

Platt
Borough Green And
Long Mill

11 November 2015

TM/15/03084/FL

Proposal: Erection of an industrial building comprising 3 no. light industrial units, with associated vehicle access and parking
Location: Phase 4 Platt Industrial Estate Maidstone Road Platt Sevenoaks Kent
Applicant: Prime Securities Ltd
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1. Description:

- 1.1 The application proposes the erection of a new industrial building on a currently vacant plot of land within Platt Industrial Estate (known as Phase 4) to create a building comprising 3 light industrial units, with a new access, parking and turning areas and associated engineering works, fencing and landscaping.
- 1.2 The building would measure 51m wide x 28.5m deep (1454m²) x 7m high. Each unit provides a ground floor area of about 485m², consisting of a large workshop area and small ancillary office; a first floor mezzanine provides additional ancillary office space (78m²).
- 1.3 The building has been designed with 3 shallow dual pitched roofs hidden behind a parapet, clad with insulated metal profile roof sheeting. The external walls are to be constructed of face brick for the first 2.1m from floor level with grey/white metal panel cladding above. Windows, doors and roller doors are to be provided within the front elevation. Fire escape pedestrian doors and railings are proposed within the side and rear elevations. The window and door frames are to be olive green coloured powder-coated aluminium. The roller doors are to be olive coloured metal cladding. Solar panels and roof lights are to be located on the roof.
- 1.4 The building is to be set back a minimum of 28m from the front boundary, 3m from the rear boundary and 1.5m from the side boundaries.
- 1.5 A new access point is proposed within the northern section of the main frontage. The area between the building and the frontage is to be tarmac, with a total of 37 car parking spaces, including 2 disabled spaces, and turning/manoeuvrability areas provided. A refuse storage area is proposed within the southeast corner of the site. A retaining wall to the east side of the car parking area is to be provided 3-4m back from the frontage to respond to the change in site levels. A 2m high acoustic fence and landscaping are proposed across the frontage, both sides of the vehicle access.
- 1.6 Foul sewage is to be disposed of to the mains sewer. Surface water is to be directed to a large soakaway. A sustainable drainage scheme has also been submitted.

- 1.7 A Design and Access Statement, an Extended Phase 1 Habitat Survey, Phase 1 Desk Study and a Transport Assessment have been submitted with the application. A further Transport Statement and AADT Traffic Flows were received on 19 July 2016 and 11 August 2016, respectively.
- 1.8 A unilateral undertaking has been submitted for improvement works to the Platt Industrial Estate access road/Maidstone Road junction, which includes a revised plan for the junction works (Drg.No.614034/SK16).

2. Reason for reporting to Committee:

- 2.1 The application has been called in to Committee by Councillor Taylor due to local concern.

3. The Site:

- 3.1 The application site is a vacant (and overgrown) parcel of land within Platt Industrial Estate located on the west side of the main access road from Maidstone Road, just to the north of the railway bridge. The site provides an enclosed setting situated between the railway line (south), Holmesdale Business Park (north) and a group of 7 light industrial units (west). The substantial industrial buildings relating to Kentinental Engineering and Mill Place lie close by to the northwest and north respectively. These surrounding industrial buildings display heights of 6m - 8.5m and are clad in a mix of brickwork and metal cladding, and provide a cluster of established industrial units within Platt Industrial Estate.
- 3.2 The topography of the site and surrounding land varies considerably with the site sloping noticeably down to the north from the railway bridge and dropping away substantially to the west toward the rear of the group of 7 industrial units. The land rises on the east side of the access road.
- 3.3 There is a group of mature cypress trees along the southern boundary adjacent to the railway line and along the northern boundary. A mature TPO tree is situated adjacent to the front northeast corner of the site.
- 3.4 The residential property of Bassetts Cottage lies directly opposite the application site to the east. Hollymount House and The Old Stables lie to the northeast of the site. The Old Stables has recently been granted planning permission for conversion to a dwelling.
- 3.5 The site is within the countryside, Metropolitan Green Belt and a Water Catchment Area. Maidstone Road is a Classified Road (A25). The site is allocated in the DLA DPD as a Major Developed Site in the Green Belt (Policy M1) with site specific caveats identified (Policy M1(3)(c)) and Other Employment Land (Policy E2). A Public Right of Way (PROW) follows the access road past the frontage of the site.

4. Planning History (relevant):

TM/78/10220/FUL Refuse 1 September 1978

2 warehouse units (Phase iv) on site of demolished cottages.

TM/80/11061/FUL Refuse 21 January 1980

Two warehouse units.

TM/81/10223/FUL grant with conditions 15 June 1981

Phase 4, erection of 2 warehouse units including improvements to junction of estate road with A25.

