

Report DCL/18/43

Application No: Y19/0302/FH

Location of Site: Land Rear Plot 15, Collins Road, New Romney, Kent

Development: Formation of new vehicular access to serve the future employment site at Mountfield Road, New Romney, on land located to the west of Mountfield Road, south of Collins Road and the north of Church Lane - Mountfield Road Phase IV.

Applicant: Mrs Katharine Harvey

Agent: Mr David Shore
Folkestone & Hythe District Council
Civic Centre
Castle Hill Avenue
Folkestone
Kent
CT20 2QY

Date Valid: 28.02.19

Expiry Date: 25.04.19

PEA Date: 08.05.19

Date of Committee: 30.04.19

Officer Contact: Adam Tomaszewski

SUMMARY

Planning permission is sought for the construction of an access road off Mountfield Road, New Romney to serve an extension to the Mountfield Road Industrial Estate. The assessment of the application set out below considers that the proposal is in accordance with the policy designation of the site as an employment opportunity site as this proposal would facilitate the access to Phase IV of the Mountfield Industrial Estate and is acceptable with regard to principles of the proposed use, highway matters, drainage and ecology. The development is therefore considered to be sustainable and as required by the provisions of the NPPF should be approved, subject to appropriate conditions.

1.0 THE PROPOSAL

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1.1 The proposed development is for the construction of an access road off Mountfield Road to serve an extension to the Mountfield Road Industrial

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Estate. The proposed access road would allow Phase IV of the Mountfield Road Industrial Estate to be developed.

- 1.2 The proposal includes the creation of a 6.75m wide carriageway with a 2m footway to both sides using pre-cast concrete kerbs and edgings to delineate the carriageways and footways. A pedestrian crossing point would also be provided on the proposed access road. The access road has been designed to allow a 15m separation between the access and the proposed access to the Business Hub opposite (approved by planning permission reference Y18/0976/FH).
- 1.3 The road would allow access for 16.5m long articulated heavy goods vehicles (HGV) with two turning heads provided to allow HGVs of this length to turn at the end of each access road spur. It will also allow for turning movements between the new access road and the neighbouring household recycling centre for refuse vehicles measuring 11.22m in length which is considered the largest vehicle likely to make this manoeuvre.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Inside settlement boundary
- Area of archaeological potential
- Area of interest to the Romney Marshes Area Internal Drainage Board
- Employment Opportunity Site (saved policy E2 of the Shepway District Local Plan Review)

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site is the location for Phase IV of the Mountfield Road Industrial Estate and is currently greenfield agricultural land located to the south of existing industrial units on Collins Road, west of the Business Hub (Y18/0976/FH) on Mountfield Road and the New Romney Household Refuse & Recycling Centre. The southern boundary is formed by Church Lane beyond that is open countryside and the western boundary marks the edge of the settlement of New Romney.
- 3.2 The proposed access road would allow the Phase IV of the Mountfield Road Industrial Estate (totalling 4.36 hectares) to be developed out to provide space for existing businesses and inward investors to help compensate for the loss of jobs, currently and programmed, at the Dungeness power stations. The masterplan for the development envisages the overall site to be capable of accommodating up to 14,636m² of new floor space for employment use. It is anticipated that this site is capable of generating some 480 jobs over a ten year period following the initial construction of industrial estate buildings. This application for the industrial estate access road forms the basis for the necessary enabling works to facilitate the development of the industrial estate expansion and associated job creation.

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4.0 RELEVANT PLANNING HISTORY

4.1 There is no relevant planning history in relation to this application.

5.0 CONSULTATION RESPONSES

5.1 Consultation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

Responses are summarised below.

5.2 New Romney Town Council

No objection.

5.3 Kent Highways and Transportation

Raised no objection subject to conditions outlined in the appraisal below.

5.4 Environment Agency

No comment.

5.5 Environmental Health

No objection.

5.6 KCC Archaeology

No archaeological measures required.

