Platt Borough Green And Long Mill	**27 April 2017**	**TM/16/03630/OA**

Proposal:	Outline Application including details of access: New access road from the East side of Platt Industrial Estate, through Nepicar sandpit to join the A25 Maidstone Road
Location:	Nepicar Sand Quarry Maidstone Road Platt Sevenoaks Kent TN15 7SJ
Applicant:	Platt Parish Council
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1. Description:

1.1 The application is in outline with only "access" being detailed (appearance, landscaping, layout and scale being reserved) and is for a new link road intended for use by all vehicles from the private access that leads into Platt Industrial Estate to the A25 at the entrance to Nepicar Sand quarry (rather than adjacent to no.1 Whatcote Cottages as at present).

1.2 The proposed access road is indicated to have a length of approx. 600m. It is shown to pass for approx. 160m through a compound for an aggregates distribution company on the east side of Platt Industrial Estate. The proposed access road then needs to be aligned on a raised embankment to cross a wooded area for 85m, then for a further 355m, it is shown to run through the Nepicar Quarry (sandpit). It is shown to align on an embankment 100m long down to the base of the currently active sand quarry, going past the processing/screening/loading and weighbridge area and thereafter sharing the existing sandpit access to the A25 which is to the east of Askew Bridge.

1.3 The proposed new link road scales at approx. 5m in total width (assumed to be a 4.8m carriageway with kerbs) widening to bellmouths at both ends. That width is not wide enough for 2 HGVs to pass but no passing places are indicated and the c.5m width continues around the radius of a tight bend at the Nepicar end. The ramp up from the Industrial Estate scales at 25m long and the ramp down to the sandpit base scales at 100m long, necessitating a 2m cut at the woodland side and a 5m build up from the sandpit. The overall drop from the woodland to the base of the sandpit is in the order of 10m and the ramp is shown to be 1 in 10 gradient. The ramp steepness on the Industrial Estate side is not indicated on the submission.

1.4 The ecology/tree reports state that the trees to be removed in the path of the new road would be silver birch only (it states 11 in number) plus some conifer plantation trees next to the Industrial Estate boundary. It states that 2 oak trees on the common boundary with the Nepicar Sandpit would not be affected but that is not entirely consistent with the indicated size and shape of the ramp which may

involve significant land level changes in the vicinity of those oak trees. There is no clear evidence of protected species, but the applicant states that further ecological surveys would be carried out in a future full application.

1.5 The Transport Assessment indicates that the traffic flows to the existing Industrial Estate are 88 vehicles per hour inward and 24 per hour outward in morning peak. These figures at the eastern access point need to be added to the existing traffic use of the Nepicar Sandpit, as the application intends that only pedestrians would continue to use the existing access to the A25 at no. 1 Whatcote Cottages and all other vehicles (both private cars, delivery vehicles, emergency and refuse collection vehicles and commercial traffic) would have to use this new access link.

1.6 The TA indicates that most traffic that enters the existing Industrial Estate in the peak morning period comes from the east (75 compared to 12) and most exits eastbound (16 compared to 8). No evening peak traffic data was submitted.

1.7 The TA also indicates the similar pattern is expected for the morning peak at Nepicar junction with the proposed new road with 84 (inbound) and 80 (outbound) related to the east compared to 22 (inbound) and 27 (outbound) related to the west.

1.8 The supporting statements make the following points:

- Discussions have been held over several years with the relevant landowners including Roger Body, Borough Green Sandpit, Prime Securities and Simon Clubb, and they are fully aware that this application is being lodged.

- The concept is also lodged as part of the Local Plan evidence, and will be lodged again in future consultations.

- The concept is to provide a new private relief road from the existing site to the entrance of Nepicar sandpit to the East of Askew Bridge. The sandpit entrance was designed with modern vision and HGV splays, and eastbound incoming traffic has a dedicated right turn lane. HGVs can enter and exit the site without the hazard of using both lanes.

- It is proposed that the existing access would be completely closed off, except for the pedestrians using the PROW. That would eliminate all traffic from using or leaving at the site in the vicinity of Whatcote Cottages/Grange Road, diverting the vehicular activity 300m to the east.

- Details of the route and construction are a matter for agreement between the landowners and further detailed RM applications.

- The new entrance would remove all the above problems from the village of St Mary's Platt and would promote significant improvements in Highway Safety on the A25.

- The current junction is unsafe, an unacceptable level of risk if there is a viable alternative.

- The current access could hamper economic development in the area.

- It generates unacceptable levels of Air Pollution, noise, and dirt on the road, and has a severe impact on the quality of life of the local residents at Whatcote Cottages and Maidstone Rd.

- Increases the hazard for pupils and parents attending Platt Primary School.

- The existing exit is across a narrow old stone bridge that is not wide enough to accommodate HGVs passing, and Network Rail advise that it has a current 40t limit, which while not currently enforced, could also hamper HGV access. Network Rail Asset Management is currently investigating the unstable sandstone cliff of the railway cutting, and this may impact on the bridge weight limit.

- The Exceptional Circumstance required for the use of Greenbelt land are the improvements in Highway Safety, Air Quality, and noise levels, and the lifting of current restrictions that limit the economic development of the estate.

- In response to a query over the consequence for Bridge strikes, the applicant states these are caused by two types of HGV - through vehicles which should have been diverted by long distance warning signs at Western Road and Wrotham Heath. They state that the local risk of bridge strikes is from the double-deckers used by parcel companies, who currently have to exit west and through Borough Green.

