

Borough Green **560474 156858** **1 September 2009** **TM/09/01765/FL**
Borough Green And
Long Mill

Proposal: Removal of conditions, being condition 10 of TM/83/166,
condition 9 of TM/87/1591 and condition 7 of TM/00/00461 to
allow goods vehicles to be in operation on an unrestricted
basis
Location: Hornet Business Estate Quarry Hill Road Borough Green
Sevenoaks Kent TN15 8QW
Applicant: Hornet Engineering Ltd

1. Description:

- 1.1 Members will recall that this item was deferred from the 3 February 2010 meeting of the Area 2 Planning Committee for the Chief Solicitor to submit a report under Part 2 of this agenda to inform Members of the potential implications of refusing planning permission for this development and whether the areas identified by Members as potential grounds for refusal could be supported. The application was also deferred regarding landscaping and for an assessment as to whether the proposed S106 Agreement and the private Haul Road agreement would be affected by any future changes in ownership.
- 1.2 A copy of my previous main and supplementary reports is attached as an Annex to this report.
- 1.3 The applicant's agent has submitted further information for consideration following Members decision to defer this application. This includes details of the tree and shrub planting that has taken place within the embankment that is located along the south side of the haul road, immediately to the north of the application site. The applicant has also confirmed that he would be happy to include in the proposed S106 agreement a requirement that all goods vehicles going to and from the site are routed via the haul road at all times **day or night** (my emphasis).
- 1.4 The applicant has also stated that he is prepared to provide black and white roadside signage to direct goods vehicles to and from the site along the haul road.

2. Consultees: (additional to those contained in my previous reports)

- 2.1 DHH: Further to our recent meeting in which we discussed the comments received from Borough Green Parish Council, in respect of the above application; I have revisited the site, to review the EP Team's position, and I would make the following comments:
 - 2.1.1 The roundabout which provides access to the site is in a dip and screened. However there is a line of sight to the closest properties in Conyerd Close and Quarry Hill Road.

2.1.2 The private Haul Road is in a dip and banked as it leaves the roundabout. There is an incline on Quarry Hall Road as it leaves the roundabout.

2.1.3 The EP Team have received no complaints regarding vehicle noise from this area.

2.1.4 I understand that the applicant has entered into an agreement with the owner of the private Haul Road to use the private Haul Road. I would support the use of the private Haul Road at all times by vehicles from Hornet Business Estate, which would ensure no traffic from the site will use Quarry Hill Road.

2.1.5 There is the potential for noise disturbance from the use of reversing alarms on vehicles on the site.

Conclusion.

2.1.6 Having reviewed the information provided previously to you regarding the above application and following site visits, I write to advise you that the EP Team comment:

2.1.7 It is unlikely that there will be more than one movement of a single heavy goods vehicle (>3500kg) in any five minute period at night and hence the night time noise environment will be considered good as defined within BS 8233 and meet the WHO criterion.

2.1.8 Vehicular use of the roundabout is unlikely to result in excessive noise generation.

2.1.9 The missing portion of earth bund/landscaping on the north side of the access road should be reinstated.

2.1.10 An advisory to be included in the permission that whilst the need for safety is clearly paramount, consideration should be given to the use of adjustable or directional audible alarms or other alternate warning systems for vehicles using the site.

3. Determining Issues:

3.1 The implications of the postulated reasons for refusal of this planning application are discussed in Part 2 of this agenda. However, it is appropriate to consider here the latest comments of the DHH regarding this proposal, without overlapping with the Part 2 report.

3.2 Following the deferral of this application from Committee, the Council's Environmental Protection Team have visited the site again and considered the issue of noise disturbance arising from HGVs travelling along the haul road and specifically when such vehicles approach and travel around the roundabout at the junction of Quarry Hill Road, the haul road and the access road to the site itself. Vehicles would be braking towards or accelerating away from the roundabout, which is why the DHH has looked specifically at this source of road traffic noise.

The DHH has not raised an objection having reconsidered the road traffic noise impact of the proposal upon the amenity of local residents.

- 3.3 I can confirm that the bund (embankment) located along the southern side of the haul road, which is referred to in the DHH's response, has already been reinstated. Any removal of it in future could require planning permission as an engineering operation.
- 3.4 According to the information submitted by the applicant it has been planted with 49 trees consisting of Ash, Oak, Scots Pine, Field Maple and Hawthorn. In addition 70 shrubs have also been planted according to the recently submitted landscaping plan of this bund. Members are advised that soft landscaping itself does not cut out noise.
- 3.5 In light of the above and for the reasons specified in my previous report concerning this application, I recommend that subject to the applicant entering into a S106 Obligation, planning permission be granted.

4. Recommendation:

- 4.1 **Grant Planning Permission** as detailed by Letter dated 14.07.2009, Details of Land Registry dated 14.07.2009, Supporting Statement dated 14.07.2009, Site Plan 002 dated 01.09.2009, Certificate B dated 01.09.2009, Letter dated 01.09.2009, Letter dated 01.09.2009, Section 003 dated 01.09.2009, Letter dated 10.09.2009, Letter dated 16.09.2009, Letter dated 17.09.2009, Letter dated 11.02.2010, Letter HANSONS dated 11.02.2010, Documents PLANTING AGREEMENT dated 11.02.2010, Site Plan 002 (TRAFFIC SIGNS) dated 11.02.2010, Landscaping B24R92 dated 11.02.2010, subject to:

- The applicant entering into a Planning Obligation under section 106 of the Town and Country planning Act 1990 to achieve the following:

To require all goods vehicles accessing and leaving the site to do so only via the haul road. No deliveries or despatch of goods vehicles shall take place via Quarry Hill Road or Rocks Road, and

- The following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. The area shown on the site layout drawings approved under applications TM/83/166, TM/87/1591 and TM/00/00461/FL as vehicle parking space shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development)

Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

3. No materials, plant or other equipment of any description shall be kept or stored in the open other than in areas and to such heights as may be approved in writing beforehand by the Local Planning Authority.

Reason: To avoid obstruction of vehicle parking/manoeuvring areas and to ensure the character and appearance of the development and the locality is not significantly harmed.

4. No manufacturing process or ancillary operation shall be permitted in the service yard except for the delivering and despatch of goods.

Reason: In the interests of the residential amenities of the locality so as to avoid disturbance by reason of noise.

Informative

1. The applicant is advised to fit investigate the possibility of fitting broadband variable amplitude reverse alarms to goods vehicles and forklift trucks operating within the application site.
- 4.2 In the event that the applicant does not enter into a legal agreement as set out in paragraph 4.1 of this report within six months of the date that Members resolve to grant permission, then **Refuse Planning Permission** for the following reason (updating Development Plan policies relevant at that time as necessary):
 - 1 The development would result in unacceptable detriment to the amenities of local residents due to the increase in goods vehicles using residential streets at times when they should expect quiet enjoyment of their property. The development is, therefore, contrary to policy CP 1 of the Tonbridge and Malling Borough Core Strategy 2007, saved policy P6/13 of the Tonbridge and Malling Borough Local Plan 1998 and current Government guidance contained within PPG 24.

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