

Officer's Assessment Sheet

Policy Monitoring NOT Required

Application Number:20/00704/AS

Stat. Class: MINM

Application Date: 08 June 2020
Registration Date: 09 June 2020

Case Officer: Georgina Galley
8/13 week Date: 04 August 2020

Applicant: **Mr Riordon** Doublequick Farm Sawmill Lenham Heath Road Charing, Kent, ME17 2BZ

Correspondent: Kent Design Studio Ltd The Workshop Rose Cottage Farm North Street, Biddenden, Ashford, Kent, TN27 8BA

Location: Doublequick Farm Sawmill, Lenham Forstal Road, Lenham, Maidstone, ME17 2BZ
Proposal: Expansion of existing premises for the erection of a new Commercial Unit and associated concrete apron

MATERIAL CONSIDERATIONS

Ashford Local Plan 2030	EMP5, EMP6, TRA3b, TRA7, ENV3a, ENV4, ENV8, ENV9
Government Guidance	NPPF/NPPG
SPG/SPD/VDS/Neighbourhood Plans	Landscape Character Assessment Dark Skies SPD
Other	Charing Neighbourhood Plan – D1 and D4

SAFEGUARDING

Conservation Area	Not in a conservation area
Listed Building	Not a listed building

ENVIRONMENTAL IMPACT ASSESSMENT

Is an E/A required?	Reason for Decision:
YES / NO	Not Schedule 2 Development
Is formal screening opinion required? Y/N	No
Has screening opinion been issued? Y/N	No

ASSESSMENT

Site and Surroundings

The application site is located on the eastern side of Lenham Forstal Road on the junction with Rose Lane. The site is located in the parish of Charing.

The site is located within the countryside described in the Charing Heath Farmlands landscape character assessment as being mixed farmlands, varied field patterns, small woodland copses and plantations of chestnut coppice, pine woodlands and mature isolated trees across pasture. There is a Public Right of Way (AW11A) to the east of the site.

There are two existing accesses to the site; one from Lenham Forstal Road and one from Rose Lane. As part of the approved plans for planning permission ref. 15/01149/AS the entrance to the site is stated to be from Rose Lane and the exit is onto Lenham Forstal Road.

The site is located in an area of major groundwater vulnerability and a source protection zone.

The site is located within the Stour catchment.

Proposal

Planning permission is sought for proposed expansion of existing premises for the erection of a new commercial unit and associated concrete apron.

The applicant has confirmed the proposed commercial unit would be single storey in height and would measure 18.3m in width, 40m in length, 5.1m in height to the eaves and 7.5m in height to the ridge. The proposed commercial unit would be finished in timber cladding (walls) and profiled sheeting (roof) with metal powder coated doors. The proposed commercial unit would create 740 sqm of new employment floor space associated with an established facility.

The proposed development would also include the expansion of the concrete yard area for the external storage of logs, other related materials and the turning of large processing vehicles and deliveries. The expanded yard area would also be used for secure parking and storage of vehicles associated with the operations of the business and processing equipment.

The applicant has stated the proposed commercial unit would support and aid the production of oak framed buildings. The proposed commercial unit would support a specific timber processing use which is being expanded by the enterprise due to the demand for these types of buildings.

The applicant has confirmed the current enterprise operates from both the subject site and the original saw mill premises to the southeast of this site on Lenham Heath Road (NB: shown within the blue line boundary on drawing no. 2814-01 and known as 'Lenham Oak Ltd'). The applicant has confirmed the original site on Lenham Heath Road is constrained and has outgrown its existing use and function and is subject of a separate planning application under ref. 20/00434/AS for new housing. This application is currently pending decision.

The current application relates to the newer site on Lenham Forstal Road that is subject of planning permission ref. 15/01149/AS for a replacement saw mill building and new access, which was implemented in August 2015 (NB: this permission was a revision to former planning permission ref. 14/01151/AS). This saw mill building was designed for general processing of timber and refining of timber to a more useable material. A number of relevant conditions were attached to planning permission ref. 15/01149/AS including the following:

- Condition 4 – the site shall only be used as a saw mill. This was imposed to allow for the relocation of the saw mills from the other side of the road;
- Condition 5 - the site shall only be occupied by one firm. This was imposed to prevent the site being occupied by another organisation or used independently;
- Condition 8 - a drainage scheme should be implemented as submitted.

