

REPORT SUMMARY

REFERENCE NO: 20/506149/FULL		
APPLICATION PROPOSAL: Demolition of existing commercial buildings and erection of 3no. replacement buildings for use within Classes B2 (general industry), B8 (storage and distribution) and E(g)(ii) light industry, including ancillary parking facilities; improvements to access road, improvement to the junction with the A249, boundary fencing and landscaping.		
ADDRESS: Scammell Lodge, Friningham, Detling, ME14 3JD		
RECOMMENDATION: Grant Permission		
SUMMARY OF REASONS FOR RECOMMENDATION:		
<p>Whilst within the open countryside and the Kent Downs AONB an industrial development such as this would normally be inappropriate, the site benefits from an extant planning permission for a similar form of development and the proposals represent a modest increase in the level of floorspace.</p> <p>The amended application now proposes improvements to the access onto the A249, providing significant highway safety benefits compared to the fallback permission.</p> <p>Having regard to the fallback permission, it is not considered that the impact upon the character and appearance of the landscape would significantly change.</p> <p>On balance, the improvements sought, particularly the access improvements, are considered to outweigh the limited additional harm to the character and appearance of the countryside and the AONB that would otherwise occur.</p>		
REASON FOR REFERRAL TO COMMITTEE: Departure		
PARISH COUNCIL: Thurnham	APPLICANT/AGENT: Mr D Body c/o Haskins Designs Ltd	
CASE OFFICER: Austin Mackie	VALIDATION DATE: 26 January 2021	DECISION DUE DATE: 30 August 2022
ADVERTISED AS A DEPARTURE: YES		

RELEVANT PLANNING HISTORY

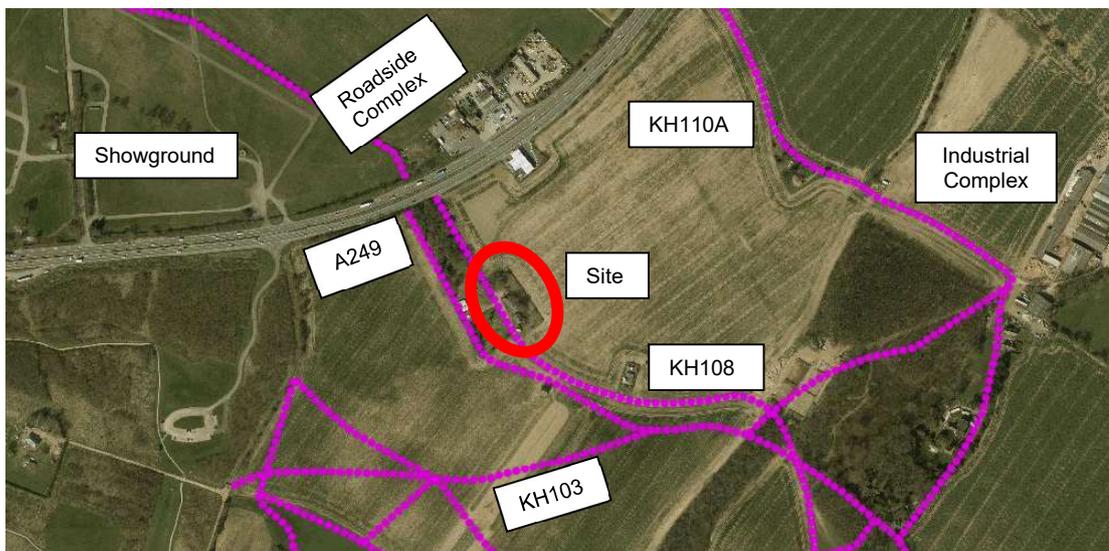
App No	Proposal	Decision	Date
19/505836/FULL	Demolition of existing commercial buildings and the erection of 2no. replacement buildings for B1 use, including ancillary parking facilities (not advertised as a departure).	Permit Delegated	19/01/20

1.0 SITE DESCRIPTION

- 1.01 The site is an isolated location within the AONB and contains two semi-derelict buildings accessed via an un-made track to the A249.



