

**Borough Green**  
Borough Green And  
Long Mill

**14 June 2016**

**TM/16/01245/FL**

Proposal: Section 73 Application to vary condition 13 of TM/14/03560/FL (as varied by non material amendment TM/16/00688/NMA) to remove the chamfer from the rear of the building, relocation of escape door, insertion of additional escape door, retention of existing covered porch, amendment to main entrance door, reduction in width and relocation of new access stairs, revised position of two car parking spaces

Location: 4 Wrotham Road Borough Green Sevenoaks Kent TN15 9DB

Applicant: Sainsbury's Supermarkets Ltd

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## **1. Description:**

- 1.1 Members will recall that the determination of this planning application was deferred by APC2 on 17 August 2016 to allow for further negotiations with the applicant to take place. This was done in order to establish whether any resolution could be found to the issues identified that were, at that time, leading to an officer recommendation that planning permission be refused. A copy of the previous Committee report is annexed for ease of information.
- 1.2 Since the deferral, officers have met with the applicant to further discuss the issues involved and as a result further supporting information has been submitted as follows:
- Operational delivery strategy for the site;
  - Tracking plots;
  - Ground conditions survey; and;
  - Plan showing some proposed changes to the white line marking within the site to improve clarity.

## **2. Consultees (since 17 August 2016 following reconsultation on additional information):**

- 2.1 PC: Welcome the applicant's efforts to stop the public's dangerous practice or ignoring the one-way system and cutting across the front of the store;
- 2.1.1 Reversing an HGV is an inherently unsafe manoeuvre, even in a restricted environment. In an area where there is a high level of pedestrian traffic, an adjacent cash point, and travelling against the one-way system, it is wholly unacceptable.

2.2 KCC (Highways): Whilst it is unfortunate that deliveries will not be made as originally intended, I accept the alternative method of delivery proposed. I therefore raise no objection.

**3. Determining Issues:**

3.1 The key issue at the time of reporting to Members in August centred on the lack of information that had been forthcoming to support the proposed variation of condition which had, in our view, implications for the turning area for delivery vehicles. In essence, it was considered that there was insufficient information available at that time to ensure such vehicles could enter and exit the site in a forward gear without giving rise to hazardous vehicular movements within the site and on the A227.

3.2 Members may recall that the applicant explained at the previous APC2 that the ground conditions of the car parking area have been found to be unsuitable for delivery vehicles. They also stated that they had an operational delivery strategy for the site and planned to make improvements to the markings of the delivery bay. The applicant has now submitted this information as part of the application, allowing for formal consideration. The submitted tracking plans show that delivery vehicles can drive forwards into the site, initially following the direction of the one-way system that remains in place for customer vehicles, but then reverse into the loading bay. From the loading bay, the delivery vehicles are shown to have the ability to drive forwards out of the site onto the A227.

3.3 The applicant has submitted 2 track plot plans showing entrance and exit manoeuvres currently being adopted by delivery lorries in order to demonstrate that they can turn safely within the site now that the chamfer has been removed on the rear of the building, which was shown to conflict with the originally approved turning area subject to condition 11 of TM/14/03560/FL which comprised a clockwise arc around the building. It is worth noting in this respect that the applicant maintains that, regardless of the removal of the chamfer from the rear of the building, delivery vehicles would not turn on the site around the building in the manner indicated when TM/14/03560/FL was granted.

3.4 Furthermore, the submitted delivery strategy states that deliveries are scheduled so that there is not more than one delivery vehicle on site at any one time. It also states that all delivery vehicles have been fitted with an automated IsoTrack radio communication system, which alerts the store when the delivery area is required, allowing the use of cones/bollards to keep the delivery area clear prior to the arrival of the vehicle. It states that *“the delivery strategy of the site does not involve reversing onto the highway. Sainsbury’s delivery strategy involves lorries entering and leaving the site in a forward gear”*.

3.5 I note the concerns about reversing an HGV being an unsafe manoeuvre in an area where there is a high level of pedestrian traffic, a cash point and travelling

against the one-way system. However, KCC (H+T) consider the alternative movements demonstrated to be satisfactory in technical highway safety terms.

