

REPORT SUMMARY

REFERENCE NO - 15/510051/FULL			
APPLICATION PROPOSAL Retrospective planning application for the retention of the existing laundry building in its as built condition			
ADDRESS 29 Ashford Road, Faversham, Kent ME13 8XN			
RECOMMENDATION: Grant of Planning Permission subject to:- <ol style="list-style-type: none"> 1) The comments of the Economy and Community Services Manager 2) The signing of a suitably worded legal agreement ;and 3) Conditions as set out below 			
SUMMARY OF REASONS FOR RECOMMENDATION <p>The proposed development is in line with the aims of the NPPF and the Borough Council's employment policies, and brings significant economic benefits. With use of appropriate landscaping it is considered that the laundry building as built sits comfortably within existing development. The noise insulation of the building has been improved, and an acoustic fence will be built to further ameliorate noise from activities associated with this site, and as such it is considered that impact of the development on neighbour amenity is considered to be acceptable. The Environmental Protection Team Leader raises no objection.</p>			
REASON FOR REFERRAL TO COMMITTEE <p>At request of Cllr Mike Henderson for reasons that it is important that any planning permission is conditioned very tightly as the applicants ignored many detailed requirements of the previously granted application, and that time limits should be set for the implementation of the acoustic fence and hedge.</p>			
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Richard Cope AGENT Bedfords Surveyors Ltd	
DECISION DUE DATE 04/02/16	PUBLICITY EXPIRY DATE 18/04/17	OFFICER SITE VISIT DATE various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): <p>The site has an extensive planning history which includes additions and extension to the now demolished original laundry building.</p>			
App No	Proposal	Decision	Date
SW/14/0582	Variation to condition 30 (hours of operation) of approved SW/13/1075.	Refused	22.11.2016
SW/13/1075/CCA	Compliance with conditions 2 (dust suppression), 3 (loading & unloading provision), 4 (details of parking for site personnel), 5 (cycle shelter), 6 (samples of materials), 7 (sustainable measures), 8 (mechanical ventilation system), 9 (ventilation details), 10 (disposal of foul & surface water drainage), 11 (means of enclosure & soft landscaping), 12 (details of soundproofing), 13 (contaminated land assessment) and 15 (watching brief) of approved SW/13/1075. Pending consideration.	Pending decision	

	This application will be concluded once a decision has been issued for ref 15/510051/FULL		
SW/13/1075	Reconstruction of industrial premises following demolition due to serious fire. The decision notice is appended.	Approved	20.12.2013
SW/11/0951	Extension of commercial yard for car parking with associated boundary treatment.	Approved	30.09.2011
SW/10/1162	Extension of existing commercial yard and the erection of a retaining wall and a fence with proposed planting and hedging for provision of a car parking area.	Refused	12.11.2010
SW/00/1064	Erect single storey extension to laundry.	Approved	22.12.2000

Members will also note that there is currently an application ref 16/508602/OUT pending determination for up to 250 dwellings on the Preston Fields site (Policy AX4 in the Emerging Local Plan Bearing Fruits 2031) located immediately to the east.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is Faversham Laundry Services, 29 Ashford Road in Faversham. It is located to the south of Canterbury Road and immediately to the east of Ashford Road. To the north it shares a common boundary with no. 1 Orchard Cottages (formerly known as 9 Canterbury Road). Orchard Cottage and no.1 Orchard Cottage lie to the north of the site and are listed buildings. To the west the site shares common boundary with 31, 33 and 35 Ashford Road, whilst to the south the site shares common boundary with no. 35 Ashford Road and a field. The residential gardens of no. 31 and 33 back onto the west elevation of the laundry building. The site adjoins the Faversham Conservation area, and is located within the countryside.
- 1.02 The application site has an irregular shape, and narrows in width towards the rear, and has an area of approximately 0.3614 ha (or 0.8930 acres). The site is accessed via an access track taken from Ashford Road, which runs along the northern (side) boundary of no. 31 Ashford Road. The plot is occupied by a rectangular shaped building that has its western elevation approximately 3m from common boundary with the rear garden of no. 31 and 33 Ashford Road. The southern elevation of the building is located approximately 2m from common boundary with no. 35, and an adjoining field. There is an area of car parking to the rear of the laundry building, and there is a 1.8m high close boarded wooden fence at common boundary with neighbour at no.1 Orchard Cottage to the north. There are differences in land levels between the laundry site and adjoining neighbour to the north, with the adjoining land being at lower land levels than the laundry site.
- 1.03 The original, purpose-built laundry building was demolished following a fire in June 2013, and a new building was built following the grant of planning permission in December 2013 under ref SW/13/1075 for a replacement laundry building. The Laundry employs a total of 100 staff (50 at any one time), and the business received funding from the Government to help with its reconstruction.