- In response to a query over the consequence of sterilising mineral deposits, the applicants envisage that the route can be varied to suit the operators' program and its alignment is not intended to be permanent.

2. Reason for reporting to Committee:

2.1 A departure from the Local Plan and a high level of local interest.

3. The Site:

3.1 The application site is within the countryside being 125 m from the rural settlement of Platt. It is within the Metropolitan Green Belt and lies over a Water Catchment Area. Maidstone Road is a Classified Road (A25).

3.2 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).

3.3 A Public Right of Way (PROW) MR251 runs north-south along the access road to the Estate and a second PROW (MR291) runs east-west and follows north of the railway line to the A25 at Askew Bridge and then across the entrance to Nepicar Sandpit.

3.4 Platt Industrial Estate comprises a range of commercial and business uses in designated employment land and there is also designated future employment land. The existing access southwards to the A25 adjacent Whatcote Cottages also serves the active sand quarry operations at Borough Green Sandpit. It has a steep gradient rising from north to south and passes over a bridge (4.6m width) to the main Ashford to London Victoria railway line which is set in a cutting.

3.5 The part of the Industrial Estate that marks the western extent of the proposed link road comprises the middle of 3 adjacent access points. Two are to commercial yards and one is to an office complex. The proposal would coincide with the alignment of the access into a busy aggregate distribution depot that is approx. 4m wide and is used for ingressing and egressing aggregate lorries, staff and visitor vehicles with no passing places. The one way system of the depot would also cross the line of the proposed link road.

3.6 Nepicar Quarry is an active sandpit that has planning permission from KCC to extract sand until 2030. Part of the alignment of the new road would be on land that has been restored (with no infilling) but the proposed new road and its ramp would cut across the active processing/screening/loading area and the area where lorries taking the sand off site have to be weighed.

3.7 The wooded area on a plateau above and between the Industrial Estate and the sandpit is mainly silver birch. There are some oak standards on the eastern edge and a power line runs north-south through it.

3.8 To the north of the Industrial Estate, but south of the railway line and sharing the existing access to the A25, are 2 dwellings and a barn which is currently being converted to a residence.

3.9 Further from the application site but relevant to the planning merits quoted by the applicant are the junction with Grange Road and Platt Common and dwellings fronting the A25. Close to the A25 on its north side is a series of 19 terraced properties known as 1-19 (incl) Whatcote Cottages which have no onsite parking and a further dwelling of Holly Lodge. A number of other nearby dwellings on the south side of the A25 are generally set further from the A25 with the exception of some properties at Pine View cul de sac which are closer. Platt School currently is on the south side of the A25 (Members will be aware that the school has a planning permission to relocate to the north side of the A25, to the west of the existing access). To the west of the existing access is the newly constructed Memorial Hall for the village and the new playing fields and parking serving Platt School off a new access called Platinum Way and close to a new traffic light controlled pedestrian crossing to the west of the existing access. It is understood

that some parents park at Platinum Way and walk their children to and from Platt School and the footways of the A25 on this stretch that are relatively narrow. The area in front of Whatcote Cottages on the A25 is heavily parked with private cars, many of which are parked on the footway itself. In essence there is a lot of educational, community and residential uses having a close juxtaposition with the A25 near its existing junction with Platt Industrial Estate.

3.10 The railway bridge Askew Bridge crosses the A25, midway between the existing access and the intended replacement access if this proposal were to be implemented.

3.11 The dwellings near the Nepicar junction include Askew Bridge Cottages and a dwelling called North Downs and there is opposite the (currently unlawful) Gypsy Traveller site at Askew Bridge.

4. Planning History (relevant):

62/10836/OLD Alternative reference: MK/4/62/95,,
Particulars of Overhead Lines. Wrotham and Platt
Grant With Conditions 8 May 1962

65/10532/OLD Alternative reference: MK/4/65/552,,
Weller Engineering Ltd Platt Industrial Estate
Grant With Conditions 10 November 1965

77/11136/FUL Alternative reference: TM/76/947,,
Polkacrest Platt Industrial Estate Enclosure of part of site to provide a storage and distribution depot for liquid petroleum gas.
Refuse 30 March 1977

77/10545/FUL Alternative reference: TM/77/812,,
Calor Engineering Platt Industrial Estate
Enclosure of part of site as a storage and distribution depot for liquid petroleum gas in cylinders.
Grant With Conditions 21 October 1977

92/00544/DHSC Alternative reference: HS/92/0004/DHSC
Calor Engineering Limited Platt Industrial Estate
Deemed Hazardous Substances Application: storage of up to 299 tonnes of liquefied petroleum gases
Grant With Conditions 4 December 1992

93/00911/MIN Alternative reference: TM/93/1595MIN
Nepicar Farm Maidstone Road Platt Sevenoaks Kent
Extraction of sand for use in the manufacture of calcium silicate bricks
Grant With Conditions 1 July 1994

94/00942/MIN Alternative reference: TM/94/1353MIN

Nepicar Farm Maidstone Road Platt Sevenoaks Kent
details of the construction of the screen bunding adjacent to Askew Bridge Cottages submitted
pursuant to conditions 18 and 21 of permission M/93/1595MIN extraction of sand for use in the
manufacture of calcium silicate bricks and for general building purposes
Grant 8 December 1994

99/00102/FL Alternative reference:
Calor Engineering Platt Industrial Estate
Application under S73A change of use from B1 & B2 uses to B8 storage (recovery and storage of motor vehicles)
Section 73A Approved 26 March 1999

