



## AGENDA

### PLANNING APPLICATIONS COMMITTEE

**Tuesday, 12th December, 2006, at 10.00 am**      Ask for:      **Andrew Tait**  
**Council Chamber, Sessions House, County**      Telephone:      **01622 694342**  
**Hall, Maidstone**

*Tea/Coffee will be available from 9:30 outside the meeting room*

#### **UNRESTRICTED ITEMS**

*(During these items the meeting is likely to be open to the public)*

#### **A. COMMITTEE BUSINESS**

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 7 November 2006 (Pages 1 - 6)
4. Site Meetings and Other Meetings

#### **B. GENERAL MATTERS**

#### **C. MINERALS AND WASTE DISPOSAL APPLICATIONS**

1. Application DA/06/417 - Retrospective application for the use of land for screening, crushing and processing of aggregates, construction waste and concrete, together with open storage of these materials at F M Conway Works, Rochester Way, Dartford; F M Conway. (Pages 7 - 50)
2. Application TW/06/1646 - Change of use from agricultural to new green waste open windrow composting facility at Little Bayhall Farm, High Woods Lane, Tunbridge Wells; Bowman and Sons. (Pages 51 - 66)
3. Application SE/06/2415 - Variation of Condition 8 of permission SE/87/1468 to extend operating hours for bagging plant to between 1800 and 2400 Mondays to Fridays between 1 April and 30 September at Sevenoaks Quarry, Sevenoaks; Tarmac Ltd. (Pages 67 - 74)

#### **D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL**

1. Proposal SW/06/1137 - Extension and modernisation to 1 F.E School, including parking area and temporary works, including mobile classroom at Boughton under Blean Methodist Primary School, School Lane, Boughton under Blean, Faversham; Governors of Boughton under Blean Methodist Primary School and KCC Children, Families and Education. (Pages 75 - 88)

2. Proposal CA/06/1392 - Demolition of existing buildings and erection of a detached 3 storey block of 40 extra care apartments for the elderly with associated communal facilities together with car parking and landscaping at King Edward Court, King Edward Avenue, Herne Bay; KCC Adult Services and Housing 21. (Pages 89 - 104)
3. Proposal AS/06/1422 - Integrated highways depot comprising offices, garaging, salt barn and storage areas with associated car parking and landscaping at Land adjacent to Henwood Industrial Estate, Ashford; Kent Highways Services. (Pages 105 - 130)
4. Proposal TM/06/2488 - Construction of new art and drama block and sports centre, introduction of a one-way traffic management system with new exit and slip road onto Pembury Road and refurbishment of the existing reception (Collectively Phase 2) at The Weald of Kent Grammar School for Girls; Tudeley Lane, Tonbridge; Governors of The Weald of Kent Grammar School and KCC Children, Families and Education. (Pages 131 - 152)
5. Proposal TM/06/2342 - Redevelopment to provide integrated highways depot comprising offices, garaging, salt barn and storage areas with associated car parking and landscaping at The Poplars Business Park, London Road, Wrotham; Kent Highways Services (Pages 153 - 216)
6. Proposal CA/06/1187 - Retrospective application for the replacement of weldmesh fencing with metal palisade fencing at the shared school playing field off Spring Lane, Canterbury; Governors of Barton Court Grammar and Chaucer Technology Schools and KCC Children, Families and Education. (Pages 217 - 228)
7. Proposal SW/06/836 - Erection of a 1.5m high weldmesh fence around the school playground and stock fence around the playing field at Rodmersham Primary School, Rodmersham; Governors of Rodmersham School, Rodmersham Green, Rodmersham, Sittingbourne; Governors of Rodmersham Primary School and KCC Education and Libraries. (Pages 229 - 236)

#### **E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS**

1. County matter applications (Pages 237 - 244)
2. Consultations on applications submitted by District Councils or Government Departments
3. County Council developments
4. Detailed submissions under Channel Tunnel Rail Link Act 1996 (None)
5. Screening opinions under Environmental Impact Assessment Regulations 1999
6. Scoping opinions under Environmental Impact Assessment Regulations 1999 (None)

#### **F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

#### **EXEMPT ITEMS**

*(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)*

Peter Sass  
Head of Democratic Services and Local Leadership  
(01622) 694002

*(Please note that the background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report. Draft conditions concerning applications being recommended for permission, reported in sections C and D, are available to Members in the Members' Lounge.)*

Monday, 4 December 2006

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## KENT COUNTY COUNCIL

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### PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held at Sessions House, County Hall, Maidstone on Tuesday, 7 November 2006.

PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mr T J Birkett (substitute for Mr W V Newman), Mrs V J Dagger, Mr J A Davies, Mr J B O Fullarton, Mrs E Green, Mr C Hibberd (substitute for Mr T Gates), Mrs S V Hohler, Mr G A Horne, Mr S J G Koowaree, Mr J F London, Mr T A Maddison, Mr R A Marsh, Mr J I Muckle, Mr A R Poole, Ms B J Simpson and Mrs P A V Stockell.

OTHER MEMBERS: Mr A D Crowther, Mr J Curwood, Mr D S Daley and Mr M J Northey.

OFFICERS: The Head of Planning Applications Group, Mr W Murphy (with Mr M Clifton and Mr J Crossley); the Development Planning Manager, Mr A Ash; and the Democratic Services Officer, Mr A Tait.

#### UNRESTRICTED ITEMS

**85. Minutes – 10 October 2006**  
(Item A2)

RESOLVED that the Minutes of the meeting held on 10 October 2006 are correctly recorded and that they be signed by the Chairman.

**86. Site Meetings and Other Meetings**  
(Item A3)

The Committee agreed to visit Whitegates on Friday, 1 December 2006 and Paddock Wood Primary School on Tuesday, 12 December 2006. The Committee also agreed to hold training sessions with the Environment Agency on Tuesday, 23 January 2007 and on Sustainable Design and Construction on Tuesday, 13 February 2007.

*(The Whitegates visit was later postponed to 10 January 2007).*

**87. Applications TW/06/502 – Variation of Condition 5 of Permission TW/93/1250 to extend the hours of operation at Household Waste and Recycling Centre, North Farm, Dowding Way, Tunbridge Wells; SITA UK Ltd**  
(Item C1 – Report by Head of Planning Applications Group)

(1) The Committee agreed to the inclusion of an additional informative explaining the hours of operation at the Allington Energy from Waste Plant.

(2) RESOLVED that:-

- (a) permission be granted to the proposed extended hours of working during weekdays only subject to conditions including the standard time condition; restriction on the plant and machinery to be used during the extended hours; with an informative that all other conditions attached to permission TW/93/1250 must be strictly adhered to;

- (b) permission be refused for the proposed extended hours during the weekends on the grounds that insufficient detail has been provided, including an appropriate noise assessment to demonstrate there would be no detrimental impacts on local amenity;
- (c) the applicant be informed that should extended hours of use during the weekends be required then further information should be submitted in support of a separate application, which can then be considered separately on its merits; and
- (d) the applicant be informed that the Allington Energy from Waste Plant accepts a limited amount of waste between 0800 and 0930.

