

Moorhouse Tile Works 2018 Planning application

Reference: 2018/1792

Westerham Town Council response.

Westerham Town Council (WTC) objects strongly to the proposed development detailed in the above referenced application.

Summary of objection

- This proposal constitutes inappropriate development in the Green Belt. The 'special circumstances' put forward by the developer are insufficient to outweigh the significant harm to the Green Belt.
- The proposal to build a Distribution Centre within the nationally protected landscape of the Surrey Hills Area of Outstanding Natural Beauty is in contravention of the duty imposed by the NPPF to conserve and enhance such areas. It is contrary to the Surrey Hills AONB Management Plan, adopted by Tandridge District Council.
- The application represents an unsustainable development:
 - The traffic analysis presented is misleading and grossly understates the actual level of traffic movements created by the proposed Distribution Centre. Such levels would, contrary to the developers' statement, aggravate and increase traffic congestion, especially along the A25 to the east, which will receive 77% of delivery traffic from the depot.
 - The proposal fails to deal with the duty on planning authorities to take account of Air Quality Management Areas and to avoid increasing the risk of flooding elsewhere. The Moorhouse site is one of the sources of the River Darent which flows east through Westerham and the A25 villages which are subject to flood risk.
 - The economic benefit to Tandridge and its inhabitants by the 'creation of jobs' is small. The major areas of supply of delivery drivers (70% of staff) are out of Tandridge area and are in the main 'Owner Driver Franchisees'.
 - There is no public transport option for this site: all delivery drivers arrive by van; the applicant's Transport Plan predicts that even after 5 years, 70% non-driver staff would continue to travel to work by private car

Previous applications

The site has been the subject of two previous development applications:

- **2015/1217:** application for detailed planning permission for 5,595sq.m distribution centre plus outline planning permission for 3 further units of 4,623 sq., 6,446 sq m and 4,274sq.m respectively.

This application was refused on the grounds of:

- Inappropriate development in the Green Belt by virtue of its size, height and massing.
- Damage to the Surrey Hills AONB by its urbanising effect and uncertainty over the scale of traffic movements in a location not readily accessible other than by private car, which could adversely affect other users of the road network

- Insufficient very special circumstances to clearly outweigh the harm the development would cause
 - Intensification of activities, including increased traffic movements which would fail to conserve and enhance the special landscape character of the Surrey Hills AONB
- **2016/1036:** application for detailed planning permission for 5,595sq.m distribution centre plus 2 smaller units totalling 3,717sq.m.
This application was withdrawn shortly before it was due to be considered by Tandridge District Council's (TDC) Planning Committee.

Current application, 2018/1792:

Despite the developers' statement that the current application 'has reduced [the amount of floorspace] by 3,716sq.m from 9,311sq.m (and reduced by 15,343sq.m from the originally proposed 20,938sq.m) to 5,595sq.m, the size of the distribution centre proposed has remained constant throughout at 5,595sq.m. This is the typical size of a DPD distribution centre capable of processing at least 25,000 parcels per day. (*DPD website*)

The ultimate capacity of the Moorhouse depot is unstated and unknown. However it is instructive to note that the recently built depot in Glasgow (at 6527sq.m vs 5950sq.m only slightly bigger than Moorhouse) is capable of processing more than 45,000 parcels a day. This depot is only 15% larger than Moorhouse yet processes more than 80% more parcels.

The application states, 'The existing uses on the other parts of the Moorhouse Tileworks site including the Monier Redland plot would be retained.'

Westerham Town Council considers that the changes made in this version of the application are insufficient to overturn the 2015 decision that this type of development is unsuitable and unsustainable in the Green Belt and AONB. As a result the current application should be refused.

1.Green Belt

The Moorhouse site lies within the Green Belt and is recognised as Green Belt in the current version of Tandridge District Council's Local Plan. As such any proposal for development must demonstrate 'very special circumstances'. (NPPF 2018 paras 143-147). The 'very special circumstances' set out in the application are:

- The site is previously developed land
- The site is an established location for commercial uses
- The proposal would enhance the appearance of the site and provide a sustainably constructed building
- The proposal would be properly managed and would be better controlled than the existing situation
- The proposal would reduce the amount of built floorspace on the site due to the proposed demolition of existing buildings
- The proposed development would deliver improved landscaping including new tree planting

