

**Snodland**  
Snodland East And  
Ham Hill

**25 February 2019**

**TM/19/00449/FL**

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Proposal: Erection of 4 no. warehouse units (Use Classes B1c/B2/B8) and 2 no. Drive-Thru units (Use Classes A3 and/or A5), together with the provision of parking, landscaping and associated works

Location: Development Site North Of Vantage Point Holborough Road Snodland Kent

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## **1. Description:**

- 1.1 Planning permission is sought for a mixed use development consisting of four no. commercial buildings and two no. drive-thru food and drink units.
- 1.2 The largest of the commercial units (Unit A) would measure 80m in length and 74m in width and be located at the southern end of the site. It would be accessed by the existing eastern arm of the roundabout that serves the Holborough Lakes development. Sixty car parking spaces would be provided to the southern side of the proposed unit together with cycle storage for 40 bicycles. The submitted drawings show the inclusion of 8 no. HGV delivery bays within its southern elevation. This building would stand approx. 15.7m in height, would have the appearance of a warehouse building and have a curved roof form. It would be clad externally with two different types of grey cladding to the elevations, grey profiled metal sheeting to the curved roof and grey, powder coated aluminium curtain walling/windows. Ventilation louvres would be installed within the external walls and again be finished grey. The proposed use would be either B1(c) (light industrial), B2 (general industrial) or B8 (storage and distribution).
- 1.3 The three other B1/B2 and B8 commercial units (Units B, C and D) and the two A3/A5 drive thru units would be accessed from a separate access to that serving Unit A which will be a modified version of the existing one allowing direct access to/from the southbound carriageway of the A228. The modified access is to include new slipways for leaving and entering the A228.
- 1.4 Units B and C would be located within a single building measuring 74m in length and 40m in width. Twenty Four no. car parking spaces would be provided for each unit together with 10 no. covered cycle storage bays. These units would take the same architectural form and design as Unit A and make use of the same external materials. The building would stand at approximately 13.4m in height at roof level.
- 1.5 The main body of Unit D as proposed measures 36m in length and 45.5m in width. A small off-shoot located on the north side of the main building measures approx. 23m in length and 10m in width. This unit would have 15 no. parking spaces

located adjacent to it together with 10 no. cycle storage bays. This building would have the same architectural form and external appearance as the other commercial units and also be finished with the same palate of materials.

- 1.6 The A3/A5 unit known as “Drive Thru 1” would measure approx. 16m in length and 11m in width. It would have a mono-pitched roof and would stand 5.5m high at its highest point. This building would be finished externally with rendered walls, horizontal timber cladding and grey coloured powder coated aluminium soffits, windows and doors. A section of panelling would be installed around the entrance to the unit coloured wine red to reflect the corporate colour associated with the occupier.
- 1.7 The other drive-thru A3/A5 unit “Drive Thru 2” would measure 31m in length and 14m in width. It would stand 5.8m in height and be finished with two different types of grey cladding, vertical timber cladding, blue engineering brick work and grey coloured windows.
- 1.8 The proposed plans show that 35 no. car parking spaces would be provided for Drive Thru 1 and 42 for Drive Thru 2. Four no. covered cycle storage stands would be provided for each unit.
- 1.9 A triangular shaped parcel of land located at the southern end of the site and which is separated from the main body by a public footpath is shown to be enhanced as an ecology park with additional tree, hedge and shrub planting taking place within it as well as the creation of wildflower banks and grassland.
- 1.10 Landscaping would take place around the periphery of the site with much additional tree and hedge planting and additional planting within the site as well.
- 1.11 The application does not specify the proposed operational hours of any of the units.

## **2. Reason for reporting to Committee:**

- 2.1 At the request of Cllr Sue Bell in order to give consideration as to whether the development conflicts with policies E1 and E3 of the DLA DPD.

## **3. The Site:**

- 3.1 The site lies on the east side of the A228, west of the railway line connecting Aylesford to the Medway Towns. The site lies between the Peter’s Bridge roundabout to the north and the roundabout serving the Holborough Lakes development to the south.
- 3.2 The site is allocated in the adopted Development Plan as an employment site to which policies E1 and E3 of the DLA DPD apply. The site is currently used as a depot for storing recovery vehicles. Access to the site is currently taken from two

separate points. One is from the eastern spur of the “Holborough” roundabout and the other is an access point directly from the southbound carriageway of the A228.

- 3.3 A triangular section of land at the southern end of the site is currently not used as a part of the depot for storing recovery vehicles and is laid mainly to grass. This part of the site also lies within flood zone 3. The central section of the site lies within flood zone 2.
- 3.4 The Holborough Mill Conservation Area is located on the west side of the A228 and has a narrow road frontage opposite the southern end of the application site. The CA wraps around the rear of the office building that stands on the north west side of the Holborough Lakes roundabout and extends westwards along the north side of Ladds Lane. A Grade II Listed Building is located within this CA, immediately north of the office building, close to the western boundary of the A228. A mature tree screen stands on this boundary together with a close boarded fence.

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

TM/11/03295/OA      Approved      13 August 2012

Outline Application: Construction of business park (use classes B1, B2 and B8), including associated accesses (including alterations to existing vantage point access road), parking and servicing area, landscaping, surface water storage areas, demolition of existing buildings and structures, and related development, including alterations to site levels and enhancement of pocket park

TM/14/01795/FL      Approved      16 July 2014

Temporary use of currently vacant land for general open storage including areas for storage, means of access, boundary enclosure, and small administration building

TM/19/01131/AT      Under Consideration

Display of five internally- illuminated fascia signs

TM/19/01132/AT      Under Consideration

The installation of 1no internally- illuminated freestanding 12m totem sign with tenant appendages

TM/19/01133/AT      Under Consideration

Display of various internally-illuminated and non-illuminated signs, including four free standing, 2 Banner units, 19 Dot signs and 1 Play Land sign

**5. Consultees:**

- 5.1 Snodland TC: No objection: The Town Council welcomes this high quality development. We would recommend that additional soft landscaping be placed along the A228 and CCTV installed to police anti-social behaviour. We would appreciate a condition to ensure that the takeaway units manage their litter.
- 5.2 Wouldham PC: We are concerned with the increase in traffic in this very busy area and think that a contribution should be made for crossings from Holborough Lakes across the A228. We note that the majority of the objections are not for the warehouses, but for the drive thru which will encourage more passing traffic and is unnecessary.
- 5.3 Medway Council: No objection subject to a condition to secure substantial landscaping, particularly along the site's boundaries in order to limit its visual impact and to minimise any eroding impact upon the gap between Snodland and Halling.
- 5.4 Highways England:
- 5.4.1 Referring to the planning application referenced above (received 5 March 2019), in the vicinity of M2 and M20 (in particular junctions 2 and 4 respectively), Snodland, Kent (which forms part of the Strategic Road Network), notice is hereby given that Highways England's formal recommendation is that we:
- a) offer no objection\*
- 5.4.2\*on the basis that we are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and DCLG NPPF particularly paragraph 109) in this location and its vicinity.
- 5.5 KCC: (H&T): Initial comments received 12.04.2019

**Introduction**

- 5.5.1 It is noted that this application seeks permission for the erection of 4 warehouse units (*use classes B1c/B2/B8-light industrial, general industrial and storage and distribution*) with a total gross internal floor (*GIFA*) of circa 11,325 square meters, as well as two drive thru units, (*use class A3-restaurant and cafes*), with a total GIFA of 611 square meters.
- 5.5.2 I can confirm that the proposals have been the subject of pre-application discussions with Kent County Council (*KCC*) Highways. *KCC's* formal pre-application response is contained in Appendix A1 of the applicant's Transport Assessment (*TA*).