- 1.02 Whilst the site is within the countryside, circa 150 metres to the north is the 'roadside' complex comprising the two fuel stations, diner and industrial compound. 500m to the east is a complex of automotive / industrial buildings. The County showground lies to the NW.

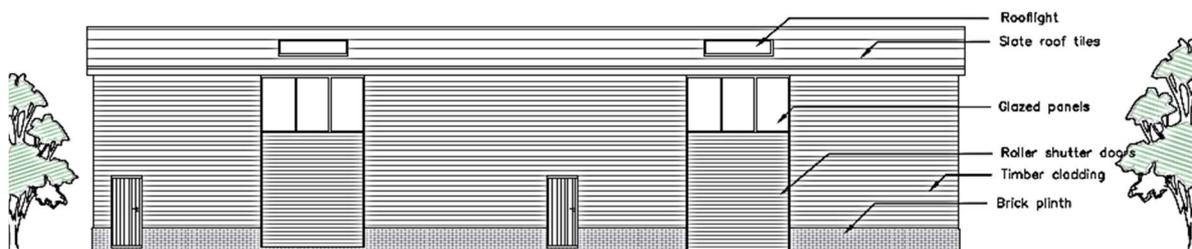
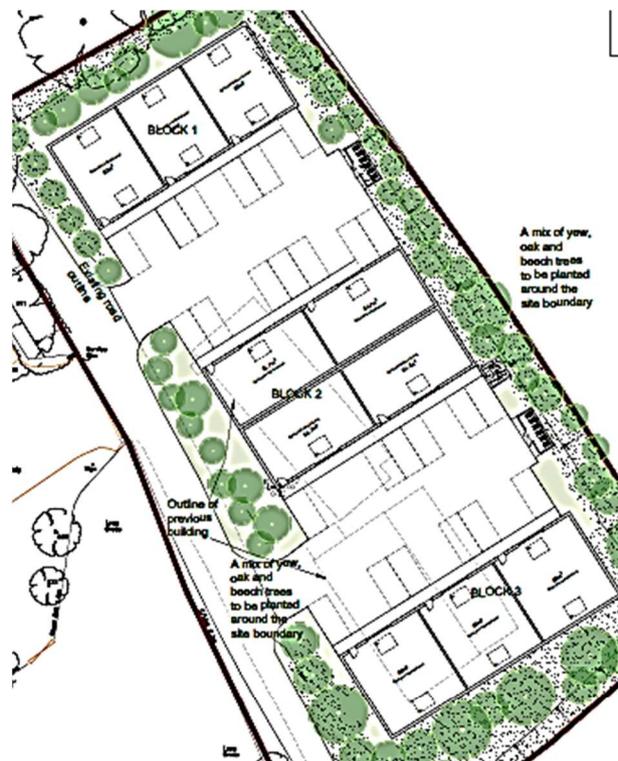


- 1.03 The surrounding landscape is gently undulating and open to medium distance views, with the site being visible from the A249 and nearby PRow including; KH103, which links into White Horse Country Park, KH10A to the north east and KH108 which passes along the site access itself.
- 1.04 There are no TPO or areas of ancient woodland within close proximity.
- 1.05 Historic mapping shows that the site and buildings previously lay within the WWII airfield perimeter. However, the buildings to be demolished are not considered to be of heritage significance. There are no statutory heritage assets within the vicinity

