
Report from 14 December 2016

Borough Green
Borough Green And
Long Mill

14 June 2016

TM/16/01859/FL

Proposal: 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.

Location: Development Site Long Pond Works Wrotham Road Borough Green Sevenoaks Kent

Applicant: Robert Body Haulage

Go to: [Recommendation](#)

1. Description:

- 1.1 The proposal seeks planning permission to demolish six of the existing industrial buildings and for the construction of a replacement building, which is shown to contain four units. It is proposed that two of these units will be used as a base by the applicant, Robert Body Haulage, and the remaining floorspace and other existing buildings are intended to be let for flexible B1/B2/B8 uses.
- 1.2 It is proposed that one unit would comprise a mezzanine floor and double height storage space and small reception area located to the front of the unit.
- 1.3 The existing buildings have ridged roofs and range in height from 3.25m to 5.50m, and with an eaves height of between 2.14 and 3.9m. The footprint of the existing buildings to be removed is 926sqm.
- 1.4 The proposed building would measure 51.8m by 17m. The height of the proposed building ranges from 6.04m to 6.8m and the eaves height ranges from 4.4m to 5.33m, and has been designed with a shallow sloping roof. The height varies to accommodate the changes in ground level of the site. The footprint of the proposed building is 880sqm.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Mike Taylor to ensure sufficient weight given to policy.

3. The Site:

- 3.1 The site is approximately 0.8 hectares in size and comprises a former fencing manufacturing and distribution yard, which lies adjacent to Borough Green Sandpit. A number of industrial units are located within the site, many of which appear to be disused.

-
- 3.2 A number of mature trees and shrubs surround the site. To the north-west lies Borough Green sandpit and landfill, and further units lie to the west. The sandpit is still in operation.
- 3.3 The site lies outside of the settlement confines of Borough Green, within the open countryside and Metropolitan Green Belt. Borough Green lies to the south-west of the site
- 3.4 The site is accessed from the A227 Borough Green Road by a private road, which also served the sandpit and landfill, along with the other units in the yard.
- 3.5 The site was previously a gas works.

4. Planning History (relevant):

TM/02/01799/FL grant with conditions 19 September 2002

Change of use of land for open storage for fencing and buildings contractors firm

TM/03/03140/FL Grant with conditions 22 December 2003

Change of use of land to include mobile platforms and erection of 7 structures on site

5. Consultees:

- 5.1 PC: No objections but any approval should be conditional on:
1. Lorries must not use the High Street, Borough Green. They should enter/exit the site from the north, using the Whitehill roundabout Wrotham.
 2. A robust condition should be imposed stressing that this is not a 'halfway house' to any future housing development;
- 5.2 EA: The site is located in a sensitive setting for groundwater resources, and therefore it is critical that environmental risks of historic contamination and interactions with the proposed development are very carefully considered and managed during any development. No objection, subject to conditions requiring further details relating to potential risk to the groundwater resource in the underlying aquifer and pollution.
- 5.3 KCC (Highways): The existing access is of a good standard and exhibits a low crash record. The Transport Statement mentions a condition requiring the applicant to agree a Construction and Environmental Management Plan prior to implementation, which would be advisable.

-
- 5.4 KCC (Archaeology): The site is within an area of archaeological potential associated with Palaeolithic remains and later prehistoric and post medieval remains. No objections, subject to condition requiring the submission of an archaeological investigation to be submitted prior to development.
- 5.5 Private Reps: 24/0S/0X/1R + Art 15 Site Notice. Two letters received, objecting on the following grounds:
- concerns about additional traffic resulting from the proposal;
 - increased noise to adjacent dwellings. A Noise Assessment should be required if planning permission is approved given that the site is to be used for nearby vehicle noise;
 - there should be constraints on the running and revving of engines to within normal work hours;
 - noise attenuation barriers should be placed between the development and the surrounding residential areas.

