

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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17 January 2017

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 2 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Wednesday, 25th January, 2017 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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8. Urgent Items

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

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

PART 2 - PRIVATE

10. Urgent Items

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

MEMBERSHIP

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

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

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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 14th December, 2016

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs J A Anderson, M A C Balfour, Cllr Mrs S M Barker, Cllr R P Betts, Cllr Mrs S L Luck, Cllr B J Luker, Cllr L J O'Toole, Cllr S C Perry, Cllr H S Rogers and Cllr Miss S O Shrubsole

Councillor M Taylor was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors S R J Jessel (Vice-Chairman), M A Coffin, P J Montague, Miss J L Sergison and T B Shaw

PART 1 - PUBLIC

AP2 16/74 DECLARATIONS OF INTEREST

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

However, for reasons of transparency and to avoid the appearance of pre-determination and bias in the Committee's decision making the Chairman advised that after making a short statement she would withdraw from the meeting for application TM/16/00990/FL (Downsview, 8 Green Lane, Trottiscliffe) and would take no part in the discussion.

In the absence of the Vice-Chairman (Councillor S Jessel), who had submitted apologies, the Chairman proposed that Councillor H Rogers act as Chairman during this debate. This was seconded by Councillor Mrs Anderson and it was

RESOLVED: That Councillor H Rogers be Acting Chairman for application number TM/16/00990/FL

For reasons of transparency:

- Councillor Balfour reminded the Committee that he was the Cabinet Member for Environment and Transport at Kent County Council. As this did not represent either an Other Significant Interest or Disclosable Pecuniary Interest there was no requirement to leave the meeting.
- Councillor S Perry advised the Committee that the applicant of TM/15/03865/FL (Great Oaks House, Puttenden Road, Shipbourne) was known to him in their role of parish councillor.

The relationship was not close enough to constitute an Other Significant Interest.

[Subsequent to this agenda item and during the discussion for application TM/16/02518 (Development site between 10 and 70 Churchill Square, Kings Hill) Councillor Balfour became aware of a potential interest on the grounds that Kent County Council co-owned the site. Although this was not deemed significant enough to constitute an Other Significant Interest or Disclosable Pecuniary Interest, Councillor Balfour did not participate in the debate or vote on the application. However, he remained in the meeting to hear the discussion]

AP2 16/75 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 9 November 2016 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 1, PART 3 OF THE CONSTITUTION

AP2 16/76 DEVELOPMENT CONTROL

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

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP2 16/77 TM/16/01600/FL - THE OLD STABLE BUILDING, OLD PARSONAGE COURT, WEST MALLING

Two storey side extension at The Old Stable Building, Old Parsonage Court, West Malling

RESOLVED: That planning permission be REFUSED for the following reason:

- (1) The proposed extension by reasons of its bulk and siting will be overbearing to neighbouring property and thus detrimental to residential amenities. It is thereby contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and saved policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998.

[Speakers: West Malling Parish Council (Mr R Selkirk); Mr N Candlish (on behalf of Ms N Cook) and Ms P Wilkinson – members of the public and Mrs S Taylor – applicant]

AP2 16/78 TM/15/03865/FL - GREAT OAKS HOUSE, PUTTENDEN ROAD, SHIPBOURNE

Demolition of existing stable block and hay barn buildings and construction of a 3 bedroom dwelling house at Great Oaks House, Puttenden Road, Shipbourne

Members were asked to disregard paragraph 4.11 of the report as this had been included in error and conflicted with information set out in paragraph 4.10.

After careful consideration of the material planning considerations and the policy position in respect of the open countryside it was

RESOLVED: That planning permission be REFUSED for the reasons set out in the report of the Director of Planning, Housing and Environmental Health and repeated below:

- (1) The development proposes rebuilding the existing stable block and hay barn. The proposal is not the form of development that is normally permitted in the countryside as listed in Policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy DC2 of the Managing Development and Environment DPD 2010, and no material considerations exist that justify setting aside that provision.

[Speakers: Mr N Ward; Ms V Packer, Ms K Symonds – members of the public and Mrs E Cohen – applicant]

AP2 16/79 TM/16/01859/FL - LONG POND WORKS, WROTHAM ROAD, BOROUGH GREEN

Demolition of four industrial buildings and construction of a replacement industrial unit and a flexible change of use within Use Classes B1, B2 and B8 as well as use by Robert Body Haulage for parking and maintenance of vehicles and office use as an administrative base at Long Pond Works, Wrotham Road, Borough Green

RESOLVED: That planning permission be DEFERRED for Officers to advise on possible Very Special Circumstances and suggested conditions in the event that Members were minded to permit the application.

[Speaker: Mr J Collins – agent]

AP2 16/80 TM/16/02512/FL - BRIONNE, THE STREET, RYARSH

Demolition of existing dwelling and erection of three detached bungalows; creation of new vehicular access and provision of access drive, landscaping and other ancillary works at Brionne, The Street, Ryarsh

RESOLVED: That planning permission be REFUSED for the following reason(s):

- (1) The proposal by reason of the scale and bulk is over development and detrimental to the character and appearance of the adjacent Conservation Area and the visual amenities of the locality. It is thereby contrary to s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 17, 57, 58, 61, 131, 132 and 133 of the National Planning Policy Framework 2012, policies CP1, CP13, CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2012

[Speakers: Mrs N Stouppa-Moss, Mr J Steel, Mr Highstead – members of the public and Mr J Chapman – agent]

AP2 16/81 TM/16/00990/FL - LAND ADJACENT TO DOWNSVIEW, 8 GREEN LANE, TROTTISCLIFFE, WEST MALLING

Erect a new detached dwelling house at land adjacent to Downsview, 8 Green Lane, Trottiscliffe

RESOLVED: That planning permission be DEFERRED for verification of the accuracy of the submitted plan/documents, clarification on proposed drainage runs near to the protected trees and further consultation with the Parish Council thereafter.

[Speakers: Trottiscliffe Parish Council (Mr R Wallis – Chairman); Mrs P Wallis – member of the public and Mr K Wise – agent]

AP2 16/82 TM/16/02518/FL - DEVELOPMENT SITE BETWEEN 10 AND 70 CHURCHILL SQUARE, KINGS HILL

Two storey new office building with single storey reception pavilion and associated car parking and landscaping works and ancillary manager's flat at the Development site between 10 and 70 Churchill Square, Kings Hill

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out

in the report of the Director of Planning, Housing and Environmental Health; subject to

(1) Amended Condition:

3. No development shall take place until details of any joinery, eaves detailing and rainwater goods to be used have been submitted to and approved in writing 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 setting of the adjacent listed buildings or the visual amenity of the locality.

(2) Additional Condition:

3. No development shall take place until a plan showing the finished floor and eaves levels of the building and finished ground levels within the site in relation to existing ground levels has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

[Speakers: Mrs S Davis – on behalf of Liberty Trust and Mr P Bowen – applicant]

AP2 16/83 ALLEGED UNAUTHORISED DEVELOPMENT - 15/00381/WORKM - OAK TREE STABLE, VIGO ROAD, FAIRSEAT

The Director of Planning, Housing and Environmental Health reported the unauthorised engineering operation to create an area of hardstanding on site without the necessary planning permission.

It was reported that the site was in the Green Belt and the proposed operation would not preserve the openness of the area and therefore amounted to inappropriate development. The case for 'very special circumstances' sufficient to outweigh the harm to the Green Belt had also not been demonstrated. Finally, the development was harmful to the character and visual amenity of the area and therefore was contrary to policies CP24 of the TMBCS and policy SQ1 of the MDE DPD.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the unauthorised hardstanding and the land restored to its former condition, the detailed wording of which to be agreed with the Director of Central Services

AP2 16/84 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.25 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

GLOSSARY of Abbreviations and Application types

used in reports to Area Planning Committees as at 23 September 2015

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CPRE	Council for the Protection of Rural England
DEFRA	Department for the Environment, Food and Rural Affairs

DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LLFA	Lead Local Flood Authority
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way

SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)
FC	Felling Licence
FL	Full Application
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent

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

Borough Green
Borough Green And
Long Mill

14 June 2016

TM/16/01245/FL

Proposal: Section 73 Application to vary condition 13 of TM/14/03560/FL (as varied by non material amendment TM/16/00688/NMA) to remove the chamfer from the rear of the building, relocation of escape door, insertion of additional escape door, retention of existing covered porch, amendment to main entrance door, reduction in width and relocation of new access stairs, revised position of two car parking spaces

Location: 4 Wrotham Road Borough Green Sevenoaks Kent TN15 9DB

Applicant: Sainsbury's Supermarkets Ltd

1. Description:

- 1.1 Members will recall that the determination of this planning application was deferred by APC2 on 17 August 2016 to allow for further negotiations with the applicant to take place. This was done in order to establish whether any resolution could be found to the issues identified that were, at that time, leading to an officer recommendation that planning permission be refused. A copy of the previous Committee report is annexed for ease of information.
- 1.2 Since the deferral, officers have met with the applicant to further discuss the issues involved and as a result further supporting information has been submitted as follows:
- Operational delivery strategy for the site;
 - Tracking plots;
 - Ground conditions survey; and;
 - Plan showing some proposed changes to the white line marking within the site to improve clarity.

2. Consultees (since 17 August 2016 following reconsultation on additional information):

- 2.1 PC: Welcome the applicant's efforts to stop the public's dangerous practice or ignoring the one-way system and cutting across the front of the store;
- 2.1.1 Reversing an HGV is an inherently unsafe manoeuvre, even in a restricted environment. In an area where there is a high level of pedestrian traffic, an adjacent cash point, and travelling against the one-way system, it is wholly unacceptable.

2.2 KCC (Highways): Whilst it is unfortunate that deliveries will not be made as originally intended, I accept the alternative method of delivery proposed. I therefore raise no objection.

3. Determining Issues:

3.1 The key issue at the time of reporting to Members in August centred on the lack of information that had been forthcoming to support the proposed variation of condition which had, in our view, implications for the turning area for delivery vehicles. In essence, it was considered that there was insufficient information available at that time to ensure such vehicles could enter and exit the site in a forward gear without giving rise to hazardous vehicular movements within the site and on the A227.

3.2 Members may recall that the applicant explained at the previous APC2 that the ground conditions of the car parking area have been found to be unsuitable for delivery vehicles. They also stated that they had an operational delivery strategy for the site and planned to make improvements to the markings of the delivery bay. The applicant has now submitted this information as part of the application, allowing for formal consideration. The submitted tracking plans show that delivery vehicles can drive forwards into the site, initially following the direction of the one-way system that remains in place for customer vehicles, but then reverse into the loading bay. From the loading bay, the delivery vehicles are shown to have the ability to drive forwards out of the site onto the A227.

3.3 The applicant has submitted 2 track plot plans showing entrance and exit manoeuvres currently being adopted by delivery lorries in order to demonstrate that they can turn safely within the site now that the chamfer has been removed on the rear of the building, which was shown to conflict with the originally approved turning area subject to condition 11 of TM/14/03560/FL which comprised a clockwise arc around the building. It is worth noting in this respect that the applicant maintains that, regardless of the removal of the chamfer from the rear of the building, delivery vehicles would not turn on the site around the building in the manner indicated when TM/14/03560/FL was granted.