TM/84/10834/FUL grant with conditions 27 February 1984

Parking of commercial vehicles together with ancillary maintenance for period of one year.

TM/85/10137/FUL grant with conditions 25 March 1985

Renewal of planning permission TM/84/69 for parking and ancillary maintenance of commercial vehicles for further period of one year.

TM/98/00085/OA Grant With Conditions 3 November 1998

Erection of two warehouse units with ancillary office accommodation and vehicular parking spaces

TM/06/00930/OA Refuse 27 March 2008

Erection of 2 no. warehouse units with ancillary office accommodation and vehicular parking spaces

5. Consultees:

5.1 PC: Objection to the application on the following grounds:

- Highway safety concerns from increased traffic
- Increased noise and pollution levels would impact residential properties and the proposed new primary school
- No restriction of hours of operation would be unacceptable
- Concerns relating to the access to Platt Industrial Estate.

5.2 KCC (Highways): The following comments were received (18.02.2016):

- A systematic Transport Statement should be provided that methodically sets out existing and current traffic flows, committed and predicted development

traffic flows, determination of an anticipated year of opening and total forecast traffic flows at opening

- Access, turning and leaving for goods vehicles have not been satisfactorily demonstrated

5.2.1 Comments received in relation to the revised transport statement (19.05.2016):

- The definitive site layout should be clarified and what lorries are intended to use it
- Full entry and exit turning movements need to be demonstrated to establish servicing ability
- The junction improvements plan should be revised to provide a square parking bay
- 31 car parking spaces is acceptable but 2 spaces should be designated for the mobility impaired
- Clarification as to the pedestrian visibility in front of No.1 Whatcote Cottages

5.2.2 Comments received in response to additional transport statement and AADT traffic flow information (23.08.2016):

- It is noted that turning for service vehicles includes manoeuvres within the building and therefore such a facility should be retained for that use in perpetuity
- It is suggested that cycle parking be provided within the northwest corner of the forecourt
- Drawing No. 614034/SK16 is acceptable given visibility to the east for emerging is realistically to the westbound carriageway
- The operation of the junction, with the proposal, is well within capacity
- Construction of the amended junction should be completed prior to commencement of implementation of the development
- In the subsequent response, pedestrian visibility to traffic of all vehicle types on the private road will not be any worse, as advised in a safety audit, than that existed prior to the alterations made to 1 Whatcote Cottages
- Subject to the above, the highway authority has no objection to the application

5.3 KCC (Heritage): The site lies within an area which has revealed evidence of Roman activity. Roman pottery, possibly a cemetery is known to the north east and associated activity may extend into the application site. This site seems to be unquarried but there has historically been quarrying in this area for many years. Brickworks are noted to the north on the 1st Ed OS map and further quarrying developed to the east. There is also a post medieval or earlier farm (Bassetts

Farm) known just to the east and associated remains may extend into the application site. In view of the above potential for archaeology it is recommended that a condition requiring a programme of archaeological work to be submitted for approval be placed on any forthcoming consent.

- 5.4 KCC (SuDS): No objection to the proposed drainage strategy. Ground investigations should be undertaken to confirm the soakage potential of the underlying soils and confirm that sufficient unsaturated zone can be accommodated below the proposed cellular soakaway. We would recommend the EA's groundwater protection team are consulted to confirm whether they have any additional requirements to be considered within the detailed design given that the site lies within a Zone III groundwater source protection zone
- 5.5 KCC (PROW): Public Right of Way MR251 footpath runs inside the southern end of the boundary and is currently the vehicular access track to the site and should not affect the application.
- 5.6 EA: We have assessed this application as having a low environmental risk. We therefore have no comments to make.
- 5.7 Network Rail: The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not affect the existing or future structures on Network Rail land.
- 5.8 Private Reps: 9/0X/9R/0S + site notice + press notice (departure/PROW and Major Development). The objections raised have been summarised below:
- The development will add to the traffic and pollution already generated by the heavy use of the access road to the Estate which would impact on adjacent residential amenity and the future new school
 - The development would be detrimental to the living conditions and privacy of adjacent residential occupiers due to the 24 hours 7 days a week use of the site, constant vehicle movements, noise and pollution generated and light impact from floodlights and vehicle lights
 - The increase in traffic volume from the development would exacerbate traffic congestion at the narrow bridge and pedestrian safety at the unsatisfactory junction
 - The development would exacerbate noise and dust impact from increased vehicle movements to and from the Estate which would affect health
 - The junction works would reduce pedestrian visibility

6. Determining Issues:

- 6.1 The site is part of the long standing commercial/industrial area of Platt Industrial Estate which is situated outside of the settlement confines of Platt. The site has been the subject of a number of planning permissions over the years. The most

relevant are TM/80/1268 (2 warehouse units and junction improvements) and TM/98/00085/OA (2 warehouse units), neither of which have been implemented.