**88. Application SW/05/744/R5 and R7 – (i) Importation of water by tanker or tractor and bowser (to supplement mains supply); and (ii) details of siting, design, external appearance, construction materials, finishes and colours of the proposed conditioning plant, external lighting, fencing and site drainage at Norwood Quarry and Landfill Site, Lower Road, Brambledown, Sheppey; Waste Recycling Group Ltd**

*(Item C2 – Report by Head of Planning Applications Group)*

*(Mr A D Crowther was present for this item pursuant to Committee Procedure Rule 2.24 and spoke).*

- (1) The Committee agreed to the Chairman's offer to write to the Finance and the Environment, Highways and Waste Portfolio holders concerning the difficulties in getting Section 106 money released for agreed highway improvements.
- (2) RESOLVED that approval be given to the application subject to:-
  - (a) any remaining details being implemented as approved;
  - (b) conditions confirming that any vehicle movements associated with the importation of water are included within those allowed under the terms of Condition 14 of Planning Permission SW/05/744 and that the only access used to import water is the existing site access off Lower Road;
  - (c) the applicant being reprimanded on its failure to fully comply with the terms of Condition 7 of Planning Permission SW/05/744 in that it implemented the proposed details and commenced the importation of boiler ash and air pollution control residues (ACPRs), conditioning and landfilling of waste at the site without first having obtained the necessary approvals from the County Planning Authority; and
  - (d) the Divisional Transportation Manager being:-
    - (i) reminded of the concerns expressed by local residents about adverse traffic impacts on Lower Road, particularly through Brambledown;
    - (ii) asked to explore opportunities to resolve the problems when considering proposals for future development on the Island or through other means; and
    - (iii) asked to provide a report to the next meeting of the Norwood Farm Liaison Committee setting out his views on the issues.

**89. Proposal CA/06/1187 – Retrospective application for the replacement of weldmesh fencing with metal palisade fencing at the shared school playing field off Spring Lane, Canterbury; Governors of Barton Court Grammar and Chaucer Technology Schools and KCC Children, Families and Education**  
*(Item D1 – Report by Head of Planning Applications Group)*

*(Mr M J Northey was present for this item pursuant to Committee Procedure Rule 2.24 and spoke)*

- (1) Letters were tabled from Mr H Kyffin and from Mr G Jeffrey and Ms D Cruickshank (local residents).
- (2) Mr H Kyffin and Mr S Bax (local residents) spoke in objection to the proposal. Mr S Murphy (Headteacher of Chaucer Technology College) spoke in reply.
- (3) RESOLVED that consideration of this matter be deferred pending a Members' site visit.

*Carried 15 votes to 2.*

**90. Proposal DO/06/507 – Out of Hours Community Building at Sandwich Technology School, Deal Road, Sandwich; Governors of Sandwich Technology School and KCC Children, Families and Education**  
*(Item D2 – Report by Head of Planning Applications Group)*

RESOLVED that permission be granted to the proposal subject to the development being carried out in accordance with the submitted documents and plans; the materials used to construct the fabric of the building being those stated in the application documents and their being no deviation from these unless otherwise agreed in writing by the County Planning Authority; and sufficient parking being made available to the users of the out of hours community building within the school grounds at all times.

**91. Proposal MA/06/118 – All-weather football pitch with associated fencing and floodlighting at Maplesden Noakes School, Buckland Road, Maidstone; Governors of Maplesden Noakes School and KCC Children, Families and Education**

*(Item D3 – Report by Head of Planning Applications Group)*

*(Mr J Curwood and Mr D S Daley were present for this item pursuant to Committee Procedure 2.24 and spoke)*

- (1) Letters from Mrs D Goacher and gdm architects were tabled.
- (2) Mrs D Goacher (local resident) addressed the Committee in opposition to the proposal. Mr Baxter from the school's Governing Body spoke in reply.
- (3) Mrs P A V Stockell moved, seconded by Mr R A Marsh that the Head of Planning Applications Group's recommendation be adopted subject to the hours of use being increased from 81 to 85.

*Lost 4 votes to 10*

- (4) on being put to the vote the Head of Planning Applications Group's recommendations were carried with no opposition.
- (5) RESOLVED that:-
  - (a) permission be granted to the proposal subject to conditions including the development being carried out strictly in accordance with the approved

plans; the submission and implementation of a landscaping scheme; hours of use of the pitch and floodlights; the floodlights being extinguished when not required for all or part of the pitch and operated at the proposed Lux level at all times; an archaeological watching brief being carried out prior to commencement of operations; and details of surface materials for the proposed pitch being submitted prior to work commencing; and

- (b) the applicant be advised of the need to ensure that the existing drainage systems are well maintained and of sufficient capacity to cope with any additional flow or loading that may occur as a result of this permission.

**92. Proposal MA/06/1560 – New school building with junior classrooms, SEN (Special Educational Needs)/small group rooms, FSES (Full School Extended Services) building, staffroom and nursery; new Junior hard play area; reconfiguration of existing car parking off Rutland Way (including new access point, one-way system and additional parking); extension to existing dining room and reconfiguration of existing Infants block at Greenfields Community Primary School, Oxford Road, Maidstone; Governors of Greenfields Community Primary School and KCC Children, Families and Education**

*(Item D4 – Report by Head of Planning Applications Group)*

(1) The Committee agreed to the inclusion of an additional condition requiring appropriate **hours of restriction for** community use.

(2) RESOLVED that subject to the submission of tree survey work and design details for the proposed community building for further approval, permission be granted to the proposal subject to the imposition of conditions including the standard time limit; the development being carried out in accordance with the permitted details; details of external materials; a scheme of landscaping; details of tree protection measures; parking/turning area being provided prior to commencement of use; confirmation that the development will be constructed in a sustainable and energy efficient form; appropriate hours of restriction for community use; details of external lighting; details of hard landscaping; no lights being erected within or adjacent to Junior hard play area; implementation and ongoing review of the Travel Plan; details of foul and surface water drainage; hours of working during construction being restricted to between 0800 and 1800 Mondays to Fridays, and between 0900 and 1300 on Saturdays; provision of pedestrian barrier to footway between Rutland Way and Greenfields; provision for cycle parking; removal of temporary mobile classroom permitted under planning reference MA/06/756; and detailed drawing for the proposed junior hard play area.

**93. Proposal DA/06/856 – Kent Thameside Fastrack, Everard’s Link Phase 2, being the provision of a bus priority route linking the recently constructed bus/rail interchange with the new development at Ingress Park (including associated landscaping works) to form part of the Kent Thameside Fastrack Major Scheme at Land immediately north of the railway line between Station Road and The Avenue, Greenhithe; KCC Highways Advisory Board**

*(Item D5 – Report by Head of Planning Applications Group)*

(1) Mr J I Muckle made a declaration of Prejudicial Interest as a Member of the Fastrack Board. He left the Chamber and took no part in the debate on this item.



