



- 1.4 An approach has been made suggesting that the building be subject of an Article 4 Direction to bring the retail use of the ground floor of the building under direct planning control of the Council. A separate report on this matter is to be found earlier on the Agenda.
- 1.5 In addition, a nomination to list the building as an Asset of Community Value (ACV) has been received and is currently under consideration. An update on the progress of this matter will be reported to Members at the meeting. The status as an ACV is capable of being a material planning consideration, should such a nomination be accepted.
- 1.6 The submitted floor plans show the existing ground floor area of the PH would be altered to allow for one open plan shop with supporting pillars. This aspect of the application does not require a planning application as explained above. The proposed rear extension would provide back of house facilities including roller cage storage, freezer and chiller storage, staff room, WC and office. The extension would equate to approximately one third of the proposed floorspace of the unit.
- 1.7 The majority of the rear extension would be flat roofed with a parapet wall whilst the side extension would have a false pitch on the front elevation. The proposed plant would be sited on the flat roof of the rear extension and enclosed by fencing 1.8m high. A replacement black metal railing staircase is proposed to provide improved access to the residential accommodation above. Minor changes to fenestration are also proposed with many of the existing ground floor openings being lined internally with vinyl film.
- 1.8 The existing vehicular access is proposed to remain with a clockwise one-way system introduced within the site. The raised planting area forward of the PH would be removed to facilitate the new layout. A dedicated loading bay, capable of use by HGVs, is proposed at the front of the store. HGV access and turning has been detailed on a swept path analysis and additional information has been provided to KCC Highways to seek to demonstrate that access and manoeuvrability can be achieved within the site and that suitable visibility is achievable when exiting the site.
- 1.9 Parking is proposed for 10 car spaces for shoppers, one of which would be a disabled bay. Two residential spaces are proposed to serve the first floor accommodation. Nine spaces are proposed to remain to serve the 5 no. A1/A2 business units along the north of the site.

## **2. Reason for reporting to Committee (A) & (B)**

- 2.1 Called in by Councillor Mike Taylor as a result of the controversial nature of the application and wider public interest.

### **3. The Site (A) & (B):**

- 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 Maidstone 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 DLADPD 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.
- 3.5 The existing building, previously known as the Railway Hotel, is not a listed building but is an attractive building with decorative gable design and intricate timber barge boards. It is a currently a public house with 2 self-contained flats at first floor level.

### **4. Planning History (A) & (B):**

TM/82/10686/FUL grant with conditions 3 September 1982  
(TM/82/110)  
Construction of new car park.

TM/87/10278/FUL grant with conditions 16 July 1987  
(TM/87/845)  
Conversion of part storage building to shop units 2 and 3 (amendment to ground floor windows previously approved) and workshop - unit 4 for the servicing and repair of lawn mowers.

TM/87/10740/FUL grant with conditions 19 November 1987  
(TM/87/1326)  
Rear extension to provide kitchen and toilet facilities for (Unit 3) and workshop (Unit 4).

TM/88/11854/FUL grant with conditions 30 November 1988  
(TM/88/705)  
Layout for construction of car park.

TM/88/11959/FUL grant with conditions 7 October 1988  
(TM/88/1046)

Change of use from shop to light industrial/office.

TM/89/11442/ADV grant with conditions 25 January 1989  
(TM/88/1950)

One illuminated standing sign and one partially illuminated hanging sign.

TM/91/10580/FUL grant with conditions 3 July 1991  
(TM/89/1010)

Extension to provide additional toilets, internal alterations to kitchen and new porch.

TM/93/00204/RM grant with conditions 23 December 1993  
(TM/93/1154)

Submission of details pursuant to condition 3 of TM/89/1010 and being a scheme of landscaping and boundary treatment incorporating details of planters and posts on frontage of site

TM/96/00883/AT Grant With Conditions 11 October 1996

externally illuminated double sided pole sign

TM/97/01371/FL Grant With Conditions 23 October 1997

two storey extension to office

TM/03/01372/FL Grant With Conditions 7 July 2003

First floor extension and new external staircase to southern elevation and change of use of part of first floor to form a one bedroom self-contained flat

TM/05/03296/FL Grant With Conditions 22 December 2005

Convert existing toilet block into office space with new first floor over for office

TM/11/02098/FL Approved 3 October 2011

Minor works including the installation of 3 new shop fronts

## **5. Consultees (A) & (B):**

- 5.1 Borough Green PC: After prolonged discussion of all the issues at our Emergency PC Meeting on 24th October, and at our November meeting on 3rd November,

and mindful of overwhelming Public Consultation and Opinion, the Parish Council objects to these applications on the grounds set out below:

1. Financial impact on existing Rural Service Centre (PPS4)
2. Out of town (village) centre development
3. Loss of Nominated Community Asset
4. Traffic Growth
5. Highway safety on a dangerous junction
6. Cumulative impact on existing adjacent AQMA, possible leading to extended AQMA
7. Strong Public Opinion

5.1.1 We would also like the hearing deferred until Officers have had a full opportunity to investigate invocation of an Article 4 Direction requiring a full application. Whilst the general view of those consulted was that the development would destroy our existing retail centre, the Sainsbury view is that this would generate an economic benefit and increase footfall generally. Unfortunately the only way to test Sainsbury's hypothesis is to allow the change of use, and if Sainsbury's are wrong, the experiment has failed and we have lost our retail centre, and T&MBC have lost their Rural Service Centre.

5.1.2 For that reason, BGPC believe that an Article 4 Direction would require Sainsbury to submit a full application where the full rigour of the Planning Process can be applied. This is simply too important an application for it to be approved on what is actually a technical loophole, and we believe Article 4 exists for that exact purpose.

