

Platt **561956 157554** **27 August 2015** **TM/11/03020/OA**
Borough Green And
Long Mill

Proposal: Outline Application: Proposed new industrial building, associated works plus highway amendments to the T Junction of the access road and A25 Maidstone Road. Landscaping details to be reserved
Location: Phase 3 Platt Industrial Estate Maidstone Road Platt Sevenoaks Kent TN15 8JL
Applicant: Prime Securities Limited

1. Description:

- 1.1 This application was originally reported to APC2 on 2 July 2014 and was deferred by Members to allow time for the submission of additional plans regarding the proposed junction improvements, and the implications on parking for nearby residents. Additional plans were received on 23 and 24 July 2014, to show swept paths for different sized lorries exiting the junction. However, the circumstances on site changed and additional clarification and further amendments were necessary before the application could be reported back to APC2.
- 1.2 Following an extended period of discussions with the agents and KCC Highways, further amended plans have now been submitted, in addition to those described above, that show revisions to the pedestrian visibility splays following the removal of a hedge along the side boundary of 1 Whatcote Cottages. This property is also now in the ownership and control of the applicant. Consequently, the red and blue lines of the application site have also been amended to include this property in the 'blue' land and the works to provide the pedestrian visibility splays within the red line of the application site.
- 1.3 Copies of the previous Committee and Supplementary reports are annexed for ease of information.

2. Consultees: (received since July 2014 following reconsultation)

- 2.1 PC: We have in the past applications never objected in principle to this application which could create more employment in our area. However, this additional information does not allay our fears over any increase in traffic movements. This will obviously lead to more lorries and cars (for staff) accessing and egressing the site.
 - 2.1.1 We still object to any scheme that will increase traffic on the A25. This route is already over loaded and all traffic goes through our village either towards Sevenoaks or to the Motorway at Wrotham Heath. it was never designed for this amount of traffic. There appears no difference in substance to the previous proposals, with the exception of a reduced pedestrian sight line (15m down to

11m) and the fact that the applicant has purchased the adjoining property and built a wall, which may be acceptable now, but Kent Highways have no jurisdiction over this property and this could be sold to someone else in the future.

2.1.2 As we commented previously, there are applications pending for an increased storage area for this Estate and KCC consideration for the expansion of Borough Green Sand pits. All leading to increases in traffic. There is only one entrance to this Estate on to the A25, virtually opposite our primary school, which is already congested (and dangerous) and shortly we will have a new school with all its attendant access problems.

2.1.3 We all want more residential and commercial expansion in our area but when will Kent do something about the A25? We have suggested alternative routes several times in the past, but to no avail

2.1.4 We are all aware of the Air Quality problems on the A25 corridor that extend, virtually, from Borough Green to Dunton Green, but all that traffic comes through Wrotham Heath and Platt from the motorways.

2.1.5 We have queried in the past the "swept" path analysis and anybody local will attest to the disruption and danger of long articulated lorries going in and out of this site. Lorries are getting longer, so the problem will not resolve itself.

2.1.6 We would still challenge the previous officers' statement that:

"Any changes in traffic can be satisfactorily accommodated without conflict with the rural amenity, without prejudice to highway safety and bring beneficial changes if possible;"

This is patently not true

2.1.7 We have no option but to oppose this and any future development that will exacerbate the existing problems on this trunk route until alternatives are offered

2.2 KCC (Highways): The applicants have now provided swept path analyses for:

- A 10.201m long large tipper (turning radius 11.550m)
- A 15.500m long articulated vehicle (turning radius 6.750m) and
- A 16.500m long articulated vehicle (turning radius 6.870m)

2.2.1 I consider that the improvements proposed offer optimum betterment within the site constraints and is proportional to the application in hand. On behalf of the Highway Authority I write to confirm therefore that I have no objection to this application.

2.2.2 In response to pedestrian visibility amendments Following my response of 31 July 2014 a review of the safety audit revealed that the junction improvements proposed were detrimental to pedestrian visibility crossing the junction bell mouth and that this needed to be addressed. I confirm on behalf of the Highway Authority that I now consider that the applicant has satisfactorily considered and addressed this issue.

2.2.3 The number of HGV movements associated with this proposal has been confirmed and it is considered that these are of a minimal impact in traffic generation terms. The applicant is however proposing enhancements to the junction and has undertaken a number of swept path analyses which in my view demonstrate an improvement over the existing arrangement for all vehicles using this junction. Should these improvements be implemented they will be subject to a Section 278 agreement with this authority.