- (2) Correspondence from Mr R Falce, a local resident was tabled together with a response from Mr J M Turner, the Project Manager.
- (3) Mr R Falce addressed the Committee in opposition to the proposal.
- (4) RESOLVED that:-
  - (a) the application be referred to the Secretary of State for Communities and Local Government as a departure from the Development Plan, and that subject to her decision, permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; details of finished surfaces, structures, signing, walls, railings, fences and street furniture; details of lighting; details of drainage; investigation and method of dealing with ground contamination from previous uses; hours of working being restricted to between 0800 and 1800 Monday to Friday and between 0800 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; environmental safeguards during construction (eg., prevention of mud and debris being taken onto the existing public highway and dust control); location and construction of any contractors' site compound or temporary accommodation; details of parking for contractors' vehicles; full details of landscaping including details relating to habitat mitigation and enhancement, planting and its maintenance, and details of the environmental barrier; implementation of bat mitigation proposals prior to commencement of the development; and archaeological investigation provisions; and
  - (b) the applicant be advised of the following by informative:
    - (i) For the avoidance of doubt, this permission does not grant planning permission or Listed Building Consent for the demolition and alterations to the Listed wall and railings at Ingress Park. No work should begin in this area until planning permission and Listed Building Consent have been granted. Further details will be required to grant any such permission;
    - (ii) Account should be taken of the comments made by the Environment Agency; and
    - (iii) A full method statement of the works in close proximity to the operational railway must be supplied and agreed with Network Rail's Outside Party Engineer.

**94 County Matters dealt with under Delegated Powers**  
*(Item E1-E6 – Reports by Head of Planning Applications Group)*

RESOLVED to note reports on items dealt with under delegated powers since the last meeting relating to:

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils or Government Departments;
- (c) County Council developments;
- (d) detailed submissions under Channel Tunnel Rail Link Act 1996 (None)

7 November 2006

- (e) screening opinions under Environmental Impact Assessment Regulations 1999 ; and
- (f) scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

06/aa/pa/110706/Minutes

SECTION C  
MINERALS AND WASTE DEVELOPMENT

BACKGROUND DOCUMENTS - the deposited documents, views and representation received as referred to in the reports and included in the development proposals dossier for each case and also as might be additionally indicated

**Item C1**

**Retrospective application for the use of land for screening, crushing and processing of aggregates, construction and demolition waste and concrete together with open storage of these materials, F M Conway Works, Rochester Way, Dartford – DA/06/417**

A report by Head of Planning Applications Unit to Planning Applications Committee on 12<sup>th</sup> December 2006

Application by F M Conway Limited to seek retrospective planning permission for the use of land for screening, crushing and processing of aggregates, construction and demolition waste and concrete together with open storage of these materials, Rochester Way, Dartford

Recommendation: subject to no direction to the contrary from the Secretary of State, permission be granted subject to conditions

Local Member: Mr T Maddison

Unrestricted

**Background**

1. This is a retrospective planning application specifically prepared to address this Council's decision to refuse planning permission for a similar development in 2005, planning reference DA/04/787 (and subsequently referred to as the 2004 application).
2. At its March 2005 Planning Applications Committee, the Committee refused planning permission for the screening and crushing of materials on the site. The grounds for refusal were:
  - (i) given the waste sources the application had failed to satisfactorily demonstrate that the proposal represented the Best Practicable Environmental Option (BPEO) with particular regard to the proximity and self sufficiency principles;
  - (ii) The application failed to demonstrate that the development would not have an unacceptable impact upon local amenity with regards to dust; and ;
  - (iii) In view of the potential harm upon local amenity arising from dust emissions from the development, the application failed to satisfactorily demonstrate an overriding need for the development.
3. An appeal has been lodged against the Council's refusal of the 2004 application. This is to be heard at a public inquiry. The Planning Inspectorate has advised that the appeal is to be held in abeyance whilst the County Council considers the merits of the application currently before it.

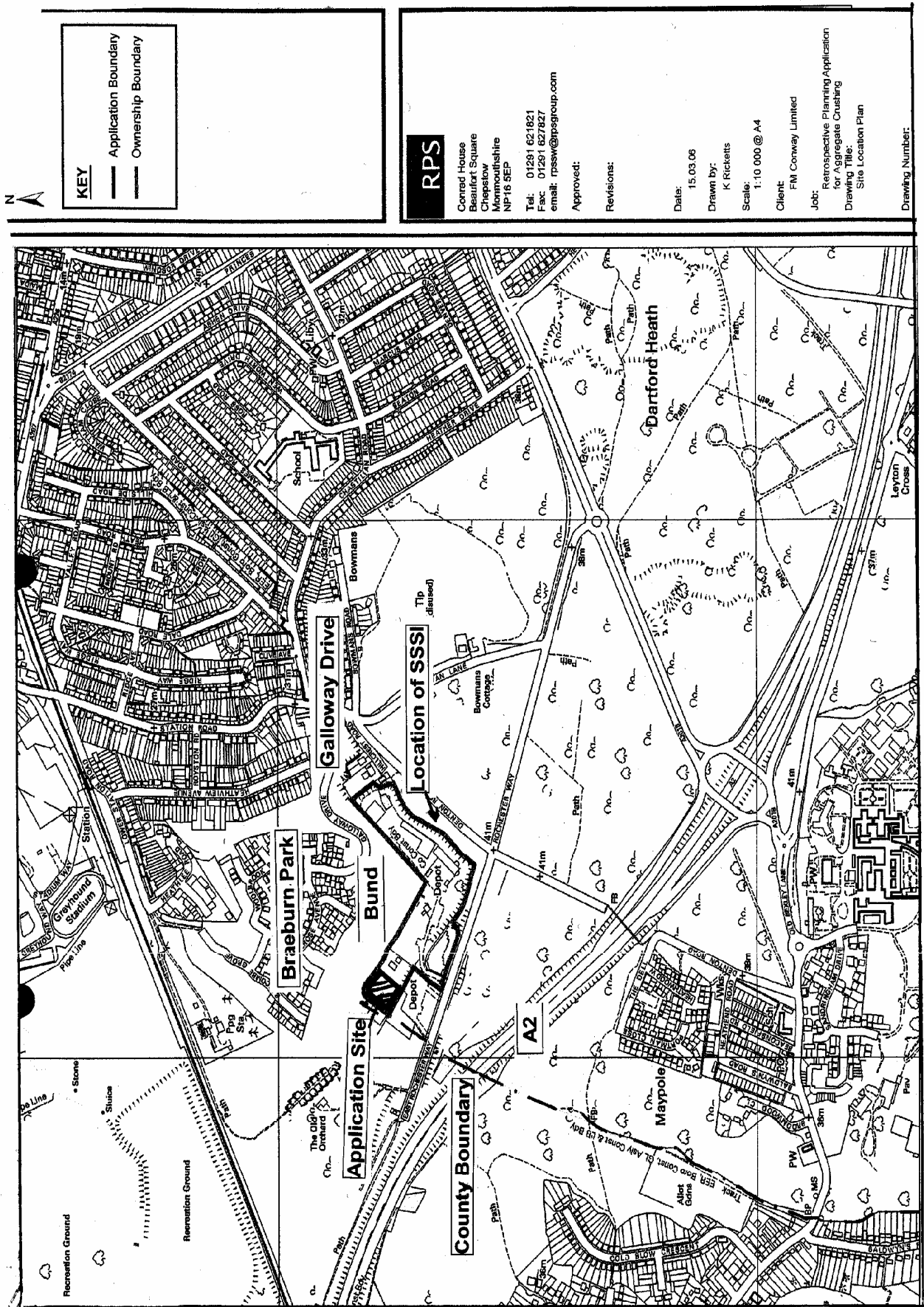
4. The current application specifically seeks to address the grounds of refusal set out in para. 2 above. It should be noted that whilst the nature of development is the same as the 2004 application (i.e. a screening and crushing operation), it is not the same proposal considered by the March 2005 Planning Applications Committee. In particular, the application now before Members includes detailed mitigation measures to address the dust ground of refusal and a revised Best Practicable Environmental Option BPEO assessment. The application also includes detailed measures to address noise considerations. (In the 2004 application noise issues were addressed in principle, with details to be worked up to satisfy conditions). There are a number of key changes from the 2004 application. These include the replacement of the existing crushing plant on site with a model that encloses key elements of the crushing activity, a comprehensive dust mitigation scheme and a noise mitigation scheme which includes a 7m acoustic barrier to the northern and part of the western boundary.

