

Application No: Y10/0694/SH

Location of Site: Little Woodland Farm, Woodland Road,
Lyminge, Folkestone, Kent, CT18 8DP

Development: Change of use of land and erection of a light
industrial unit (Class B1) following removal of
existing farm buildings .

Applicant: Mr M Lineham
Lymbridge Green Farm
Lymbridge Green
Stowting
Kent
TN25 6BJ

Agent: Mr A Woodbridge
Adam Woodbridge Architects
Mount Pleasant Close
Lyminge
Kent
CT18 8HF

Date Received: 22.07.10 **Date of Committee:** 16.11.10

Expiry Date: 16.09.10 **NG REF:** 614690 141291

Officer Contact: Claire Baldwin

RECOMMENDATION: That planning permission be granted following the expiry of the publicity period subject to no new adverse issues being raised which have not previously been considered and subject to the conditions set out at the end of this report.

1.0 CONSULTATIONS

1.1 Lyminge Parish Council –

Support. This is a good use for this site. We objected to the planning permission approved in 2007 on traffic movements, when it was three buildings. However, Thoroughly Wood is a prestigious firm in the Parish and will secure the jobs of local people. The traffic movements should be of an acceptable level.

Voting: For: 8 Against: 0 Abstentions: 0

Amended

With reference to your letter dated 20th September 2010, regarding the amended description of the proposed development. As there is no change to the layout or design of the building only, the description to a light industrial unit, Lyminge Parish Council have no objection to this change. Our view on this application remains as previously supplied in 'Support' of the application for the reasons stated.

- 8.15 It is also worth noting that at present there are limited planning restrictions on the site. The granting of this proposal would enable the Local Authority to have better control in the future over the possibility of noise and disturbance through the use of conditions. The Environmental Health department has raised no objection and therefore in this instance the proposals are considered acceptable.

Employment

- 8.16 The Design and Access Statement accompanying the application confirms that that the business contributes to the local economy, by providing employment for local crafts people. Relocating the business back within the Shepway District and to larger premises will therefore help to secure economic and social well-being by enabling the company to retain the 17 members of staff employed locally and provide scope for further employment within the District.
- 8.17 This is fully supported by PPS4 (see paragraph 8.5 above) which seeks to improve the economic performance of rural communities and provides a valuable opportunity for rural employment.

Traffic/Transportation

- 8.18 As stated in paragraph 8.13 above, Kent Highways refer back to their previous comments made in relation to application Y07/0966/SH stating that they have no objections to the proposal subject to all previous highway conditions being complied with. Kent Highways previously recommended a condition to restrict the permitted use to the buildings only with no external operations or storage within the surrounding site. The site is served by an existing access and owing to the substantial area of hard standing within the site, it is considered that an appropriate level of parking and turning facilities can be provided. Whilst concerns have been raised by a local resident in relation to highways matters, conditions restricting the use to a B1 use only, together with restrictions limiting the amount of usable space within the site will enable the Local Authority to control the level of activity within and around the site. Therefore in this instance it is considered that subject to these recommended conditions and to the no objection raised by Kent Highways, that the proposals are acceptable in highway terms.

Biodiversity

- 8.19 The footprint of the replacement building remains similar to the footprint of the former farm buildings and on the same site. The proposal does not affect any of the surrounding trees or grassland. Having followed Natural England's Standing Advice there is no specific criteria applying to this site which indicate the need for the Local Planning Authority to request an Ecological Survey, or which indicate that any protect species are affected by the proposal.

Impact on Listed Buildings

- 8.20 The site is located approximately 75 metres from 2 Grade II Listed Buildings located to the north of the site. Due to the distance maintained between the site and the Listed Buildings the proposal is not considered to be within sufficient distance to affect their setting.

Human Rights

- 8.21 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.
- 8.21 This application is reported to Committee at the discretion of the Head of Planning Services, given the concerns raised by the local residents over the inaccuracies and publicity during the processing of the application.

