

REPORT SUMMARY

REFERENCE NO: - 23/501294/FULL		
APPLICATION PROPOSAL: Retrospective application for the erection of a tyre bay building and the laying of hardstanding.		
ADDRESS: The Coach Park Old Ashford Road Lenham Kent ME17 2DG		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: The application has been called in by Lenham Parish council. The reasons for committee referral are available below in section 4.		
WARD: Harrietsham And Lenham	PARISH/TOWN COUNCIL: Lenham	APPLICANT: Mrs Nertila Sinani AGENT: TSJ Drawings
CASE OFFICER: William Fletcher	VALIDATION DATE: 24/05/23	DECISION DUE DATE: 29/09/23
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

18/505045/FULL

Change of use to general commercial use and car wash/valeting, with retention and erection of wash down area and valeting canopies together with ancillary structures and drainage, including plant room and sealed drainage system. (Resubmission of 18/501630/FULL) Approved 28.11.2018

23/501293/FULL

Change of use of land for the siting of mobile burger van and canopy for the provision of hot food on the forecourt. Pending Consideration.

Officer Note: Whilst the application is seeking a change of use of land, the burger van would be situated on the forecourt of what is now the carwash. The application has been submitted by the same applicant.

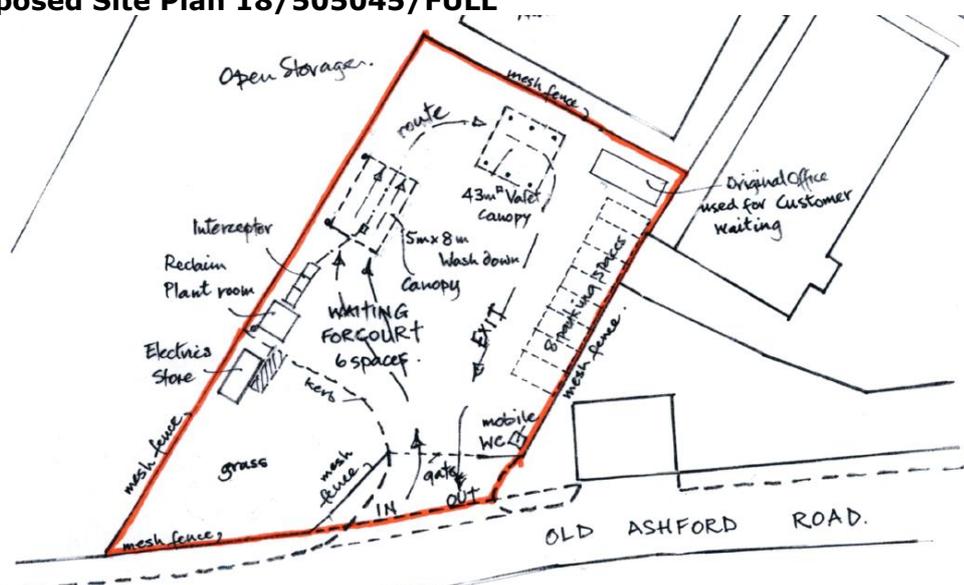
MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 In policy terms the application site is located in the countryside outside of all settlement boundaries as defined within the Maidstone Borough Local Plan.
- 1.02 The site is located on the northern side of Old Ashford Road, with a frontage onto the road. The site lies within a semi-rural area situated approximately 50m east of the settlement boundary of Lenham which the local plan designates as a Rural Service Centre. The application site is located within a minerals safeguarding area.

- 1.03 The site is served by an established gated vehicular access point from Old Ashford Road. The front boundary of the application site is formed of a metal post fence, very urban/commercial in appearance.
- 1.04 The southern boundary fronts Old Ashford Road with residential properties situated either side of the road. To the south west of the application are two-storey semi-detached residential properties which also front Old Ashford Road.
- 1.05 To the northeast of the site are warehouses which forms a part of the adjacent industrial land. However, most of the buildings are set back further away from the site with notable trees and dense vegetation screening their view from the site.
- 1.06 The site was previously used as a coach store, with vehicles parked on the hardstanding. The site has permission for the car wash use taking place which includes the canopies and various utility buildings associated with the use. The Site plan submitted with that application is depicted below.