#### **Retrospective Development**

5. This is a retrospective application. The development appears to have taken place in advance of the necessary planning permission as a result of the planning history on the site.
6. Prior to the receipt of the 2004 planning application, the County Council received complaints from the residents of the neighbouring housing development, Braeburn Park concerning development on the F M Conway site. Investigation established that a number of waste management developments were on site without the benefit of planning permission, although the crushing activity had the benefit of a permit under the Environmental Protection Act from Dartford BC. In accordance with our planning enforcement practice, retrospective planning applications were invited to test the planning merits of the proposals. Two applications were received, one for the aggregate crushing facility (DA/04/787) and the other for the drainage treatment plant, an aggregate washing plant and two buildings for B2/B8 (industrial and storage uses), reference DA/04/770. The County Council granted planning permission for application DA/04/770 and refused application DA/04/787.
7. Notwithstanding the submission of the 2004 and the current applications, the applicant maintains the view that the crushing activity on the site does not require planning permission from the County Council. In its view the activity falls within the use classes B2/B8 that it considers are already permitted on the site. To support this view, the applicant has submitted two applications for a Certificate of Lawfulness of Existing Use or Development (CLEUD) to Dartford BC. The first was appealed against Dartford Borough Council's failure to determine the application within the required timescale. This appeal has been co-joined with the appeal against this Council's refusal of planning permission referred to above. A second CLEUD application was refused by Dartford Borough Council.
8. The enforcement approach to address the breach of planning control on this site has been regularly reviewed by the Council's Regulation Committee. The Regulation Committee has resolved that due to the circumstances of this case and the uncertainty concerning the lawful use that the site be allowed to operate under an agreed working protocol pending the determination of the planning appeal. The protocol sets limitations concerning the way the development is carried out including restrictions on stockpile heights, dust suppression measures and the adoption of WRAP good practice on the production of aggregates from inert waste.

DA/06/417 – Aggregate screening and crushing operation, F M Conway, Dartford

Figure 1 - Site Location





**Figure 3 - Aerial photo showing the site in its wider setting**



**Figure 4 - Aerial photo showing a closer view of the activities at the western end of the industrial estate.**





**Site**

9. The site lies on a long established industrial estate within the Metropolitan Green Belt and whilst falling totally within the Dartford Borough Council area, is on the boundary with the London Borough of Bexley. Prior to the development taking place, the land formed part of the applicant's civil engineering yard. The neighbouring land-uses to the south and west are industrial and waste related. To the north lies a recently constructed housing development (Braeburn Park), which is separated from the industrial estate by an earth bund. This bund was constructed as part of the housing development. A s.106 legal agreement tied to the residential planning permission requires that this bund be planted and transferred to London Wildlife Trust where it is to be managed as part of a wider nature conservation site. My understanding is that the land has yet to be transferred, but has been planted with limited success. The nearest housing on the Braeburn Park estate is located some 90m from the Conway site boundary.
10. Land to the west of the site within Bexley forms part of the Old Orchard (The Gun Club) Site of Borough Importance for Nature Conservation. The extent of this site is currently being reviewed and consultations are to take place with a view to extending the area to include all the open land around the Braeburn Park housing. This would include the bund immediately adjacent to the application site. The Wansunt Pit SSSI (2 sites) lie in close proximity to the site. Site 1 is located to the east of the site and extends to 0.5 ha. The second extends to 1.44 ha and is located to the north of the site. Both are protected for their geological importance.
11. The site extends to 0.42 ha. Details of the site and the surrounding area are shown on Figures 1 and 2. Members of the Planning Applications Committee visited the site and the adjoining housing development on the 20<sup>th</sup> June 2006. At the site visit, Members requested that the officer report to the Planning Applications Committee include an aerial photograph showing the industrial estate in its wider setting together with a description of other activities taking place. Aerial views of the site are attached at Figures 3 and 4. Bexley Council officer's informally advise that the land within the industrial estate to the west of the F M Conway site within the Bexley area is used for a variety of storage purposes. The site does not have the benefit of planning permission although there is a long-standing history of activity (use class B8 - storage and distribution) on the site as part of the previous Gun Club operations. Bexley Council is currently in discussions concerning a potential application for a Certificate of Lawful Use Development (CLEUD) on this land.
12. A note of the 2006 Members' site visit is attached as Appendix 1.

**The Proposal**

13. Permission is sought to stockpile, screen and crush construction and demolition waste from the applicant's highway maintenance and civil engineering operations and to store, the material prior to its use as a feedstock to the (approved) aggregate washing plant on site or as a sub-base material. The site would provide an annual capacity of 200,000 tonnes. The operation would utilise two excavators and processed material would be transferred by wheeled loader to stockpile or the adjoining aggregate washing plant.
14. The proposal along with the approved waste management facilities on site would provide an integrated waste management process, ultimately enabling the

applicant to recycle 100% of recovered materials arising from the applicant's civil engineering business in London and North Kent. Approximately 75% of the material processed by the crushing plant would be transferred to the aggregate washing plant for further processing. The remaining 25% would be used to produce varying grades of sub-base or foamway, a cold lay bituminous macadam suitable for highway and footway construction. Once the material is screened and crushed it can be used for a variety of applications ie sub-base in pavement construction (Type 1-4), capping material and as a drainage medium.