2.0 PROPOSAL

- 2.01 The scheme approved under SW/13/1075 for a replacement laundry building following demolition of the original structure after fire damage was subsequently not built out in accordance with the approved drawings, and as such this application seeks to regularise a number of discrepancies between the building as originally approved (under SW/13/1075), and the scheme as subsequently built. This application seeks the retention of the laundry building in its as built condition.
- 2.02 The differences are as follows:
- that the built structure has flue and ventilation ducting that is not shown on the approved drawings,
 - the north elevation windows have been reduced in size,
 - windows/doors have been repositioned.
 - A pedestrian door at east elevation has been omitted,
 - roller shutters have been reduced in height from 4m to 3m high on the north elevation
 - the loading bay canopy has been reduced in height and projection
 - PV cells have been installed on south elevation,
 - the front entrance porch has been built using unauthorised materials
 - lighting and security installed without permission,
 - the brick finish used to construct the building is not the approved brick type.
- 2.03 In addition, some of the pre-commencement conditions attached to planning permission ref SW/13/1075 have not been satisfied and as such this application also seeks to satisfy all outstanding conditions. There is currently an application to confirm compliance with conditions (ref SW/13/1075/CCA) and seeks to discharge all outstanding conditions (see summary above). If planning permission is granted for the structure in its built form, this application will be closed given that there will be no need to discharge such conditions as the acceptability of details (such as drainage, materials, acoustic fence, sound insulation, landscaping etc) would have been assessed in the consideration of the acceptability of this application.
- 2.04 The applicant has submitted an amended site plan, and an elevation drawing showing the building in its as-built form, together with an acoustic report. The drawings show a 4-metre high fence that reduces part way to 1.8m high at eastern end of the northern boundary close to the cycle shelter, and a vehicle parking area with 26 car parking spaces, and also shows where the fence stops being 4-metres high at western end. The fence has a pedestrian gate at the eastern end of the boundary so as to enable access to the adjoining plot for installation and maintenance. Ivy planting is proposed against the fence and this planting will be planted against a trellis on the northern side, facing the Conservation Area.
- 2.05 Officers have been working with the operator and his agent in an effort to arrive at a scheme (including an acoustic fence) that would not only fully address issues relating to impacts on neighbouring residents but also be workable for the applicant, whose business is a significant local employer.
- 2.06 The replacement structure measures 68m by 28m in area and has a maximum height that ranges from 8m to 8.8m. The building has openings to the north elevation to allow access, loading and unloading. The building in its built form now features a stepped approach to the elevations and roof line which creates a broken up façade. A varied selection of materials are used which includes composite wall cladding (olive green and moorland green in colour), cedar vertical boarding, facing brickwork (brick slips),

Kingspan roof cladding in Goosewing grey, Goosewing grey powder coated galvanised roller shutters, powder coated aluminium doubled glazed windows and doors, and brackets to the main entrance. The building has PV Cells to the south pitch roof (towards the western end), and there are no windows on this elevation (rear).

- 2.07 The building has been carefully designed so as to minimise noise impact onto the living conditions of neighbouring properties by minimising openings. There are no windows on the south elevation (rear), east elevation (side) and west elevation (side) of the building. There are two roller shutter doors to the north elevation (side of the building), whilst the south elevation has 3no. pedestrian door openings. In addition there are no openings on the west elevation (side elevation facing the rear gardens of No 31 and 33 Ashford Road).
- 2.08 There are also exit shutter doors located on the east elevation, to the rear of the building away from the residential properties. These are used for loading up delivery vehicles.
- 2.09 The existing drainage system along the southern boundary is to be retained and re-used; this was specifically designed to accommodate the building usage. There is no proposed change to the waste discharge.
- 2.10 The applicant advises that whilst the original laundry building had no restriction on opening hours, they have considered concerns raised by neighbours and propose noise mitigation measures so as to enable the relaxation of hours of operation. An acoustic fence is proposed along the northern boundary of the site (as shown on amended drawing nos. INF/3540/1 Rev C (site plan) and INF/3540/2 Rev D (boundary treatment), the building is sound insulated (as detailed in paragraph 9.14 herein) and the submitted acoustic report confirms that with such mitigation measures no significant harmful noise impact would be caused to neighbouring properties as a result of the development. Based on these mitigation measures, the applicant requests that opening hours of the laundry business be as follows:-

7am -10.30pm Monday to Friday

7am - 4.30 pm Saturday (seasonal)

Occasional Sunday working to cover emergency's such as power losses and other conditions such as traffic delays or hold ups which affect vehicle movements to and from the site

Delivery hours are proposed to be as follows:-

4.00am – 10.30pm Monday to Friday (including weekends and Bank Holidays as and when necessary).