5.7 KCC Ecology

Raised no objection subject to conditions outlined in the appraisal below.

5.8 KCC - Lead Local Flood Authority

Raised no objection subject to conditions outlined in the appraisal below.

6.0 REPRESENTATIONS

6.1 None received.

7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

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<https://www.folkestone-hythe.gov.uk/planning/planning-policy/local-plan>

<https://www.folkestone-hythe.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

7.2 The following saved policies of the Shepway District Local Plan Review apply:

SD1, E2, BE1, BE16, TR6 & TR11

7.3 The following policies of the Shepway Local Plan Core Strategy apply:

DSD, SS1, SS3, SS4, CSD8

7.4 The following policies of The Places and Policies Local Plan Submission Draft apply:

E1, CC3

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

7.5 The following policies of the Core Strategy Review Submission Draft 2019 apply:

CSD8, SS4

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

7.6 The following paragraphs of the National Planning Policy Framework 2019 are of particular relevance to this application:

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- 7. Achieving Sustainable Development
- 80 - 82. Building a Strong, Competitive Economy
- 163. Planning and Flood Risk (sustainable drainage systems)

7.7 Kent Design Guide

8.0 APPRAISAL

Relevant Material Planning Considerations

- 8.1 The main considerations in the determination of this application are the principles of the proposed use, highway matters, drainage, archaeology and ecology.

Principle of the Proposed Use

- 8.2 Saved policy E2 of the Shepway District Local Plan Review states that planning permission for business and commercial development or redevelopment will be granted on new employment opportunity sites shown on the Proposal Map. The policy sets out that permissible uses are restricted to Use Classes B1, B2 and B8, and states that development of the Phase IV land will be subject to provision of necessary improvements to the junction of Mountfield Road and Station Road. As the proposed development facilitates the future development of Phase IV, it is considered that the proposal complies with the permissible uses set out within the policy, and as this proposal does not include the development per se of Phase IV land i.e. it is only seeking permission for the access road to the site, it does not trigger the requirement for junction improvements. Therefore, it is considered that the proposed use is in accordance with saved policy E2.
- 8.3 It is considered that the proposed access road is also supported by NPPF Paragraphs 80-82, which seek to create the conditions in which businesses can invest and expand to address the specific locational requirement of different sectors, including making provision for clusters or networks, as it facilitates the future development of Phase IV by providing the necessary access infrastructure to the future employment opportunity sites.
- 8.4 Consequently, it is considered that the proposal would help facilitate the wider development as an Employment Opportunity Site and it complies with the policy designation of the site. It is supported by local adopted policy and national policy in relation to planning policies and decision-making for business space and the associated job generation. On this basis, the proposed development is considered to be acceptable in principle on policy grounds.

Highway Matters

- 8.5 The applicant sought pre-application advice from Kent Highways & Transportation (KHAT) to agree the parameters of the proposed access road. It was established at this stage of the process that the road meets the

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requirement for a Local Distributor Road with a 6.75m carriageway and 2m wide footway as set out in the Kent Design Guide and is able to cater for articulated vehicles that have the potential to use the road. Work has also been undertaken to model vehicle turning movement for articulated vehicles.

- 8.6 The applicant has provided as part of this application a Stage 1 Road Safety Audit which does not raise any highway safety issues and as such KHaT have confirmed that the proposed road is suitable for adoption by Kent County Council. Consequently, KHaT raise no objections to the proposal subject to conditions, including a Construction Management Plan; provision and permanent retention of the vehicle turning space; removal of the existing bell-mouth junction and replacement with full height kerbing within 1 week of opening the new road; and submission of full details of the proposed street lighting design for the new road. On this basis, it is considered that the proposed new access from Mountfield Road would not be detrimental to the safety of vehicle traffic, cyclists or pedestrians and is in accordance with saved policies TR6 and TR11.
- 8.7 Therefore, subject to the conditions outlined above and detailed in the consultation response from KHaT, it is considered that the proposal is acceptable in highway terms and regarding pedestrian access, it is in accordance with the relevant standard and saved policies TR6 and TR11 and would not result in any issues of highway safety.

