

TM/74/140 Granted 18.07.1974
(Phase 2)
Three warehouse units.

MK/4/73/546 Granted 18.01.1974
(Phase 1)
Warehouse and ancillary office accommodation with estate road.

MK/4/73/95 Granted 26.04.1973
(Phase 1)
Warehouse and ancillary office and estate road.

MK/4/71/739 Granted 26.07.1972

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

5. Consultees:

(A) TM/06/00966/OA:

5.1 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/98/00085/OA and TM/98/00086/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.

5.2 KCC (Highways): On the understanding that the reference made in our previous response to the previous 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 application TM/02/02986 and the subsequent appeal decision (dismissal) has not changed.

5.3 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.

5.4 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 Folkstone 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.

5.5 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 use 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.

5.6 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.

(B) TM/06/00930/OA:

- 5.7 PC: The PC's comments regarding this application are identical to those relating to application (A).
- 5.8 KCC (Highways): The advice from the Highways Authority is the same as that in relation to application (A).
- 5.9 DHH: The comments are the same as those in respect of application (A).
- 5.10 Network Rail: Network Rail request that suitable conditions be used to safeguard their property from the proposed development.
- 5.11 Private Reps: 13/0S/0X/2R: The reasons for objecting are the same as those specified in relation to application (A).

6. Determining Issues:

- 6.1 The sites are located within the Metropolitan Green Belt where development is restricted. However, the sites lie within the Platt Industrial Estate to which TMBLP saved policy P6/17 (a) 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.
- 6.2 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 as they are speculative developments. The proposals would also significantly increase the developed proportion of the site. As such, the development has to be considered as being contrary to policy P6/17 and is, therefore, inappropriate development within this Green Belt location.
- 6.3 As such, it has to be considered as to whether very special circumstances exist that should outweigh the principal policy objection to this proposal.
- 6.4 When planning applications TM/98/00085/OA and TM/98/00086/OA (which were essentially for the same development as is currently proposed), the Council accepted that planning permission granted under MK/4/71/739 had been implemented and was extant. This permission related to an area of the industrial estate that included the current application site areas. This permission related to the formation of an access road to serve future industrial development and the change of use of land to industrial and warehousing. The belief that this permission was extant and that permission existed for commercial development within these sites was a significant material consideration that led the Council to

determine that very special circumstances existed which outweighed the Green Belt policy objection to the 1998 schemes.

6.5 However, having carried out further investigation of the planning history of these sites, I now consider that planning permission granted under ref. MK/4/71/739 has not been implemented. As such I am of the opinion that this permission is not extant as was previously thought to be the case. My reasons for reaching this conclusion are as follows:

6.6 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 industrial estate that became known as Phases 1 and 2

6.7 Condition ii of planning permission MK/4/71/739 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.

6.8 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 (under refs. MK/4/73/95 & MK/4/73/546). Full planning permission was also granted for the erection of three warehouse units on land which is now known as Phase 2 (ref. MK/4/74/140). Details were included on these applications of the access roads that would serve these buildings.

6.9 In light of the fact that the requirements of condition ii of planning permission MK/4/71/739 do not appear to have been discharged, and that full applications for warehouse buildings (including the access roads serving them (Phases 1 and 2) were submitted shortly after that application was granted permission, I consider that the developments located within Phases 1 and 2 of the industrial estate were undertaken in accordance with the planning permission refs. MK/4/73/95, MK/4/73/546 and MK/4/74/140. As such I do not consider that the earlier planning permission MK/4/71/739 was actually implemented. Consequently, my conclusion

is that there is not an extant planning permission for industrial and commercial development within the sites of Phases 3 and 4, Platt Industrial Estate.

- 6.10 The applicant and their agents have submitted documents to the Borough Council in an attempt to demonstrate that planning permission MK/4/71/739 remains extant. However, the various documents submitted do not satisfactorily demonstrate that the information required by condition ii of planning permission MK/4/71/739 was submitted to and approved by the Local Planning Authority.
- 6.11 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 developments are contrary to PPG 2 and policies SS2 of the KMSP and CP3 of the CS.
- 6.12 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.
- 6.13 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.
- 6.14 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.
- 6.15 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 parking. 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."

- 6.16 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.
- 6.17 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 sub-standard. 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.
- 6.18 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.
- 6.19 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.
- 6.20 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 exist 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.
- 6.21 In light of the above, I consider that the proposed developments should be refused permission and recommend accordingly.

7. Recommendation:

(A) TM/06/00966/OA:

7.1 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 development by virtue of its nature is contrary to policy SS8 of the Kent and Medway Structure Plan 2006.
5. 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 to the proposed development.

(B) TM/06/00930/OA:

7.2 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 development by virtue of its nature is contrary to policy SS8 of the Kent and Medway Structure Plan 2006.
- 5 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