

Application Number	16/01322/AS
Location	Mechanical Components Ltd, Church Farm, Bell Lane, Smarden, TN27 8NT
Grid Reference	87040/42944
Parish Council	Smarden
Ward	Weald North
Application Description	Redevelopment of an existing commercial/industrial site to accommodate 5 commercial units.
Applicant	Mr A Sole, Mechanical Components Ltd, Downland House, Charing Hill, Charing, TN27 0NG
Agent	Mr G Ernest, gdm architects, The Masters House, College Road, Maidstone, ME15 6YF
Site Area	0.4336 hectares

1st Consultation

(a) 7/11R (b) Parish Council R (c) KH&T X, EA -, KCC (Bio) X, EHM X, CPRE R

2nd Consultation

(a) 7/13R (b) Parish Council R (c) KH&T X, EA X, KCC (Bio) -, EHM X

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Cllr Mrs Dyer.

Site and Surroundings

2. The site is located approximately 1.1km to the north west of the village of Smarden, within the countryside.

3. The site comprises a single storey building with associated hardstanding. The existing building, which is currently vacant and in a poor state of repair, ranges in height from approximately 4 – 5.3 metres. At the time of the site visit a large shipping/storage container was located within the site, and materials (timber, pallets, scrap metal etc.) were being stored externally.
4. The existing external materials of the building include a mixture of render, facing brick work and exposed concrete blockwork. The roof is corrugated sheeting.
5. The existing building has an 'L' shaped footprint and fronts, but is set back from Bell Lane. There is access into the site from Bell Lane.
6. The site boundaries are marked by a close-boarded fence and post and wire fence to the west and north. The eastern boundary is unmarked. The site boundaries adjoin open land on three sides with the fourth side abutting the Smarden Bell Inn Public House which is a Grade II Listed Building. Bell Cottage, located adjacent to the pub, and Church Farm House to the south of the site are also Grade II Listed.
7. The site is located in countryside within the Low Weald landscape character area of Smarden Bell Farmlands where key characteristics include flat to gently undulating landform, low visibility, mixed land use, varied field pattern, large arable fields and converted farm buildings. The landscape objectives are to improve and reinforce.
8. The front of the site is located in Flood Zone 2 (illustrated in blue on the site plan below). This constraint does not apply to the part of the site occupied by the existing building.
9. A plan showing the application site in relation to its surroundings is found below and also attached as **Annex 1** to this report.