9.0 SUMMARY

- 9.1 The site is located outside any defined settlement boundary within the open countryside and an AONB and SLA. The site previously formed part of a larger agricultural holding, and is now surplus to requirements and no longer needed for farming operations. There is a former permission on the site for the Change of use and conversion of farm buildings to light industrial units (Class B1) together with external alterations; however, this can no longer be implemented due to the recent demolition of the former farm buildings. Despite the material change in circumstances on site in relation to the demolition of the former farm buildings, the current application remains similar in terms of the use of the land and overall design, scale and appearance to that previously approved under application reference Y07/0966/SH.
- 9.2 Relocating the business back within the Shepway District and to larger premises will therefore help to secure economic and social well-being by enabling the company to retain the 17 members of staff employed locally and provide scope for further employment within the District.
- 9.3 For the reasons set out above it is considered that the proposal is compatible within the rural surroundings without presenting any harm to the scenic value of the landscape designated as AONB and SLA or the amenities of residents living in nearby properties. In addition to this, Environmental Health and Kent Highways have raised no objection in terms of highways matters or noise nuisance.

- 9.4 The application is considered to be acceptable and in accordance with Local and National plan policies and is, therefore, recommended for approval.

10.0 BACKGROUND DOCUMENTS

- 10.1 The consultation responses set out at Section 1.0 and any representations at Section 3.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted following the expiry of the publicity period subject to no new adverse issues being raised which have not previously been considered and subject to the following conditions:

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|---|------|
| 1. Standard time condition. | C101 |
| 2. Amended plans | C205 |
| 3. Materials to be approved, inclusive of colour | C201 |
| 4. Landscaping | C401 |
| 5. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways. | |

Reason:

To ensure that the development complies with approved details in the interests of protection of the surrounding environment to prevent pollution in accordance with policies SD1, U2, U4 and CO1 of the Shepway District Local Plan Review.

6. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors.
- Potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason:

In accordance with policy U10a of the Shepway District Local Plan Review and in order to comply with the requirements of Planning Policy Statement 23: Planning and Pollution Control (PPS23). The site lies over a major aquifer and a Source Protection Zone 3 for the public water supply and the previous uses may have resulted in ground contamination which could pollute this sensitive groundwater and which may be disturbed during development works.

7. Prior to the commencement of the development details of the proposed sewage disposal arrangements and a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied.

Reason:

To improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system in accordance with policies SD1 and U4 of the Shepway District Local Plan Review.

8. The use of the buildings hereby permitted shall not be used outside the hours of 08.00hrs to 18.00hrs Monday to Friday, 08.00hrs to 13.00hrs Saturdays and not at all on Sundays, Bank Holidays and Public Holidays and no deliveries shall be taken or dispatched to or from the site outside these specified hours.

Reason:

In the interest of the amenities of nearby residents in accordance with policies SD1 of the Shepway District Local Plan Review.

9. All manufacturing/industrial processes and storage shall be contained within the buildings and no such works or storage shall take place at any time outside the buildings unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highways safety to prevent an overintensive use of the site and excessive vehicle movements and the visual amenities of the surrounding landscape and the residential amenities of local residents in accordance with policies SD1, CO1, CO3, CO4 and TR11 of the Shepway District Local Plan Review.

10. Removal of Permitted Development Rights (Class A, B & C) Part 8 C510
11. Highways – Turning Area C309
12. Highways – Parking C303
13. No external lighting shall be erected within the site or on the buildings unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of the protection of the visual amenity of the landscape and the residential amenities of the local residents in accordance with policies SD1, U15, CO1 and CO4 of the Shepway District Local Plan Review and Planning Policy Statement 7 Sustainable Development in Rural Areas.

14. Prior to the first occupation of the building hereby permitted, all remaining waste materials currently on the site shall be removed from the site to a licensed waste facility and the site left in a clean and tidy condition to the satisfaction of the Local Planning Authority.

Reason:

In the interests of the visual amenity of the surrounding countryside, designated as an Area of Outstanding Natural Beauty and Special Landscape Area in accordance with policies SD1, CO1 and CO4 of the Shepway District Local Plan Review and Planning Policy Statement 7 Sustainable Development in Rural Areas.

15. Use Class restriction to Class B1 only. C506
16. All doors to the building to remain closed at all times.
17. Prior to the commencement of development full details of the dust extraction system, including methods of sound attenuation control shall be submitted to the Local Planning Authority in writing for approval. The approved system shall be installed to the satisfaction of the Local Planning Authority prior to the first use of the premises and retained in full working order thereafter.

Reason

In the interests of residential amenity in accordance with policies SD1 and BE1 of the Shepway District Local Plan Review.

