with conditions 23 June 1994

Erection of indoor rifle and pistol shooting range

TM/94/00362/FL refuse 24 July 1995

Erection of 8 x 18 foot high floodlighting posts with associated lights to five-a-side football pitch

TM/95/50759/FL Refuse 20 October 1995

erection of bowls pavilion to provide changing facilities

TM/95/50760/FL Grant With Conditions 17 August 1995

erection of two portable buildings

TM/96/00453/FL Grant With Conditions 24 May 1996

erection of croquet/bowls pavilion

TM/97/00120/FL Grant With Conditions 17 March 1997

construction of two croquet lawns

TM/98/00709/FL Grant With Conditions 28 May 1998

alterations and extension

TM/98/01219/RD Grant 16 November 1998

details of external painting/staining submitted pursuant to condition 4 of TM/96/00453/FL: erection of croquet/bowls pavilion

5. Consultees:

- 5.1 PC: Wants longer to consider all the application entails, to include specific tree works, public rights of way, floodlights height, shading, details and times; fencing and the outcome of the FRA. Contrary to the application statement, a traffic assessment is very much needed on the impact a busier site will have on an already congested A20 as well as lack of pedestrian pavement leading to the site.
- 5.2 KCC (H+T): No objections subject to condition.
- 5.3 PROW: No objection subject to the PROW being diverted through the Town and Country Planning Act away from the proposed car park.
- 5.4 LLFA: No objection subject to conditions for a provision and implementation of a SUDS scheme and no surface water discharge into the groundwater.
- 5.5 EA: Object – insufficient evidence to ensure that flood risk impacts have been taken into account and mitigated against. Also object as there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.
- 5.6 NE: Aware of the presence of bats present of the site. LPAs should be guided by standing advice.

- 5.7 KWT: object on the grounds that the 3G pitch and floodlighting would be too close to the stream impacting on bats that forage in the area.
- 5.8 Kent Bat Group: Object – planning permission should not be granted unless the applicant can provide an appropriate assessment of the potential impact of bats at the site, carried out by an appropriate professional and include a suitable mitigation/compensation strategy in order to prevent any detrimental impact to bats.
- 5.9 Kent FA: Fully support the proposal to turn the club into a modern sporting facility.
- 5.10 Friends of the Earth Tonbridge and Malling Branch: Object on the grounds of disturbance to wildlife habitat, loss of mature trees and the potential loss of flood storage areas.
- 5.11 Private Reps 143 + site + press notice/0X/35R/11S

Objections raised on the following grounds:

- Misleading description and information in the application;
- No prior consultation with the local community which is unusual for such a major development;
- Application should be withdrawn and resubmitted following full consultation and consideration of the impact on the surrounding community;
- Removal of trees to the detriment of the CA;
- Cages surrounding pitches out of keeping;
- Floodlights unacceptable in a residential/Conservation Area;
- No lighting in the area at present which means that area currently unaffected by artificial light in the hours of darkness;
- Floodlights previously refused on the site on application TM/94/01629/FL;
- No hours of operation proposed for the pitches and floodlights – could potentially be used 24 hours a day 7 days a week for all but the A4 usage on the site leading to unacceptable noise and light disturbance to local residents;
- Hours of operation until 01:30 for the clubhouse unacceptable in residential area;
- Intensification of use would be out of character with the current verdant informal rural landscape;

- Ditton stream floods the area every autumn and winter so drainage to pitches will not work;
- 3G pitches expensive to maintain and should be left as grass;
- Other facilities available in the area so this one should be retained as a 'green lung';
- Contravenes policy SQ1 as would harm CA;
- Increased noise and disturbance;
- Development would be contrary to Article 8 and Article 1 of the European Convention on Human Rights and such rights have been upheld in the High Court;
- Design of clubhouse would lead to increased noise and disturbance;
- Unacceptable increase in traffic;
- No transport assessment submitted with the application;
- Increase in vehicle movements would result in an unacceptable increase in air pollution;
- Car park should be locked at night to prevent joyriders;
- Tree report makes no mention of birds and bats that rely on the trees for habitat;
- Only green space left on the north side of the A20 and should be retained as such;
- 3G pitches a health hazard;
- Hockey pitch too large;
- Too close to houses;
- Lights should be turned off by 9pm;
- Area used as a village green by local residents;
- Investigation is needed into the financial stability of the applicants and what the implications are for if/when the venture fails;
- Pitch should be closer to motorway;

- Fences should be lower;
- No use on the site after 9pm and none on Sundays;
- 3G pitches are being researched due to a possible link to cancer so should not be so close to a watercourse;
- Would lead to blockage of a public footpath;
- Flood report is flawed as it does not take into account the fact that if the site floods and the height of the drains would mean that the site would be covered in sewerage;
- Site of hockey pitch has been underwater for most of the winter;
- Lights should be positioned in such a way so as to not shine into surrounding houses;
- Building should be soundproofed to reduce the deep bass throb;
- No mention on how existing properties would be accessed during the construction works to raise the existing access road.

Letters of support summarised as follows:

- Consider scheme a great idea, bringing jobs to the area and also widening opportunities for a healthier lifestyle;
- Facilities for the local hockey club are not suitable at present as the national governing body requires matches to be played on artificial pitches;
- Should welcome the investment in modern facilities;
- Would safeguard area from residential development that would leave the site covered in houses;
- Modern technology would mean that light pollution would be greatly reduced;
- Not many open spaces left and owners want to retain Cobdown as a sports and social facility. Modern times and advances in sport has meant that the days of grass pitches are sadly dying out. To prevent the plans to develop the area as a multi sporting facility would eventually drive it into the hands of property developers and that the open space would be lost to hundreds of new homes;
- Development would add value to the area through community facilities and sporting opportunities for all.

6. Determining Issues:

Principle of development:

- 6.1 Policy CP11 of the TMBCS states that development will be concentrated within the urban area. Although this is a characteristically more open part of Ditton, it does fall within the urban confines meaning that the broad principle of new build development within the site is acceptable in broad policy terms and the scheme therefore accords with the requirements of policy CP11.
- 6.2 The site is also allocated as an outdoor sports facility to be protected (policy OS1 of the MDE DPD). This policy seeks to protect a range of open spaces across the Borough including the outdoor sports facilities identified at Cobdown. The policy states that development that would result in the loss of or reduce the recreational value of this land will not be permitted unless a replacement site is provided of equal or better quality.
- 6.3 In more general terms, it is important to acknowledge that the NPPF provides support for the enhancement of existing sports and leisure facilities. Specifically, paragraph 70 states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (inter alia):
- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- 6.4 In addition, paragraph 73 recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Paragraph 74 adds that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 6.5 The rationale for the scheme is that the existing sports facilities within the site are inadequate. For example the Cobdown Hockey Club, who have been based at the site since the 1930's, are required by the England Hockey Board to have all their league games played on an all-weather surface. As no suitable facilities are available, nearby matches are being played at the Hundred of Hoo School near Rochester.
- 6.6 The proposed development seeks to improve the sports facilities at this site in general terms. The proposed built development would be located right on the periphery of the existing sports fields and would not result in the loss of useable sports pitches. It would not, therefore, result in the loss or reduction in the recreational value of the existing playing fields. By contrast, the development would actually increase the range of sports/recreation activities that the club can provide on both an outdoor and indoor basis for a greater proportion of the year. The current facilities are limited in scope as there is no provision for all weather pitches or floodlighting which restricts usability significantly. Consequently, I do not consider that the proposed development would conflict with the requirements of the NPPF and policy OS1 of the MDE DPD.
- 6.7 It should be noted that there is a requirement to consult with Sport England prior to the grant of planning permission. To date, we have not received a response to our consultation but any response will be reported as a supplementary matter. In general terms, in considering such matters Sport England will seek to apply their own policies which require that where playing fields are to be lost as a result of proposed development, they are replaced by a playing field of an equivalent or better quality and quantity in a suitable location prior to the commencement of the development in question. In this case, an entire playing field is not to be lost, as described above, and in fact would be significantly enhancing the overall sports facilities at the club.