98/01815/MIN Alternative reference:
Nepicar Sand Quarry
the continued extraction of sand, restoration of the land to agriculture and woodland and the
provision of a haul route to Park Farm Quarry (KCC ref: TM/98/Min/Q)
Grant With Conditions 13 October 1999

05/00120/FL Alternative reference:
Platt Industrial Estate Maidstone Road
Change of use of land to the storage, valeting and distribution of vehicles; construction of temporary office buildings; 2 car washes; 2 storage buildings; 2 WCs
Grant With Conditions 10 March 2005

08/02653/MIN Alternative reference:
Nepicar Sand Quarry Maidstone Road
Amendments to the scheme of working as a consequence of not constructing the haul road to Park Farm Quarry through Nepicar Sand Quarry and resubmission of details of quarry dust attenuation scheme at Nepicar Sand Quarry pursuant to condition 29 of planning permission

TM/98/01815/MIN:
Continued extraction of sand, restoration of the land to agriculture and woodland and the provision of a haul route to Park Farm Quarry (KCC ref: TM/08/TEMP/0054)
Split Decision 23 December 2008

15/01636/MIN
Nepicar Sand Quarry Maidstone Road
A section 73 application to revise the existing working, landscaping and restoration scheme pursuant to condition 19 of planning application TM/98/815 (KCC ref: KCC/TM/0141/2015)
Approved 21 July 2016

5. Consultees:

5.1 PC- The PC is the applicant.

5.2 Environment Agency: No objection- Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 3 and is located upon a Principal aquifer. Planning permission could be granted, subject to conditions on contamination and control over surface water drainage into the ground. Without these conditions we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by unacceptable levels of water pollution.

5.3 KCC (Minerals and Waste): It is considered that the application has limited information, in that there remains questions on the timing of the proposed road construction and how that may impact on the lawful operations and final restoration configuration at the Nepicar Sand Quarry. The new road proposals are also somewhat sketchy. Nepicar Sand Quarry has been and still is the subject of planning permission to extract the mineral reserve over a number of years. The arrangements for phased working and restoration were recently amended with planning permission TM/15/1636. It is not envisaged that extraction and restoration would be completed until sometime after 2030, with the removal of the processing plant (including the extraction of the sand reserves that lay underneath) being one of the last operations. There is no indication in the application details as to when it is intended that a new road through the site would be constructed and the County Council could not see this being possible until after the site is fully worked without seriously compromising the approved mineral extraction. To build the road prior to completion of extraction would sterilise a quantity of mineral (exact quantity unknown) and would be contrary to paragraph 142 of the National Planning Policy Framework (section 13, page 32-36: Facilitating the sustainable use of minerals). Finite mineral resources should be safeguarded and used to support sustainable economic growth.

5.3.1 Moreover, the adopted Kent Minerals and Waste Local Plan 2013-30 (KWMLP) specifically safeguards economic mineral resources (regardless of whether there is planning permission for their extraction) from unnecessary sterilisation (Policy CSM 5). Planning permission for non-minerals development that is incompatible with minerals safeguarding should only be granted in certain circumstances as set out in Policy DM 7 (Safeguarding Mineral Resources). Sub-heading 3 of Policy DM 7 does allow for the extraction of the mineral prior to the non-minerals development taking place, and the County Council would wish to see that approach followed here. The County Council is also concerned about the proposed route through Nepicar Farm Quarry to the Industrial Estate. Although probably the most direct route, consideration should have been given to using the route previously proposed in planning permission TM/98/1815 which would have served Park Farm Quarry. Although that alignment was subsequently not used as

a related permission TM/95/1708 at Park Farm Quarry was never implemented, the route itself remains reflected in the permitted restoration scheme and associated landform for Nepicar Farm Quarry. On the basis of the above and with the lack of detail in the application, the County Council as Minerals and Waste Planning Authority is not in a position to support this proposal.

5.3.2 Updated comments: The terms of the potential planning permission with conditions ensures sufficient confidence that mineral reserves would not be needlessly sterilised by the non-mineral development thereby the County Council would not wish to object on policy terms with regard to mineral safeguarding (Policy CSM 5); provided of course, that the terms of such a conditional planning permission are adhered to. Given that the quarry operator is not the applicant for this development, and is very probably wanting to ensure full exploitation of the mineral reserves permitted it is reasonable to anticipate that the access road development could not be progressed until all permitted minerals are extracted.

5.4 KCC (Highways and Transportation); No objection to the principle of an alternative access as proposed. Passing bays should be included, at least on the 200m stretch across the quarry to allow goods vehicles to pass. I also consider there are local and emergency access issues associated with a full closure of the current Platt Industrial Estate road that requires clarification/confirmation from residents and services that this is acceptable. I also note the applicant's comments regarding the height of vehicles used by some tenants within the estate and the routing implications this may have with respect to the askew bridge between the two access locations. It occurs that a more flexible approach may be more suitable, namely not allowing HGV egress from a point just north of Hollymount House and repeating this message at the railway bridge on the private Platt Industrial Estate road. This approach offers more flexibility for local access and reduces the potential for bridge strikes from the west (eastbound on the A25). I am aware that bridge strikes to the Askew Bridge have been an issue and I understand that the bridge is monitored by Network Rail.