- 2.11 The applicant further advises that drivers arrive at the laundry at about 4.00am to collect their vehicles and leave the premises. No loading of vehicles takes place in the early hours before the laundry is open for the normal business. Vehicles generally return to the laundry during working hours ready for loading of deliveries for the following day. On rare occasions vehicles might arrive at the laundry after it has closed for business because of traffic hold ups or if there has been a delay leaving the customer for a variety of reasons.
- 2.12 The applicant has submitted a copy of a deed of transfer dated 25 February 2009 between no.1 Orchard Cottages and Faversham Laundry which has a covenant in favour of Faversham Laundry allowing it, upon the giving of reasonable notice to enter

onto the retained land with or without workmen, plant and machinery to renew and maintain the boundary fence or structure. In addition, the applicant has also submitted a draft legal agreement (unilateral undertaking) to secure the implementation and maintenance of the acoustic fence and ivy planting.

2.13 The application is supported by a number of reports including the following:-

- A Design and Access Statement (November 2015)
- An Acoustic Report (February 2017)
- Ivy Planting and Maintenance Schedule (February 2017)

2.14 From the above listed reports, I draw the following summarised key points:-

Design and Access Statement

- The original laundry building was demolished by fire in 2013 and planning permission for a new replacement structure was given under planning permission ref SW/13/1075.
- During the course of construction changes were made to the design of the building hence the submission of this application
- The footprint and maximum height of the building is as originally approved
- The new building is a steel framed structure with a colour graded profile sheet system to the roof and upper walls and a brick finish at the lower level. The walls and roof are insulated.
- The accommodation provided is comprised of a machine room which occupies the majority of the ground floor, together with a reception office, transport office, and an access to the first floor mezzanine area. The first floor provides a storage area and ancillary spaces such as an offices, canteen, and WC facilities.
- The laundry employs approximately 100 staff
- The ducting and ventilation has been installed to facilitate operation of the laundry, and the cross flow ventilation system has been sympathetically designed so that the ventilation grilles used are acoustic ventilation louvres and in addition, further attenuation has been provided to the flue ducting in order to reduce breakout noise
- The first floor windows at north elevation have been reduced in size to minimise overlooking onto neighbouring property
- There have been a few alterations to previously approved doors/windows. The changes relate to window/ door sizes and positions.
- Roller shutter doors have been reduced to two, rainwater drainage and steps and handrails have been designed to comply with Building Regulations
- PV cells are shown on the south elevation, emergency lighting and security measures such as CCTV are shown. CCTV does not overlook neighbouring properties
- A brick slip facing type Monolith Red Rustic Multi Finish instead of the approved material. The new brick gives the appearance of a solid brick construction.
- There is an acoustic fence proposed on north elevation that will attenuate noise breakout from roller shutter doors to and will also shield the building from view
- Overall the development is supported by policies. It will support the needs of an existing company and will create local jobs

Acoustic Report

- The most sensitive receptors are nos. 1 Orchard Cottage and Orchard Cottage located to the north of the site
- Linen is loaded at the side and rear of the building. The north elevation (side) of the building faces Orchard Cottages.

- The laundry operated from the site since 1898 and had no restrictions on operating hours
- Planning permission ref SW/13/1075 has a condition that restricts hours of operation
- Planning application was sought under ref SW/14/0582 to relax the operating hours. This was refused on unacceptable noise impact and lack of a noise assessment and acceptable mitigation measures.
- The submitted acoustic survey looks at noise impact based on extended operating hours
- The survey concludes that (without mitigation).the increase in operating hours would have an impact that is 'adverse' to 'significant' and as such it is recommended that a 4m high barrier is installed at common boundary with Orchard Cottage and this barrier can be reduced in height at rear of the site.
- If the barrier is 4m high at western end and is reduced to 1.8m high towards the eastern end the impact of the laundry to neighbouring properties would be less than adverse
- With mitigation measures, the proposals would bring noise levels that do not exceed the WHO guidelines and as such is considered acceptable, and given this the application is in accordance with Government Policy.