- 6.2 A further application (TM/06/00930/OA) was refused in March 2008 due to its impact on the Green Belt, its size and scale, and impact on traffic and highway safety as a result of the sub-standard junction at Maidstone Road. It is noted that since this time the Council's MDEDPD and DLA DPD have been adopted and permission has been granted for development on the Phase 3 site under reference TM/11/03020/OA.
- 6.3 It is also noted that temporary permissions were granted in the mid-1980s for the temporary parking of commercial vehicles on the site.
- 6.4 These previous permissions and applications remain material considerations in the assessment of this current scheme.

Green Belt

- 6.5 The application site is situated in the Green Belt where Policy CP3 of the TMBCS advises that National Green Belt policy will apply (Section 9 of the NPPF).
- 6.6 Paragraph 87 of the NPPF advises that *“as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
- 6.7 Paragraph 88 of the NPPF states that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*.
- 6.8 Paragraph 89 of the NPPF advises that the construction of new buildings should be regarded as inappropriate in the Green Belt. One of the exceptions to this is *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*
- 6.9 The site is currently vacant and overgrown. Two permissions were granted in the mid-1980s to use part of the site for the temporary parking of commercial vehicles but from Council records this cannot be verified as having been implemented. However, whether considered to be previously developed land or not, the proposed development introduces a new industrial building that would clearly have a greater impact on the openness of the Green Belt than that existing and would therefore be *inappropriate development*. A case of very special circumstances therefore needs to be justified.

- 6.10 The site presents a unique setting in that it is largely physically enclosed within the landscape by existing industrial buildings to the west and north, a residential property to the east and the railway to the south, which, in my view, has already compromised openness to a significant degree.
- 6.11 The buildings surrounding the site include Holmesdale Business Park (8.5m high) adjacent to the north, Units 1-7 Platt Industrial Estate (100m long and 6-7m high) adjacent to the west, Kentinental Engineering (8m high) further to the northwest and Mill Place (6-7m high) further to the north. Together these industrial buildings provide an intensive group of large scale built form within the Estate. There is also an extant permission (TM/11/03020/OA) for a large scale industrial building 8.3m high on the northern section of the Phase 3 site. The proposed building would be of a comparable size and scale to the adjacent existing buildings.
- 6.12 The railway line to the south has been substantially cut into the land, providing a highly visible feature within the landscape that clearly demarcates and encloses the southern extent of the application site. The residential property of Bassetts Cottage is sited partially opposite the application site to the east.
- 6.13 The topography of the land rises to the east across the access road and to the south towards the bridge and railway line. The site is therefore situated within a dip some 8.5m lower than the rising gardens of Hollymount House and 3.5m lower than Maidstone Road and is sited on the western downslope of the land. This further shows the enclosed nature of the site.
- 6.14 Therefore, although the proposed development would impact on the openness of the Green Belt, given the unique site specific circumstances discussed above, I consider that this impact on openness would be minimal in this case.
- 6.15 Paragraphs 18 and 19 of the NPPF support sustainable economic growth, on which significant weight should be placed. Paragraph 28 supports a prosperous rural economy and confirms the commitment to supporting economic growth in rural areas to create jobs and prosperity. It advises that support should be given for the sustainable growth and expansion of all types of business and enterprise in rural areas through well designed new buildings.
- 6.16 The Council's Employment Land Review identifies Platt Industrial Estate as an 'average' employment site that currently meets a local need. It provides the following review:

Platt Industrial Estate was constructed in the 1970s, but was recently partially refurbished. It comprises of well maintained, relatively good quality B1, B2 and B8 units that range from 2,000 to 80,000sq ft. There is scope to intensify the site within the current boundary. However, access would require upgrading as part of any redevelopment. The site is isolated from nearby settlements by the rail line. The A25 is accessed via Maidstone Road and in terms of public transport, the site is approximately 1.5km from Borough

Green train station and is served by a local bus service, there is also car parking provided on site. This is a reasonable employment site that offers a range of employment floorspace types to meet local requirements.