- The site is allocated as a Strategic Employment Site in emerging Tandridge Local Plan
- The Strategic Employment Site is underpinned by the need for the development
- The proposal would deliver a critical mass of development to deliver infrastructure improvements sought by TDC's Infrastructure Delivery Plan
- The proposal would deliver the aims of TDC's Economic Proposition and provide economic benefits including modern business accommodation and job creation.
- The proposal would provide environmental improvements for wildlife

While some of these statements are undoubtedly true, TDC's attention is directed to:

- Para 145 of NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are described inter alia as
 - the replacement of a building, provided the new building **is in the same use and not materially larger than the one it replaces;**
 - where 'partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), [is contemplated, such development should:]
 - **not have a greater impact on the openness of the Green Belt than the existing development;**
 - **not cause substantial harm to the openness of the Green Belt,** where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'

This proposal meets neither of these requirements

- The proposed new building is of the same scale and size to that proposed in previous applications and as such would result in significant harm to openness of the site due to the size, massing and height of the proposed building. With a maximum height of 10.8m and lighting columns at 12m operating 24hrs/day, it is hard to see how landscaping or screening could be effective.
- Para 180(c) of NPPF states:
Planning policies and decisions should also ensure.....limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
The proposal fails to comply with this.
- The significant change in the assessment of need between the 2015 AECOM Economic Needs Assessment, which concluded that the demand for B2/B8 was projected to decrease and that to maintain an optimal level of supply a **decrease** of between 6.5ha and 7.9ha over the period to 2033 could be afforded and the 2017 GL Hearn assessment which indicates considerably inflated need for B8 which appears unrealistic in a rural area.
- The reliance for a number of the 'very special circumstances' on the emerging

local Plan (see later)

The proposals fail to satisfy the very high bar of 'very special circumstances' set out in NPPF para 144:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'

Proposal to remove the site from the Green Belt

TDC's emerging Local Plan introduced at the Reg 19 stage a proposal to remove the site from the Green Belt. There have been a significant number of objections to this proposed redesignation including those from the Surrey Hills AONB Management Board, Westerham Town Council, and the Oxted and Limpsfield Residents Group.

The emerging Local Plan is at the proposed submission stage.

The conditions under which Green Belt boundaries can be changed are set out in NPPF 2018 para 137:

Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account [the preceding paragraph], and whether the strategy:

- a) makes as much use as possible of suitable brownfield sites and underutilised land;*
- b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport;*

In considering the proposal to remove the site ENA8, Westerham Road Industrial Estate from the Green Belt, the evidence provided to TDC contained the following:

*The site would potentially be suitable in landscape terms for **limited** development proposals, but would need to demonstrate no adverse impacts of the setting of the existing landscape and settlement **and be in keeping with the existing site structures**. In terms of mitigation measures, it would be difficult to mitigate effects on the AONB but they should include **keeping buildings at the remaining height to mitigate effect on landscape and views**, with boundary vegetation retained and enhanced to the west'*

The proposal fails to adhere to this recommendation.

Until tested via the Planning Inspector, little reliance can be placed on this proposed change in the Green Belt boundary.

This proposal fails current policies CSP18, CSP20 and CSP 21 of the Tandridge core strategy 2008, adopted 2014 and Policy DP7 of the Local Plan part 2 (detailed policies) and any policies contained in the emerging Local Plan have yet to be tested.

2. Surrey Hills Area of Outstanding Natural Beauty

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.' NPPF para 172

The proposed Distribution Centre is still of the same scale and size as in previous applications and will have an unacceptable urbanising effect on the Surrey Hills AONB (from whom an objection has already been submitted) and on the visual quality of the AONB in Westerham. The development does not respect the setting of the AONB and its place in the living landscape; the scale and mass are not characteristic of the area, and are an incongruent intrusion.

This impact and harm should be given substantial weight because the site is located in the AONB. The proposed development neither conserves nor enhances, as is required, in respect of any developments in the Surrey Hills AONB.

It is contrary not only to NPPF para 172, but also to Policies LU1, LU2 and LU3 of the Surrey Hills AONB Management Plan 2014-2019, which has been formally adopted by the constituent planning authorities, including Tandridge.

It is also contrary to Core Strategy Policy CSP20's first principle of enhancing and conserving the special landscape character, heritage, distinctiveness and sense of place of the locality and important viewpoints, many of which fall within WTC's area.

As an Area of Great Landscape Value (AGLV) it is also very close to the Surrey/Kent border and is continuous with the Kent Downs AONB on which it would have a detrimental effect.