5.1.3 We set out in greater detail below the reasons for the above conclusions.

5.1.4 Financial Impact & Out of Centre Development: NPPF para 26 When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of: the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made. NPPF 23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local

Plans, local planning authorities should: recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. NPPF 27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused. PPS 4 EC.1 (c) & (f) are particularly apt in this case, and there are elements of the T&MBC Core Strategy that require this application to be refused on the grounds of the damage to the sustainability and viability of this community

5.1.5 Loss of an Asset of Community Value. This public house has been allowed to run down over many years, starved of investment and innovation by the owner. Its situation, catchment area, and proximity to the station mean that it should be a goldmine. The loss of this Public House will mean that the Rural Service Centre of Borough Green will have just one public house, and a wine bar of dubious reputation to serve the needs of the immediate village and the surrounding area, some 16,000 people. A single public house cannot supply the choice that the area requires. A public house in a rural area is not just a place to drink, it is one of the engines of social cohesion, knitting together the various strands of the community, a seedbed where charitable and other informal local events gell and grow. NPPF 70 requires delivery of the social, recreational and cultural facilities and services the community needs, planning policies and decisions should protect against that loss.

5.1.6 Traffic Impact, Parking and Highway Safety: The applicant avers that there will be no impact on the Local Retail Centre, because their market position is aimed at preventing trips to out of town centres such as Sevenoaks and elsewhere, so is clearly attracting car drivers. But their Transport Plan suggests their customers will have no traffic impact because they will be walking. We believe there is a Highway formula for calculating retail parking spaces based on the retail floor space, but the applicant is suggesting a far lower car usage. Put simply we do not believe the 10 parking spaces to be adequate for the level of customers needed to make this a financially viable enterprise. The applicant proposes using the existing access, which feeds directly onto an existing very busy junction on a moderately blind bend/hill brow. This junction, Station Approach, already handles many distinct phases of traffic through the day, contributing to the recorded 9000 vehicles per day on the A227 Wrotham Road. As well as the through traffic, the Station Approach houses the busy Co-op store generating traffic all day, the commuter traffic during rush hours, the traffic from the Roman Court business centre, and sheltered accommodation, and Primary School parents who are allowed to use the Station car park. There are taxi companies and a takeaway restaurant. Immediately adjacent to the entrance is a pedestrian crossing, and 75m to the north is the crossroads of the Bourne Trading Estate, and the Fairfield Estate incorporating the A-Z factory, where an application is set to add 41 houses to the existing sole road access to another 240 properties.

- 5.1.7 Air Quality The proposed development is immediately adjacent to the Borough Green AQMA, and it is inconceivable that the attracted traffic and the consequent added congestion cannot increase Air Quality problems. MDE-DPD Policy SQ4 clearly forbids development that has a cumulative impact on an existing AQMA, or that could trigger a new one. This satisfies both conditions, and must be refused on those grounds alone. The cumulative impact of this and other developments satisfies the legislation.
- 5.1.8 Public Opinion In order to ensure that a balanced view was solicited, BGPC advised local groups on the wording of a consultation, ensuring that both sides of the argument were presented to those canvassed. There was a bias introduced by allowing the Sainsbury view two benefits, and placing their support vote first. Despite these adjustments there are 1000+ signatures against the Sainsbury proposal, and none in favour. We must report 3 members of the public who supported the proposal, but declined to sign, but deemed their views relevant. We attach a copy of the consultation as material evidence.
- 5.2 Platt PC: Platt Parish Council would endorse all the objections made by Borough Green Parish Council as submitted to you. Platt and other adjoining villages use Borough Green as a local hub for shops, railway station, surgery etc and there is already sufficient number of large stores within easy access by car or local transport. There is no need for another one. There is very strong local objection as can be seen by the number of people registering their concern, as per the local poll in your possession, and not all these people come from Borough Green. It is felt that this proposal would cause suffering to all the existing retailers, who serve the village adequately. The argument that the Public House is not viable is not accepted. This and other public houses owned by the same family group have suffered from a lack of investment and interest for years. One could presume that this may be deliberate, to run down their viability, to placate the planning tsars into changing their usage. We would refer to similar attempts within our village, namely The Chequers at Crouch and the Plough at Basted. To state that only one public house (the other is a wine bar) will serve the whole of Borough Green is ridiculous. If managed properly this is a valuable community asset. To propose access and egress on to the Wrotham Road is an accident waiting to happen. It is on a blind bend approaching the Village and opposite access to the station, Co-operative stores, offices and flats. It cannot be argued that this access already serves the Public House, as most people now do not drive to a pub, they walk. This proposal will massively increase traffic flow, both from customers and deliveries. We can also see that this store will be most popular at rush hour times, i.e. people going to and from work by car. This will cause more congestion, delays and air quality issues in an already overused infrastructure layout. We would urge you to reject this application.
- 5.3 Wrotham PC: The TMBC Local Plan seeks to protect the “Vitality and Viability” of an existing commercial village centre and this is particularly important for a regional (*sic*) service centre. There are currently three medium sized convenience

stores/supermarkets in Borough Green and a variety of good quality specialist shops that make Borough Green unique for food retail. This sector expanded approximately six months ago when a third convenience store opened where only two were viable previously. Presumably this was timed to capitalise on the expansion of housing due to new consents within Borough Green.