15. The noise and dust mitigation schemes as first submitted were significantly revised during the planning application process. In September 2006, the County Council received details of a different crushing plant for the site that would be provided in a fixed location in the south-west quadrant of the site. The grading plant currently on site would be incorporated within the new crushing plant so that it would not operate independently. This design change proposes 3 cladded housing units enclosing key components of the crushing plant linked by covered conveyors. The housing to the crushing and screening plant measures 98m<sup>2</sup> and would be 8.9m in height above existing ground levels. The unit to the crushing plant would be 53m<sup>2</sup> and have a height of 8.9m. The third housing unit would measure 5m<sup>2</sup> and would be 5m in height.
16. The application is accompanied by a quality control protocol to which the plant would operate and has been prepared by WRAP (Waste and Resources Action Programme) in conjunction with the Quarry Products Association and the Highways Agency. This sets out a formalised quality control procedure for the production of aggregates from recycled inert waste.
17. The source of waste is via the applicant's highway maintenance contracts. Based upon contracts from previous years and potential future contracts, the waste sources for the facility are anticipated to be from Kent - Dartford Gravesend, Northfleet and Swanley and Medway Towns, London Boroughs south of the Thames - Bexley, Bromley, Greenwich, Lewisham, Merton, Sutton, Southwark and Hammersmith and Fulham) and London Boroughs north of the Thames (City of London, City of Westminster, Newham and Harrow. The applicant's main markets are local authorities.

#### Hours of Working

18. These would be 0700 hours to 1800 hours Monday to Friday, excluding bank holidays and from 0700 hours to 1300 hours on Saturdays for maintenance. Vehicles would have 24 hour access 7 days per week, however waste management operations would not take place outside the stated hours. The application advises that the applicant has contracts that can require weekend and night- time working. These are however planned and except in emergencies (i.e emergency road re-surfacing following an accident) the applicant advises that the work can be scheduled so that there is no requirement to load or unload outside the 'normal' hours. It is noted that the applicant currently has unlimited access to the site 24 hours a day in connection with the civil engineering activities on site.

#### Access

19. Access would be via Rochester Way and then to the strategic road network – A2 and M25. The application forecasts that the overall increase in traffic associated with the development is likely to 70 vehicles per day.

Mitigation Measures

20. A number of measures are included to mitigate the impact of the development. These relate principally to dust, odour, noise and visual impact. The newer crushing plant submitted in September 2006 was submitted to address noise concerns raised during the planning process. The solution however also has some benefit in terms of dust mitigation.

Noise

21. The proposal includes a number of measures designed to ensure that noise levels arising from the crusher, reversing alarms and road sweeper are within acceptable limits as defined by BS4142. These measures are:

Crusher

- Replacement of existing crushing and screening plant with new plant that encloses key components of the processing operation and is linked by covered conveyors.
- Fixing the location of the crushing plant to the south west quadrant of the yard to ensure acceptable levels can be maintained at Braeburn Park;
- Rubber curtain on the conveyor to reduce noise

Reversing Alarms

- Replacement of conventional reversing alarms for all site based vehicles with 'Smart Alarm' or by radar activated alarms which are silent but act by detecting obstacles behind the vehicle;
- Layout of the site to minimise number of reversing actions;
- Long term strategy for replacement fleet vehicles to have white noise (smart) reversing beepers
- Look to encourage third party hauliers (approx 20% of fleet) to fit white noise beepers.

22. Following receipt of the Bexley Officer recommendation to its Planning Applications Committee in November 2006 and the earlier views of KCC's advisor on noise, the application was revised to incorporate an acoustic barrier of 7m in height along the northern and part of the western boundaries of the site (ie the boundary which adjoins the Braeburn Park estate)

Dust

23. The application includes a number of mitigation measures to ensure that dust emissions are kept within acceptable limits. These measures differ from the earlier application refused by this Council and include:

Controls for the crusher

- Enclosure of the crusher and screener and its conveyor belts to reduce sources of dust;
- Rubber curtain on the conveyor to minimise dust escape and wind pick-up;
- Specifically to target dust generated from the end conveyor when it leaves the enclosed system - a foam based suppression system fitted to the crusher to augment the current water based dust control system and the inclusion of a mist bar on the end of the output conveyor to dampen any material prior to falling to the ground.

Stockpile Controls

- Installation of a system of water sprinkler heads to be mounted around the perimeter walls and dividing walls between the aggregate storage bays.

- The location of spray heads to cover the majority of all the stockpiles in the processing yard.
- Water sprays located to serve the north of the processing area with a spray located to cover the material stored there with a further spray at the site entrance to dampen the stockyard and one on the ramp to the aggregate washing plant.

#### Roadway Dust Suppression

- Installation of impact sprays located on the entrance roadway;
- Use of a road sweeper twice a day

#### Control Systems

- The proposed dust suppression scheme would be fully automated based on wind-speed levels and/or pre-set timings allowing the system to operate during the night and at weekends when no-one is on site.

#### Other Mitigation Measures

- containing raw materials stockpiles on the southern perimeter below 6m above existing ground levels; All other materials to be stored within sleeper walled bays with the maximum height at least 0.5m below top of the wall;
- Orientation of bays and sleeper walls to be optimised such that prevailing wind will not mobilise dust from stockpiles.
- Minimising drop distances and number of times material is handled;
- Crushing operations to be suspended during periods of extreme winds when monitoring indicates that a nuisance could occur at neighbouring properties
- Minimise the time material is left out to dry by putting it into storage bays or the washing plant;
- Sheeting of trucks accessing and leaving site and imposition of 5mph speed limit within the application site;
- Wheel cleaning facilities and 5mph speed restriction;

#### Monitoring

- The application includes a monitoring scheme which involves the provision of dust monitors which would provide instantaneous results either directly or remotely.
- Daily environmental logs recorded by the applicant

#### Odour

24. The type of material involved is not considered to create an odour problem. Therefore, no mitigation measures are proposed.

### **Planning Policy Considerations**

25. The key policies considerations are set out below. For further details see Appendix 2.

**National Planning Policy** – the most relevant are set out in Waste Strategy 2000 (as amended in July 2005), PPS10 and its Companion Guide (Planning for Sustainable Waste Management), PPG2 (Green Belts), PPG24 (Planning and Noise), PPS1 (Delivering Sustainable Development) and the recently published MPS1 (Planning and Minerals). Guidance on good practice for handling dust emissions is also set out in MPS2 (Controlling and Mitigating the Environmental Effects of Mineral Extraction). Nationally, Government recognises that due to the high amounts of waste generated by construction activity (32%), sustainable waste

management for construction waste is a priority that needs to be addressed. Defra has therefore recently concluded a public consultation on a 20 year draft strategy.

### **Regional Planning Policy**

The most relevant policies are set out in the Adopted Regional Spatial Strategy (RPG9) - policy E3 (green belts) and policy INF3 (waste). Proposed changes to the Regional Guidance (RPG9) – Waste and Minerals dated August 2005 are also relevant. These relate to policies W3 and W4 (regional and sub-regional self sufficiency), policies W5 and W6 (diversion from landfill and recycling targets), policy W7 (waste management capacity requirements), policy W17 (location of facilities) and policies M1, M2 and M3 (recycled and secondary aggregates). These policies have largely been carried forward in the draft South East Plan, which is to be the subject of an Examination in Public late 2006.