The application is an inappropriate development on a site which is both in the Green Belt and in the AONB which will neither conserve nor enhance the AONBs nor have Tandridge D.C. (through its emerging Local Plan) or the developer established any legal precedent or argument that would support the very special circumstances needed to outweigh the harm which would be done by it.

3. Sustainable development

1. Traffic projections:

Traffic projections in previous applications were challenged on the basis of understatement of operational capacity and resulting understatement of traffic movements. The uncertainty and increase in traffic movements were a key reason for the refusal of application 2015/1217. While more 'data' extensive than on previous occasions, this application still fails to address the disconnect between publicly available data and that in the application.

DPD is a growth-orientated company and from under 60m parcels a year handled in 2011 it currently handles over 230m a year. It expects its growth to

continue due to the growth in e-commerce

Traffic movement estimates are determined by the number of parcels processed, the number of parcels per van, the number of vans needed and the areas to which it is proposed to deliver.

The **number of parcels** processed per day for the proposed site at Moorhouse is stated within the application to be:

- 17,317 on 'typical day'
- 25,000 'seasonal variation' (eg run up to Christmas)
- A 'growth scenario' of +20%: 30,000

The **number of vans** needed is stated to be 137 for 'Typical day' operation.

The **area to which it is proposed to deliver** consists mainly of TN postcodes together with 2 CR and 2 RH postcodes. This area has a total population of 342,000 (*Census figures*)

The proposal describes the A25 as a 'single carriageway.....of approximately 7.3m in width.' It fails to note that in Westerham, through which it suggests that 77% of the LGV traffic to and from the site should travel, that width diminishes at pinch points to 4.78m, less than that required of a residential street (5.5m). Similar width restrictions apply in the villages further to the east through which this traffic will travel.

Unlike other new Distribution Centres it is not closely adjacent to appropriate Motorway and Dual carriageways.

Parcel numbers:

The '**typical day**' delivery of 17,317 parcels (based on 14 February 2017) is not consistent with either the Catchment Area annual figure or the DPD quoted national average.

Table 8 P82 Transport 1 states that the 2016 annual delivery of parcels into the proposed Catchment Area was 1,287,516. On the basis of a 5 day delivery week this would result in less than 5,000 parcels per 'typical' day. Even allowing for growth between 2016 and 2017, the daily level of 17,317 is improbable.

The national average for parcels delivered by DPD was 2.34 parcels per person per year in 2016. Using the latest statistics published by DPD of 230 million parcels currently delivered, the comparable national average would be 3.6 parcels. Table 8.1, page 82 of the Transport 1 submission indicates an average of 3.76 for 2016, resulting in a daily estimated average of 4502 parcels.

Catchment area:

The 2016 application Catchment Area quoted a population of 1 million to the west of the proposed Distribution Centre and of 900,000 to the east.

The 2018 application Catchment Area quotes a population of 79,000 to the west of the proposed Distribution Centre and of 263,000 to the east.

Using an average of 3.6 parcels per year delivered to a population of 342,000 would result in an annual total of some 1.2m parcels – less than 5,000 per day.

The **'seasonal' figure** of 25,000 is not consistent with the 'seasonal' figures for the comparator sites of Cardiff, Dagenham and Dunstable, where the seasonal figure is double the 'typical day' numbers.

Indeed the Roxhill/Moorhouse site states 'The distribution centre will deliver parcels to households and businesses in the local area. The capacity of the depot proposed is 25,000 parcels per day. In exceptional circumstances of high demand, the depot may deliver more than 25,000 over a short period.'

Even allowing for delivery of parcels to businesses, this level of deliveries to the reduced Catchment Area of this application is questionable.

Parcels per LGV

This application uses much higher levels of parcels per LGV when compared to the DPD national average especially in the Seasonal and Growth forecasts.

DPD's Company wide daily delivery parcels average per LGV is 113.6.

This application cites an average for a 'typical day' of 126.4 per LGV, an average of 140.4 per LGV during 'seasonal' periods (when 178 LGVs would be needed) and an average of 150 per LGV in the 'growth scenario (needing 200 LGVs)

The 3 site comparison shows parcel handling of 117 per LGV for Cardiff, 106 per LGV for Dagenham and 134 per LGV for Dunstable.

Using a figure for parcels per LGV closer to the national or comparator sites average would increase the number of LGVs needed and thus the number of traffic movements. Using the national or comparator averages, a depot processing 25,000 parcels per day would require 265 LGVs.