5.5 KCC (PROW)- no objection however we would like to see some signs erected to make walkers aware of vehicles, and signs to make vehicles aware of pedestrians. Also like a zebra crossing or another type of pedestrian crossing considered at MR290.

5.6 Certificate B responses: One landowner objection:

- No consultation from Platt PC despite what their Design and Access Statement says.

- Request to Platt PC that points out this and other misleading statements and request for further information and clarification have gone unanswered.

- This is MGB and we were refused planning permission on appeal in 2003 to extend the hardstanding, a road is the same as a tarmac hardstanding so we would expect an approval too.

- If planning permission were granted and the scheme funded, then it should skirt around our compounds to be less disruptive.

- We would expect compensation.

5.7 Private Reps (114/57S/0X/9R) + Departure and PROW site and press notice

5.8 One petition from Platt Primary school in support with 83 signatures

5.8.1 Support (56 letters) summarised as follows:

- Will constant reduce noise from lorries very early in the morning until late at night.

- Fumes are pumped out constantly.

- Will remove danger to school children and pedestrians from HGV's pulling out where the road and pavements are narrow.

- Current entrance is now woefully unfit for purpose, cannot sustain any further growth and carries significant amounts of risks, daily, whilst in operation.

- Capacity, public safety, noise/air pollution and future growth should make this a straightforward decision.

- Getting in and out of Platt Common during busy periods (rush hour/school pick up) is extremely hard with the volume of traffic and made worse by the large lorries along the A25 that are waiting to turn into Platt Industrial Estate.

- The present access from the A25 in the heart of the village, close to the school, village hall and local residences, causes many serious issues.

- Poor sight lines make this a dangerous junction for the vehicles themselves.

- Our properties are shaking and the roads crumbling from the huge weight of lorries hurtling along the A25 at 50+miles per hour.

- Over the last five years traffic accessing Platt Industrial Estate has increased significantly.

- When it is raining pedestrians are absolutely soaked by spray.

- Lorries turning left from the industrial estate have to straddle the central road markings, bringing all traffic to a standstill whilst making this manoeuvre. A

lady walking her children to school was hit by one such vehicle turning right into the industrial estate. It is only a matter of time before someone is seriously injured, if not killed.

- It is all very well approving plans to increase the size of this industrial estate, however in doing so you owe a duty of care to local residents, school children and road users to ensure their safety as a priority.
- Lorries mount the kerb trying to exit the current industrial estate entrance which is terrifying for parents/pedestrians. The current A25 running through Platt village is an accident waiting happen; please don't let a child die before something is done.
- I need to wash my car at least once a week as the dust from those trucks is unbelievable and often making cars so dirty so I can't see nothing in the side mirror.
- Will bring major health benefits to Platt's beleaguered residents.
- Current noise levels from vehicles leaving via the existing access road are recognised as being far in excess of those recommended by the WHO, BSI and Defra for healthy living especially as they move up through the gears. This disrupts sleep patterns.
- Air pollution generated by vehicles associated with Platt Industrial Estate is a serious concern.
- Exhaust fumes and, high volumes of sand particles, including deadly particulates that are suspended in the atmosphere by general traffic flows.
- A new access road is perfect opportunity to continue the development of Platt Industrial Estate, thus creating jobs, and of vital importance,
- Would greatly improve our quality of life and our physical and mental wellbeing.
- The mud on the roads in winter is absolutely abhorrent.
- Whatcote Cottages have no place to park.
- Winter months cars are covered in mud and summer with a fine cover of dust causing a danger to drivers who have to stand and clean their car windows and mirrors every morning before leaving for the day.
- Will improve the lives of the local community instead of improving the money making ability of the industrial estate at the expense of residents.
- Cannot have the front windows open because of the dirt in the air.

- Double glazed throughout but the noise is dreadful and vibrations from the lorries passing outside.

- Lorries beeping as they reverse repeatedly.

- Children ill with upper respiratory tract infection due to the dirt particles in the air.

- Fifteen children living in Whatcote Cottages who all have to cross Maidstone road to go to school.

- Simply relocating the entrance a bit further down the road does not address the issue that the road itself is not fit for the substantial number of HGVs and other large commercial vehicles that constantly pass through Wrotham Heath and the Maidstone Road section of Platt. Strongly urge you to consider relocating the access road nearer to the roundabout with the A20/M26, where all commercial vehicles can come and go without impacting on the residential properties along the A25, and making the footpaths safe again for pedestrians.

5.8.2 Nine objections, summarised as follows:

- Increased heavy traffic and impact to road safety.

- Lack of speed restriction proposed.

- Increased noise and air pollution.

- The lorries and traffic that presently use the industrial estate are large heavy goods vehicles, there is no provision at the Clubs Quarry entrance for turning, slip road or any other measures that will prevent significant congestion whilst large vehicles try to enter/exit that location.

- There is not enough room physically for a filter lane, roundabout or other measure that would make this workable.

- Unless it is the intention of the Planning Authority to restrict use of the industrial estate - traffic will increase.

- Increased amount of noise and air pollution.

- No speed restrictions in place and is a danger.

- Other options (through to the A20 then possibly into the roundabout for the M26) will further aid future development of the site, reduce overall congestion (rather than moving it 400M down the A25) and result in fewer objections and safer conditions for all potentially affected by this proposal. This would prepare the site for future residential development, reduce congestion and the risks associated with large lorries turning on an A road that is already highly utilised,

would not affect adversely the residents near the quarry, could result in the compete CLOSURE of the entrance next to Platt School, and staggered closure of the Nepicar Quarry entrance when production stops.

