

**Platt**

Borough Green And  
Long Mill

**21 July 2016**

**TM/16/01766/FL**

Proposal: Erection of 3 Industrial buildings for mix of B2 (General Industry) and B8 (Storage/Distribution) use, and associated vehicle access and parking

Location: Phase 3 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 3 new industrial buildings on a large part of a vacant plot of land within Platt Industrial Estate, known as Phase 3, to provide 7 units for a mix of general industry and storage/distribution uses, with new access, parking and turning areas.
- 1.2 Building A (unit 1) is to be located in the northwest corner of the site and measures 22m wide x 29.6m deep (651m<sup>2</sup>). Building B (unit 2) is to be positioned in the northeast corner and measures 21m wide x 30m deep (630 m<sup>2</sup>). Building C (units 3-7) is to occupy the southern part of the site and will measure 77m wide x 24m deep (1848m<sup>2</sup>). All 3 buildings provide 6m high eaves and 7.1m total height. The total building footprint coverage will be approximately 3129m<sup>2</sup>.
- 1.3 Each unit provides a ground floor workshop and small ancillary office and a first floor mezzanine providing additional ancillary office space (55-78m<sup>2</sup>).
- 1.4 The buildings have been designed with shallow dual pitched roofs, 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. The window and door frames, fascias and soffits 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 roofs of all 3 buildings. Rainwater goods are to be black in colour.
- 1.5 A new access point is proposed within the centre of the northern boundary that fronts the existing access road with turning/manoeuvrability areas and parking provided between the buildings. A total of 69 car parking spaces are proposed in a varied arrangement including in front of the units, adjacent to both east and west boundaries between the buildings, and along the eastern frontage accessed from the existing access road. This provision includes 4 disabled spaces. Refuse storage areas are proposed adjacent to the southwest corner of Unit 1 and northeast corner of Unit 3. Cycle stores and motorcycle parking are also proposed.

- 1.6 Foul sewage is to be disposed of to the mains sewer. Surface water is to be directed to large cellular soakaways. A sustainable drainage scheme (SuDS) has been submitted.
- 1.7 A Planning Design and Access Statement, Tree Survey with addendum, Extended Phase 1 Habitat Survey, Reptile Survey, Desktop Study: Phase 1a and 1b, Transport Assessment and AADT Traffic Flows have been submitted with the application.
- 1.8 A unilateral undertaking has been submitted for improvement works to the Platt Industrial Estate access road/Maidstone Road junction.

**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 part of a vacant parcel of land within the western section of Platt Industrial Estate, located at the far end of the main access road to the Estate between the large factory/workshop of Kentinental Engineering to the north and the National Rail line to the south. A group of 7 light industrial units lie to the east of the site. A band of well established trees that are covered by an Area TPO extend along the western boundary of the site. The site fronts existing tarmacked access roads on its north and east side. The surrounding industrial buildings within the Estate 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 shows the land sloping down from north to south/southwest with a change of about 1.5m. The site is completely covered by thick but generally low level vegetation about 0.5m high.
- 3.3 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)), Other Employment Land (Policy E2) and Vacant Sites Allocated for Employment Development (Policy E3). A Public Right of Way (PROW) follows the access road to the Estate and continues north.

**4. Planning History (relevant):**

TM/71/10594/OLD      Refuse      20 January 1971

The construction of an industrial estate road.

TM/76/11030/FUL Refuse 5 April 1976

4 No. warehouse units, ancillary offices and site works.

TM/77/11240/FUL grant with conditions 21 June 1977

Speculative development - warehouse and ancillary offices.

TM/78/11046/FUL grant with conditions 9 May 1978

11 Warehouse units.

TM/79/10125/FUL grant with conditions 30 November 1979

The erection of six warehousing units with ancillary office accommodation and construction of vehicular parking space, Phase III (alternative details to planning permission TM/77/52 and TM/77/1032).

TM/85/10110/FUL grant with conditions 25 March 1985

Application to use land for parking and maintenance of commercial vehicles for temporary period of one year.