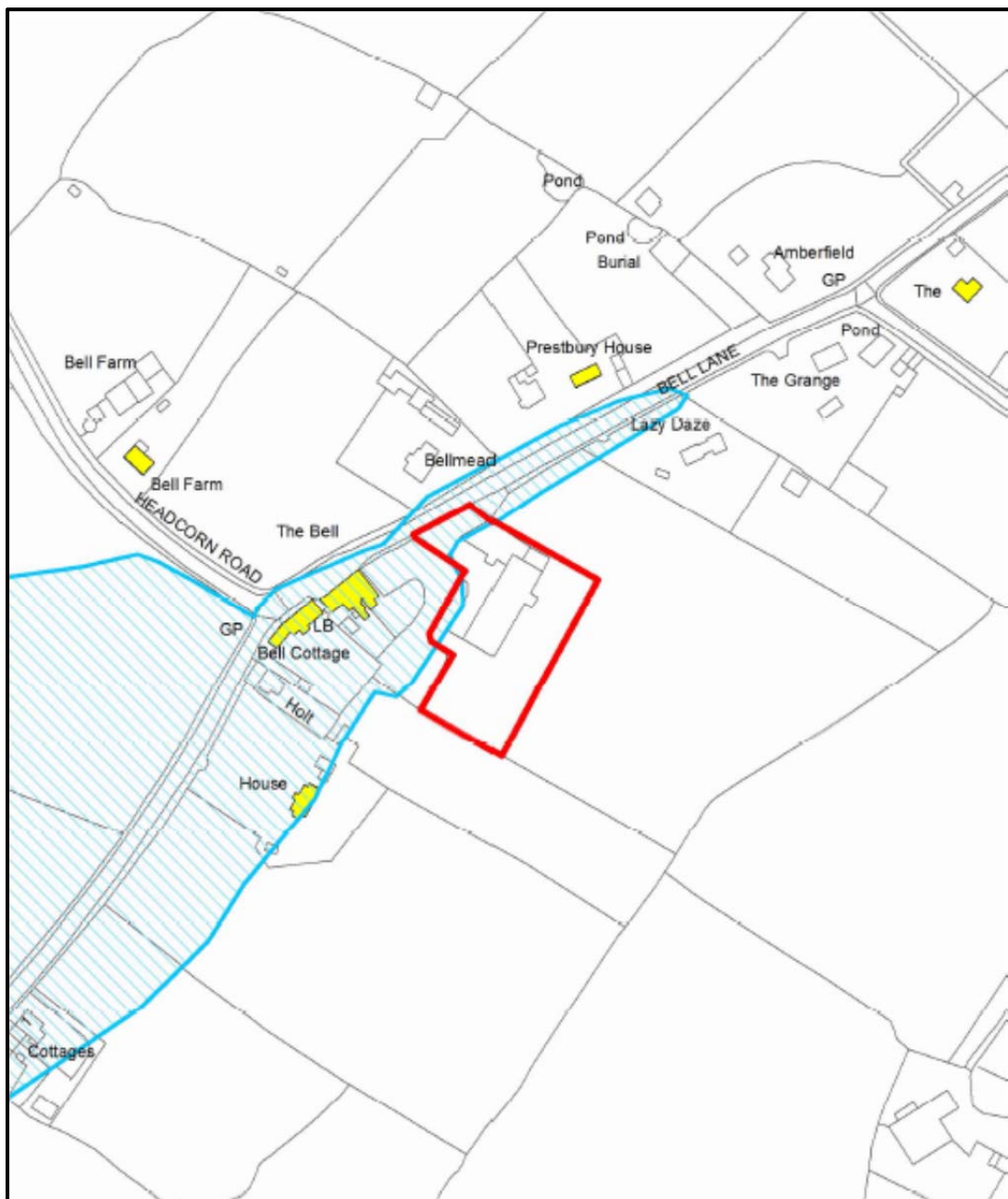


Figure 1 Site Location Plan

Proposal

10. The proposal is a full application. The application is for the demolition of the existing building and the erection of 5 commercial units falling within use class B1(c) Light Industrial.
11. The existing building has a footprint of approximately 868 square metres and a Gross Internal Area (GIA) of approximately 833 square metres. The proposed units would have a footprint of approximately 1275 square metres and provide a total GIA of 1200 square metres. This represents a 407 square metre increase in floor area and a 367 square metre increase in GIA over and above the existing building.

12. Formerly, it was proposed to accommodate the units in one large building measuring 7.6 metres high at its highest part. 3 of the 5 units incorporated a mezzanine floor. Positioned hard up against the common boundary with The Bell Inn the scheme was considered to be unacceptable and harmful to visual amenity and the setting of adjacent Listed Buildings. Amended proposals have since been received.



Figure 2 Proposed Block Plan - Original Scheme



Figure 3 Proposed Elevations - Original Scheme

13. In their amended form, the units would be accommodated within 3 detached building blocks. The buildings would be single storey with no mezzanine and would comprise shallow pitched roofs. Standing at an overall height of approximately 6.2 metres, the buildings would be 900mm taller than the highest part of the existing building. The amended proposals represent a 1.4 metre reduction in the height from the original scheme.
14. Each individual building block would be located towards the rear of the site with their gable ends facing towards Bell Lane to the west and the open country to the east.
15. The main building structures will be steel frame clad in dark stain timber weatherboarding on a brick plinth. The roof is proposed to be profiled sheeting and windows and doors would be double glazed, set in a timber frame. Roller shutter doors would allow larger vehicles to access each unit.
16. Access would be maintained from Bell Lane and a total of 32 parking spaces would be laid out within the site.
17. Unlike the original scheme, (see figure 2), the drawings submitted show space laid out within the site to provide landscaping.