*“Policy CP22.2 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.”*

- 5.3.1 Given that the convenience store offering has only recently increased by 50% and that there is also a significant array of competing specialist food retailers like green grocery, butchery, a baker and several delicatessens then a fourth store that competes with all of these is both ‘unbalanced’ and certain to harm both the vitality and viability of the existing centre. Borough Green has a unique and inter-dependant commercial centre with a range of top quality specialist food retailers and they have flourished simply because there has not been over provision from large chains.
- 5.3.2 WPC refutes the assertion that the Public House is unviable and notes that the claim is unevicenced. It is undoubtedly true that the company who own the freehold have had a deliberate policy over decades of under investment and in the case of other owned pubs there have been repeated attempts to convert the buildings to other more profitable uses by using the lack of investment as ‘evidence’ of unviability. Policy CP26 3. Proposals for development that would result in the loss in whole or part of sites and premises currently or last used for the provision of community services or recreation, leisure or cultural facilities will only be proposed in the LDF or otherwise permitted if: (a) an alternative facility of equivalent or better quality and scale to meet identified need is either available, or will be satisfactorily provided at an equally accessible location; or (b) a significant enhancement to the nature and quality of an existing facility will result from the development of part of that facility; or (c) the applicant has proved, to the satisfaction of the Council, that for the foreseeable future there is likely to be an absence of need or adequate support for the facility. In the rural environment there is only limited access to more urban pursuits like cinema, theatre, ten pin bowling and a host of other forms of entertainment that are taken for granted by young and old in more urban environments. In this context the humble village pub has a far greater importance than the equivalent in urban areas. It is often the only form of informal community entertainment and social release and transport is difficult with late night public transport limitations and responsible driving choices. Borough Green, with a population around 4,300 on completion of consented development will only have one pub and a small bar serving non ‘Ale’ drinkers that regularly appears to be ‘For Sale’.



5.3.3 The NPPF Planning Guidance for 'Local Plan' making stresses the importance of sustainability as a concept and focuses on three important pillars, one of which is addressing an area's social needs. Often this is condensed down to local housing by LPA's because this is a government target, but social well-being is a combination of many aspects and the opportunity to socialise informally with friends is paramount. This can take the form of village halls that are available for hire for parties and social gatherings but nothing can replace a local pub where anyone can drop in for a chat over a pint or a coffee, a place which might host a band on a Saturday Night or a Quiz Night on Thursday and you cannot beat their fresh fish and chips with mushy peas as a Friday Night staple! An LPA cannot justify consenting developments like Isle Quarry West and then strip out all local opportunities for informal leisure and recreation for a population approaching 4,700 when the developments are completed.

5.3.4 Design: Policy CP24 and Policy SQ1 both require high standards of design for new development that 'respect and integrate with their surroundings'. New development should protect, conserve and where possible enhance the character and local distinctiveness of the area including historical and architectural interest. The Borough Green Character Area SPD cites Clokes Store, Henry Simmons and the railway station as a distinctive group of late Victorian buildings built on a grander scale and with more ornate details than elsewhere in the area. The SPD also confirms Henry Simmonds Pub as a 'local landmark' due to its scale, prominent gables, decorative ridge tiles and finials, half timbering and tall chimneys. It therefore seems perverse that the applicant is proposing to eradicate much of this noted detail in the end elevation and replace it with a sign. Refer to 'SIGNAGE ZONE' in the left hand drawing of the end elevation. In addition the "Hit and Miss" Picket type fence perched incongruously on top of a flat roofed extension would not make a positive contribution to the local character or distinctiveness of the area, but would cause harm to a venerated local landmark.

5.3.5 Policy CP24 1. All development must 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. 3. Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted. An array of fans and refrigeration condensers are to be located behind the picket fence and directly in front of residential flats that remain lessees of the freeholder, refer above. The proposal will impact on the amenity of the lessees in terms of light into their property and unwanted noise of refrigeration & air-conditioning. The design of the rear extension with machinery exposed on the roof, hidden behind a picket fence is of very poor quality and detracts from late Victorian character of the area.

5.3.6 Development Proposal: The applicant's claims regarding the increased employment opportunities are in our view overstated. The over provision of four convenience stores competing with a variety of specialist food retailers would

inevitably cause unviability in the sector with its attendant redundancies. The applicant's assertion that paragraph 2.5.13 of the Core Strategy which states there 'may' be scope for 'limited' retail development is outdated. At the time of writing the Core Strategy in 2007 that may have been justified, given the new housing developments but with the recent opening of the third such shop there is now over provision of food retailing.

5.3.7 Highways: WPC is concerned about servicing the proposal. There will be fourteen HGV movements daily and Kent Highways are concerned about visibility for lorries emerging from the site. In addition the junction is poor and apt to become log jammed at times, particularly during the school peak periods.

5.3.8 Summary: 1) The recent increases in convenience store floor space has made the current sector over provided for. It is anticipated that the new housing currently being built will take up this slack in due course. A fourth convenience store however will make the current balance unviable and cause harm to the retail centre of Borough Green. 2) When the LPA consents large housing developments in an area there is a duty and requirement to provide adequate opportunities for informal relaxation and leisure. If this were to be consented then it would leave only one public house for a population of 4,300, which would be lamentably inadequate. 3) The design of the extension with the bizarre rooftop enclosure is detrimental to a cited late Victorian landmark and part of an important small group of such buildings. The signage proposals will also obliterate a proportion of the fine detail of the cited building. 4) The noise emitting equipment to be located immediately adjacent to existing residential units will affect the personal amenity of all the occupants. It will also impact on the amount of light that the residences currently enjoy. 5) Servicing of the proposal by fourteen HGV vehicle trips has implications both for safety of the junction and the ability of the junction to support through traffic, particularly during school peak periods. 6) Wrotham Parish Council objects for all of the listed reasons.

5.4 Network Rail: No observations.

5.5 KCC Highways: This is for a convenience food store of gross internal area 357m<sup>2</sup>. The Transport Statement submitted is correct that the maximum car parking permitted for this type of use is at a ratio of one per 18m<sup>2</sup> equating to 19 spaces. This is a maximum standard and 10 spaces dedicated for this use and signed accordingly are proposed. This site is situated at a sustainable location i.e. with good access to local services. I would agree with the Transport Statement that the level of use will self-regulate as patrons become accustomed to convenient opportunities to shop and will be encouraged to shop whilst walking or if need be go to another store when in a car.

