

## **REPORT SUMMARY**

19 December 2017

<b>REFERENCE NO -</b> 17/503291/FULL			
<b>APPLICATION PROPOSAL -</b>			
Erection of 6 No lightweight commercial/industrial units.			
<b>ADDRESS -</b> The Packhouse Queen Street Paddock Wood Tonbridge Kent TN12 6PJ			
<b>RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION –</b>			
The submitted details are considered to comply with the policies of the Development Plan, where relevant, and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.			
<b>REASON FOR REFERRAL TO COMMITTEE -</b>			
Yalding Parish Council have requested that the application be reported to the Planning Committee if Officers are minded to recommend approval.			
<b>WARD</b> Marden And Yalding	<b>PARISH/TOWN COUNCIL</b> Yalding	<b>APPLICANT</b> Money Investments Ltd. <b>AGENT</b> Mr Steve Derhun	
<b>DECISION DUE DATE</b> 27/11/17	<b>PUBLICITY EXPIRY DATE</b> 03/11/17	<b>OFFICER SITE VISIT DATE</b> 10/10/2017	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/05/1537	Retention of Class B1 (C) light industrial and B8 storage and distribution uses without compliance with condition 2 (Hours of working) and condition 3 (Close boarded fencing and internal block work) of planning permission MA/01/1868	Approved	02/06/2006
MA/01/1868	Change of use of fruit pack house to mixed B1(c) light and B8 storage and distribution use	Approved	14.03.2002
MA/06/0741	An application for a certificate of lawfulness for an existing development being the use of the site for class B2/B8 use as described in application MA/06/0741/S and as amended by additional document(s) being doc 1a and 1b , 2No letters and an email received on	Approved	16/06/2006

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site (0.22 hectares) is a parcel of previously developed land located on the West Side of Queen Street, approximately 1 mile from the settlement of Paddock Wood, in the open countryside. The previous building at the site, a former agricultural packhouse was converted to Class B1 (light industrial), B2 (Industrial) and B8 (storage and distribution) uses under application reference number MA/01/1868 and MA/06/0741. The building was demolished following a fire in 2016.

- 1.02 The site has no specific designation in the adopted Maidstone Borough Local Plan (2017). The southern boundary of the site is adjacent to the residential dwelling known as Little Fowle Hall Cottage. To the north west of the site is Little Fowle Hall Farm with Queen Street immediately adjoining the eastern boundary. Access to the site is gained from shared private road which runs along its northern boundary onto Queen Street (B2079). Ground level at the site is generally flat.
- 1.03 Although now demolished, significant weight is still derived from previous lawful uses which relates to mixed B1 (Light Industrial), B2 (Industrial) and B8 (Storage and Distribution) uses. The scheme now proposed seeks to accommodate the same type of commercial use in the proposed lightweight industrial and commercial building. This site is located in an area designated by the Environment Agency as falling within Flood Zone 3. There are a number of established trees along the eastern boundary which are not the subject of TPOs.

## **2.0 PROPOSAL**

- 2.01 Planning permission is sought for the erection of 6 individual lightweight industrial/commercial units for B1 (light industrial) and B8 (storage and distribution) uses. The development would have a rectangular shaped foot print occupying more or less the same floor area as the previous building at the site. The building would be 27 metres in width and 24 metres in depth, with each individual unit measuring 6 metres in width and 12 metres in depth. The building would have a height just above 7 metres from the ground level to the highest point of the pitched roof, which incorporates roof light windows.
- 2.02 Each of the 6 individual units would have large north and south facing roller shutters in addition to separate entrance doors. The site would be enclosed on three sides by hedging and vegetation and would retain an open frontage along the northern boundary. The application proposes two vehicle parking spaces per unit to be located immediately on the frontage of each unit. The two parking spaces per unit proposed in this scheme amounts to a total of 12 parking spaces. A landscaped buffer is proposed within the grounds of the site which would extend to the boundary on the west and south of the site.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan 2017: Policies SP17, SP21, DM5, DM8, DM23 and DM30 are of relevance to the development

National Planning Policy Framework (NPPF) Paragraphs 28, 56, 60 and 61 are relevant

National Planning Practice Guidance (NPPG)