### **Kent and Medway Structure Plan: (Adopted July 2006)**

The most relevant policies are SP1 (conserving and enhancing Kent's environment), SS2 (Green Belt), EN3 (protection and enhancement of countryside character) EN7 (County and local wildlife designations), QL1 (quality of development and design), TP15, (development traffic and HGVs), NR1 (development and the prudent use of resources), NR5 (pollution impacts), NR8 (water quality), WM1 (integrated waste management), WM2 (assessment criteria for waste proposals), WM3 (securing waste reduction) MN1 (sources of minerals supply) and MN2 (Use of secondary/recycled materials).

### **Kent Waste Local Plan (1998)**

The most relevant policies are W1 (waste processing provision/waste hierarchy), W2 (protection of environmental resources), W3 (locational criteria for processing and transfer), W4 (green belt), W6 (consideration of need /harm), W7 (locational criteria to prepare material for re-use), W18 (noise, dust and odour), W19 (water resources), W21 (geological and habitat features), W22 and W23 (access), W25 (layout) and W26 (hours).

The Council's **Minerals and Waste Development Scheme (MWDS)** April 2006 prepared as part of the emerging Waste Development Framework saves the above Kent Waste Local Plan policies for use in the transitional stage before the new Development Plan Document is adopted.

### **Draft London Plan 2004 (including Alterations 2005)**

The main objective of the Strategy is to provide a framework for the capital for moving the management of waste up the hierarchy through the timely provision of facilities. Policy 4A.1 (regional self sufficiency), policy 4A.2 (spatial policies), policy 4A.3 (site selection criteria), policy 4A.5 (better use of aggregates) and policy 5 (support for construction and demolition facilities). Site investigation work for the recycling and recovery facilities in London undertaken for the Greater London Authority in July 2005 is also relevant.

In addition, the **Draft London Best Practice Guide – The control of dust and emissions from construction and demolition, 2005** is relevant. This document was produced in partnership by the Greater London Authority, London Boroughs and the Association of London Government.

### **Bexley Unitary Plan**

The most relevant policies are G26 (conservation and enhancement of the environment), G27 (protection of open land), ENV24 (habitat protection), G32 (BPEO

considerations), G34 (pollution) and G39 (Built Environment).

### **Consultations**

26. Consultations have been undertaken on the application as made and on the supplementary information that was received in September 2006 which included the revised crushing plant. I have received the following comments on the application:

27. **Dartford Borough Council** – Comment awaited.

28. **Bexley Council (as neighbouring authority)** – Bexley Council has considered the application on 2 separate occasions. It considered the **application as submitted at its June Planning Control** meeting. The Committee resolved in respect of the proposed development to inform Kent CC:

- (i) Bexley Council OBJECTS to the application and recommends that it be REFUSED because the application does not provide sufficient information to enable the impact on the amenity of Bexley residents to be properly assessed;
- (ii) Request that Kent County Council does not grant planning permission, if such information is provided by the applicants, before Bexley Council has had the opportunity to assess the impact on residential amenity of nearby occupiers;
- (iii) In the event that Kent CC is minded to grant planning permission the crushing process and associated storage be fully enclosed, in the interests of protecting the amenities of nearby residents from the outbreak of noise and dust, and that Bexley Council be re-consulted on any proposals received to this effect.

Following receipt of Bexley Council's views, further discussions with my officers and Bexley Council officers resulted in the revised crushing plant and mitigation scheme. **Bexley Council considered these revised details** (excluding the provision of the acoustic barrier) **at its Planning Committee on 23<sup>rd</sup> November**. The Council resolved to advise the County Council that: it

1. *OBJECTED, in the absence of a suitable noise barrier*
2. *Should Kent County Council be minded to grant planning permission that the following matters be addressed by way of suitably worded conditions. (These are set out in full in Appendix 3).*

29. **South East England Regional Assembly (SEERA)** - Subject to the County Council being satisfied on the soundness of the BPEO assessment and the conclusions reached in relation to the consideration of alternatives in terms of the proximity and whether there is a need for the facility in this location in light of alternative sites, the proposed development would not materially conflict or prejudice the implementation of the regional spatial strategy (RPG9 and Alterations), the Government Proposed Changes to the Regional Waste and Minerals Strategy or the draft South East Plan (March 2006). SEERA did not comment on the September 2006 information.

30. **Greater London Authority** – No views received. Consulted 13 April 2006 and 21 September 2006.

31. **Environment Agency** – Provides advice in relation to groundwater, water quality and resources and waste matters. A number of conditions and informatives are sought to address groundwater and drainage issues
32. **Natural England** - No views received. Consulted 13th April and 21 September 2006.
33. **Health Protection Agency** – No views received. Consulted 13th April 2006 and 21 September 2006.
34. **Kent Highways** – No objection, subject to the imposition of conditions to limit the waste processed to 200,000 tonnes pa.
35. **Jacobs – (Advisor on Noise)** - No objection to the proposal as revised to incorporate the acoustic barrier. Due to the additional noise mitigation proposed, predicted noise levels from the crushing operations will be at worst at a level +3.9dbA higher than background as experienced in Braeburn Park. This is less than the +5dbA specified in BS:4142 which may trigger discernible differences. .As such the proposal should not cause detriment to aural amenity at the closest noise sensitive receivers.
36. **Air Quality Consultants - KCC Advisor on Dust Emissions** – In light of the Council's earlier refusal on this site and the suspended appeal, the County Council has appointed Professor Duncan Laxen of Air Quality Consultants as an expert witness to defend the Council's earlier refusal on dust grounds. In the event that the appeal is heard, the applicant has advised that it intends to submit the additional information with regards to noise and dust as set out in the current application before the Planning Inspectorate. Prof. Laxen was therefore consulted on the current planning application.
37. He has reviewed the application as submitted and the additional information provided by the applicant in September 2006 in the context of the planning policies cited in the Council's refusal of the 2004 application as set out in para. (2) above. His review takes account of the findings of an unannounced site visit and analysis of monitoring carried out by Bexley Council at two locations in Braeburn Park.
38. In summary, he advises that the application provides a reasonable assessment of dust arising from the application site. It concludes that the application site will not lead to exceedences of the air quality objectives for PM<sub>10</sub>. This conclusion is considered appropriate, especially given the results of the monitoring that has been carried out.
39. The applicant has accepted that a package of mitigation measures will be necessary to control dust impacts. The package of measures is now considerably greater than initially proposed, and includes enclosure of dust sources, suppression of dust and monitoring to ensure controls are operated effectively. He advises that the package of measures is considered to be comprehensive and if applied appropriately will ensure that dust emissions are minimal. The measures are capable of being applied as conditions or as part of a Section 106 agreement, and subsequently enforced by Kent County Council. Therefore, given this advice the current F M Conway proposals in relation to the appropriate policies shows that they now meet the requirements of these policies.