Visual impact:

- 6.8 Policy CP24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and use of materials. Proposals must, through scale, layout, siting, character and appearance, be designed to respect the site and its surroundings. Policy SQ1 of the MDE DPD supports this and states that developments should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.
- 6.9 More generally, the MDE DPD recognises that if not properly controlled, insensitive artificial lighting can cause harm to residential amenity, the built environment and the sky at night. Equally, good quality lighting can make a valuable contribution to the design, efficiency, ambience and sense of place of an area.
- 6.10 The application proposes the construction of two fenced and floodlit all weather sports pitches. The fencing is quite typical for fencing that surrounds pitches at

facilities such as this. The hockey pitch is proposed to be sited to the east of the bowling greens to the west of the access to Cobdown House and Sheldon Court. The football pitch is proposed to be positioned on an east-west axis towards the centre of the site. The pitches are proposed to be fenced with steel mesh fencing varying in height from 1.2m to 4.5m for the football pitch and 3m high for the hockey pitch. It is considered that these enclosures would not detract from the openness of the site in general as the overall height of the fencing would be considerably lower than the vegetation around the site boundary. The overall size of the site would also limit the impact of the fences as they would blend into the landscape in views from London Road and Station Road.

- 6.11 Similarly, the floodlight pylons are slim and would blend into the surroundings in general. These features would be seen in the context of existing sports pitches and buildings, being well contained within the extensive site and would be designed in such a way as to ensure light spill and glare would be limited. As such, they would not detract from the character of the locality or cause harm to visual amenity.
- 6.12 The extensions and new building on the site would have limited impact on the character of the site. The buildings are no higher than the existing buildings on the site and are proposed to be finished in similar materials. Their relatively low height and positioning towards the centre of the site restrict their impact in terms of views through the site from the surroundings.
- 6.13 The works would result in the removal of a number of trees specifically where the hockey pitch is proposed. The majority of these trees are not protected and their loss can be mitigated by appropriate replanting. With regard to the trees subject to a tree preservation order on the site the relative merits of the provision of the facilities outweigh the retention of the trees.

Setting of the Conservation Area:

- 6.14 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 in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.15 Paragraph 132 of the NPPF 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 more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 6.16 It is acknowledged that the site is near to and visible from the Cobdown Farm Conservation Area. The fencing around the proposed hockey pitch would be approximately 45m from the boundary of the conservation area at the nearest

point. It is not considered that the fencing and the proposed building works would significantly alter the views through and towards the Conservation Area given the relative heights of the structures proposed and the separation distances involved.

Residential amenity considerations:

- 6.17 It is proposed to install floodlighting to the two all-weather pitches. This lighting would be supported on 15m high columns. The lighting has been designed to illuminate the playing areas only with minimal spill outside of these areas.
- 6.18 The submitted lighting details show that the flood lights would concentrate the beams of light on the proposed pitches themselves with very little light spill. Given the distances between the proposed floodlights and the nearest residential properties (the nearest properties along London Road would be approximately 60m from the nearest floodlight, with those in Sheldon Court at least 75m away) I am satisfied that the proposal would not cause detriment to the amenity of local residents in terms of light pollution. The scheme as proposed would enable their usage to be controlled by condition and this is normally done through limiting the hours of operation.
- 6.19 I am also mindful that the applicant could choose to bring on mobile floodlights to the pitches when required and that this would not require any planning permission from the Authority and would not therefore be controllable by condition.
- 6.20 I am also aware of the previous refusal of illumination of the area of the proposed hockey pitch but this was 20 years ago and planning policy and technologies have moved on significantly since this time. Modern lighting is specifically designed to illuminate the playing area only. The design and nature of the lighting would minimise light spill and so would not be unduly harmful to the amenity of local residents. We must also now assess such schemes within a clear and definitive policy framework and against the backdrop of the NPPF which, as stated earlier, is generally supportive of facilities such as this.
- 6.21 It must be recognised that the improved facilities at the club will increase levels of activity and that must be assessed in terms of the potential for the nearest neighbours to be affected. Equally, it should be acknowledged that there are no restrictions currently in place on the hours the sports pitches can be used at present, albeit this would be naturally determined by daylight hours. The hours of illumination of the all-weather pitches can be controlled by condition. Normally illumination in such a location would be limited to 22:00. The applicant has not specified hours of operation but is aware that these would be controlled.
- 6.22 There is, of course, the potential for noise and disturbance to arise as a result of people using the pitches in a more intensive manner than might historically have been the case as a result of these proposals. However, this must be balanced against the fact that there are existing pitches on the site, and as there are no controls in place for the numbers of users or the hours of operation, it is

considered that the noise from players could not form a justifiable reason for refusal. The fencing around the pitches is designed to have rubber vibration dampers in its structure so that its resonance is reduced if hit. The separation distances to surrounding properties (a minimum of 60m in the case of the hockey pitch and at least 125m in the case of the football pitch) would further reduce the potential disturbance.

- 6.23 In terms of activities associated with the club house itself and the potential implications for noise and disturbance to arise, its specific siting means that the building is at its closest point 35m from the nearest dwelling. This proximity has the potential to lead to local residents being affected by noise and disturbance from sources such as doors and windows being open when functions are taking place and also the low frequency bass vibration from the playing of amplified music. In order to limit this potentially happening the building should be insulated against the emission of sound. This can be controlled through appropriate planning condition.

Air quality, traffic generation, parking provision and access arrangements:

- 6.24 The issue of air quality has been raised due to the potential impact on the AQMAs along the A20 corridor. It is considered though that the development would not add to pollution as the peak usage times of the site would not correspond with the morning and evening peak traffic times. The nature of the development is such though that it is considered appropriate for a condition requiring the applicants to submit a travel plan to be attached to any consent so that alternative means of transport other than the private car can be used by visitors.
- 6.25 The submitted Transport Statement states that the application is fundamentally to refurbish and enhance the existing sports facilities and social function facilities at the site. For this reason it is not considered necessary to undertake full trip generation analysis and a traffic impact assessment. Additional parking spaces are proposed to the north-east of the existing access which will assist with parking pressures at times of special events and functions, limiting the need for roadside parking along Station Road. Although such an arrangement would have the potential to increase movements to and from the site it is considered that the access has the capacity to accommodate this. On-site traffic management would also assist with this and the applicant is proposing yellow box markings to ensure that the routes from the access to the parking areas are kept clear of queuing traffic to stop unnecessary build ups of traffic on Station Road that could potentially cause a traffic hazard. This would be a matter for the applicant and KCC to agree on directly rather than something that could be secured through this development.
- 6.26 An additional 55 car parking spaces are proposed on-site as part of the overall development which is welcomed given that the enhanced facilities will attract a greater number of visitors. Concerns have been raised by local residents to the

misuse of the car parks at night and the impact of noise and disturbance on the residential amenity of the surroundings. The site cannot be fully closed off due to the rights of access to Cobdown House and Sheldon Court that are gained through the park. The positioning of the new car park would mean that it could be gated though and details could be sought by condition.

- 6.27 There is a public footpath that runs across the site. Concerns have been raised regarding the works resulting in the closure of this path; however there are no plans for this to occur and the applicant is aware of the need to seek the appropriate consents for any temporary diversions or closures that may be required during construction works. The applicant can be made aware of this by way of Informative.

Flooding:

- 6.28 The site is located within Flood Zone 3 and is acknowledged that there have been numerous instances of flooding on the site. The applicant contends though that this historically has been caused by a blockage under the M20 but this has now been rectified and so should alleviate the problem. The EA has raised objections due to inadequacies in the flood risk assessment; however these are being addressed by the applicant and so do not give any significant grounds of concern. It also should be taken into consideration that the development itself would not in real terms alter the storage capacity of the area as the pitches will remain open. Any further updates on this will be reported as a supplementary matter.