3.4 Furthermore, the submitted delivery strategy states that deliveries are scheduled so that there is not more than one delivery vehicle on site at any one time. It also states that all delivery vehicles have been fitted with an automated IsoTrack radio communication system, which alerts the store when the delivery area is required, allowing the use of cones/bollards to keep the delivery area clear prior to the arrival of the vehicle. It states that "*the delivery strategy of the site does not involve reversing onto the highway. Sainsbury's delivery strategy involves lorries entering and leaving the site in a forward gear*".

3.5 I note the concerns about reversing an HGV being an unsafe manoeuvre in an area where there is a high level of pedestrian traffic, a cash point and travelling

against the one-way system. However, KCC (H+T) consider the alternative movements demonstrated to be satisfactory in technical highway safety terms.

- 3.6 Given that additional plans and information indicating an alternative turning arrangement for delivery vehicles have now been forthcoming, and these are considered to be acceptable by Local Highway Authority, condition 11 of TM/14/03560/FL is no longer necessary in the form in which it was written and can be varied accordingly to reflect the arrangements as submitted. It is also necessary to consider whether any further or different conditions in light of this fresh information are required. In this respect, KCC (H&T) has recommended that conditions include a requirement that there should be no deliveries made to the store from the highway and no delivery vehicles associated with the store shall reverse onto the highway from the application site.
- 3.7 A planning condition simply stating that vehicles should not reverse onto the public highway would not meet the tests set out in the NPPF. I must stress that more general day to day safety matters are the responsibility of the site user and would not be enforceable through the planning system. The information that has now been submitted confirms that acceptable, safe vehicle movements can take place within the site.
- 3.8 In light of this, on balance, I recommend that planning permission can now be granted, subject to the imposition of suitable conditions which are reflected in the recommendation that follows:

4. Recommendation:

- 4.1 **Grant planning permission** in accordance with the following submitted details: Drawing SSLBOROUGHGREEN(LOCAL).1 TK09 dated 17.11.2016, Drawing SSLBOROUGHGREEN(LOCAL).1 TK07 dated 17.11.2016, Proposed Plans H104 B dated 17.11.2016, Environmental Assessment PHASE1 AND II dated 17.11.2016, Letter dated 17.11.2016, Site Plan dated 04.05.2016, Elevations P-121603-201 A dated 18.04.2016, Drawing TK10 car entering plan dated 18.04.2016, Drawing TK11 car exit plan dated 18.04.2016, Elevations P-1211603-203 B dated 18.04.2016, Elevations P-1211603-204 B dated 18.04.2016, Floor Plan P-121603-102 D dated 18.04.2016, Floor Plan P-121603-111 A dated 18.04.2016, Parking Layout P-121603- 115 C dated 18.04.2016, Elevations P-121603-202 A dated 18.04.2016, Letter dated 18.04.2016, Email dated 16.11.2016, subject to:

Conditions

- 1 The A1 (shop) floor space shall not be used or operated outside the hours of 06.00 to 23.00 Mondays to Sundays including Public and Bank Holidays.

Reason: To protect the aural environment of nearby dwellings.

- 2 Retail deliveries shall not take place outside the hours of 07.00 to 22.30 Monday to Friday, 08.00 to 21.00 on Saturdays and 08.00 to 19.00 on Sundays or Public and Bank Holidays.

Reason: To protect the aural environment of nearby dwellings.

- 3 The area shown as parking and associated turning space on the approved plans 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 the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: In the interests of highway safety.

- 4 The large car tracking area identified on drawings SSLBOROUGHGREEN(LOCAL).TK10 and SSLBOROUGHGREEN(LOCAL).1/TK11 shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 5 The additional signing and markings shown on drawing no. H104Rev.B shall be provided within 1 month from the date of this decision and shall be retained at all times thereafter.

Reason: In the interests of highway safety.

- 6 There shall be no deliveries made to the store from the highway. The loading area and the area shown within the tracking plots on drawing numbers SSLBOROUGHGREEN(LOCAL).1/TK09 and SSLBOROUGHGREEN(LOCAL).1/TK07 as tracking for the 18t Rigid Vehicle for entering and exiting the loading area in forward gears shall be kept available for such use, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position to preclude vehicular access to this reserved loading bay and turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 7 The scheme of external lighting approved under planning reference TM/15/02849/RD shall be retained unless otherwise approved 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.

- 8 The screening for the mechanical plant approved under planning reference TM/15/02849/RD shall be retained unless otherwise approved 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.

- 9 The location and screening of the commercial bin store approved under planning reference TM/15/02849/RD shall be retained unless otherwise approved 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.

- 10 The plant equipment approved shall not exceed a Noise Rate Level of 35 as measured from any noise sensitive premises.

Reason: To protect the aural amenities of adjoining properties.

Informatives:

1. 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.
2. The applicant is reminded of the requirement to organise traffic routes and segregate vehicles and pedestrians as they move around the car park - Regulation 17 Health and Safety (Workplace) Regulations 1992 (as amended).
3. The Applicant is invited to consider:
 - the provision of a yellow box junction on A227
 - submitting an informal agreement to not allow deliveries to coincide with school drop-off and pick-up times in term time (8am to 9am and 3pm to 4pm)
 - whether vehicle entry/exit swept paths might be better reversed
 - re-positioning of ATM from road elevation/delivery swept path.

Contact: Glenda Egerton

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Report from 17 August 2016

Borough Green
Borough Green And
Long Mill

14 June 2016

TM/16/01245/FL

Proposal: Section 73 Application to vary condition 13 of TM/14/03560/FL (as varied by non material amendment TM/16/00688/NMA) to remove the chamfer from the rear of the building, relocation of escape door, insertion of additional escape door, retention of existing covered porch, amendment to main entrance door, reduction in width and relocation of new access stairs, revised position of two car parking spaces

Location: 4 Wrotham Road Borough Green Sevenoaks Kent TN15 9DB

Applicant: Sainsbury's Supermarkets Ltd

1. Description:

- 1.1 Members resolved to grant planning permission for single storey side and rear extensions, installation of plant machinery and reconfiguration of access to the existing residential accommodation above on 12 December 2014 (TM/14/03560/FL).
- 1.2 The plans approved as part of the above application were not listed within a condition. Therefore, the applicant took the step of submitting an application for a Non-Material Amendment to list the approved drawings (TM/16/00688/NMA), which was approved with the drawings listed within condition 13, an extra condition.
- 1.3 The applicant has made changes to the approved scheme and rather than resubmit a fresh planning application, in this s73 application they are seeking approval for that change as a "minor material amendment".
- 1.4 This application therefore seeks to vary condition 13 of TM/14/03560/FL (as inserted by TM/16/00688/NMA) to include a revised drawing to remove the chamfer from the rear of the building, relocate the escape door, insert an additional escape door, retain the existing covered porch, amend the main entrance door, reduce the width and location of the new access stairs and to revise the position of two car parking spaces.
- 1.5 Condition 13 of TM/16/00688/NMA states

13. The development hereby approved shall be undertaken in accordance with the following approved plans and supporting documentation:

Proposed Floor Plans P-121603-102 C received 27.11.2014, Elevations P-121603-203 A received 27.11.2014, Elevations P-121603-204 A received 27.11.2014, Existing Floor Plans P-121603-101 received 17.10.2014, Floor Plan

P-121603-111 received 17.10.2014, Drawing P-121603-115 B received 17.10.2014, Elevations P-121603-201 received 17.10.2014, Elevations P-121603-202 received 17.10.2014, Drawing P-121603-300 received 17.10.2014, Location Plan P-121603-100 received 17.10.2014.

Reason: For the avoidance of doubt.

- 1.6 This is a retrospective application. The work has been carried out on site and the store has now opened. It is understood that delivery vehicles are not turning on site in the manner indicated when TM/14/03560/FL was granted.
 - 1.7 The building previously operated as a public house at ground floor, with manager's flat and separate flat at first floor and above. The General Permitted Development Order 2015 permits the change from A4 (drinking establishment) to A1 (shops) without the need for a planning application. Therefore, had the applicant not required an extension they would have occupied the building for retail purposes without referral to the Local Planning Authority.
- 2. Reason for reporting to Committee:**
- 2.1 Called in by Cllrs Taylor and Perry in order to consider the implications resulting from the loss of the chamfer to the rear of the building on highway safety, and comparison with the situation of other large convenience shops in the village.
- 3. The Site:**
- 3.1 The site lies on the eastern side of the A227 Borough Green Road, directly north of the London to Maidstone railway line, to the south of 10 Western Road and to the west of some commercial units within Bourne Enterprise Centre. To the west of the application site, on the opposite side of Borough Green Road, lies the Borough Green and Wrotham Railway Station and Co-op store, both of which are served by Station Approach. A small parade of shops lies on the junction of Station Approach with Wrotham Road.
 - 3.2 The application site includes 5 existing A1/A2 units which lie on the northern boundary on the site between 10 Maidstone Road and the Henry Simmonds PH.
 - 3.3 The site lies within the built confines of Borough Green and an Area of Archaeological Potential. The site is within the retail policy boundary for Borough Green as defined by Policy R1 of the DLA DPD 2008.
 - 3.4 The site is relatively flat with vehicular access off Maidstone Road toward to the north-west corner of the site. There is a pedestrian access off the Wrotham Road footway in the south west corner. A zebra crossing lies outside the site serving the Railway Station.

4. Planning History (relevant):

TM/14/03560/FL Approved 12 December 2014

Single storey side and rear extensions to existing building, installation of ATM, changes to elevations, installation of plant machinery and reconfiguration of access to the existing residential accommodation above

TM/14/03570/AT Approved 12 December 2014

3 no. internally illuminated fascia signs, store entrance sign, ATM surround, Totem sign (externally illuminated) and various car park/parking signage

TM/15/02849/RD Approved 17 March 2016

Details of materials (2), external lighting (6), alternative location for commercial bin store (8), screening for proposed mechanical plant (9), and watching brief (10) to be undertaken by an archaeologist pursuant to conditions of planning permission 14/03560/FL (single storey side and rear extensions to the existing building, the installation of ATM, changes to elevations, the installation of plant machinery and reconfiguration of access to the existing residential accommodation above)

TM/16/00688/NMA Approved 24 March 2016

Non Material Amendment to TM/14/03560/FL (Single storey side and rear extensions to existing building, installation of ATM, changes to elevations, installation of plant machinery and reconfiguration of access to the existing residential accommodation above) to list the approved drawings as listed under a new condition

5. Consultees:

5.1 PC: No observations

5.2 KCC (Highways): Concerns in relation to the changes to the building resulting in an inadequacy of space for manoeuvring safely around the site;

5.2.1 At the time of visiting the site a Ford Ka had difficulty turning from the rear of the site to the southern side of the site and therefore delivery vehicles will also experience problems. Complaints have been received relating to delivery vehicles associated with this store reversing onto the highway, having a detrimental impact upon highway safety. The “squaring off” of the building at the rear restricts visibility of pedestrians and this too is considered detrimental to highway safety. The alterations to the disabled parking space also appear to restrict manoeuvring space, which may lead to conflict.

5.2.2 In light of this, recommend that the application is refused on highway grounds as there is inadequate manoeuvring space within the site causing conflict between

vehicles and pedestrians and leading to vehicles reversing within the highway which is contrary to highway safety.

5.3 Private Reps: Art 15 site notice and (16/0S/0X/0R). No comments received.

6. **Determining Issues:**

6.1 The imposition of a condition on a planning permission is not set in stone – the applicant has the prerogative under s73 of the Town and Country Planning Act 1990 to seek a variation and the LPA must consider such requests on their planning merits in the context of the Development Plan and other material land use planning considerations. The Government has endorsed s73 of an NMA (non-material amendment) application with a plans list as a condition as a way by which developers can seek approval for Minor Material Amendments.