2.2.4 I can confirm from a study of crashmap.co.uk that there have been two injury crashes at or near to the junction with the A25 in the last nine years. One in 2011 was categorised as a serious injury to a casualty who was walking on the footway opposite. The other in 2013 involved a moped travelling eastbound. The rider hit the road after striking a sunken drain cover causing slight injury. No other vehicles were involved.

2.2.5 In view of the crash record, the number of forecast trips and the enhancements to the junction proposed, I write to confirm on behalf of the highway authority that I have no objection to this application.

2.3 Private Reps: 9 additional letters of objection have been received. Objections have been raised on the following grounds:

- The proposed junction changes will have a limited impact on its use by large lorries.
- Lorries will still swing out across the centre line of the road as the A25 is too narrow.
- An alternative access road into the estate is required and long overdue, the applicants are aware of the long standing concerns.
- The proposed yellow lines will have an impact on car parking, as existing spaces are not sufficient for local residents.
- There is nowhere safe to park for local residents.
- Removal of the hedge has resulted in a greater visual impact and increased noise from the use of the access road.
- Lorry movements from the site take place 24 hrs a day.

- Local residents are not being considered in these plans and noise and pollution in the area is already very high, any increase in traffic movements will increase these issues further which is already above recommended standards and is unacceptable.
- No further development on the industrial estate should be allowed until amenity issues have been sufficiently addressed and noise levels reduced.
- Lorries will be closer to residential properties and vibration for residents will increase, the proposal puts residents' health and life at greater risk.
- The works proposed to the junction will make crossing the junction even harder, it is already dangerous, reducing the pavement will make the situation much worse and make visibility for pedestrians and lorry drivers worse than the existing situation. Crossing the junction is already very hazardous and a serious safety concern.
- School children will be crossing this junction to get to the new school and most properties have young families, their safety will be affected.
- Increasing the distance across the junction that pedestrians need walk is going to make crossing it more dangerous.
- The number of parking bays will be reduced, is alternative parking going to be provided for local residents. There are 6 bays and 10 vehicles that park in this area, there is nowhere else to park cars for residents.
- Replacement car parking could be provided on 1 Whatcote Cottages or a rear access road provided, suitable provision needs to be provided.
- The A25 cannot cope with additional traffic from the proposed development.
- The speed limit of the road also needs to be reduced and a pedestrian crossing installed.
- The plans submitted are inaccurate, providing false information and show no consideration for residents or safety. This is not an acceptable solution.
- The works will increase the risk of a serious accident.

3. Determining Issues:

- 3.1 The Annexed reports deal in some detail with the planning policy position of the proposed development on this site. The application site forms an employment land allocation in the DLA DPD and the site is also a Major Developed Site in the Green Belt. The relevant policies to consider are M1, E2 and E3 of the DLA DPD. Paragraph 28 of the NPPF also identifies the need to support sustainable growth

and create jobs in rural areas. The previous reports therefore need to be read in conjunction with the matters to be discussed in more detail below which centre on the reasons for which the application was previously deferred by Committee.

- 3.2 Before discussing the technical detail concerning the additional and amended plans that have been submitted which seek to further illustrate the impact of the proposed junction improvements, it should be noted that Paragraph 32 of the NPPF clearly states that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*
- 3.3 Turning to the technical details now provided, the submitted swept path plans show the junction as existing and proposed. Drawing number SK07 shows the tracking of the proposed realigned junction with regards to HGV movements for a 15.5m long articulated vehicle, and drawing number SK12 shows the realigned junction without the associated tracking information. Drawing number SK09 shows the tracking for a 16.5m long articulated vehicle, in answer to concerns regarding the manoeuvring capabilities of a vehicle of this size using the realigned junction.
- 3.4 More recently, an additional drawing (SK13) has been submitted to show an improvement to pedestrian visibility splays following the applicant's purchase of 1 Whatcote Cottages and the subsequent removal of part of the high boundary hedge that was previously outside the control of the applicant or the County Council. (A new brick boundary wall, at a lower height, has been constructed to form the new boundary to 1 Whatcote Cottages). A further drawing (SK14) shows the existing car parking bays on Maidstone Road and that the proposed works to the junction do not affect or reduce the number of those car parking bays.
- 3.5 In my view, these plans identify that the proposed junction works being put forward by the applicant would be an improvement to the existing situation in terms of manoeuvrability and would not result in the loss of any parking spaces in the adjacent layby to the front of the terraced properties. The only impact would be to where the kerb tapers off to form the layby at the front of these properties. This would amount to a slight reduction in the length of the taper leading into the layby, but would not affect the actual parking spaces available within the layby. The tapered part of the layby will be shorter than present but that part cannot accommodate a legally parked car/van in either the existing or proposed layout, as it would be too narrow in width in any case.
- 3.6 The proposed junction improvements will also result in a reduction in the depth of the footway at the corner of Maidstone Road and the access road to Platt Industrial Estate. This would not however reduce parking availability as this reduction in width of the footway does not affect the layby. Any parking on this part of the footway at present (like all parking on footways) is unauthorised and should not be safeguarded in the proposed plans. The submitted plans also show that double yellow lines are to be extended to include the junction, and that

pedestrian visibility is improved for those crossing the junction. KCC H&T have no objection to the extension of double yellow lines around the junction which endorse that no cars should be parking at this point.