40. **Jacobs (Advisor on Dust Emissions)** - No objection. With the planned mitigation in place, dust will not cause detriment to amenity to properties in Braeburn Park.
41. **Jacobs (Advisor on Landscape Matters) – No objection.** It is understood that when the Braeburn Park housing was built an extensive earth bund was formed to offer environmental protection to the properties from various activities in and around the Conway site. As part of the planning permission the bund was to be planted. This would have greatly enhanced its effectiveness as a visual screen to the benefit of the houses.
42. In assessing the current proposal, residential properties along the access road into Braeburn Park (Galloway Drive) and Highview Avenue would suffer a slight adverse visual impact by virtue of machinery on top of the stockpiles. The impact on the landscape would be minimal due to the location of adjoining recycling plants and limited visual receptors. If the bund supported a successful planting scheme with a potential height of anything over 3m then any of the operations taking place on the application site would be comfortably screened and form no visual intrusion.
43. In commenting on the proposed acoustic barrier, they advise that the barrier would exceed the height of the existing earth bund by approx. 1.5m. This barrier could be beneficial in terms of screening views of transitory machine activity from Braeburn Park including the view from the access road. However it would be desirable to soften the structure visually through planting.
44. **Thames Water** – no views received. Consulted 13th April and 21<sup>st</sup> September 2006.
45. **London Wildlife Trust** - The Trust has responded to the application as made in April 2006. No views have been received in respect of the revised crushing plant and the Council's consultation in September 2006. Its comments on the April submission can be summarised as:
- concerns about the potential negative impact on the wildlife and amenity value of the open space and that this will not be consistently and fully mitigated during day to day operations.
  - The earth bund adjacent to the site is currently designated as a Site of Borough Importance for Nature Conservation (sic). The application does not refer to this designation or the potential impact of the development on the open space.
  - Concerned about operating hours which include 7am to 2pm on Saturdays (sic), and the detrimental impact on residents' quality of life and the recreational value of the open space;
  - The existing earth bund and tree planting may help to provide a visual and acoustic screen for residents and park visitors, although the bund was not designed specifically with this in mind.
  - Proposes that the developer makes an appropriate financial contribution to the Trust to ensure the long-term maintenance of a screen of vegetation on the earth bund boundary of the site.

#### **Publicity**

46. The application has been publicised by way of a site notice and newspaper advertisement. Notification was carried out to the 487 properties who had objected to the 2004 application, the majority of which were located on the Braeburn Park housing development. In addition Bexley Council undertook its own consultation exercise. The application has been advertised as a departure to the development plan given its location within the Metropolitan Green Belt. If Members are therefore



mindful to grant planning permission the application would need to be referred to Government Office for the South East in order that it can consider whether to 'call in' the application for its own determination.

### **Representations**

47. I received 51 letters of objection in response to the application as submitted in April 2006. One letter is written on behalf of 3 households in Braeburn Park, another is signed on behalf of 'The residents of Braeburn Park Crayford'. I received a further 22 letters in response to the consultation in September 2006. The planning considerations raised in respect of the application as originally made can be summarised as:

#### Environmental

- The site is a public nuisance in terms of noise, dust, pollution and visibility and is wholly inappropriate so close to housing.
- the level of noise and vibration from heavy goods vehicles and the crushing activity is unbearable. The noise is highly intrusive as it consists of 'crashes and bangs' and reversing warning beeps
- Dust arising from the site is causing health and amenity issues and denies residents the right to clean air. Cars and windows need frequent washing.
- There is concern that the crushing of concrete will create silica dust and put residents at risk of silicosis, a disease associated with major industrial crushing.
- The earth bund separating the site from Braeburn Park provides no protection from noise, dust, odour and visual impact. Planting on this bund has been unsuccessful.
- Impact upon the adjacent Special Scientific Interest site and Heritage Land, contrary to planning policy which seeks to protect and enhance these areas..
- The adjacent housing development was granted planning permission subject to the creation of a nature reserve on part of the site. The development would destroy that nature reserve.
- a children's play area will sit less than 100m from the F M Conway site.
- Proposal creates significant congestion and road safety issues

#### Planning policies

- Conflicts with planning policies, particularly those concerning development in the Green Belt.
- Conflicts with policy W18 of the Waste Local Plan.

#### Other

- Questions are raised about the quality assurance process to restrict materials that are to be crushed and the monitoring arrangements

48. The planning issues raised in respect of the application as amended in September 2006 can be summarised as:

#### Environmental

- The site is too close to residential properties that are down wind of the development; Dust can be seen hovering over the housing area and deposits on cars and window sills.
- The development is unsuitable for the site and damaging the area.
- Concern that dust mitigation measures are inadequate and that dust will migrate from the site. Health concern as to what is in the material.
- The area is covered by a blanket of toxic dust. What measures are in place to prevent the crushing of contaminated material?
- Development is dangerous to health causing short term discomfort (sore eyes/

throats) and long term illness such as silicosis, cancer, TB and bronchitis.

- The operation is noisy and works outside reasonable hours.
- Adverse impact on the green belt and nature conservation area.
- Objection to the visual impact of the plant - development is unsightly and clearly visible from Braeburn Park.
- Development is hazardous to highway safety

**Local Member Views including Elected Members Representing Bexley Residents**

49. The **County Council Member** for the site is Mr Maddison. He was advised of the application on 13<sup>th</sup> April 2006. To date, no views have been received.

50. **David Evennett, MP for Bexley Heath and Crayford** objected to the proposal as originally submitted on the grounds that it will be a hindrance on the quality of life for his constituents through noise, nuisance, dust and environmental consequences. In commenting on the revised details, he maintained his objection on the basis that the ‘

‘site is close to the Braeburn Park area of my constituency and affects the quality of life of residents in the area. This development has negative effects on the environment through pollution and also provides noise nuisance.’

51. The **Leader of Bexley Council** has also written on behalf of local residents who have contacted him on the various applications F M Conway have submitted. His letter registers his strong objection to the application as originally submitted. The following grounds are raised:

- Detrimental effect on residents on Braeburn Park and the bordering areas of Special Scientific Interest and Heritage Land
- Continued blight to area with fumes, dust and noise;
- Significant levels of lorries and congestion minor roads which are predominantly residential and not suitable for industrial loads
- Storage of materials could look like a mining site;

52. **Howard Marriner, a Borough Councillors for the Crayford Ward** of the London Borough of Bexley strongly objects to the proposal as originally submitted. He considers that the application has a detrimental effect on the residents of Braeburn Park and the bordering areas of special scientific interest. If approved it would have a serious effect on residents due to fumes, dust and noise. It also detracts from the outlook of residents and leads to traffic congestion on unsuitable roads.

53. A further letter signed on behalf of the three ward councillors for Crayford Ward was received in response to the application as originally submitted. It opposes the application in the strongest possible terms. The letter reads:

‘Whilst canvassing on the Braeburn Park estate we received many complaints with regard to fumes, noise and traffic created by the Conway development. You are no doubt aware that the site is situated above the residential area and bordering heritage land, any possible extension to the site will impact on the environment and quality of life for local residents.’

54. **Greater London Authority – Assembly Member for Bexley and Bromley –**

Strongly objects for the following reasons:

- Major departure from the long established national and local policy on development with the Green Belt;

- The unauthorised development has been in progress for some considerable time and has demonstrably resulted in a serious reduction in the residential amenity of nearby residents by reason of noise dust and odour. The application has failed to demonstrate that the processes are capable of being undertaken without detriment to those amenities.
- Application has failed to demonstrate that the site represents the most suitable site for the waste processing activities involved, when assessed against other potential sites;
- Since the works began, residents have experienced health worries.