- Platt Industrial Estate has been in that position for many years. People bought their houses knowing that Platt industrial Estate was there. How is it right that someone else has to have that situation put on them and their property.

- The bend at Askew Bridge is a dangerous bend and I think this will cause a lot of problems, it is a blind bend.

- We would expect compensation for the noise and pollution.

- This has been badly thought out and it needs to be looked at again.

6. Determining Issues:

6.1 The NPPF in paragraphs 1–14 include as general principles a presumption in favour of sustainable development which comprises three dimensions: economic, social and environmental.. Paragraph 17 includes core planning principles for decision taking by Local Planning Authorities.

Strategic implications:

6.2 Members are advised that in the current LDF there is no policy or evidence recognising the need for an alternative access to Platt Industrial Estate. The LDF does include a safeguarded route for a by-pass to the west of Borough Green, which was justified on the basis that this could address some of the concerns on the traffic levels on the A25 through Borough Green and Platt but it is unlikely now that this will be implemented. The current proposal does not appear to address those issues as an alternative to the by-pass: this application is for a more specific focus on the improvements to the existing access to the Industrial Estate and properties in its vicinity rather than more strategic benefits to the A25 corridor.

6.3 The emerging Local Plan carries no weight as a material consideration at this stage in its preparation. However, there is a proposal submitted on behalf of a consortium of land owners to deliver a relief road serving all of Borough Green and Platt, including the Industrial Estate, as part of a major mixed use development. This will be considered as part of the preparation of the Local Plan, which will replace the LDF during 2019. The land submitted by the consortium includes the land which is the subject of the current application. As the landowners are members of the consortium it is perhaps unlikely that they would be willing to offer up the land for the ‘concept’ before the Local Plan has run its course. In this planning application, a reference is made by the applicants to this concept being lodged with the Local Plan as evidence. The material provided is a representation and has been noted as part of the Local Plan process, but it is not Local Plan evidence per se.

6.4 Turning to the need to determine this planning application on its merits, there are 2 main issues concerning the principle of the development. One is that the site is in the MGB and the other main issue is the conflict with the Kent Minerals and Waste Local Plan (KWMLP) in terms of mineral reserves.

MGB and Countryside:

6.5 The development is inappropriate engineering as it would have an impact on the openness of the MGB and also causes countryside encroachment (it is a purpose of the MGB to avoid countryside encroachment). The relevant policy context is NPPF para 89 and 90 and policy CP3 of the TMBCS which defers to national policy. A case of very special circumstances is needed to outweigh both the harm to the MGB by inappropriateness and any other harm.

6.6 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".*

6.7 There are 3 separate parts of the link road proposal which have differing impacts which need to be assessed:

6.8 Within the Industrial Estate, part of 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 with relevant caveats being:

- it does not lead to any greater impact on the openness of the Green Belt and the purposes of including land within it;
- it leads to an overall improvement in the environment and does not harm the landscape setting and appropriately integrates with its surroundings;
- 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;

6.9 This policy M1 also provides site specific requirements for Platt Industrial Estate, relevant ones being requiring any development to protect trees on the site, minimise conflicts with mineral operations in the area, investigate and remediate any land contamination and include any necessary improvement to the access (ie A25 Maidstone Road junction).

6.10 The access link road within M1 will be sited directly adjacent to the existing substantial industrial buildings and depots. I am of the view that the proposed access link road would appropriately integrate with its surroundings because the western part of the application site is largely physically enclosed within the landscape by existing land topography and the cutting of the National railway line to the south which, has already compromised openness to a significant degree. In

my view there is no impact here on openness nor countryside encroachment except a relatively insignificant impact from the ramp that will be needed as it crossed into the woodland.

6.11 The proposal where it passes through the wooded plateau does of course have an inevitable impact on openness and visual amenity of the woods and represents countryside encroachment but it is visually enclosed from wider longer range views.

6.12 As the line of the proposed access link road moves into the sandpit, it would become much more visible, especially the embankment. The applicants have likened it to a typical haul road which it clearly will not be as the traffic flows and types are vastly different. However, in terms of visual impact and impact on openness and countryside encroachment, it is clearly the case that the quarry is a commercial and visually despoiled area notwithstanding the partial restoration to date and would be expected to continue to have that appearance overall for at least another 12 years.

6.13 Therefore, although the proposed development would impact on the openness and visual amenities of the Green Belt and encroach into the countryside, given the unique site specific circumstances discussed above, I consider that this impact on those matters would not be significant in this case and this harm and the definitional harm could potentially be outweighed by a case of very special circumstances and material considerations. These centre on the amenity benefits from reduced HGV noise and disturbance on the educational, community and residential uses in the locality which have a particularly close juxtaposition with the A25.

6.14 Other aspects of policy M1 will be discussed in the remainder of the report.

6.15 TMBCS Policy CP6 relates to edges of settlements and states that development will not be permitted within the countryside or on the edge of a settlement where it might harm the setting or character of a settlement when viewed from the countryside and should be consistent with Policy CP14. Policy CP14 requires, inter alia, development in the countryside to be restricted to that required for the limited expansion of an existing authorised employment use or any other development for which a rural location is essential. The road serves employment uses so there is no conflict with that part of the policy in my opinion. Its rural location is inevitable if it is to serve as a bypass to the A25. Whether it is *essential* or not is an opinion put forward by the applicant that Members may not share but in any event, if CP14 and CP6 are judged to be breached, then the conflict with that part of the Development Plan could be outweighed by other material considerations which will be described below.