- 3.7 The tracking information provided in connection with the implications arising from the junction improvements related to the movements of a 16.5m long vehicle, show that the minimum gap created to the footway opposite increases from 1.2m to 2.2m. The above gap measurements vary for different sized lorries due to the different axle number/configuration of the longer vehicles, with the 15.5m long vehicle shown to be the worst case scenario, as it has a larger swept path than the 16.5m long vehicle due to the axle arrangement.
- 3.8 In terms of the proposed pedestrian visibility, it is my view that this has been already been significantly improved by the removal of part of the high boundary hedge along the access road that restricted views for both lorry drivers of pedestrians and for pedestrians of lorries on the access road when trying to cross the junction. A significant number of objections have been raised at the reduction of the footpath, which also forms part of the pedestrian viability proposals, at this point on the allegation that it makes crossing more difficult for pedestrians. The objections are raised due to pedestrians needing to take longer to cross the road and not being able to see traffic until standing much closer to the junction than the current line of the footpath allows. However, increased visibility for both users is considered to be a more beneficial outcome overall than the current situation.
- 3.9 It should be noted that KCC (H&T) raised no objection to the junction works as originally submitted and considered them to result in improved highway safety for users of the junction, cars travelling along Maidstone Road and for pedestrians crossing the junction. The additional drawings submitted following the last Committee show that this would still be the case no matter the size of the vehicle utilising the junction. These latest swept path plans have been fully considered by KCC H&T who have confirmed the view that the improvements offer “optimum betterment within the site constraints” and are proportional to the application in hand. No objection is therefore raised to the junction works on the grounds of highway safety in line with Policy SQ8 of the MDE DPD and paragraph 32 of the NPPF.
- 3.10 I recall that KCC (H&T) have raised some concerns regarding pedestrian safety since the application was last reported to APC2 but these have been fully resolved with the recent additional plans in respect of pedestrian visibility as described above. They have also confirmed that the HGV movements and traffic generation associated with this proposal are minimal and represent just a 2.2% increase. The issues that are largely addressed in this report are long standing and would not be exacerbated by such an extent to result in a severe impact on highway safety in terms of either vehicle movements or traffic generation. With this in mind, it is important to recognise that the proposed junction improvement works are not *required* in order to make the development acceptable in planning terms,

moreover they have been *offered* by the applicant as way in which to improve upon an historic situation which causes local concern. This is an important distinction to make because requiring the works through condition or legal agreement would not be considered proportionate or reasonable and therefore would not meet the tests set down in the NPPF. Nevertheless, the proposals put forward by the applicant should be welcomed as a positive and proactive response to local concern. The applicant is currently considering the preparation of a Unilateral Undertaking detailing the works to be undertaken in this regard and further detail of this will be reported as a Supplementary matter for Members continued information.

- 3.11 In respect of additional noise, pollution and amenity issues that have been raised in the recent representations, these matters are largely addressed in the previous reports to APC2 and a noise assessment identified a limited effect overall, being within acceptable standards for a new proposal.
- 3.12 I refer back to the previous reports in respect of planning policy considerations which identify that, in principle, the erection of an industrial unit on the site is acceptable in policy terms and forms an employment policy allocation. These reports also identify that the proposal will be generating local jobs and expanding an existing local business, which should be welcomed in general terms.
- 3.13 For the reasons discussed above, and in my original annexed reports, the proposed development would also accords with national and local planning policy, and would not significantly harm highway safety or result in significant traffic generation that can not be accommodated by the highway network. As such, I recommend that planning permission be granted subject to planning conditions.

