

**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/502511/FULL		
<b>APPLICATION PROPOSAL:</b> Erection of vehicle workshop, training hub and drop in centre for military veterans, and creation of new vehicle access (resubmission of 21/502548/FULL - dismissed at appeal under APP/U2235/W/21/3287610).		
<b>ADDRESS:</b> Field Adjacent to Dancing Green Lenham Road Headcorn Kent TN27 9LG		
<b>RECOMMENDATION: AMEND PREVIOUS COMMITTEE RESOLUTION</b> to change from s106 to a planning condition with regards to the applicant’s Business Plan.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> Committee approval for the use of a planning condition to secure the business plan (as an alternative to a s106 unilateral undertaking) is requested by officers following refusal of applicant’s mortgagees to endorse the draft s.106 unilateral undertaking with regard to the applicant’s business plan.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Requirement for authority from the committee to change the earlier committee resolution.		
<b>WARD:</b> Headcorn	<b>PARISH COUNCIL:</b> Headcorn	<b>APPLICANT:</b> HX Motors
<b>CASE OFFICER:</b> Francis Amekor	<b>VALIDATION DATE:</b> 06/07/23	<b>DECISION DUE DATE:</b> 19/12/23
<b>ADVERTISED AS A DEPARTURE:</b> N/A		

**Relevant planning history**

See Appendix 1 – Copy of Committee report from 23 September 2023 meeting.

**MAIN REPORT**

**1. BACKGROUND**

- 1.01 This report should be read in conjunction with the copy of the Committee Report attached at Appendix 1. Members resolved at the 23.09.23 meeting to grant planning permission overturning the officer recommendation for refusal.
- 1.02 The Committee agreed that subject to the prior completion of a unilateral undertaking focused on the business plan put forward by the applicant, the Head of Development Management be given delegated powers to grant permission.
- 1.03 The draft s.106 unilateral undertaking drafted by the Council on behalf of the applicant was completed and sent to the applicant on 15 November 2023 to arrange execution of it by the owner and Mortgagees. The applicant notified the Council on the 30 November 2023 that the Mortgagees had declined to endorse the unilateral undertaking due to the current economic climate.
- 1.04 With the decision of the Mortgagees and the need to deliver the benefits for veterans in a timely fashion, the matter is returned to members for determination. Members are asked to confirm agreement to use a planning condition to secure the benefits of the proposal as an alternative to the s106 Unilateral Undertaking.

## **2. CONCLUSION**

- 2.01 In line with the committee resolution to grant planning permission at the committee meeting on 23 September 2023 (contrary to officer recommendation) the recommendation of this report is now to grant planning permission without the requirement for a s106 unilateral undertaking. The requirements of the s106 unilateral undertaking would be secured through a planning condition.

## **3. 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 and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

- 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.
- 2) No development shall take place other than in accordance with the following approved plans and documents:  
Drawing Number: AGI-A-361 03 Rev A (Proposed First Floor Plan)  
Drawing Number: AGI-A-361 02 Rev A (Proposed Ground Floor Plan)  
Drawing Number: AGI-A-361 04 Rev A (Proposed Roof Plan)  
Drawing Number: AGI-A-361 01 Rev A (Proposed Elevations)  
Drawing Number: AGI-A-361 05 Rev B (Proposed Site Plan)  
Drawing Number: AGI-A-361 06 A (Site Location Plan)  
Unnumbered Revised First Floor Plan  
Appendix C1 - Local Farms/Agricultural  
Phase 1 Contamination Report  
Appendix C2 - Business Support  
Appendix R - Building Design  
Internal 3D CGI View 1  
Internal 3D CGI View 2  
Appendix G - Study on PTSD  
Appendix H1 - Veterans' Lifeline Support  
Appendix H3 - Bridge Charity Letter  
Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- 3) The materials to be used in the construction of the development hereby permitted shall be as described on the submitted plans. Reason: To ensure a satisfactory appearance to the development.
- 4) The development hereby approved shall not commence until details of
  - a) existing site levels and
  - b) proposed slab levels of the building have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels.Reason: In order to secure a satisfactory form of development having regard to the topography of the site.
- 5) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through methods integrated into the building structure by means such as swift bricks, bat tube or bricks to provide wildlife niches and additionally through provision within the site curtilage of

