
Platt Borough Green And Long Mill	561956 157554	23 March 2006	(A) TM/06/00966/OA (B) TM/06/00930/OA
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Proposal: (A) Outline Application: Erection of 6 no. warehouse units with ancillary office accommodation and vehicular parking spaces
(B) Outline Application: Erection of 2 no. warehouse units with ancillary office accommodation and vehicular parking spaces

Location: (A) Phase 3 Platt Industrial Estate Maidstone Road Platt
Sevenoaks Kent TN15 8JL
(B) Phase 4 Platt Industrial Estate Maidstone Road Platt
Sevenoaks Kent TN15 8JL

Applicant: Prime Securities Limited

1. Description:

(A) TM/06/00966/OA:

1.1 Whilst this is an outline application, all matters other than external appearance and landscaping are to be dealt with at this stage. The application is the same as that which was granted planning permission under TM/98/00086/OA. The proposal is to erect one large building containing 6 warehouse units with ancillary office accommodation. The warehouse floor space would measure 4697 sq m and the office floor space measures 1215 sq m. The building would measure 113m long x 49m wide x 8.5m high to ridge. Parking provision for 26 lorries and 60 cars is proposed.

(B) TM/06/00930/OA:

1.2 As with application (A) this is also an outline application with all matters other than external appearance and landscaping to be dealt with at this stage. The application is the same as that which was granted planning permission under TM/98/00085/OA. The proposal is to erect one building containing 2 warehouse units with ancillary office accommodation. The warehouse floor space would measure 983 sq m and the office floor space measures 318 sq m. The building would measure 41m long x 30m wide x 7m high to ridge. Parking provision for 5 lorries and 23 cars is proposed.

2. The Site:

2.1 Phase 3 (Application A) lies at the western end of Platt industrial Estate and would face on to the existing access road serving Phase 1. Phase 4 lies on the western side of the main access road into the Platt Industrial Estate immediately to the north of the railway bridge.

2.2 Both phases of development are located within the Metropolitan Green Belt and the area of Platt Industrial Estate to which saved policy P6/17 (a) of the Tonbridge and Malling Borough Local Plan, applies. Polices M1, E2 and E3 of the Draft Tonbridge and Malling Development Land Allocations DPD also apply to the development of these sites.

3. Planning History:

3.1 TM/98/00086/OA (Phase 3) Granted 03.11.1998
Erection of 6 warehouse units with ancillary office accommodation and vehicular parking spaces

3.2 TM/98/00085/OA (Phase 4) Granted 03.11.1998
Erection of 2 warehouse units with ancillary office accommodation and vehicular parking spaces.

3.3 TM/79/0916 (Phase 3) Granted 30.11.1979
Erection of 6 warehouse units with ancillary office accommodation and vehicular parking spaces.

3.4 TM/80/1268 (Phase 4) Granted 15.06.1981
Erection of 2 warehouse units with ancillary office accommodation and vehicular parking spaces.

3.5 MK/4/71/739 Granted 26.07.1972
Formation of road to serve future industrial and commercial development and change of use of site to industrial and warehousing.

4. Consultees (in respect of both applications):

4.1 PC: We are strongly opposed to these proposals.

These two applications are identical to ones that were submitted in January 1998 and approved in November 1998 (TM/98/0085/OA and TM/98/0086/OA). The Tonbridge and Malling Local Plan that was adopted in December 1998 refers to Platt Industrial Estate under Policy P6/17(a) which states that '....further limited infilling directly related to the existing uses of the site will be permitted where such development does not, individually or cumulatively with other developments, result in a major increase in the developed proportion of the site, exceed the height of existing buildings , or lead to any greater impact on the Green Belt than existing development. The proposed developments are of comparable height and design to the existing buildings and may not lead to a significant increase in the impact on the Green Belt. The two proposals, however, would result in at least a doubling of the warehouse units within the overall site and this major increase would be

contrary to this Policy. As Outline Applications, with no definable end users, the proposals cannot be said to be directly related to the existing uses and certainly cannot be considered as limited infilling which are, therefore, further contraventions of this Policy.

