

**Borough Green                      TM/16/01245/FL**  
**Borough Green And Long Mill**

**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 at 4 Wrotham Road Borough Green for Sainsbury's Supermarkets Ltd**

Amended Plan: The applicant has submitted an amended road marking plan removing the bin store from the rear of the building.

The details of an alternative location for the commercial bin store pursuant to TM/14/03560/FL were approved under TM/15/02849/RD. These details confirmed that the waste will be stored within the building, and, as such, there will not be a requirement for an external compound of bins. This is addressed via Condition 9 as recommended and a further informative can be imposed which clarifies the position on this matter.

DPHEH:

For clarification, the ground conditions mentioned by the applicant are that there are built up areas of the car park which are at risk of failure with heavy loading as from a delivery vehicle, especially around the soakaways.

Since publication of the main report, Officers have taken the opportunity to revisit the recommended conditions to ensure they comply with the six tests set out at paragraph 206 of the NPPF (necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects). Condition 6 as recommended in the main report included (in part) a stipulation that no deliveries should be made to the store by the public highway. This would be requiring the applicant to ensure something which is outside of their control. The pertinent point in this respect is that by ensuring that the loading areas are kept available for the intended purpose the application site has the physical capacity to provide for on-site deliveries to be made in an appropriate fashion accepted as not causing a severe safety impact by KCC (H+T).

KCC (H+T) might separately look to impose delivery restrictions on the highway should they deem it to be necessary in highway safety terms, but that is very much a matter for KCC and cannot form part of the basis for consideration of this application.

The plans list has been amended to include the plan showing the mechanical layout that had been omitted from the list within the main report.

**AMENDED RECOMMENDATION**

**Substitute the plan/document list at paragraph 7.1 with the following one:**

**Proposed Plans H104 C received 23.01.2017, Email received 16.11.2016, Drawing SSLBOROUGHGREEN(LOCAL).1 TK09 received 17.11.2016, Drawing SSLBOROUGHGREEN(LOCAL).1 TK07 received 17.11.2016, Environmental Assessment PHASE1 AND II received 17.11.2016, Letter received 17.11.2016, Site Plan received 04.05.2016, Elevations P-121603-201 A received 18.04.2016, Drawing TK10 car entering plan received 18.04.2016, Drawing TK11 car exit plan received 18.04.2016, Elevations P-1211603-203 B received 18.04.2016, Elevations P-1211603-204 B received 18.04.2016, Floor Plan P-121603-102 D received 18.04.2016, Floor Plan P-121603-111 A received 18.04.2016, Parking Layout P-121603-115 C received 18.04.2016, Elevations P-121603-202 A received 18.04.2016, Drawing P-121603-300 MECHANICAL LAYOUT received 18.04.2016, Letter received 18.04.2016, subject to the conditions set out in the main report and:**

**Amend Condition 6:**

**6. 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.**

**Additional Informative:**

**4. The applicant is reminded that Condition 9 has been discharged on the basis of no external storage of waste being required and all waste being stored internally other than on a collection day (weekly). As such, should an external bin store be required at a later date then a scheme will be required to be submitted to the Council for approval pursuant to this condition.**

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**Platt TM/16/01766/FL  
Borough Green And Long Mill**

**Erection of 3 Industrial buildings for mix of B2 (General Industry) and B8 (Storage/Distribution) use, and associated vehicle access and parking at Phase 3 Platt Industrial Estate Maidstone Road Platt for Prime Securities Ltd**

DPHEH: As there is an extant permission for development on the site, in order to remove any ambiguity, a condition should be added confirming that the approved development shall be an alternative to the other extant permission granted and shall not be implemented in addition or conjunction with the other permission.

The submitted unilateral undertaking for the junction works was missing a page. This has been added and the document is now considered to be acceptable. The plans/document list has to be amended accordingly.

### **AMENDED RECOMMENDATION**

**Substitute the plan/document list at paragraph 7.1 with the following one:**

**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, 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, Sections 4863-005 D 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, Unilateral Undertaking received 24.01.2017, subject to the conditions set out in the main report and:**

#### **Additional Condition:**

**27. This permission shall be an alternative to outline planning permission TM/11/03020/OA granted on 21.07.2015, and shall not be exercised in addition thereto or in combination therewith.**

**Reason: The exercise of more than one permission is likely to harm the character and appearance of the site.**

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**Borough Green                    TM/16/02936/FL**  
**Borough Green And Long Mill**

**Change of use from Class A1 (shop) to Class A5 (hot food takeaway) and external alterations - including the installation of extraction and ventilation equipment at 68 Western Road Borough Green for Emruliah Kaya**

DPHEH: Since publication of the main report it has been noted that Condition 4 needs amending to refer to the 2015 General Permitted Development Order that would otherwise allow a change of use to a Restaurant/café (Use Class A3) which should be controlled in my opinion.

**AMENDED RECOMMENDATION**

**Amend Condition 4:**

**4. Notwithstanding the provisions of Class B of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending, revoking or re-enacting that Order, no change of use from the use hereby approved to Use Class A3 (as specified in the Town & Country Planning (Use Classes Order) 1987) shall take place without a grant of planning permission from the Local Planning Authority.**

**Reason: To control the nature of the use in the interest of residential amenity.**

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