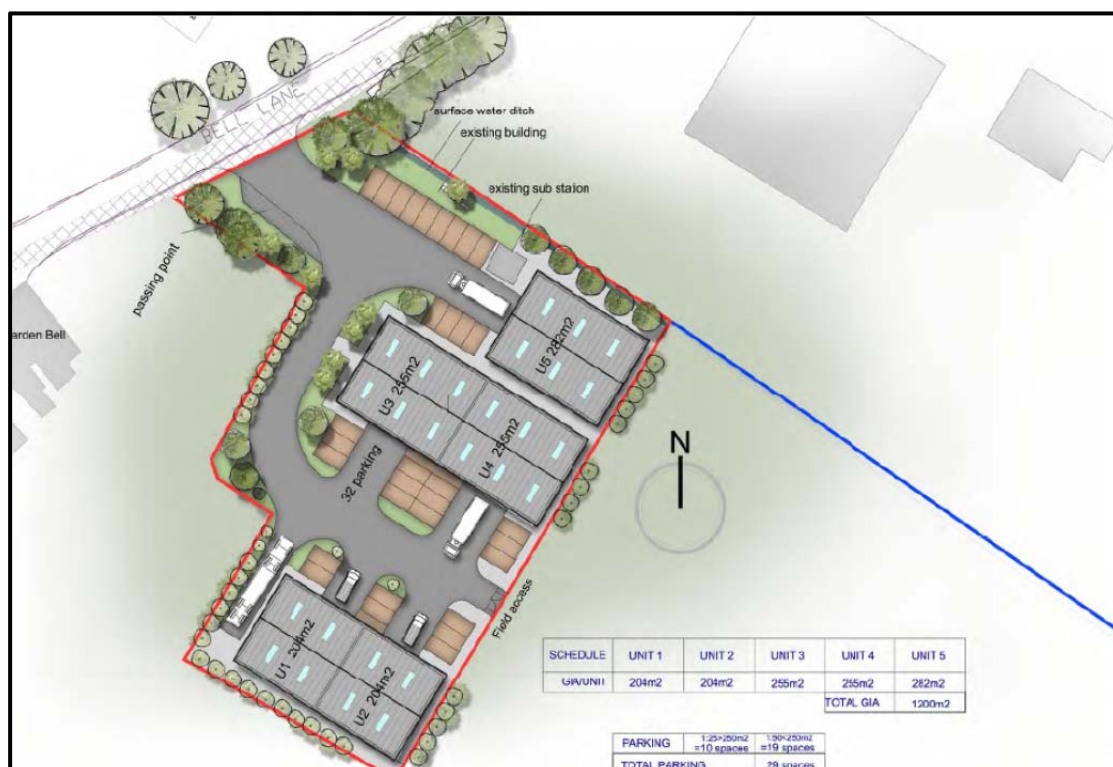


Figure 4 Proposed Layout



Figure 5 Proposed Elevations

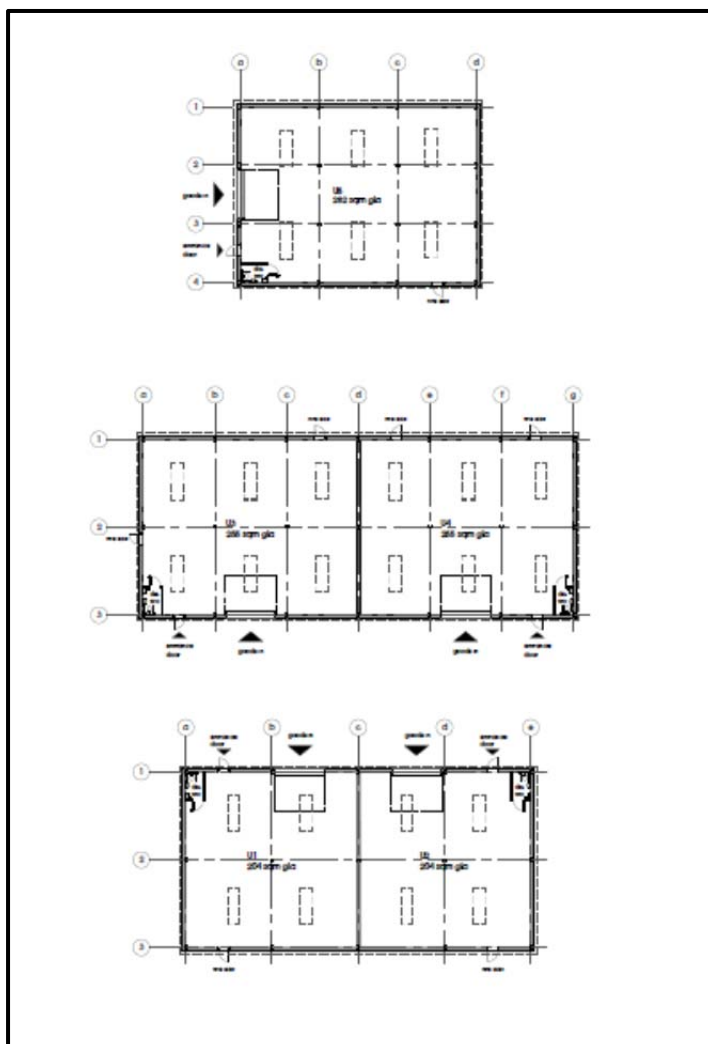


Figure 6 Proposed Floor Plans

18. In support of the application, the following documents have been submitted and are summarised below:

Design and Access Statement (D&A)

19. This has carried out an analysis of the site and surrounding area and is supported by photos.
20. Referring amongst other things to the layout, design, scale and material, the D&A concludes that the development nestles into its setting respecting the surrounding landscape and views and complementing its countryside location.

Great Crested Newt (GCN) and Reptile survey.

21. No GCNs were recorded within the accessed waterbody that lies within 250m of the site and no further action is required with regard to this species.
22. The reptile surveys identified a **'Good'** population of common lizard and **'Low'** populations of slow-worms and grass snake within the site. Measures to be implemented to ensure the welfare of reptiles is maintained include; habitat enhancements, habitat manipulation and a 30 session trapping effort.
23. The report concludes that so long as the provided mitigation strategies in regards to reptiles are adhered to then the proposals will be in keeping with current legislation and planning policies which serve to protect reptiles.

Bat Emergence Survey.

24. The emergence surveys conclude that the building supports a maternity roost of common pipistrelle bat/s which have been identified beneath the roof flashing and within the gas compression room which are to be affected by the proposal.
25. The report states that as the proposed works will result in the loss of the known bat roost/s, no works to building should commence until an European Protected Species (EPS) licence has been submitted and approved by Natural England. The content of the EPS licence will provide detailed recommendations in regard to timings, methods of best practice and mitigation measures required to ensure that the favourable conservation status of bats is maintained on the site post development. An outline of the proposed mitigation strategy has been provided within the submitted report.
26. The report concludes that so long as the mitigation strategy set out within the required EPSM licence is implemented in full, then the Favourable Conservation Status of bats will be maintained and the proposed development

will remain compliant with current legislation and planning policies which serve to protect bats.