Rush hour figures:

The morning rush hour exit figures from Moorhouse contained in the application are not remotely consistent with those from the three comparator sites, Cardiff, Dagenham and Dunstable. The application states that 38.7% of LGVs would exit in the morning rush hour; the combined Cardiff, Dagenham and Dunstable traffic analysis for 2016 shows 57.1% exits between 8-9am.

The inclusion of Dagenham in this comparison in the application is misleading: it appears that this was an atypical day when the majority of departures were unusually after 9am, thus skewing the figures.

An average of 57% exits during the morning rush hour would again adversely affect traffic movements and resulting congestion.

'Growth estimate':

The future growth forecast of 20% is not consistent with any of the published DPD data or the planned expansion of parcel deliveries from DPD hubs.

Growth from 150 million parcels in 2016 to 230million today represents 22% compound growth. DPD have stated they are forecasting double digit growth.

Their new Hinckley depot is increasing sorting capacity for the whole of DPD by 60% by 2020 and the Parcel delivery analysis companies confirm 20% growth year on year until 2023. (Source DPD website).

The unexplained inconsistencies and discrepancies in the traffic figures provided cast significant doubt on the applicant's claim that 'the impact of the development on the A25 in the vicinity of the site will be minimal'. The application fails under TDC's Policy DPD5 which 'requires that traffic does not unnecessarily impede the free flow of traffic on the existing road network or create hazards to that traffic and other road users.'

Details of these concerns together with more detailed analysis of the Traffic assessment are attached at Appendix A. This information is also being communicated to both Surrey and Kent County Council Highways departments, who it is understood will be providing advice to TDC on this issue.

2. Environmental concerns

Air Quality

The previous application failed on the basis that the uncertainties relating to traffic figures meant it had not demonstrated that the proposal would have an acceptable impact on pollution, including air pollution.

Para 180 of NPPF states

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Para 181 states:

Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

Westerham, 1.3 miles from the site is identified as an Air Quality Management Area. Whilst over the last two years NO₂ readings have improved in the town, the realistically calculated number of LGVs passing through Westerham and onwards along the A25 will inevitably worsen air quality.

This is contrary to Planning Authorities responsibilities to prevent developments creating such worsening and contrary to the principle of sustainable development."

Flooding

NPPF para 156 states 'Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. **They should consider cumulative impacts in, or affecting, local areas susceptible to flooding**, and take

account of advice from the Environment Agency and other relevant flood risk management authorities....

While the Moorhouse site does not itself lie within a Flood Zone, it is the site of one of the sources of the River Darent, which flows eastwards through Westerham and the villages beyond, all of which, and especially Westerham, are susceptible to flooding from the Darent. This tributary is often contaminated with sand and soil in suspension (which eventually settles out in Long Pond downstream in Westerham). Under storm conditions it has overflowed on to the A25.

The application states that 'less surface water will be discharged from the site in comparison in to the existing situation' This appears counter-intuitive when it is proposed to have facilities to wash down HGVs and LGVs, which are not there at present.

The application Drainage Strategy Statement asserts 'Proposed new development on the existing 6.4HA site will be restricting discharge to a Greenfield rate of 55 litres/sec...' To achieve this, temporary storage tanks and ponds are proposed: our interpretation of the figures indicates that these will be filled within 20 mins during a 1 in 2 year storm.

It is noted that the planned sewage plant and its proposed discharge into the river has yet to be commented on by the Statutory Consultee, Southern Water.

In this respect the application does not meet the requirements of either the NPPF or TDC's Policy DP21.

3. Employment opportunities

The application states that circa 150 jobs will be created at the initial opening of the Distribution Centre, rising to 300 when the Centre is fully operational. There would also be an unspecified number of temporary jobs during construction.

The application further states that of the number employed, some 70% are delivery drivers with the remainder being warehouse, administrative and managerial staff.

DPD currently promotes a number of different routes to working as a delivery driver. It appears that their preferred option is for Owner Driver Franchisees (ODF), or Owner Driver Workers (ODW) self employed and requiring a significant deposit to secure the franchise or a lesser deposit and monthly payments. There is also an option for ODF Lite again requiring a deposit and monthly payments. It is also possible to become an employed driver. DPD are now promoting 'weekend only' drivers to meet the need for weekend deliveries.

As in previous applications, it is stated that the majority of those seeking work in the transport and warehousing industry are resident in the Croydon, Crawley and East Grinstead areas, giving a high likelihood that potential employees would not be drawn from the Tandridge area.