There will be a very high increase in the number of vehicle movements to the Industrial Estate, being predominantly cars during morning and afternoon peak times and HGVs throughout the whole day. The junction of the access road with the A25 already becomes congested creating queues of Westbound traffic on the A25 and the increased traffic movements would seriously aggravate this situation at all times of the day. The majority of HGV movements and many of the car movements, to the Industrial Estate travel east along the A25 from the access road. Immediately to the East of the access on the North of the A25 there is a row of dwellings close to the road and Platt Primary School is currently located just over 100m away on the South side of the A25. Pedestrian and vehicular access to both the School and the dwellings will become even more dangerous than at present, with the traffic increases that would be generated by these proposals. Unless some alternative access route can be found to the Industrial Estate, it is felt that the increase of traffic movements generated by any major development of the currently undeveloped areas of the overall site, would be unacceptable in terms of highway safety on this stretch of the A25 and the significant additional noise environment generated by vehicles stopping and starting at the end of the access road.

Fears have been expressed in the past with regard to the capacity of the railway bridge on the access road, particularly with the ever increasing weight of HGVs, and we are not aware of the present situation of the loading capacity of this bridge.

The existing uses of the Industrial Estate do not historically have any defined limitation of operating hours which causes much night-time noise disturbance to the residential properties on the A25. If, despite the above objections, the planning authority is minded to approve these applications we would therefore request that a limit be placed on the operating hours of any new facilities within the Industrial Estate in order to preserve the residential amenity of dwellings on the A25.

- 4.2 KCC (Highways): On the understanding that the reference made in our responses to previous outline permission being in place now being determined as being unimplemented then I am satisfied that the access to the site is substandard to accommodate any additional traffic. The case outlined in the Appleby application 02/02986 and subsequent appeal and dismissal has not changed and I would expect to use it in future objection to any further application which results in expansion of the use of the site.

4.3 DHH:

(Noise): Due to the proximity of housing to the access road, I recommend that if possible, conditions be attached to control the hours of operation and vehicle movements on and off the site.

(Land Contamination): There is a closed landfill site in close proximity. In addition, the application site is identified as a site of potential concern.

4.4 EA: (Potential Contamination)

Regardless of whether there is a current use on the proposed site, the Agency considers that the current/previous use of the surrounding area may have the potential to cause/have caused contamination of the proposed site for development.

(Groundwater protection)

The site lies on the head deposits which overlie the Folkestone Beds and is classified as a major aquifer in the Policy and Practice for the Protection of Groundwater. This site also lies in a Source Protection Zone III for the Borough Green public water supply abstraction, and therefore all precautions should be taken to prevent discharge and spillages to ground. Details of how foul and surface waters are to be disposed of should therefore be approved by the Local Planning Authority.

(Storage of fuels/chemicals)

Care should be taken during and after construction to ensure that any fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental / unauthorised discharge to ground.

4.5 Kent County Council (PROW): Public footpath MR251 will be affected by this proposal.

The existence of the Right of Way is a material consideration. Should consent be granted, the development will impact upon the public use and amenity of the Right of Way. At present, pedestrians using the footpath walk on the carriageway. This development proposes 60 car and 26 lorry parking spaces, which suggests a significant increase in traffic on the Right of Way. I therefore feel that it is necessary at this stage to consider the possibility of the developers providing a dedicated pedestrian route, such as a raised pavement to reduce the safety risk to pedestrians.

4.6 Private Reps (including site and press notices: 17/0X/0S/7R. The reasons for objection are:

- Due to the size and bulk of the development it would appear as an incongruous feature within the Green Belt
- It would neither preserve nor enhance the character of the area.
- The increase in traffic arising from this development would cause detriment to highway and pedestrian safety.
- The development would detract from residential amenity due to increased traffic movements causing noise and general disturbance

4.7 Network Rail (in respect of application TM/06/00930/OA only): Network Rail request that suitable conditions be used to safeguard their property from the proposed development.

5. Determining Issues:

5.1 The main determining issues in respect of both these applications are the principle of the development and its impact upon highway safety.

5.2 The sites are located within the Metropolitan Green Belt where development is restricted. PPG 2 states that inappropriate development within the Green Belt is, by its very nature, harmful to the Green Belt and should not be permitted except in very special circumstances. The erection of warehouses does not fall within any of the categories of development defined within PPG 2 as being appropriate within the Green Belt.

5.3 Policies SS2 of the Kent and Medway Structure Plan 2006 (KMSP) and CP 3 of the Tonbridge and Malling Core Strategy (CS) state that proposals must comply with national Green Belt policy guidance.

5.4 The sites lie within the Platt Industrial Estate to which "saved" policy P6/17 (a) of the TMBLP applies. This policy allows for limited infilling directly related to the existing uses of the site, where such development would not individually or cumulatively result in major increase in the developed proportion of the site. Development proposals must also not exceed the height of existing buildings or lead to any greater impact upon the Green Belt than existing development. These two proposed developments, due to their size, cannot be described as being limited infilling and would not be directly related to the existing uses within the Platt Industrial Estate. The proposals would also significantly increase the developed proportion of the site. As such, I do not consider that this development accords with this policy. In light of this, and because it does not fall within any of the categories of acceptable development defined within PPG 2, I have to conclude

that the proposal would be inappropriate development within the Green Belt. It therefore has to be considered as to whether very special circumstances exist that outweigh the principal policy objection to this proposal.

