

REPORT SUMMARY

REFERENCE NO - 17/503043/FULL			
APPLICATION PROPOSAL			
Demolition of existing pack house located at Sutton Road, Langley and erection of replacement agricultural/horticultural building with ancillary facilities, yard, drainage works, and alterations to existing access and landscaping at land at Avery Lane.			
ADDRESS Land South of Avery Lane and Land South of Sutton Road Otham Kent			
RECOMMENDATION - GRANT subject to the planning conditions set out in Section 5.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION			
<p>There is a demonstrated agricultural need for the replacement building due to the loss of an existing building to facilitate future housing development and to allow for the sustained needs of the existing nursery and those future short-medium term future demands of the horticultural enterprise.</p> <p>The development would result in some landscape harm due to its greenfield location and proposed access, but this visual harm is balanced against the agricultural need and the demonstration that no other suitable sites within the applicants land ownership exist.</p> <p>No significant objections are raised on the grounds of highways matters, residential amenity, ecology or any other impacts that would warrant refusal of the application.</p>			
REASON FOR REFERRAL TO COMMITTEE			
The application is contrary to the views of Langley and Otham Parish Councils and both have requested it be presented to the Planning Committee should the recommendation be for approval.			
WARD Sutton Valence And Langley	PARISH/TOWN Langley	COUNCIL	APPLICANT Rumwood Nurseries AGENT DHA Planning
DECISION DUE DATE 11/09/17	PUBLICITY EXPIRY DATE 21/7/17	OFFICER SITE VISIT DATE 28/7/17	
RELEVANT PLANNING HISTORY (inc appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
Please see Appendix containing Committee report dated 9 th November 2017			

MAIN REPORT

1.0 BACKGROUND

- 1.01 The application was presented to Members at the deferred Planning Committee meeting dated 16th November 2017. At the meeting Member's resolved to defer the application in order that highways matters regarding the use of Avery Lane could be explored further and that an Officer from KCC Highways could be present at the meeting.
- 1.02 This report should be read in conjunction with the earlier report dated 9th November 2017.

- 1.03 Concerns were raised that KCC Highways had requested a planning condition which would restrict larger vehicles accessing the site and traffic movement in accordance with those trips set out in the Planning, Design and Access Statement. Paragraph 6.24 of the original report set out that such a condition would not meet the requisite tests and would be unreasonable and unenforceable.
- 1.04 Member's requested that alternative solutions be explored to achieve this. Solutions suggested were whether there could be an alternative appropriate condition attached, whether a legal agreement requiring a Traffic Regulation Order (TRO) could be explored, whether another mechanism would be appropriate to restrict access by larger vehicles or ultimately what would KCC Highways comments being if no restrictions were in place.

2.0 ACTIONS

- 2.01 KCC Highways have been made aware of Member's comments and the options put forward from Member's have been relayed to the Highways Officer and alternative options considered. The various options have been discussed with the Highways Officer.
- 2.02 A Traffic Regulation Order (TRO) is not considered reasonable and would not meet the relevant tests. It would also place unreasonable restrictions on existing larger vehicles which use Avery Lane, for example refuse vehicles and delivery vehicles. Placing a weight limit on Avery Lane would also not be practical as exceptions to the weight limit would exist when there is a genuine need for access. Again the securing of a travel plan would not in principle have the ability to limit larger vehicles from using Avery Lane and as such would not secure traffic restrictions that local representation would ideally wish to secure. The initial option of a condition to restrict the use of larger vehicles as part of the application remains to be considered the favoured option by the Highways Officer.
- 2.02 However in the event that a condition to restrict larger vehicles would not be appropriate due to the officer view that such a condition would not meet the 6 tests as set out by paragraph 206 of the NPPF, no sustainable objection would be raised to the application in the absence of a condition and that the proposed development would not result in significant traffic generation that would warrant refusal of the application. Good crash data for the lane itself exists such that it is not considered highways safety would be compromised.
- 2.03 A KCC representative will be present at the Committee Meeting.
- 2.04 The agent has provided additional information in respect of highways movements and sets out the following :