2.0 PROPOSAL

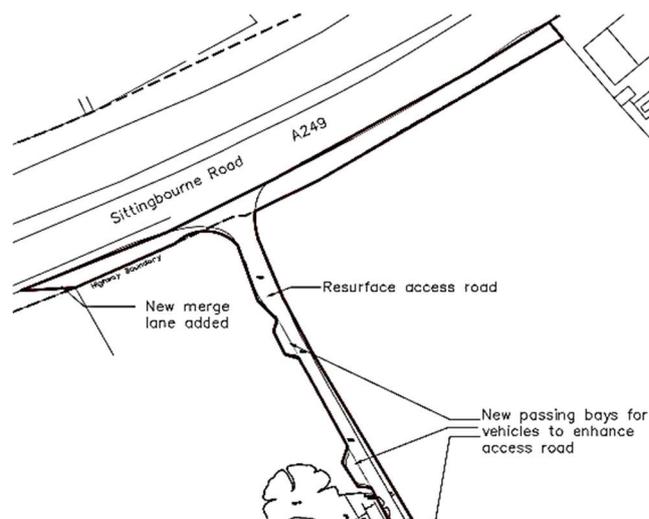
Approval is sought for for 858 sq.m of floorspace within classes E(g)(ii) light industry, B2 general industry and B8 storage and distribution. The application originally sought 1,035 sq.m, but this was negotiated down to improve space for circulation and landscaping. 12 small units are laid out in 3 buildings, with car parking and circulation between. Landscaping is provided around the site perimeters.

- 2.01 The revised layout removes the linear form of the previous proposal, which presented longer elevations to the PRow and now creates greater open gaps between buildings.
- 2.02 Vehicle parking for each unit will be provided, with a total of 25 car parking spaces and 10 loading bays.
- 2.03 The buildings are functional in form, with materials comprising timber cladding over a brick plinth and slate roofs. They rise to 5.16m at eaves (previous approval 5.45) and 6.58 to ridge (previous approval 6.86m).



2.01 Access is via an existing private track, which will be improved with a new surface and three new passing bays.

2.02 Whereas the previous permission would have required vehicles to exit directly onto the A249; as part of this application a merge lane has been negotiated with KCC, allowing vehicles to merge more safely onto the A249, where the speed limit is currently 70mph.



3.0 POLICY AND OTHER CONSIDERATIONS

3.01 MBLP17 - SS1 Spatial Strategy, SP17 The Countryside, SP18 / DM4 Heritage, SP21 Economic Development, DM1 Design, DM3 Natural Environment, DM21 Transport Impacts, DM30 Rural Design, DM37 Rural Business Sites.

3.02 NPPE - 8 & 81 Building a strong economy, 84 Building a prosperous rural economy, 85 Meeting local rural needs, 174 protecting and enhancing natural landscapes.

3.04 Maidstone Borough Council – Local Plan Review Regulation 22 Submission. The Regulation 22 submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is a material consideration, and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.

3.05 The Kent Downs AONB Management Plan 2021-2016 (3rd Revision) is also a material consideration.

4.0 LOCAL REPRESENTATIONS

None received

5.0 CONSULTATIONS

KCC Highways (latest)

The new site access layout submitted to KCC on 24th March 2022 – drawing '5362-006 Rev A Suggested Access Works', this layout addressed all issues raised at Safety Audit and also, meets with KCC's requirement for a junction that mitigates previously raised safety concern. Provided the following requirements are secured, raise no objection:

A section 278 Agreement with KCC Highways, for the applicant to implement the site access layout identified within 5362-006 Rev A.

Kent Downs AONB Unit (latest)

The proposed amendments largely address our previous comments on this scheme. We would, however, wish to see a wider variety of trees. A more diverse range would be more resilient to climate change and disease, provide enhanced biodiversity benefits as well as being more appropriate to local landscape character. Suitable species include hawthorn, hazel and field maple. We would also wish to see an understorey of planting provided beneath the trees. These could be secured through condition.

Kent Police

No objection subject to the Applicant adopting SBD principles.

Natural England

Do not wish to offer any comments.

Mid Kent EHO

Do not consider noise to be an issue. No objection subject to conditions relating to external lighting, ground conditions and EV charging.

KCC PRow

Request that PRow KH108 remain open during construction.

6.0 APPRAISAL

6.01 The key issues for consideration are: ...

- Location & principle of development
- Visual impact / character and appearance of the countryside
- Neighbour amenity
- Transport, highways, access and parking.
- Other matters

Location & Principle of Development

6.02 The site lies within the open countryside and the Kent Downs AONB, where development of this type and scale would normally be resisted. The NPPF and Local Plan policy DM3 seek to protect the natural environment and valued landscapes of the AONB. The latest AONB Management Plan also emphasises that, for example (SD3), the character and qualities of the AONB should be conserved. The principle of such a form and scale of development within the AONB would normally be contrary to both national and local policy.