## **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Local Residents:** Six representations received from local residents raising the following (summarised) issues:

- Insufficient parking provision for the 6 units proposed
- Highways safety from HGVs and intensified use of the site
- Loss of parking and turning area for HGVs
- Surface drainage and sewerage connection

- Proposed steel cladding out of character with surrounding properties
- Density of proposed unit

## **5.0 CONSULTATIONS**

- 5.01 **Environment Agency:** No Objection, subject to finished floor levels of the proposed development set at 14.7mAOD.
- 5.02 **Environmental Health:** No objection subject to condition requesting the submission of details for odour, fume extraction and filtration scheme including its predicted acoustic performance.
- 5.03 **KCC Flood and Water Management:** No objection.
- 5.04 **KCC Highways and Transport:** No objection to B2 use of the site subject to conditions.

## **6.0 APPRAISAL**

### **Main Issues**

- 6.01 The key issues are:

- Principle of development
- Visual impact
- Residential amenity
- Highways impact

### **Principle of Development**

- 6.02 The site is located in the open countryside approximately 1 mile from the settlement of Paddock Wood as defined by the adopted Local Plan (2017) policy map. Policy SP17 of the adopted Local Plan sets out that 'Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area. Policy DM37 of the adopted Maidstone Borough Local Plan (2017) is supportive of business in rural locations, subject to an acceptable scale and impact. Policy DM37 of the adopted Local Plan is supportive of economic development in the countryside. Policy DM5 allows for the redevelopment of brown field sites in current or previous economic use in countryside locations subject to acceptable scale and impact. The National Planning Policy Framework is generally supportive of appropriate rural businesses where they respect the character of the countryside.
- 6.03 The application site previously accommodated mixed Lawful B1 (Light Industrial), B2 (Industrial) and B8 (Storage and Distribution) uses and therefore, the proposed redevelopment of the site to accommodate the similar type of commercial use is considered to be acceptable in planning policy terms. Having regards to the above, the principle of replacement lightweight commercial/industrial units on brownfield land in a countryside location is considered to be acceptable.

## **Visual Impact**

- 6.04 The proposed building covers a floor area of approximately 650m<sup>2</sup> which is similar to the scale of the previous development within the site and it is considered that the proposal would be appropriate for the size of the plot. The proposed building would be set back from Queen Street by approximately 13 metres and would benefit from screening provided by trees and vegetation along its eastern boundary. The southern and western boundaries have existing established hedge which would be retained. The proposed building would be set back from the shared northern access by approximately 7 metres and would not appear prominent or over dominant within the street or the vicinity of the site. The proposal includes a landscaped buffer on the south and west which would help soften its appearance.
- 6.05 The applicant has received pre-application advice which suggested that the 8 units proposed are reduced to 6 units to avoid any overbearing impact on Little Fowle Hall Cottage located to the south of the site. The advice recommended replacement of the hard standing car parking area proposed along the southern boundary with soft landscaping in the interest of amenities of the countryside. It is considered being a like for like replacement in terms of scale, the proposal is appropriately designed and in keeping with the general character of the location.
- 6.06 In terms of design and materials, the existing dwellings in the vicinity of the site are a mixture of render, hanging tiles and facing brickwork and whilst the proposed steel cladding would not replicate the design of dwellings in the vicinity of the site, the appearance of the light industrial building that would result from this proposal, represents a significant improvement in terms of visual appearance when compared with the previous building at the site. Considering that it is of a similar scale and height when compared with the previous building at the site, the development would be sympathetic to the general context of the vicinity of the site. The extensive landscape buffer provided within this scheme would help soften the appearance of the development considering that the existing hardstanding would be reduced. It is not considered that this proposal being more or less a like for like replacement would cause any significant harm to the character and appearance of the area. It is acceptable on design and would assimilate well within the locality.