Planning History

27. **87/00449/AS** Demolition of existing industrial and farm buildings and erection of eight dwelling units and extension to car park to The Bell Inn public house. Refused.
28. **87/01710/AS** This application sought planning permission for 8 industrial units falling within use class B1. The application form accompanying this proposal states that the site was in industrial use but does not identify which use class (if any) the use of the existing building fell within. The officer's report to Development Control Committee concurs with this. According to the information on the file, the application proposed an increase in commercial floor space from 1200 square metres to 2800 square metres. The officer's report to Development Control Committee concluded that the scheme had merit but that the scale of the additional floor space was not justified. Planning permission was refused.
29. **88/00384/AS** 4 Replacement industrial units (class B1, use classes order 1987). Withdrawn.
30. **90/00535/AS** This application sought planning permission for a rear extension to existing factory, provision of a new storey office block to front of site and demolition of existing offices and assembly building on the front of the site.
31. The extension to the existing building measured 6 metres by 6 metres and was 5.3 metres in height. The office and assembly building on the front of the site had a width across the frontage of 10 metres and a proposed height of 7.9 metres
32. The application form accompanying this proposal stated that the site was being used for light industrial for the manufacturing of lighting components. The application was considered to be acceptable and planning permission was granted.
33. **15/01574/AS** Development of an existing commercial/industrial site to provide 6 no. commercial units. Withdrawn.

Consultations

Ward Member: No formal written comments have been received from the Ward Member, Cllr Mrs Dyer.

1st Consultation on scheme as originally submitted as per figures 2 and 3.

Smarden Parish Council: Object to the proposals on the following grounds:

- Height and design incongruous to setting;
- Oppose the principal of a vehicle distribution centre. The road is dangerous and the site is close to a blind bend. It would also be unacceptable and extremely disruptive to the adjacent houses to have lorries accessing the site out of standard office hours.
- The size and scale of the proposal will increase the car numbers significantly which would impact on the local community in the area.
- The increase in traffic entering and exiting the site would impact on the life of the residents of the area.

The Parish Council state that they are not opposed to the regeneration of the site, but it must be in keeping with the location and sympathetic to the local community.

Kent Highways and Transportation: Tracking throughout the site is required for an articulated vehicle to ensure the vehicle can turn within the site and leave the site in a forward gear.

Kent Biodiversity: No objection subject to conditions.

Environment Agency: No comments received.

ABC Environmental Health: No objection subject to conditions.

CPRE: Object. By virtue of their design and height, the buildings are completely out of context with the existing listed buildings and their setting. They would destroy the setting of these heritage assets.

WKPS – Object for the following reasons:

- Scale and height.
- Highway safety.

WKPS state that they do not object to the regeneration of this site but close note should be taken of the height of the proposed building, the footprint, the size and scale of the vehicles allowed to use the site (e.g. a weight restriction) and the number of vehicles allowed to use the site. There are a number of surrounding residential properties and particular attention should be made as to the impact on

these. The Smarden Bell Pub is adjacent to the site and is a building of significant importance, which should be respected.

Neighbours: 7 neighbours were consulted. A site notice was posted and the application was advertised in the press. 11 Letters were received objecting to the proposal on the following grounds:

- Scale and height of development.
- Harmful to the landscape and character of the countryside.
- Increase in traffic including heavy goods vehicles (HGV's) and cars.
- Highway safety.
- Units available to rent elsewhere in the area.
- Development should be restricted to the existing footprint.
- Outlook.
- Surface Water Drainage.
- Flooding.
- Impact upon property value.
- Impact on setting of Listed Buildings.
- Lack of demand for units.
- Contrary to local plan policy and government guidance.
- Contrary to the Village Design Statement.
- Unsustainable.
- Impact on residential amenity.
- Light pollution.
- Access to the site via public transport is limited.
- Absence of a planning statement and statement of community involvement.

- Planning history sets precedent for resisting this nature of development.

2nd Consultation on scheme currently for consideration as per figures 4, 5 and 6.

Smarden Parish Council: Object to the proposals on the following grounds:

- The site is not suitable for HGV distribution.
- Smarden Bell Road is unclassified and the site entrance as stated before is close to a blind bend and dangerous junction.
- Contrary to KCC Freight Action Plan.
- The buildings are oppressive in footprint and height and incongruous to the surrounding houses and listed buildings.

The Parish Council state they are not against the regeneration of this site and a low rise, farmyard style group of buildings suitable for offices and rural enterprises would be more in keeping with this rural environment.

Kent Highways and Transportation: No objection subject to conditions.

Kent Biodiversity: No further comments received.

Environment Agency: Object to the proposed development, as submitted, because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable or can be appropriately managed.

ABC Environmental Health: State that they have no further comments to make. Upon further discussion, an additional condition is recommended to address the objection raised by the Environment Agency.

WKPS – object to the proposals on the following grounds:

- This site is unsuitable as a distribution site and is unsuitable for HGV traffic.
- Contrary to KCC Freight Action Plan.
- Height and massing.
- Flooding.

Neighbours: 7 neighbours were consulted. A site notice was posted. 13 Letters were received objecting to the proposal on similar grounds including:

- Impact on setting of Listed Building.
- Impact on landscape.
- Impact on residential amenity.
- Scale of development.
- Traffic and highway safety.
- Flooding.
- Surface Water Drainage.
- Access to the site via public transport is limited.
- Welcome a small residential development.

Planning Policy

34. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013 and the Wye Neighbourhood Plan 2015-30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030.

Consultation commenced on 15 June and ended on 10 August 2016. At present the policies in this emerging plan can be accorded little or no weight.

35. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

GP12	Protecting the countryside and managing change
EN31	Important Habitats
TP6	Cycle Parking

Local Development Framework Core Strategy 2008

CS1	Guiding principles to development
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CS2	The Borough wide strategy
CS9	Design quality
CS10	Sustainable Design and Construction
CS11	Biodiversity and Geological Construction
CS15	Transport
CS19	Development and Flood Risk
CS20	Sustainable Drainage

Tenterden & Rural Sites DPD 2010

TRS8	Extensions to employment premises
TRS17	Landscape Character and Design

Local Plan to 2030

SP1	Strategic Objectives
SP6	Promoting High Quality Design
ENV1	Biodiversity
ENV3	Landscape Character and Design
ENV4	Light Pollution and Promoting Dark Skies
ENV6	Flood Risk
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assests
EMP3	Extensions to Employment Premises in the Rural Area
EMP6	Promotion of Fibre to the Premises
TRA3b	Parking Standards for Non Residential Development

TRA6 Provision of Cycle Parking

Wye Neighbourhood Plan 2015-30

N/A

36. The following are also material to the determination of this application:-

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Sustainable Design & Construction SPD 2010

Smarden Village Design Statement

Informal Design Guidance

N/A

Government Advice

National Planning Policy Framework (NPPF) 2012

37. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

- Paragraph 17 sets out the core planning principles including every effort should be made objectively to identify and then meet the housing needs of the area; and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; encourage the effective use of land by reusing land that has been previously developed (brownfield), provided that it is not of high environmental value; contribute to conserving and enhancing the natural environment, conserve heritage assets.
- Section 1 seeks to facilitate a strong competitive economy.

- Section 3 seeks to support prosperous rural economies.
- Section 4 requires developments that generate significant amounts of movement should be supported by a Transport Statement.
- Section 7 sets out requiring good design.
- Section 10 addresses the need to meet the challenge of climate change, flooding and coastal change.
- Section 11 sets out conserving and enhancing the natural environment.
- Section 12 sets out conserving and enhancing heritage assets.

National Planning Policy Guidance (NPPG)

Assessment

38. The main issues for consideration are:

- Principle of the proposed development;
- Visual impact of the development;
- Impact on residential amenity;
- Impact on the setting of adjacent listed buildings;
- Other considerations including highway safety, ecology, drainage, flooding and contamination.

Principle

39. The proposal relates to the re-development of an existing employment premises. Therefore, it falls to be considered against policy TRS8 of the Tenterden and Rural Sites DPD.

40. Policy TRS8 indicates that proposals to extend existing employment premises in rural areas will be permitted, provided that the development can be integrated sensitively into its context, respecting the character of the landscape, existing historic and or architecturally important buildings and sites of biodiversity value; the proposal does not involve an extension to a previously converted building where that building has character that would be seriously affected; there would be no significant impact on the amenities of any neighbouring residential occupiers; and, it can be demonstrated that the

development will not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it.

41. Policy TRS8 is consistent with the approach within the NPPF insofar as it supports economic growth in rural areas subject to meeting set criteria. The NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity, by taking a positive approach to sustainable new development.
42. In order to promote a strong rural economy, amongst other things, the NPPF requires Local Planning Authorities to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

Fall-back Position

43. The information ascertained from the planning history and information submitted as part of this planning application suggests that on the balance of probability, the site has previously operated under Class B1(c) use.
44. On this basis, the information available indicates that the premises could be extended under Schedule 2 Part 7 Class H of The Town and Country Planning (General Permitted Development (GPDO)) Order 2015. H.1 (a) indicates that development is permitted provided the gross floor space of any new building would not exceed 200 square metres. H.1 (b) indicates that development is permitted provided the gross floor space of the original building would not exceed 50% or 1000 square metres (whichever is the lesser).
45. Based on the information available, it appears as though a new building with a floor area up to 200 square metres could be erected on site and the existing building could be extended by up to 217 square metres.
46. Schedule 2 Part 7 Class J of the GPDO facilitates hard surfaces for industrial and warehouse premises. Under this provision, it would be possible to significantly increase the amount of parking on site to the side and rear of the existing building.
47. This fall-back position could increase the amount of accommodation on site from 868 square metres to 1285 square metres and significantly increase the amount of parking.
48. Furthermore, the site can currently operate on an unrestricted basis in terms of there being no controls over operating hours, installation of lighting on

buildings, time of deliveries, methods of working (i.e. both inside and outside of the building) etc.

49. At 1275 square metres the floor space of the proposed development is fractionally less than the floor space of the premises extended under permitted development. Furthermore, the proposed development offers an opportunity to restrict the operations on site through the imposition of conditions and allows officers the ability to obtain an appropriate design and layout for the site.