Proposed Site Plan 18/505045/FULL



2. PROPOSAL

The application which is retrospective seeks permission for the erection of a tyre bay building and the laying of hardstanding around the building.

- 2.01 The proposed building has a maximum height of 4.1m with its pitched roof a length of 11.4m and a width of 8.7m. The external surfaces are formed of sheet metal. Approximately 150m² of hardstanding has been laid to the north and east of the building.
- 2.02 The building would be used for the changing/servicing of tyres and is related to the existing activities taking place on site.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:
SP17 Countryside
DM1 Principle of good design
DM30 Design principles in the countryside
DM37 Expansion of rural business

Neighbourhood Plan Lenham Policies:
Policy D1 – Quality Design

Kent Waste and Minerals Plan (amended 2020):

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):
Maidstone Landscape Character Assessment 2012 (Updated 2013)

Application site is located within the East Lenham Vale Landscape Character Area which is assessed as being in 'Good' condition and of 'High' sensitivity with guidelines to 'Conserve'.

The Regulation 22 Local Plan Review submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. However, this weight is limited as although Stage 1 and 2 Hearings have recently concluded, the Plan is still in Examination.

4 LOCAL REPRESENTATIONS

Local Residents:

- 4.01 2 representations received objecting to the application for the following (summarised) reasons:
- Vehicle movements generated by the development.
 - Aural Impacts.

Lenham Parish Council

- 4.02 Objection for the following reasons:
- Contrary to Policy D1 [quality design] of the Lenham Neighbourhood Plan.
 - No attempt to minimise visual impact and no contribution to local visual amenity.
 - Could be better placed on the site and layout appears back to front as tyre bay building should be at the rear of the site next to the field with the wash points nearer the front.
 - Elevation materials are wrong.
 - Represents overdevelopment and overcrowding including in relation to parking and deliveries.
 - Highway safety due to overspill parking.
 - Noise impact
 - Retrospective creep application that is likely to have further future applications.
 - Support comments from neighbours.
 - If officers are minded to approve request committee determination.

4. CONSULTATIONS

KCC Minerals and Waste

- 4.01 No objection:
- no land-won minerals or waste management capacity safeguarding objections or comments.

5. APPRAISAL

- 5.01 The key issues are:
- Spatial strategy
 - Expansion of existing businesses in the countryside

- Residential amenity
- Highways
- Biodiversity

Spatial strategy

- 5.02 The starting point for assessment of all applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will only be permitted where:
- a) there is no harm to local character and appearance, and
 - b) they accord with other Local Plan policies
- 5.03 Policy SP17 does not specify an acceptable level of harm to local character and appearance and all proposals in the countryside are likely to result in some degree of harm. In this context all development outside the designated settlements does not accord with this part of SP17.
- 5.04 In certain circumstances where there is locational need for development (equestrian, rural worker dwelling agricultural buildings etc) other Local Plan policies permit development in the countryside subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance I weighed against the harm caused to character and appearance with a proposal found in accordance with policy SP17 overall.
- 5.05 In this instance the building would be associated with a car wash business permitted under 18/505045/FULL as such the application benefits from consideration under policy DM37 (Expansion of existing businesses in rural areas), the 2018 application and the current application have both been submitted by the same applicant.

