
Report from 17 March 2016

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

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

Applicant: Kent Frozen Foods

1. Description:

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

2. Reason for reporting to Committee:

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

3. The Site:

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

4. Planning History (relevant):

96/00238/FL Approved 5 December 1996

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

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

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

TM/09/01844/FL Approved 16 September 2009

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

TM/11/02741/FL Approved 19 December 2011

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

5. Consultees:

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

5.2 Kent Police: No objections

5.3 Natural England: No comments to make.

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

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

- Noise and disturbance will be worse than existing and harm amenity and the conservation area and nature reserve;
- Noise and disturbance from traffic movements early in the morning and vehicle movements within the site;
- Noise from plant and refrigeration units;
- Noise during construction should be restricted;
- Light pollution from artificial light will harm amenity;
- Harm to character and enjoyment of Ditton Nature Reserve, Holtwood Conservation Area and homes between;
- Harm to wildlife;
- Impact on TPO trees and nature in the area;

- Pollution from increased traffic movements;
- The Weeks report is out of date and does not include details of flooding in 2014;
- Previous conditions have not been monitored on the site; this should be rectified prior to a decision;
- Noise levels generated by the proposal will exceed previously agreed levels;
- Noise from lorries parking outside the site;
- Vehicle maintenance and washing should be restricted to certain times of day;
- No policing of the double yellow lines in the area;
- Additional traffic congestion during and after construction;
- Harmful impact to air quality;
- Increased number of refuse vehicles required will add to noise;
- The applicants should prove Legionella monitoring;

6. Determining Issues:

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

- 6.4 The proposal is being put forward to allow for the continued growth of this existing company which has operated in the local area for 40 years and wishes to remain on this site. The need to expand is in response to commercial competition and the need to improve operations and service on site in this respect.

Design

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

Highways and Parking

- 6.7 The existing one-way circulation system within the site would be retained as existing, with lorries and cars entering the site through the front boundary opposite the Tesco distribution depot. Cars will filter to the left as existing and use parking spaces to the front and side of the building. KFF supply vehicles will continue to route around the building to the rear loading area and warehouse docks. All vehicles will then continue to exit from the exit point in the side boundary; however the location of this will be relocated 8m southwards to allow for the footprint of the proposed extension.
- 6.8 Parking provision at site 3E would remain the same in terms of number of spaces, (19) and the layout. Parking provision at site 6B would increase from 9 car parking spaces to 17 with an amended layout. This is considered sufficient to cater for the increased staff numbers the extension would generate. There would be only one car parking space lost on the main site. There would be a reduction in the number of on-site van and lorry parking spaces within the main site of 26 spaces. However this is not considered by the Highways Authority to be unacceptable.
- 6.9 The circulation and parking arrangements are considered acceptable to the Highways Authority. A Section 278 agreement will need to be entered into with the Highway Authority with regard to the relocation of the exit point. The submitted safety audit is not considered to raise any substantial safety issues that would prevent the application from being implemented.
- 6.10 The trip generation is considered to be minimal with 5 extra arrivals in the morning peak and 6 arrival/departures in the afternoon peak. An overall increase of 6% of all vehicle movements is anticipated, which would be spread throughout the day.

This level of increased traffic generation is also considered to be acceptable, and although there is concern that this will increase the existing traffic congestion in the area as a whole, it would not be to such a level as to have a harmful impact on the local highway network that could merit refusal on highways grounds. The proposal will have no significant adverse impact upon surrounding road networks, particularly in peak times. The proposal is anticipated to create only 3 extra vehicle movements between the 08.00 – 09.00 peak and 9 such movements during the PM peak.

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

Neighbour amenity

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

Landscaping and Trees

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

Other Issues

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

Conclusion

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

7. Recommendation:

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

Conditions / Reasons

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

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

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

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

3. The use shall not be commenced, nor the premises occupied, until the area shown on the approved plan as vehicle parking, loading and off-loading and turning space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

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

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

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

5. Prior to the first occupation of the extensions hereby approved, details of a scheme for the storage and screening of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

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

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

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

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

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

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

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

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

Reason: In the interests of pollution prevention

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

Reason: To prevent pollution of the water environment.

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

Reason: In the interests of residential amenity.

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

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

12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), the layout of the development shall not be varied by the insertion of additional floors, without the prior permission in writing by the Local Planning Authority.

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

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

Reason: To avoid obstruction of vehicle parking/manoeuvring areas and to ensure the character and appearance of the development and the locality is not significantly harmed.

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

Reason: In the interests of the residential amenity of nearby dwellings in accordance with Policy CP24 of the Tonbridge and Malling Core Strategy 2007.

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

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

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

Reason: In order to ensure a satisfactory aural environment.

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

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

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

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

Reason: In the interest of sustainable travel.

Informatives

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

Contact: Holly Pitcher

SUPPLEMENTARY REPORT

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

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

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

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

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

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

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

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

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

AMENDED RECOMMENDATION:

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

Additional Informative:

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