5.5.1 This property could trade as a convenience store without a planning permission if no extensions were included. It is interesting to note that the Co-op store opposite comprises in my estimation a larger floorspace and that this store includes (to my

understanding) 2 car parking spaces plus one disabled space. I consider and conclude that the car parking allocation proposed with this application is within County standards and acceptable.

5.5.2 Turning to road safety, there have been two slight injury crashes in the vicinity of the site in the last 5 years. One involved injury to a pedestrian's ankle whilst approaching the pavement at the adjacent zebra crossing (vehicle did not stop); and the other involved a vehicle making a late decision to turn left into Station Approach causing a 3 car shunt. I consider that this level of crash history is not exceptional and that the junction of Wrotham Road with Station Approach and the access opposite does indicate that this arrangement does in fact operate well. It is further considered from these records that there is no indication that the proposal would exacerbate or create an injury crash pattern.

5.5.3 I note that the applicant proposes that deliveries are made with the smallest HGV available (18 tonne, 9.9m rigid delivery vehicles). It is further noted that it is expected that at least seven deliveries for various goods are to be made daily (paragraph 9.5 of the Transport Statement). I also note that swept path analyses have been provided for these manoeuvres. The swept path analyses provided in do not include the car parking allocations to the rear/east of the site and I would be grateful if swept path analyses could be provided which includes this to ensure that there is no conflict with parked vehicles here.

5.5.4 Finally the most critical point of concern from a highways view is the egress of delivery vehicles onto Wrotham Road. I note the swept path analysis that has been provided. I would be grateful however if a static or snapshot position for emerging half way to the centreline of Wrotham Road when turning right could be provided. The concern here is the position of the cab and the ability for a driver to view south to northbound traffic. I would be grateful if the applicant's consultant could look into this in some detail to ensure that a potentially hazardous road safety issue is not instilled or inherently introduced. I hope that these comments are helpful and that these issues can be addressed.

5.5.5 Additional Comments on additional information. I am grateful for the cab and visibility details that have been provided. I note that some reversing is now required in the site to assist exiting and that the swept path sweep has been modified from that originally submitted to enable a delivery driver to exit in a safer manner.

5.5.6 It may be helpful for the applicant to consider providing a yellow box junction. This is considered as a possible aid for traffic management and movement but not a requirement. It may also be helpful, in the context of the observed crash record and for the benefit of the planning authority to understand how dray lorries operated serving the public house.

5.5.7 It would be preferable within the site for car parking space SSL5 to be provided lengthways to the boundary. Fundamentally, I do not consider that the Highway Authority is in a position to sustainably object to this proposal and I confirm I have no objection to this application.

5.5.8 KCC Heritage: The site lies within an area of Romano British and Post medieval activity. Roman cremations were found to the north off Fairfield Gate and a post medieval kiln was found c. 25m to the north. In addition, the PH itself is identifiable on the 1st Ed OS map and may have been built as a hotel to serve the railway customers. The building is of local heritage interest and features and fittings relating to its use as a hotel and inn would be of local interest. Remains associated with this activity may survive on the site of the current PH and I recommend the following conditions are placed on any forthcoming consent: (Watching Brief including a written program and specification and a programme of Building Recording).

5.6 Private Reps (250/1S/0X/17R + Press/Site Notice): The Borough Council has received 17 formal objections to the application from local residents (one letter being from the local school) and one letter of support. In addition, a Poll (i.e. generic petition) of local residents from local shopkeepers was submitted which has received 1539 responses against the application and 3 in support. The letter from Borough Green Primary School is summarised at paragraph 5.6.3 below.

5.6.1 Comments in support (in summary):

- A Sainsbury's will be very good for the village.
- Borough Green is a growing village and the more facilities we have that will encourage villagers to shop in the village the better.
- I try to shop in the village but do have to go to the larger supermarkets because I can't get everything in the village.
- Many of the villagers I speak to are in favour of the development and look forward to it getting the go ahead.

5.6.2 Comments raising objection (in summary):

- Loss of Public House which is a community asset, locals should be given the chance to develop it as a community pub for all ages.
- No need for additional multi-national supermarket.
- Existing retail offer in Borough Green is sufficient. The high street is individual with a variety of shops to choose from.
- Existing retail stores will be at risk (butcher, newsagent, bakery).

- Traffic impacts as a result of additional vehicular movements.
- Conflict of traffic movements at the site with existing traffic from the station, Fairfield Housing Estate, Enterprise Industrial Estate [DPHEH – Bourne Enterprise Centre], the Primary School and Nursery.
- Harmful to the welfare/character of the Village.
- Danger to local children and pedestrians. There are already too many lorries on this road and any more would make the walk to school even more dangerous. This is a route to the Secondary school and at the entrance to the primary school.
- Increase air pollution, already an air quality issue in Borough Green.
- People will use the car park for school drop off bringing more cars to the school gates.
- The village and surrounding road systems are too small to cope with this.
- Station Approach is opposite the proposed access and already provides for Co-op delivery trucks, station drop off and collect, station car park, taxi rank, bus turning point, old peoples sheltered accommodation and Station Court office parking.
- Adding 124 vehicle movements per hour to the existing queues at this junction at peak times is unsustainable.
- The existing zebra crossing is already in a compromised position. Traffic is already reluctant to stop.
- It is stated that “bollarding off the spaces opposite the disabled bay” is necessary “to allow access to the loading area” for seven deliveries a day. This is a tacit admission that the site too small for the proposed change. The site clearly cannot cope with the amount of trucks and cars necessary for it to function.
- The site should be used for an extra medical centre/dental practice to support the proposed developments already going on in the village including the 171 houses being built [DPHEH – Isles Quarry West], the Red Lion Development, the 41 houses proposed near the station, the redevelopment of the police houses, and the development opposite 31 Station Road.