6.03 Policy SS1/8 states that as part of the overall spatial strategy, small scale employment opportunities will be permitted at appropriate locations to support the rural economy. Visible locations within the AONB would not normally be considered to be appropriate locations for new employment development.

- 6.04 Whilst the site is brownfield land formerly in employment use, policy DM5 does not apply as it focusses on the 'alternative' residential or leisure use of rural employment sites, rather than their expansion or enhancement for continued commercial uses.
- 6.05 Notwithstanding the policy context of constraint, the principle of a similar form of development on the site was established in 2020. Significant weight is attached to the 'fall back' position as there is a reasonable prospect of the previous permission commencing.
- 6.06 Nevertheless, having regard to the sensitivity of the location, there must still be mitigating factors in order to justify even a modest increase in floorspace, should this result in increased harm. As this size of development is not classified as 'major' it is not necessary to address the NPPF tests relating to alternatives and exceptional circumstances. Rather than refuse this application, Officers have spent time negotiating what are considered to be significant improvements.

Visual Impact/ Character and Appearance of the Countryside

- 6.07 Policies SS1(10), SP17 and DM3 seek to protect the character and appearance of the countryside and conserve and enhance the distinctive landscape character and value of the Kent Downs AONB.
- 6.08 The NPPF confirms that AONB are a nationally designated landscape asset and are afforded a high level of protection for their landscape and scenic beauty. It requires that decision-makers shall:
- have regard to the purpose of conserving or enhancing the natural beauty of the area of outstanding natural beauty
 - afford great weight to conserving and enhancing their landscape and scenic beauty as they have the highest status of protection in relation to these issues
- 6.09 The site surroundings typify the defining characteristics of the AONB – its 'special qualities', for example, the undulating arable plateau and pockets of woodland. This landscape character is clearly apparent from the nearby PRoW and this section of the A249. As such, significant weight must be afforded to its protection.
- 6.10 As identified above, the current proposal shares the same site area and boundaries as the previous approval. As such, there is no incremental growth in developed site area. There is an increase in floorspace and building footprint / mass within the site, but a net reduction in hard surfacing through the removal of the internal service lane.
- 6.11 Whereas the permitted scheme has its long elevations parallel to the PRoW, the amended scheme now has two large gaps between blocks breaking up the impact of visual massing. Building heights have been slightly reduced.

- 6.12 Soft landscaping is shown on all four boundaries, with breaks solely provided for access. Whilst indicative planting is shown, a native planting scheme with trees and under canopy planting will be sought via condition in order to provide enhanced screening and better habitat.
- 6.13 To conclude, whilst there would be a modest net increase in built mass, being contained within the same site area with an improved layout, reduced heights and improved landscaping, it is considered that the impact on landscape character and appearance, when compared to the fallback permission will be negligible to neutral.

Neighbour Amenity

- 6.14 With the exception of the adjacent static caravan site, there are no nearby uses that would be sensitive to noise from commercial uses. The adjacent site contains two static caravans (although only one was permitted under LDCEX 14/0698). Between the two statics is a large yard with storage units. No objection was received from adjacent occupiers to either the previous or this application. However, the range of proposed uses has widened from just light industrial to include general industrial and storage and this change must be considered in terms of potential impacts.
- 6.15 There is a 40m separation between the static and proposed units. In addition, whereas the previous units faced towards the static, in the latest scheme they face inwards, towards each other, which will further assist in reducing noise transmission when, for example, service doors are open.
- 6.16 The Environmental Protection team do not consider noise to be an issue.
- 6.17 As the access also serves another nearby commercial site, it is not considered that traffic generated noise will be unacceptable. It is therefore considered that there will be no adverse amenity impacts.

