

PLANNING COMMITTEE

25 MAY 2017

TABLED OFFICER UPDATES FOR THE FOLLOWING ITEMS:

- 1.1 17/501704/PNQCLA – Agricultural Building
North of Brent Orchard, Halstow Lane,
Upchurch, Kent**
- 2.3 15/510051/FULL – Faversham Laundry, 29
Ashford Road, Faversham**
- 2.4 16/507673/FULL – Land at Swanton Farm,
Bicknor Lane, Bredgar**
- 3.1 16/507407/OUT – Land adj. St Clements
School, Leysdown**



17/501704/PNQCLA - Agricultural Building North Of Brent Orchard, Halstow Lane, Upchurch, Kent
ME9 7AB

RECOMMENDATION – Prior Approval Required and Granted, subject to the following condition:

- 1) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interest of minimising the risks from pollution.

1. This update is further to the main report on Pages 33 to 59 of the agenda.
2. Further to paragraph 7.07 (on Page 41), the Economic Development Manager has confirmed that they support the application, in order to safeguard the employment opportunities the facility provides.
3. The planning agent has twice written in respect of conditions (14) and (15) – on page 48 of the agenda – which governs the hours of operation and the delivery hours

“...I note that the suggested condition (14) does not allow for Sunday/bank holiday working. My email of the 26th April 2017 set out the proposed hours which included Sunday/Bank Holiday working as and when required and this took into account the installation of the acoustic which would safeguard the amenity of local residents. The whole purpose of the acoustic fence is to allow working at these times because this is how the laundry has historically operated prior to the fire. You will note from my email that Sunday/Bank Holiday working is not part of the normal working regime but flexibility is required for the reasons set out in my email.”

4. Subsequently the agent has emphasised that while they do not require Sunday working, deliveries and working on Bank Holidays are - and have always been - a central part of their operation. On Bank Holidays, they require:
 - i) Working hours of 0700 to 2030
 - ii) Delivery Hours of 0400 to 1430
5. The agent also advises that, in addition, the laundry have always made deliveries on Saturday between 0400 and 1200 noon, and it is requested that condition (15) be amended to allow this.
6. I have carefully considered these requests, and discussed them with Environmental Health colleagues, and do not consider - mindful of the historic unrestricted use of the site as a commercial laundry, without the benefit of an acoustic fence – that it would be reasonable for the Council to oppose the amendment of conditions (14) and (15) to allow for Bank Holiday working and deliveries as described. I also consider that condition (15) should be amended to allow deliveries on Saturday mornings.
7. However, with respect to Sundays, I consider that the conditions should be worded to prevent deliveries or the operation of the business on this day.
8. Condition (16) also requires amendment, to refer to conditions (14) and (15), rather than (12) and (13) as currently drafted.
9. Delegated authority is sought to approve the application subject to conditions as set out in the report – with conditions (14), (15) and (16) amended as described above, and the signing of a suitably-worded Unilateral Undertaking. Authority is also sought to make such minor amendments to planning conditions as may reasonably be required.

1. See pages 60 to 74 of the agenda for the main report.
2. Contrary to the Recommendation (at paragraph 10.0 on page 72), comments are not awaited from KCC Highways and Transportation; as set out at paragraph 7.06 (on page 68) they raise no objection.
3. A letter has been circulated to Members on behalf of the neighbours at Swanton Court, the Grade II listed building located approximately 350 metres to the north of the application site. The letter has a previous letter (to the case officer) and Visual Impact Study attached. Members will note the summary of representations on Pages 64 and 65 of the agenda, and that the Visual Impact Study is referenced in the Committee report (at Paragraph 6.01, on Page 64).
4. The letter reiterates concerns about the impact of the development on the Area of Outstanding Natural Beauty and, among other things, challenges the justification for the use of cherry coverings at this site, rather than them being sited elsewhere "*...on the applicant's very large farm...*"
5. In response, I note the issue raised regarding the view of the cherry coverings from the footpaths to the north and west of the site. However, the removal of orchards 4 and 5 from the proposal results in orchard 3 and the coverings being quite some distance from the public footpath to the north and with 2 fields of orchards and established shelter belts interrupting any view.
6. Members will also note that condition (5), on Page 73 of the agenda, has been attached to require full details of the landscaping and screening proposals to be submitted to and approved by the Local Authority. The AONB Unit required these details to be "secured" and this is the correct and appropriate process to do so. The applicant has already agreed to this to produce a robust scheme of screening.
7. The applicant has explained that the cherry trees have historically been in this location and they are not newly planted, the use of coverings has resulted from a change in the requirements of consumers and thus their buyers. Whilst the farm may be large these cherry trees cannot be moved out of the AONB to another location.
8. Members will note that part of the site, namely Orchard 1, is in Maidstone district. Maidstone Borough Council have been consulted on the application, but have not commented.
9. In conclusion, I remain firmly of the view that all the material considerations - including the implications for the landscape and scenic beauty of the Kent Downs AONB - have been fully considered and therefore that planning permission should be granted subject to conditions as set out on Pages 72 to 74 of the agenda.

TABLED UPDATE FOR Item 3.1 - Land adj. St Clements School, Leysdown.

Reference: 16/507407/OUT

- 1) The main report is on Pages 75 to 98 of the agenda.
- 2) The planning agent advises that the applicant is now committed to providing full developer contributions as set out at Paragraph 9.28 (on Pages 95 and 96 of the committee report), and to providing affordable units as proposed. Given this, which is a change from the position set out in the supporting Planning Statement, draft refusal reason no.4 – on page 98 of the agenda - can be deleted.
- 3) In respect of the access and drop off area, the applicant advises that a suitable surfacing will be constructed prior to the first occupation of any of the affordable units. This should be detailed in the s106 agreement.
- 4) With regards to the health centre, dentist and pharmacy - the applicant advises that they will provide the land at nil cost, and that this land will be dedicated on commencement of development and secured by a S106 agreement. Whilst the applicant confirms that they will provide the land, it has not been adequately demonstrated that funding will be available to construct the building and operate the facility. As such, refusal reason no. 2 (on Page 97 of the Agenda) should be retained.
- 5) The planning agent has questioned whether the relevant material considerations have been properly weighed-up, with particular reference to the weight given to the fact that the applicant was initially expecting to not pay for the full package of developer contributions. Officers do not agree with this, and consider that the considerations have been balanced in an appropriate way, based on the information available when the Committee report was produced.
- 6) The balance of material considerations has changed now that the applicant advises that the relevant developer contributions are now to be paid. However, officers remain of the view that the proposed development is not in accordance with the requirements of the NPPF or the relevant policies in both the 2008 Local Plan and the emerging Local Plan, Bearing Fruits 2031.
- 7) Given the above, the Officer recommendation still stands, namely that the application should be refused for reason no. 1, 2 and 3 of paragraph 11 of the committee report.
- 8) JRW – 25 May 2017