Wildlife and ecology considerations:

- 6.29 Paragraph 118 of the NPPF states that when determining planning applications, LPAs should aim to conserve and enhance biodiversity by ensuring that if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Furthermore, policy NE2 of the MDE DPD states that the biodiversity of the Borough and in particular priority habitats, species and features will be protected, conserved and enhanced. A list of species of principal importance included in the England Biodiversity List published by the Secretary of State under Section 41 of the Natural Environment and Rural Communities Act 2006 includes a number of bat species and as such particular regard must be given to these policies.
- 6.30 Some trees are to be removed and floodlights are to be installed which means that potential implications for bats as a protected species must be considered. Whilst bats and their roost are protected by UK and European Law, the proposed development would not physically displace roosting sites.
- 6.31 I understand that bat flight patterns can be affected by floodlighting. Natural England's Standing Advice, which specifically refers to the Bat Conservation Trust's 'Bats and Lighting in the UK', states that the use of asymmetric beam

floodlights (as opposed to symmetric) orientated so that the glass is parallel to the ground will ensure that the light is cast in a downward direction and avoids horizontal spill. I can confirm that asymmetric beam floodlights are proposed in this instance meaning that the glass will be parallel to the ground. The retention of this design feature can be suitably controlled by planning condition.

6.32 The Standing Advice states that the times during which the lighting is on should be limited to provide some dark periods. The recommended planning condition prohibiting the illumination of the floodlights after 10pm would ensure significant dark periods are retained. The guidance also explains that the lighting columns should be as short as possible as light at a lower level reduces ecological impact. However, there are cases where a taller column will enable light to be directed downwards at a more acute angle and thereby reduce horizontal spill. In this case, I consider that the proposed columns will ensure light will be directed downwards and this is appropriate given the preceding assessment. Also, it is my understanding that it generally follows that the lower the columns, the greater the number of lights required. In this location, more columns at a reduced height would be unsuitable.

6.33 With the above in mind, I am satisfied that the proposed floodlighting columns would not have a demonstrably harmful impact on bats.

Conclusions:

6.34 In light of the above assessment, I consider that this scheme represents a significant enhancement of the existing sports provision at a valued sports facility within the Borough. The proposals wholly accord with the requirements of the NPPF and the LDF and any potential impacts can be successfully mitigated by planning condition. As such, the following recommendation is put forward:

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Planning, Design And Access Statement dated 21.03.2016, Supporting Information COBDOWN HOCKEY CLUB dated 21.03.2016, Transport Statement dated 21.03.2016, Tree Report TREE SURVEY dated 21.03.2016, Letter FLOOD RISK ASSESSMENT dated 23.03.2016, Existing Site Plan 21346C_02_P2 dated 21.03.2016, Existing Site Plan 21346C_03_P2 dated 21.03.2016, Existing Plans and Elevations 21346C_10_P2 dated 21.03.2016, Existing Plans and Elevations 21346C_11_P2 dated 21.03.2016, Site Plan 21346C_20_P2 dated 21.03.2016, Site Plan 21346C_21_P2 dated 21.03.2016, Proposed Floor Plans 21346C_25_P2 dated 21.03.2016, Proposed Elevations 21346C_26_P2 dated 21.03.2016, Proposed Floor Plans 21346C_27_P2 dated 21.03.2016, Proposed Elevations 21346C_28_P2 dated 21.03.2016, Proposed Plans and Elevations 21346C_29_P2 dated 21.03.2016, Landscape Layout 2405/16/B/3 dated 21.03.2016, Lighting HLS01587 dated 21.03.2016, Plan NSCSSC004 dated 21.03.2016, Proposed Plans and Elevations NSCSSC005

dated 21.03.2016, Cross Section NSCSSC006 dated 21.03.2016, Drainage Layout NSCSSC007 dated 21.03.2016, Planning Layout NSCSSC008 dated 21.03.2016, Planning Layout NSCSSC009 dated 21.03.2016, Cross Section NSCSSC010 dated 21.03.2016, Location Plan 21346C_01_P2 dated 21.03.2016, Planning, Design And Access Statement 3G PITCH dated 14.04.2016, Email dated 04.04.2016, Drawing 15M LIGHTING MAST dated 04.04.2016, Elevations NSCSSC005 B dated 04.04.2016, Details FLOODLIGHT DETAILS dated 04.04.2016, subject to the following:

- **Consultation with Sport England and no adverse comments received;**
- **The following conditions, and any others required by Sport England.**

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. Within one month of the commencement of the development hereby approved, details and samples of materials to be used externally 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 visual amenity of the locality.

3. Within one month of the commencement of the development hereby approved, a scheme of landscaping and boundary treatment shall be submitted to the Local Planning Authority for approval. 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 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.

- 5. The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

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.

- 6. The lighting shall be installed in strict accordance with the Siteco product data sheet SNA76901WB03 dated 4 April 2016, and retained at all times in accordance with those details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity.

- 7. The lighting hereby approved shall be used only when the pitches are in use and then only between the hours of 15.30 and 22.00, and, apart from maintenance, shall remain switched off at all other times unless agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity

- 8. The extension to the clubhouse hereby approved shall not be occupied or used until full details of a mitigation scheme to deal with noise outbreak from the social area has been submitted to and approved by the Local Planning Authority. The

approved scheme shall be implemented prior to occupation and shall be retained at all times thereafter unless otherwise agreed by the Local Planning Authority.

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

9. Within one month of the commencement of the development hereby approved, a scheme of foul and surface water drainage shall be submitted to the Local Planning Authority for approval and the facilities shall not be brought into use until the works have been carried out in accordance with the approved details.

Reason: In the interests of pollution prevention.

10. The car parking area hereby approved shall not be brought into use until measures to secure its closure when the premises are not being used are submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented before the clubhouse extension and all weather pitches are brought into use and shall be retained at all times thereafter.

Reason: In the interests of residential amenity

11. No part of the development hereby approved shall be occupied until details of measures to encourage the use of access to and from the site by a variety of non-car means (known as a Green Travel Plan) have been submitted to and approved in writing by the Local Planning Authority. The recommendations of this plan shall be carried out, and thereafter retained in operation at all times thereafter.

Reason: To reduce traffic movement and any associated impacts.

Informatives:

1. With regard to the diversion of the footpath/bridleway, the applicant must contact Mr P Royall, Kent County Council, Strategic Planning, West Kent PROW, 8 Abbey Wood Road, Kings Hill, West Malling, Kent, ME19 4YT. Tel: (01732) 872829.
2. With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The

Community Delivery Manager, Kent County Council, Kent Highway Services,
Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early
time.

Contact: Robin Gilbert

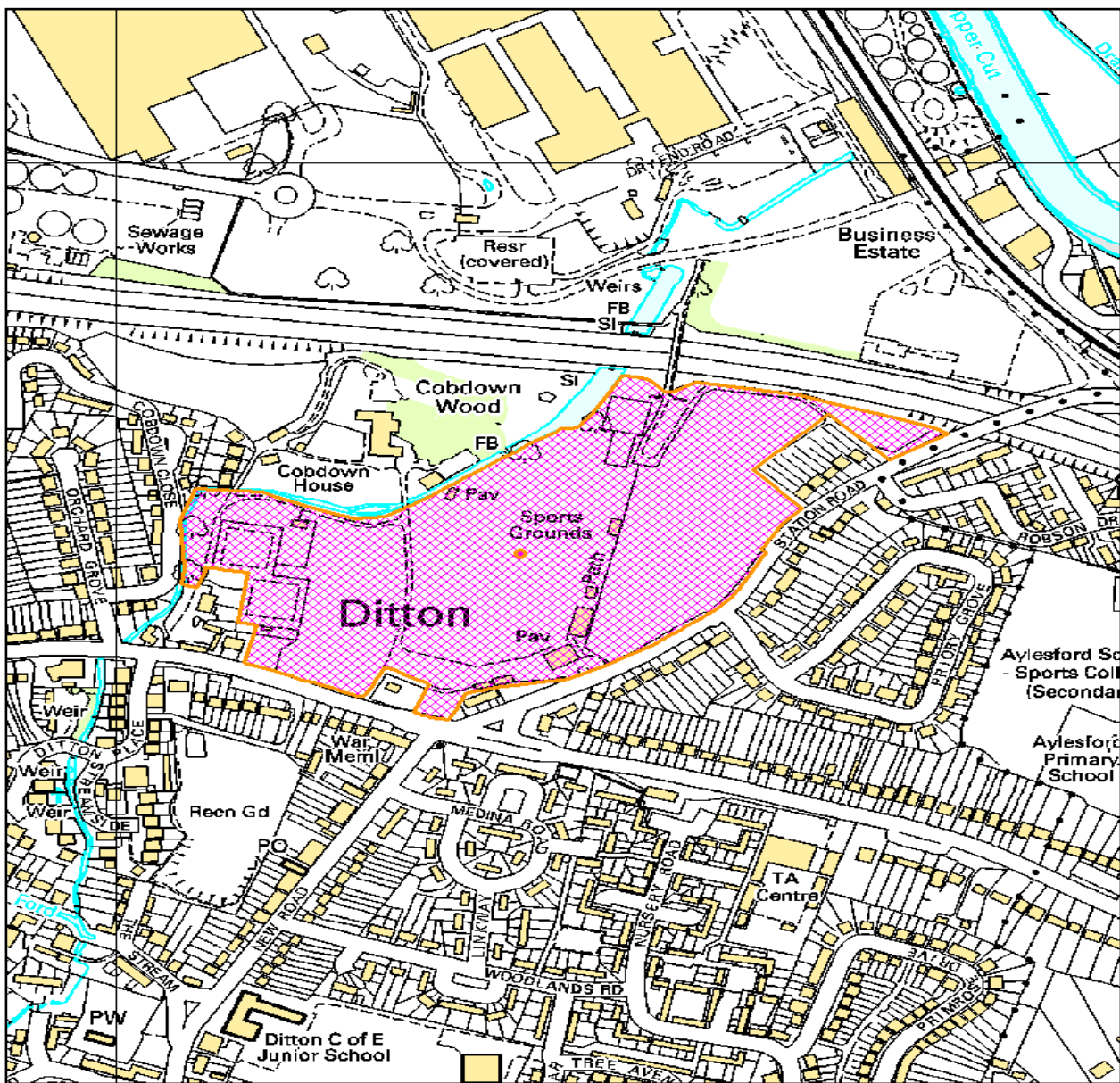
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TM/16/00955/FL