In the view of the District Planning Authority, and having taken into account all material planning considerations; there is insufficient demonstrable harm or conflict with policy arising from the proposal to warrant withholding planning permission.

In coming to this decision, regard has been had to the following policies:

Shepway District Local Plan Review – SD1, CO1, CO2, CO4, TR11, TR12, U2, U4, U10a, U15, BE1

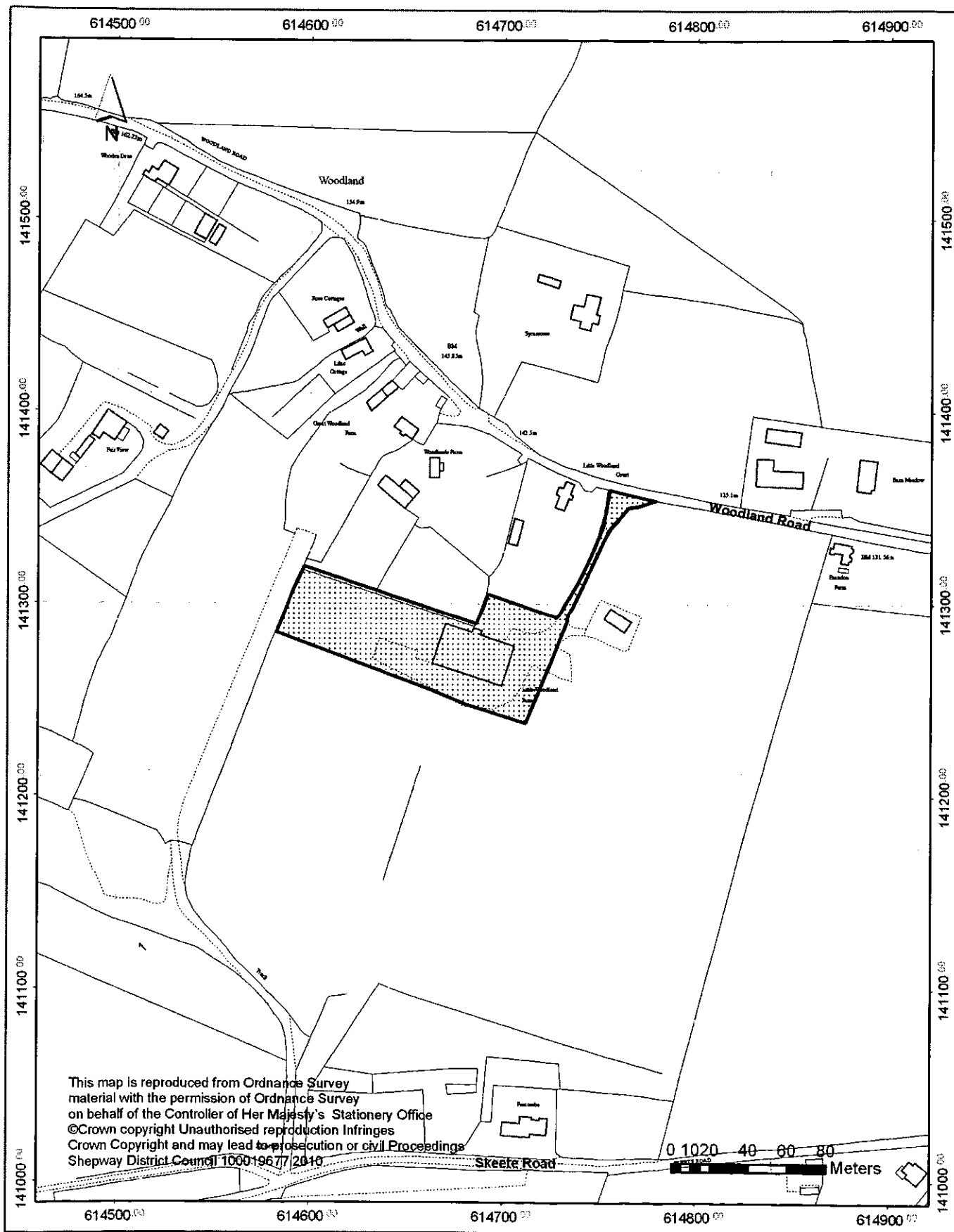
Planning Policy Statement 4 'Planning for Sustainable Economic Growth'

Planning Policy Statement 7 'Sustainable Development in Rural Areas'

Kent Design Guide

Decision of Committee

Y10/0694/SH
Little Woodland Farm,
Woodland Road,
Lyminge.