6. Determining Issues:

- 6.1 The site lies within the open countryside and Metropolitan Green Belt.
- 6.2 Policy CP3 of the TMBCS advises that National Green Belt policy will apply. Paragraph 87 of the NPPF states that *“as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
- 6.3 Paragraph 88 follows, stating that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.
- 6.4 Policy M1 of the DLA DPD identifies the site as a Major Developed Site in the Green Belt (MDS) which, notwithstanding the Green Belt location, confirms this site as one where infill development or redevelopment will be permitted in principle. It derives from a national planning objective in paragraph 89 of the NPPF to achieve environmental benefits from encouraging reasonably beneficial uses for such previously developed land.
- 6.5 Policy M1 includes a number of criteria to be applied when considering applications for redevelopment. These include:
- It does not lead to any greater impact on the openness of the Green Belt and the purposes of including land within it;

- It leads to an overall improvement in the environment, does not harm the landscape setting, includes provision for maintenance of landscaped areas and appropriately integrates within its surroundings;
- Any changes to traffic generated can be satisfactorily accommodated without conflict with rural amenity and without prejudice to highway safety;
- It does not exceed the height of existing buildings;
- For infill development, it does not result in an extension to the currently developed extent of the site; and
- For redevelopment, the proposed coverage of the site by buildings is no larger than the ground floor extent of the original buildings.

6.6 In addition, there are also site specific caveats in respect of Long Pond Works (section d), which the site is also known as. These are:

- Investigation and remediation of any land contamination;
- Any necessary mitigation measures identified as a result of an archaeological assessment;

6.7 Policy CP14 of the TMBCS restricts development in the countryside to specific development listed in the policy. The redevelopment of defined Major Development Sites in the Green Belt which improves visual appearance, enhances openness and improves sustainability is listed.

6.8 The site is also allocated within Policy E2(i) of the DLA DPD as being a site 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.

6.9 Therefore, the principal of this use in this location is acceptable in policy terms.

6.10 The footprint of the existing buildings to be removed is 926.14 sqm and the footprint of the proposed building is 880.6sqm. Therefore, the footprint of the proposed building is less than the existing buildings to be removed by 5%.

6.11 The height of the existing ridged roof buildings to be removed is a maximum height of 5.5m high. Buildings 2 and 4 are the lowest of the buildings proposed to be removed and measure 4m in height. The height of the proposed replacement building is 6.2m, an increase of 0.7m compared with the highest of the buildings to be removed (unit 10), and an increase of 2.2m compared with the lowest of the buildings to be removed. Whilst the applicant has amended the proposal to remove more buildings from the site which have a higher ridge height, the overall

height of the proposed building remains greater than most of the buildings to be replaced. The majority of the proposed units would be single storey. However, a mezzanine is proposed to be installed in Unit 1. In light of this, I am of the opinion that the proposal does not comply with Policy M1(d). This increase in height of the buildings will also have a greater impact on the Green Belt, contrary to Policy M1(a). The proposed replacement building has been designed with a shallow monopitch roof, resulting in a significant amount of additional bulk within the roofslope. This in itself will have a greater impact upon the openness of the Green Belt, in my opinion.

- 6.12 Consequently, I am of the opinion that the proposed development will worsen the existing impact of the site on the visual amenity of the surrounding locality.
- 6.13 The applicant is seeking to address this issue and is proposing to reduce the height of the buildings by reducing the ground level by 1m so that the overall height of the proposed buildings is similar to the existing. However, I am of the opinion that this will not overcome the impact that the proposal will have upon the openness of the Green Belt. The overall height of the proposed building remains greater than most of the buildings to be replaced. Whilst setting the building further into the ground would reduce the overall height of the building, I am of the opinion that the proposed building would still have a greater impact on the openness of the Green Belt than the existing development and the rural amenity of the countryside, particularly given the mono-pitch roof design, which gives the building a greater volume than the existing. The engineering operation involved in lowering the ground level would also be problematic in itself within the Green Belt. The intention of Policy M1 is not that the proposed building should not exceed the highest unit within the site, but the height of the buildings to be replaced.
- 6.14 The applicant suggests that the proposed building has to be of the height proposed to allow fork-lift trucks to access into the units. However, I do not consider that this provides sufficient justification to increase the height of the buildings. The policy relating to the site could equally apply to uses not requiring access by a fork-lift truck.
- 6.15 Whilst I appreciate that some of the site has planning permission for open storage up to 7 metres in height, and some of the remaining buildings measure 8.17m high, I do not consider this justification for replacing the existing buildings with taller buildings. The overall impact upon the rural amenity of the surrounding locality and the openness of the Green Belt will be greater.
- 6.16 I note that there is some degree of mature tree screening around the periphery of the site on land within the applicant's control. However, I am of the opinion that this does not adequately mitigate against the impact that the proposed buildings would have upon the openness of the Green Belt and the surrounding countryside.
- 6.17 Whilst I note the recent planning permission for a similar scheme at Nepicar Park, which was also allocated as a site under Policy M1 of the DLA DPD, where taller