- 6.17 In response to the Employment Land Review, the Council is looking to allocate up to 33ha of additional employment land for the Borough in the new Local Plan, with the demand largely being for B2/B8 premises. The amount of employment land development in 'Malling Area Rural' is relatively limited and therefore the delivery of this site for employment purposes with the improvements to the access would assist in accommodating future short term growth that would bring notable economic benefits to the local rural economy.
- 6.18 It is also noted that the established units within the estate appear to be fully occupied which would indicate there is a clear demand for industrial premises in the local area.
- 6.19 The designation of the application site, and the Phase 3 site further to the west, as Other Employment Land for continued employment use, and the previous permissions for similar type of development on the application site, provide a clear commitment through the Development Plan to facilitate industrial development within the undeveloped parcels of Platt Industrial Estate.
- 6.20 Improvements to the junction with Maidstone Road are proposed which are to be secured within a unilateral undertaking submitted with the application. This legal undertaking reflects a similar undertaking submitted as part of the permission granted for development on the Phase 3 site, under reference TM/11/03020/OA, but with minor changes to the parking bay design in line with best practice. These junction improvements represent additional benefits of the scheme.
- 6.21 I therefore conclude that, on balance, when considering the unique setting of the site which demonstrates a high level of physical enclosure that has compromised openness, along with the benefits of the development to the local economy and to the Maidstone Road junction, 'very special circumstances' are shown to exist that would outweigh the harm to the Green Belt as a result of the development's inappropriateness.

Development Plan designations:

- 6.22 The site is allocated in the DLA DPD as a Major Developed Site in the Green Belt, under Policy M1. This allows for infill development or redevelopment provided that:
- 1) it does not lead to any greater impact on the openness of the Green Belt and the purposes of including land within it;
 - 2) it leads to an overall improvement in the environment and does not harm the landscape setting and appropriately integrates with its surroundings;

- 3) 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;
- 4) it does not exceed the height of existing buildings;
- 5) for infill development, it does not result in an extension to the currently developed extent of the site; and
- 6) for redevelopment, the proposed coverage of the site by buildings (i.e. the footprint) is no larger than the ground floor extent of the original buildings unless occupying a larger footprint would achieve a reduction in height which would benefit visual amenity and reduce impact on the wider Green Belt

6.23 This policy also provides site specific requirements for Platt Industrial Estate, requiring any development to protect trees on the site, achieve a satisfactory noise climate having regard to the proximity of the railway line, minimise conflicts with mineral operations in the area, investigate and remediate any land contamination, include any necessary mitigation following archaeological assessment and include any necessary improvement to the access (Maidstone Road junction).

6.24 The proposed new industrial building would clearly impact on the openness of the Green Belt given there are no existing buildings on the site. The development would therefore not comply with provision (1) of Policy M1 (1). It would also not comply with provision (4), which restricts the height of new buildings to that no higher than existing buildings, or with provisions (5) and (6) as the new building would extend the currently developed extent of the site and coverage of buildings on the site.

6.25 The building is sited directly adjacent to the existing substantial light industrial buildings to the west and north, is set at a level noticeably lower than the level of the carriageway and the site is enclosed on the south side by the railway line which forms a substantial excavated feature within the landscape. Existing lines of mature cypress trees along the north and south boundaries of the site are to be retained and additional landscaping is proposed along the front of the site. As a result, I am of the view that the development would appropriately integrate with its surroundings and would not harm the landscape setting. The development would therefore satisfy provision (2) of Policy M1 (1).

6.26 Provision (3) of Policy M1(1), which relates to traffic and highway safety, will be dealt with in a later section of this report.

6.27 The site (and the whole of Platt Industrial Estate) is also designated as 'Other Employment Land' under Policy E2 of the DLA DPD. Areas under this policy are considered suitable for continued employment use subject to new development creating no unacceptable impact on residential or rural amenity by virtue of noise, dust, smell, vibration or other emissions, or by visual intrusion, or the nature and scale of traffic generation. The proposed B1 light industrial use would therefore be

acceptable in principle. The specific matters relating to impact on residential amenity, visual impact and traffic generation will be discussed later in this report.

Development in the Countryside:

6.28 Policy CP14 of the TMBCS restricts development in the countryside to specific development listed in the policy. New industrial development is not specifically listed and therefore the proposal would not comply with this policy.

Character and visual amenity:

6.29 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape.

6.30 The layout of the development and design and appearance of the building are typical of light industrial development in the Borough. The building is set at the rear of the site with car parking and vehicle turning/manoeuvring areas to the front of the site. The building is rectangular in shape with a 7m high parapet roof as viewed from the front. Due to the significant drop in the land to the west the height of the building will be about 10m in height at the rear. The external materials proposed comprise a mix of facebrick and olive coloured metal wall panels, details of which have been described on the application plans. It is preferred though that the metal sheet wall and roof cladding be darker in colour to minimise visual impact from long range views. Overall though, I am satisfied that the proposed building would be of a size, scale and appearance and siting to effectively integrate with adjacent buildings on the Estate.