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1.2 Kent Highways –

No objections subject to all previous highway conditions being complied with from previous application Y07/0966/SH.

In addition, now new building is proposed, wheel washing facilities should be provided on site during construction to prevent the deposit of mud on the highway.

1.3 Environmental Health Officer –

There is no objection to the granting of this application subject to conditions stated as follows:

1. The times of use of the unit shall be restricted to 0800 hrs to 1800 hrs Monday to Friday, 0800 hrs to 1300 hrs Saturday, with no workings on Sundays or Bank Holiday.
2. No working associated with the business should be undertaken in the yard.
3. Whilst all noisy machinery is in operation, all doors to the unit should remain closed.
4. The application form states that there will be a dust extraction unit. Further details are required to be submitted, should permission be granted, regarding this unit, prior to the installation, especially in respect of noise and dust emissions from the use of such a unit. Any such unit proposed to be installed will need to ensure its use will not affect any neighbouring properties.

1.4 Environment Agency –

We have no objection to the application providing the following two conditions are attached to any permission granted.

Condition 1: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors.
 - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Condition 2: Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

*Please note these comments are based on our understanding that it is now proposed to demolish the existing buildings and erect a new unit. If this is not correct, we would ask to be re-consulted.

- 1.5 AONB Unit -
Views awaited.

2.0 PUBLICITY

- 2.1 Neighbours notified by letter. Expiry date 26.08.10.
Neighbours notified of amended description. Expiry date 04.10.10.
Neighbours re-notified by letter. Expiry date 12.11.10.
- 2.2 Site Notice. Expiry date 31.08.10.
Site Notice amended description. Expiry Date 18.11.10.

3.0 REPRESENTATIONS

- 3.1 Letter of objection received from Ms T Auty objecting on the following grounds:
 - Incorrect publicity
 - Inaccurate and inadequate information contained within the application.
 - Use of the site by the applicants Thoroughly Wood does not constitute a B1 Use.
 - Inconsistent with the previously approved scheme reference Y09/0231/SH at Valley Farm.

- Planning permission was granted away from wood processing at Valley Farm also located within the AONB as the use for wood processing was deemed incompatible with the requirements of the AONB. It would therefore be inconsistent of the planning department to approve this application.
- Y09/0231/SH was only passed based upon a number of considerations and subject to a number of conditions that Thoroughly Wood would not be able to meet.
- The applicant has confirmed in writing his business is not suitable for a residential location and therefore does not conform to B1 light industrial use.
- The former application Y07/0966/SH for conversion of the farm buildings and use of the land for B1 Use is now invalid as the buildings have been demolished.

4.0 RELEVANT POLICY GUIDANCE

- 4.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.
- 4.2 The following policies of the Shepway District Local Plan Review apply: SD1, CO1, CO2, CO4, TR11, TR12, U2, U4, U10a, U15, BE1
- 4.3 The following Supplementary Planning Documents and Government Guidance apply:

Planning Policy Statement 4 'Planning for Sustainable Economic Growth'
 Planning Policy Statement 7 'Sustainable Development in Rural Areas'
 Kent Design Guide

5.0 LOCATION AND DESCRIPTION OF SITE

- 5.1 Little Woodland Farm is located within the open countryside, outside of the settlement boundary of the village of Lyminge as defined in the Shepway District Local Plan Review. The site is within the designated Kent Downs Area of Outstanding Natural Beauty (AONB) and North Downs Special Landscape Area (SLA). The area has a distinctive rural character and is predominantly surrounded by farmland with sporadic residential development situated along Woodlands Road and Skeete Road to the south of the site.
- 5.2 The farm complex is located at the bottom of private access drive serving the former farmyard and adjacent dwelling, both of which are accessed off of Woodland Road. The site is located within a natural hollow in the landscape. The site area is approximately 0.8 hectares in size and until very recently consisted of three agricultural farm buildings. These buildings which were recently demolished were in a poor state of repair. The former farm buildings which were predominately steel framed were of a typical agricultural/utilitarian design comprising a mix of materials. To the front of

these former farm buildings, is a substantial area of hard standing which is proposed to be retained for access and parking.