Visual Impact

50. Policy GP12 of the Local Plan seeks to protect the countryside for its own sake including for its landscape and scenic value.
51. This criteria is consistent with policies TRS8 (copied above) and TRS17 of the Tenterden and Rural Sites DPD. TRS17 states that “development in the rural areas shall be designed in a way which protects and enhances the particular landscape character area within which it is located, and, where relevant, any adjacent landscape character area.
52. It will be possible to view the buildings from the public highway. However, unlike the existing building, the proposed buildings will be set back within the site. In addition, as opposed to the existing building, which extends across the width of the site, the proposed buildings are orientated so that their gable ends front the road and open countryside. Coupled with the separation between the buildings this helps to break up the scale and massing.
53. Whilst it is acknowledged that proposed buildings will be approximately 900mm taller than the existing building (measured from its tallest point), the buildings have a shallow pitched roof, and drawing number 3661/p111 (rev C) indicates that the buildings would not exceed the height of The Bell Inn which is positioned immediately in front of the site. Consequently, in officer’s view, the buildings would sit comfortably in the back drop without appearing excessively dominant or obtrusive.
54. Furthermore, the palate of materials which include facing brickwork, timber weatherboard and timber frame windows and doors, are present on buildings surrounding the application site and within the wider area. Therefore, in my view, the choice of materials will assist in the assimilation of the new development into its current setting. The utilitarian sheeting for the roof and the metal roller shutter doors, ensure that the buildings commercial use is legible. The overall effect is that of a suitably sympathetic collection of rural buildings, appropriate for commercial occupancy.

55. Consequently, I am satisfied that the buildings would not appear at odds and comprise acceptable development within their wider contextual setting. As illustrated on drawing number 3661/p110 (rev c), the set back of the buildings within the site ensures that the visual impact of the proposal can be further mitigated by way of new landscaping to both the boundaries and surrounding designated parking bays. This can be secured by condition.
56. The proposed development would not require any significant alterations to the landform or topography. The proposals would involve the removal of scrub including brambles etc. but the pattern and composition of trees and field boundaries would be unaffected. As above, enhancements can be sought through the provision of additional landscaping. The proposal would not affect the pattern and distribution of settlements, roads and footpaths.
57. It is not proposed to provide any external lighting and this can be controlled by conditions imposed.
58. In conclusion, in comparison to the existing building on site, the proposed buildings would result in some further encroachment towards the open countryside to the east and south, however, proximity to neighbouring buildings ensures that the buildings would not lie in an open or isolated position. Whilst the buildings are publicly visible and taller, their overall form and proposed materials ensure that they would comprise acceptable development within the context of the surrounding building complex. Therefore, I do not consider that the development would demonstrably harm the visual amenities of the surrounding countryside but instead would be viewed as appropriate buildings for this environment.

Impact on Neighbouring Amenity

59. Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making including that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
60. The proposed buildings are located in excess of 40 metres from the nearest neighbouring property and so they are not considered to result in any harm to residential amenity by way of loss of light or overshadowing. Neither would they have an overbearing impact. It is possible that the buildings will restrict views from the windows of neighbouring properties, however, the loss of a view is not considered to be a justifiable ground for refusing planning permission.
61. Legislation within the Town and Country Planning Use Class Order indicates that generally B1 uses can be carried out in any residential area without

detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

62. The proposed development has the potential to increase general activity and traffic movements to and from the site, thereby generating an increase in noise. Planning Practice Guidance (PPG) contains guidance on how to recognise when noise is an issue. At paragraph: 005 Reference ID: 30-005-20140306, it indicates that *“noise has no adverse effect so long as the exposure is such that it does not cause any change in behaviour or attitude. The noise can slightly affect the acoustic character of an area but not to the extent there is a perceived change in quality of life”*. Having regard to the guidance contained in the PPG, I have not been presented with any evidence which suggests that the increased noise associated with this proposal would impact in such a way that would cause changes to behavior and attitude. Indeed with the restrictive conditions imposed it could result in a reduction in the levels of noise and disturbance. I am therefore satisfied that there would be no observed adverse effects resulting from the proposed development. Furthermore, if the permitted development fall-back were implemented, similar traffic movements could potentially be generated, and would remain uncontrolled in terms of hours. Granting planning permission offers the opportunity to restrict hours of operation to those which will limit the impacts of noise and disturbance on neighboring amenities.
63. For these reasons I do not consider that the proposal would have an unacceptable impact on residential amenity.

Impact on the setting of Listed Buildings

64. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty and obligation to have regard to the preservation and enhancement of such assets and their setting.
65. Policy CS1 of the Council's Core Strategy sets out the Council's key planning objectives including the conservation and enhancement of the historic environment and built heritage. Policy CS9 states that proposals must be of a high quality design.
66. Emerging policy ENV13 states that proposals which protect, conserve and enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported.
67. These criteria are consistent with Government policy set out in the NPPF. The NPPF is supported by the Planning Practice Guidance (PPG). The Historic

England Good Practice Advice notes provide information to assist in implementing the policies in the NPPF and the guidance in the PPG.

68. The general approach to considering applications is set out in para.132 of the NPPF, and states, *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional."*
69. There are some vantage points from which it will be possible to view the development against the backdrop of the adjacent Listed buildings or vice versa, however, in my view, the development would not erode any important views neither would it result in development which has an unacceptable visual impact (see assessment headed 'Impact upon visual amenity').
70. Whilst the proposed development may increase activity within the setting, subject to controlling the hours of operation this activity is not considered to result in demonstrable harm to the setting through undue noise and disturbance and is unlikely to be any greater than that which could occur from the unrestricted use of the site operating at full capacity, particularly if the permitted development fall-back were implemented.
71. Consequently, I do not consider the proposal to result in any adverse impacts or harm upon the setting of the nearby listed buildings.