TM/86/10905/FUL grant with conditions 24 March 1986

Renewal of temporary planning permission TM/85/119 for a further period of 1 year for use of land for parking and maintenance of commercial vehicles.

TM/87/11794/FUL grant with conditions 25 June 1987

Renewal of temporary planning permission TM/86/119 for the use land for parking and maintenance of commercial vehicles.

TM/88/11482/FUL Application Withdrawn 9 December 1988

Further renewal of temporary planning permission TM/86/119 for the use of land for parking, and maintenance of commercial vehicles.

TM/98/00086/OA Grant With Conditions 3 November 1998

erection of six warehouse units with ancillary office accommodation and vehicular parking spaces

TM/06/00966/OA Refuse 27 March 2008

Outline Application: Erection of 6 no. warehouse units with ancillary office accommodation and vehicular parking spaces

TM/11/03020/OA

Approved

21 July 2015

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

## **5. Consultees:**

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

- Concerns relating to the access to Platt Industrial Estate off the A25.
- Air quality issues in the Parish from increasing lorry movements both within this scheme and further phases awaiting approval.
- 24 hour 7 days a week operation is not acceptable as it will be intolerable to local residents.

### 5.2 KCC (Highways): The following comments were received (12.08.2016):

- Committed Development - The committed development referred to in paragraph 2.7 appears to relate to the outline permission granted for this site
- Development Proposals - The extent of the development summarised in paragraph 1.2 does not relate to details submitted on the application form or to site layout drawings. Clarification is required.
- Parking – The standard given at 1 space per 200m<sup>2</sup> is that relating to goods vehicles and the total number of spaces quoted do not relate to the plans provided or the application form.
- Appendices – Appendices to the Transport Assessment have not been included.

#### 5.2.1 Comments received in relation to the amended Transport Assessment (22.11.2016):

- The applicant has now submitted an appropriate Transport Assessment incorporating committed development (phase 4) and made comparison with the previously approved phase 3 proposal.
- I note and concur that the traffic generation forecast from this proposal is comparable to that previously approved. The applicant has also checked the capacity of the access with the A25 with both phase 3 and 4 in place and I also concur from this work that the junction operates well within capacity.
- As with the approval of the previous phase 3 proposal and the recently approved phase 4 proposal, I consider that no development works should commence until the approved alterations to the junction with the A25 are completed.

- Conditions have been suggested relating to provision of loading and turning facilities prior to commencement, parking facilities for site personnel during construction, measures to prevent discharge of surface water onto the highway, provision of wheel washing facilities, retention of parking and vehicle loading and turning facilities and retention of cycle and motorcycle parking.
- 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 1<sup>st</sup> 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): We have no objections to the proposed drainage in principle however we would emphasise that additional ground investigation will be required to support the use of infiltration. It is recommended that soakage tests be compliant with BRE 365, notably the requirement to fill the test pit several times. Conditions have been recommended for any granting of permission.
- 5.5 KCC (PROW): Public Right of Way MR251 footpath runs along the access road to the site and then outside the eastern boundary of the application site and should not affect the application. I do however feel that signs should be erected to make vehicles aware of pedestrians as well as a speed limit.
- 5.6 EA: We have assessed this application as having a low environmental risk. We therefore have no comments to make.
- 5.7 Natural England: No comments to make on this application.
- 5.8 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.
- 5.9 Kent Fire & Rescue Service: No observations on this application to submit from the Fire Service.
- 5.10 Southern Water: The following comments have been provided:
- The exact position of the public sewers must be determined on the site by the applicant before the layout of the proposed development is finalised.
  - No development or new tree planting should be located within 3 metres either side of the centreline of the public rising main and sewers and all

existing infrastructure should be protected during the course of construction works.

- No new soakaways should be located within 5 metres of a public rising main and sewers.
- Conditions have been suggested.