Relevant History

Planning - Doublequick Farm site, Lenham Forstal Road

DC	FA	14/01151/AS	Replacement existing commercial storage unit with a larger 480m ² unit for commercial use	PERM	30/01/2015
DC	COND	14/01151/CO NA/AS	Discharge of condition 2	PERM	16/10/2015
DC	COND	14/01151/CO NB/AS	Discharge of conditions 11, 12, 14, 15 & 16	PERM	16/10/2015
DC	FA	15/01149/AS	Replacement existing	PERM	27/11/2015

commercial storage unit with a larger 480m² unit for commercial use and straightening of the NE boundary, erection of 2m high mesh security fencing and the laying of hard surfacing to form a new access (Revised scheme to 14/01151/AS)*

*Condition 4 attached to this decision states the site shall only be used as a saw mill. This was imposed to allow for the relocation of the saw mills from the other side of the road.

Condition 5 attached to this decision states the site shall only be occupied by one firm.

*Condition 8 attached to this decision stated that a drainage scheme should be implemented as submitted.

Enforcement - Doublequick Farm site, Lenham Forstal Road

EC	BOC	CO/19/00188	Site allegedly in use as EML spoil regrading, storage and recycling in breach of condition 4 of 15/01149/AS - site shall only be used as a sawmill	<u>LIVE CASE</u>
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The above live enforcement application is relevant for the existing building at Doublequick Farm and relates to the use of the site for mineral extraction and waste transfer (not as a saw mill) in breach of the approved condition 4. There is also an associated live investigation for water and sand spilling on the highway at the egress from the Double Quick Farm site onto Lenham Forstal Road/Church Hill.

Planning - Existing Saw Mill (Lenham Oak Ltd) site on Lenham Heath Road

DC	CLDE	06/00342/AS	Application for lawful ENL Development Certificate - Existing Development - Continued use associated with sawmills storage of timber and ancillary plant	05/05/2006
AP	REF	06/00342/AS	Application for lawful DIS Development Certificate - Existing Development -	26/07/2007

Continued use associated
with sawmills storage of
timber and ancillary plant

DC	FA	07/01616/AS	Erection of a steel framed PERM storage/office building	29/10/2007
DC	FA	20/00434/AS	The redevelopment and DEL diversification from a commercial 'sui generis' Saw Mill to a residential scheme comprising 7no. dwellings together with associated parking, landscaping and b i o d i v e r s i t y enhancements.	

Representations

Ward Member

HAS WARD MEMBER REQUESTED APPLICATION GO TO COMMITTEE NO

Charing Parish Council; Objects. The applicant has not complied with the details and drawings of 15/01149 and clearly has not addressed the drainage and access to the site that is not an approved entrance they are in. breach of the 2015 conditions and therefore have to refuse.

KCC Highways and Transportation; Objections raised due to the following:

- 1) No actual numbers of vehicle movements associated with the proposed building have been submitted. This information needs to be provided;
- 2) This existing site access however has not been implemented in accordance with the details and drawings approved under 15/01149. As such, the current site is operating in breach of their current planning permission and this is not an authorised access;
- 3) The conditioned requirements and approved drawings clearly showed drainage to serve the site and keep surface water from the site from draining onto the public highway. This drainage has not been installed and as a result during wet weather surface water is running from the site and collecting on the public highway adjacent to the access. The above represents a hazard to other road users, particularly in winter months when freezing temperatures could result in ice. This is unacceptable;
- 4) This does not represent a safe method of access to the proposal site and the proposal should be refused on highway safety grounds due to the increased risk of loss of control collisions.

The Environment Agency; No objections subject to conditions are recommended together with informatives. Further details are required in relation to foul drainage.

Natural England; No comments.

Ashford Access: It will be necessary to see this application again when there are drawings to show proposed floor plans.

ABC Environmental Protection; A noise assessment should be undertaken in accordance with BS 4142. Without this information any potential impact cannot be quantified and it cannot be said whether the conditions will adequately address concerns, especially given that it really

looks like the yard will be integral to it all. The noise assessment for 14/01151/AS only covered the machine work inside the building and to achieve minimal impact (i.e. not go above background) they assessed assuming the doors would always be shut during operation, and the building would be built to certain standards. This achieved a level only 1dB below the background provided.

Neighbours: 6 neighbours consulted; 1 representations received with the following comments:

- There is no mention of drainage;
- The absence of appropriate surface water drainage has caused difficulties for residents in Lenham Heath with sediment-laden surface water reducing the efficacy of local drainage ditches and entering onto (and into) properties;
- The site is presently used as a quarry or landfill or waste transfer operations and this has also presented a number of challenges to local residents with both air and noise pollution;
- KCC Highways recognise the challenges faced by local residents jostling around broken road surfaces, debris fallen from HGVs, broken branches brought down by HGVs and, moreover, the mud/water emanating from the site;
- With increased capacity to operate as a sawmill/wood yard, the application makes no reference to the consequences on the increased traffic accessing the site. As articulated HGVs/LGVs (up to 18.75m long) must bring large trees/logs to the site for processing, smaller goods vehicles must access the site to take away the wood yard's products. With access to the nearest road (A20) restricted in width in some parts on Lenham Forstal Road (where at some points two cars cannot pass), this application is not as helpful as the 15/01149 application in describing how the increased vehicular access might impact on road safety, on the noise for local residents nor deterioration of the tarmac top-surface of the highway which inevitably occurs when the frequency of HGVs traffic increases.
- Increased air pollution from dust – which has not been addressed in the proposal;
- There does not appear to be such a report in support of this application, despite the apparent upscaling of commercial operations.
- No details of working hours.