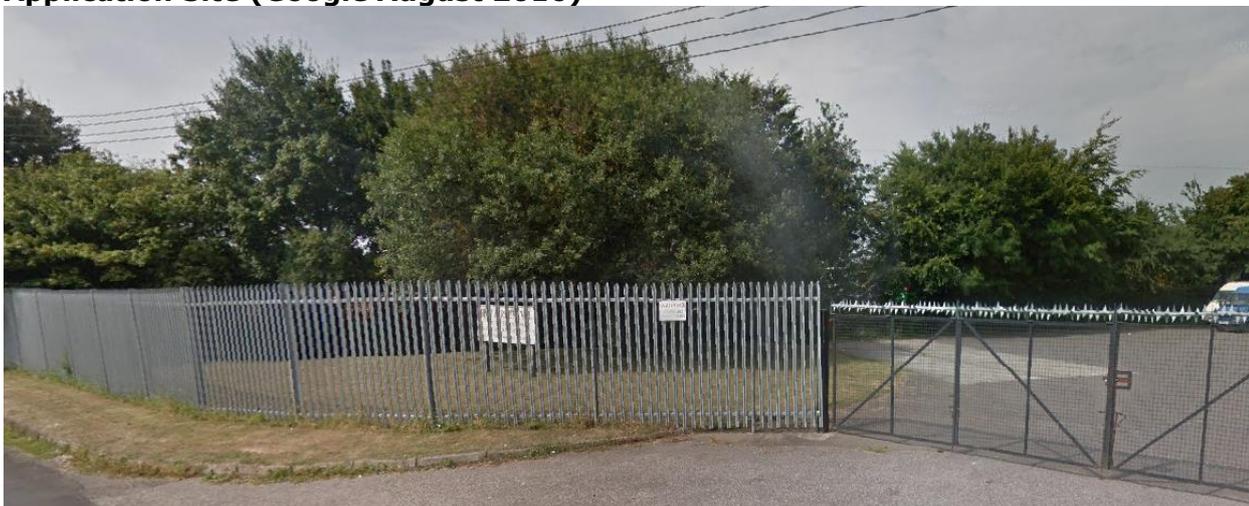
Expansion of existing businesses in the countryside/ Visual Harm

- 5.06 Policies DM1 and DM30 both seek to ensure development is well designed and makes a positive contribution to the character and appearance of the area. Policy D1 of the Lenham Neighbourhood Plan has similar objectives stating "Proposals for new development should seek to optimise the capacity of the site by responding appropriately to the scale, character, materials, grain and architectural rhythm of the existing built form.
- 5.07 Policy DM37 also has design objectives and as such an assessment of the proposals visual impact us included below as well as an assessment against each point of policy DM37.
- 5.08 The policy states that planning permission will be granted for the sustainable growth and expansion of rural businesses in the rural area where:
- New buildings are small in scale and provided the resultant development as a whole is appropriate in scale for the location and can be satisfactorily integrated into the local landscape.
- 5.09 Prior to the carwash, the site was used as a caravan storage lot. The site predominantly comprised of hardstanding with a grass verge with mature tree separating the hardstanding area from the roadside with a metal fence securing the site as depicted below.
- 5.10 In terms of the visual harm the building causes, much consideration must be given to the fact that the majority of the site is already covered in hardstanding, has metal 'industrial' fencing around the site and the building which is functional in

appearance would be seen in context of this. It is not clear when the fencing has been added to the site but photos available indicate at least since 2009.

- 5.11 It is accepted that visually this fencing and building are poor, but, whilst the distance between the application site and residential buildings to the west is small (perhaps 20m), there is a change in character between these locations and the application site is resolutely commercial in character which is where the building would be situated.

Application Site (Google August 2016)



- 5.12 The development has now removed this tree, erected a building on top of this grass verge and laid hardstanding over the remainder of this grass verge, as depicted below.

Application Site (March 2023)



- 5.13 Views of the building from the west (from the neighbouring residential dwellings) are obscured by existing landscaping. When viewed from the east the building is seen in context with the industrial/commercial buildings to its north with these buildings clearly in the backdrop. When considering the existing, lawful, commercial uses taking place on site and its current character, dominated with hardstanding and functional buildings and boundary treatments it is not assessed that the development causes such a level of harm to the character of the area that a refusal would be warranted on visual harm.

The increase in floorspace would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access.

5.14 The development utilises an existing access which is adequate. There is already a car wash operating on site, it does not seem unreasonable to suggest that vehicles most likely to use the site will be ones associated with the industrial site to the north, rather than customers specifically travelling to use the site.

5.15 Conditions will be imposed requiring the applicant to submit a site management scheme which will include details of traffic management on site.

The new development, together with the existing facilities, will not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance.

5.16 When considering the existing car wash use taking place on site it is not assessed that the tyre bay would result in such a detrimental increase in any existing aural impacts that a refusal would be warranted on this basis alone. Conditions can be imposed restricting the hours of use, as well as restricting the noise of equipment on site similar to the car wash operating on site. The development would not result in any loss of privacy. The visual impact of the development is assessed above.