Cobdown Sports And Social Club Station Road Ditton Aylesford Kent ME20 6AU

1. An extension and refurbishment to the existing clubhouse building to provide for a higher standard of social and function space and 2 teaching rooms.
2. An extension and refurbishment of the existing squash and gym building to provide a further 3 squash courts and wet and dry changing rooms as well and a gym space and dance studio.
3. A new build changing room block to provide changing facilities for 4 teams and associated officials. As well as spectator toilets and a kitchen space with serving hatch.
4. Provision of 2 3G pitches on the existing sports field

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Aylesford
Aylesford South

6 January 2016

TM/16/00021/FL

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 Members will recall that this application was deferred from the March meeting of the APC3 to enable officers to obtain further information in relation to the anticipated trip generation that would occur as a result of the proposed extension. The following additional information was sought:

- A clear breakdown of additional trips to be generated by the proposed development over the course of a day;
- A non-technical summary as to how the building would be used and the impact this will have on the day to day activity on site.

1.2 A copy of my previous report and supplementary report is annexed for ease of reference.

2. Consultees (since 17 March):

2.1 KCC (H+T): The application is expected to generate a maximum of 38, (two way), new vehicular trips per 24 hour period, the majority of which will be made outside of the highway peak hours. Approximately 4 additional vehicle trips are expected during the AM peak and 6 during the PM peak, (these being 8-9am and 5-6pm).

2.1.1 A recent traffic survey at the junction of Mills Road/A20/Hall Road recorded 2 way traffic flows of 1544 during the AM peak and 1868 during the PM peak on Mills Road. The additional traffic generated by this application does not present a significant increase in traffic and would have little impact on traffic conditions on Mills Road or the A20.

2.1.2 The NPPF para 32 states: 'developments should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

2.1.3 I do not consider that this development would have a severe impact on traffic conditions and therefore I do not wish to raise objections.

2.1.4 Each application is considered on its own merits. Any application which would generate a significant number of additional traffic movements would be supported

by a Transport Statement or Transport Assessment. Where the impacts of the development cannot be mitigated and the residual impact is considered severe a recommendation of refusal would be issued. In the case of the current KFF application the minimal number of additional traffic movements are not considered to be significant at 0.25% increase in the AM peak and 0.32% increase in the PM peak.

2.2 Private Reps: 1 further representation received making comments regarding the financial circumstances of the applicant rather than the merits of the planning application itself.

3. Determining Issues:

3.1 The new information submitted in order to clarify the queries raised previously includes a Traffic Impact Summary Table, and a statement of 'Description of Operation'. The Summary Table shows a breakdown in the amount of additional traffic movements that would be generated over the course of one 24 hour period, and separates these traffic movement figures into the following categories:

- KFF Staff – 14 extra trips. (5 office staff + 9 warehouse/delivery staff);
- KFF Goods Vehicle Trips – 5 extra trips;
- 3rd Party Goods Vehicle Trips. – 0 extra trips

3.2 The table breaks these trips down further in the office, warehouse or delivery vehicles. It illustrates a total increase in traffic movements of:

- 19 inbound trips per 24 hour period;
- 19 outbound trips per 24 hour period;

= 38 additional trips to/from the site during a 24 hour period.

3.3 It is noted that the above figures are based on a worst case scenario of all staff driving to work on their own. It is also explained that the majority of these additional trips will also occur outside of the typical morning and afternoon peak periods.

3.4 KCC (H+T) has stated that the level of additional traffic movements generated by the proposed development will be within the normal daily variation of traffic flows to be expected in this area. These would not be likely to give rise to any highway safety or capacity issues (section 2.1 above).

3.5 The projected increase in traffic movements during peak hours has been considered by KCC. It is accepted that the proposal will result in additional traffic movements which will therefore add to the existing congestion within the area. However the amount of extra movements at peak hours are, as mentioned,

considered to fall within the accepted variations, and are not significant. They cannot therefore be considered to result in a severe impact upon the existing congestion, nor would they warrant a capacity assessment of the junction with the A20.

- 3.6 The proposed use was also assessed by KCC using TRICS data for a B8 use with ancillary B1 use. The proposal was again found to be within the accepted limits when looking at traffic generation.
- 3.7 On this basis KCC has stated that there are no justifiable grounds for refusal on severity grounds. The proposal has been considered on its individual merits, and in this case the increased traffic generation is considered to be minimal enough as to be viewed as acceptable.
- 3.8 Additionally, a 'Description of Operation' statement has been submitted which confirms how the site will be used following the proposed extensions. The reason for the proposal is to address the lack of storage facilities for ambient products. At the moment to overcome this, ambient products are 'double handled'. This means they are involved in double movements of either goods or vehicles between the site and another nearby warehouse, 6B. These additional movements will not be necessary when the proposed extra storage space is provided on site.
- 3.9 The new cold store building will be able to store both chill and ambient products, and the satellite warehouse 6B will in the future be used to store long term bulk ambient storage. The increased and updated storage facilities will allow for a wider product range and therefore the ability to compete with larger national retailers and foodservice companies.
- 3.10 The larger storage floorspace will also increase the amount of 'pick face' storage which will improve efficiency. (Pick face storage is that which is located on the lower shelves where pallets are arranged to allow for 'picking' orders, similar to a supermarket). At present due to the amount of space that has to be used for bulk pallet storage, (the larger unopened pallets stored at a higher level), only a limited space is left for 'pick face' storage. These then need to be re-stocked more regularly.
- 3.11 In summary the new storage facility will change the way the site operates by allowing a greater flexibility in the amount and range of goods stored, a reduced amount of activity associated with 'double handled' products, and improved efficiency by increasing the amount of 'pick face storage'. The proposal will also allow the growth and expansion of this local business. The increased traffic movements will mostly occur outside of peak hours, and therefore have a minimal impact on the surrounding highway network. I therefore recommend that planning permission be granted, subject to conditions.

4. Recommendation:

- 4.1 **Grant Planning Permission** 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, Email dated 10.05.2016, Email dated 10.05.2016, Other dated 06.05.2016, Statement Planning operations dated 06.05.2016, 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. 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

Report from 17 March 2016

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 minibuss 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

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

SUPPLEMENTARY REPORT

Aylesford **TM/16/00021/FL**
Aylesford South

New cold store and ancillary office link to existing building at Kent House Priory Park Ditton Court Quarry Mills Road Quarry Wood Industrial Estate Aylesford for Kent Frozen Foods

Page 44: It is noted that the recommendation is incomplete, for the avoidance of doubt the recommendation is to grant planning permission.