5.11 Private Reps: 4/0X/4R/0S + site notice + press notice (departure/PROW and Major Development). The objections raised have been summarised below:

- The proposed 24 hour/7 day use will increase day and night noise levels that will impact on residential living conditions
- The development will result in a significant increase in traffic which will increase the risk for pedestrians, in particular school children at the junction
- The development would exacerbate noise and dust impact and air pollution from increased vehicle movements to and from the Estate which would affect health.

## **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 applications over the years. The most relevant of these include reference TM/98/00086/OA where permission was granted for a new building comprising 6 warehouse units in November 1998 and reference TM/06/00966/OA for the same 6 warehouse unit scheme which was refused in March 2008.

6.2 Since this time, the Council's Core Strategy, MDEDPD and DLADPD have been adopted and outline permission has been granted for an industrial building (B1 light industrial/B8 Storage) with a building footprint of 3130m<sup>2</sup> on the application site under reference TM/11/03020/OA. This permission was granted in July 2015 and therefore remains extant, and also includes a unilateral undertaking for the implementation of junction improvement works at the A25.

6.3 None of the permissions mentioned above have been implemented. It is also noted that a series of temporary permissions were granted in the mid-late 1980s for the use of the application site for parking and maintenance of commercial vehicles.

6.4 These previous permissions and applications, particularly TM/11/03020/OA granted in 2015, 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 covered with low level vegetation. Several permissions were granted in the mid-1980s to use the site for the temporary parking and maintenance 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 new industrial buildings 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 north and east and the excavated National railway line to the south which, in my view, has already compromised openness to a significant degree. The site is also enclosed on the western side by a band of mature trees/hedgerow, which visually separates the site from the quarry to the west.
- 6.11 The buildings surrounding the site include Units 1-7 Platt Industrial Estate (100m long and 6-7m high) adjacent to the east and Kentinental Engineering (80m long and 8m high) to the north. Other buildings further to the northeast include Holmesdale Business Park (8.5m high) and Mill Place (6-7m high). Together these industrial buildings provide an intensive group of large scale built form within the Estate. The extant permission for the Phase 3 site (TM/11/03020/OA) provides for a large scale industrial building 8.3m high with a footprint area of 3132m<sup>2</sup>. The proposed buildings would be of a comparable size and scale to the adjacent existing buildings and approved building on the site.
- 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 Phase 3 site, the southern part of which will remain vacant at this stage.

- 6.13 The topography of the land shows the site to be situated within a low point in the land, with the land dropping more than 10m from the A25 and main access road from the junction. 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 not be substantial 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 The applicant has suggested that the development would create 70 jobs; however it is considered that this is likely to be more in the region of 35 jobs. The success of Nepicar Park nearby, which is now fully let, and the established units within Platt Industrial Estate which appear to be fully occupied, is a strong indication of the level of demand for new commercial units in the area. The Commercial Information Audit (2014/15) illustrates that in recent years there has been a net



loss in B-Class provision with substantial losses in B8 provision in 2014/15. The proposed development would assist in addressing this loss.

- 6.19 The designation of the application site (Phase 3) as Vacant Land Allocated for Employment Development and Other Employment Land for continued employment use, and the previous and extant permissions for similar types of development on the application site, provide a clear commitment through the Development Plan to facilitate industrial development on the Phase 3 site of the 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 similar undertakings submitted as part of the extant planning permission TM/11/03020/OA (Phase 3) and the recent permission for development of the Phase 4 site under reference TM/15/03084/FL. 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, the benefits of the development to the local economy and to the Maidstone Road junction and given the extant permission for similar development on the site, '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 DLADPD 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 buildings 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 buildings would extend the currently developed extent of the site and coverage of buildings on the site.
- 6.25 The buildings are sited directly adjacent to the existing substantial industrial buildings to the north and east, will be set at a level noticeably lower than the level of the main access/carrageway from the A25 and the other development to the east of the site and the site is enclosed on the south side by the railway line which forms a substantial excavated feature within the landscape. Existing trees along the western boundary of the site, which are protected under a TPO, are to be retained. These provide a good level of screening within the landscape. 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 DLADPD. 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 B2 general industrial/B8 storage/distribution uses 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.
- 6.28 The site, and the remaining part of the Phase 3 land, is designated as 'Vacant Land Allocated for Employment Development' under Policy E3. This policy identifies specific vacant sites that are suitable for employment use under Policies E1 and E2.