6.31 A line of existing mature trees are situated along the south and north boundaries that provide a high level of screening of the site. The retention of these trees can be secured by their inclusion within a landscaping scheme to be required by condition. Indicative landscape plantings have also been proposed along the front boundary between a proposed 2m high acoustic fence and the edge of the highway. This would provide necessary additional screening of the development from the access road.

6.32 A TPO tree is located adjacent to the front northeast corner of the site. Parking spaces have been shown within the crown spread of the tree but these will be provided via "no dig" construction methods. A condition relating to the protection of existing trees on the site could be added to any permission granted.

6.33 A large number of solar panels are proposed to be positioned on the roof of the building. These would be predominantly set behind the roof parapet and in any event solar panels are specifically designed to absorb sunlight rather than

reflecting it. To ensure that the solar panels are arranged close to the roof planes, a condition can be imposed requiring details of the height of the solar panels above the roof to be submitted for approval.

6.34 Accordingly, subject to conditions as above, I am satisfied that the proposed development would not harm the character of the area or visual amenity of the locality. The proposal would therefore satisfy Policies CP24 of the TMBCS and SQ1 of the MDE DPD. I am also satisfied that the development would accord with Part 7 of the NPPF relating to good design.

Access, parking and highway safety:

6.35 Improvements to the junction at the A25, which were endorsed by the Local Highway Authority, were secured under a unilateral undertaking offered by the applicant for planning permission TM/11/03020/OA. The works have not yet been implemented. Therefore, the applicant has again submitted a unilateral undertaking for the same junction improvements but with a slight revision incorporating a square parking bay nearest to the junction, as requested by the local highway authority. The proposed works are now shown on Drawing No.614034/SK16, which was submitted as part of the Transport Statement (received 19.07.2016). The Local Highway Authority has confirmed that the revised junction improvements are acceptable in respect to visibility for emerging vehicles and pedestrian.

6.36 The securing of these junction improvement works are in line with the requirements of Policy M1 of the DLA DPD and will be beneficial in terms of highway safety. The Unilateral Undertaking confirms that the applicant is to covenant with the Council to undertake and complete the junction works before commencement of the development.

6.37 Concern has been raised about the ownership of the land associated with the junction works as the applicant has recently sold 1 Whatcote Cottages. However, the ability of the applicant to implement the junction works is a matter for them to resolve with relevant parties and not a matter that affects the merits of the scheme. Importantly, the legal agreement offered is explicit in not allowing the proposed development to be commenced until the junction works have been completed, incentivising the developer to secure the necessary legal consents.

6.38 The Local Highway Authority is satisfied that the improved junction with the A25 is well within capacity for the increase in the number of vehicles using the junction and access road to the estate when considering the cumulative impact of the development on the junction and road network in the immediate area.

6.39 In respect to pedestrian safety, although the public footway on the east side of the junction in front of 1 Whatcote Cottages is to be reduced, the Local Highway Authority has advised that pedestrian visibility to traffic (of all vehicle types) on the private estate road will not be any worse than that existing prior to the alterations

to 1 Whatcote Cottages, as advised in a safety audit submitted as part of application TM/11/03020/OA, and therefore would be acceptable. To improve awareness for both road users and pedestrians at the junction/crossing, a 'pedestrian crossing ahead' warning sign and a 'beware of vehicles turning' sign will be provided in appropriate locations for pedestrian awareness.

- 6.40 A total of 37 car parking spaces are proposed for the development, which includes 2 spaces for the mobility impaired. Swept paths show turning paths for articulated and non-articulated vehicles that are to access the site. The parking provision is acceptable. Turning for service vehicles in the site includes manoeuvres within the building and therefore such a facility would need to be retained at all times.
- 6.41 Accordingly, I am satisfied that the development would not result in any significant harm to highway safety and that any residual cumulative impacts on the transport network would not be "severe". The proposal therefore accords with Policy SQ8 of the MDE DPD and paragraph 32 of the NPPF.

Residential amenity:

- 6.42 There are several residential properties that are situated on the eastern side of the access road to Platt Industrial Estate in relative close proximity to the application site. These include Bassetts Cottage which lies directly opposite the proposed access to the site, Hollymount House further to the north and The Old Stables for which permission has recently been granted for conversion to a dwelling.
- 6.43 The proposed new building is set well back into the site, set well below the level of the road and is situated some 40m or more from the nearest property of Bassetts Cottage. I am therefore satisfied that the new building would not be visually intrusive to the nearby residential properties.
- 6.44 The forecourt of the application site is to be completely tarmac which would minimise dust impact from vehicles and the light industrial uses by nature would not generate unacceptable levels of dust.
- 6.45 The development will result in additional traffic movements to and from the site, including cars and larger articulated and non-articulated vehicles. In light of the existing levels of traffic relating to the Estate, I do not consider that the additional traffic generated by the development would represent a significant increase. However, unrestricted hours of use of the development have the potential to harm residential amenities. This could result in noise impact from vehicle movements to and from the site and from activities from the use, as well as from headlights of vehicles directed over Bassetts Cottage. In order to ensure that these impacts are minimised, I consider that the hours of the use should be restricted to 07:00-19:00 Monday to Friday and 07:00-13:00 Saturday, with no working on Sundays and Public and Bank Holidays. The applicant has agreed to these revised hours of use.