6.2 Policy CP24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings. I am of the opinion that the removal of the chamfer from the rear of the building, relocation of the escape door, insertion of additional escape door, reduction in width and relocation of new access stairs would not have a detrimental impact upon the visual amenity of the site and its surroundings.

6.3 The planning permission for TM/14/03560/FL (the parent application) included a list of submitted details. This included 3 plans relating to vehicle tracking and a Transport Statement.

6.4 Condition 11 of TM/14/03560/FL states

“The extension hereby approved shall not be occupied until the area shown on the submitted plan as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.”

6.5 The tracking diagrams submitted within the approved Transport Statement show how the delivery lorries would turn on the site. It had a swept path analysis for a delivery lorry going into the site, travelling around the rear of the building, and parking in a marked delivery bay to facilitate to manoeuvre entirely in a forward gear. The Transport Statement, at paragraph 3.7 states *“The service area of the development adjacent to the front of the store would be accessed from the car*

park and, like cars, service vehicles would access and egress into and out of the existing access on Wrotham Road. Track plot

***SSLBOROUGHGREEN(LOCAL).1/TK01**, presented in **Appendix B**, shows how the 18t (9.9m) rigid delivery vehicle would be able to access the site.”*

- 6.6 At paragraph 9.8, the Transport Statement states *“The delivery vehicle will turn left slowly into the site before turning manoeuvring around the car park in a clockwise direction, minimising the use of excessive brakes, before stopping in the loading area adjacent the front of the store. The engine will then be turned off after manoeuvring”*.
- 6.7 The Transport Statement forms part of the approved documents for TM/14/03560/FL. Given that it demonstrates that there was manoeuvring space around the building for delivery vehicles, in my view it is necessary for the applicant to demonstrate that delivery vehicles are still able to turn around on site notwithstanding the amendments that have been made to the scheme when built out.
- 6.8 The tracking shown on these diagrams includes the area where the building has now been squared off to remove the chamfer, and the hatched area surrounding disabled parking space SSL6, which has been moved 1.6m away from the building.
- 6.9 Therefore, I am of the opinion that amending only condition 13 on the plans list is inadequate, as the amended drawings would as a consequence be in direct conflict with condition 11. Condition 11 was clearly predicated on keeping the “turning area” available, and the original permission was granted based in part on the information provided in the Transport Statement regarding the proposed vehicle movement.
- 6.10 The application description needs to also vary (or remove) condition 11. Various attempts have been made to get the applicant to revise the proposal in this respect, and to submit an updated Transport Statement detailing an alternative delivery strategy.
- 6.11 The applicant is of the opinion that condition 11 is unenforceable because it refers to a “turning area” that does not exist and is not shown on any plans. They consider that a track plot is not a turning area, and therefore we would not be able to require an area to be kept available if it could not define the parameters of that area. The applicant suggests that even if a track plot could be interpreted as a “turning area”, there is nothing in condition 11 (or any other condition) to ensure that deliveries must take place in the manner envisaged during the course of consideration of TM/14/03560/FL.
- 6.12 Whilst a planning condition to ensure that vehicles **always** enter and exit the site in a forward gear would be unenforceable in a practical sense, it is still of benefit to the highway safety of the surrounding locality and proper planning to ensure that

there is an area on the site where vehicles can turn, as required by condition 11 of TM/14/03560/FL.

- 6.13 There are a number of other small “supermarkets” within Borough Green. Having considered the planning history for these, two of these were converted to supermarkets under the provisions of the General Permitted Development Order because of the uses of the buildings into which they located, and did not require the benefit of express planning permission (Co-op and Loco). The planning permission for the Nisa relates to an historical consent (MK/4/65/183), and has no conditions relating to delivery vehicles. However, given that this Sainsbury site is controllable under planning conditions, the other sites within Borough Green should not form a precedent and through planning, in my view the Council should seek to ensure that the use of the site as a retail shop should have minimal detrimental impact on highway safety and the free flow of traffic.
- 6.14 In light of this concern relating from the proposed changes resulting in inadequate turning conditions, I am of the opinion that the application to amend only condition 13 of TM/14/03560/FL would be in direct conflict with condition 11 of TM/14/03560/FL, which was predicated on keeping the “turning area” available. The tracking plans submitted as part of the Transport Statement approved under TM/14/03560/FL (which shows a delivery vehicle entering and leaving the site in a forward gear and thus “turning” on site) indicates that the area where the chamfer has not been built and one of the parking spaces relocated to encroaches into the tracking, and therefore breaches condition 11. In light of this, I recommend that the application be refused and enforcement action taken.

7. Recommendation:

7.1 Refuse

Reasons

- 1 The Local Planning Authority considers that amending condition 13 in isolation from amending condition 11 is inadequate because removing the chamfer and relocating parking will be in direct conflict with condition 11 of TM/14/03560/FL, by encroaching into the turning area for the delivery vehicle, as set out in the approved Transport Statement under TM/14/03560/FL. Insufficient information has been submitted within this application to demonstrate that delivery vehicles can enter and exit the site in a forward gear and therefore the proposal could give rise to hazardous conditions on the highway, on the A227 and within the site itself, contrary to paragraphs 32-35 of the National Planning Policy Framework and Policy SQ8 of the Managing Development and Environment DPD 2010.

2. An Enforcement Notice **BE ISSUED** to seek the construction of the site in accordance with the approved plans of TM14/3560/FL, the detailed wording of which to be agreed with the Director of Central Services.

Contact: Glenda Egerton

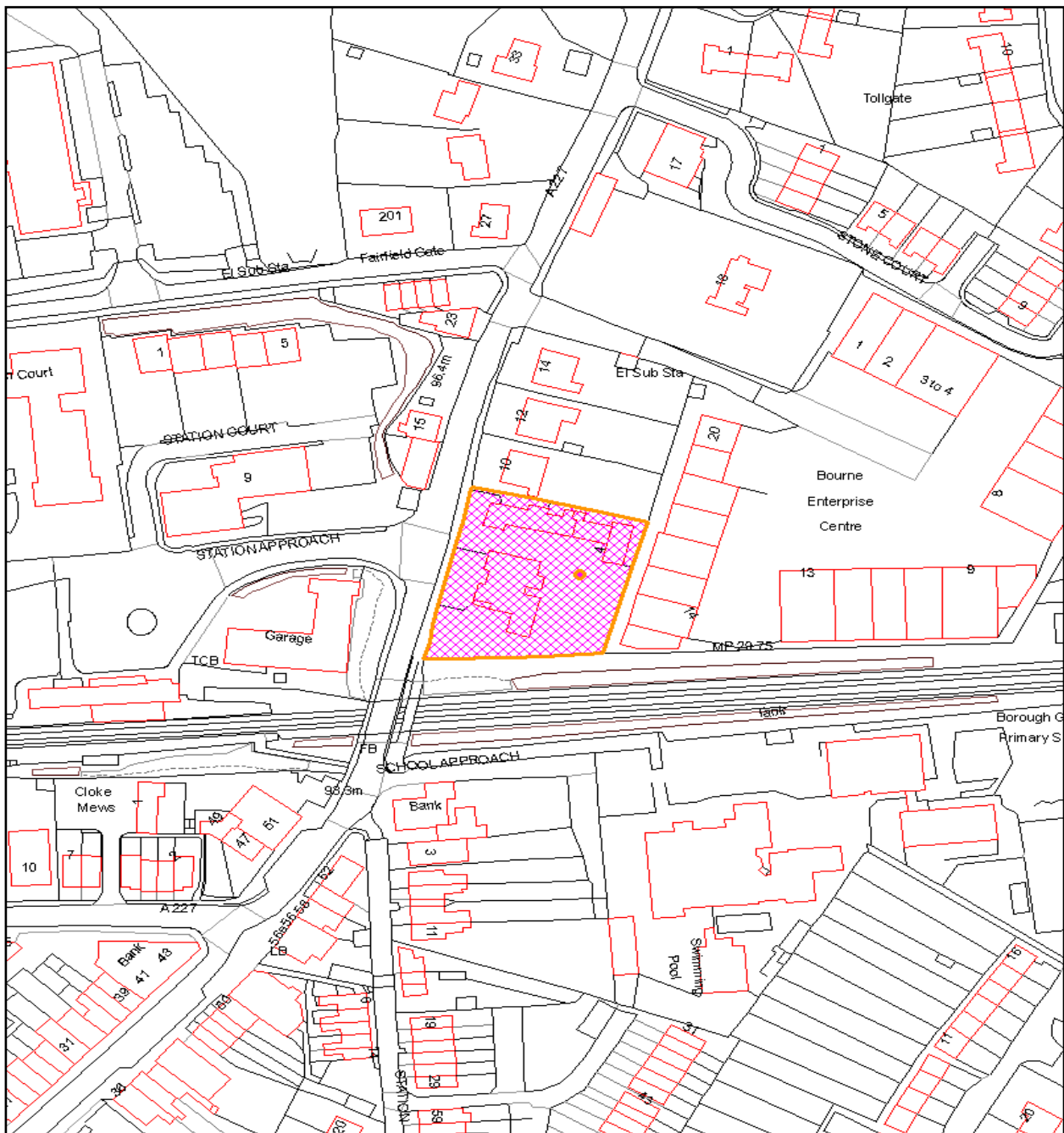
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TM/16/01245/FL

4 Wrotham Road Borough Green Sevenoaks Kent TN15 9DB

Section 73 Application to vary condition 13 of TM/14/03560/FL (as varied by non material amendment TM/16/00688/NMA) to remove the chamfer from the rear of the building, relocation of escape door, insertion of additional escape door, retention of existing covered porch, amendment to main entrance door, reduction in width and relocation of new access stairs, revised position of two car parking spaces

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Platt
Borough Green And
Long Mill

21 July 2016

TM/16/01766/FL

Proposal: Erection of 3 Industrial buildings for mix of B2 (General Industry) and B8 (Storage/Distribution) use, and associated vehicle access and parking

Location: Phase 3 Platt Industrial Estate Maidstone Road Platt
Sevenoaks Kent

Applicant: Prime Securities Ltd

Go to: [Recommendation](#)

1. Description:

- 1.1 The application proposes the erection of 3 new industrial buildings on a large part of a vacant plot of land within Platt Industrial Estate, known as Phase 3, to provide 7 units for a mix of general industry and storage/distribution uses, with new access, parking and turning areas.
- 1.2 Building A (unit 1) is to be located in the northwest corner of the site and measures 22m wide x 29.6m deep (651m²). Building B (unit 2) is to be positioned in the northeast corner and measures 21m wide x 30m deep (630 m²). Building C (units 3-7) is to occupy the southern part of the site and will measure 77m wide x 24m deep (1848m²). All 3 buildings provide 6m high eaves and 7.1m total height. The total building footprint coverage will be approximately 3129m².
- 1.3 Each unit provides a ground floor workshop and small ancillary office and a first floor mezzanine providing additional ancillary office space (55-78m²).
- 1.4 The buildings have been designed with shallow dual pitched roofs, clad with insulated metal profile roof sheeting. The external walls are to be constructed of face brick for the first 2.1m from floor level with grey/white metal panel cladding above. The window and door frames, fascias and soffits are to be olive green coloured powder-coated aluminium. The roller doors are to be olive coloured metal cladding. Solar panels and roof lights are to be located on the roofs of all 3 buildings. Rainwater goods are to be black in colour.
- 1.5 A new access point is proposed within the centre of the northern boundary that fronts the existing access road with turning/manoeuvrability areas and parking provided between the buildings. A total of 69 car parking spaces are proposed in a varied arrangement including in front of the units, adjacent to both east and west boundaries between the buildings, and along the eastern frontage accessed from the existing access road. This provision includes 4 disabled spaces. Refuse storage areas are proposed adjacent to the southwest corner of Unit 1 and northeast corner of Unit 3. Cycle stores and motorcycle parking are also proposed.