No open storage of materials will be permitted unless adequately screened from public view throughout the year.

5.17 Conditions can be imposed to ensure tyres are not stored outside.

Residential amenity

5.18 Policy DM1 requires development to safeguard the amenity of neighbouring properties.

5.19 The closest neighbouring properties are approximately 30m away to the west and south of the application building. Environmental Health consultees did not object to the car wash development on the basis of aural impacts only requesting a condition restricting the noise generated by equipment on site.

5.20 When considering the existing background noise from the car wash and conditions which could be imposed it is not assessed that the development would result in such a significantly harmful intensification of any existing impacts that a refusal would be warranted on these grounds.

5.21 Representations have been raised raising concerns relating to aural harm of the development. Neighbouring properties are some distance from the development, and on this basis the application is not assessed as being causing a loss of privacy, or loss of amenity otherwise to neighbouring properties.

Highways

5.22 The application site consists of a significant amount of hardstanding and is served by an existing access. There would be adequate space to park vehicles on site, it is not assessed that the development would cause highways harm from the movement of vehicles onto and off the site.

Biodiversity

5.23 When considering the extent of hardstanding on site it is not assessed that the application site had any significant biodiversity value. The development appears to

have resulted in the loss of a grass covered area towards the front of the site and possibly the loss of a tree on site, although this tree was not depicted on plans submitted with 18/505045/FULL and may have been removed some time ago.

- 5.24 When considering the use on site it is unlikely to be suitable for any significant biodiversity enhancements. There may be some scope for additional landscaping at the southwestern corner of the site which would provide further screening when viewed from the south west, the hardstanding to the east of the building could also be removed and replaced with planting, plans do not indicate this is parking space.

PUBLIC SECTOR EQUALITY DUTY

- 5.25 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.

6. CONCLUSION

- 6.01 When considering the character of the application site and the activities taking place on site as well as the surrounding commercial uses it is concluded that the development would not result in harm to the character and appearance of the area.
- 6.02 Subject to conditions it is concluded that the development would not cause harm to the amenity of neighbouring occupants.
- 6.03 It is concluded that the development would not cause harm to the wider highway network.
- 6.04 When considering the activities taking place on site and the extent of hard surfaces it is concluded that the development does not results in any biodiversity harm.
- 6.05 The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval is therefore made on this basis, subject to the suggested conditions.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions

- 1) The development shall be carried out in accordance with the following approved plans and documents.
Application for planning permission
23/1210/HD/01 Rev D Existing Site Location and Block Plan
23/1210/HD/11 Rev A Site Location and Proposed Block Plan
23/1210/HD/12/1 Rev A Proposed Roof Plan
23/1210/HD/13 Rev A Proposed Front and Rear Elevations
23/1210/HD/13/LR Rev B Proposed Left and Right Side Elevations
23/1210/HD/12 Rev C Proposed Ground Floor Plan
Reason: To ensure the development is carried out to an acceptable visual standard.
- 2) The tyre bay hereby approved shall not be open for customers outside the hours of 09:00-18:00 Monday - Saturday and 10:00 - 16:00 on Sundays and Bank Holidays.
Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.
- 3) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be 5dB below the existing measured background noise level LA90, T. Reason: In the interests of aural amenity.

- 4) 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 be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions) and follow the recommendations within Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', 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 development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter. Reason: To safeguard the character and appearance of the countryside and in the interests of residential amenity and wildlife.
- 5) The use hereby permitted shall cease and all structures, equipment, and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
- i) Within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of:
 - a) The extent of hardstanding.
 - b) existing external lighting on the boundary of and within the site.
 - c) details of existing landscaping and details of soft landscape enhancements, specifically planting to the south west and south east of the Tyre Bay building in order to screen the building from Old Ashford Road.
 - d) details of the measures to enhance biodiversity at the site, specifically bird boxes and other habitats installed around the site boundaries; and,
 - e) a timetable for implementation of the scheme including a) to e) with all details implemented in accordance with the agreed timetable and all details retained for the lifetime of the development.
 - ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
 - iv) The approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.
- Reason: To ensure the visual amenity, character, and appearance of the open countryside location.

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