Highways:

6.16 NPPF paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. MDE DPD Policy SQ8 is more detailed and resists the increased use of an existing access onto the primary or secondary road network where a significantly increased risk of crashes or traffic delays would result. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.

6.17 KCC (H&T) has no objection to the alternative access proposed if passing places are added. That would entail needing more land than shown in the red lined layout plan which is drawn tight to a 5m wide carriageway. Therefore the applicant has been asked to submit an amendment in this regard and an update will be provided in a supplementary report.

6.18 KCC notes that there are likely to be local access issues associated with full closure of the current Platt Industrial Estate road. It is likely to impede local established user rights to reach the A25 on the existing access road. KCC conclude that a more flexible approach may be more suitable, namely not allowing HGV movements from a point just north of Hollymount House and repeating this message at the railway bridge on the private Platt Industrial Estate road. This approach offers more flexibility for local (eg residential) access and reduces the potential for bridge strikes from the west (eastbound on the A25). This can be the subject of an informative.

6.19 Clearly, it would be necessary for emergency access to be the subject of a condition together with a retained use of the existing road also for cyclists, motor cyclists as well as pedestrians. This would need to be secured by a condition and would necessitate the applicant securing the agreement of the landowner of the private road which is currently Prime Securities.

6.20 Members may recall that a design for improvements to the junction at the A25 have been secured under Unilateral Undertakings related to extant planning permissions. The works have not yet been implemented but would comprise junction improvements, with a square parking bay nearest to the junction. They need to be implemented **before** development at phases 3 and 4 of the Industrial Estate can commence. The applicant is of the view that these junction improvements are unlikely to be implementable due to land ownership issues and sightline problems.

6.21 KCC (H&T) regard the revised improvements to the existing junction as acceptable in respect to visibility for emerging vehicles and pedestrian. It has been 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 development on the junction and road network in the immediate area.

6.22 Notwithstanding the above, the alternative presented in this application is similarly acceptable in highway terms on its own merits provided that the detailed design and configuration is such that there is demonstrated to be no detrimental impact on traffic safety or flows within the Industrial Estate nor in the Quarry and that the junction has satisfactory capacity and sightlines. The width of the road needs to increase at certain points (especially around corners) or adequate passing places added. Much more detail of the method of creating the ramps is also needed.

6.23 In terms of the Industrial Estate, the relationship of the link road with current commercial activities and the operation of other industrial units would need to be more detailed and in terms of the sand quarry, plant for screening/processing and loading and weighbridge would need to be relocated so that the extraction of the mineral reserves is unhindered by the proposal. This would be neither simple nor inexpensive and would need the cooperation and agreement of the relevant landowners and leaseholders who are aware of the proposal because formal notice was served on them. Members will be aware that if they are minded to grant outline planning permission that would mean that the applicant would have to secure the agreement of these third parties to be able to implement.

6.24 In the event that Members were minded to grant outline consent, it would need to be subject of a Grampian style condition. Conditions requiring works on land that is not controlled by the applicant, or that require the consent or authorisation of another person or body need to be worded in a negative form (a Grampian condition) that prohibits development authorised by the planning permission until a specified action has been take. The Government in its guidance does state that such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. The time taken for the sand quarry to be efficiently worked out fully would be the main issue justifying a long period for commencement than is normally the case.

6.25 Overall, 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 in principle therefore accords with Policy SQ8 of the MDE DPD and paragraph 32 of the NPPF.

6.26 The PROW at the Nepicar junction will be affected by the extra traffic but the PROW at the existing access will have less traffic so the overall effect is neutral. Members will note comments from the PROW which can be in an informative.

Air Quality:

6.27 MDE DPD Policy SQ4 on air quality states that development will only be permitted if there is no significant deterioration of the air quality either individually or cumulatively with other proposals or existing uses in the vicinity. The environment

protection team have not found evidence of poor air quality to warrant the designation of an Air Quality Management Area in Platt. It is therefore considered that moving the junction eastwards for HGVs and the consequent changes in traffic type and numbers at both the existing and new junction would have a neutral impact overall albeit with a redistribution of pollution from HGVs using Platt Industrial Estate and that would improve amenity for the majority of local residents, the users of the primary school and Memorial Hall in its vicinity.

Noise:

6.28 Noise levels from a planning point of view are now dealt with by the National Noise Policy Statement for England 2010 which supersedes policy SQ6 of the MDE DPD. It is accepted that this application may reduce the noise levels to the properties close to the current junction with the A25. However, it may also increase the noise levels at the proposed new junction but there is more likely to be scope for effective mitigation. Therefore a condition is needed to secure a report into the predicted noise impact from the proposed new road, including the intensification of use at the junctions at both ends. Where appropriate, the report should detail any mitigation/attenuation measures found to be necessary. Overall the combination of redistributing the source of noise from HGVs and the scope for mitigation of the new route means that the noise and disturbance which affects the locality will decrease overall, improving amenity for the majority of local residents, and the users of the primary school and Memorial Hall in its vicinity.

Minerals:

6.29 In terms of the KMWLP, policy CSM5 for Land-won Mineral Safeguarding serves in safeguarding economic mineral resources from being unnecessarily sterilised by other development. Policy DM7(3) states that planning permission will only be granted for non-mineral development incompatible with minerals safeguarding where it is demonstrated that the mineral can be extracted satisfactorily beforehand, having regard to Policy DM9. Policy DM9 (Prior Extraction of Minerals in Advance of Surface Development) details that planning permission for mineral extraction in advance of development will be granted where the resources would otherwise be permanently sterilised, will need conditions imposed to ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented.