- The proposal is contrary to the Council's Local Development Framework, Core Strategy Policy CP22 which relates to Retail Development within the Borough. CP22 states that "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 allowed."
- Sainsbury's presence will seriously affect all the existing stores thus affecting the "vitality and viability" of this retail centre.
- The new store is intended for top-up shopping and will only carry a small range of goods. They are not therefore offering any new or providing a service that is not already available from the existing retailers.
- The proposal will reduce footfall to the High Street and significantly impact on takings of the existing independent retailers.
- Objection to the proposed location of the bin store in front of Unit 1 (Corals) and adjacent to the driveway of 10 Wrotham Road. This position could affect the desirability of my property, be unsightly, noisy to empty and smell unpleasant.
- Objection to the late opening hours and suggest the store is closed at 9pm or 9.30pm similar to other food retailers in the village.
- The persistent noise from traffic to the store late at night is also intrusive and unnecessary.
- The proposal would lead to traffic lights or a roundabout being required.
- The Henry Simmonds site would be better used as car parking for the school – the school parking area could then be re-used for additional site facilities.
- Sainsbury's state they would create 20-25 new jobs. They would in fact be replacing some of the jobs lost by the economic impact on the High Street and other local businesses. The first job losses will be the staff of the Henry Simmonds PH and there will invariably be a knock on effect to the Corals bookmaker. Other businesses locally will suffer and jobs lost accordingly.
- Delivery vehicles will not be able to access the site if another delivery is taking place.
- The positioning of the site is just far enough away to discourage customers from going further in to the village.
- Sainsbury's will undercut the smaller shops forcing them out of business.
- Money counts and not people's quality of life.

5.6.3 Borough Green Primary School: Borough Green Primary School would like to raise its concerns regarding the planned Sainsbury's Local store which is to be opened on the existing site of the Henry Simmonds Public House. These concerns relate specifically to the welfare and safety of the pupils, parents and teachers of Borough Green Primary School and the anticipated increase in traffic flow that inevitably will be generated at this end of the village.

- At present, we feel that the existing volume of traffic, combined with the lack of available parking surrounding the school, is challenging enough. Every day we experience issues with congestion between the two crossings in Borough Green where parents are entering and exiting the school, or trying to find a place to park so that their children can safely enter the school grounds. This is further compounded when delivery vehicles are servicing the Nisa convenience store in the High Street and commuters are using the village as a rat run to get to Sevenoaks or the M20.
- There is a significant risk of accidents occurring due to the obscured sight lines of parents and teachers when exiting School Approach to join the A227 Wrotham Road. The same applies to motorists approaching the High Street from the A227 Wrotham Road as they are unable to see vehicles exiting the school due to the wall that protects pedestrians when traversing the railway bridge. Should the volume of traffic increase further due to the presence and location of the Sainsbury's Local store then the risk of injury or even worse, a fatality, in our opinion is greatly enhanced.
- Pupils of Borough Green Primary School who live on the Fairfield Road estate are most at risk when walking to school due to the lack of footpath/pavement on the west side of the road. Whilst there is a zebra crossing opposite the Henry Simmonds Public House, this unfortunately does not service those pupils who live on the Fairfield Road estate. Any increase in traffic heightens the risk for these pupils.
- As a community, we have continued to suffer from traffic and road safety related issues due to the failure to establish the Borough Green Bypass. Any additions to the volumes of traffic, irrespective of the nature or cause is extremely worrying.
- We have reviewed the Transport Statement produced by Mayer Brown on behalf of Sainsbury's (dated: Oct 2014) and note its findings. Whilst the tick box exercise of compliance has been met, we still remain of the opinion that the positioning of this site, adjacent to the school, coupled with the dangers of poor visibility and heightened traffic flows will increase the risk of accidents and injuries to our pupils and their families.

- No viable commercial business would invest the time, money and effort to establish a presence if it did not feel it could increase profits year on year. Sainsbury's is not a lifestyle business like the majority of stores in the High Street. Its shareholders expect to benefit from increased dividends due to larger profits. We are not suggesting for one moment that the Borough Green store is going to make a significant impact on the P&L of J Sainsbury plc. but we do expect that their business plan projects increased revenues due to an increase in footfall and trade from surrounding villages. Will this additional trade be arriving at the store via foot, cycle, bus or train as opposed to personal car? The Transport Statement suggests that there are sufficient alternatives to the personal car, which is true, but whether people choose those alternatives is questionable and as of yet, unproven.
- The Headteacher and Governors of Borough Green Primary School have been approached by concerned parents regarding the siting of the store and the risks associated with increased traffic flows. They want to understand what we as a school are prepared and able to do to increase safety around the entrance of the school. As mentioned previously, ingress and egress to the school is suboptimal.
- Borough Green Primary School is not opposed to Sainsbury's as a business. Whilst we do have concerns regarding the impact on the local community and the effect on the village a major brand will have (especially since we already have one major brand in the village, albeit discreetly positioned away from the High Street), our primary concern is that of the safety and welfare of our pupils, parents and teachers. The local community is extremely important to the school as is the support of local stores and businesses.
- We remain of the opinion that for this store to be successful, considering its location, will depend heavily on customers travelling by car which will have an adverse impact on traffic within the village. It is this concern, coupled with the poor visibility around the entrance to the school and the heightened risk to our pupils from the Fairfield Road estate that we base our concerns on.