Paragraph 5.5: Five representations were received in respect of this planning application, not 4.

Private Reps: Four additional letters of objection have been received. Objections are summarised as follows:

- additional noise in closer proximity to neighbouring dwellings;
- light and air pollution from traffic;
- increased traffic and lorry movements;
- increased congestion;
- breach of noise limits, regular monitoring should be conditioned;
- existing conditions should continue to be monitored regarding fork lift trucks, tannoy use, alarms, (the current alarm breaks on a regular basis); hours of operation for workshop and vehicle wash;
- will measures be put in place to deal with noise nuisance from new cold store;
- existing noise pollution from members of staff on site shouting 24 hours a day 6 days a week;
- harm to Ditton Nature Reserve;
- increased staff cars;
- lack of protection from deciduous trees on the bund

Paragraph 6.10: The anticipated worst case scenarios (not accounting for car sharing) is explained below:

	Additional movements during AM Peak (8.00 – 9.00)	Additional movements by office staff during PM Peak (17.00 - 18.00)
Office staff	3	3
Warehouse trips		2
KFF Customer deliveries		2 x 2 way
KFF delivery vehicle drivers		2 x 2 way
TOTAL	3	9

Existing trips over the course of a day	616 x 2 way
Proposed additional trips generated by the proposal over the course of a day	38 x 2 way

AMENDED RECOMMENDATION:

Insert Paragraph 7.1: Grant planning permission in accordance with plans cited and subsequent conditions and

Additional Informative:

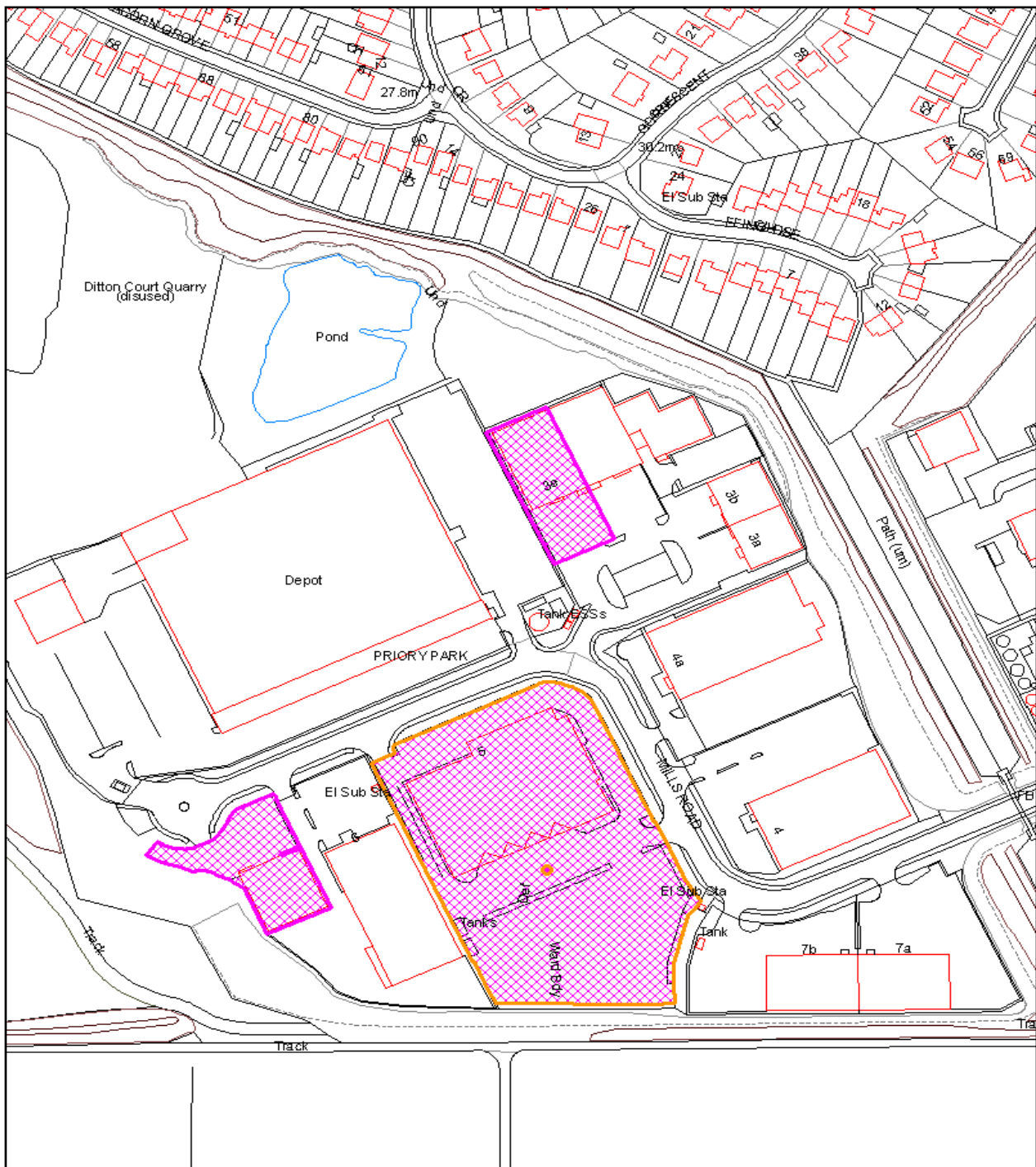
8. The applicant is reminded that all the conditions attached to the original planning permission TM/96/0238/FL remain relevant and the site must be operated at all times within the terms of that permission.

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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Aylesford
Aylesford

28 May 2015
1 October 2015

(A)TM/15/01462/FL
(B)TM/15/02927/LB

Proposal: (A) Change of use from public house (Use Class A4) to residential dwelling
(B) Listed Building Application: Replace ground floor front window and repaint front of building with a white limewash

Location: The Little Gem 19 High Street Aylesford Kent ME20 7AX
Applicant: Mr James O'Callaghan

1. Description:

- 1.1 Planning permission is sought for the change of use of the existing building into a single dwellinghouse. The application does not propose any internal alterations to the floor plan of the building.
- 1.2 Listed Building Consent is also sought for changes to the external appearance of the building. These changes are limited to the repainting of the front of the building with a white lime wash and to install a timber casement window on the ground floor front elevation in place of the bay window which has had to be removed due to it becoming unsound.

2. Reason for reporting to Committee:

- 2.1 Due to significant public interest.

3. The Site:

- 3.1 The application relates to the Grade II listed former Little Gem PH on the south side of Aylesford High Street. The building has an unusual appearance due to its low set eaves and two storey dormer feature on the front roof slope. The building dates from the 15th Century and was historically constructed as a house with no.17 to the east. The building was later subdivided and converted into offices (no.17) with no. 19 becoming a tea room in the early 1950s, and later a public house in the 1980s.
- 3.2 Properties within the local area comprise a mix of dwellings and commercial units. A large proportion of the properties fronting onto the High Street are Listed; to the north west of the site is Aylesford Bridge which is a Scheduled Ancient Monument. The site is located within the Aylesford Village Conservation Area. To the rear of the site is an area of open amenity space which is situated between the village and the River Medway.

4. Planning History (relevant):

TM/54/10616/OLD grant with conditions 2 June 1954

Use of 'Dormer Cottage' as Tea Rooms.

TM/58/10374/OLD grant with conditions 23 June 1958

Alterations.

TM/59/11156/OLD grant with conditions 27 April 1959

Alterations to 'Little Gem Cafe' (amended) and change of use to part residential.

TM/73/11106/OLD grant with conditions 26 February 1973

Erection of store extension at rear of building and carrying out of alterations to form bathroom at first floor level and W.C. at second floor level.

TM/74/12425/OLD Refuse 9 October 1974

Erection of first floor extension at rear of existing Licensed premises.

TM/75/11112/FUL grant with conditions 10 April 1975

Erection of first floor extension to rear of existing dwelling.

TM/84/10446/FUL Grant 29 October 1984

Retrospective application for change of use of licenses tea rooms into public house.