Development in the Countryside:

6.29 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:

6.30 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 MDEDPD 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.

6.31 The layout of the development and design and appearance of the buildings are typical of industrial development in the Borough. The buildings have been positioned close to the south and north boundaries, with Buildings A and B facing east towards the centre of the Estate and Building C facing north. The site is accessed via an internal access road extending south between Buildings A and B, leading to a large vehicle turning/manoeuvring and car parking area situated between the 3 buildings. The buildings are rectangular in shape with shallow dual pitched roofs. The external materials are to comprise a mix of facebrick and white/grey coloured metal wall and roof 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. Such details could be subject to a condition on any permission granted. Overall though, I am satisfied that the proposed buildings would be appropriately laid out on the site and of a size, scale and appearance that would effectively integrate with adjacent buildings on the Estate.

6.32 The western boundary of the site is thickly covered by established mature trees that are protected under an Area TPO. A Tree Survey prepared by Philip Wilson Arboriculture in December 2013 (Report Ref.131102 v2), that was submitted as part of planning reference TM/11/03020/OA, has been submitted along with an addendum that updates the survey to respond to the revised development. The addendum recommends that to adequately protect the root system of Tree T7 (Oak) the nearest car parking be lost. The proposal plans have been amended to take this into account. Therefore, subject to the development being carried out in accordance with the recommendations and tree protection measures outlined in the submitted tree survey addendum, I am satisfied that the development would not have any damaging effect on the protected trees.

6.33 A large number of solar panels are proposed to be positioned on the southern roof slopes of the buildings. The roof slopes are very shallow which would minimise their visibility and in any event solar panels are specifically designed to absorb sunlight rather than reflect 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 the conditions suggested 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 MDEDPD. 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 have previously been endorsed by the Local Highway Authority, were secured under a unilateral undertaking offered by the applicant for planning permissions TM/11/03020/OA (Phase 3) and TM/15/03084/FL (Phase 4). The works have not yet been implemented. Therefore, the applicant has again submitted a unilateral undertaking for the same junction improvements, which now incorporate a square parking bay nearest to the junction, as previously requested by the Local Highway Authority. The proposed works are shown on Drawing No.614034/SK16 that forms part of the undertaking. The Local Highway Authority confirmed under the recent planning application approved for Phase 4 (TM/15/03084/FL) that the revised junction improvements are acceptable in respect to visibility for emerging vehicles and pedestrian. This remains relevant for this proposed development.
- 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 the development can be commenced.
- 6.37 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 effect of the proposed Phase 3 development and the recently approved Phase 4 development on the junction and road network in the immediate area.
- 6.38 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 in their advice on the recent Phase 4 development (TM/15/03084/FL) 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. This position has not changed in respect of this current application. To improve awareness for both road users and pedestrians at the junction/crossing, a 'pedestrian crossing ahead' warning sign and a 'give way' sign will be provided on the approach to the junction

from the Estate. This has been shown on the junction improvement plan as part of the unilateral undertaking.

- 6.39 Members may recall that in granting permission for the recent Phase 4 application, the Committee resolved to add an additional condition requiring a strategy and timetable for measures to improve both the safety and the environmental conditions of the access road around the A25/Platt Industrial Estate junction. This condition has been carried over to this application.
- 6.40 A total of 69 car parking spaces are proposed for the development, which includes 4 spaces for the mobility impaired. Swept paths show turning paths for articulated vehicles that are to access the site. The access, turning and parking provisions are considered to be acceptable.
- 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 MDEDPD and paragraph 32 of the NPPF.