6.30 If this outline planning permission were granted, its implementation could affect land on which there are mineral reserves and hence it could potentially be contrary to mineral planning policy which resists the sterilisation of important reserves. The applicant responded to this concern by saying that the road could be temporary. It is certainly the case that the timescales would need to factor in that the quarry has at least 13 years left on its planning permission to be completed. In terms of the sand quarry, any need for the weighbridge and for plant to be re-sited for continued screening/processing and loading are likely to need to be relocated so

that it is unhindered by the implementation and use of the proposed new access link road.

6.31 Any changes to the minerals operations to accommodate this proposal would need to be separately approved by KCC as Minerals Planning Authority in the form of a variation to the Nepicar Sand Quarry planning permission.

Economic Issues:

6.32 The part of the site within 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 in principle. The proposed link road serves employment uses so there is no conflict with that policy.

6.33 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.

6.34 The applicant suggests that the proposed new link road would allow further expansion of the Industrial Estate as they say that the junction improvements at the existing access are not achievable and that prevents the implementation of recent planning permissions. As mentioned above, the link road in this application in my view has even more complicated implementation hurdles in terms of costs, land ownership and relocation of other conflicting activities and land uses. So I consider the 2 alternatives to be of not dissimilar value in economic terms.

Character and visual amenity:

6.35 Policy CP1 states that all proposals for new development must result in a high quality sustainable environment and that the need for development will be balanced against the need to protect and enhance the natural and built environment. Policy CP24 requires all development to be well designed, to respect the site and its surroundings and make a positive contribution towards the enhancement of the appearance and safety of the area. Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside should not be permitted. Policy SQ1 of the MDE DPD states that proposals for development will be required to protect, conserve and, where possible, enhance the character and local distinctiveness of the area the distinctive setting of the landscape, important views; and the biodiversity value of the area, including patterns of vegetation and property boundaries.

6.36 I am satisfied that the proposed development would not harm the character of the area or visual amenity of the locality to a degree that warrants refusal based upon

the specific characteristics of the 3 parts of the link road when weighed against its positive aspects.

Groundwater:

6.37 MDE DPD Policy CC3 aims to protect groundwater quality and promote sustainable drainage systems. The EA has no objections subject to conditions that 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 and would therefore accord with paragraphs 120-121 of the NPPF.

Residential amenity:

6.38 The nearest residential properties to the site at its western end are Hollymount House, Bassetts Cottage 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. The nearest dwelling is Hollymount House about 5m to the south of the site and set at a much higher level.

6.39 The development will switch traffic movements near to these dwellings from using the access road to the west to the new access road to the north. The impact will be neutral to Hollymount House and slightly improve the situation for Bassetts Cottage and The Old Stables. It will significantly reduce the traffic impact for Whatcote Cottages and other dwellings in the vicinity of the existing access and in the Askew Bridge area and the Platt primary school in its present and proposed locations.

6.40 However, it will increase traffic activity through the quarry and at the junction with Nepicar Sand quarry near where dwellings of Askew Bridge Cottages and North Downs are sited and the (unlawful) Gypsy Traveller site at Askew Bridge. The level of traffic and activity around this part of the site from the quarrying activities, the railway line and the A25 means that there will be no overall worsening of amenity from this scheme that could not be satisfactorily mitigated (as discussed under noise considerations above).

6.41 Overall, I do not consider that the proposed development would result in an overall demonstrable harm to the amenities or living conditions of residential occupiers in the local area and therefore that it complies with Policy CP24 of the TMBCS.

Trees and Biodiversity:

6.42 Paragraphs 109, 111, 118-123 of the NPPF relate to conserving and enhancing the natural environment.

6.43 MDE DPD Policies NE2 and Policy NE4 relate to protecting biodiversity and woodland such that if development cannot reasonably be located on an alternative

site, there needs to be an overriding need against any harm to the ecological and landscape value of the woodland: any harm to be mitigated by positive environmental measures within the site or by replacement planting elsewhere or enhanced management.

6.44 The tree loss is relatively limited for such a length of new road but needs further expert analysis and the impact of the embankments on the roots of important trees needs further analysis but that could be the subject of a condition in the event that planning permission is granted.

6.45 I consider that, subject to conditions requiring a more detailed expert survey and the development being undertaken in accordance with the recommendations outlined therein, protected species and tree cover would be adequately safeguarded and the NPPF guidance and local policies would not be breached to a degree to warrant refusal on these matters.

Other planning matters:

6.46 In the light of the historic and current uses, relevant conditions would be required to ensure that the land is satisfactory for its end use in terms of land contamination.

6.47 The landowner of part of the Platt Industrial Estate expresses concern at inconsistent application of the MGB policy although they are referring to an appeal decision from 2003 against a large expanse of hardstanding constructed on a wooded area for the purposes of open storage and lorry parking which is not comparable to the application here. It is of course the case that schemes are considered on their merits in the light of planning policy context at the time. I am satisfied that the wider benefits of a new link road are greater than extra hardstanding for commercial purposes in what is already a large industrial estate in the MGB.

6.48 As mentioned above, non-cooperative landowners are not a reason to not grant a planning permission on land use grounds. Securing the legal ability to implement a planning permission is a separate matter.