Government Guidance

NPPF
NPPG

Development Plan Policy/SPG/Other

The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).

For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).

See the policy sheet for relevant policies.

Assessment

Principle

The NPPF encourages proposals which support a sustainable rural economy and this is also endorsed by local planning policy. However, whilst the submitted Planning Statement refers to the proposal being an “expansion to the existing business” that should be assessed against

policy EMP3 ('Extensions to Employment Premises in the Rural Area'), the Council disagrees with this. The Council is of the opinion that the proposal should, in fact, be assessed against policy EMP5 ('New Employment Premises in the Countryside').

The proposed development is not considered to be an expansion to the existing saw mill business, but a new business enterprise at the site that uses wood. The existing use of the site is as a saw mill for the production of wood (i.e. processing timber into bits of wood) whereas the proposed use of the new building would be for the manufacturing of oak framed buildings. The manufacturing use is not related to the existing processing use; the only synergy appears to be the use of wood. In essence, there is an existing primary industry at the site, but the applicant wants to introduce a secondary industry.

Policy EMP5 states that proposals for employment development on new sites in the countryside will not be permitted unless the following criteria can be met:-

- a) It is essential to be located in the countryside;
- b) Development can be integrated sensitively into its context respecting the character of any important existing buildings, the landscape setting and sites of biodiversity value;
- c) There would be no significant impact on the amenities of any neighbouring residential occupiers; and,
- d) It can be demonstrated that the development will not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it.

The preamble to Policy EMP5 states: *"New employment premises (i.e. not conversions) in the countryside (i.e. the areas not covered by Policy EMP1) will not be permitted unless exceptional circumstances can be demonstrated to set aside the normal presumption against such developments. Such circumstances may include the functional need for a countryside location, such as the processing of local agricultural products. New employment sites in the countryside will need to have regard to the need to protect countryside sites with specific landscape, biodiversity or historic qualities"*.

It is my opinion the proposal would fail part (a) of policy EMP5 together with part (d), although this will be discussed later on in the report. Whilst the proposed development would use wood from the existing saw mill, it does not demand a rural location and exceptional circumstances have not been demonstrated. As such, there is no policy support for a new commercial unit in the countryside and the proposal fails to comply with policy EMP5. It is considered there is not a strong enough link between processing logs and manufacturing new buildings.

The in principle concerns to this application are also endorsed by the on-going enforcement investigation at the site that the existing building is not currently being used for the production of wood, but instead for mineral extraction and waste transfer (NB: the site is being used for sand extraction which appears to be mixed with soil imported onto the site, and then exported). This on-going investigation is partly being dealt with by the KCC Minerals and Waste Planning Enforcement Team.

Visual Amenity

On the basis that this is an unacceptable business in the countryside it is considered that the proposed development would result in visual harm to the surrounding landscape, particularly as the scale of the building does not appear to be justified. The proposed development would be almost one third larger in size than the existing commercial building at the front of the site. Whilst the setback from the roadside would help to reduce its immediate visual impact in the street scene, it would encroach into the countryside to an unacceptable degree as a result.

This site was once greenfield land and the plans approved under application ref. 15/01149/AS only encroached into the front part of the site where it is understood that a previous building, albeit much smaller one, was located. Whereas the proposed development, with all of its

associated requirements, would result in much more obvious harm and the extent of the proposed concrete apron compounds the overall harm in my view.

With regards to the surrounding area, including the impact on the countryside described in the Charing Heath Farmlands LCA, it should be noted that views from the southeast would be limited by existing landscaping and views from Rose Lane would also be limited where the road bends away from the site. However, the proposed development would be clearly visible from certain views from the northeast and likely from the Public Right of Way network as well. It is, therefore, my opinion the proposed development would fail to comply with part (b) of policy EMP5 and policy ENV3a.

Residential Amenity

Given the separation distance to the nearest neighbouring properties, I am satisfied the proposed development would not result in any unacceptable impact to living conditions in terms of loss of daylight/sunlight, loss of outlook or loss of privacy. However there are concerns regarding the intensification of the use of the site and the associated noise and disturbance.

Whilst it is noted the saw mills is an existing operational and functioning commercial site, the proposed use would be likely to introduce different noise and disturbance impacts due to the manufacturing element. The Council's Environmental Protection team have requested a noise assessment for the proposed development and, in the absence of this information, any potential impact cannot be quantified and it cannot be determined whether conditions would adequately address concerns, especially given the fact that the outdoor yard appears to now be integral to the proposed development.