- 1.6 Foul sewage is to be disposed of to the mains sewer. Surface water is to be directed to large cellular soakaways. A sustainable drainage scheme (SuDS) has been submitted.
- 1.7 A Planning Design and Access Statement, Tree Survey with addendum, Extended Phase 1 Habitat Survey, Reptile Survey, Desktop Study: Phase 1a and 1b, Transport Assessment and AADT Traffic Flows have been submitted with the application.
- 1.8 A unilateral undertaking has been submitted for improvement works to the Platt Industrial Estate access road/Maidstone Road junction.

2. Reason for reporting to Committee:

- 2.1 The application has been called in to Committee by Councillor Taylor due to local concern.

3. The Site:

- 3.1 The application site is part of a vacant parcel of land within the western section of Platt Industrial Estate, located at the far end of the main access road to the Estate between the large factory/workshop of Kentinental Engineering to the north and the National Rail line to the south. A group of 7 light industrial units lie to the east of the site. A band of well established trees that are covered by an Area TPO extend along the western boundary of the site. The site fronts existing tarmacked access roads on its north and east side. The surrounding industrial buildings within the Estate display heights of 6m - 8.5m and are clad in a mix of brickwork and metal cladding, and provide a cluster of established industrial units within Platt Industrial Estate.
- 3.2 The topography of the site shows the land sloping down from north to south/southwest with a change of about 1.5m. The site is completely covered by thick but generally low level vegetation about 0.5m high.
- 3.3 The site is within the countryside, Metropolitan Green Belt and a Water Catchment Area. Maidstone Road is a Classified Road (A25). The site is allocated in the DLA DPD as a Major Developed Site in the Green Belt (Policy M1) with site specific caveats identified (Policy M1(3)(c)), Other Employment Land (Policy E2) and Vacant Sites Allocated for Employment Development (Policy E3). A Public Right of Way (PROW) follows the access road to the Estate and continues north.

4. Planning History (relevant):

TM/71/10594/OLD Refuse 20 January 1971

The construction of an industrial estate road.

TM/76/11030/FUL Refuse 5 April 1976

4 No. warehouse units, ancillary offices and site works.

TM/77/11240/FUL grant with conditions 21 June 1977

Speculative development - warehouse and ancillary offices.

TM/78/11046/FUL grant with conditions 9 May 1978

11 Warehouse units.

TM/79/10125/FUL grant with conditions 30 November 1979

The erection of six warehousing units with ancillary office accommodation and construction of vehicular parking space, Phase III (alternative details to planning permission TM/77/52 and TM/77/1032).

TM/85/10110/FUL grant with conditions 25 March 1985

Application to use land for parking and maintenance of commercial vehicles for temporary period of one year.

TM/86/10905/FUL grant with conditions 24 March 1986

Renewal of temporary planning permission TM/85/119 for a further period of 1 year for use of land for parking and maintenance of commercial vehicles.

TM/87/11794/FUL grant with conditions 25 June 1987

Renewal of temporary planning permission TM/86/119 for the use land for parking and maintenance of commercial vehicles.

TM/88/11482/FUL Application Withdrawn 9 December 1988

Further renewal of temporary planning permission TM/86/119 for the use of land for parking, and maintenance of commercial vehicles.

TM/98/00086/OA Grant With Conditions 3 November 1998

erection of six warehouse units with ancillary office accommodation and vehicular parking spaces

TM/06/00966/OA Refuse 27 March 2008

Outline Application: Erection of 6 no. warehouse units with ancillary office accommodation and vehicular parking spaces

TM/11/03020/OA

Approved

21 July 2015

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

5. Consultees:

5.1 PC: Objection to the application on the following grounds:

- Concerns relating to the access to Platt Industrial Estate off the A25.
- Air quality issues in the Parish from increasing lorry movements both within this scheme and further phases awaiting approval.
- 24 hour 7 days a week operation is not acceptable as it will be intolerable to local residents.

5.2 KCC (Highways): The following comments were received (12.08.2016):

- Committed Development - The committed development referred to in paragraph 2.7 appears to relate to the outline permission granted for this site
- Development Proposals - The extent of the development summarised in paragraph 1.2 does not relate to details submitted on the application form or to site layout drawings. Clarification is required.
- Parking – The standard given at 1 space per 200m² is that relating to goods vehicles and the total number of spaces quoted do not relate to the plans provided or the application form.
- Appendices – Appendices to the Transport Assessment have not been included.

5.2.1 Comments received in relation to the amended Transport Assessment (22.11.2016):

- The applicant has now submitted an appropriate Transport Assessment incorporating committed development (phase 4) and made comparison with the previously approved phase 3 proposal.
- I note and concur that the traffic generation forecast from this proposal is comparable to that previously approved. The applicant has also checked the capacity of the access with the A25 with both phase 3 and 4 in place and I also concur from this work that the junction operates well within capacity.
- As with the approval of the previous phase 3 proposal and the recently approved phase 4 proposal, I consider that no development works should commence until the approved alterations to the junction with the A25 are completed.

- Conditions have been suggested relating to provision of loading and turning facilities prior to commencement, parking facilities for site personnel during construction, measures to prevent discharge of surface water onto the highway, provision of wheel washing facilities, retention of parking and vehicle loading and turning facilities and retention of cycle and motorcycle parking.
- 5.3 KCC (Heritage): The site lies within an area which has revealed evidence of Roman activity. Roman pottery, possibly a cemetery is known to the north east and associated activity may extend into the application site. This site seems to be unquarried but there has historically been quarrying in this area for many years. Brickworks are noted to the north on the 1st Ed OS map and further quarrying developed to the east. There is also a post medieval or earlier farm (Bassetts Farm) known just to the east and associated remains may extend into the application site. In view of the above potential for archaeology it is recommended that a condition requiring a programme of archaeological work to be submitted for approval be placed on any forthcoming consent.
- 5.4 KCC (SuDS): We have no objections to the proposed drainage in principle however we would emphasise that additional ground investigation will be required to support the use of infiltration. It is recommended that soakage tests be compliant with BRE 365, notably the requirement to fill the test pit several times. Conditions have been recommended for any granting of permission.
- 5.5 KCC (PROW): Public Right of Way MR251 footpath runs along the access road to the site and then outside the eastern boundary of the application site and should not affect the application. I do however feel that signs should be erected to make vehicles aware of pedestrians as well as a speed limit.
- 5.6 EA: We have assessed this application as having a low environmental risk. We therefore have no comments to make.
- 5.7 Natural England: No comments to make on this application.
- 5.8 Network Rail: The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not affect the existing or future structures on Network Rail land.
- 5.9 Kent Fire & Rescue Service: No observations on this application to submit from the Fire Service.
- 5.10 Southern Water: The following comments have been provided:
- The exact position of the public sewers must be determined on the site by the applicant before the layout of the proposed development is finalised.
 - No development or new tree planting should be located within 3 metres either side of the centreline of the public rising main and sewers and all

existing infrastructure should be protected during the course of construction works.

- No new soakaways should be located within 5 metres of a public rising main and sewers.
- Conditions have been suggested.

5.11 Private Reps: 4/0X/4R/0S + site notice + press notice (departure/PROW and Major Development). The objections raised have been summarised below:

- The proposed 24 hour/7 day use will increase day and night noise levels that will impact on residential living conditions
- The development will result in a significant increase in traffic which will increase the risk for pedestrians, in particular school children at the junction
- The development would exacerbate noise and dust impact and air pollution from increased vehicle movements to and from the Estate which would affect health.

6. Determining Issues:

6.1 The site is part of the long standing commercial/industrial area of Platt Industrial Estate which is situated outside of the settlement confines of Platt. The site has been the subject of a number of planning applications over the years. The most relevant of these include reference TM/98/00086/OA where permission was granted for a new building comprising 6 warehouse units in November 1998 and reference TM/06/00966/OA for the same 6 warehouse unit scheme which was refused in March 2008.

6.2 Since this time, the Council's Core Strategy, MDEDPD and DLADPD have been adopted and outline permission has been granted for an industrial building (B1 light industrial/B8 Storage) with a building footprint of 3130m² on the application site under reference TM/11/03020/OA. This permission was granted in July 2015 and therefore remains extant, and also includes a unilateral undertaking for the implementation of junction improvement works at the A25.

6.3 None of the permissions mentioned above have been implemented. It is also noted that a series of temporary permissions were granted in the mid-late 1980s for the use of the application site for parking and maintenance of commercial vehicles.

6.4 These previous permissions and applications, particularly TM/11/03020/OA granted in 2015, remain material considerations in the assessment of this current scheme.

Green Belt:

6.5 The application site is situated in the Green Belt where Policy CP3 of the TMBCS advises that National Green Belt policy will apply (Section 9 of the NPPF).

- 6.6 Paragraph 87 of the NPPF advises that “*as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*”
- 6.7 Paragraph 88 of the NPPF states that “*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*”.
- 6.8 Paragraph 89 of the NPPF advises that the construction of new buildings should be regarded as inappropriate in the Green Belt. One of the exceptions to this is “*limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*”
- 6.9 The site is currently vacant and covered with low level vegetation. Several permissions were granted in the mid-1980s to use the site for the temporary parking and maintenance of commercial vehicles but from Council records this cannot be verified as having been implemented. However, whether considered to be previously developed land or not, the proposed development introduces new industrial buildings that would clearly have a greater impact on the openness of the Green Belt than that existing and would therefore be *inappropriate development*. A case of very special circumstances therefore needs to be justified.
- 6.10 The site presents a unique setting in that it is largely physically enclosed within the landscape by existing industrial buildings to the north and east and the excavated National railway line to the south which, in my view, has already compromised openness to a significant degree. The site is also enclosed on the western side by a band of mature trees/hedgerow, which visually separates the site from the quarry to the west.
- 6.11 The buildings surrounding the site include Units 1-7 Platt Industrial Estate (100m long and 6-7m high) adjacent to the east and Kentinental Engineering (80m long and 8m high) to the north. Other buildings further to the northeast include Holmesdale Business Park (8.5m high) and Mill Place (6-7m high). Together these industrial buildings provide an intensive group of large scale built form within the Estate. The extant permission for the Phase 3 site (TM/11/03020/OA) provides for a large scale industrial building 8.3m high with a footprint area of 3132m². The proposed buildings would be of a comparable size and scale to the adjacent existing buildings and approved building on the site.
- 6.12 The railway line to the south has been substantially cut into the land, providing a highly visible feature within the landscape that clearly demarcates and encloses

the southern extent of the Phase 3 site, the southern part of which will remain vacant at this stage.