## Access

- 5.5.3 The applicant has proposed to utilise the existing access points onto the public highway. The first access is situated south of the development site and takes the form of a private service road, which also serves as the eastern arm of the Holborough Lakes roundabout. All existing activities associated with the site take place from this access. It is understood that this access will remain unchanged as shown on the submitted site plan (*drawing number: SO59/3002 Rev p14*), with no physical changes to either the private service road itself or this arm of the Holborough Lakes roundabout.
- 5.5.4 To access both the drive thru/roadside element of the proposals and the site's remaining industrial units (Units B, C and D) the applicant has proposed to utilise the existing, all be it amended, lay-by access onto the A228. Alterations that the applicant has proposed include the introduction of diverging (deceleration) and merging (acceleration) lanes, which have been designed in accordance with a design speed of 85 kilometres/52 miles per hour. Reference has also been made to the relevant technical design standards in Design Manual for Roads and Bridges (DMRB) Technical Directive (TD) 42.95, as shown on the applicant's site access plan titled 'Potential Left-In/Left-out Junction (drawing number: 18-T111-05 Rev A)'.
- 5.5.5 I can confirm that the speed limit for the area within the immediate proximity of the revised access onto the A228 has recently been reduced to 50 miles per hour (*mph*). The associated Traffic Regulation Order (*TRO*) for the speed limit amendment was sealed on 19th December 2018. This speed limit change is in preparation for a new controlled toucan crossing facility which is planned adjacent to the Holborough Lakes service station.
- 5.5.6 A speed survey has also been undertaken by the applicant to identify 85th percentile speeds within the proximity of the existing lay-by access on the A228. This survey was undertaken between 27th November and 3rd December 2018 and confirms actual observed 85th percentile speeds of 50.9 mph. Based on the results of the applicant's survey and the fact that KCC Highways have recently implemented a scheme to reduce the posted limit of the A228 to 50 mph, diverging and merging lanes based on a design speed of 50 mph are acceptable.
- 5.5.7 The amended access arrangements have also been subject to an independent stage 1 road safety audit (*RSA*). This audit was completed by JB Road Safety Consultants and includes a review of the existing lay by/priority junction arrangement, proposed access arrangement with deceleration and merge lanes and an access with deceleration lane and priority access, with no merge lane.
- 5.5.8 It is noteworthy that the RSA contained within the appendix of the applicant's TA relates to a previous version of the proposed access arrangements. However, a revised RSA has been submitted by the applicant to this authority via email.

Importantly the revised RSA raises no substantive highway safety issues with the access arrangements proposed, or the proximity of the acceleration lane to the Holborough Lakes roundabout.

5.5.9 Finally, I note that the existing footway will be realigned to suit the revised access arrangements. The submitted drawings show that the footway will be a width of 2 meters for its duration. As stated in KCC Highways formal pre-application advice the feasibility of providing a 3-meter-wide shared foot/cycle way requires further investigation in the interest of promoting sustainable modes of transport. Provision of such a link will ensure continuity with the existing implemented improved provision as part of the Peter's Village development.

### **Sustainable Travel**

#### **Walking and cycling**

5.5.10 Section 2.31 to 2.44 of the applicant's TA outlines opportunities for walking and cycling to the proposals. As highlighted by the applicant the existing footways, which abut the A228 provide a connection to the development site for pedestrians approaching the site from the direction of Snodland and the Holborough Lakes development; whereas, the recently implemented improvements as part of the Peter's Village development provide a connection for those approaching the site from the north. KCC Highways would reiterate the comments made earlier in this consultation response, in that the applicant should be required to investigate the feasibility of providing a 3-meter-wide shared foot/cycleway between Peter's Bridge and the Holborough Lakes service station. This would ensure continuity of provision between the two locations, as well as being in the overall interest of promoting sustainable modes of transport.

#### **Public Transport**

5.5.11 Sections 2.32 to 2.36 of the applicant's TA identify the nearest public bus stops to the development site. The nearest stops are situated on the south and northbound carriageway of the A228. Full details, including route maps and timetables, of the routes that serve the stops in questions are contained in Appendix A5 of the applicant's TA. Examples of locations that can be accessed on these routes include Larkfield, Maidstone, Chatham and Rochester.

5.5.12 Public Right of Way Route (*PROW*) 0233/MR32/3 is situated east of the development site and provides a direct link to Snodland train station as demonstrated in the applicant's TA (*Figure 2.16*). Alternatively, the station could be accessed via Snodland High Street, Rocfort Road and Brook Street, although this would involve pedestrians crossing the A228 at the Holborough Lakes service station, which does not currently have any controlled crossing facilities. As highlighted by the applicant Snodland train station provides services to destinations including Maidstone, Tonbridge and London at a reasonable

frequency. If not already undertaken, then consultation is recommended with KCC's PROW team given the proximity of PROW route 0233/MR32/3 to the site.

### **Travel Plan**

- 5.5.13 In addition to the submitted TA the applicant has provided a framework Travel Plan (TP). As outlined within the TP initial surveys will be conducted to ascertain baseline travel to work figures, which will then be supplemented by annual surveys. The applicant has proposed a target of a 10% reduction in single occupancy private vehicle travel within 5 years of the initial survey being undertaken.
- 5.5.14 Measures outlined by the applicant to encourage the take up of sustainable modes of transport by the development's future occupants include promotion of the County Council's lift sharing scheme (liftshare), promotion of the on and offsite pedestrian network and the promotion of bicycle user groups upon opening of the site. These measures are considered acceptable to this authority.

### **Trip Generation**

- 5.5.15 It is my understanding that trip generation figures for the employment element of the proposals have been obtained from TRICS, the National Trip Generation database. Inspection of the trip generation figures for the employment element of the proposals reveals that the applicant has included a site in Northern Ireland (TRICS site reference: AR-02-D-01). Closer review of this site on the TRICS database confirms that 50% of the units on the site were unoccupied at the time of the survey in 2010. Consequently, sensitivity checking is required with this site omitted from the site selection parameters.
- 5.5.16 Further clarity is also required on the source of the trip rates shown in tables 6.2 to 6.4, as they do not correspond to the times or figures shown in Appendix A10 (TRICS Outputs). For example, a two-way trip rate of 0.653 between 07:45-08:45 is given in tables 6.2-6.4, yet no such time period or corresponding rate is shown in Appendix A10, whereas Appendix 13 (Traffic Flow Diagrams) gives a two-way trip rate of 0.693 for the AM peak period.
- 5.5.17 Rather than making use of the TRICS database comparable A3/A5 have been surveyed for the roadside element of the proposals. Importantly, both the surveyed sites have drive-thru facilities and possess similar location characteristics to the development site. This approach is acceptable in principle to this authority and in accordance with KCC's formal pre-application advice.
- 5.5.18 I note that paragraphs 6.12 and 6.15 of the applicant's TA states that the raw survey data is contained in Appendix A11; however, I am unable to locate the survey data in Appendix A11. I would therefore be grateful if the applicant could provide the missing survey data for review and validation by this authority. In addition, the trip rates that are contained in tables 6.5 and 6.6 differ to those that

are presented in Appendix 13 (traffic flow diagrams). For example, a two-way trip rate for the AM peak period of 53.57 is given in Appendix 13, yet Table 6.5 gives a two-way trip rate of 36.197 for the McDonald's unit.

### **Pass-by trips**

5.5.19 As highlighted in the applicant's TA (paragraph 6.20) KCC Highways advised in our formal pre-application advice that a 50% reduction from the total traffic generation of the roadside element of the proposals to account for pass-by trips, would provide a robust basis for assessment. The applicant has proposed that the number of pass-by trips would in fact be much higher (80% and 95%) based on the proximity of other nearby A3/A5 restaurants and the high traffic volumes already travelling along the A228. It is therefore assumed within the applicant's methodology that customers are less likely to travel to a facility that is further away from their nearest existing restaurant. Consequently, it is assumed that the new restaurant will primarily act as a local facility, namely for the residents of local settlements such as Snodland, Peter's Village and Halling for example.