- 3.6 Given that additional plans and information indicating an alternative turning arrangement for delivery vehicles have now been forthcoming, and these are considered to be acceptable by Local Highway Authority, condition 11 of TM/14/03560/FL is no longer necessary in the form in which it was written and can be varied accordingly to reflect the arrangements as submitted. It is also necessary to consider whether any further or different conditions in light of this fresh information are required. In this respect, KCC (H&T) has recommended that conditions include a requirement that there should be no deliveries made to the store from the highway and no delivery vehicles associated with the store shall reverse onto the highway from the application site.
- 3.7 A planning condition simply stating that vehicles should not reverse onto the public highway would not meet the tests set out in the NPPF. I must stress that more general day to day safety matters are the responsibility of the site user and would not be enforceable through the planning system. The information that has now been submitted confirms that acceptable, safe vehicle movements can take place within the site.
- 3.8 In light of this, on balance, I recommend that planning permission can now be granted, subject to the imposition of suitable conditions which are reflected in the recommendation that follows:

#### **4. Recommendation:**

- 4.1 **Grant planning permission** in accordance with the following submitted details: Drawing SSLBOROUGHGREEN(LOCAL).1 TK09 dated 17.11.2016, Drawing SSLBOROUGHGREEN(LOCAL).1 TK07 dated 17.11.2016, Proposed Plans H104 B dated 17.11.2016, Environmental Assessment PHASE1 AND II dated 17.11.2016, Letter dated 17.11.2016, Site Plan dated 04.05.2016, Elevations P-121603-201 A dated 18.04.2016, Drawing TK10 car entering plan dated 18.04.2016, Drawing TK11 car exit plan dated 18.04.2016, Elevations P-1211603-203 B dated 18.04.2016, Elevations P-1211603-204 B dated 18.04.2016, Floor Plan P-121603-102 D dated 18.04.2016, Floor Plan P-121603-111 A dated 18.04.2016, Parking Layout P-121603- 115 C dated 18.04.2016, Elevations P-121603-202 A dated 18.04.2016, Letter dated 18.04.2016, Email dated 16.11.2016, subject to:

#### **Conditions**

- 1 The A1 (shop) floor space shall not be used or operated outside the hours of 06.00 to 23.00 Mondays to Sundays including Public and Bank Holidays.

Reason: To protect the aural environment of nearby dwellings.

- 2 Retail deliveries shall not take place outside the hours of 07.00 to 22.30 Monday to Friday, 08.00 to 21.00 on Saturdays and 08.00 to 19.00 on Sundays or Public and Bank Holidays.

Reason: To protect the aural environment of nearby dwellings.

- 3 The area shown as parking and associated turning space on the approved plans 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 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: In the interests of highway safety.

- 4 The large car tracking area identified on drawings SSLBOROUGHGREEN(LOCAL).TK10 and SSLBOROUGHGREEN(LOCAL).1/TK11 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 or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 5 The additional signing and markings shown on drawing no. H104Rev.B shall be provided within 1 month from the date of this decision and shall be retained at all times thereafter.

Reason: In the interests of highway safety.

- 6 There shall be no deliveries made to the store from the highway. The loading area and the area shown within the tracking plots on drawing numbers SSLBOROUGHGREEN(LOCAL).1/TK09 and SSLBOROUGHGREEN(LOCAL).1/TK07 as tracking for the 18t Rigid Vehicle for entering and exiting the loading area in forward gears 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 or in such a position to preclude vehicular access to this reserved loading bay and turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 7 The scheme of external lighting approved under planning reference TM/15/02849/RD shall be retained unless otherwise approved in writing by the Local Planning Authority.

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

- 8 The screening for the mechanical plant approved under planning reference TM/15/02849/RD shall be retained unless otherwise approved in writing by the Local Planning Authority.

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

- 9 The location and screening of the commercial bin store approved under planning reference TM/15/02849/RD shall be retained unless otherwise approved in writing by the Local Planning Authority.

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

- 10 The plant equipment approved shall not exceed a Noise Rate Level of 35 as measured from any noise sensitive premises.

Reason: To protect the aural amenities of adjoining properties.

**Informatives:**

1. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
2. The applicant is reminded of the requirement to organise traffic routes and segregate vehicles and pedestrians as they move around the car park - Regulation 17 Health and Safety (Workplace) Regulations 1992 (as amended).
3. The Applicant is invited to consider:
  - the provision of a yellow box junction on A227
  - submitting an informal agreement to not allow deliveries to coincide with school drop-off and pick-up times in term time (8am to 9am and 3pm to 4pm)
  - whether vehicle entry/exit swept paths might be better reversed
  - re-positioning of ATM from road elevation/delivery swept path.

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