Drainage

- 8.8 Desk based British Geological Survey information shows that the site is underlain by Hastings Beds of the Sandstone Formation and Tidal Flat Deposits and groundwater is assumed to be less than 3 metres below the surface. There are also significant constraints to infiltration indicated. KCC Flood and Water Management (LLFA) have commented that ground investigation has not been completed and infiltration rates have been derived from a site over 100m west of the site. The LLFA have also commented that the side slopes of any drainage basin should normally be no steeper than 1:3 to allow for vegetative stabilisation and for public safety reasons. However, they do not raise objection to the proposal provided conditions are imposed that cover the following matters:
1. Submission of details of a sustainable surface water drainage scheme that demonstrates the surface water generated by this development can be accommodated and disposed of without increase to flood risk on or off-site.
 2. Prior to the operation of the proposed access road a Verification Report must be submitted and approved that demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed. This Report shall contain information and evidence of earthworks; details and locations of inlets, outlets and control structures; extent of planting details of materials used in construction; full as built drawings; topographical survey; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

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- 8.9 It is considered that the proposed access road is also supported by NPPF Paragraph 163, as it would, following the approval of details, incorporate a sustainable drainage system and therefore be implementing measures to ensure that the development does not increase the risk of flooding.
- 8.10 Subject to the conditions outlined above and detailed in the LLFA's consultation response, it is considered that the proposal is acceptable with regard to drainage.

Ecology

- 8.11 A Phase 1 Ecological Survey has been submitted with the application which identified the site's boundary vegetation as suitable for reptiles. The presence of reptiles in this area has been corroborated by the Kent and Medway Biological Records Centre (KMBRC) biological records. The applicant has confirmed that the boundary areas would be unaffected by the development, however, it is deemed appropriate that a condition is applied to ensure that suitable precautionary protection measures are in place during construction to safeguard the established reptile habitat.
- 8.12 KCC Ecology recommend a condition requiring the submission of a lighting plan to ensure that the impact on bats is minimised in accordance with NPPF Paragraph 180 and The Bat Conservation Trust's UK guidance. A condition to secure opportunities for biodiversity enhancements within the site would also be attached to any subsequent permission in line with advice received from KCC Ecology.
- 8.13 Subject to the conditions outlined above and detailed in KCC Ecology's consultation response, it is considered that the proposal is acceptable with regard to ecological impact.

Archaeology

- 8.14 The site is within an area of archaeological potential and as such it is a material planning consideration. KCC Archaeology have been consulted and have advised that in this instance no archaeological measures are necessary. It is therefore considered that the proposal is acceptable with regard to archaeology.

Local Finance Considerations

- 8.15 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

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8.16 In accordance with policy SS5 of the Shepway Core Strategy Local Plan, the Council has introduced a CIL scheme that in part replaces planning obligations for infrastructure improvements in the area. This application would not be CIL liable given development's such as access roads are exempt/zero-rated under the Charging Schedule.

Human Rights

8.17 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

8.18 This application is reported to Committee as the Council has an ownership interest in the land and the application does not constitute a small-scale proposal.

PUBLIC SECTOR EQUALITY DUTY

8.19 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

9.0 BACKGROUND DOCUMENTS

9.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions and that delegated authority given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

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1. Standard 3 year permission
2. Construction Management Plan
3. Provision and retention of vehicle turning areas
4. Removal of the existing bell-mouth junction and replacement with full height kerbing with 1 week of the opening of the new access road.
5. Sustainable surface water drainage scheme.
6. Verification report pertaining to the surface water drainage scheme.
7. Scheme of proposed street lighting design to include measures to prevent disturbance to bat activity.
8. Details of precautionary mitigation measures for the protection of reptiles.

Decision of Committee

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Land Rear Plot 15
Collins Road
New Romney