Conclusion:

6.49 The proposed development would be *inappropriate development,* but due to the unique circumstances of the site setting, the limited impact on openness and countryside encroachment compared to the amenity benefits that the development will bring, ‘very special circumstances’ are considered to exist that would outweigh the harm to the Green Belt as a result of the development’s inappropriateness. The amenity benefits are the reduction in noise and disturbance from HGV traffic in a locality where there is a high concentration of dwellings and a primary school and a Memorial Hall close to a heavily trafficked main road. I do not consider there

to be any other material harm from the development identified in the report that would outweigh the positive impacts identified.

6.50 The scheme does not comply with all provisions of Policy M1 of the DLA DPD, relating to impact on openness or to Policy CP6 and CP14 of the TMBCS relating to development in the countryside near settlements, 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.

6.51 The actively quarried mineral reserves on most of the application site means that the normal time scales for an outline planning permission would not be practical and would be contrary to Mineral planning policy which protects the sterilisation of important reserves. I therefore recommend that the timescales factor in that the quarry has at least 13 years left on its planning permission to be completed. Any changes to the minerals operations to accommodate this proposal would need to be separately approved by KCC as Minerals Planning Authority.

6.52 On balance, 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.

6.53 The application was advertised as a technical departure from the development plan but I am of the view that, following the analysis above and that the scheme is not "major" development by site area, it does not warrant a referral to the NPCU because it does not have a significant impact on the openness of the Green Belt by reason of its scale or nature or location.

7. Recommendation:

7.1 **Grant planning permission** as detailed by Certificate B received 08.12.2016, Photographs received 08.12.2016, Planning Statement received 09.01.2017, Noise Assessment received 09.01.2017, Tree Report received 09.01.2017, Proposed Layout 17-04-01 received 31.03.2017, Tree Plan 17-04-02 received 05.04.2017, Design and Access Statement received 02.05.2017, Transport Assessment received 02.05.2017, Certificate B x 4 titles received 25.05.2017, Email TRAFFIC SURVEY TIMES received 15.06.2017, /subject to the following:

Conditions/Reasons

1 Approval of details of the layout and appearance of the development, access to and within the site, the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 12 years from the date of this permission.

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

3 The development hereby permitted shall be begun either before the expiration of 15 years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

4 No development shall commence until a strategy demonstrating non-sterilisation of strategic mineral reserves (and that the site can be adequately restored to a satisfactory after-use should the development be delayed or not implemented) has been submitted to and approved by the Local Planning Authority. The approved strategy shall be implemented as approved.

Reason: To safeguard economic mineral resources

5 No development shall commence until there has been a relocation of sand quarry operations including processing/screening/loading and weighbridge area in accordance with details that have been submitted to and approved by the Local Planning Authority.

Reason: To safeguard economic mineral resources.

6 The details submitted in pursuance to condition 1 shall include vehicle tracking to demonstrate that HGVs can safely pass at all points of the road or that there are sufficient adequately dimensioned passing places.

Reason: To accord with the terms of the application and to ensure the free flow of traffic.

7 The details submitted in pursuance to condition 1 shall include full constructional details of the ramp material and design.

Reason: No such details have been submitted.

8 No development shall commence until a report into the predicted noise impact from the proposed new road has been submitted to and approved by the Local Planning Authority. The report shall include the impact of the intensification of use

at the junctions at both ends. Where appropriate, the report should detail any mitigation/attenuation measures found to be necessary. The approved scheme shall be implemented within 1 month of the first public use of the new access road and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity.

9 Within 1 month of the first public use of the road hereby permitted, the existing access road to Platt Industrial Estate shall be closed to HGV use but use by cyclists, pedestrians and emergency vehicles shall be retained in accordance with details that have been submitted to and approved by the Local Planning Authority.

Reason: To accord with the terms of the application and to minimise loss of existing user rights of the access.

10 No development shall be commenced until:

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

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

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

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

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

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

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

Reason: In the interests of amenity and public safety.

11 Prior to the first public use of the development hereby permitted

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

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

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

Reason: In the interests of amenity and public safety.

12 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

13 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details. Appropriate pollution control methods should be used for drainage from access road to reduce the risk of hydrocarbons from entering groundwater.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

14 Before any works commence on site, an ecological survey of the site, or any part thereof identified by the Local Planning Authority shall be carried out by a suitably qualified person approved in writing by the Local Planning Authority, to determine how the site is used by Protected Species. Details of the survey and an assessment of the impact of the proposed development and any appropriate alleviation measures and timetable shall be submitted to and approved by the

Local Planning Authority. Such measures shall then be implemented in accordance with the approved timetable.

Reason: To ensure that any protected species on the site are satisfactorily protected.

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

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

Informatives

1 The reserved matters will be expected to detail the relationship of the proposed access road with current commercial activities and the other industrial units within Platt Industrial Estate.

2 You are advised that a power supply line runs through the site.

3 Any changes to the minerals operations to accommodate this proposal would need to be separately approved by KCC as Minerals Planning Authority.

4 KCC advise not allowing HGV movements from a point just north of Hollymount House and repeating this message at the railway bridge on the private Platt Industrial Estate road. This approach offers more flexibility for local (eg residential) access and reduces the potential for bridge strikes from the west (eastbound on the A25).

5 Signs should be erected to make walkers aware of vehicles, and signs to make vehicles aware of pedestrians. Also support a zebra crossing or another type of pedestrian crossing at MR290.

Contact: Marion Geary