- 6.46 Impact on air quality in the area as a result of the cumulative effect of the proposed development has been raised by local residents. The Council's Environmental Protection Team is currently monitoring air quality at the Platt Industrial Estate access/A25 junction for a period of 12 months. The monitoring points are on 1 Whatcote Cottages, closest to the junction, and 19 Whatcote Cottages, at the other end of the terrace. Three months data has been collected so far which shows that Nitrogen Dioxide levels are well below the national air quality objective. It is considered that 12 months data is required to understand whether there are any significant seasonal variations.
- 6.47 In addition to this monitoring, which shows levels well below the national objective, the vehicle flow movements put forward by this development are not considered to trigger air quality concerns. Analysis of the Transport Assessment indicate that the proposal will add 45 vehicles and 8 goods vehicles eastbound and 5 vehicles and 1 goods vehicle westbound to/from the site (including cumulative impact from the approved/proposed development in the Industrial Estate) on a 13,000 vehicle/day flow on the A25. No evidence has been put forward to suggest there will be an air quality concern that could result in an exceedance of an air quality National Objective. As a result, I do not consider the proposed development would result in a significant deterioration of the air quality of the area, either individually or cumulatively with other proposals and existing uses in the vicinity. The proposal would therefore not conflict with Policy SQ4 of the MDE DPD or paragraph 124 of the NPPF. Low emission design features such as the planting of landscaping with high urban tree air quality absorbing trees across the front of the site (ie.Silver birch) can be incorporated within the scheme.
- 6.48 In light of the above, I do not consider that the proposed development would result in demonstrable harm to neighbouring residential amenity or living conditions.

Ecology:

- 6.49 An extended habitat survey has been submitted. The report concludes that the site is suitable to support reptiles: with populations of common lizard and slow-worm (exceptional), adder (good) and grass snake (low) known to be present within 500m of the site. A reptile survey is therefore required along with any necessary mitigation strategy, to be approved and implemented prior to commence of any development on the site. The TPO tree, adjacent to the northeast corner of the site, was the only tree considered to be suitable for bats, which will not be affected. The development is unlikely to negatively impact on local bat populations and no further survey relating to bats is therefore required.
- 6.50 There was no evidence of badgers or their setts on the site but two mammal holes that could support badgers were found within the railway embankment close to the site. A further survey has been recommended to investigate these holes prior to works commencing.

- 6.51 The report advises that the potential for great crested newts, dormice, water voles and otters being present on the site is considered to be negligible. The habitat on the site is unlikely to be important for invertebrates and therefore no further surveys in respect to these species are required.
- 6.52 The trees and scrub on the site has a high potential to support nesting birds and therefore it has been advised that works to these areas of the site should be carried out outside of the core breeding season for birds (late February to late August).
- 6.53 I consider that subject to conditions requiring reptile and badger surveys and the development being undertaken in accordance with the recommendations and enhancements outlined in the submitted Extended Phase 1 Habitat Survey (Greenspace Ecological Solutions), protected species would be adequately protected. The proposal would therefore accord with Policy NE2 of the MDE DPD.

Other planning matters:

- 6.54 The submitted site Phase 1 Desk Study advises that a Phase 2 intrusive site investigation should be undertaken. Relevant conditions are therefore required to ensure that the land is satisfactory for its end use in terms of land contamination.
- 6.55 The EA has also reviewed the application details and considers the proposal to have a low environmental risk.
- 6.56 A surface water drainage strategy has been submitted. The Lead Local Flood Authority (KCC SuDS) has no objection to the strategy but has advised that ground investigations need to be undertaken to confirm the soakage potential of the underlying soils and to confirm that a sufficient unsaturated zone can be accommodated below the proposed soakaway. Conditions have been suggested to secure a detailed SuDS strategy that addresses the above requirements and to restrict the infiltration of surface water into the ground as the site is within a Zone III groundwater source protection zone (Water Catchment Area). These conditions are necessary to protect the existing groundwater resource.
- 6.57 An existing mains sewer is situated close to the site and the application states that foul water is to be disposed of to this mains sewer.
- 6.58 The development, subject to the conditions suggested, would therefore accord with paragraphs 120-121 of the NPPF.
- 6.59 The County Archaeologist has advised that the site lies within an area which has revealed evidence of Roman activity, including Roman pottery and possibly a cemetery. Bassetts Farm is a post medieval (or earlier) farm from which remains may extend into the application site. A condition requiring a written specification and timetable for a programme of archaeological work for the development has

therefore been recommended. I consider such a condition to be necessary in this case.