Ivy Planting and Maintenance Schedule

- The planting of ivy is to be carried out by trained operatives.
- Spacing of plants is to be every 3m along the length of the fence
- Monthly maintenance schedule is proposed
- Any plants which do not take due to poor establishment will be replanted between November and March
- Tree guards and ties to check upon each visit and all vegetation will be cleared around the base of the plants and along the fence line and area to be kept weed free.
- 26x Hedera Hibernica (150-175cm 10lt) to be planted every 3m along the length of the fencing
- A leaky pipe irrigation system is to be installed with a Hoselock connection

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.3614 hac	0.3614 hac	-
Approximate Ridge Height (m)	8.8m	8.8m	-
Approximate Eaves Height (m)	7.04m	7.04m	-
Approximate Depth (m)	68m	68m	-
Approximate Width (m)	28m	28m	-
No. of Storeys	2	2	-
Net Floor Area	-	-	-
Parking Spaces	26	26	-

4.0 PLANNING CONSTRAINTS

Adjacent to Faversham Conservation Area

There are listed buildings to the north of the site (Orchard cottages - and formerly known as nos.9 and 11 Ashford Road)

Countryside location as defined in both the Adopted Local Plan and the Emerging Local Plan Bearing Fruits 2031

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

- 5.01 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) encourage Local Planning Authorities to support existing businesses and encourage development that would support a sustainable economy, subject to amenity considerations.
- 5.02 Para 7 of the NPPF identifies three dimensions to sustainable development; economic, social and environmental, subsequently ascribing these “roles” to the planning system.
- 5.03 As a core planning principle, the NPPF requires the planning system to proactively drive and support sustainable economic development to deliver business and industrial units, infrastructure and thriving local places. Every effort should be made objectively to identify and then meet business and other development needs of an area and respond positively to wider opportunities for growth. In seeking to deliver sustainable development and build a strong and competitive economy paragraph 19 of NPPF advises that significant weight should be placed on the need to support economic growth through the planning system.
- 5.04 Paragraph 56 attaches great importance to design which should contribute positively to making places better for people, and Paragraph 64 of the NPPF states *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
- 5.05 Paragraph 109 requires the planning system to; contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing gains where possible; prevent new development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil or water pollution and remediating and mitigating contaminated land where appropriate.
- 5.06 Paragraph 123 of the NPPF specifically states that:-
- “Planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions
- 5.07 Paragraphs 129 -132 advise Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal including by development affecting the setting of a heritage asset. Significance can be lost through development affecting its setting.

The Development Plan

- 5.08 The Swale Borough Local Plan 2008 saved policies SP1 (sustainable development), SP2 (environment), SP3 (Economy), SP5 (rural communities), SP6 (transport and utilities), SP7 (Transport and Utilities), E1 (general development criteria), E6 (countryside); E9 (protecting the quality and character of the Borough's Landscape); E10 (trees and hedges); E11 (biodiversity and geological interests), E14 (Development Involving Listed Buildings); E15 (Development Affecting a Conservation Area); E19 (achieving high quality design and distinctiveness); T1 (safe access), T3 (vehicle parking for new development); and T4 (cyclists and pedestrians); B1 (Supporting and Retaining Existing Employment Land and Businesses), B2 (Providing for New Employment), and T3 (Vehicle Parking for New Development),
- 5.09 The Emerging Swale Borough Local Plan "Bearing Fruits" 2031 – ST1 (sustainable development), ST2 (targets for homes and jobs), ST4 (meeting local plan development targets), CP2 sustainable transport), CP4 (good design), CP7 (conserving and enhancing the natural environment - providing green infrastructure), DM6 (managing transport demand and impact), DM7 (vehicle parking), DM14 (general development criteria), DM19 (sustainable design and construction), DM21 (water, flooding and drainage), DM28 (biodiversity and geological conservation), DM29 (woodland trees and hedges), DM32 (Development Involving Listed buildings), DM 33 (Development Affecting a Conservation rea), and DM34 (Archaeological sites).

6.0 LOCAL REPRESENTATIONS

- 6.01 6 letters of representation received from neighbours raising the following concerns:
- The vents on the building cause impact on neighbours in terms of noise, smells and steam vapour
 - Have works being carried out to reduce the noise emitted from the roof vents?
 - There is one vent that that emits large amounts of steam and also noise that can be heard form neighbours bedroom window
 - Additional operating hours should not be given to this business
 - The boundary fence is inaccurately shown on submitted plans as it does not run straight
 - The acoustic fence shown on the drawing has not been built
 - There are flues that have been installed without planning permission and are harmful to the appearance of the area and do not adequately deal with air pollution
 - Working hours should be restricted to those granted
 - Doors to the factory must be closed at all times
 - Sound levels are excessive and the application does not propose adequate mitigation measures
 - The business is operating outside authorised hours yet this application does not propose to relax the operating hours
 - Landscaping and the acoustic fence are to be planted on land that is not within the ownership of the applicant
- 6.02 Subsequent to submission of amended drawings, 3 letters were received from neighbours with the following comments:
- The proposed acoustic fence and ivy planting is supported. The proposed height is acceptable.
 - Applicants should be given 2 to 4 months to erect the fence and plant the landscaping
 - No application for increased hours shall be looked at until the fence has been erected.