5.5 The applicant has submitted information supporting this application that centres on an assumption that a historic planning permission relating to this site (MK/4/71/739) was implemented and remains extant for the use of this site for industrial and warehouse development. During its consideration of the applications in 1998 (which were for the same warehouse development as is now proposed for these sites), the Borough Council took the view that the sites had the benefit of this extant planning permission. This was a significant factor in arriving at the recommendation to grant planning permission for those developments. However, having carried further investigations of the Council's records relating to the 1971 planning application, I now consider that planning permission ref. MK/4/71/739 has not been implemented. As such, I do not consider that this permission remains extant as was previously thought to be the case. My reasons for reaching this conclusion are as follows.

5.6 The development, the subject of planning application ref MK/4/71/739 was described on the application forms and the subsequent decision notice as:

“the formation of a road to serve future industrial and commercial development and change of use of site to industrial and warehousing.”

In addition to the current application sites, the application also related to adjacent areas of the estate that became known as Phases 1 and 2

5.7 Condition ii of that planning permission required details relating to the construction of the road, the finished levels of the entire site (including cross sections, details of any filling materials required to be introduced to the site and the manner of disposing of any surplus materials resulting from the carrying out of these works) to be submitted to the Local Planning Authority **before** any works began. The planning records relating to this particular application do not contain any information that would suggest that these details have been submitted to or approved by the Local Planning Authority. As this condition requires these details to be submitted prior to the commencement of the development, had any development taken place, it could not have had the benefit of that planning permission.

5.8 Subsequently, full planning permission was granted for “warehouse and ancillary office accommodation and estate road” on land which is now referred to as Phase 1 of the Platt Industrial Estate on 18.01.1974 (ref. MK/4/73/546). Full planning permission was also granted on 18.07.1974 for the erection of 3 warehouse units on land which is now know as Phase 2 (ref. MK/4/74/140). Details were included on these applications of the access roads that would serve these buildings.

- 5.9 In light of the fact that the details required by condition ii of planning permission MK/4/71/739 have never been submitted to the Borough (or former District) Council, and that full applications for both the warehouse buildings and the access roads serving them (Phases 1 and 2) were submitted shortly after that application was granted permission, I consider that the planning permissions refs. MK/4/73/546 and MK/4/74/140 were implemented rather than planning permission MK/4/71/739. Consequently, my conclusion is that there is not an extant planning permission for industrial and commercial development on the site of Phases 3 and 4, Platt Industrial Estate.
- 5.10 As I believe that no extant planning permission exists for commercial development on this site, I do not consider that any very special circumstances exist that should outweigh the objection in principle to this development. As such, I have to conclude that these Green Belt developments are contrary to PPG 2 and policies SS2 of the KMSP and CP3 of the CS.
- 5.11 Turning to other matters, Policy SS8 of the KMSP states that within rural areas non residential development should meet a number of requirements, which the current proposals do not.
- 5.12 With regard to the issue of highway safety, Policy TP 12 of the Kent and Medway Structure Plan 2006 is relevant. This states that development will not be permitted, which involves the increased use of an existing access on to the primary or secondary road network where a significantly increased risk of crashes or traffic delays would result unless appropriate measures to mitigate the effect of the development have been secured.
- 5.13 The proposal would generate additional traffic movements including those by HGVs. However, it also has to be considered whether the level and nature of the additional traffic movements associated with these proposals would result in increased delays to traffic or an increased risk of accidents occurring at the junction of the estate road with the A25 Maidstone Road.
- 5.14 An appeal regarding planning application TM/02/02986/FL was determined on 13 October 2003. This decision relates to a parcel of land located on the southern edge of the Platt Industrial Estate. Access to this site is via the existing single carriageway that links the industrial estate and the quarry beyond it to the north, with the A25. The development, the subject of this appeal had already been undertaken and consisted of levelling land, which was then laid over with a tarmac hard standing for use as an independent depot for storage/vehicle park. The appeal was subsequently dismissed. In considering the highway safety implications of the development the Inspector stated at paragraph 8 of his letter:

“ ... I do not hesitate to conclude that the junction of the estate road and the A25 is seriously sub standard and potentially hazardous. The development subject of this appeal would generate additional vehicular movements which would make matters

worse at the junction, particularly if there were additional movements by heavy goods vehicles...In my judgement, on highways grounds alone, the appeal must fail."