5. Consultees:

5.1 PC: No objection

5.2 EA: Object on the grounds of no Flood risk assessment.

5.3 KCC Highways: No objections

5.4 Private Reps: 21 + site + press notice/0X/32R/0S. A 1000+ name petition has also been received. Objections raised on the following grounds:

- Building should not be turned into another dwelling and should be returned to and retained as a public house and perhaps should be offered to the community to buy, run and maintain;
- Historic building needs protecting and should not be left to rot by a developer. Should be restored and reopened;
- Only forced to close due to the smoking ban and the neighbour refusing to sell the land behind to form a pub garden;
- Little Gem holds many memories for residents and past residents and brought a community together. Was formerly the heart of the village and is sorely missed, not just by residents but also by visitors;
- Property would probably treble in value if turned into a dwelling but the loss to the community would be considerable;
- Loss of another business premises makes the village soulless and just another part of the commuter belt;
- Letting the pub be converted to a dwelling would be like closing the Aylesford old bridge;
- To turn the building from public house to dwelling just because of criminal neglect is not justified;
- Building should be preserved as a pub and the owners should consider selling to somebody who will preserve and conserve what could be a viable pub business;
- Application form is wrong – pub did not close in 2009 but probably September 2010;

6. Determining Issues:

Principle of change of use:

- 6.1 In general terms, the NPPF seeks to promote strong rural economies and recognises the need to 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.
- 6.2 Policy CP26 of the TMBCS seeks to protect viable community facilities that play an important role in the social infrastructure of the area. The policy is intended to include public houses, particularly where these might be the only such facilities in a village. The policy goes on to state 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.

- 6.3 With this policy in mind, it is firstly important to recognise that a number of alternative facilities are present within Aylesford village including The Hengist restaurant, The Chequers PH, The Bush PH, The Village Pantry, The Bush PH and Aylesford Village Club. In addition, it must be recognised that The Little Gem has been closed for a considerable period of time and has not made any contribution as a community facility for a number of years.
- 6.4 Furthermore, given its very limited size, it is unlikely that a commercial operator could utilise the building to run a viable business that would support the renovation and ongoing upkeep of this nationally important 15th century building.
- 6.5 The PH is not designated as an asset of community value and, given its current vacant status and lack of any realistic prospect of it returning to an A4 or other community use, such a designation would be unlikely to be forthcoming should an application be made.
- 6.6 It is therefore unquestionable that better quality alternative facilities are available in the immediate local area and, accordingly, the proposal meets the requirements of policy CP26 of the TMBCS.
- 6.7 Policy CP13 of the TMBCS allows for minor residential development within the confines of Aylesford village providing the development is appropriate to the scale and character of the settlement and, in the cases of changes of use, where the overall trip generation is projected to be lower than that associated with the former use. As the application is a change of use with no additional extensions or intensification of use proposed it is considered that the works would accord with this policy. The proposed change of use accords with the requirements of this policy.

Heritage Asset Considerations:

- 6.8 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 in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Similarly, Section 66 of this Act requires that in considering whether to grant listed building consent for any works the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses.
- 6.9 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 Buildings and the 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. Significance of such an asset can be harmed or lost through alteration of the asset or through development within its setting.

- 6.10 The proposed change of use incorporates no physical alterations to the listed building internally and the only external changes would comprise the repainting of the front elevation and the replacement of a window. The replacement of the failed bay window with a traditional single glazed casement window should be welcomed as it would restore the building back to closer to its original form – the bay window being a 20th century addition to a 15th century building. The use of a lime wash to the front elevation is also welcome as this is the traditional material that would have been used in its coating in the past.
- 6.11 It is my view that the minor physical changes proposed to the building and the change of use bringing back into occupation this long vacant building would undoubtedly enhance the listed building, the setting of others in the vicinity and the appearance of the Conservation Area and should be welcomed accordingly.
- 6.12 Additionally, it is important to recognise that the historic environment can bring about wider social, cultural, economic and environmental benefits (paragraph 126 of the NPPF), with the local historic environment having a key role in making a place distinct, making it somewhere in which people wish to live, work and spend time. This in effect could mean that the continued decline of the building by virtue of its remaining empty and unused has potential negative consequences, albeit in a different guise to those put forward in the representations received concerning the loss of the public house itself.
- 6.13 I appreciate that paragraph 130 of the NPPF states that where there is evidence of deliberate neglect of or damage to a heritage asset, the deteriorated condition should not be taken into account in any decision. It is clear from our ongoing inspection of the building that there has been no such deliberate neglect or damage caused; on the contrary, measures have been taken by the owner to secure its condition in the more recent past when the window was found to be failing and was subsequently boarded up with the agreement of the Council. The current condition is simply a consequence of the fact that it has been empty for such a considerable period of time and it should be acknowledged that if this situation prevails in all likelihood the building will continue to deteriorate. An owner/occupier of the building as a dwellinghouse will in effect become the custodian of the building, thus better securing its long term future.

Other material planning considerations:

- 6.14 The use of the building as a residential dwelling would be classed as a vulnerable use in flood risk terms in respect of applying the requirements set out in the NPPF. This classification is the same as that of a public house, the last use of the

building. It is therefore considered that, whilst the Environment Agency has raised objections given the absence of a flood risk assessment, there are no justifiable grounds to resist the proposed change of use on the grounds of flood risk. Furthermore, this matter must be balanced against the fact that the change of use will bring back into use an important listed building as discussed throughout this report.

- 6.15 IGN3: Residential Parking requires that in central locations such as this a maximum of one vehicle parking space be provided to serve a dwelling. No parking is shown to be provided in connection with the proposed change of use but it must be recognised that any demand for parking provision in connection with an A4 use would be notably higher than one space. I therefore consider there are no objections to the scheme on the grounds of parking provision or highway safety.
- 6.16 TMBCS Policy CP24 sets out general criteria for all new development, including a provision that development must respect the site and its surroundings. The proposed change of use would have no detrimental impact on the residential amenities of the surrounding neighbours.

Conclusions:

- 6.17 I am acutely aware that there has been a considerable amount of local feeling generated in response to these applications and that there is a general desire to have the building retained as a public house or an alternative community use of some description. However, strength of local feeling about such matters is not a material planning consideration and cannot form the basis of any justifiable or defensible grounds to resist the proposed development.
- 6.18 Having carefully balanced the issues, being mindful that Aylesford benefits from a number of similar facilities and The Little Gem has been closed for some time now with little prospect of it reopening as a commercial enterprise, combined with the clear heritage benefits that would arise from the building being brought back into use, it is my view that the proposals are acceptable both in principle and detail. Moreover, a refusal of the grant of planning permission in all likelihood would result in the building remaining empty and potentially declining further in terms of the integrity of the fabric and external appearance which would be a detrimental and wholly undesirable outcome.
- 6.19 In light of the above assessment, I consider that the proposals meet the requirements of the NPPF and LDF and recommend that planning permission be granted and listed building consent approved.

7. Recommendation:

(A) TM/15/01462/FL

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Location Plan dated 01.05.2015 and 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.

Informative:

1. This grant of permission does not give consent for any internal alterations that may be required as part of the change of use. You are advised that any alterations to the internal fabric of the building may require Listed Building Consent and that the Local Planning Authority should be contacted prior to any works commencing so that the need for permission may be established.

(B) TM/15/02927/LB

- 7.2 **Approve Listed Building Consent** in accordance with the following submitted details: Design and Access Statement dated 01.10.2015, Email dated 01.10.2015, Drawing dated 07.09.2015, Drawing dated 07.09.2015, Drawing dated 01.10.2015 and subject to the following conditions:

Conditions

1. The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. All materials, joinery and external decoration used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

Informative

1. This grant of permission does not give consent for any internal alterations that may be required as part of the change of use. You are advised that any alterations to the internal fabric of the building may require Listed Building Consent and that the Local Planning Authority should be contacted prior to any works commencing so that the need for permission may be established.