7.0 CONSULTATIONS

- 7.01 KCC Highways and Transportation advise that this development does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.
- 7.02 Environment Agency advises that they have no objection to the application. However, KCC Flood and Water Management should be consulted on the drainage as they are the Lead Local Flood Authority.
- 7.03 KCC Flood and Water Management initially raised concerns regarding the submitted drainage details. Subsequent to this, additional drainage details were submitted by the applicant and KCC advise that they are satisfied with the submitted additional information.
- 7.04 Environmental Protection Team Leader (EPTL) initially objected to the development on grounds that in its as built condition the laundry building would cause noise, nuisance and disturbance to neighbouring properties to the detriment of their living conditions. Subsequent to this an acoustic survey and revised drawings were received from the applicant showing the construction of an acoustic fence, and confirming that the walls and roof of the building have been noise insulated. EPTL were consulted on these amendments and they advise that the design and specification for the acoustic fence will provide an acceptable level of noise attenuation for neighbouring residents; that there should be a requirement for roller shutter doors to remain closed except when required for deliveries; and that noise emanating from the roof duct outlets during operation of the laundry was dealt with following a noise abatement notice served on the owner of the business in 2014. In addition, they advise that if the acoustic fence is satisfactorily installed, Faversham Laundry would have achieved the best practical means to prevent or counteract the effects of noise insulation from their operation. Overall they have no objection to the development as amended.
- 7.05 SBC Trees Consultant advises that he has no objection to the proposed landscaping details as amended.
- 7.06 Faversham Town Council initially objected to the original submission, however they have now withdrawn their initial objection and advise that they do not have an objection to the development as amended subject to the installation of a 4m high acoustic fence as proposed, and a 3 month time limit on the erection of the fence.
- 7.07 The comments of the Council's Economic Development Officer are awaited and I will update Members at the meeting.

8.0 BACKGROUND PAPERS AND PLANS

Planning application forms and documents submitted to support ref 15/510051/FULL.

9.0 APPRAISAL

- 9.01 The main considerations in the determination of this planning application are the principle of the development, the impact on the setting of the listed building and the special character of the conservation area, the impact on the surrounding residential amenity, landscaping matters, and highway implications.

The Principle of development

- 9.02 As an existing business policy B1 of the Adopted Local Plan 2008 seeks to retain and support the expansion of existing businesses either on site or onto adjoining land. Members should note that Faversham Laundry has been located on the site for a long time, and certainly prior to the creation of the planning system (the Town and Country Planning Act in 1947). The site was originally occupied by a Victorian purpose built building which was destroyed by fire. Following this, planning permission was granted in 2013 for a replacement laundry building under ref SW/13/1075. However, the building was not built in accordance with the approved scheme, and some of the pre-commencement conditions were not discharged prior to construction of the building. As such this planning application seeks to regularise all of the unauthorised works as detailed in paragraph 2.01 herein. Members should note that in broad terms what was approved in 2013 has been built, however, there are a few variations which need to be regularised.
- 9.03 National planning policies generally encourage development that would positively contribute to sustainable economic development and employment. Paragraph 17 of the NPPF, in particular sets out that planning should proactively drive and support sustainable economic development to deliver business and industrial units, infrastructure and thriving places. Paragraph 19 of the NPPF continues to state that significant weight should be placed on the need to support economic growth through the planning system.
- 9.04 The Swale Local Plan 2008 and the corresponding policies of the Emerging Bearing Fruits 2031 generally seek to retain and support expansion of existing employment sites unless they are inappropriately located or have an unacceptable environmental impact. Whilst the site lies within a countryside location where policies restrict the development of new buildings, the site has been host to an existing laundry for a significant time from around 1900, and, in 2013 gained planning permission for a replacement building to replace the fire damaged structure. Bearing in mind the history of the site, that Policy B1 seeks to retain existing businesses, and that the NPPF is supportive of economic generating businesses in the countryside such as this one, it is considered that the principle of use of this site as a laundry is established and in any case is supported by the Council's employment policies. As such, the principle of retaining the laundry building is considered to be acceptable, and Members will note that the development supports approximately 100 jobs.

Design, Visual Impact and Impact on the setting of the listed buildings and conservation area.

- 9.05 The site lies in a sensitive location adjacent to the boundary of the designated Faversham Conservation area and is within the setting of two grade II listed properties (Orchard Cottages). It is therefore important to consider whether the proposed design has a detrimental impact on these heritage assets.
- 9.06 Since the submission of the application, every effort has been made to work with the applicant and his agent to arrive at a situation where officers could support the application. The submitted revised drawings are accurate and show the laundry building in its as built condition. In addition, the amended drawings show an acoustic fence with a pedestrian gate, ivy planting against the fence, together with a management plan for the ivy planting and the acoustic fence.