- 6.13 The topography of the land shows the site to be situated within a low point in the land, with the land dropping more than 10m from the A25 and main access road from the junction. This further shows the enclosed nature of the site.
- 6.14 Therefore, although the proposed development would impact on the openness of the Green Belt, given the unique site specific circumstances discussed above, I consider that this impact on openness would not be substantial in this case.
- 6.15 Paragraphs 18 and 19 of the NPPF support sustainable economic growth, on which significant weight should be placed. Paragraph 28 supports a prosperous rural economy and confirms the commitment to supporting economic growth in rural areas to create jobs and prosperity. It advises that support should be given for the sustainable growth and expansion of all types of business and enterprise in rural areas through well designed new buildings.
- 6.16 The Council's Employment Land Review identifies Platt Industrial Estate as an 'average' employment site that currently meets a local need. It provides the following review:

Platt Industrial Estate was constructed in the 1970s, but was recently partially refurbished. It comprises of well maintained, relatively good quality B1, B2 and B8 units that range from 2,000 to 80,000sq ft. There is scope to intensify the site within the current boundary. However, access would require upgrading as part of any redevelopment. The site is isolated from nearby settlements by the rail line. The A25 is accessed via Maidstone Road and in terms of public transport, the site is approximately 1.5km from Borough Green train station and is served by a local bus service, there is also car parking provided on site. This is a reasonable employment site that offers a range of employment floorspace types to meet local requirements.

- 6.17 In response to the Employment Land Review, the Council is looking to allocate up to 33ha of additional employment land for the Borough in the new Local Plan, with the demand largely being for B2/B8 premises. The amount of employment land development in 'Malling Area Rural' is relatively limited and therefore the delivery of this site for employment purposes with the improvements to the access would assist in accommodating future short term growth that would bring notable economic benefits to the local rural economy.
- 6.18 The applicant has suggested that the development would create 70 jobs; however it is considered that this is likely to be more in the region of 35 jobs. The success of Nepicar Park nearby, which is now fully let, and the established units within Platt Industrial Estate which appear to be fully occupied, is a strong indication of the level of demand for new commercial units in the area. The Commercial Information Audit (2014/15) illustrates that in recent years there has been a net

loss in B-Class provision with substantial losses in B8 provision in 2014/15. The proposed development would assist in addressing this loss.

- 6.19 The designation of the application site (Phase 3) as Vacant Land Allocated for Employment Development and Other Employment Land for continued employment use, and the previous and extant permissions for similar types of development on the application site, provide a clear commitment through the Development Plan to facilitate industrial development on the Phase 3 site of the Estate.
- 6.20 Improvements to the junction with Maidstone Road are proposed which are to be secured within a unilateral undertaking submitted with the application. This legal undertaking reflects similar undertakings submitted as part of the extant planning permission TM/11/03020/OA (Phase 3) and the recent permission for development of the Phase 4 site under reference TM/15/03084/FL. These junction improvements represent additional benefits of the scheme.
- 6.21 I therefore conclude that, on balance, when considering the unique setting of the site which demonstrates a high level of physical enclosure that has compromised openness, the benefits of the development to the local economy and to the Maidstone Road junction and given the extant permission for similar development on the site, 'very special circumstances' are shown to exist that would outweigh the harm to the Green Belt as a result of the development's inappropriateness.

Development Plan designations:

- 6.22 The site is allocated in the DLADPD as a Major Developed Site in the Green Belt, under Policy M1. This allows for infill development or redevelopment provided that:
- 1) it does not lead to any greater impact on the openness of the Green Belt and the purposes of including land within it;
 - 2) it leads to an overall improvement in the environment and does not harm the landscape setting and appropriately integrates with its surroundings;
 - 3) any changes in traffic can be satisfactorily accommodated without conflict with the rural amenity, without prejudice to highway safety and bring beneficial changes if possible;
 - 4) it does not exceed the height of existing buildings;
 - 5) for infill development, it does not result in an extension to the currently developed extent of the site; and
 - 6) for redevelopment, the proposed coverage of the site by buildings (i.e. the footprint) is no larger than the ground floor extent of the original buildings unless occupying a larger footprint would achieve a reduction in height which would benefit visual amenity and reduce impact on the wider Green Belt

- 6.23 This policy also provides site specific requirements for Platt Industrial Estate, requiring any development to protect trees on the site, achieve a satisfactory noise climate having regard to the proximity of the railway line, minimise conflicts with mineral operations in the area, investigate and remediate any land contamination, include any necessary mitigation following archaeological assessment and include any necessary improvement to the access (Maidstone Road junction).
- 6.24 The proposed new industrial buildings would clearly impact on the openness of the Green Belt given there are no existing buildings on the site. The development would therefore not comply with provision (1) of Policy M1 (1). It would also not comply with provision (4), which restricts the height of new buildings to that no higher than existing buildings; or with provisions (5) and (6) as the new buildings would extend the currently developed extent of the site and coverage of buildings on the site.
- 6.25 The buildings are sited directly adjacent to the existing substantial industrial buildings to the north and east, will be set at a level noticeably lower than the level of the main access/carrageway from the A25 and the other development to the east of the site and the site is enclosed on the south side by the railway line which forms a substantial excavated feature within the landscape. Existing trees along the western boundary of the site, which are protected under a TPO, are to be retained. These provide a good level of screening within the landscape. As a result, I am of the view that the development would appropriately integrate with its surroundings and would not harm the landscape setting. The development would therefore satisfy provision (2) of Policy M1 (1).
- 6.26 Provision (3) of Policy M1(1), which relates to traffic and highway safety, will be dealt with in a later section of this report.
- 6.27 The site (and the whole of Platt Industrial Estate) is also designated as 'Other Employment Land' under Policy E2 of the DLADPD. Areas under this policy are considered suitable for continued employment use subject to new development creating no unacceptable impact on residential or rural amenity by virtue of noise, dust, smell, vibration or other emissions, or by visual intrusion, or the nature and scale of traffic generation. The proposed B2 general industrial/B8 storage/distribution uses would therefore be acceptable in principle. The specific matters relating to impact on residential amenity, visual impact and traffic generation will be discussed later in this report.
- 6.28 The site, and the remaining part of the Phase 3 land, is designated as 'Vacant Land Allocated for Employment Development' under Policy E3. This policy identifies specific vacant sites that are suitable for employment use under Policies E1 and E2.

Development in the Countryside:

6.29 Policy CP14 of the TMBCS restricts development in the countryside to specific development listed in the policy. New industrial development is not specifically listed and therefore the proposal would not comply with this policy.

Character and visual amenity:

6.30 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDEDPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape.

6.31 The layout of the development and design and appearance of the buildings are typical of industrial development in the Borough. The buildings have been positioned close to the south and north boundaries, with Buildings A and B facing east towards the centre of the Estate and Building C facing north. The site is accessed via an internal access road extending south between Buildings A and B, leading to a large vehicle turning/manoeuvring and car parking area situated between the 3 buildings. The buildings are rectangular in shape with shallow dual pitched roofs. The external materials are to comprise a mix of facebrick and white/grey coloured metal wall and roof panels, details of which have been described on the application plans. It is preferred though that the metal sheet wall and roof cladding be darker in colour to minimise visual impact from long range views. Such details could be subject to a condition on any permission granted. Overall though, I am satisfied that the proposed buildings would be appropriately laid out on the site and of a size, scale and appearance that would effectively integrate with adjacent buildings on the Estate.

6.32 The western boundary of the site is thickly covered by established mature trees that are protected under an Area TPO. A Tree Survey prepared by Philip Wilson Arboriculture in December 2013 (Report Ref.131102 v2), that was submitted as part of planning reference TM/11/03020/OA, has been submitted along with an addendum that updates the survey to respond to the revised development. The addendum recommends that to adequately protect the root system of Tree T7 (Oak) the nearest car parking be lost. The proposal plans have been amended to take this into account. Therefore, subject to the development being carried out in accordance with the recommendations and tree protection measures outlined in the submitted tree survey addendum, I am satisfied that the development would not have any damaging effect on the protected trees.

6.33 A large number of solar panels are proposed to be positioned on the southern roof slopes of the buildings. The roof slopes are very shallow which would minimise their visibility and in any event solar panels are specifically designed to absorb sunlight rather than reflect it. To ensure that the solar panels are arranged close

to the roof planes, a condition can be imposed requiring details of the height of the solar panels above the roof to be submitted for approval.

- 6.34 Accordingly, subject to the conditions suggested above, I am satisfied that the proposed development would not harm the character of the area or visual amenity of the locality. The proposal would therefore satisfy Policies CP24 of the TMBCS and SQ1 of the MDEDPD. I am also satisfied that the development would accord with Part 7 of the NPPF relating to good design.

Access, parking and highway safety:

- 6.35 Improvements to the junction at the A25, which have previously been endorsed by the Local Highway Authority, were secured under a unilateral undertaking offered by the applicant for planning permissions TM/11/03020/OA (Phase 3) and TM/15/03084/FL (Phase 4). The works have not yet been implemented. Therefore, the applicant has again submitted a unilateral undertaking for the same junction improvements, which now incorporate a square parking bay nearest to the junction, as previously requested by the Local Highway Authority. The proposed works are shown on Drawing No.614034/SK16 that forms part of the undertaking. The Local Highway Authority confirmed under the recent planning application approved for Phase 4 (TM/15/03084/FL) that the revised junction improvements are acceptable in respect to visibility for emerging vehicles and pedestrian. This remains relevant for this proposed development.
- 6.36 The securing of these junction improvement works are in line with the requirements of Policy M1 of the DLA DPD and will be beneficial in terms of highway safety. The Unilateral Undertaking confirms that the applicant is to covenant with the Council to undertake and complete the junction works before the development can be commenced.
- 6.37 The Local Highway Authority is satisfied that the improved junction with the A25 is well within capacity for the increase in the number of vehicles using the junction and access road to the estate when considering the cumulative effect of the proposed Phase 3 development and the recently approved Phase 4 development on the junction and road network in the immediate area.
- 6.38 In respect to pedestrian safety, although the public footway on the east side of the junction in front of 1 Whatcote Cottages is to be reduced, the Local Highway Authority in their advice on the recent Phase 4 development (TM/15/03084/FL) advised that pedestrian visibility to traffic (of all vehicle types) on the private estate road will not be any worse than that existing prior to the alterations to 1 Whatcote Cottages, as advised in a safety audit submitted as part of application TM/11/03020/OA, and therefore would be acceptable. This position has not changed in respect of this current application. To improve awareness for both road users and pedestrians at the junction/crossing, a 'pedestrian crossing ahead' warning sign and a 'give way' sign will be provided on the approach to the junction

from the Estate. This has been shown on the junction improvement plan as part of the unilateral undertaking.

- 6.39 Members may recall that in granting permission for the recent Phase 4 application, the Committee resolved to add an additional condition requiring a strategy and timetable for measures to improve both the safety and the environmental conditions of the access road around the A25/Platt Industrial Estate junction. This condition has been carried over to this application.
- 6.40 A total of 69 car parking spaces are proposed for the development, which includes 4 spaces for the mobility impaired. Swept paths show turning paths for articulated vehicles that are to access the site. The access, turning and parking provisions are considered to be acceptable.
- 6.41 Accordingly, I am satisfied that the development would not result in any significant harm to highway safety and that any residual cumulative impacts on the transport network would not be “severe”. The proposal therefore accords with Policy SQ8 of the MDEDPD and paragraph 32 of the NPPF.