## **6. Determining Issues (A) & (B):**

- 6.1 It is important to reiterate that the change of use from A4 (drinking establishments) to A1 (shops) is permitted by the Government through the General Permitted Development Order 1995 (as amended in 2005). A similar right has been in existence since at least 1988. If those rights were to be taken-up before the determination of this current application, the applicant would then have the right, without the need for a planning application to be made, to occupy the existing building as a shop and thereafter erect limited extensions (up to 100 sq m – until May 2016 when the limit would return to 50 sq m) that would comply with permitted development rights for shops. The retail impact in terms of vitality and viability of such a change is not for the LPA's consideration as the development of



that nature/scale would not be controllable from a planning point of view – in light of the guidance in NPPG that retail impact assessments are required for development of over 2500 sq m. Similarly, the loss of a public house, increased vehicle movements, parking provision, opening hours, turning/loading, visibility, impact on pedestrians, noise impacts, bin storage etc would not be under the Council's planning controls for an extended shop of that size. It should be emphasised that it is the will of Parliament for such changes of use to allow for flexibility within Use Class A to adapt to market circumstances and this provision has been in place for many years.

- 6.2 It is acknowledged that the proposed extension would be erected for the purposes of retail storage/admin and the additional 10sq m floor space over and above *retail PD* does, in the present circumstances, require planning permission from this Council. The public house could, in itself, be the subject of an application for an extension of 110sq m of a scale, form and bulk which would be acceptable in principle. Once built, under the current application, the extension that would form part of the public house and *then* be available for a permitted change to A3 (café), A2 (professional services) or A1 (shops) without the need for a planning application to be submitted. This latter set of fallback circumstances could realistically occur and they are a material planning consideration in my view.
- 6.3 Irrespective of the permitted fall back positions set out above, the principal consideration is the location of the site within the adopted retail policy boundary as defined by Policy R1 of the DLA DPD 2008. In considering the nature of the extensions to facilitate retail use, the principle of retail development within the retail boundary of a District Centre is acceptable and compliant with adopted Policy. The preamble to Policy R1 states that:
- “the extent of these areas includes within the definition of the retail centres.... as areas suitable for business and other town centre uses (use classes B1, A1, A2, A3, A4 and A5.”*
- 6.4 Policy CP22 of the TMBCS sets out the sequence for considering retail proposals and prioritises sites located within the defined limits of the town, district or local centres. This policy then goes on to consider edge-of-centre and out-of-centre sites. Paragraph 24 of the NPPF supports the priority of retail development within the defined centre. It is acknowledged that all proposals for new retail development must also maintain or enhance the vitality and viability of the existing centre.
- 6.5 Paragraph 23 of the states that Local Authorities should “*promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres*”; “*retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive.*”

- 6.6 It might be helpful to make the point that even if the retail use of the public house itself were to come into the control of the Council, the amount of floorspace concerned is far below the NPPF threshold to require a retail impact assessment, which is a clear indication of the Government's approach to such relatively small retail facilities. (There is no Core Strategy policy that applies a different threshold and no evidence base for such a different threshold.)
- 6.7 I accept that many of the representations of the local residents, including the results of the Poll, raise concerns in relation to harm to the existing retail centre, local businesses and, in turn, potential loss of jobs. However, in the light of the permitted development regimes which apply, in theory, only the additional 10 sq m of ancillary shop floor space to the rear of the existing building is controllable for the purposes of Policy CP22 in terms of impact on vitality and viability. This is not a "loop-hole" as expressed by some residents as the ability to move between certain classes in the Use Class Order has been expressly permitted by Parliament since at least 1988, in the interests of commercial flexibility.
- 6.8 It is my view that the additional shop floor space to the rear of the building cannot be regarded to cause harm to the viability and vitality of the District Centre. The proposal would promote a competitive centre and provide customer choice as promoted by Paragraph 23 of the NPPF. Moreover, should the entire change of use be controllable and the whole retail floor space require permission (as a result of an Article 4 Direction for example) I am of the view that the location of the site, within a retail area, closely related to the existing retail offer, could not reasonably be regarded to be unduly harmful to the existing centre. I do not therefore consider there to be grounds to refuse the application on the basis of retail impact. I therefore consider the proposal complies with Policy R1 of the DLA DPD and Policy CP22 of the TMBCS and paragraphs 23 and 24 of the NPPF 2012.
- 6.9 The PC's nomination of the building to be listed as an Asset of Community Value is being considered by the Council. Whilst a formal listing as an ACV, if confirmed, has some materiality, it is limited and would not, in my view, override the permitted development fall back nor the allocation of the site within the District Centre and retail policy area of Borough Green.
- 6.10 It is proposed to use the existing access point onto Wrotham Road and form a one-way system within the site in a clockwise direction. HGV deliveries in the form of 18 tonne lorries would occur approx 7 times daily and a dedicated HGV parking space is proposed at the front of the site (roller cages etc would need to be moved from the front of the site, around the north (flank) of the building to enter at the storage area doors). It is proposed that HGVs will approach the site from the north only and leave towards the north only to ensure turning is achievable. KCC Highways and Transportation (KCC H&T) requested some additional swept paths and visibility information and is now satisfied the proposal would not result in a severe impact and has raised no objections. KCC H&T suggested there may be some benefit in providing a yellow box junction at the entrance to the site to

facilitate traffic management and movement. I also consider it reasonable and necessary to require by condition a traffic management plan intended to ensure that HGVs access the site only from the north and to exit in the same direction. The applicant has already stated this would be the case from an operational point of view as well as the limitations of the highway and all submitted tracking shows this to occur. It must be remembered that brewers' drays have to service the current public house and if the public house were to be far more actively marketed/used, as some commentators suggest should happen, then dray deliveries would increase over current levels.