- 9.07 The building in its as built form is some 28m wide and 68m deep with a height of 8m increasing to 8.7m to the rear. Walls are constructed of a red brick slip at lower levels whilst the upper levels are constructed of wall cladding that is olive green for the lower panels and moorland green for the upper panels. Sections of the walls of the building are finished off with vertical timber boarding panels to add variety to the appearance of the building. All windows and doors are made of light grey powder coated aluminium, and roller shutters are grey galvanised roller shutters.
- 9.08 Whilst the elevational changes do have a visual effect upon the conservation area and upon the setting of the listed buildings, this is inevitable given the size of the laundry building and its dominant form and that there has been a building of substance on this site for some time. It is considered that with an effective screen as proposed by the applicant, the building will not cause significant harm to the setting of the adjoining conservation area and the listed buildings.
- 9.09 A bolder screening arrangement is needed to minimise the visual intrusion. The applicant has agreed to plant ivy against the acoustic fence as detailed in amended drawing no. INF/3540/2 Rev D and elsewhere. With use of a living fence as proposed, the exposed brickwork would be screened thereby mitigating any visual impact to acceptable levels. The proposed ivy planting will need to be properly managed and maintained in order to achieve the desired outcome, and as such it is recommended that its implementation and management should be secured. Given that implementation and management of the planting and fencing will be carried out from land that is outside the application site, their provision and maintenance will be secured by a legal agreement. The applicant has submitted a draft legal agreement to secure the provision of the acoustic fence and ivy planting, and to guarantee access across third party land to allow regular maintenance of the fencing and planting.
- 9.10 Given the above, it is considered that as amended, the development would be in context, and would be seen as a conventional industrial building in-keeping with the established use of the site, and in harmony with the surrounding character of the area. With use of appropriately managed ivy planting, any harm that would be caused to the setting of the heritage assets by the laundry building is not considered to be significant enough to justify a refusal of the application on this ground, and the development is therefore in accordance with the relevant paragraphs of the NPPF and the relevant policies in the Adopted and Emerging Local Plans.

Residential Amenity

- 9.11 The laundry building is sited at least 3m from common boundary with neighbours at nos. 31 and 33 Ashford Road, and more than 30m from the listed Orchard Cottages to the north of the site. The building has been designed to reduce its mass and bulk so as to keep the impact onto neighbours to acceptable standards. Given the design of the building, and the available distance separation from neighbouring properties, it is considered that any of these neighbours suffer harmful overbearing or overlooking as a result of the development.
- 9.12 The Adopted Local Plan 2008 Policy E1 specifically advises that when considering new development proposals, the Council seeks to minimise the impact of noise between new and existing uses. Proposed developments should not create noise that would need lengthy and costly solutions later on.

- 9.13 Noise generated by a commercial laundry business of this nature use would be either noise emanating from within the laundry building, or noise that is generated by vehicular movement associated with the laundry business. In regards to noise from mechanical ventilation, and flues on the structure, the agent advises that all ventilation and flues have been carefully designed so as to minimise noise impact on neighbours. The Environmental Protection Team Leader confirms that the cross flow ventilation system in place has been sympathetically designed so that the ventilation grilles used are acoustic ventilation louvres and that further attenuation has been provided to the flue ducting in order to reduce breakout noise.
- 9.14 In regards to the building itself, the applicant advises that the laundry building has been insulated to minimise noise emissions, by increased façade treatment and by the installation of additional insulation to the roof. The Environmental Protection team Leader confirms that such works have been implemented, and the works have been carried out to their satisfaction. In regards to vehicular movement the applicant advises that drivers arrive at the laundry at about 4.00am to collect their vehicles and leave the premises and no loading of vehicles takes place in the early hours before the laundry is open for the normal business. Vehicles generally return to the laundry during working hours ready for loading of deliveries for the following day.
- 9.15 I note that neighbours raise concern regarding impact of the steam vents on their living conditions. Whilst steam venting might be an unwelcome irritation, it is not within the Planning remit. The views of the Environmental Protection Team Leader have been sought on this matter and they advise that they do not consider that such an impact would constitute an actionable nuisance within the statutory nuisance provisions of Part III of the Environmental Protection Act 1990.
- 9.16 In addition, neighbours raise concern regarding noise breakout from the laundry through two roller shutter doors and fire doors (to the north elevation of the building) when they are left open whilst the use is in operation. It is acknowledged that the predicted noise will affect the garden / orchard area to the north to a degree. If the doors were left open, then this noise would be much higher and potentially affect these neighbouring properties. To mitigate this, the applicants have submitted an acoustic survey which recommends the installation of a 4m high acoustic fence (which decreases to 1.8m high at rear end of the site) on common boundary with neighbours at Orchard Cottages (formerly known as 9 and 11 Ashford Road) so as to mitigate noise to acceptable levels. It is considered that an acoustic fence of this height as proposed is considered to be sufficient to reduce the noise breakout and deflect a significant amount of the noise.
- 9.17 Whilst officers are sympathetic to the concerns raised by the objectors, who all live in close proximity to the site, they are firmly of the view that the main reasons of objection have been overcome, these mainly being the noise impact suffered by neighbours as a result of operations within the building, and vehicles going in and out of the site. The building has been sound insulated as detailed herein in paragraph 9.13 and 9.14, and an acoustic fence is proposed at common boundary with neighbours as detailed herein in paragraph 9.16, and as such it is considered that any noise impact that may be caused to neighbours (Orchard Cottages - nos. 9 and 11 Ashford Road in particular) would be mitigated to acceptable levels and will not harm the living conditions of these neighbouring properties.
- 9.18 Members should note that officers consider that the applicant has gone a significant way to amend the application to reduce the impact on the neighbouring residential properties to acceptable levels, and that the submitted amendments reflect the advice given by officers.