## **Residential Amenity**

- 6.07 The proposal is located within a well enclosed site with trees and boundary vegetation along the western, southern and eastern boundaries. The proposal has a separating distance of approximately 30metres with the neighbouring dwelling to the south of the site, Little Fowle Hall Cottage. Apart from the roof light openings, no window openings are included in this development. Therefore, it is not considered that there would be any unacceptable overlooking or loss of privacy issues resulting from the proposed development. The site is a sufficient distance from the nearest neighbour to ensure that the potential for noise and disturbance that would be generated would not significantly affect residential amenity

## **Highways**

- 6.08 Car parking standards for B1 & B8 uses are found within SPG4 (parking standards for Land Use Class B1: Business & Land Uses Class B8: storage and Distribution). SPG4 recommends 1 space per 25m<sup>2</sup> for B1 use and 1 goods vehicle space per 300m<sup>2</sup> and 1 car parking space per 110m<sup>2</sup> for B8 uses. Whilst the formal marked car parking provision in this proposal comprising 650m<sup>2</sup> is below the recommended

numbers set out within SPG4, there is sufficient hard standing area around the site to accommodate additional informal parking if required. Clearly, the car parking requirements for B8 uses are significantly lower and the proposal is well within the recommended range.

- 6.09 KCC Highways and Transport does not raise any objections to this application on parking or highways safety grounds and considers the proposed parking provision to be acceptable for a B1 use. Therefore it is considered that the proposal would not cause highways safety issues and there is no objection in regards to highways.

### **Landscape**

- 6.10 No trees on this site or immediately adjacent to the site are TPO protected. There are small trees and hedging around the margins of part of the site which are to be retained. The submitted plans show that new native trees and hedging would be planted to the south and west of the site, including the provision of a landscaped buffer. The plans do not indicate provision of any soft landscaping along the site frontage and it is necessary to condition the proposed hard standing and areas to be constructed from permeable block paving. It is considered that the landscaping proposals within this scheme are acceptable and will support the aspirations of policy DM3 of the adopted Local Plan.

### **Other Matters**

- 6.11 Although concern has been raised with regards to the sewerage system, it is not considered that the proposed development which essentially replaces the existing building at the site would cause significant additional sewerage issues and I do not consider that an objection on this ground could be maintained.

## **7.0 CONCLUSION**

- 7.01 The proposal would not cause visual harm to countryside interest. It would not cause any significant harm to residential amenity of current and future occupants of neighbouring residential dwellings and there is no objection in terms of highway safety. The proposed lightweight commercial/industrial units is therefore considered acceptable with regards to the relevant provisions of the adopted Local Plan, the NPPF and all other material considerations such as are relevant. Therefore, approval is recommended subject to conditions.

## **8.0 RECOMMENDATION**

- 8.01 GRANT Planning Permission subject to the following conditions:

### **CONDITIONS**

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 activity in connection with the uses hereby permitted, other than the cleaning of the premises, shall be carried out outside of the hours of 07:00 and 22:00 and not at any time on Sundays, Bank or Public Holidays;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

3. Notwithstanding the information on the approved plans, no development shall take place above slab level until samples of materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: in the interest of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

4. No development shall take place above slab level until details of hard landscape works which shall include the use of permeable paving upon the hardstanding parking areas indicated on the approved plans, 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 before first occupation of the building or land;

Reason: To ensure satisfactory appearance to the development and in the interest of sustainable water drainage.

5. No development shall take place above slab level until details of the particulate odour, fume extraction and filtration scheme including its predicted acoustic performance shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall thereafter be installed, operated and retained in compliance with the approved scheme.

Reason: In the interest of the amenities of the occupiers of neighbouring dwellings.

6. No development above slab level shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

7. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. This information is required pre commencement as any construction work would reduce the range of drainage options available.

8. No development above slab level shall take place until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

9. Prior to occupation of each individual unit hereby approved a minimum of one corresponding electric vehicle charging point shall have been installed for use by occupiers or visitors to the individual units, the installed electric vehicle charging points shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO<sub>2</sub> emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

10. All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first season (October to February) following the occupation of the buildings or the completion of the development, whichever is the sooner; and seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, 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 unless the local planning authority gives written consent to any variation.

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

11. The approved details of the parking areas indicated on the approved plans shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use.

Reason: Development without adequate parking provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

12. 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.

13. The building hereby approve shall be used for B1(Light Industrial), B2 (Industrial) and B8 (Storage and Distribution) uses only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use

Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification);  
Reason: Unrestricted use of the building or land would cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.

14. No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land outside of the building outlined on the approved plan;

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

Case Officer: Francis Amekor

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