Transport, Highways, Parking and Access

- 6.18 The application is accompanied by a transport statement, the findings of which KCC Highways consider acceptable in terms of trip generation, vehicle parking and circulation; with the current proposals generating an estimated 17 additional vehicles per day compared to the previous scheme. In the context of flows along the A249, this is not a significant figure.
- 6.19 However, MBC Officers were concerned that any intensification over the previous permission could exacerbate potential issues associated with the access onto the A249. The previous approval allowed vehicles direct access to the A249, requiring vehicles to turn left, directly onto the main carriageway at a point where the national 70mph speed limit applies. This would have created significant collision risks due to converging speeds. In addition, any vehicle exiting onto the inner lane also ran the risk of overhanging the outside lane, further exacerbating collision risks.
- 6.20 At the request of Officers the Applicant has subsequently agreed with KCC that a 100m merge lane will be provided to allow traffic exiting the site to

join the A249 more safely. This is an important benefit having regard to not only the up to 70mph speeds, but also the fact that the site is close to the point where vehicles in the outer lane may be decelerating to take the Scragged Oak Lane right hand turn, thus reducing options for vehicles in the inner lane to make an avoiding manoeuvre.

- 6.21 Together with improvements to the demerge entry lane, the new exit merge has been the subject of a safety audit, the findings of which have been taken on board, including an improved radius at the bell mouth.
- 6.22 Three new passing bays will be provided along the site access lane. A condition is recommended requiring these to be sufficient in size accommodate HGV.
- 6.23 It is considered that these updates to the site access represent a significant safety improvement over the previously approved access and will reduce the risk of high-speed incidents. Significant weight is afforded to this benefit over the previous approval.
- 6.24 The scheme provides 25 dedicated parking spaces plus 10 service bays, which is considered to be acceptable.

Other matters

- 6.25 A condition is proposed that will secure an enhanced native planting scheme that is designed to create new habitat, together with new habitat elements added to the built fabric.
- 6.26 Having regard to the site's location within the wartime Detling Airfield, it is considered that prior to the commencement of development, a scheme for archaeological investigation and recording should be submitted to and approved to ensure that any associated wartime remnants are recorded.
- 6.27 The proposed development is not CIL liable as the charge for employment uses is zero. There are no s106 matters, however, the access improvements will need to be addressed under a s278 agreement with the Highway Authority.
- 6.28 The proposals fall well below the screening thresholds for EIA development.
- 6.29 The previous application included details of ground conditions, as such, conditions attached to this permission will only address any previously unknown contamination found during construction.
- 6.30 Notwithstanding the adjacent static site, it is not considered that a remote location such as this requires restriction upon hours of operation.

Public Sector Equality Duty

- 6.31 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7.0 CONCLUSION

- 7.01 The site is located within the countryside, where there is a general approach of constraint towards new development. It is also within the AONB, where the priority is to conserve and enhance natural beauty. Such a form of development would not normally be acceptable and would traditionally be directed to the urban area or to allocated employment sites. However, the site benefits from an extant planning permission for a very similar form of development, which must be afforded significant weight.
- 7.02 Whilst there is an increase in the level of floorspace and mass of building, there are mitigating design considerations that lead to the conclusion that the net additional impact on the countryside and AONB would be negligible. These include; no change to the site boundary, an improved layout, slightly reduced building heights, a reduction in the number of parking spaces and hard surfacing and the opportunity to improve the associated landscaping.
- 7.03 The revised proposals will also deliver significant highway safety benefits through a improved access / egress arrangement.
- 7.04 To conclude it is considered that the benefits associated with the revised scheme outweigh the limited harm arising from an increased scale of development above that previously approved.

8.0 RECOMMENDATION –

GRANT PLANNING PERMISSION subject to the following conditions (with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.)

Standard Time Limit

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

(2) The development hereby permitted shall be carried out in accordance with the following approved plans/reports:

- 4518-PD-30 - Proposed Plans / Elevations – Block 1
- 4518-PD-31 Rev A – Proposed Plans / Elevations – Block 2
- 4518-PD-32 - Proposed Plans / Elevations – Block 3
- 4518-PD-20 Rev'D – Proposed Site Layout
- '5362-006 Rev A – Access Works'

Reason: To clarify which plans have been approved.