Residential amenity:

- 6.42 The nearest residential properties to the site are Bassetts Cottage, Hollymount House and The Old Stables (permission recently granted for conversion to a dwelling) which are situated on the eastern side of the access road to Platt Industrial Estate, about 140m to the east of the site. The proposed development will therefore be a substantial distance from these residential properties, with a number of existing light industrial buildings situated in between.
- 6.43 The development will though result in additional traffic movements to and from the site, including cars and articulated and non-articulated vehicles. In light of the existing levels of traffic relating to the Estate, I do not consider that the additional traffic generated by the development would represent a significant increase. However, unrestricted hours of use of the development have the potential to harm residential amenities. This could result in noise impact from vehicle movements to and from the site. In order to ensure that these impacts are minimised, I consider that the hours of the use should be restricted to 07:00-22:00 Monday to Friday and 07:00-13:00 Saturday, with no working on Sundays and Public and Bank Holidays.
- 6.44 Impact on air quality in the area as a result of the cumulative effect of the proposed development has been raised by local residents. The Council is currently monitoring air quality at the Platt Industrial Estate access/A25 junction for a period of 12 months. The monitoring points are on 1 Whatcote Cottages, closest to the junction, and 19 Whatcote Cottages, at the other end of the terrace. Seven (7) months data has been collected so far which shows that Nitrogen Dioxide levels are well below the national air quality objective. It is considered that 12 months data is required to understand whether there are any significant seasonal variations.

- 6.45 In addition to this monitoring, which shows levels well below the national objective, the vehicle flow movements put forward by this development are also not considered to trigger air quality concerns. Analysis of the Transport Assessment by KCC (H + T) indicates that the traffic generation forecast for the development is comparable to that of the previous (extant) permission for the site. Therefore, as concluded under the recent planning application TM/15/03084/FL for Phase 4, the cumulative impact from the proposed Phase 3 development and the recently approved Phase 4 development (including cumulative impact from the approved/proposed development in the Industrial Estate) would not result in an air quality concern that could exceed air quality levels outlined in the national objective. I therefore do not consider the proposed development would result in a significant deterioration of the air quality of the area, either individually or cumulatively with other proposals and existing uses in the vicinity. The proposal would therefore not conflict with Policy SQ4 of the MDEDPD or paragraph 124 of the NPPF.
- 6.46 In light of the above, I do not consider that the proposed development would result in demonstrable harm to the amenities or living conditions of residential occupiers in the local area.

Ecology:

- 6.47 An extended habitat survey and reptile survey have been submitted. The habitat survey was undertaken in January 2012, however I do not consider that the conditions of the site have changed to any great extent. The survey concluded that the scrub habitat on the site is suitable for common reptile species of adder, grass snake, slow worm and common lizard and that the potential for reptiles to reside on the site is 'high'. A reptile survey undertaken in November 2013 has also been submitted but I consider that this survey, given the high potential for reptiles on the site and that 3 years have past, needs to be updated. The potential for great crested newts is considered to be low. No trees near to the site were deemed to have the potential to support bats. Advice has been given in respect to the timing of any works on the hedgerow/trees that may affect birds, which should be carried out outside of the core breeding season for birds (March to August). No badger setts were recorded on the site.
- 6.48 I consider that, subject to conditions requiring an updated reptile survey and the development being undertaken in accordance with the recommendations outlined in the submitted Extended Phase 1 Habitat Survey (Greenspace Ecological Solutions), protected species would be adequately protected. The proposal would therefore accord with Policy NE2 of the MDEDPD.

Other planning matters:

- 6.49 The activities from the proposed units in general industrial use could impact on the aural conditions of occupiers of units used for storage or distribution. A condition can be added requiring a scheme of insulation/attenuation to be submitted for any units to be used for general industry use prior to its occupation for this use.

- 6.50 As per Policy M1 of the DLA DPD, the site is identified as being in close proximity to the railway line which is a potential source of noise pollution. The site though is located some 50m from the railway line and, given the nature of the proposed general industry and storage/distribution units as a place of employment, I do not consider that noise impact from the railway line would result in a significant adverse impact on the health and quality of life of the occupants of the new buildings, as outlined in the Noise Policy Statement for England (DEFRA March 2010). The development would therefore accord with paragraph 123 of the NPPF.
- 6.51 Policy M1 also requires development on the site to minimise any potential conflict with mineral operations within the vicinity (i.e. noise and dust). The site is considered to be sufficiently buffered from potential noise and dust impact from the existing mineral operations. The vehicles enter the quarry site to the north of the Kentinental Engineering site and the band of mature trees along the western boundary provides a good level of screening and separation from the quarry.
- 6.52 The submitted site Phase 1 Desktop Study concludes that no further assessment is required. However, the site is directly adjacent to a landfill and therefore has the potential to have been impacted by earth movement/infilling and landfill gas migration. This needs to be adequately assessed to determine whether any new structures would require specific construction design. Relevant conditions are therefore required to ensure that the land is satisfactory for its end use in terms of land contamination.
- 6.53 The EA has also reviewed the application details and considers the proposal to have a low environmental risk.
- 6.54 A surface water drainage strategy has been submitted. The Lead Local Flood Authority (KCC SUDS) has no objection to the strategy but has advised that additional ground investigation will be needed to support the use of infiltration. Conditions have been suggested to secure a detailed SuDS strategy that addresses the above requirements and to restrict the infiltration of surface water into the ground to those areas where it has been demonstrated that there would not be an unacceptable risk to controlled waters. These conditions are necessary to protect the existing groundwater resources.
- 6.55 An existing mains sewer is situated close to the site and the application states that foul water is to be disposed of to this mains sewer.
- 6.56 The development, subject to the conditions suggested, would therefore accord with paragraphs 120-121 of the NPPF.
- 6.57 The County Archaeologist has advised that the site lies within an area which has revealed evidence of Roman activity, including Roman pottery and possibly a cemetery. Bassetts Farm is a post medieval (or earlier) farm from which remains may extend into the application site. A condition requiring a written specification and timetable for a programme of archaeological work for the development has

therefore been recommended. I consider such a condition to be necessary in this case.

- 6.58 The proposed plans include the provision of waste refuse enclosures and cycle stores within the site. A condition to secure details of the appearance of these enclosures and stores will be added to any grant of permission.

Representations:

- 6.59 I note the comments made by the Parish Council and local residents. The main concerns raised include the increase in traffic at the A25 junction and along the estate access road from the development and its resultant impact on the amenity and living conditions of neighbouring residents from noise, dust, air quality and light pollution; and pedestrian safety at the junction with the A25. I consider that these concerns have been addressed above.

Conclusion:

- 6.60 The proposed development would be *inappropriate development*, but due to the unique circumstances of the site setting and the benefits that the development will bring to the local economy and to the Maidstone Road junction, 'very special circumstances' are considered to exist that would outweigh the harm to the Green Belt as a result of the development's inappropriateness. I also do not consider there to be any other harm from the development identified in the report that would alter this position.
- 6.61 The scheme does not comply with provisions 1 and 4-6 of Policy M1 of the DLA DPD, relating to building height, extent and coverage of the site and impact on openness or Policy CP14 of the TMBCS relating to development in the countryside, and is therefore contrary to the Development Plan. However, I consider that the material considerations that have established the very special circumstances above under Green Belt policy are sufficient to overcome the scheme's non-compliance with the Development Plan, in this specific case.
- 6.62 In light of this the proposed development, with the imposition of suitable conditions, satisfactorily accords with the relevant provisions of the Development Plan and NPPF, and therefore approval is recommended.
- 6.63 The application was advertised as a technical departure from the development plan but I am of the view that, following the analysis above and the history of other planning decisions in the Estate, it does not warrant a referral to the NPCU.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Proposed Elevations 4863-006 C received 06.12.2016, Proposed Floor Plans 4863-011 B received 06.12.2016, Proposed Floor Plans 4863-014 B received

06.12.2016, Roof Plan 4863-015 A received 06.12.2016, Site Plan 4863-003 G received 08.12.2016, Transport Assessment 614034 REPORT 932 V1.0 received 07.11.2016, Other AADT DATA received 07.11.2016, Arboricultural Survey 161008 V2 ADDENDUM received 29.11.2016, Other DRAINAGE CALCULATIONS received 24.11.2016, Unilateral Undertaking received 22.11.2016, Letter received 22.11.2016, Sustainable drainage scheme 201 A received 11.01.2016, Proposed Floor Plans 4863-009 C received 11.01.2016, Proposed Floor Plans 4863-010 C received 11.01.2016, Proposed Floor Plans 4863-012 C received 11.01.2016, Proposed Floor Plans 4863-013 C received 11.01.2016, Proposed Elevations 4863-007 C received 11.01.2016, Proposed Elevations 4863-008 C received 11.01.2016, Location Plan 4863-001 received 06.06.2016, Survey J20112 REPTILE received 01.07.2016, Tree Report 131102 V2 received 01.07.2016, Desk Study Assessment 90507 Phase 1a _ 1b received 01.07.2016, Habitat Survey Report LM-P1BBG-2009 received 01.07.2016, Planning, Design And Access Statement received 10.06.2016, Topographical Survey 4863-016 received 16.08.2016, Sections 4863-005 D received 11.01.2016, subject to the following conditions:

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 shall take place until details and samples of all materials to be used externally on the buildings 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 area or the visual amenity of the locality.

- 3 The premises shall be used for Class B2 (General Industry) or B8 (Storage or Distribution) and for no other purpose.

Reason: To ensure future control over other potential uses of the unit and the protection of the employment and commercial uses in the locality.

- 4 Prior to first use of any of the units for Class B2 (General Industry), a scheme of noise insulation/attenuation for the unit for which it relates that satisfies BS 4142:2014 shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to first use of the unit for which it relates.

Reason: To ensure that the noise impact between the units of different uses is not adverse.

- 5 No development shall take place until a plan showing the finished floor levels of the buildings in relation to existing ground levels has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class O of Part 3, or Class H of Part 7, of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To control development that could otherwise be carried out under permitted development rights that may have the potential to harm the character of the area and highway safety.

- 7 No retail sales shall take place from the premises.

Reason: To safeguard the amenities of nearby residential occupiers and the character of the area.

- 8 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or the Town and Country (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), the layout of the development shall not be varied by means of sub-division or amalgamation of any units, nor by the insertion of additional floors, without the prior permission in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess the impact of any variation in parking and vehicle circulation in the interests of safe and free flow of traffic.

- 9 None of the buildings shall be occupied until the areas shown on the submitted layout as turning and vehicle parking space have been provided, surfaced and drained. Thereafter those areas shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved turning and parking space.

Reason: Development without adequate vehicle turning and parking provision is likely to lead to hazardous on-street parking.

- 10 The premises shall not be in use (including for any deliveries to or from the site) outside the hours of 07:00 to 22:00 Mondays to Fridays and 07:00 to 13.00 Saturdays, with no working on Sundays or Public or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance to nearby residential properties.

- 11 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/turning areas and to ensure the character and appearance of the development and the locality is not significantly harmed.

- 12 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft 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 similar structures as may be approved shall be erected prior to first occupation of the buildings.

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.

- 13 The development shall be carried out in strict accordance with the Tree Survey (ref.131102v2 dated 4 December 2013) and Addendum (Ref.161008v2 dated 29 November 2016) prepared by Philip Wilson Arboriculture, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the protected trees close to the site are adequately protected and to preserve the character of the site and locality.

- 14 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 any approved 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.

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

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

- 16 No development shall commence until details of the refuse enclosures and cycle stores have been submitted to and approved by the Local Planning Authority. The refuse enclosures and cycle stores shall be provided in accordance with the approved details prior to occupation of any of the buildings and shall be retained at all times thereafter.