5.5.20 Surveys have been undertaken at sites with similar locational characteristics by the applicant in accordance with the guidance in TRICS Research Report 14/1 titled 'Pass-By and Diverted Trips (Paragraph 11.1)'. The results of these surveys demonstrate that single purpose trips represent a low percentage of the overall number of trips. These surveys support the applicant's proposals that the number of overall pass-by-trips would in fact be higher than 50%. Consequently, it is considered that the applicant has provided satisfactory justification for a pass-by percentage of 80% and 95% for "Drive Thru 1" and "Drive Thru 2" respectively.

### **Trip Generation**

5.5.21 To distribute the traffic associated with the proposals the applicant has used 'origin and destination' data from the 2011 census, alongside Google real time journey planner. Data for Middle Super Output Area (MSOA) E205005150: Tonbridge and Malling 002 has been used, as this is the census area that the development site falls within.

5.5.22 In summary, the applicant has forecast that 63% of the employment-based trips will approach to/from the north, with the remaining 37% approaching from the south. Although KCC Highways would not wholly agree with some of the detailed routing forecasts shown in Table 6.12 of the applicant's TA, the principles that underpin the applicant's methodology are considered acceptable. However, in the interest of clarity, it would be helpful if the applicant could provide the census data and associated workings that underpin their distribution assumptions.

5.5.23 Although the applicant has not explicitly explained the distribution for the drive thru element of the proposals it appears from the submitted flow diagrams that a first principles approach has been adopted. It is noteworthy that the applicant has

forecast that a significant proportion (25%) of the drive-thru trips will come to/from the Manley Boulevard arm of the Holborough Lakes roundabout. It is unclear how this conclusion has been reached, as this arm of the roundabout only serves the Holborough Lakes estate. In addition, the applicant has forecast that none of the drive thru trips will arrive from the northern arm of the Peter's Bridge roundabout. Again, the rationale for this is somewhat unclear given the proximity of Halling to the site. Further sensitivity testing is therefore required.

5.5.24 Finally, I note that the Heavy Goods Vehicles (HGV) movements associated with the development have been distributed separately based upon the patterns observed in the traffic surveys undertaken by the applicant. This approach is acceptable to this authority.

### **Traffic Impact**

5.5.25 To quantify the anticipated traffic impact of the proposals on the Local Highway Network the applicant has undertaken a number of junction capacity assessments namely for: Peter's Bridge/A228 roundabout, Holborough Lakes Roundabout and the site access itself. No capacity assessments have been undertaken for the amended layby access onto the A228, as this is not possible within the capabilities of the available industry standard software.

5.5.26 The junction capacity assessments completed are founded on traffic surveys undertaken on Thursday 29th November 2018 and are contained in Appendix A3 of the applicant's TA. These surveys were undertaken in the AM and PM peak period. Importantly, as well as undertaking turning counts at the junctions in question, queue length surveys have also been undertaken to validate the results of the junction capacity assessments.

5.5.27 It is of note that the results of the traffic surveys confirm the local highway networks peak hours of operation in the study area as 07:45 and 08:45 and 16:30 and 17:30 respectively; rather than the traditional periods of 08:00 to 09:00 and 17:00 to 18:00. Because of the results from the traffic surveys the junction capacity assessments have been undertaken based upon the local highways peak hours of operation, as identified in the survey. This approach is acceptable to this authority.

5.5.28 Importantly the applicant has also included nearby committed developments in their junction capacity assessments namely: Kings Hill Phase 3 (TMBC reference: 13/01535/OEA), Holborough Lakes (TMBC reference: 01/02746/OEA), Peter's Village (TMBC reference: 05/00989/OEA) and Leybourne Grange. Where some of these developments are in an advance stage of construction, such as the Holborough Lakes development for example, a pro-rotta rate has been used in order to avoid double counting the traffic from the occupied parts of the development. This approach is acceptable to this authority as the movements from the occupied sections of the development will have been captured within the traffic

surveys undertaken by the applicant. Several different scenarios have been modelled by the applicant, these include:

- 2018 observed i.e. the existing situation based upon the traffic surveys undertaken.
- 2023 future year scenario i.e. growthed 2018 traffic flows and committed development included.
- 2023 development scenario i.e. 2018 growthed flows, committed development and the development's traffic.
- 2023 outline case i.e. 2018 growthed flows, committed development and the development traffic from the 1993 outline consent.

5.5.29 As discussed earlier in this response clarification is required in respect of the applicant's trip rate methodology because this will have a consequential impact on the results of the junction capacity assessments contained in the submitted TA.

5.5.30 It would also be helpful if the applicant could provide an additional traffic flow diagram, which demonstrates the 2023 growthed flows, committed development trips and new residual trips (minus pass by and the sites existing trips), as I am unable to locate such a diagram in Appendix A12. The provision of such a diagram will assist in validating the outputs from the junction capacity assessments that have been undertaken.

5.5.31 Tonbridge & Malling's draft Local Plan was submitted to the Inspectorate earlier this year. An additional assessment is required for the end of the Local Plan period of 2031 in order to determine whether this development will lead to any significant impact which may affect the local plan allocations. Please provide assessments for 2031 base plus committed development (including permitted) and 2031 base plus committed plus proposed traffic flows.

### **Parking**

5.5.32 Supplementary Planning Guidance SPG4, Kent Vehicle Parking Standards is the County Council's adopted guidance in respect of recommended parking for non-residential land uses, as outlined in table 4.7 of the applicant's TA. In accordance with Kent County Council Highways formal pre-application advice the applicant has undertaken a parking accumulation exercise to validate the level of provision that is proposed. Although, it is accepted that the results in tables 4.12 to 4.14 indicate that the level of provision will be sufficient for forecast demand, without any overspill parking on the adjacent public highway; the raw survey data that underpins the parking accumulations is missing from the appendix of the TA. I would therefore be grateful if the applicant could provide the omitted survey data in the first instance.

5.5.33 As detailed in sections 4.16 to 4.20 SPG4 also provides guidance on the required level of cycle parking provision, dependent on a development's land use class and overall size. I note that the requisite level of cycle parking will be provided within the curtilage of each individual unit, as shown on the applicant's site plan (drawing number: S059/3002 Revision P14 titled 'Proposed Site Plan'). This approach is acceptable to this authority.

### **Turning and Servicing**

5.5.34 In accordance with standard practice the applicant has submitted a suite of swept path analysis to demonstrate the suitability of the development's proposed layout for the vehicles that will require access. This analysis is contained in Appendix A9 of the applicant's TA and includes a 16.5-meter-long articulated vehicle. I note from drawing number 07.7 titled 'Swept Path Analysis (16.5M Articulated Vehicle)' that the service vehicle will overrun a number of marked parking bays in order to access its final position to undertake servicing. Confirmation of the servicing plan for the "Drive Thru 1" element of the proposals is therefore required. For example, will staff mark/cone off spaces prior to deliveries/servicing being undertaken?

### **Summary**

5.5.35 There are several areas where key information has been omitted, specifically in relation to the applicant's trip generation and distribution methodology. It is important that further clarification is provided on these matters in the first instance, as any amendments will have a consequential impact on the results of the junction capacity assessments undertaken. Once the applicant has provided the further information requested, I will then provide further highway-based comments.