Landscaping

- 9.19 The landscaping of the site/development is a fundamental issue and will help ensure that the development assimilates well with its surroundings in such a way that views into and out of the adjoining conservation area and nearby listed buildings are not harmed, and that the rural character of the area is not harmed. The submitted amended drawings include landscaping proposals which show that the acoustic fence will be screened by ivy planting at north elevation and as such would have limited impact on the character and appearance of the adjoining conservation area, the setting of the listed buildings and the rural character of the area. Whilst the proposed ivy planting is generally acceptable, regular maintenance is required to ensure a high standard of landscaping. The landscaping and acoustic fence would be installed and maintained from the adjoining neighbour and a pedestrian gate is proposed that would enable access to the adjoining site. The applicant has agreed that the provision and maintenance of the acoustic fence and ivy planting be secured via a legal agreement. A draft unilateral undertaking has been submitted to the Borough Council for consideration. Given this, there is no objection to the development.

Highways

- 9.20 The development provides a cycle shelter with 10 rack stands at rear of the site near the parking area, together with 26 car parking spaces, and a turning area for vehicles. It is considered that the building in its existing form does not generate additional vehicular traffic beyond that was previously experienced before the fire. There is no expansion of the business, and parking is already provided at the rear of the site, and is to remain as existing.
- 9.21 The existing access is acceptable and sight lines for vehicles leaving and entering the site are standard. KCC Highway Services advise that the proposal does not meet the criteria to warrant involvement from the Highway Authority. Given this, there is no objection to the development on this ground, and Members will note that this highway arrangement has been implemented and was agreed by the Council for the permission given under SW/13/1075.

10.0 CONCLUSION

- 10.01 The application site is an established employment site occupied by the Faversham Laundry business for a long time, and certainly prior to the creation of the planning system (the Town and Country Planning Act in 1947). In regards to the principle of development, the proposed development is in line with the aims of the Borough Council's employment policies and would bring significant economic benefits. It is considered that the laundry building as built sits comfortably within existing development. No significant impact would be caused to visual and residential amenities of neighbouring properties, and the surrounding development and landscape as a result of the proposed development.
- 10.02 The development would be within context, and seen as a conventional industrial building in-keeping with the established use of the site, and in harmony with the surrounding character of the area. With use of appropriately managed ivy planting, any harm that would be caused to the setting of the heritage assets (the adjoining

Conservation Area and the neighbouring listed buildings) is not considered to be sufficient to justify a refusal of the application on this ground.

- 10.03 The noise insulation of the building has been improved, and an acoustic fence will be built to further ameliorate noise from activities associated with this site, and as such it is considered that impact of the development on neighbour amenity is considered to be acceptable. Given this, and given the hours of operation and vehicle movements proposed as detailed in paragraphs 2.10 and 2.11 herein, it is considered that neighbour's living conditions will not be harmed by the development.
- 10.04 If Members find this application acceptable, it is considered that planning application ref SW/13/1075/CCA submitted to discharge conditions can be closed as further assessment will no longer be required.
- 10.05 Taking the above into account, and subject to the receipt of comments from the Economy and Community Services Manager, the completion of a Legal Agreement (possibly a Unilateral Undertaking) to secure the provision and future maintenance of the acoustic fence and ivy planting, and subject to conditions proposed in paragraph 11.0 it is recommended that planning permission is granted.