Contact: Robin Gilbert

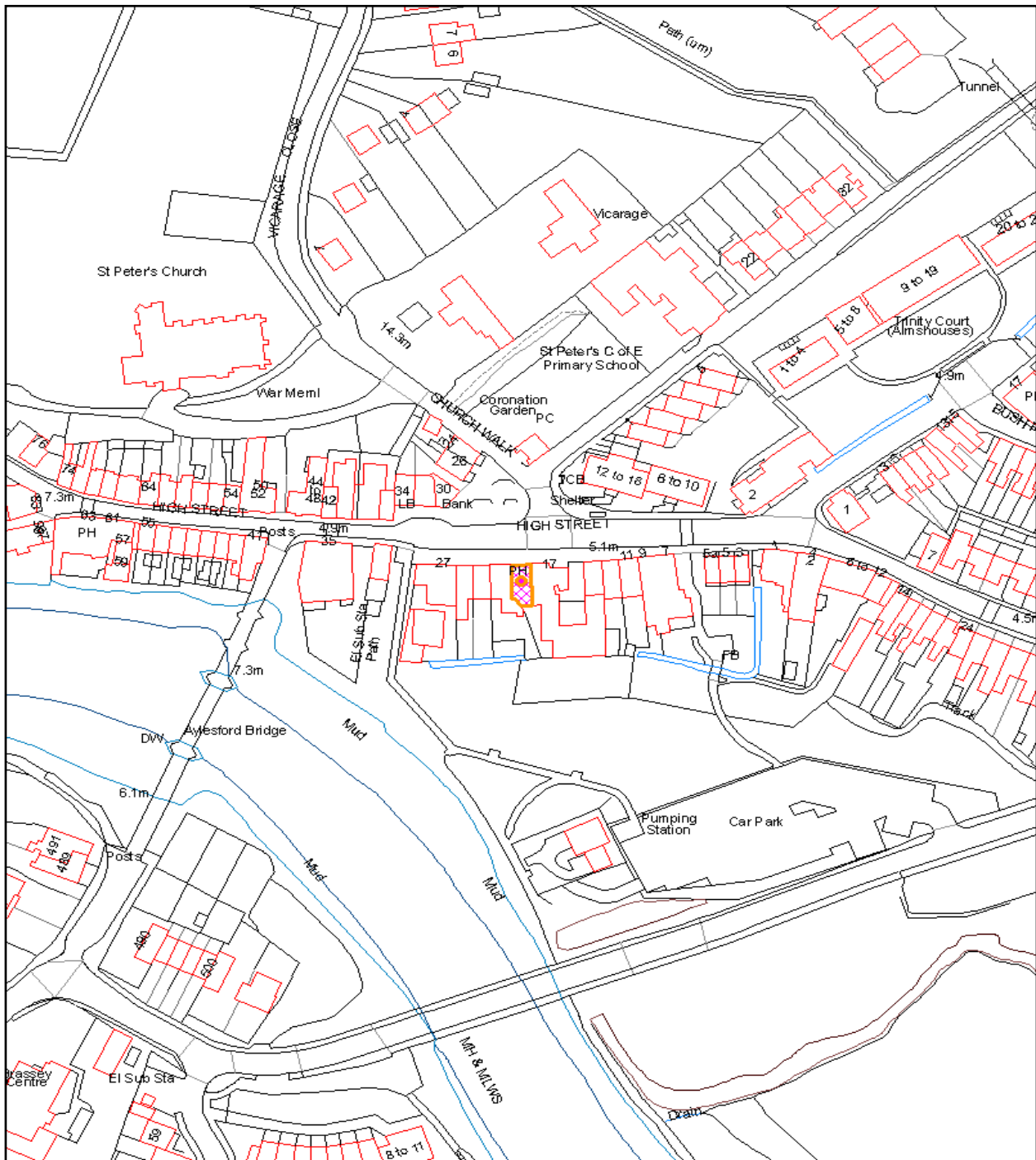
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(A) TM/15/01462/FL & (B) TM/15/02927/LB

The Little Gem 19 High Street Aylesford Kent ME20 7AX

Change of use from public house (use class A4) to residential dwelling

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Snodland
Snodland West And
Holborough Lakes

5 February 2016

TM/16/00360/FL

Proposal: Proposed new house and garage in the rear garden to No 36 St Katherines Lane and replacement garage to existing house of No 36

Location: 36 St Katherines Lane Snodland Kent ME6 5EN

Applicant: Mrs Daphne Hopkins

1. Description:

- 1.1 Planning permission is proposed for the erection of a new dwelling in the rear garden of 36 St Katherines Lane. The scheme includes the erection of two detached garages to serve the existing and new dwellings, and the creation of a new vehicular access onto Orchard Way.
- 1.2 The proposed dwelling has been designed with three pitched roof dormer windows to the front elevation and a single pitched roof dormer to the rear elevation. The intention is to use brick for the ground floor with weatherboarding to the first floor side elevations.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Brown owing to considerable public interest.

3. The Site:

- 3.1 The site lies within the urban confines of Snodland. 36 St Katherines Lane is a detached 'chalet style' house which faces onto St Katherines Lane. The rear garden extends to the north running parallel with Orchard Way.
- 3.2 This part of St Katherines Lane comprises bungalows whilst the dwellings on Orchard Way are predominantly two storey semi-detached buildings. St Katherines School lies to the south of the site.

4. Planning History (relevant):

TM/54/10324/OLD grant with conditions 13 December 1954

Bungalow, with Pedestrian Access.

TM/59/10378/OLD grant with conditions 27 August 1959

Erection of Garage.

TM/66/10529/OLD grant with conditions 14 September 1966

Conservatory and outhouse.

5. Consultees:

5.1 TC: Concerns that this new proposal is not in character with the existing houses in Orchard Way. Concerns over backfill development.

5.2 Private Reps: 8/0X/17R/0S. Objections are raised on the following grounds;

- Out of character with the area, adverse visual impact;
- Loss of privacy, restricted sunlight and overbearing impact on neighbouring houses and gardens;
- Highway safety, loss of on road parking, the area is already congested and parents of school children parking dangerously, limited visibility at the new access;
- The plot size is too small, lack of amenity space for future occupiers;
- Concern over proximity of development to boundary, possible encroachment and future additional windows;
- Lack of consultation;
- Loss of views and loss of property values;
- Disruption during construction, particularly the parking of builders lorries.

6. Determining Issues:

6.1 The application comprises the erection of a new detached dwelling in the garden of an existing dwelling, within the urban confines. Policy CP11 of the TMBCS seeks to ensure that development is concentrated within the confines of the urban areas. The application site lies within the urban confines of Snodland and is therefore, in principle, acceptable.

6.2 Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. This aim is echoed in paragraph 58 of the NPPF which seeks to ensure that development will function well, create attractive, safe places in which to live and work, optimise the potential of the site, respond to the local character of the surroundings and be visually attractive.

- 6.3 Policy SQ1 of the MDEDPD requires development to reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals Supplementary Planning Documents.
- 6.4 With regard to these national and local planning requirements the proposal must be assessed in terms of its potential impact on the character and built form of the area. The Snodland Character Area Appraisal 2011 describes the area as being *“a mix of architectural styles, periods and materials with St Katherines Lane having such a variety that there is no unifying feature or characteristic to create cohesion.”*
- 6.5 The original scheme was designed to mirror the dwellings on Orchard Way. However, following officer negotiation, the amended scheme has been designed to complement the existing bungalow at 36 St Katherines Lane. I note the comments made by the TC and local residents regarding the impact of the dwelling on the existing built form. However the proposed dwelling would benefit from a street frontage in the same manner as the existing dwellings on the opposite (west) side of Orchard Way. The new dwelling has been designed with reference to the style of the dwellings to the south and would therefore integrate into the existing mixed character of the wider residential area.
- 6.6 The proposal includes adequate space for parking, garden and bin storage, whilst retaining sufficient garden space for the host dwelling. Whilst there is no policy standard for the size of amenity space the application is nevertheless acceptable in this regard.
- 6.7 With these aspects in mind, I consider that the proposed development is visually acceptable and accords with adopted policy in this regard.
- 6.8 Turning to matters of residential amenity of the existing dwellings, I consider the proposed dwelling has been designed to minimise any loss of privacy to the surrounding dwellings. The primary first floor windows are located on the front elevation facing onto Orchard Way, no first floor windows are proposed to the side elevations and the dormer window to the rear elevation has been designed with obscure glazing. This will ensure no unacceptable loss of privacy to any surrounding dwellings and a planning condition can be imposed which prevents the creation of any additional window openings without formal planning permission being sought.
- 6.9 The location of the proposed dwelling to the north of the existing dwellings on St Katherines Lane will ensure no loss of sunlight. The siting of the proposed dwelling and the separation distances involved would also ensure that it would not appear overbearing or dominant when viewed from any of the neighbouring properties in more general terms. I am aware that the immediate neighbour is concerned about the potential impact of the proposed garages. However, the proposed eaves height is 2.3m at the closest point to the eastern site boundary and any resulting impact would not cause demonstrable harm to amenities. It must also be noted

that the erection of single storey outbuildings/garages within this existing residential curtilage could be undertaken using permitted development rights.