buildings have been approved on the site, there are a number of differences between the two sites, such as the topography, the site history relating to Nepicar Park, and the proximity of the site to three trunk roads and two motorways, including the elevated M26.

- 6.18 The proposed development results in additional employment provision in accordance with Policies CP1, CP21 and CP24 of the TMBCS, which should be supported, in line with the NPPF, in particular paragraphs 18-21.
- 6.19 The building proposed would be of a steel-framed construction with a steel profile clad roof. The existing buildings are concrete block/brick buildings with metal/asbestos roofs. Whilst the existing buildings are relatively old and reaching the end of their useful life, I am of the opinion that the proposed building, with its monopitch roof, would not be in keeping with the surrounding rural locality.
- 6.20 It is proposed to use the existing access from Borough Green Road to serve the development. It is proposed to widen the area for access within the site to allow for OGV movements within the site. KCC (Highways) is of the opinion that the net potential trip generation of the proposal is not severe. The access is of a good standard and exhibits a good (low) crash record. In light of this, KCC (Highways) raises no objections to the proposal on highways grounds. The submitted Transport Statement suggests a condition requiring the applicant to agree a Construction and Environmental Management Plan prior to implementation, which I consider would be a good opportunity to consider the access arrangements in light of the Parish Council's comments
- 6.21 Issues relating to noise attenuation and ground contamination can adequately be dealt with by condition. I note the comments of the EA and am satisfied that these matters can be dealt with by appropriate conditions.
- 6.22 In light of the adjacent Borough Green Sandpit operation and the existing use as industry, I do not consider that the proposal will have a significant adverse effect upon residential amenity in terms of dust, smell and vibration on residential or rural amenity.
- 6.23 In light of the above considerations, I am of the opinion that the proposal cannot be supported in its current form.

7. Recommendation:

7.1 Refuse

1. The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined by paragraph 89 of the National Planning Policy Framework and Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007. The proposal would result in a significant increase in the height and bulk of the existing buildings, and would therefore have a greater impact on the openness of the Green Belt, contrary to

Policy M1 of the Development Land Allocations Development Plan Document 2008. The Local Planning Authority does not consider that any special circumstances have been demonstrated to justify setting aside the policy objections.

2. The site lies within the open countryside. The Local Planning Authority does not consider that the proposal would improve the visual appearance or enhance the openness of the countryside. Consequently, the development does not fall within any of the categories of development listed within policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007 as being acceptable, in principle, within the countryside.

Contact: Glenda Egerton

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 14 DECEMBER 2016

Borough Green TM/16/01859/FL
Borough Green And Long Mill**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 Development Site Long Pond Works Wrotham Road Borough Green for Robert Body Haulage**

Applicant/Agent: A leaflet in support has been sent to the Members of Area 2 Planning Committee.

DPHEH: The leaflet sets out how the applicant considers the proposal to comply with Policy M1 of the DLA DPD. It suggests that the policy requires that the proposal does not exceed the height of existing buildings and does not specifically state that the proposal should not exceed the height of the buildings to be demolished. The applicant has emphasised in their leaflet that the other buildings on the site are taller than those being proposed, and therefore that the proposal does not conflict with policy.

Policy M1(4) states it should “not exceed the height of existing buildings”.

However, the height of the proposed building is greater than most of the buildings and therefore I am of the opinion that the proposal does not comply with Policy M1(d). This increase in height of the buildings will also have a greater impact on the Green Belt, contrary to Policy M1(a).

I note that the applicant has sought advice from Core Commercial regarding marketability. However, no firm evidence has been supported with the application relating to marketing requirements or of any marketing exercise having been carried out.

RECOMMENDATION UNCHANGED