### **Additional comments received 12.05.2019**

#### **Access**

5.5.36 As confirmed in the applicant's Transport Note, they have no objection to providing the additional shared 3-meter shared foot/cycle way requested by this authority. I note that the applicant anticipates that there may be some challenges in providing the foot/cycle way for the entire length requested; most notably by the southbound bus stop where the existing footway abuts the site's perimeter fence. However, having reviewed the site layout plan (*drawing number: S059/3002 Rev p14, titled 'Proposed Layout Site Plan'*) and the applicant's red/blue line boundary against the existing highway boundary it is considered that the requested provision is achievable, all be it subject to land dedication and amendments to the existing boundary fence line. Precise details of the foot/cycleway alignment could be agreed at the detailed design stage as part of any future S278 Agreement with this authority.

### **Trip generation**

- 5.5.37 Clarification on the trip rates used within the junction capacity assessments for the employment element of the proposals has been provided. In addition, the methodology used to calculate the PM peak hour trip rates has been clarified. On the basis that the traffic surveys undertaken identify the PM peak hour for the study area as being between 16:30 and 17:30, rather than 17:00 to 18:00, the average rate for between 16:00 and 18:00 has been used. This approach is acceptable given the results of the traffic survey undertaken by the applicant.
- 5.5.38 As requested in this authority's original consultation response dated 12th April 2019 sensitivity checks have been undertaken with TRICS reference site: AR-02-D-01 removed from the site selection parameters. Whilst it is noted that omitting this site increases the overall trip generation from the employment element of the proposals, it is accepted that this does not significantly alter the overall trip generation figures presented in the TA.
- 5.5.39 In addition to providing clarification on the trip rates for the employment element of the proposals, clarification has also been provided on the trip rates for the roadside/drive thru element of the development. The applicant has confirmed that PM peak hour surveys from the drive thru restaurant in Brickhill, Bletchley were used in the junction capacity assessments contained in the TA, rather than survey data from the Park Farm restaurant in Folkestone. None the less, it is accepted that the Brickhill restaurant also has similar locational characteristics to the Vantage Point site, and therefore provides a suitable basis for comparison. The raw survey data for the drive thru A3/A5 elements of the proposal has also been provided for review and validation by this authority.
- 5.5.40 A review of the survey data for the comparable site to the "Drive Thru 2" element of the proposals (*contained in Appendix A3 of the TN*) confirms that data was available for a whole day period (06:00-19:00); however, only PM peak hour survey data was available for the comparable site to "Drive Thru 1" (Brickhill) restaurant. Consequently, the applicant has calculated a conversion factor based on the PM peak hour survey data for the restaurant against a traffic profile from the TRICS database. KCC Highways would not wholly agree with the use of this methodology to calculate the anticipated AM peak hour trips; however, additional sensitivity testing has been undertaken.
- 5.5.41 The sensitivity testing involved comparing the AM peak hour trips presented in the TA against trip rates derived from a sample of sites contained in the TRICS database. Importantly, the sample sites used in the sensitivity testing are of a similar scale to the development site, as well as possessing similar location characteristics. The results of this sensitivity test were submitted to Kent County Council (KCC) Highways via email on Tuesday 13th May 2019. Whilst the results of this sensitivity test confirm that the McDonald's element of the proposals will generate more movements in AM peak than anticipated in the TA (**133 two-way**

**movement compared to 103 two-way movements**), this needs to be considered in the context of the high number of pass-by trips that the A3/A5 “Drive Thru 1” is forecast to generate (**80% of total trips**). Therefore, based on the revised more robust trip generation figures an additional 30 two-way movements are anticipated in AM peak period, of which only **6** will be new trips on the local highway network. It is accepted that a change of this magnitude will not materially affect the results of the junction capacity assessments, or the conclusions that have been drawn from them.

### **Trip Distribution**

5.5.42 As requested in this authority’s initial consultation response details of the workings behind the distribution assumptions contained in Table 6.12 of the TA have been provided. These details confirm that a significant proportion (63%) of the employment trips associated with the development proposals are likely to route via the A228 (*North*), Hall Road (*North*) or Hall Road (*South*). KCC Highways would still not agree with some of the detailed routing proportions relating to routes that approach the site from the south, particularly in relation to the A228, Leybourne Way, Castle Way and M20 junctions. However, given the low number of new trips that the proposals are anticipated to generate through these junctions and modest increase (**2-3.5%**) on future year (2023) traffic flows the proposals are anticipated to represent, additional junction capacity assessments are not considered necessary.

5.5.43 The applicant has acknowledged that a proportion of the new trips associated with the drive thru/roadside element of the proposals could have been assigned to the northern/Halling arm of the Peter’s Bridge roundabout. KCC Highways still anticipates that in practice a proportion of the new trips from the drive thru/roadside element of the proposals will come from the Halling direction. None the less, it is accepted that given the modest number of new trips the proposals are anticipated to generate (**25 two-way movements in the AM peak period and 33 two-way movements in the PM peak period**) and positive junction capacity assessments further remodelling is not required. Finally, it has been confirmed that the distribution assignments contained in Table 6.10 of the TA relates to new drive-thru trips only, exclusive of pass-by trips. This is considered to a reasonable assumption and reflective of the demand likely to be generated from the Holborough Lakes development.

### **Traffic Impact**

5.5.44 Highway capacity assessments for the following scenarios have been undertaken by the applicant:

- Existing scenario (Observed 2018)
- Future year scenario without the development traffic (Base 2023)
- Future year scenario with the development traffic (Development case 2023)
- Future year scenario with the outline 1993 consent traffic (Outline case 2023)

### **Peter's Bridge/Medway Works Roundabout**

- 5.5.45 The baseline scenario (*Observed 2018*) capacity assessments indicate that the junction is currently operating within capacity, with no significant queuing (***max queue length of 2.4 vehicles in the AM peak***) or delays on any arms of the roundabout. This is consistent with the results of the queue length surveys undertaken on Thursday 29th November 2018, which are contained in appendix A3 of the TA. A future year scenario (*Development Case 2023*) that includes background growth, traffic flows from committed development proposals as well as the additional traffic flows from the development site has also been tested. The results of this assessment confirm that the junction will continue to operate within capacity in both the AM and PM peak hour periods, all be it with some minor additional queuing (***most notably on its northern arm***) when compared to the future year scenario without the additional traffic from the development (*Base 2023*). As the junction will continue to operate within capacity in 2023 with the additional traffic generated by the development no mitigating measures are required.
- 5.5.46 In addition to undertaking a junction capacity assessment, analysis of the personal injury collision record at the junction has been undertaken. Personal injury collision data covering the period between 1st July 2013 and 30th June 2018 has been obtained from KCC's Transport Intelligence Team. In this period 3 collisions have been recorded, all of which were slight in severity but clustered at the A228 north exit arm of the roundabout. All these collisions relate to drivers suddenly changing lane and not noticing the vehicle in the adjacent lane therefore leading to a collision. Neither the geometry of the existing highway layout or its condition is listed as a contributory factor in any of the collisions.

#### **Site Access (A228 junction)**

- 5.5.47 As stated in section 7 of the TA it is not possible to undertake a junction capacity assessment when merge (*acceleration*) and diverge (*deceleration*) lanes are to be provided. This is because there is no opposing traffic flow travelling in the opposite direction to the traffic joining the major carriageway from the minor arm. Consequently, use of conventional modelling software such as Picady to check the capacity of the proposed junction arrangement assessment is not possible in this instance.

#### **Site Access (private service road)**

Finally, a capacity assessment has been undertaken at the priority junction that serves the NY recovery yard currently situated on the site. Again, capacity assessments for the existing and future year scenario with the addition of the development traffic proposals have been undertaken. Unsurprisingly, this assessment confirms that all arms of the junction operate well within capacity, with no queueing in all scenarios.