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

- 17 No external lighting shall be installed on the site, except in accordance with a scheme of external lighting that has been submitted to and approved by the Local Planning Authority. Any such scheme shall have regard to Bat Conservation Trust guidance relating to lighting. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect bats and the visual amenity of the locality.

- 18 Prior to the installation of the solar panels on the buildings, a section/elevation plan showing the height of the solar panels above the roof planes of the buildings shall be submitted to and approved by the Local Planning Authority. The solar panels shall be installed in accordance with the approved details.

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

- 19 The development shall be carried out in accordance with Section 4 (Discussion and Recommendations set out in the submitted Extended Phase 1 Habitat Survey (Report No.LM-P1BBG-2009 – January 2012) prepared by Greenspace Ecological Solutions, unless any variation is approved in writing by the Local Planning Authority.

Reason: To safeguard protected species and protect the biodiversity of the local area.

- 20 Prior to the commencement of the development, an updated reptile survey and mitigation strategy shall be submitted to and approved by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved survey and mitigation strategy, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that reptiles found on site are adequately protected.

- 21 (i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk on or off the site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters; and

(ii) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a) a timetable for its implementation, and
- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into the proposal and to ensure ongoing efficacy of the drainage provisions.

- 22 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect vulnerable groundwater resources.

- 23 Prior to the commencement of development, a strategy and timetable for measures to improve both the safety and the environmental conditions of the access road around the A25/Platt Industrial Estate junction shall be submitted to and approved by the Local Planning Authority. The strategy shall be implemented as approved.

Reason: In the interest of public safety and amenity.

- 24 No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:

(a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health.

- 25 No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method

statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health.

- 26 Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health.

Informatives

- 1 This permission has a unilateral agreement attached relating to improvements to the road junction between Maidstone Road (A25) and the main access road to Platt Industrial Estate.

- 2 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 3 If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.
- 4 In implementing the above consent, regard should be had to the requirements of the Bye-Laws of the Environment Agency, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH.
- 5 A formal application for connection to the public sewerage system is required in order to service the development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel.0330 303 0119) or www.southernwater.co.uk.
- 6 The applicant should also liaise with Southern Water to ascertain the exact position of the public sewers and should ensure that no development or tree planting is located within 3m either side of the centre line of the main sewers and all existing infrastructure should be protected during construction works.
- 7 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.
- 8 With regard to works within the limits of the highway, the applicant is asked to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181.
- 9 You are advised that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 relating to the protection of species and habitats. The applicant is recommended to seek further advice from Natural England, The Countryside Management Centre, Coldharbour Farm, Wye, Ashford, Kent, TN25 5DB.
- 10 The proposed development is within a road which does not have formal street numbering and, if built, the new properties will require new names, which are required to be approved by the Borough Council, and post codes. To discuss suitable property names you are asked 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.

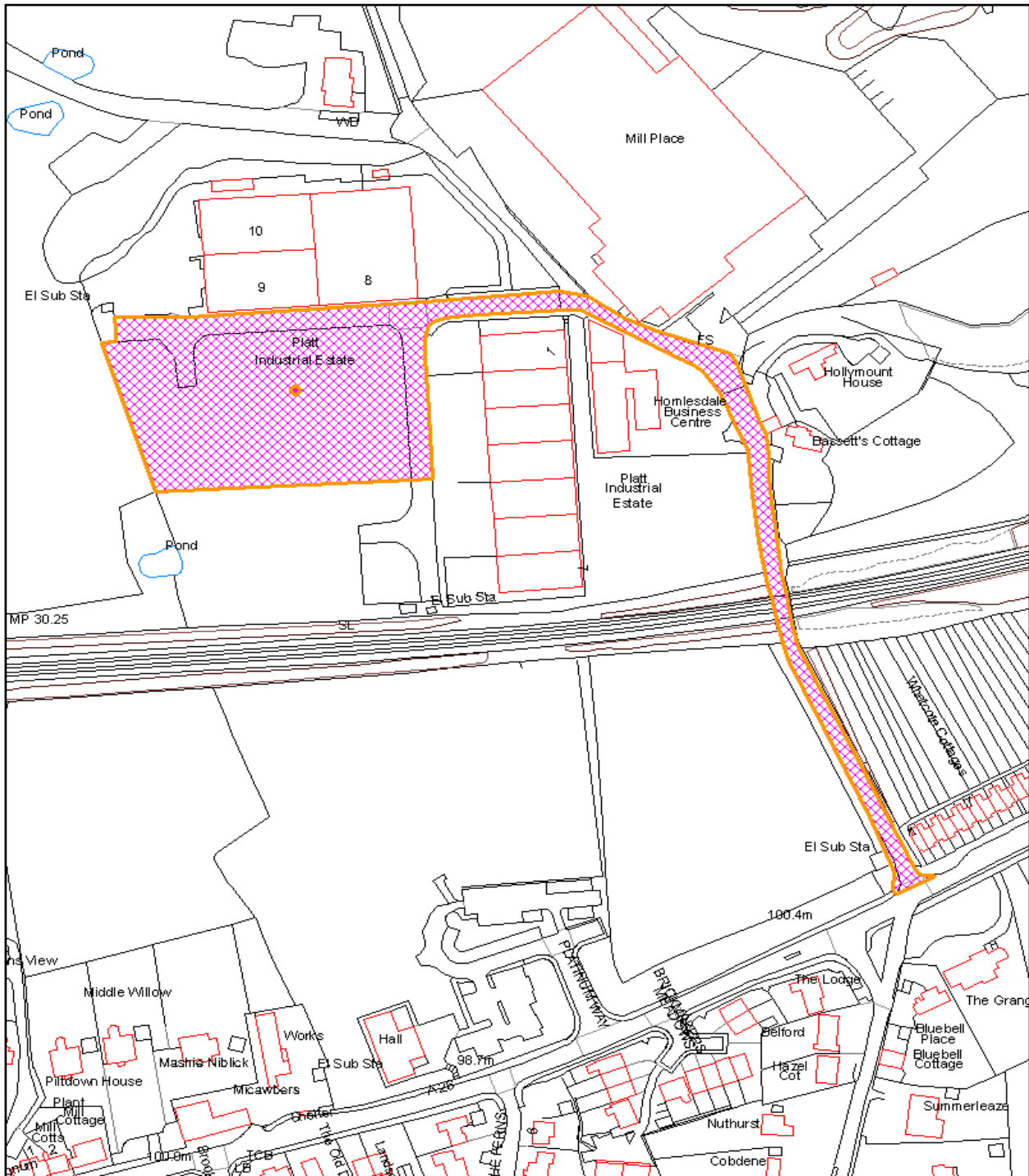
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TM/16/01766/FL

Phase 3 Platt Industrial Estate Maidstone Road Platt Sevenoaks Kent

Erection of 3 Industrial buildings for mix of B2 (General Industry) and B8 (Storage/Distribution) use, and associated vehicle access and parking

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Borough Green
Borough Green And
Long Mill

28 September 2016

TM/16/02936/FL

Proposal: Change of use from Class A1 (shop) to Class A5 (hot food takeaway) and external alterations - including the installation of extraction and ventilation equipment

Location: 68 Western Road Borough Green Sevenoaks Kent TN15 8AH

Applicant: Emruliah Kaya

Go to: [Recommendation](#)

1. Description:

- 1.1 This application seeks planning permission for the change of use of the ground floor from Class A1 (Shop) to Class A5 (Hot Food Takeaway). The upper floors will remain in separate residential use.
- 1.2 External alterations are also proposed to the rear of the building to facilitate the use. These include the installation of a 500mm dia. oven extract duct with ON100 odour neutralising system, 400mm dia. fresh air intake and cold room compressor. A doorway to the rear elevation of the building is to be bricked up and finished to match the external appearance of the building.

2. Reason for reporting to Committee:

- 2.1 Significant local interest

3. The Site:

- 3.1 The application site is a shop located in the middle of a terrace of commercial premises to the north of Western Road. The parade consists of 5 units containing a butchers, flooring shop, kebab/pizza takeaway and a skin care/beauty clinic. The current use of the application premises is as an off-licence/convenience shop and falls within an A1 use class. Since the parade was granted permission in the 1960's each of the premises have sought permission for flat roof single storey rear extensions with the application site being permitted to do so in 1988.
- 3.2 In 1993 permission was granted for the rear extension of the adjacent premises to become part of 68 Western Road creating a larger rear area forming the 'L' shape of the ground floor as the application site is to date. To the rear of the site is a communal parking area and associated garages for use by the 5 commercial premises (64 – 72 Western Road) and the 5 residential flats above.

4. Planning History (relevant):

TM/63/10508/OLD grant with conditions 19 December 1963

Outline application for five shops with living accommodation over, as amplified by you plan and letter dated 12th November, for F. H. Haines.

TM/64/10628/OLD grant with conditions 21 October 1964

5 shops with flats over and garages with access road and waiting bay, for Messrs. All Holding Investments Ltd.

TM/65/10671/OLD grant with conditions 1 April 1965

Change of use from residential to office use, (as amended by drawing No. 116/7A).

TM/87/11005/FUL grant with conditions 30 April 1987

Prefabricated store in yard to rear.

TM/88/11152/FUL grant with conditions 4 October 1988

Single storey rear extension.

TM/93/00196/FL grant with conditions 29 June 1993

Rear store to No. 66 for use with No. 68 and revised access

TM/93/00197/AT grant with conditions 2 August 1993

Fascia sign

TM/93/00198/FL grant with conditions 9 July 1993

Replacement shop front

TM/11/00320/AT Split Decision 7 June 2011

Retention of (A) internally illuminated fascia sign, and (B) internally illuminated projecting sign

TM/11/00517/FL Refuse 7 June 2011

Retain folding canopy and security shuttering

5. Consultees:

5.1 Borough Green PC: No objection in principle however suggested conditions relating to ventilation/odour system and litter collection.

5.2 KCC (Highways): Whilst residents concern is noted and there may be some local inconvenience regarding highways matters, in context of the NPPF guidelines I do not consider this proposal constitutes a severe impact and therefore have no grounds for a sustainable objection.

5.3 Private Reps + Site Notice :(15/0X/34R/1S)

5.3.1 Thirty-four objections have been received as follows:

- Don't need another takeaway
- No benefit to village
- Traffic (noise/level/pollution)
- Noise
- Litter
- Loss of retail unit

5.3.2 One comment in support stating:

- Less traffic than current use due to deliveries

6. Determining Issues:

6.1 Paragraph 17 of the NPPF states that the overarching roles of the planning system are to proactively drive and support sustainable economic development to deliver homes, businesses and industrial units and to promote mixed use developments. Paragraph 19 advises that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth; and that planning should operate to encourage and not act as an impediment to sustainable growth. It directs that significant weight should be placed on the need to support economic growth through the planning system.

6.2 The application site is within the rural settlement confines of Borough Green where Policy CP12 applies. Policy CP12 outlines that housing and employment development, redevelopment, conversions and changes of use will be permitted within the confines of rural settlements. The proposal is for change of use of the land to Class A5 and would therefore be in accordance with Policy CP12.