I attach for your assistance photographs of the tractors/trailers and Land Rovers which are used by Rumwood Nurseries, these are typical of the vehicles which will be used to transport plants/trees etc from the growing fields to the Avery Lane site. As set out in section 7.10.4 of the Planning Design and Access Statement it is anticipated that the proposal will generate up to 28 vehicle trips (14 arrivals and 14 departures) across a typical working day this includes staff vehicles, tractor/trailers and vans/light goods vehicles. The existing site access to Avery Lane will be widened and improved and it should also be noted that these are not new traffic movement on the highway networks. We remain of the opinion, therefore, that the

level of use does not represent a significant or 'severe' transport impact and thus is in line with the NPPF.

We also wish to reiterate that no large articulated vehicles will access the site. Any equipment or items that requires transporting to the Avery Lane site from the main nursery site will be by tractor/trailer and vans/light goods vehicles.

- 2.05 In conclusion it is considered that the proposed development would be acceptable in terms of the highways impact.

3.0 OTHER MATTERS

- 3.01 Following the Committee Meeting the agent has provided amended plans which show further enhanced buffer planting along the eastern and southern boundaries of the proposed parking area/building. Attention has also been drawn to the retained thick hedge along the western boundary. These plans supersede those previously presented to Member's and Condition 2 as set out in the recommendation below. The exact details of the landscaping scheme are conditioned by Condition 6 as set out in the recommendation.

- 3.02 Following member's earlier discussion an additional condition has been added to the recommendation to secure the use of Renewable Energy.

4.0 CONCLUSION

- 4.01 It is not considered there is reason to depart from the conclusions set out in the earlier committee report.

5.0 RECOMMENDATION – GRANT planning permission subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drwg DHA/11313/06 rev B (Pack house relocation, existing and proposed site plans)
Drwg DHA/11313/08 (Pack house relocation – Proposed elevations)
Drwg DHA/11313/07 (Pack house relocation – proposed floor plans)
Drwg DHA/11313/09 (Access design)
Drwg DHA/11313/01 (Pack house relocation Site location plan)
Drwg DHA/11313/10 (Landscape Plan)

Reason: To clarify which plans have been approved.

- (3) Within 3 months of the first occupation of the building hereby approved the existing building (identified at location B on Drwg DHA/11313/01 (Pack house relocation Site location plan) shall be demolished and all resulting paraphernalia and spoil from the demolition removed from the site and the site made good in accordance with details submitted to and approved by the local planning authority (which could include the

site to be redeveloped in accordance with any future approved planning application for the site).

Reason: The justification for the new building is need and as such both buildings would not be required for the function of the farm.

- (4) The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied.

Reason: In the interests of visual amenity.

- (5) No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land;

Reason: To safeguard the character and appearance of the surrounding area.

- (6) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and a [5] year management plan. It shall also include details of hard landscaping and details of the surfacing of the access track and yard area, this should include details that a bound surface would be used for at least the first 5metres from the edge of the highway.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- (7) The use of the building hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- (8) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme could consist of the enhancement of biodiversity through integrated methods and those into surrounding land. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- (9) No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity of adjoining residents.

- (10) Prior to the first use of the building hereby permitted the details for improving the access with Avery Lane and the provision of visibility splays shown on Drwg DHA/11313/09 (Access design) shall be carried out in accordance with the approved details and maintained as such.

Reason: In the interests of highway safety.

- (11) No gates or barriers shall be erected across the access within 7 metres from the back of the carriageway used by vehicular traffic.

Reason: In the interests of highway safety.

- (12) The area shown on Drwg DHA/11313/06 rev A (Pack house relocation, existing and proposed site plans) as vehicle parking, loading, off-loading and turning space, shall be paved and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015(or any Order revoking and re-enacting those Orders), shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to such activities inconvenient to other road users and harmful to highway safety.

- (13) The development hereby approved shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, will be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To ensure an energy efficient form of development. Details are required prior to development commencing to ensure the methods are integral to the design and to ensure that all options (including ground source heat pumps) are available.

Case Officer: Rachael Elliott

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.