## Parking

5.5.48 As stated earlier in this consultation response the applicant has verified the source of the employment trip rates that underpin the TA, as well as undertaking sensitivity testing with the site previously identified by KCC Highways omitted. Table 1 in the applicant's TN confirms that admission of this site does not significantly alter the resulting trip generation figures. Consequently, the conclusion drawn from Table 4.12 of the TA remain valid and it is accepted that a provision of 123 car parking spaces will meet forecast demand for the employment element of the proposals.

The raw survey data for the drive-thru/roadside element of the proposals that underpins the parking accumulation exercise presented in the TA have now been provided. Whilst it is disappointing that the overall accumulations for the drive-thru element of the proposals (*Table 4.15 in the TA*) have not been updated with the more robust trip generation figures provided in the sensitivity tests undertaken, it is accepted that the proposed provision will be sufficient for the forecast demand. In the interest of clarity and the avoidance of doubt the revised parking accumulation with the more robust trip generation figures is given below in Table 1.

Time	Arrive	Depart	Accumulation	Available
07:00-08:00	25	22	23	54
08:00-09:00	43	38	28	49
09:00-10:00	36	37	27	50
10:00-11:00	30	33	24	53
11:00-12:00	38	33	27	50
12:00-13:00	43	38	29	48
13:00-14:00	40	41	31	46
14:00-15:00	30	35	26	51
15:00-16:00	28	25	29	48
16:00-17:00	29	32	26	51
17:00-18:00	32	32	26	51
18:00-19:00	29	30	25	52

Table 1: Parking Accumulation (Combined Drive Thru) using trip generation figures from applicant's sensitivity test.

SUPPLEMENTARY NOTES TO TABLE 1

**NOTE 1:** Starting accumulation for each individual unit assumed as 10 vehicles.

**NOTE 2:** Table 1 assumes that 30% of all Drive Thru 1's trips will park, whereas 45% of the overall Drive Thru 2 trips will park as identified in the surveys undertaken by the applicant.

**NOTE 3:** Total gross internal floor area of the Drive Thru 1 restaurant assumed as 443 square meters in accordance with the details submitted in the application form.

5.5.49 Table 1 confirms that peak accumulation will still occur between 12:00 and 14:00 where 31 of the 77 spaces (**40% of the proposed provision**) will be occupied. These findings are broadly consistent with Table 4.15 (*Parking Accumulation Combined Drive Thru*) contained in the TA, which forecast a maximum occupancy of 36 vehicles (*46% of the proposed provision*). It should be noted that the accumulations shown above in Table 1 and Table 4.15 of the TA slightly differ due to the amended traffic profile associated with the applicant's sensitivity testing. In summary, it is accepted that it has been demonstrated that a total of 77 car parking spaces will meet the demands of the drive-thru element of the proposals, without any overspill parking on the adjacent public highway.

### Turning and Servicing

5.5.50 I am grateful for the applicant's confirmation that the intended operators have pre-existing established delivery strategies that they will also apply to the development site. It is noted that deliveries for this element of the proposals will be programmed for quieter periods when demand for parking spaces is lower, therefore enabling delivery vehicles to manoeuvre, park and then undertake the required deliveries. Whilst this approach is acceptable in principle, the applicant should be required by condition to provide a delivery management plan. This plan should outline delivery times and measures that will be taken to ensure that deliveries can be undertaken, without any detriment to the public highway.

### Summary

5.5.51 I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority. In the event that the Borough Council is minded to approve the application, KCC Highways request that the following works are secured via a S278 agreement: *-Provision of a 3-meter shared foot/cycle way from the point where the existing shared foot/cycle way situated to the north of the site terminates, up to the existing dropped kerb crossing point situated to the east of the Holborough Lakes Service Station, prior to use of the site commencing.*

- 5.6 KCC (Heritage): The site has potential for prehistoric and post-medieval archaeology. I note that a desk based assessment has been submitted which looks fine and gives a good overview of the site. I am happy that archaeological issues can be dealt with through an appropriate condition.
- 5.7 KCC (LLFA):
- 5.7.1 We have reviewed the updated FRA (Brookbanks, March 2019). At detailed design, we would expect that design is compliant with KCC Drainage and Planning Policy Statement (June 2017), specifically that:
1. any attenuation storage is calculated on the full contributing development area.
  2. the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017).
- 5.7.2 These are technical matters which can be addressed during detailed design. In this instance there is sufficient open space to allow an increase in surface area of the attenuation ponds if necessitated by the change in design criteria.
- 5.7.3 Should your local authority be minded to grant permission for this development, we would recommend conditions requiring the submission of a detailed surface water drainage scheme and that a verification report be submitted once the approved details have been implemented.
- 5.8 EA: No objection subject to conditions concerning flood risk and contamination.
- 5.9 Southern Water: There is an increased risk of flooding arising from the impact of the foul sewerage flows from the proposed development. A condition should be used to require details of foul sewage and surface water disposal to be submitted to and approved by the LPA in consultation with Southern Water.
- 5.10 Neighbours (response to site and press notices): 0/2X/49R/11S. The 49 letters of objection do so for the following reasons:
- Additional traffic congestion
  - Dangerous for pedestrians trying to cross the road despite the 50mph speed limit
  - Additional litter from the food and drink units
  - The car parks will attract boy racers and their associated anti-social behaviour
  - Further anti-social behaviour arising from the food and drink units

- We should be discouraging fast food units, not encouraging them for health reasons
- It is irresponsible to locate fast food outlets close to local schools
- The development would urbanise the semi-rural environment
- There are already sufficient food and drink establishments in the local area. There is no need for the proposed units
- Increased light and noise pollution
- The applicant's Transport Assessment (TA) does not take into account the planning permission for the rail head on the adjacent site serving the quarry

5.11 The letters submitted in support comment as follows:

- The land has been under used since the cement works were demolished
- It is currently used to hold old lorries and is not a good first impression to visitors
- The development will provide much needed jobs
- It will not bring additional traffic into the area

## **6. Determining Issues:**

### *Principle of the development*

- 6.1 The whole of the site is located within an area designated under the existing development plan as an employment area to which policies E1 and E3 of the DLA DPD applies.
- 6.2 Policy E1 safeguards the site (and others within the wider Borough) for uses that fall within use classes B1, B2 and B8. It states that uses other than these will not be permitted. It also requires that the site's redevelopment must not result in unacceptable harm upon residential or rural amenity by virtue of noise, smell, dust vibration or other emissions, or by the visual intrusion or the nature and scale of traffic generation. With specific reference to the site in question, the policy requires the site to be developed with a quality development reflecting the gateway status of the site.
- 6.3 Policy E3 simply designates the site as a vacant site and states that it is allocated for employment use.
- 6.4 Section 6 of the NPPF refers to building a strong competitive economy. Paragraph 80 states that decisions should create the conditions in which

businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.

- 6.5 The proposed development of units A, B C and D would be create approx. 11,000 sqm of floorspace for purposes falling within B1, B2 and B8 use classes. This element of the proposed development therefore wholly accords with the policies above and is acceptable in terms of broad principle.
- 6.6 The proposed A3/A5 units to be located within the site conflict with policies E1 and E3 as they are not employment uses falling within the B1, B2 or B8 use classes. However, these units would still contribute towards employment generation despite not being traditional employment uses in planning. This is an important material consideration which weighs in favour of this aspect of the proposed development.
- 6.7 Furthermore, in terms of the introduction of these uses onto this site, I am mindful that Section 7 of the NPPF seeks to ensure the vitality of town centres. It states at paragraph 86 that LPAs should apply a sequential test to applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date local plan. The inclusion of the proposed A3/A5 uses as part of a much larger commercial orientated development would not, however, typically be found in town centres in the same way that bars, cafes and restaurants would be expected to contribute to vitality and viability of town centres. Rather, they are commonly found adjacent to motorways and dual carriageways, on sites such as this, given that a key element of their business model is the ability to serve passing motorists. As such, I do not consider that the inclusion of these uses on this site would adversely affect the function of Snodland town itself.
- 6.8 In light of the above considerations, the principle of the proposed uses associated with this development, in this location, is considered to be acceptable.