*Residential amenity:*

- 6.42 The nearest residential properties to the site are Bassetts Cottage, Hollymount House and The Old Stables (permission recently granted for conversion to a dwelling) which are situated on the eastern side of the access road to Platt Industrial Estate, about 140m to the east of the site. The proposed development will therefore be a substantial distance from these residential properties, with a number of existing light industrial buildings situated in between.
- 6.43 The development will though result in additional traffic movements to and from the site, including cars and 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. In order to ensure that these impacts are minimised, I consider that the hours of the use should be restricted to 07:00-22:00 Monday to Friday and 07:00-13:00 Saturday, with no working on Sundays and Public and Bank Holidays.
- 6.44 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 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. Seven (7) 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.

- 6.45 In addition to this monitoring, which shows levels well below the national objective, the vehicle flow movements put forward by this development are also not considered to trigger air quality concerns. Analysis of the Transport Assessment by KCC (H + T) indicates that the traffic generation forecast for the development is comparable to that of the previous (extant) permission for the site. Therefore, as concluded under the recent planning application TM/15/03084/FL for Phase 4, the cumulative impact from the proposed Phase 3 development and the recently approved Phase 4 development (including cumulative impact from the approved/proposed development in the Industrial Estate) would not result in an air quality concern that could exceed air quality levels outlined in the national objective. I therefore 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 MDEDPD or paragraph 124 of the NPPF.
- 6.46 In light of the above, I do not consider that the proposed development would result in demonstrable harm to the amenities or living conditions of residential occupiers in the local area.

Ecology:

- 6.47 An extended habitat survey and reptile survey have been submitted. The habitat survey was undertaken in January 2012, however I do not consider that the conditions of the site have changed to any great extent. The survey concluded that the scrub habitat on the site is suitable for common reptile species of adder, grass snake, slow worm and common lizard and that the potential for reptiles to reside on the site is 'high'. A reptile survey undertaken in November 2013 has also been submitted but I consider that this survey, given the high potential for reptiles on the site and that 3 years have past, needs to be updated. The potential for great crested newts is considered to be low. No trees near to the site were deemed to have the potential to support bats. Advice has been given in respect to the timing of any works on the hedgerow/trees that may affect birds, which should be carried out outside of the core breeding season for birds (March to August). No badger setts were recorded on the site.
- 6.48 I consider that, subject to conditions requiring an updated reptile survey and the development being undertaken in accordance with the recommendations 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 MDEDPD.

Other planning matters:

- 6.49 The activities from the proposed units in general industrial use could impact on the aural conditions of occupiers of units used for storage or distribution. A condition can be added requiring a scheme of insulation/attenuation to be submitted for any units to be used for general industry use prior to its occupation for this use.

- 6.50 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 though is located some 50m from the railway line and, given the nature of the proposed general industry and storage/distribution units as a place of employment, I do not consider that 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 buildings, as outlined in the Noise Policy Statement for England (DEFRA March 2010). The development would therefore accord with paragraph 123 of the NPPF.
- 6.51 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 site is considered to be sufficiently buffered from potential noise and dust impact from the existing mineral operations. The vehicles enter the quarry site to the north of the Kentinental Engineering site and the band of mature trees along the western boundary provides a good level of screening and separation from the quarry.
- 6.52 The submitted site Phase 1 Desktop Study concludes that no further assessment is required. However, the site is directly adjacent to a landfill and therefore has the potential to have been impacted by earth movement/infilling and landfill gas migration. This needs to be adequately assessed to determine whether any new structures would require specific construction design. Relevant conditions are therefore required to ensure that the land is satisfactory for its end use in terms of land contamination.
- 6.53 The EA has also reviewed the application details and considers the proposal to have a low environmental risk.
- 6.54 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 additional ground investigation will be needed to support the use of infiltration. 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 to those areas where it has been demonstrated that there would not be an unacceptable risk to controlled waters. These conditions are necessary to protect the existing groundwater resources.
- 6.55 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.
- 6.56 The development, subject to the conditions suggested, would therefore accord with paragraphs 120-121 of the NPPF.
- 6.57 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.

- 6.58 The proposed plans include the provision of waste refuse enclosures and cycle stores within the site. A condition to secure details of the appearance of these enclosures and stores will be added to any grant of permission.