Highway Improvements

(3) The development hereby approved shall not commence until the Applicant has submitted evidence that they have entered into a Section 278 Agreement for the implementation of the site access works in accordance with drawing '5362-006 Rev A – Access Works' and have incorporated the recommendations of the 'Fenley Road safety Audit – Reference RSA-21-130' dated December 2020. Such an agreement shall demonstrate that the A249 merge/demerge improvements and the access road improvements and passing bays will be implemented prior to the main site works commencing.

Reason: To ensure that both construction works and operation of the development do not result in an adverse impact upon the free flow and safety of traffic on the A249 Sittingbourne Road.

Access Works

(4) Where the surface finish of the access road or private drive is intended to remain in unbound materials, the first 15metres, as measured from the back of the highway, shall be treated with a surface dressing to avoid the displacement of loose materials onto the highway. The development shall not commence until, details of the proposed surface dressing have been submitted to and approved in writing by the local planning authority; with those details demonstrating their suitability for HGV traffic; and the approved dressing shall be provided prior to the first occupation of the buildings;

Reason: In the interests of highway safety.

(5) There shall be no gates located between the A249 access point and the entry to the industrial complex hereby approved.

Reason: In the interests of highway safety.

(6) Notwithstanding drawing number '5362-006 Rev A – Access Works' prior to the first occupation of the development the site access passing bays shall be implemented in accordance with details that have been submitted to and approved by the local planning authority. Such details shall demonstrate that at least one passing bay is capable of allowing two HGV vehicles to safely pass.

Reason: In the interests of highway safety.

Parking

(7) The commercial units hereby approved shall not be occupied until the parking and turning areas shown on the approved plans, including access road passing bays, have first been provided and shall be retained at all times thereafter with no impediment to their intended use.

Reason: In the interests of highway safety and the free flow of traffic.

Materials

(8) No development above slab level shall take place until acceptable virtual samples of all external facing materials, including hard landscape surfaces have been submitted to and approved in writing by the Local Planning

Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and in accordance with Policy DM1 of the adopted Local Plan.

Landscaping

(9) Notwithstanding approved drawing 4518-PD-20 Rev'D, prior to the first occupation of the development hereby approved landscaping shall be in place on the site that is in accordance with a landscape scheme that has previously been submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed in accordance with the principles of the Council's landscape character guidance, but shall specifically incorporate native tree and under-canopy planting that offers maximum biodiversity benefits.

The scheme shall show any existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and shall include a native tree planting and include a planting specification, a programme of implementation and a 10 year management plan.

Reason: In the interests of landscape, visual impact, ecological value and amenity of the area and to ensure a satisfactory appearance to the development.

(10) Any trees or plants within the approved landscape scheme, which, within a period of 10 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

Biodiversity

(11) The buildings hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one integrated method into the design and appearance of each of the buildings by means to include swift bricks, bat tubes or bee bricks, and through the provision within the site landscaping such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and under-canopy corridors. The approved details shall be in place prior to first occupation and shall be maintained for the lifetime of the development.

Reason: To enhance the ecology and biodiversity on the site.

Archaeology

(12) No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the local planning authority. Such a scheme shall include

recording the potential historic wartime interest of any buildings to be demolished.

Reason: To enable the recording of any items of historical or archaeological interest.

Contamination

(13) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

No Open Storage

(14) No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land;

Reason: To safeguard the character and appearance of the surrounding area.

Refuse Storage

(15) The development hereby approved shall not commence above slab level until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building(s) or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

EV Charging

(16) Prior to the first occupation of each of the units hereby approved each shall be provided with an EV "rapid charge" point (of 22kW or faster unless agreed by the LPA) which shall be retained thereafter in a fully operational mode.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.

External Lighting

(17) No external lighting shall be installed unless it is in accordance with a detailed scheme of lighting that has been submitted to and approved in writing by the Local Planning Authority. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme shall also demonstrate that it is in accordance with the principles of protecting dark skies. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: The site lies within the AONB, where dark sky characteristics are a significant characteristic that must be protected.

INFORMATIVES – Security by Design, Construction Management and Wheel Cleaning