- 5.3 The complex originally formed part of a large farm holding but has been separated from farming operations due to being redundant and surplus to requirements. The site has gradually been cleared having been previously strewn with an array of materials ranging from metal storage containers, building materials and other waste paraphernalia, all of which were stored outside of the former buildings giving the site and wider rural landscape a very untidy appearance.

6.0 THE PROPOSAL

- 6.1 The application seeks permission for change of use and erection of a light industrial unit (Class B1) following the recent demolition of the former farm buildings.

- 6.2 The proposed light industrial unit is a utilitarian style structure covering an overall footprint of approximately 942.5 metre square. The walls of the main building which is proposed to house the main workshop, are proposed to be finished in profiled metal sheeting with a brick built plinth. This section of the building stands at an overall height of approximately 7.1 metres.

- 6.3 To the south and west side of the unit is a smaller style structure which wraps around the main building to provide an office, storage and staffing facilities in connection with the workshop. This section of the building stands at an overall height of approximately 3.5 metres, is faced in brick work and has a composite slate roof.

- 6.4 Accompanying the application is the applicants Design and Access Statement which sets out the following rationale behind the proposal:

Having lost their long standing workshop located in the centre of Lyminge in North Lyminge Lane to a fire, Thoroughly Wood has temporarily relocated to a workshop within the Canterbury District. The company has expressed their desire to return to Lyminge and the Shepway District as soon as practicable. The company has taken on board the views of local residents and now seeks a workshop which is more suitably located away from residential areas, but that will remain within the village of Lyminge and secure the jobs of the local crafts people who are employed by the company.

The site benefits from planning permission granted in 2007, for 3 light industrial units (Class B1) and is in a more suitable location for the purposes of the continuing business of Thoroughly Wood.

The applicants state that the former farm buildings have recently been inspected by professionals who confirmed that the former farm buildings could not easily be repaired and adapted for the intended use as industrial units. The applicants propose to replace the former farm buildings with a

- 8.3 During this time the former farm buildings have been demolished which extinguished the former permission. Whilst the buildings have been demolished and therefore application Y07/0966/SH can no longer be implemented and policy CO19 of the Shepway District Local Plan Review relating to the re-use and adaptation of rural buildings can no longer be applied, the acceptance and principle of a B1 use on the site remains material to the consideration of this application.
- 8.4 It is considered that the main issues to consider in the determination of this application are:
- The Impact of the proposal on the character and appearance of the landscape.
 - The affect of the development on neighbouring amenities.
 - Any parking, traffic, highway safety and ecology implications arising from the development.

Policy Issues

- 8.5 The proposal constitutes economic development as defined in Planning Policy Statement 4 'Planning for Sustainable Economic Growth' (PPS4), which encourages local planning authorities to adopt a positive and constructive approach towards planning applications for economic development and seeks amongst its objectives; To build prosperous communities by improving the economic performance of cities, towns, regions, sub-regions and local areas, both urban and rural. In addition to this, it seeks to raise the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural communities whilst continuing to protect the open countryside for the benefit of all.
- 8.6 PPS 7: Sustainable Development in Rural Areas, underlines that nationally designated areas, which include Areas of Outstanding Natural Beauty (AONBs), have the highest status of protection in relation to landscape and scenic beauty and that the conservation of the natural beauty of the landscape and the countryside should be given great weight in development control decisions in these areas.
- 8.7 In relation to Special Landscape Areas (SLAs), within the Shepway District Local Plan Review, policy CO4 seeks to protect or enhance the natural beauty of these areas of county-wide landscape significance, unless there is an overriding social and economic need, policy CO1 seeks to protect the countryside for its own sake.

Visual Impact

- 8.8 As stated previously, the sited is located within the countryside, within the AONB and SLA, outside of any settlement boundary, therefore its impact on the scenic value of the landscape and the locality, must be addressed. The natural undulation of the landform in this area means that the site is located within a small hollow in the landscape therefore it is not considered to be highly prominent. However, there is limited screening to the south of the site

to prevent longer distance views and views from the adjacent bridleway. Prior to the applicants acquiring the site, the site had become untidy, strewn with various paraphernalia and appeared as an eyesore within the landscape. Most of this paraphernalia has now been removed from the site and visually the site is much improved.