- 6.3 The application sites lies 100m west of the edge of the area defined as the Borough Green Retail Centre. As the site is not located within the defined retail centre the stated requirements set out in Policy R1 of the DLADPD do not apply. The application site is however within a short distance of the retail centre and, given its proximity, is likely to have an associated impact. For that reason the proposal must be assessed against Policy CP22.
- 6.4 Policy CP22 of the TMBCS states that (inter alia) proposals which might harm the vitality or viability of an existing centre either in terms of retail impact or, in the case of smaller centres, undermining the balance of uses or harming their amenity will not be permitted. The proposal is for the change of use of a single unit. Although with the larger rear addition permitted in 1993 it would be one of the larger units within the parade on Western Road it would, in my view, represent a relatively small scale business when compared to the numerous and larger scale A1 and A5 uses within and around the defined Borough Green Retail Centre. Whilst it is acknowledged that the proposed A5 unit will compete with those businesses within the retail centre, due to its relatively small scale it cannot be said to result in a significant harm to the vitality or viability, or undermine the balance of uses within the retail centre. For that reason I consider the proposal would not be contrary to Policy CP22.
- 6.5 Turning to the impact of the proposal on the highway network in terms of the potential additional traffic generated and the associated noise/pollution this additional traffic could result in, KCC (H+T) has been consulted on the application and has raised no objection on highways grounds. They have stated that, whilst there may be some "local inconvenience" regarding highways matters, in the context of NPPF guidelines it is not considered that the proposal would constitute a severe impact.
- 6.6 This reference is made in respect of the relevant guidance at Paragraph 32 of the NPPF, this states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy SQ8 of the MDEDPD is also relevant and states that development will only be permitted where it does not significantly harm highway safety and where the traffic generated can be adequately served by the highway network.
- 6.7 When assessing the impacts of the proposed change of use on the highway network I am minded to consider that the unit is currently used as a shop. Although the change to a A5 takeaway use may generate some additional traffic from further afield than the current permitted use it would not, in my view, result in a significant increase in traffic to have a severe/significant impact on the highway network or its safety, as set out in paragraph 32 of the NPPF and Policy SQ8 of the MDEDPD. KCC (H+T) consultation response reaches the same view.
- 6.8 With regards to the vehicular parking, the relevant parking standards for commercial properties are set out within KCCVPS (SPG4). SPG4 requires that a

unit within an A5 use class has one customer space per 8m² requiring a total of 11 spaces for the 83.3m² unit. The current premises does not have any off street parking for the A1 retail unit. Although not providing customer parking the site is well served by public transport and a public car park is located a short distance from the application site, in addition to limited on street parking. I therefore cannot say that the shortfall in parking below the proposed standard would result in a severe impact on highway safety to be contrary to paragraph 32 of the NPPF and Policy SQ8 of the MDEDPD.

- 6.9 To facilitate the change of use from shop to takeaway the applicant proposes to install a ventilation system onto the flat roof addition of the unit and the rear wall of the flats above. This ventilation system includes a 500mm dia. oven extract duct which is to project vertically beyond the residential flats above and terminate 1m above the ridge line of the building. This ventilation system is to include an ON100 Odour neutralising system. In addition to this a 400mm dia. fresh air intake is to also be installed projecting 1m above the flat roof addition. The proposed extractor duct would be of a similar appearance to that installed to the rear of 66 Western Road. In terms of the impact that the ventilation system has on the visual amenity of the wider area I am minded to consider that it is to be installed to the rear elevation of the building that is not visible within the street scene. To the rear of the premises is the parking area with the railway line beyond. As a result of their position I do not consider the external alterations would result in harm to the visual amenity of the area.
- 6.10 To address the issues of noise and odour the applicant has submitted two reports, one setting out the details of the proposed ventilation system and the other being a Plant Noise Assessment. In terms of noise, the Plant Noise Assessment sets out within its results that to meet the limits set by the Borough Council (being a noise rating of 35 [NR35]) mitigation measures are required including an acoustic enclosure for the cold store condenser and silencers for the ducts. Based on the report it is able to be demonstrated that the proposed ventilation system is able to meet the required noise limits at the closest noise sensitive property which is the upper floor flats to the parade. The requirements to install this ventilation system and suggested noise mitigation measures can be secured by way of condition.
- 6.11 In order to retain control over noise from similar future uses I suggest that permitted development rights for a change of use to bar or restaurant be restricted by way of condition.
- 6.12 Annex C of the proposed ventilation report sets out an odour score based on the document 'Guidance on the control of odour and noise from Commercial Kitchen Exhaust Systems – January 2005' produced by DEFRA. The score for the proposed use is 24 which is within the 'high' odour category and requires high level odour control to be implemented. Concern was initially raised as the ventilation system proposed a basic filtration system that was not considered to be sufficient to deal with a high level of odour. Revised plans have been received

which propose an ON100 odour neutralising system within the ventilation system. It is considered that this would be sufficient to address the level of odour indicated and a condition will be imposed to require this to be installed as per the submission.

- 6.13 The hours of use have been set out on the application forms and are proposed to be 1000 to 2300 hours Monday to Sunday including bank holidays. The application site is a short distance from the centre of Borough Green and, although within a parade of 5 commercial units, is located within a predominately residential area with residential properties above. The adjacent A5 use in 66 Western Road had its opening hours restricted when permission was granted for a change of use to A5. A variation to this condition was then granted to allow 66 Western Road to open between 1200 and 2230 hours. With the site being in a predominately residential area and with a view to the impact the proposal may have on residential amenity I consider it reasonable that the hours of operation should be restricted to no later than 2230 hours in the evening. The hours of operation will be included by way of condition.
- 6.14 Some matters that have been raised through the private representations outline that they do not consider there is a need for another takeaway, that the proposed change of use will provide food that is already available, and will provide competition making it harder for existing takeaways within the area. These are not material planning considerations and therefore cannot be taken into account in the determination of this application. Whilst there is significant local concern with the proposed change of use, only material planning considerations can be taken into account.
- 6.15 In light of the above assessment, I conclude that the proposal is acceptable in light of the requirements of the NPPF and is in accordance with policies CP1 and CP12 of the TMBCS and accords with policies SQ1 and SQ8 of the MDEDPD. As such, the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following details: Noise Assessment 16/0586/R1 dated 31.10.2016, Email dated 22.11.2016, Block Plan B9178-AEW-16099-XX-DR-0006 B dated 23.11.2016, Proposed Elevations B9178-AEW-16099-ZZ-DR-0004 A dated 23.11.2016, Existing Floor Plans B9178-AEW-16099-00-DR-0001 dated 28.09.2016, Existing Elevations B9178-AEW-16099-ZZ-DR-0002 dated 28.09.2016, Location Plan B9178-AEW-16099-XX-DR-0005-A dated 28.09.2016, Letter dated 28.09.2016, Report ventilation system dated 21.10.2016, Report ventilation system dated 29.11.2016, Proposed Floor Plans B9178-AEW-16099-00-DR-0003 C dated 29.11.2016; 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. Prior to the commencement of the use hereby approved the ventilation equipment and odour neutralising system as shown on drawing numbers B9178-AEW-16099-ZZ-DR-0004 received 23.11.16 & B9178-AEW-16099-00-DR-0003 received 29.11.16 and detailed in Proposed Ventilation system dated 29.11.16, Annex C dated 21.10.16 and Plant Noise Assessment dated 31.10.16 shall be installed. The ventilation equipment and odour neutralising system should be retained and maintained in perpetuity.

Reason: To protect the residential amenity of the locality.

3. The use hereby approved shall only operate between 1000 and 2230 hours Monday to Sunday.

Reason: In the interests of the residential amenities of the occupants of the adjacent properties.

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order amending, revoking and re-enacting that Order, the use shall remain as an A5 (Hot Food Takeaway) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To control the nature of the use in the interest of residential amenity.

Contact: Paul Batchelor

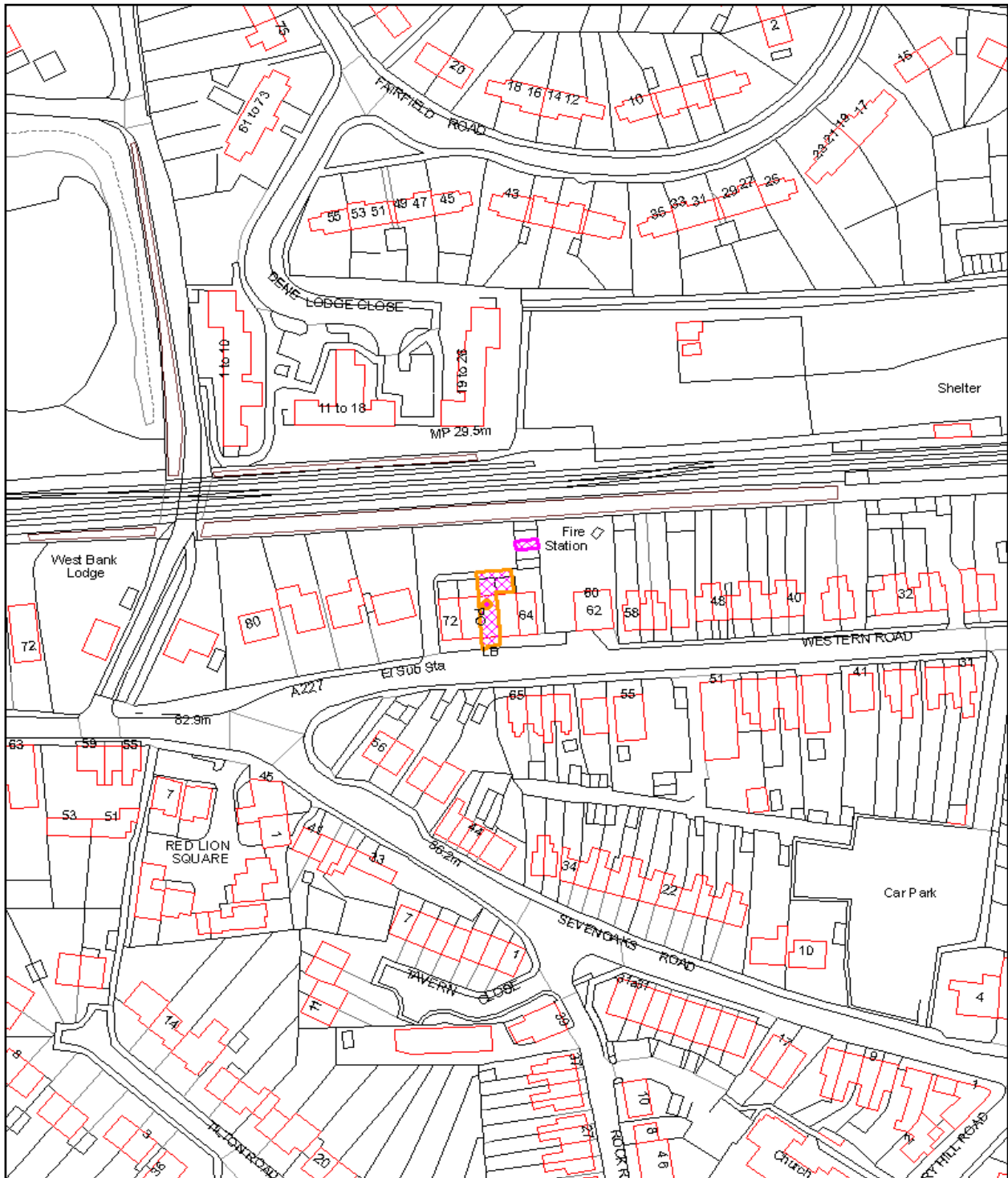
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TM/16/02936/FL

68 Western Road Borough Green Sevenoaks Kent TN15 8AH

Change of use from Class A1 (shop) to Class A5 (hot food takeaway) and external alterations - including the installation of extraction and ventilation equipment

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Agenda Item 9

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

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

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