- 5.15 My reassessment of the status of planning permission MK/4/71/739 since the 1998 applications were determined also has a bearing upon the highway safety aspects relating to the current applications. When the 1988 applications were considered, whilst the warehouse developments would have resulted in additional vehicular movements, they had to be assessed against the presumption at the time that an extant planning permission existed for industrial/warehouse development (the "fall back" position). However, if there is no "fall back" position for industrial/warehouse development on this site, this is a very different starting point from a highway safety perspective.
- 5.16 The proposal would generate additional traffic including HGV movements to and from the site. The existing junction of the access road with the A25 is considered by both Kent Highways and a Government Inspector to be seriously substandard. There is no fall back position for this site against which the current proposal has to be assessed. Accordingly, I can only conclude that the proposed development would cause additional delays to traffic using the Maidstone Road and would also increase the risk of crashes occurring at this busy and sub-standard road junction. As such the schemes are considered to be contrary to policy TP 12 of the KMSP 2006.
- 5.17 With regard to the scale, form and design of the units, policy CP 24 of the Tonbridge and Malling Core Strategy requires all development to be well designed and of a high quality in terms of detailing and use of materials and, through its scale, density, layout, siting, character and appearance, respect its surroundings.
- 5.18 The developments would be located within the confines of the Platt Industrial Estate adjacent to existing warehouse buildings of similar scale, character and appearance. Whilst the proposed buildings would be located on the fringe of the estate, in light of the adjacent buildings and that additional landscaping could be undertaken around these sites, I consider that the buildings would not have a significantly detrimental impact upon the character of the locality.
- 5.19 I note the concerns of the local residents regarding the impact of the development upon their amenity. However, the DHH has not objected to the proposed developments although some conditions have been suggested. Given the location of the application sites relative to the residential properties in Maidstone Road, and the range of employment uses that already exists within the Platt Industrial Estate, I think it would be difficult to argue with any conviction that the developments now proposed would result in additional noise and disturbance such as might justify a ground for refusing planning permission.
- 5.20 In light of the above, I consider that the proposed developments should be refused permission and recommend accordingly.

6. Recommendation:

(A) TM/06/00966/OA:

6.1 Refuse Planning Permission for the following reasons:

- 1 The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in PPG2: Green Belts and policies SS2 of the Kent and Medway Structure Plan 2006 and CP 3 of the Tonbridge and Malling Core Strategy 2007. The proposed development constitutes inappropriate development and is therefore contrary to policies SS2 and CP3.
- 2 The development by reason of its nature, size and position within the site would be contrary to saved policy P6/17 of the Tonbridge and Malling Borough Local Plan 1998 as it is not considered to be limited infilling directly related to the existing use(s) of the site and would result in a major expansion of the developed proportion of the site.
- 3 The proposed development by reason of the additional number of vehicle movements associated with it, including those made by HGVs, and because the junction of the estate road with the public highway is already considered to be seriously sub-standard, is likely to cause additional delays to traffic using the Maidstone Road and increase the risk of accidents occurring at this junction. As such, the development is contrary to policy TP12 of the Kent and Medway Structure Plan 2006.
- 4 The Local Planning Authority does not consider that there is any justification, in the circumstances of the present application for overriding the planning policy objections.

(B) TM/06/00930/OA:

6.2 Refuse Planning Permission for the following reasons:

- 1 The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in PPG2: Green Belts and policies SS2 of the Kent and Medway Structure Plan 2006 and CP 3 of the Tonbridge and Malling Core Strategy 2007. The proposed development constitutes inappropriate development and is therefore contrary to policies SS2 and CP3.
- 2 The development by reason of its nature, size and position within the site would be contrary to saved policy P6/17 of the Tonbridge and Malling Borough Local Plan 1998 as it is not considered to be limited infilling directly related to the existing use(s) of the site and would result in a major expansion of the developed proportion of the site.

- 3 The proposed development by reason of the additional number of vehicle movements associated with it including those made by HGVs, and because the junction of the estate road with the public highway is already considered to be seriously sub-standard, is likely to cause additional delays to traffic using the Maidstone Road and increase the risk of accidents occurring at this junction. As such, the development is contrary to policy TP12 of the Kent and Medway Structure Plan 2006.

- 4 The Local Planning Authority does not consider that there is any justification, in the circumstances of the present application for overriding the planning policy objections.

Contact: Matthew Broome