- 6.10 Policy SQ8 of the MDE DPD states that development should only be permitted where it would not significantly harm highway safety. Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. I appreciate that on-street parking is at a premium and that the proximity of St Katherines school leads to congestion at times. However the application provides on-site parking. IGN3: Residential Parking (2008) requires a single on-site parking space for a three bedroom dwelling in an urban area. The proposal allows for two off-street vehicle parking spaces, one for the new dwelling and one to serve the existing dwelling and this meets the requirements of IGN3. The garages proposed as part of the scheme of development have not been counted for the purposes of applying IGN3 but the adopted standard is met regardless.
- 6.11 The original scheme proposed two new accesses onto Orchard Way. However the amended scheme proposes a single vehicle access point to be shared by both the existing and proposed dwellings. The removal of the additional access to the north, adjacent to the bend in the road, is welcomed. The proposed new access is considered safe in highway terms and a single additional dwelling would not have any detrimental impact on the existing levels of congestion. On-street parking will be lost in order to provide the new vehicle access to the site but this is not grounds to resist the development.
- 6.12 Issues relating to loss of view, property values and impacts arising as a result of construction works are not material planning considerations.
- 6.13 In light of the above assessment, the application accords with the relevant national and local planning requirements and I therefore recommend it be approved subject to the following planning conditions.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 03.02.2016, Proposed Plans and Elevations 2016/4(34)-01 & location plan dated 04.03.2016.

Conditions

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

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

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

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

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

Reason: Further development of the site could potentially be harmful to adjacent residential amenity and the character of the wider area.

4. Any gates must open away from the highway and be set back a minimum of 5m from the edge of the carriageway.

Reason: To ensure vehicles waiting to access the site do not create congestion and thereby cause harm to the wider highway network.

5. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (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: To ensure no adverse impact on highway safety resulting from hazardous on-street parking.

6. No development shall take place until details of slab levels have been submitted to and agreed in writing by the Local Planning Authority and the works shall be carried out in strict accordance with those details.

Reason: To ensure the scale of the development is compatible with the character of the site and its surroundings.

7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, hard 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.

- 8 The dormer window on the first floor of the east (rear) elevation serving the bathroom shall be fitted with obscure glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter.

Reason: In the interests of the residential amenity and privacy of adjoining property.

Informatives

1. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council, Highways and Transportation 03000 418181 in order to obtain the necessary Application Pack.
2. In the interests of good neighbourliness the hours of construction, including deliveries, should be restricted to Monday to Friday 07.30 - 18.30 hours, Saturday 08.00 - 13.00 with no work undertaken on Sundays or Public/Bank Holidays.
3. The application includes the demolition of a domestic garage. If the garage/property was built before or refurbished before 2000 there is the possibility of asbestos containing materials being present in the structure. Before commencing any works, the applicant is advised to seek further advice to ensure the necessary precautions are implemented for the duration of the demolition. More information can be found <http://www.hse.gov.uk/asbestos/> and <http://www.hse.gov.uk/asbestos/faq.htm#domestic-properties>
4. In the interests of good neighbourliness all vehicles and machinery associated with construction must be parked within the site and not on the public highway in such a manner as to create an obstruction.
5. The proposed hard landscaping scheme to be submitted in accordance with planning condition 7 shall include details of a bound surface for the first 5m of the access from the edge of the highway and details of the proposed surface water disposal for all hardstanding to ensure no run-off onto land outside the site.
6. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to

addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Maria Brown

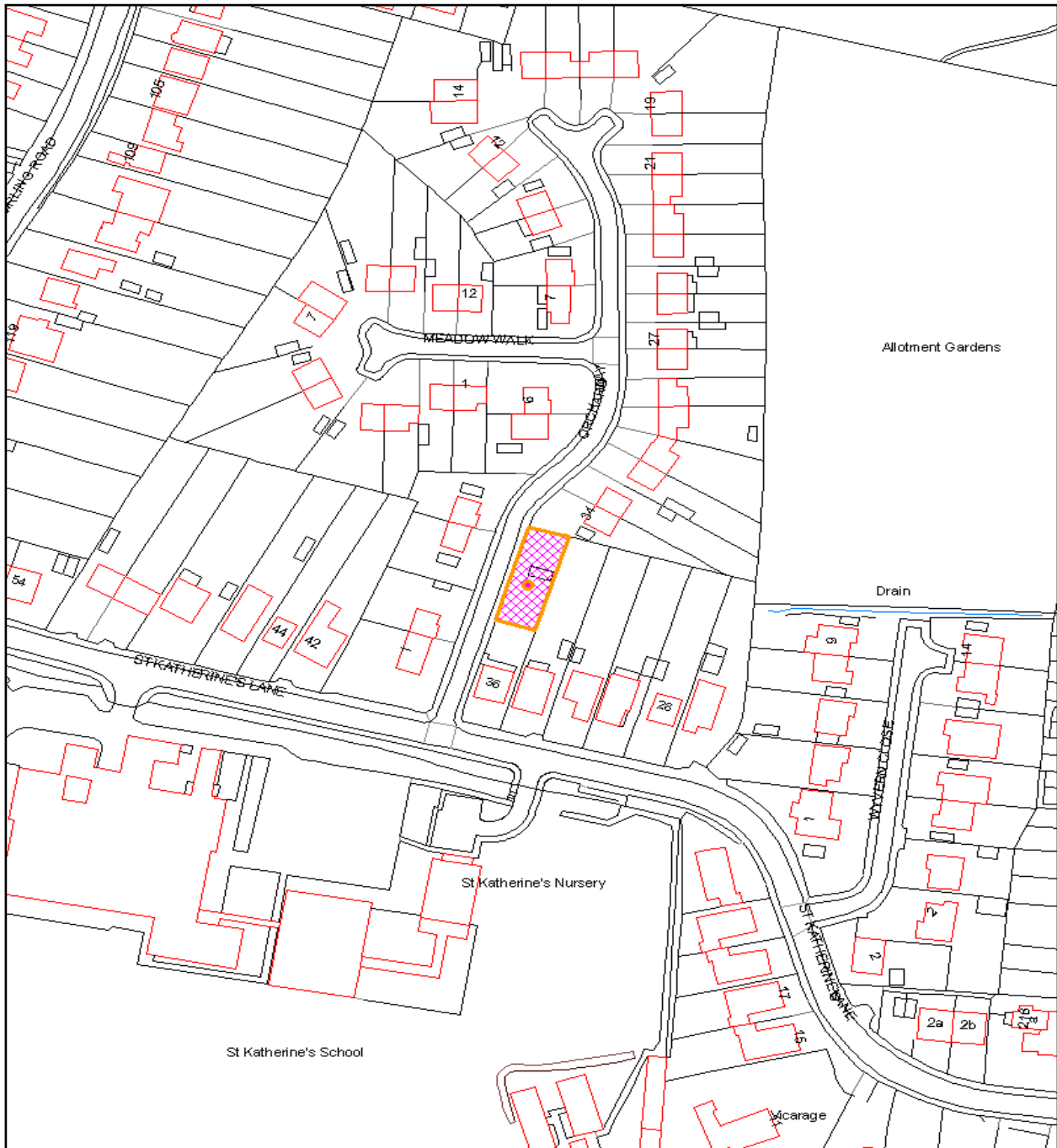
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TM/16/00360/FL

36 St Katherine's Lane Snodland Kent ME6 5EN

Proposed new house and garage in the rear garden to No 36 St Katherine's Lane and replacement garage to existing house of No 36

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Agenda Item 10

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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