- 6.11 In terms of parking provision, the application details 10 parking spaces would be retained for Sainsbury's, 2 for the residential units and 9 for existing A1/A2 units at the north of the application site. The maximum requirement for a shop of this size would be 19 spaces. However, KCC is satisfied that due to the location of the site within the District Centre with the associated bus and rail services, and other public car parks, the provision of 10 spaces is acceptable. As explained above, should Sainsbury's have chosen to occupy the building with a very slightly smaller extension of 100sq m, the LPA would have no control over car parking provision, access, turning or visibility. The provision of 10 spaces is therefore a good outcome for the site in my view as there is the potential for no provision if permitted development rights were to be taken forward by the applicant or another retail occupier. Similarly, the impact on pedestrians using Wrotham Road for the proposed scheme is unlikely to be much higher than the permitted fall-back position. In any event, KCC has not raised an objection in relation to pedestrian safety. In light of the above considerations, I am satisfied the proposal would not give rise to severe harm to highway safety, including pedestrian safety in and around the site. The proposal would therefore accord with Policy SQ1 of the MDEDPD 2010 and Paragraph 32 of the NPPF 2012 which requires safe and suitable access to the site being achieved for all people and any improvements should be those that cost effectively limit the significant impacts of the development; development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.12 The design of the proposed side rear extension is simple and would be flat roofed with a perimeter parapet wall at the rear with a false pitch over the side extension to face the street. Rendered walls are proposed for the extension with a painted finish. A large single storey flat roof extension with fenced plant area above, whilst not ideal, is not visible from public vantage points and cannot be argued to cause harm to the streetscene. The use of the false pitch over the re-built side extension would ensure that the front elevation of the building remains largely unchanged in terms of built form. and the scheme would accord with Policies CP1 and CP24 of the TMBCS, Policy SQ1 of the MDE DPD and Paragraphs 57 and 58 of the NPPF 2012.

- 6.13 The replacement staircase proposed on the northeast corner of the building to serve the retained residential units above would be an improvement to the existing staircase as it would be wider and safer. The proposal would also brick up or add vinyl film to a number of existing ground floor openings. Two windows on the front elevation would be removed and replaced with double entrance doors. I do not consider these alterations to be detrimental to the streetscene or visual amenity provided the vinyl does not include advertisements. I consider it informative to remind the applicant that no consent has been given for signage on the vinyl film (unless expressly given for the welcome sign for example) and, accordingly, advertisement consent would be required. I therefore consider the design of the staircase and the proposed alterations to existing ground floor openings to accord with the local and national design policies listed above.
- 6.14 The proposed ATM machine would be located on the front elevation which is a commonplace for such developments and would ensure maximum natural surveillance. There are other banks in close proximity to the site which also have ATMs so I do not consider this location is of concern. It is therefore my view that the proposed ATM would accord with TMBCS Policy CP24 and Paragraph 23 of the NPPF which supports competitive town centres.
- 6.15 I note the objection raised by one of the local residents which stated that the proposal would not respect the Borough Green Character Areas SPD which lists the Henry Simmonds PH as a local landmark due to its scale, prominent gables, decorative ridge tiles and finials, half timbering and tall chimneys. The objector feels that the proposal would eradicate the features of the building. It should be noted that the Henry Simmonds PH is not a listed building. However, the current application seeks to retain the building and its interesting roof design and detailing. The fears of the objector are unfounded in my opinion in regard to the scheme subject of this application. I therefore consider the proposal would accord with the Character Areas SPD. Various local representations, including that of the Parish Council, have raised the loss of the Public House in principle as an objection. One neighbour goes further to state that the loss of the PH would be contrary to Policy CP26 of the TMBCS (Community Services and Transport Infrastructure). The loss of a PH can sometimes be controllable through planning, such as in schemes to convert them to dwellings. When such applications are being determined, the viability of the PH can be a material planning consideration and the proximity of other PHs in the locality is equally relevant. However, as stated previously, the change of use from A4 to A1 does not require a planning application to be submitted in light of nationally set permitted development rights and, therefore, the loss of the PH (viable/last remaining or otherwise) is not, in the current circumstances, a material planning consideration in this particular case.
- 6.16 The addendum noise report details the residential accommodation above the proposed shop as being the nearest Noise Sensitive Receptor (NSR) and bases further calculation upon that. Achieving a level of 30dB LAeq at the nearest NSR will also achieve NR35 at the same location. Without knowing the Octave

Spectrum of the plant designed to be attenuated, it is not possible to confirm that it will in fact be effective. Additional information to confirm the Applicant's data has been sought and will be included in a supplementary report. It is known that in similar circumstances elsewhere in the Borough acceptable living conditions have achieved in respect of noise from plant and equipment.

- 6.17 The proposed opening hours are 06.00 – 23.00 seven days per week including Public and Bank holidays. As a result of the permitted fall back for the existing floor space to be converted to a shop without limitations on opening hours, there are no grounds to limit the hours proposed. However, I do consider there to be grounds to limit deliveries as the extension, which is controllable, would house the new storage area for roller cages etc. I consider it reasonable, given the proximity of 10 Wrotham Road to the HGV parking bay and the location of the two residential units above the proposed shop, to limit the hours deliveries can be carried out within the site. I consider deliveries should be restricted to 07.00 – 22.30 Monday to Friday, 08.00 – 21.00 on Saturdays with no deliveries on Sundays or Public and Bank Holidays in the interests of residential amenity.
- 6.18 There is not currently a full scheme of external lighting for the site and I consider it reasonable to condition such a scheme to be submitted and approved prior to the use being commenced.
- 6.19 In terms of soil contamination, the site is not identified as a site of potential concern, however a condition regarding a watching brief and suitable mitigation of contamination if found during groundwork would adequately deal with any risks to amenity and public safety.
- 6.20 The site lies approximately 80 metres from the boundary of the Borough Green Air Quality Management Area (AQMA). As the proposed HGV movements are indicated to enter the site and exit in a northerly direction, the AQMA should not receive additional HGV movements. In addition, cycle stores are proposed to facilitate customers travelling by bike and it is expected that much of the customer base would travel to the shop on foot either from the commercial and residential areas within the village/surrounding villages or using linked trips with visits to the District Centre by bus/car. I do not therefore consider the proposal would worsen air quality within the AQMA, especially bearing in mind that the site can legitimately generate traffic at present (both HGV and car) and the predominant change in traffic arise from the various permitted development rights and fall-back rights.
- 6.21 The proposed location of the bin store to the front (west) of the Corals betting shop and adjacent to the front boundary of 10 Wrotham Road would result in a visual intrusion to the street scene and the potential for noise and smell nuisance to the residential neighbour. I consider the location of the bin store can be amended and a suitable position agreed without compromising the overall layout of the site. I

therefore consider it reasonable to condition the submission of details of outside storage and screening of refuse.