Character of development:

- 6.9 Policy CP 24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and use of materials. Proposals must be designed to respect the site and its surroundings in terms of scale, layout, siting, character and appearance. Policy SQ 1 of the MDE DPPD echoes the requirements of policy CP 24 and requires developments to protect, conserve and, where possible enhance the character and local distinctiveness of the area.

Concerning the quality of new development, the NPPF states at paragraph 124:

*“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

6.10 Paragraph 127 of the NPPF states that decisions should ensure that developments:

- Will function well and add to the overall quality of the area
- Are visually attractive as a result of good architecture
- Are sympathetic to local character and history, including the surrounding built development

6.11 Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunity available for improving the character of quality of an area and the way it functions.

6.12 It must also be borne in mind that policy E1 of the DLA DPD requires the development to respect the site's "gateway location".

6.13 It is therefore clear that the development plan policies CP 24 and SQ 1 are in conformity with current national planning guidance concerning the quality of development.

6.14 The boundary of the Holborough Mill CA lies on the west side of the road opposite the southern portion of the application site. The CA has a narrow frontage to the road and is heavily tree screened. Two separate Listed Buildings are located within this CA. Consequently, the following must also be taken into consideration when determining the current proposals.

6.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.16 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that when exercising powers within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

6.17 Current Government guidance concerning development and the historic environment is contained within section 16 of the NPPF. It states at paragraph 192 that when determining applications, LPA's should take account of the desirability of sustaining and enhancing the significance of heritage assets.

6.18 Paragraph 193 states:

*"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)."*

*This is irrespective of whether potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

- 6.19 The proposed industrial units are would be large in size, highly visible from the A228 and other public vantage points. Whilst their overall scale and form would reflect their proposed function, they have been designed with curving roof forms, different types of cladding and glazed screening that would provide a higher quality of commercial building than a typical industrial warehouse. The design of the proposed industrial units has clearly been influenced by the requirement of policy E1 for the development of this site to reflects its gateway status
- 6.20 The two smaller A3/A5 units are of a form and design that is typical of such units. The materials to be used respect the design of the units the units themselves and would sit comfortably within the wider development.
- 6.21 The largest of the proposed units (Unit A) would be located at the southern end of the site close to existing large scale industrial buildings also located on the east side of the A228. The scale of the units would reduce northwards across the site with the much smaller A3/A5 units being located at the northern end of the site, at the point that is farthest from the existing built form of Snodland. The proposed layout and the scaling down of the units from the south to the north end of the site as proposed respects the particular context of the site and the development within the wider locality.
- 6.22 Significant additional landscaping is to take place under this proposal to supplement the existing hedgerows and boundary screening to the site. Substantial amounts of additional tree planting would take place from the northern end of the site along its eastern boundary and also on the western side of the site adjacent to the realigned access road. Tree planting would also take place along both sides of the central access road, alongside the western boundary of the site adjacent to Unit D and along each side of the southern access road serving Unit A. Tree planting would also take place within the proposed ecology Park at the southern end of the site. Trees to be planted will include Beech, Silver Birch, Small leaf Lime, Hornbeam, Field Maple, Hazel, Malus, Sorbus (Rowan), and Norway Maple.
- 6.23 Substantial hedgerow planting would take place along sections of the western boundary of the site, together with large swathes of shrub planting, which would extend into the site adjacent to the access roads.
- 6.24 The existing site is dominated by an expansive area of hardstanding used to park recovery vehicles and, whilst some tree screening is present along the boundary with the A228, much of the site is highly visible as are the numerous recovery vehicles and associated plant within it. The current use of the site does not make a positive contribution to its character or indeed provide a high quality entrance to the Borough. By contrast, the proposed development, by reason of the design and layout of the proposed buildings, coupled with the proposed comprehensive

landscaping scheme would significantly enhance the character of the site. For these reasons, I consider that the development would not fail to preserve the character and appearance of the Conservation Area and would not harm the setting of the Grade II Listed Building located within the Holborough Mill Conservation Area.

- 6.25 Taking all of the above into account the development would comply with policies CP 24, SQ 1 and the requirement of policy E1 to provide a high quality development that would respect the site's gateway location to the Borough, and also paragraphs 127, 130, 192 and 193 of the NPPF.

Highway safety:

- 6.26 Policy SQ 8 of the MDE DPD states at point 2 that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network. It goes on to state at point 3 that development which involves either the construction of a new access or the increased use of an existing one onto the primary or secondary road network where a significantly increased risk of crashes or traffic delays would result what will not be permitted.
- 6.27 Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.28 Paragraph 110 of the NPPF states that developments should meet a number of different aims, the first of which is to give priority to pedestrian and cycle movements within the site and neighbouring areas and, as far as possible, to facilitate access to public transport. The applicant has agreed with the local highway authority to enter into a s278 agreement to increase the length of the cycle lane along the western side of the site in the form of shared footpath/cycle lane that would be provided within the limits of the public highway. A bus stop is located with the south bound carriageway, next to the site and another is located within the northbound carriageway, to the south of the Holborough roundabout. The site is not located that far from Snodland town itself and there are pedestrian crossing points across the A228 on either side of the Holborough roundabout. Consequently, the site is accessible to users of public transport and, of course improvements will be made to the cycleway/footpath immediately next to the site under an agreement between the applicant and the local highway authority.
- 6.29 Paragraph 110 of the NPPF also states that developments be designed to enable charging of plug-in and other ultra-low emission vehicles and to allow access by delivery and emergency vehicles. The scheme has been designed to allow such access and would provide for vehicle charging within the parking areas.
- 6.30 Highways England has been consulted in respect of this application and considers that it would not materially affect the safety, reliability and/or operation of the

strategic road network. For example with regard to trip generation, Highways England considers that the likely trip generation by the drive thru units could largely be expected to be pass by trips already on the highway network or traffic from Snodland, neither of which will affect the strategic road network (e.g. the M20 or M2 motorways). Furthermore in its consideration of the application, Highways England has clearly taken the existing use of the site as a vehicle recovery depot into account, which it considers to be similar to the main [commercial] use that will replace it.

- 6.31 The local highway authority is also now satisfied that the development would be acceptable in terms of impact upon the local highway network. With specific regard to trip generation the highway authority considers that the baseline traffic surveys were undertaken at the appropriate time of the day. Additional sensitivity testing has been sought by the highway authority, which the applicant has undertaken regarding both the proposed commercial units and the two drive thru units. This additional testing has resulted in a small increase in the forecast number of trips generated by the proposed development. However, the highway authority agrees with the applicant's TA and Highways England that the most of the visits to the proposed drive thru units would be from passing vehicles (more than 80%) and the actual number of new trips generated by this aspect of the development would be very low. In light of this the highway authority considers the impact of the development upon the local highway junctions to be acceptable and they will continue to operate within capacity, not just based on present day levels, but also those predicted for 2023 as well.
- 6.32 The amount of car parking proposed for each element of the development has also been found to be acceptable by the local highway authority. Conditions can, of course, be used to ensure that the parking and access arrangements are provided prior to the first occupation of the individual units.
- 6.33 I am aware that objections have been lodged on grounds that the development will be geared towards car borne traffic particularly the food and drink units, and that an additional crossing should be provided across the A228 to enable pedestrians to cross the road more safely should they wish to access those units. As has been stated by the local highway authority, a controlled toucan crossing is planned to be installed adjacent to the petrol filling station to the south of the Holborough Lakes roundabout, which would of course improve the ability of pedestrian and cyclists to cross the A228 close to the application site, together with the provision of a longer section of cycle lane along the western boundary of the site. For clarity, the toucan crossing proposed is part of KCC's strategy for wider road improvements and is not mitigation required to make the proposed development acceptable. However it would, when installed, make the site more accessible by pedestrians and cyclists.
- 6.34 An objection has been made on behalf of the neighbouring land owner that account has not be taken of an extant planning permission (TM/02/3665) for

additional railway sidings on the adjacent land. However that permission relates to the provision of railway sidings within the adjacent site in order to reduce the amount of road movements required to remove the cement from that site. As such the current proposal does not need to consider the cumulative impacts of this extant permission in terms of highways impacts.