In addition to providing little or no local job benefit, the location means that it is not a sustainable location from a staff transport point of view. All delivery drivers travel by LGV, which they keep at home overnight. There is no viable public transport to the site. Cycling along the A25 with its intermittent cycle provision and acknowledged safety issues is a highly unlikely outcome: car sharing is dependent on coinciding home locations and shift patterns. The Staff Travel Plan acknowledges that, after a five year operational period, at least 70% of non-delivery driver staff will need to travel by private car.

Overall this third application does not propose any meaningful improvements to justify overturning the 2015 refusal, and should also be refused on the grounds of harm to Green Belt and AONB and of unsustainability under NPPF para 144, NPPF para 156 and NPPF paras 180 and 181.

This proposal also fails current policies CSP18, CSP20 and CSP 21 of the Tandridge core strategy 2008, adopted 2014 and Policies DPD5 and DP7 of the Local Plan part 2 (detailed policies)

**Westerham Town Council
October 2018**

Appendix A

1. The National average for parcels delivery by DPD is 2.34 parcels per year per person based on the Application's reported DPD's deliveries of 150 million parcels in 2016 and a UK population of 64 million. The latest statistics published by DPD of 230 million delivered parcels, the national average would currently be 3.6 parcels/person/year.

Table 8.1, page 82 of the transport 1 submission shows an average of 3.76 parcels/person/year for 2016 for the Catchment area, which would equate to a daily estimated average of 4502 parcels, based on 52 weeks at 5.5 days per week. February 2016 'Typical Day' would be lower at 3463 parcels. Allowing for 20% growth from 2016 to 2017 then February 2017 should be in the order of 4,000 parcels per day into the catchment area.
2. The Seasonal figure of 25,000 parcels is not consistent with the 'Typical Day' deliveries for 14 th February 2017 when compared with the three sites of Cardiff, Dagenham and Dunstable.

A comparison was made of the daily deliveries from the 3 sites for the weeks of February 15 th to 19 th 2016 versus the period 21 st November to 23 rd December 2016. The conservative uplift was 2.022 but 'worst to best day' day ratios were 3.09 for Cardiff, 2.58 for Dagenham and 2.71 for Dunstable.

Moorhouse site is conservatively estimated, a Seasonal day should be twice the Typical Day, resulting in an average of 35,016 parcels delivered per day during the Seasonal '50 day' peak.
3. The DPD national average is 113.6 parcels per LGV in 2016. The 3-comparator Distribution sites described in the application show 117 parcels/LGV for Cardiff, 106 for Dagenham and 134 for Dunstable on a normal day. The application attempts to include an exceptional second day at Dagenham when 29,151 parcels were delivered. It was as a result of delivery difficulties experienced on the previous day which then resulted in an abnormal level of parcels on the day in question, together with delays in loading, extended delivery hours and exceptional use of Rigid HGV's for parcels delivery. The normal days for the 3-comparator sites should be used in estimating LGV movements and parcel carrying capacity.
4. Morning Rush Hour statistics show deliveries for Cardiff at 65.4% of all vans exiting the Distribution site during the 8-9 am period. The combined statistic for the 3 sites on a normal day is 57.1%. The application states 38.7% which uses the exceptional day at Dagenham to create this atypical statistic.
5. The Growth levels for DPD parcel deliveries are shown in the application to be 25% compound growth between 2011 and 2016. Published statistics for current levels show a continuing growth of 22% compound from 2016 to current levels. DPD state they expect growth to continue at double digit levels and are currently building a site at Hinckley to increase their parcel handling capacity by 60%. The application forecast of 20% growth does not specify a time period and is inconsistent with all published and current growth figures.

6. The application would appear to suggest that the maximum parcel handling capacity of the Moorhouse site is 30,000 parcels a day.

DPD have shown from previous statements that while they may claim a limited parcels handling capacity, in practice those levels are far exceeded. The 36,000 sq ft. site at Dartford was meant to handle 8,000 parcels a day when it was built in 2015. It was delivering nearly 22,000 parcels a day in 2016. Again according to DPD, a distribution centre is meant to be capable of handling 4 times the level of a site such as Dartford, which would mean Moorhouse has a capacity of more than 80,000 parcels a day.

A new site in Glasgow is only slightly bigger than Moorhouse (6527 sq m versus 5950 sq m) yet DPD have estimated its capacity as 45,000 parcels per day with room to expand for the future. At current growth rates that could mean 90,000 parcels a day by 2023 and on a pro-rata basis Moorhouse should be capable of 77,000 parcels by 2023.