- 6.60 The proposed plans include the provision of a waste refuse enclosure within the front southeast corner of the site. A condition to secure details of the appearance of the enclosure will be added to any grant of permission.
- 6.61 As per Policy M1 of the DLA DPD, the site is identified as being in close proximity to the railway line which is a potential source of noise pollution. The site is located only 10m or so from the railway line; however, given the nature of the proposed B1 Business units as a place of employment, albeit relatively quiet ones, I do not consider that the noise impact from the railway line would result in a significant adverse impact on the health and quality of life of the occupants of the new building, as outlined in the Noise Policy Statement for England (DEFRA March 2010). The development would therefore accord with paragraph 123 of the NPPF.
- 6.62 Policy M1 also requires development on the site to minimise any potential conflict with mineral operations within the vicinity (i.e. noise and dust). The proposal provides tarmacked hard surfacing to the entire front of the site and the light industrial use would not, in my view, give rise to any activities that would conflict with the existing mineral workings in the area, in terms of noise or dust.

Representations:

- 6.63 I note the comments made by the Parish Council and local residents. The main concerns raised include the increase in traffic at the A25 junction and along the estate access road from the development and its resultant impact on the amenity and living conditions of neighbouring residents from noise, dust, air quality and light pollution; and pedestrian safety at the junction with the A25. I consider that these concerns have been addressed above.

Conclusion:

- 6.64 The proposed development would be *inappropriate development*, but due to the unique circumstances of the site setting and the benefits that the development will bring to the local economy and to the Maidstone Road junction, 'very special circumstances' are considered to exist that would outweigh the harm to the Green Belt as a result of the development's inappropriateness. I also do not consider there to be any other harm from the development identified in the report that would alter this position.
- 6.65 The scheme does not comply with provisions 1 and 4-6 of Policy M1 of the DLA DPD, relating to building height, extent and coverage of the site and impact on openness or Policy CP14 of the TMBCS relating to development in the countryside, and is therefore contrary to the Development Plan. However, I consider that the material considerations that have established the very special

circumstances above under Green Belt policy are sufficient to overcome the scheme's non-compliance with the Development Plan, in this specific case.

6.66 In light of this, the proposed development, with the imposition of suitable conditions, satisfactorily accords with the relevant provisions of the Development Plan and NPPF, and therefore approval is recommended.

6.67 The application was advertised as a technical departure from the development plan but I am of the view that, following the analysis above and the history of other planning decisions in the Estate, it does not warrant a referral to the NPCU.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Section 4741-007 received 22.09.2015, Email received 30.09.2015, Certificate B received 29.09.2015, Design and Access Statement received 29.09.2015, Proposed Floor Plans 4741-002 A received 29.09.2015, Proposed Roof Plan 4741-003 B received 28.10.2015, Ecological Assessment J20281 received 06.10.2015, Desk Study Assessment 15260/DS received 04.11.2015, Location Plan 4741-005 C received 11.11.2015, Sustainable drainage scheme 201 received 14.01.2016, Email received 02.02.2016, Transport Assessment 614034 REPORT 875 received 23.03.2016, Email received 23.03.2016, Land Registry Documentation received 23.03.2016, Land Registry Documentation received 23.03.2016, Proposed Elevations 4741-006 A received 23.03.2016, Email received 11.08.2016, Transport Assessment TC/617274/LAB AADT Traffic Flows received 11.08.2016, Proposed Floor Plans 4741-001 C received 09.09.2016, Drawing 4741-020 B Cross-over received 09.09.2016, Cross Section 4741-009 C received 09.09.2016, Transport Statement TC/614034/LAB received 19.07.2016, Site Plan 4741-004 H received 26.05.2016, Unilateral Undertaking received 09.09.2016, Email received 09.09.2016, subject to the following conditions:

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 No development shall take place until details or samples of all materials to be used externally on the building and a schedule of works detailing the application of the materials to the existing building to be converted 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 area or the visual amenity of the locality.

- 3 The premises shall be used for Class B1(b) or (c) Business use only and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: To protect the amenities of neighbouring occupiers and to ensure that the development does not harm the character of the area or affect highway safety.