11.0 RECOMMENDATION – GRANT Subject to the comments of the Economy and Community Services Manager, the signing of a Legal Agreement to secure the provision and maintenance of the acoustic fence and ivy planting, access to third party and for maintenance, and to the following conditions:-

CONDITIONS

1. The development hereby approved shall be carried out and maintained in accordance with the following:
 - INF/3540/3 C (elevation drawing), and amended drawing nos. INF – 3540-2 Rev D (boundary treatment); INF-3540-1 Rev C (site plan)
 - Brochure of Jakoustic barrier,
 - Ivy Planting and maintenance schedule,
 - Acoustic Report prepared by Sharps Gayler and dated 10 February 2017,
 - Drainage details received by the Council on 17.01.20.17.

Grounds: For the avoidance of doubt and in the interests of proper planning.

2. The external finishing materials incorporated into the development shall be maintained in accordance with the approved details.

Grounds: In the interest of visual amenity and the special character and appearance of the Faversham conservation area and the setting of the listed building.

3. The renewable sustainable techniques (as specified on elevation drawing no. INF/3540/3 C - elevation drawing), hereby incorporated into the development shall be maintained in accordance with the approved details.

Grounds: In the interest of promoting energy efficiency and sustainable development

4. All mechanical ventilation system incorporated into the development shall be maintained and operated in a manner that prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Grounds: In the interests of residential amenity

5. All dust or fume extraction or filtration equipment, or air conditioning, heating or ventilation equipment shall be as incorporated into the development and shall be maintained in accordance with the approved details.

Grounds: To safeguard the amenities of nearby residential properties

6. The method of disposal of foul and surface waters incorporated into the development shall be maintained in accordance with the approved details.

Grounds: In order to prevent pollution of water supplies

7. The scheme of soundproofing incorporated into the construction of the building shall be maintained as approved.

Grounds: In the interests of local amenity

8. The acoustic fence and ivy planting shall be carried out in accordance with the details specified on amended drawing nos. INF – 3540-2 Rev D (boundary treatment) and INF-3540-1 Rev C (site plan), and such works shall be carried out within 2 months from the date of this planning permission, and shall thereafter be maintained in accordance with the approved maintenance schedule (JB Landscape letter dated 14/2/17).

Grounds: In the interests of the visual amenities of the area

9. Upon completion of the approved landscaping scheme (as detailed on amended drawing no. INF/3540/1 rev C and elsewhere, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Grounds: In the interests of the visual amenities of the area.

10. Notwithstanding the landscaping detail shown on amended drawing no. INF/3540/1 rev C and elsewhere, a landscaping scheme for the car parking area shall be submitted to and approved in writing within 1 month from the date of this planning permission, and the scheme shall be implemented within 1 month from the date of approval of such detail. Any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Grounds: In the interests of the visual amenities of the area.

11. The floodlighting, security lighting and external lighting installed or operated at the site, shall be maintained in accordance with the approved details (specified on INF/3540/3 C (elevation drawing)).

Grounds: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

12. The area shown on the submitted site plan for loading, off-loading and vehicle parking space shall be maintained as approved and no permanent development shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Grounds: Development without provision of adequate space for the loading, offloading and parking of vehicles is likely to lead to parking inconvenience to other road users and be detrimental to highway safety and amenity.

13. The cycle shelters hereby approved shall be maintained in accordance with the approved details.

Grounds: In the interests of ensuring that proper provision is made for cycle parking.

14. The use of the premises hereby permitted shall be restricted to the hours of 7 am to 10.30 pm on weekdays and 7 am to 4.30 pm on Saturdays and the use shall not operate on Sundays or on Bank Holidays unless for planned maintenance that has been agreed in writing by the Local Planning Authority.

Grounds: In the interests of the amenities of the area.

15. Deliveries (or other vehicle movements to and from the site) shall only take place between 4.00am and 10.30pm Monday to Friday and no more than a total of four lorry movements shall take place between 4am and 7.00am and between 7.00pm and 10.30 pm on any day. No deliveries shall take place on Saturdays, Sundays and Bank Holidays.

Grounds: In the interests of the amenities of the area.

16. The operating hours and hours of delivery detailed herein under condition 12 and 13 shall only be operational after the acoustic fence and ivy planting have been implemented in full.

Grounds: In the interests of the amenities of the area.

17. The roller shutter doors shall be kept closed except for when vehicles need to pass in or out of the building.

Grounds: In the interests of the amenities of the area

Appendix: Decision Notice for SW/13/1075.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- o Where possible, suggesting solutions to secure a successful outcome.
- o As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance, the applicant/agent was advised of changes required to the application and these were agreed and the application was amended.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.