Representations:

- 6.59 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:

- 6.60 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.
- 6.61 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.
- 6.62 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.
- 6.63 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: Proposed Elevations 4863-006 C received 06.12.2016, Proposed Floor Plans 4863-011 B received 06.12.2016, Proposed Floor Plans 4863-014 B received



06.12.2016, Roof Plan 4863-015 A received 06.12.2016, Site Plan 4863-003 G received 08.12.2016, Transport Assessment 614034 REPORT 932 V1.0 received 07.11.2016, Other AADT DATA received 07.11.2016, Arboricultural Survey 161008 V2 ADDENDUM received 29.11.2016, Other DRAINAGE CALCULATIONS received 24.11.2016, Unilateral Undertaking received 22.11.2016, Letter received 22.11.2016, Sustainable drainage scheme 201 A received 11.01.2016, Proposed Floor Plans 4863-009 C received 11.01.2016, Proposed Floor Plans 4863-010 C received 11.01.2016, Proposed Floor Plans 4863-012 C received 11.01.2016, Proposed Floor Plans 4863-013 C received 11.01.2016, Proposed Elevations 4863-007 C received 11.01.2016, Proposed Elevations 4863-008 C received 11.01.2016, Location Plan 4863-001 received 06.06.2016, Survey J20112 REPTILE received 01.07.2016, Tree Report 131102 V2 received 01.07.2016, Desk Study Assessment 90507 Phase 1a \_ 1b received 01.07.2016, Habitat Survey Report LM-P1BBG-2009 received 01.07.2016, Planning, Design And Access Statement received 10.06.2016, Topographical Survey 4863-016 received 16.08.2016, Sections 4863-005 D received 11.01.2016, subject to the following conditions:

### **Conditions / Reasons**

- 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 and samples of all materials to be used externally on the buildings 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 B2 (General Industry) or B8 (Storage or Distribution) and for no other purpose.

Reason: To ensure future control over other potential uses of the unit and the protection of the employment and commercial uses in the locality.

- 4 Prior to first use of any of the units for Class B2 (General Industry), a scheme of noise insulation/attenuation for the unit for which it relates that satisfies BS 4142:2014 shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to first use of the unit for which it relates.

Reason: To ensure that the noise impact between the units of different uses is not adverse.

- 5 No development shall take place until a plan showing the finished floor levels of the buildings 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.

- 6 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 O 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.

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

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

- 8 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.

- 9 None of the buildings shall 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.

- 10 The premises shall not be in use (including for any deliveries to or from the site) outside the hours of 07:00 to 22:00 Mondays to Fridays and 07:00 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 hard and soft landscaping and boundary treatment. 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 buildings.

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 shall be carried out in strict accordance with the Tree Survey (ref.131102v2 dated 4 December 2013) and Addendum (Ref.161008v2 dated 29 November 2016) prepared by Philip Wilson Arboriculture, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the protected trees close to the site are adequately protected and to preserve the character of the site and locality.

- 14 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.

- 15 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.

- 16 No development shall commence until details of the refuse enclosures and cycle stores have been submitted to and approved by the Local Planning Authority. The refuse enclosures and cycle stores shall be provided in accordance with the approved details prior to occupation of any of the buildings and shall be retained at all times thereafter.

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

- 17 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.

- 18 Prior to the installation of the solar panels on the buildings, a section/elevation plan showing the height of the solar panels above the roof planes of the buildings 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 4 (Discussion and Recommendations set out in the submitted Extended Phase 1 Habitat Survey (Report No.LM-P1BBG-2009 – January 2012) 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, an updated reptile survey and mitigation strategy shall be submitted to and approved 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 (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. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters; 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.

- 22 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which 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.

- 23 Prior to the commencement of development, a strategy and timetable for measures to improve both the safety and the environmental conditions of the access road around the A25/Platt Industrial Estate junction shall be submitted to and approved by the Local Planning Authority. The strategy shall be implemented as approved.

Reason: In the interest of public safety and amenity.

- 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](http://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](mailto: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.