6.35 Taking the above into account, the development is not considered to cause an unacceptable impact upon highway safety and the residual cumulative impacts upon the road network are not considered to be severe. Therefore, in accordance with paragraph 109 of the NPPF, permission should not be refused on highways grounds.

*Flooding and drainage:*

6.36 The southern half of the site lies within flood zone 2. A smaller section of this part of the site also lies within flood zone 3 as well. The site is, of course, specifically allocated within the current Development Plan for employment provision. As such the designation of this site for this purpose would have been informed by a Strategic Flood Risk Assessment undertaken as part of the Development Plan process.

6.37 Current Government advice contained within the NPPF at paragraph 162 states that where development comes forward on sites allocated in the development plan, the sequential test need not be applied. This test is used to steer developments to areas with the lowest risk of flooding. The NPPG provides guidance concerning appropriate land uses with the different flood zones. It defines the proposed uses are regarded as “less vulnerable” in flood risk terms which are appropriate within both flood zones 2 and 3.

6.38 Both the EA and the LLFA are satisfied that the development is acceptable in terms of flood risk and that suitable surface water drainage can be provided on site as part of the overall development.

6.39 The development will be connected to the mains sewer for the disposal of foul waste and is not, therefore, a matter for the local planning to consider further. Of course, the applicant will need to comply with the Building Regulations and the requirements of the water authority.

*Other material considerations:*

6.40 There is potential for the proposed development to create noise given the nature of the uses to be accommodated. However, the existing use of the site as a vehicle recovery depot creates noise as well and other impacts on amenity. The site is also not immediately adjoined by residential properties; the nearest ones are located on the west side of the A228, south west of the site, within the Holborough Lakes development. Given the particular location of the site, the existing land use and the presence of the A228 dual carriageway along its western

boundary, I do not consider that the proposed development would cause unacceptable detriment to the amenity of residents within the locality.

Consequently, it is not considered necessary or reasonable to require deliveries to the site to be undertaken only during certain times of the day or days of the week, or indeed control the operation of any of the proposed units in a similar way.

6.41 Details of the external lighting have also been submitted at this stage. This will be a combination of LED lamps mounted on 5m, 6m, 8m and 10m high columns and other lamps mounted to the external walls of the commercial buildings. The tallest columns would be located around the car park to Unit A (the largest unit). Smaller columns mounted with LED lights would be installed throughout the wider site as well as lamps being installed on the external walls of the commercial buildings. All of the lighting will fit in with the character of the overall development and has been designed to not cause unacceptable light spill outward from the site.

6.42 The southern part of the site (the location of Building A) is designated as an area of archaeological potential. An initial assessment undertaken on behalf of the applicant has revealed that only an area within the north west of the site (an area of undisturbed pasture) has the potential of undisturbed remains associated with an Iron Age/Roman settlement. This part of the site lies outside of the designated area of archaeological protection, but given that remains from these eras have been found in the local area, it is considered reasonable and necessary for a condition to be used to ensure that any remains found on site during excavation works are recorded appropriately.

6.43 Much concern has been voiced regarding the likely operator(s) of the proposed A3/A5 units and in particular that the McDonalds units are not wanted in the local area. However, the identity of a particular operator of a proposed use cannot be determinative in planning. The application has to be assessed on the basis of the proposed use, not the user. The NPPF in section 8 states that planning decisions should aim to achieve healthy, inclusive and safe places. (paragraph 91). In paragraph 92, with specific reference to enabling and supporting healthy lifestyles, it provides examples of how this could be achieved which includes layouts of development that encourage walking and cycling. As has been stated earlier in this report, the applicant has agreed to improve such links to the site by the provision of an additional section of cycle lane and footpath along the western boundary of the site. Footpaths would be created alongside the access road within the site together with pedestrian crossings.

#### Conclusions:

6.44 The proposed development would provide a comprehensive redevelopment of this designated employment site. It is acknowledged that the development would also include food and drink uses which would not normally be permitted on such sites. However given the limited size of this element of the proposed development compared to the significant size of the proposed employment provision, the overall

development would result in economic growth in the local area and make a significant contribution towards employment provision within the Borough.

- 6.45 The development would also markedly improve the character of the site and will include the installation of many new trees, hedges and shrubs, together with appropriate lighting within the site.
- 6.46 Both Highways England and the local highway authority consider the development to be acceptable in terms of impact upon the strategic and local road networks. Adequate car parking would be provided for the development as a whole and provision will also be made for cycle storage and charging electric and other low emission vehicles.
- 6.47 Due to the location of the site, the development would not cause demonstrable harm to the amenity of residents living in the local area.
- 6.48 For all of the above reasons, the development is considered to be acceptable, and as such, the following recommendation is put forward.

## **7. Recommendation:**

- 7.1 **Grant planning permission** in accordance with the following submitted details:

Proposed Plans 18-081-EX-002 PL3 dated 25.02.2019, Planting Plan  
6777.ASP.PP.1.0\_REV A dated 25.02.2019, Planting Plan  
6777.ASP.PP.1.1\_REV C dated 25.02.2019, Planting Plan  
6777.ASP.PP.1.2\_REV C dated 25.02.2019, Planting Plan  
6777.ASP.PP.1.3\_REV C dated 25.02.2019, Landscaping 6777.ASP3 dated  
25.02.2019, Site Plan S059\_3001.PL2 dated 25.02.2019, Site Plan  
S059\_3002.PL4 dated 25.02.2019, Floor Plan S059\_3025.PL1 dated  
25.02.2019, Floor Plan S059\_3026.PL1 dated 25.02.2019, Floor Plan  
S059\_3027.PL1 dated 25.02.2019, Roof Plan S059\_3028.PL1 dated  
25.02.2019, Floor Plan S059\_3029.PL1 dated 25.02.2019, Section  
S059\_3035.PL1 dated 25.02.2019, Elevations S059\_3036.PL1 dated  
25.02.2019, Elevations S059\_3037.PL2 dated 25.02.2019, Floor Plan  
S059\_3050.PL2 dated 25.02.2019, Floor Plan S059\_3051.PL1 dated  
25.02.2019, Floor Plan S059\_3052.PL1 dated 25.02.2019, Roof Plan  
S059\_3053.PL1 dated 25.02.2019, Floor Plan S059\_3054.PL1 dated  
25.02.2019, Sections S059\_3060.PL1 dated 25.02.2019, Elevations  
S059\_3061.PL1 dated 25.02.2019, Elevations S059\_3062.PL1 dated  
25.02.2019, Floor Plan S059\_3075.PL1 dated 25.02.2019, Other screening  
opinion dated 15.03.2019, Floor Plan S059\_3076.PL1 dated 25.02.2019, Floor  
Plan S059\_3077.PL1 dated 25.02.2019, Floor Plan S059\_3079.PL1 dated  
25.02.2019, Sections S059\_3085.PL1 dated 25.02.2019, Elevations  
S059\_3086.PL1 dated 25.02.2019, Elevations S059\_3087.PL1 dated  
25.02.2019, Site Plan S059\_3100.PL2 dated 25.02.2019, Floor Plan  
S059\_3105.PL1 dated 25.02.2019, Elevations S059\_3106.PL1 dated