- 4 No development shall take place until a plan showing the finished floor level of building and finished ground levels within the site in relation to existing ground levels has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class I or T of Part 3, or Class H of Part 7, of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To control development that could otherwise be carried out under permitted development rights that may have the potential to harm the character of the area and highway safety.

- 6 No retail sales shall take place from the premises.

Reason: To safeguard the amenities of nearby residential occupiers and the character of the area.

- 7 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or the Town and Country (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), the layout of the development shall not be varied by means of sub-division or amalgamation of any units, nor by the insertion of additional floors, without the prior permission in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess the impact of any variation in parking and vehicle circulation in the interests of safe and free flow of traffic.

- 8 The building(s) shall not be occupied until the areas shown on the submitted layout as turning and vehicle parking space have been provided, surfaced and drained. Thereafter those areas 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 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved turning and parking space.

Reason: Development without adequate vehicle turning and parking provision is likely to lead to hazardous on-street parking.

- 9 The buildings shall be made available at all times for the turning and manoeuvring of service vehicles, as shown on the Proposed Site Plan (Drg.No.4741-004H) hereby approved.

Reason: The operation of the premises without this turning and manoeuvring facility is likely to impact on the safe and free flow of traffic in the area.

- 10 The premises shall not be in use (including for any deliveries to or from the site) outside the hours of 07:00 to 19:00 Mondays to Fridays and 7:00 to 13.00 Saturdays, with no working on Sundays or Public or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance to nearby residential properties.

- 11 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/turning areas and to ensure the character and appearance of the development and the locality is not significantly harmed.

- 12 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment (including the acoustic fencing along the site frontage). All existing trees to be retained shall be shown and landscape plantings across the front of the site shall include suitable species with a high urban air quality score. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or similar structures as may be approved shall be erected prior to first occupation of the building(s).

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.

- 13 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 any approved 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.

- 14 No 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.

- 15 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.

- 16 No external lighting shall be installed on the site, except in accordance with a scheme of external lighting that has been submitted to and approved by the Local Planning Authority. Any such scheme shall have regard to Bat Conservation Trust guidance relating to lighting. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect bats and the visual amenity of the locality.

- 17 No air-handling or air-conditioning unit shall be installed without the prior written approval of the Local Planning Authority.

Reason: In the interests of nearby residential amenity.

- 18 Prior to the installation of any solar panels, a section/elevation plan showing the height of the solar panels above the roof and parapet of the building(s) shall be submitted to and approved by the Local Planning Authority. The solar panels shall be installed in accordance with the approved details.

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

- 19 The development shall be carried out in accordance with Section 5 (Conclusions and Recommendations) and Section 6 (Ecological Enhancements) set out in the submitted Extended Phase 1 Habitat Survey (Report No.J20281 – October 2016) prepared by Greenspace Ecological Solutions, unless any variation is approved in writing by the Local Planning Authority.

Reason: To safeguard protected species and protect the biodiversity of the local area.

- 20 Prior to the commencement of the development, a reptile survey and mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved survey and mitigation strategy, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that reptiles found on site are adequately protected.

- 21 Prior to the commencement of the development, a badger survey and mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved survey and mitigation strategy, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that badgers are adequately protected.

- 22 (i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk on or off the site; and

(ii) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a) a timetable for its implementation, and
- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into the proposal and to ensure ongoing efficacy of the drainage provisions.

- 23 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect vulnerable groundwater resources

- 24 No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:

(a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health.

- 25 No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health.

- 26 Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

Reason: In the interests of amenity, public safety and human health.

Informatives

- 1 This permission has a unilateral agreement attached relating to improvements to the road junction between Maidstone Road (A25) and the main access road to Platt Industrial Estate.
- 2 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 3 If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.
- 4 In implementing the above consent, regard should be had to the requirements of the Bye-Laws of the Environment Agency, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH.
- 5 A formal application for connection to the public sewerage system is required in order to service the development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel.0330 303 0119) or www.southernwater.co.uk.
- 6 The applicant should also liaise with Southern Water to ascertain the exact position of the public sewers and should ensure that no development or tree planting is located within 3m either side of the centre line of the main sewers and all existing infrastructure should be protected during construction works.
- 7 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 Holidays.
- 8 With regard to works within the limits of the highway, the applicant is asked to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181.
- 9 You are advised that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 relating to the protection of species and habitats. The applicant is recommended to seek further advice from Natural England, The Countryside Management Centre, Coldharbour Farm, Wye, Ashford, Kent, TN25 5DB.
- 10 The proposed development is within a road which does not have formal street numbering and, if built, the new properties will require new names, which are

required to be approved by the Borough Council, and post codes. To discuss suitable property names you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Mark Fewster