- 8.9 With regards to the proposed design and appearance of the replacement building, with the exception of the roof form and wrap around extension to the front and side elevation of the workshop, the application does not differ significantly from that previously approved under the former barn conversion, and retains the utilitarian character of the buildings formerly occupying the site. It is acknowledged that the former buildings have been demolished; however, the principle for replacement of the former farm buildings is a significant material consideration. The applicants have confirmed that the former buildings were not suitable for conversion and, therefore, their replacement with new purpose built accommodation with better sound/sustainability measures would be an improvement. Rather than variations in the height of the roof, (as with the former buildings) the current application comprises a homogenous roof form the overall height of which does not differ from the highest ridge of the previously approved scheme. Therefore whilst the current application seeks permission for a new building, it is not considered to be any more obtrusive within the landscape than the conversion of the former farm units approved under Y07/0966/SH. Whilst there is a modest increase in the overall footprint of the building to that previously approved, it is considered that this can be adequately accommodated within the site, without the site appearing cramped or overdeveloped or without further harm to the landscape. It is, therefore, considered that the replacement buildings on this site would not be any more intrusive or prominent within the landscape than the former buildings and would be a significant improvement over the recent condition of the site.
- 8.10 The application enables new conditions to be imposed requiring any remaining waste material to be removed from the site prior to construction works commencing and enables restrictions to be imposed limiting areas of external storage/parking etc and use of the site. This combined with additional landscaping would significantly improve the visual appearance of the site within the context of the AONB and SLA. It is, therefore, recommended that conditions be imposed preventing external storage, working inside the buildings only, limitations on parking, removal of all waste from the site and additional landscaping.

Use/Impact on Neighbours

- 8.11 The applicants, Thoroughly Wood are an established business that designs, manufactures and installs hand crafted kitchens and furniture and until recently had been located in a workshop located within the centre of the village of Lyminge in North Lyminge Lane. From the information submitted with the application it is considered that the associated machinery including Cross Cutting and Table Saws (all of which the applicants confirm are linked

to dust extraction units), and the processes involved in manufacturing Thoroughly Woods products fall within a B1 Use.

- 8.12 With regards to the current application concerns have been raised by a local resident regarding undue noise and disturbance resulting from the use of the site for wood manufacturing. The Councils Environmental Health Officer raises no objection to the proposals subject to those conditions listed in paragraph 1.3 above. A request was also made to see if the Council had received any complaints in relation to noise/operations from Thoroughly Woods former premises in North Lyminge Lane which was/is located adjacent to residential premises. No such complaints have been received. It would therefore appear that the company has operated very successfully within a residential area over the 10 year period in which they have occupied the site without generating formal complaints from neighbours.
- 8.13 In addition to the above it is noted that a B1 use, by definition is a use, which can be accommodated in close proximity to residential areas, without presenting harmful impacts upon neighbouring occupier's amenities. With regards to this, the site is not considered to be in close proximity to a residential area and Thoroughly Wood now seek permission to relocate there business away from the main settlement and village envelope following severe fire damage to their previous workshop. As stated previously, the site is located within a small hollow in the landscape with good separation distances of approximately 75 metres from the site and houses situated along Woodland Road and approximately 250 metres from the nearest residential property on Skeete Road (Fancombe). The distance maintained from residential properties coupled with the land topography being located within a hollow and the suggested conditions from the Environmental Health Officer, is considered adequate to mitigate any undue noise disturbance. In addition to this, the hours of use and activity associated with the business can be further controlled and restricted to reasonable periods by imposing conditions on the operating times and removing permitted development rights to prevent the buildings being extended in the future, further safeguarding the amenities of neighbouring residents and the visual amenity of the landscape.
- 8.14 In terms of highways and vehicular movements, it is considered that the predominant source of potential impact to neighbouring residents would be likely to be from the arrival and departure of vehicles to and from the site. However the site is served by an existing access off Woodland Road, which at present has unrestricted use for agricultural traffic. Kent Highways refer back to their previous comments made in relation to application Y07/0966/SH stating that they have no objections to the proposal subject to all previous highway conditions being complied with. Overall, and taking into consideration the former use of the site for agriculture and agricultural contracting, and having regard to the previously approved scheme, it is considered the level of traffic generated by the proposed use would not be so significant so as to create a detrimental impact on the amenities of adjacent residents properties and it would be considered unreasonable to refuse the application on such grounds.