4. Recommendation:

- 4.1 **Grant Planning Permission** in accordance with the following submitted details: Elevations 3999-003 C received 01.11.2011, Floor Plan 3999-004 A received 29.07.2011, Topographical Survey received 05.07.2012, Topographical Survey received 23.07.2012, Site Plan 3999-002 E received 05.07.2012, Letter received 01.11.2011, Letter received 18.06.2012, Letter received 05.07.2012, Letter received 23.07.2012, Design and Access Statement received 01.11.2011, Transport Assessment received 01.11.2011, Planning Statement received 18.06.2012, Desk Study Assessment received 18.06.2012, Habitat Survey Report received 18.06.2012, Letter received 20.01.2014, Letter received 05.02.2014, Certificate B received 05.02.2014, Email received 20.01.2014, Road Safety Audit received 20.01.2014, Survey Reptile received 20.01.2014, Tree Report received 20.01.2014, Letter received 20.09.2012, Engineering Layout 614034/SK05 A 10.201m received 06.03.2014, Engineering Layout 614034/SK07 15.500m received 23.07.2014, Noise Assessment received 20.06.2014, Engineering Layout 614034/SK09 16.500m received 24.07.2014, Email received 24.07.2014, Email received 20.05.2015, Letter received 29.05.2015, Drawing 614034/SK12

received 21.05.2015, Details 614034/SK13 received 21.05.2015, Drawing 614034/SK14 received 21.05.2015, Email received 28.05.2015, Location Plan 15/137/01 received 28.05.2015, Topographical Survey received 23.07.2012, Email received 22.07.2014, subject to the following conditions:

Conditions

1. Approval of details of the landscaping of the site, (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. No new development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

4. If during the development, contamination not previously identified is found to be present on site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure any contamination encountered during construction works on site is properly investigated and in necessary remediated in accordance with the National Planning Policy Framework aims for sustainable development. The site lies within a location where groundwater is vulnerable to pollution, due to the presence of a principal aquifer beneath the site and the location within Source Protection Zone 3 for local public water abstractions.

5. Prior to the commencement of the development, a detailed reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. This strategy should include measures for reptile relocation from the site prior to development. All work shall then progress in accordance with the agreed mitigation strategy, unless otherwise approved in writing beforehand with the Local Planning Authority.

Reason: In order to ensure that the reptiles found on site are adequately protected.

6. No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied and,

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

7. The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

8. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

9. No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

10. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

11. The business shall not be carried on outside the hours of 06.00 to 22.00 Mondays to Fridays and 8.00 to 13.00 Saturdays, with no working on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

12. There shall be no open storage of materials, plant or equipment outside the area(s) shown for such use on the approved plans, and the height of open storage shall not exceed 2 metres.

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.

13. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it 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 or 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 of vehicles is likely to lead to hazardous on-street parking.

Informatives

1. Prior to occupation, the applicant is required to enter into a Section 278 agreement with the Highway Authority in order to achieve the necessary associated off site highway works.
2. No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact the Public Rights of Way officer before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then the Public Rights of Way office at Kent County Council will deal with any application. The Public Right of Way must not be stopped up, diverted, obstructed or the surface disturbed. There must be no encroachment on the current width, at any time now or in the future and no furniture or fixtures may be erected on or across the Public Right of Way without consent.
3. The exact position of foul sewers must be determined on site by the applicant before the layout of the proposed development is finalised. All existing infrastructure should be protected during the course of construction works.
4. No new soakaways should be located within 5 metres of a public sewer and no excavation/development or new tree planting should be located within 3 metres of either side of the centreline of the foul rising main and foul sewer.
5. A formal application for connection to the public sewerage system is required in order to service this development. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access, before any further works commence on site. The applicant is advised to discuss this matter further with Southern Water.

6. The applicant should contact 03708 506506 or consult the Environment Agency website to establish whether any EA consent will be required. www.environment-agency.gov.uk
7. The developer is advised to:-
 - i) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination;
 - ii) Refer to the Environment Agency Guiding principles for land contamination for the type of information that is required in order to assess risks to other receptors such as human health.
 - iii) Refer to the website at www.environment-agency.gov.uk for more information.
8. Care should be taken during and after construction to ensure that all 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. The areas for storage should not drain to any surface water system.
9. If it is proposed to store more than 200 litres (45 gallon drum = 205 litres), or any type of oil on site, it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.
10. If any protected species is encountered during the course of the development, then works should cease and advice sought from an ecological consultant in accordance with the Wildlife and Countryside Act 1981.
11. The applicant is advised that the mammal hole on the southern boundary of the original reptile survey area be monitored in conjunction with the reptile mitigation strategy to establish whether it is being used by badgers.
12. The applicant is strongly advised to contact the Environmental Protection Team at the Local Authority to determine what changes will be needed with regard to the Environmental Permit, which the current site is subject to, issued by the Environmental Protection Team under Regulation 13 of the Environmental Permitting Regulations 2010 (as amended).
13. During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours; on Saturday 08:00 to 13:00 hours, with no work on Sundays or Public/Bank Holidays.
14. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.

Contact: Lucinda Green