Highways

72. Policy CS15 of the Core Strategy relates to transport impacts, and amongst other things states, that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development.
73. Adequate levels of car parking have been proposed on-site with a useable layout. The applicant has demonstrated that an articulated vehicle can turn within the site should the site be served by such vehicles. Kent Highways and Transportation (KH&T) state that Bell Lane is classified as a 'C' road, with centreline markings which is suitable to cater for HGV traffic. That said, KH&T have indicated that the nature of the use proposed is not likely to generate freight traffic and that the vehicles serving the site are likely to be rigid with the occasional articulated vehicle.

74. Concern has been raised regarding highway safety with particular reference being made to the speed of traffic and the nearby junction/bend in the road. KH&T have responded to this stating that “there are adequate warning signs to warn drivers they are approaching a bend and the side road. Bell Lane benefits from a 40 mph posted speed limit, drivers approaching the bend are likely to be driving considerably less than this. There is sufficient visibility from the proposed access from the site towards the bend and to the North East of the access”. Crash statistics have been provided for the last 3 years. Crashes are categorised by severity which include fatal, serious and slight. One incident is reported at the nearby junction and this is categorised as slight.
75. Consequently, KH&T raise no objection to the proposed development on highway safety grounds.

Ecology

76. Policy EN31 of the Local Plan states that development which significantly affects semi natural habitats will not be permitted unless measures have been taken to limit impact and long term habitat protection is provided where appropriate.
77. Policy CS11 of the core strategy states that development should avoid harm to biodiversity and geological conservation interests. Policy TRS17 of the Tenterden and Rural Sites DPD requires development to have regard to the type and composition of wildlife habitats. These policies are consistent with the NPPF which indicates that the planning system should contribute to and enhance the natural and local environment.
78. The reptile survey submitted identified a good population of common lizards, and a low population of grass snakes and slow worms. The report outlined a mitigation strategy and KCC Biodiversity agrees with the methodology stated. KCC advise that the mitigation statement provided in the reptile survey report is secured as a condition of any planning permission granted.
79. A bat emergent survey has been carried out and found that the building supports a maternity roost of common pipistrelle bats. The survey work outlines a mitigation strategy to ensure the favourable status of the bats on site and KCC state this will need to be implemented. It is suggested that a mitigation statement is secured as a condition.
80. Subject to conditions, I am satisfied that the proposed development will not result in any adverse impacts on ecology.

Flooding and Drainage

81. A small proportion of the front the site is located within Flood Zone 2. The footprint of both the existing and proposed buildings is located outside of this.
82. There is no information with this application in relation to surface water drainage. The applicant is required to ensure that the total surface water run-off rate from the proposed development is no greater than the existing, as per the Ashford Borough Council Sustainable Drainage SPD. Due to ground conditions in this area (Weald Clay Formation) infiltration methods for dealing with surface water run-off are unlikely to be appropriate. However, having discussed the proposals with ABC's Project Delivery Engineer, it is likely that the proposal has a feasible surface water solution and this can be secured by imposing an appropriately worded condition.

Contamination

83. The Environment Agency have stated that the previous use of the proposed development site as industrial land presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. On this basis they raise an objection. A condition requiring the submission of a scheme to deal with contamination of land and/or groundwater is considered sufficient to address the issue raised.

Human Rights Issues

84. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

85. In accordance with paragraphs 186 and 187 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

Conclusion

86. The principle of development is acceptable. A permitted development fall-back position exists which could see the premises increase in floor area in

excess of the proposed development and could result in an increase in parking provision on site.

87. This planning application offers an opportunity to enhance the appearance of the site and restrict operations on site which are currently uncontrolled.
88. The layout and scale of the development fits within the context of the site and protects views from the surrounding countryside. The development would not cause unacceptable visual harm nor would it be unduly prominent when viewed from the north. The development is not considered to adversely impact the setting of adjacent listed buildings.
89. There would be no adverse impacts on the residential amenity of neighbouring occupiers.
90. Conditions can be imposed to ensure controlled waters are safeguarded and that surface water run-off and site drainage is not worsened over the current position and improved where possible.
91. There would be no adverse impacts on ecology and there is scope for additional planting both within the site and around the perimeter to ensure that the development is softened and better assimilated into the landscape.
92. The access is safe in highway safety terms and the parking provision meets the required standards. Conditions will ensure that these standards are met.
93. In conclusion, for the reasons set out above, the proposed development is considered to comply with the development plan as a whole.

Recommendation

Permit

Subject to the following conditions and notes:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements 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. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority of the proposed

means of any boundary treatment. The boundary treatment shall be provided in accordance with the approved details and shall thereafter be maintained.

Reason: To ensure a satisfactory appearance upon completion and in the interest of amenity.

3. A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five 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 a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to protect and enhance the amenity of the area.

4. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area.

5. Before any building is occupied, details for the storage and screening of refuse shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Schedule 2 Part 2 Class A and Schedule 2 Part 7 Classes H and J of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality.

7. The buildings/units shall only be used for purposes falling within Class B1(c) and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or whether or not permitted by virtue of the provisions within the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

Reason: In order that any other proposal for the use of the site is the subject of a separate application to be determined on its merits, having regard to the interests of the amenity of the area.

8. The vehicle parking spaces, space for vehicle loading/unloading and turning facilities shall be provided in accordance with details approved on drawing number 3661/P110 (rev c) before the use is commenced, and shall be retained for the use of the occupiers of, and visitors to, the development. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to the reserved parking, vehicle loading/unloading and turning facilities.