It should be noted that the noise assessment that was submitted under application ref. 14/01151/AS only covered the machine work inside the building and to achieve minimal impact they assessed assuming the doors would always be shut during operation and the building would be built to certain standards. Given the proposed expansion of the concrete apron under the current proposal, the previous assessment appears to indicate this new operation may potentially have an impact. As such, I am not satisfied the proposal would comply with the aims and objectives of part (c) of policy EMP5.

With regards to residents' concerns regarding air pollution and dust it should be noted that an informative has been suggested in relation to IAQM guidance on controlling dust on construction sites.

Highways Safety

There are two existing accesses to the site; one from Lenham Forstal Road (at the front) and one from Rose Lane (to the side). As part of the approved plans for planning permission ref. 15/01149/AS the entrance to the site was stated to be from Rose Lane and the exit onto Lenham Forstal Road. However, when officers visited the site, this was not taking place and the site was being accessed by large vehicles from Lenham Forstal Road.

The applicant has confirmed the proposed development would utilise existing access points as permitted previously by planning permission ref. 15/01149. However, this existing site access has not been implemented in accordance with the details and drawings approved under this application. The conditioned requirements and approved drawings also clearly showed drainage to serve the site and keep surface water from the site from draining onto the public highway. This drainage has not been installed and as a result during wet weather surface water is running from the site and collecting on the public highway adjacent to the access.

KCC Highways and Transportation has stated that the current site is operating in breach of their current planning permission and this is not an authorised access. This represents a hazard to other road users, particularly in winter months when freezing temperatures could result in ice.

This does not represent a safe method of access to the site and there are concerns due to the increased risk of loss of control collisions. As such, the proposal would fail to comply with policy in terms of highways safety and specifically part (d) of Policy EMP5 and Policy TRA7.

In terms of parking, policy TRA3b sets out the standards to be provided for certain commercial development in the Borough. The applicant has stated the closest prescribed use for the site would be Class B2 (General Industrial) which requires 1 space every 50sqm. Based on the proposed additional floor space of 740 sqm, the proposed development would generate a need for 15 additional parking spaces, which could be accommodated on site. No objections are raised to this part of the proposal.

Other Matters

Stodmarsh

The proposed development is not caught by Stodmarsh as it would be providing new commercial development that does not involve overnight accommodation.

Groundwater Vulnerability / Source Protection Zone

The Environment Agency has not raised any objections to the proposal subject to relevant conditions. As such, I am satisfied there would be no objections on this ground.

Fibre to the Premises

The site is located within an area that is covered by Policy EMP6 ('Fibre to the Premises'); however the proposal would not represent qualifying development as it would not result in 10 or more jobs.

Working with the applicant

In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation and the decision notice.

Conclusion

In light of the above assessment it is my opinion the proposed development would fail to comply with the requirements of existing DP policy and Central Government guidance and I therefore recommend that planning permission is refused.

Human Rights

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

Dated:

Signed

C a s e
Officer

Recommendation Sheet Application Number: 20/00704/AS

Location: Doublequick Farm Sawmill, Lenham Forstal Road, Lenham, Maidstone, ME17 2BZ
Proposal: Expansion of existing premises for the erection of a new Commercial Unit and associated concrete apron

RECOMMENDATION

Refuse Permission

Reasons for refusal

- 1 The proposal is contrary to Policies EMP5, TRA7 and ENV3a of the Ashford Local Plan to 2030, the Council's Landscape Character SPD, Policy D1 of the Draft Charing Neighbourhood Plan and Central Government guidance contained in the National Planning Policy Framework and would therefore be contrary to interests of acknowledged planning importance for the following reasons:
 1. The proposed new employment premises is not justified in this rural location as exceptional circumstances have not been demonstrated. As such it is not considered essential for it to be located in the countryside and the development fails to meet the core principles of the Ashford Local Plan 2030 and the National Planning Policy Framework 2019 which seek to promote sustainable development in rural areas.
 2. The proposed development, by reason of being unjustified, together with the siting, scale and design, would result in unacceptable encroachment and visual intrusion into the countryside that would detract from the visual amenity of the wider landscape.
 3. The proposed development, by reason of the unauthorised access and lack of appropriate drainage, would result in highways safety concerns due to the unsafe method of access to the site and increased risk of loss of control collisions.
 4. In the absence of an appropriate noise impact assessment a full assessment cannot be made in terms of the potential impact on the residential amenity of the nearby residents.
 - 5.

Notes

Plans/Documents refused

2814-01
2814-10A
2814-11
Planning Statement (dated April 2020)

AGREED	
SPO	
TL	