6.22 The site lies within an Area of Archaeological Potential and there is the possibility of finds during the course of the groundwork on site. KCC Heritage has requested a condition requiring a written specification of a watching brief and a scheme of building recording prior to internal demolition works. I consider the need for a watching brief to be reasonable as the site falls within a designated AAP. However, whilst I understand KCC Heritage's intent in requesting a scheme of building recording, I do not consider I can reasonably require such a condition as the building is not listed. I consider it reasonable to put forward an informative to advise the applicants of KCC's interest in the internal layout, fixtures and fittings of the former Railway Hotel and, should they wish to do so, they may carry out such an exercise and submit their information to KCC Heritage.

6.23 The proposed scheme of signage for the intended end user includes the company colours for Sainsbury's being orange and burgundy. The signage is internally illuminated but with fret cut text which is sufficiently subtle. An externally illuminated totem pole sign similar in design to a hanging pub sign is proposed for the southwest corner of the site and final dimensions have not been provided. The principle of a Totem sign and the overall aesthetic proposed is acceptable in my view. However I consider a condition is required to determine the final size of the totem prior to occupation of the extension hereby approved. The other signage proposed is reasonable in scale, with internal illumination on the fascias only. It is my view that the signage details proposed are acceptable for this site within the district centre and situated on an A-class road in a well illuminated position. The Co-op Totem sign opposite the application site is externally illuminated with the fascia signs being internally illuminated. I therefore consider the proposed signage to not harm amenity or highway safety.

## **7. Recommendation:**

### **(A) TM/14/03560/FL:**

7.1 **Grant Planning Permission** as detailed by: Letter dated 17.10.2014, Waste Management Strategy dated 17.10.2014, Schedule dated 17.10.2014, Transport Statement dated 17.10.2014, Noise Assessment dated 17.10.2014, Existing Floor Plans P-121603-101 dated 17.10.2014, Proposed Floor Plans P-121603-102 Rev C dated 27.11.2014, Floor Plan P-121603-111 dated 17.10.2014, Drawing P-121603-115 B dated 17.10.2014, Elevations P-121603-201 dated 17.10.2014, Elevations P-121603-202 dated 17.10.2014, Elevations P-121603-203A dated 27.11.2014, Elevations P-121603-204A dated 27.11.2014, Elevations P-121603-210 dated 17.10.2014, Drawing P-121603-221 dated 17.10.2014, Drawing P-121603-300 dated 17.10.2014, Location Plan P-121603-100 dated 17.10.2014, Email dated 21.11.2014, Details SSLBOROUGHGREEM(LOCAL).1/TK06 Tracking dated 21.11.2014, Details

SSLBOROUGHGREEM(LOCAL).1/TK05 Tracking dated 21.11.2014, Viability Assessment SSLBOROUGHGREEM(LOCAL).1/01 dated 21.11.2014, Email Acoustic matters dated 21.11.2014, Noise Assessment Additional Info dated 21.11.2014 subject to the following:

**Conditions**

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

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

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

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

- 3 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.

- 4 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 with no deliveries on Sundays or Public and Bank Holidays.

Reason: To protect the aural environment of nearby dwellings.

- 5 The building shall not be occupied nor the use commenced until the area shown as parking space on the approved plans has been drained and surfaced and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 6 The use of the extension hereby approved shall not be commenced until details of a scheme of external lighting have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

- 7 (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

- 8 Notwithstanding the submitted plans, the use of the extension hereby approved shall not be commenced until a scheme for an alternative location for the commercial bin store, along with a scheme of screening where necessary, have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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 use of the extension hereby approved shall not be commenced until a scheme for an alternative screening for the proposed mechanical plant, has been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

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

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



- 11 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 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.

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

Reason: To protect the residential 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. 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.
- 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 Prior to any internal refurbishment or building works taking place, an asbestos refurbishment survey must be carried out and the findings acted upon as required by the Control of Asbestos Regulations 2012.
- 4 The applicant is advised to consider securing the implementation of a programme of building recording to ensure that historic building features are properly examined and recorded. Any final record/report/photographs should be sent to KCC Heritage Group, Kent County Council, Maidstone, ME14 1XX.

**(B) TM/14/03570/AT:**

7.2 **Grant Advertisement Consent** in accordance with the following submitted details: Letter dated 17.10.2014, Schedule dated 17.10.2014, Location Plan P-121603-100 dated 17.10.2014, Drawing P-121603-115 B dated 17.10.2014, Elevations P-121603-201 dated 17.10.2014, Elevations P-121603-202 dated 17.10.2014, Elevations P-121603-203 dated 17.10.2014, Elevations P-121603-204 dated 17.10.2014, Signage Drawing P-121603-221 dated 17.10.2014, Elevations 210 dated 17.10.14 subject to the following:

**Conditions**

1. This consent shall expire at the end of a period of five years from the date of consent.

Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. No advertisement shall be sited or displayed so as to -
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water, or air; or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. Where any advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7. Prior to the occupation of the extension hereby permitted, details of the final dimensions of the totem sign shall be submitted to the Local Planning Authority for approval and the work shall be carried out in strict accordance with those details.

Reason: In the interests of amenity.

### **Informative**

- 1 The applicant is reminded that the grey vinyl film to be applied to existing windows is not to include advertisements. Any adverts on vinyl film would require separate Advertisement Consent. Similarly, any banner signage attached to the building would require formal consent.

Contact: Lucy Harvey