Reason: To ensure adequate provision for vehicle parking, storage for bicycles and refuse in order to prevent the displacement of car parking, in the interest of highway safety, and in the interest of visual amenity.

9. No development shall take place until details of the bicycle storage facilities showing a covered and secure space have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to occupation of the development and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

10. No construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Reason: To protect the amenity of local residents.

11. No development including any works of demolition or preparation works prior to building operations shall take place on site until the following details have been submitted to, and approved in writing by the Local Planning Authority:
- a) Provision for parking for site personnel, visitors and operatives;
 - b) details of areas for the loading and unloading of plant and materials, and provision on-site for turning for construction vehicles including HGV's;
 - c) details of areas for the storage of plant and materials;
 - d) Details of the form and location of any proposed temporary works compounds; and
 - e) details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances;

The approved details shall be adhered to throughout the duration of the demolition and construction period.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in the interest of the amenity of local residents.

12. Visibility splays of 80 metres to the centre line in a south westerly direction x 2.4metres x 120metres in a north westerly direction at the access with no obstruction in excess of 0.9metres in height above the carriageway level shall be provided at the access before the development commences and the splays shall be so maintained at all times.

Reason: In the interests of highway safety.

13. The first 5 metres of the access from the edge of the highway shall be surfaced in a bound material.

Reason: To prevent the deposit of loose material onto the highway in the interest of highway safety.

14. The development hereby permitted shall not be begun until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the Local Planning Authority and until the measures approved in that scheme have been implemented. The investigation report shall be conducted and presented in accordance with the guidance in CLR11 "Model Procedures for the Management of contaminated land" published by the

Environment Agency. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the Local Planning Authority shall be fully established before the desk-top study is commenced and it shall conform to any such requirement. Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.
2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:
 - i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.
 - ii) The requirements of the Local Planning Authority for site investigations have been fully established, and
 - iii) The extent and methodology have been agreed in writing with the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay upon completion.
3. A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. Two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority.

Reason: To control pollution of land or water in the interests of the environment and public safety.

15. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:

0730 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) and not at all on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents.

16. Industrial processing shall only take place in the building(s) identified on the approved plans.

Reason: In order to preserve the visual character of the property and the amenity of the surrounding area.

17. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority. External lighting shall not be installed until a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of amenity of adjoining residents and biodiversity.

18. No development shall take place (including demolition) until a full method statement for the protection of bats and reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include :

- a) Purpose and objectives for the proposed works;
- b) Working method necessary to achieve stated objectives;
- c) Provision for bat and reptile 'rescue' if animals are encountered;
- d) Extent and location of proposed works shown on appropriate scale plans;

- e) Persons responsible for implementing works.

The works shall be undertaken in accordance with the approved details.

Reason: To ensure that the proposed development will not have a harmful impact on protected species, habitats and wider biodiversity.

- 19. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved by, the local planning authority prior to commencement of the development. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on the site that might influence management;
 - c) Aims and objectives of management;
 - d) Management for reptiles;
 - e) Management for bats;
 - f) Prescriptions for management actions;
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - h) Details of the body or organisation responsible for implementation of the plan;
 - i) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that the proposed development will not have a harmful impact on protected species, habitats and wider biodiversity.

20. Prior to the first use of the development the ecological enhancements outlined in the Extended Phase I Habitat Survey by Greenspace Ecological Solutions shall be implemented on site and shall be maintained thereafter.

Reason: To ensure that the proposed development will not have a harmful impact on protected species, habitats and wider biodiversity.

21. No development shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water have been submitted to and approved in writing by the Local Planning Authority.

The final drainage plan for the scheme will be approved by Ashford Borough Council to ensure that surface water runoff from the site is being dealt with appropriately and in line with Ashford Borough Council's Sustainable Drainage SPD. This will include a modified surface water drainage strategy which satisfies the requirements of the SPD.

The submitted system shall comprise retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology.

Surface water runoff should be dealt with within the application boundary via suitable methods approved by Ashford Borough Council where possible. Proposals should identify any overland flow paths, channelling of flows, or piped flows along with the final point of discharge of the water from the site should be identified.

The submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010. (iv) promote biodiversity, (v) enhance the landscape, (vi) improve public amenities, (vii) return the water to the natural drainage system as near to the source as possible and (viii) operate both during construction of the development and post-completion.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance) and shall be retained in working order until such time as the development ceases to be in use.

A plan indicating the routes flood waters will take should the site experience a rainfall event that exceeds the design capacity of the surface water drainage

system or in light of systems failure (Designing for exceedance) including appropriate mitigation measures and emergency response procedures.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20 Sustainable Drainage.

22. No development shall be carried out on the land until samples and written details including source/manufacturer of the materials to be used in the construction of the external surfaces of the development hereby permitted (including details and samples of any hardsurfacing) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

23. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

24. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

Notes to Applicant

1. Working with the Applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,

- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
 - the applicant/agent responded by submitting amended plans, which were found to be acceptable and permission was granted,
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. 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.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

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.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this

application may be found on the [View applications on line](#) pages under planning application reference 16/01322/AS.

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Annex 1