measures such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the approved building and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- 6) Prior to first occupation of the approved building the parking (including two disabled space, turning areas and highway access shown on the approved plans shall be completed and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.  
Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenience to other road users and in the interests of road safety.
- 7) The development hereby approved shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details will be in place before first occupation of the approved building and maintained as such at all times thereafter.  
Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.
- 8) The development hereby approved shall not commence above slab level until a full hard and soft landscape scheme has been submitted to and approved in writing by the local planning authority (notwithstanding what is shown on the submitted site plan). The scheme shall
  - (a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) (link to MBC website page <https://tinyurl.com/4a7uhhz5>)
  - (b) show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed,
  - (c) provide details of new on-site planting in a planting specification (location, spacing, species, quantity, maturity).
  - (d) provide landscape implementation details and timetable
  - (e) provide details of planting that is designed to provide screening of the building from the road
  - (f) provide a [5] year landscape management plan.  
Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.
- 9) All planting, seeding, turfing or other landscaping specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following first occupation of the building hereby approved. Any seeding, turfing or other landscaping which fails to establish or any trees or plants which, within five years from the first occupation of the building, are removed, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.  
Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.
- 10) Prior to first occupation of the approved building a minimum of two electric vehicle charging points shall have been installed on the site for the benefit of staff and customers with the charging point thereafter retained for that purpose.

- Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.
- 12) The development hereby approved shall not commence until details of a sustainable drainage scheme for the disposal of surface water and waste water has been submitted to and approved by the local planning authority. The approved scheme shall be implemented prior to first occupation of the approved building and thereafter managed and maintained in accordance with the approved details.  
Reason: To ensure that the principles of sustainable drainage are incorporated into this development and to ensure ongoing efficacy of the drainage provisions.
- 13) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall:
- a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
  - b) be in accordance with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.
  - c) include a layout plan with beam orientation.
  - d) provide a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
  - e) provide an ISO lux plan showing light spill.
- The scheme of lighting shall be installed, maintained, and operated thereafter in accordance with the approved scheme.  
Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.
- 14) Prior to first occupation of the approved building the approved refuse storage facilities shall be in place with the approved refuse storage retained for the lifetime of the development.  
Reason: In the interests of amenity and to provide a sustainable travel choice for future.
- 15) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- a) the parking of vehicles of site operatives and visitors,
  - b) loading and unloading of plant and materials
  - c) storage of plant and materials used in constructing the development,
  - d) the erection and maintenance of security hoarding
  - e) wheel washing facilities.
  - f) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Reason: In the interests of the amenities of the area and highway safety and convenience.
- 16) 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 construction works then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In order to deal properly with potential contamination.

17) Prior to the installation of any plant and equipment that is required in connection with the approved building and use, an Acoustic Report shall be submitted to and approved in writing by the Local Planning Authority. The Acoustic Report shall seek to show that the rating level of noise emitted from the proposed plant and equipment (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) is 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5 the applicant's consultant should contact the Council's Environmental Protection Team (ehadmin@midkent.gov.uk) to agree a site specific target level. Any mitigation measures approved through this condition shall be implemented prior to first use of the plant and equipment and retained at all times thereafter. Reason: In the interests of aural amenity.

18) The building hereby approved shall only be used as a vehicle workshop, training hub and drop-in centre for military veterans, and shall be fully laid out prior to first occupation of the relevant floor and retained as shown AGI Architecture ground floor drawing AGI-A-361 02A (received May 2023 – dated Feb 2021) and TJW design first floor drawing (received 30.10.2023 – dated 02.11.2022).

Reason: Planning permission was granted for this development based only on the specified use and as a departure from both the adopted Local Plan and the normal constraints on development in the countryside.

19) The approved vehicle workshop, training hub and drop-in centre for military veterans shall deliver the range of benefits for veterans including the re-training of veteran in Mechanical Engineering in collaboration with Charities and Organisations to set out in the Business Plan received on 30.10.2023. Reason: Planning permission was granted for this development based only on the specified use and as a departure from both the adopted Local Plan and the normal constraints on development in the countryside.

20) The use hereby approved shall not operate outside the hours of 0800hrs to 1830hrs Monday to Friday and 0800hrs to 1400hrs on a Saturday.

Reason: In the interests of amenity.

### **INFORMATIVES**

1) Notwithstanding the approval of planning permission, the need for a separate environmental permit is highlighted to the applicant with regards to the proposed vehicle spraying booth. Further information is available at the following link: <https://maidstone.gov.uk/home/primary-services/business-and-investment/primary-areas/licences-and-permits/tier-3-primary-areas/environmental-permits>

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.