25.02.2019, Floor Plan S059\_3110.PL2 dated 25.02.2019, Elevations S059\_3111.PL2 dated 25.02.2019, Elevations S059\_3112.PL2 dated 25.02.2019, Roof Plan S059\_3115.PL2 dated 25.02.2019, Location Plan S059\_3000.PL2 dated 25.02.2019, Letter cover letter dated 25.02.2019, Other Aubrilam Brochure dated 25.02.2019, Design and Access Statement dated 25.02.2019, Energy Statement dated 25.02.2019, Other canopy brochure dated 25.02.2019, Planning Statement dated 25.02.2019, Other play frame dated 25.02.2019, Schedule areas dated 25.02.2019, Statement ventilation dated 25.02.2019, Air Quality Assessment dated 25.02.2019, Arboricultural Survey dated 25.02.2019, Archaeological Assessment dated 25.02.2019, Ecological Assessment dated 25.02.2019, Lighting dated 25.02.2019, Flood Risk Assessment dated 25.02.2019, Noise Assessment dated 25.02.2019, Environmental Assessment geoenvironmental assessment dated 25.02.2019, Report site services overview dated 25.02.2019, Transport Statement dated 25.02.2019, Travel Plan dated 25.02.2019, Other Transport Note dated 18.04.2019, Other Remediation Strategy & Verification Plan dated 26.04.2019, Email dated 26.04.2019, subject to the following conditions:

**Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 All materials used externally shall accord with the approved plans.

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

- 3 The use of Units A, B, C and D shall not be commenced, until the area shown on the submitted layout as vehicle parking space and loading/unloading areas for those units has 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 or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking and loading/unloading space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 4 The use of the two A3/A5 units labelled "Drive Thru 1" and "Drive Thru 2" on plan no. S059/3002 pl4 shall not be commenced, until the area shown on drawing no S059/3100 pl 3 as vehicle parking space has 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 or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 5 The access to the site shall be constructed in accordance with the approved plan (05 Rev A titled 'Potential Left-In/Left-Out Junction with Merge and Diverge Lanes). The access shall be implemented prior to first commencement of the use of any of the buildings hereby approved (with the exception of (Unit A shown on plan no. S059/3002 pl4) and shall be retained at all times thereafter.

Reason: In the interests of highway safety.

- 6 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

- 7 The cycle storage facilities shall be installed in accordance with the plans hereby approved prior to the first occupation of any of the approved buildings.

Reason: To ensure that adequate cycle storage is provided.

- 8 The development shall be carried out in accordance with the submitted flood risk assessment (ref: 6600149-MLM-ZZ-XX-RP-C-0001-Rev01, MLM Consulting Engineers Limited, Date: 07/02/2019) and the following mitigation measures it details:

Finished floor levels shall be set at 6.4m above Ordnance Datum (AOD) for building Units A, B and C as shown in section 3.1 and Appendix E (drawing ref: 6600149-MLM-ZZ-XX-DR-C-0002) of the FRA.

Less flood resilient buildings to be located in flood zone 1 as stated in section 3.1 of the FRA.

Evacuation of the site will be managed by the site operators in response to the Environment Agency early flood warning system (See section 7 of FRA).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 9 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any

proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

10 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 and in accordance with the National Planning Policy Framework.

11 Following completion of the approved remediation method strategy, 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 these 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 and in accordance with the National Planning Policy Framework.

- 12 The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. 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.

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 Units A, B, C and D as identified on plan number S059/3002 pl4 shall not be occupied until the electric vehicle charging points shown on plan nos. S059/3025 pl1, 3050 pl2 and 3075 pl1 have been installed in accordance with details that have first been approved by the Local Planning Authority. The work shall be carried out in strict accordance with the approved details and shall be retained at all times thereafter.

Reason: In order to encourage the use of electric vehicles to help reduce vehicle emissions in the interests of air quality and in accordance with paragraph 110 of the NPPF.

- 14 The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavation and record items of interest and finds. The developer will inform the Local Planning Authority of the start date of construction works on site not less than two weeks before the commencement of such works.

Reason: In the interests of archaeological research.

- 15 The external lighting shall be installed in accordance with the details shown on plan no. 18-081-EX-002 PL3 and maintained/retained in accordance with those details in perpetuity.

Reason: In order to ensure that the lighting accords with the approved plans and does not cause unacceptable light pollution in the locality.

- 16 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 Classes H and J, of Part 7 of Schedule 2 of that Order.

Reason: In order to enable the local Planning Authority to control further development of this site in the interests of amenity.

- 17 The development hereby approved shall be undertaken in accordance with the following plans:

Proposed Plans 18-081-EX-002 PL3 dated 25.02.2019, Planting Plan 6777.ASP.PP.1.0\_REV A dated 25.02.2019, Planting Plan 6777.ASP.PP.1.1\_REV C dated 25.02.2019, Planting Plan 6777.ASP.PP.1.2\_REV C dated 25.02.2019, Planting Plan 6777.ASP.PP.1.3\_REV C dated 25.02.2019, Landscaping 6777.ASP3 dated 25.02.2019, Site Plan S059\_3001.PL2 dated 25.02.2019, Site Plan S059\_3002.PL4 dated 25.02.2019, Floor Plan S059\_3025.PL1 dated 25.02.2019, Floor Plan S059\_3026.PL1 dated 25.02.2019, Floor Plan S059\_3027.PL1 dated 25.02.2019, Roof Plan S059\_3028.PL1 dated 25.02.2019, Floor Plan S059\_3029.PL1 dated 25.02.2019, Section S059\_3035.PL1 dated 25.02.2019, Elevations S059\_3036.PL1 dated 25.02.2019, Elevations S059\_3037.PL2 dated 25.02.2019, Floor Plan S059\_3050.PL2 dated 25.02.2019, Floor Plan S059\_3051.PL1 dated 25.02.2019, Floor Plan S059\_3052.PL1 dated 25.02.2019, Roof Plan S059\_3053.PL1 dated 25.02.2019, Floor Plan S059\_3054.PL1 dated 25.02.2019, Sections S059\_3060.PL1 dated 25.02.2019, Elevations S059\_3061.PL1 dated 25.02.2019, Elevations S059\_3062.PL1 dated 25.02.2019, Floor Plan S059\_3075.PL1 dated 25.02.2019, Other screening opinion dated 15.03.2019, Floor Plan S059\_3076.PL1 dated 25.02.2019, Floor Plan S059\_3077.PL1 dated 25.02.2019, Floor Plan S059\_3079.PL1 dated 25.02.2019, Sections S059\_3085.PL1 dated 25.02.2019, Elevations S059\_3086.PL1 dated 25.02.2019, Elevations S059\_3087.PL1 dated 25.02.2019, , Floor Plan S059\_3105.PL1 dated 25.02.2019, Elevations S059\_3106.PL1 dated 25.02.2019, Floor Plan S059\_3110.PL2 dated 25.02.2019, Elevations S059\_3111.PL2 dated 25.02.2019, Elevations S059\_3112.PL2 dated 25.02.2019, Roof Plan S059\_3115.PL2 dated 25.02.2019, Location Plan S059\_3000.PL2 dated 25.02.2019, Site Plan S059\_3100.PL3 dated 09.05.2019

Reason: To ensure the development is undertaken in accordance with the plans hereby approved.

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