### **Discussion**

55. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The most significant development plan policies are outlined at paragraph 25 above (and amplified in Appendix 2).
56. This is a retrospective planning application. Members are reminded that in determining such applications, the planning considerations are the same as if the development had not taken place. Care needs to be taken to ensure that no advantage is given to the consideration of retrospective proposals.
57. Waste management proposals should reduce the environmental impact by moving its management up the waste hierarchy and be managed in ways to protect human health and the environment. Whilst PPS10 (Planning for Sustainable Waste Management) no longer requires specific consideration of BPEO at application stage requiring it at the plan making stage (where it is considered as part of the Plan's Strategic Environmental Assessment (SEA) and Sustainability Appraisal(SA)), guidance requires planning authorities in determining applications to be satisfied that waste management facilities are of *'the right type, in the right place and at the right time'*.
58. Where planning authorities have current waste plans that have not been through the SA/SEA process (as in the case of Kent), it is appropriate to consider planning applications against the principles of BPEO in the interim. Therefore until the emerging Kent Waste Development Framework reaches a more advanced stage, the County Council has resolved to consider applications against Policy WM2 of the Kent and Medway Structure Plan to ensure that they deliver facilities that are *'of the right type, in the right place and at the right time'* in accordance with paragraph 2 of PPS10'. This approach requires consideration as to whether planning applications reflect the principles of BPEO.
59. Accordance with Development Plan policy and consideration as to whether the proposal accords with PPS10, paragraph 2 can be assessed in relation to the following issues: need for waste management facilities; the principles of the waste hierarchy and self sufficiency, sources of waste and proximity principle; location (including Green Belt); environmental and amenity impacts; access and routing.

### **Need for Waste Management Facilities**

60. Key objectives of the Waste Strategy that are translated into planning policy and guidance at national, regional and local level places an emphasis on reducing the growth in waste, recognise the need for substantial investment in new waste management facilities and to bring them about in a sustainable manner. Waste is now seen as a resource to be used prudently and managed in a way to maximise value from it. There is an emphasis away from landfill solutions towards recycling

and recovery and challenging targets are set to help achieve these objectives. Policy seeks to ensure communities take responsibility for dealing with its own waste and that it is disposed of as near as possible to the place of production and in a way that minimises risks to the environment. Whilst the Green Belt is to be protected, the guidance recognises that in some circumstances waste development may be acceptable. Policy support is also given to facilitate the use of secondary and waste materials where this is environmentally and economically acceptable.

61. The approved SE Regional policy provides further recognition that a range of facilities is necessary to manage the region's waste and that a large number of new facilities will be required. At the County level, work to support the emerging Kent Waste Development Framework identifies the need for a significant number of new waste management facilities.
62. In principle, proposals for new waste recovery facilities are therefore in accordance with waste management policy and guidance that supports the need for additional facilities. In particular, the proposal would enable up to 200,000 tonnes pa of construction and demolition waste from highway contracts, which have traditionally been landfilled to be recovered to re-useable constituents. The development treats waste as a resource and maximises its potential for other beneficial uses, thereby reducing both the amount of material to landfill and the need for virgin aggregates to be won.
63. However, whilst the proposal fares well against the general thrust of waste management policy/guidance, the site's acceptability for these waste management operations needs to be assessed against other planning considerations including the concepts of BPEO, the very special circumstances needed for development within the Green Belt and other environmental considerations.

#### **BPEO**

64. The application includes a Best Practicable Environmental Option (BPEO) Assessment to inform the planning process. One of the three grounds for refusal of the DA/04/787 application was that the application had failed to satisfactorily demonstrate that the proposal represents the BPEO with particular regard to the proximity and self sufficiency principles. The current application in seeking to address this ground of refusal has undertaken a fresh BPEO assessment with greater investigation on sites closer to the waste sources.
65. The methodology reviewed the relevant development plans to identify possible sites that could accommodate an aggregate crushing facility or could process the annual tonnage at an established facility. The work included site visits, discussions with planning officers and the use of GIS based mapping software to produce proximity calculations. Given the source of the waste arisings and in agreement with the County Council, the assessment of alternative sites considered north eastern Kent and the London Boroughs of Lewisham, Bromley, Bexley and Greenwich. The assessment considered development plan sites identified as either brownfield, for B2/B8 (industrial and storage), waste management and other sites that met locational criteria. It considered sites identified within the Greater London Authorities Report 'Recycling and Recovery Facilities Site Investigation in London and sites identified as part of The London Plan Alterations.
66. In total 22 sites were considered as alternatives to the application site. Each site was assessed against locational criteria. The assessment also considered the implications of material being crushed in one location and then being transported to

the approved washing plant at the applicant's site in Rochester Way, Dartford (approximately 75% of crushed material is put through the washing plant on site). The applicant's assessment concludes that no one site is clearly better than the application site and that the development represents the BPEO in the particular circumstances of this proposal

### **Waste Hierarchy**

67. In terms of the waste hierarchy, the proposal is positive in a number of ways and as such meets the requirements of policy W1 of the Kent Waste Local Plan and other waste planning policy. In particular, it scores well with regard to the resultant shift away from landfill and its production of a useable alternative to virgin aggregates would assist in the overall reduction of waste. The proposal would enable a very high level of recovery of material (in excess of 90%) and enable waste to be managed in an integrated way.

### **Self Sufficiency**

68. The objective of self sufficiency is for local authorities and the industry to achieve regional self sufficiency in managing its waste. South East Plan waste policy recognises that regional self sufficiency needs to be interpreted pragmatically, as waste movements across administrative boundaries will be likely and necessary in certain circumstances to make use of the nearest appropriate facilities. The Strategy also recognises that there is currently limited capacity for waste processing in London and notwithstanding the aspirations of the emerging London Plan towards self sufficiency it is recognised that the capital will be reliant on capacity in surrounding authorities into the future. Policy W3 of the Regional Strategy states that in considering provision for recovery and processing capacity for London's waste that support is given where there is a proven need, with demonstrable benefits to the region, including improving the viability of recovery and where this is consistent with the proximity principle.
69. From the stated waste sources, some 79% (158,000 of the 200,000 annual tonnes) would arise within the London area. The proposal is however on the boundary of the London Borough of Bexley and would primarily serve the London Boroughs closest to Dartford (Bexley, Bromley, Greenwich, Lewisham and Southwark). These are estimated to provide 51% of the total waste arisings. In addition the development would provide up to 42,000 tonnes pa of capacity (21%) for Kent. This is envisaged to be within the Thames Gateway area and would therefore provide a much needed facility to support materials recovery as part of the significant regeneration and development planned in one of Kent's growth area.
70. In light of the emerging policies for both the South East and London, the site's location on the border of the London area and its direct link to the primary route network (in particular the A2 and the M25), the considerations relating to proximity (which are addressed in detail below) and the potential role that the development may have in recovery of waste arising from Thames Gateway development, I consider on balance that the proposal is consistent with regional policy on self sufficiency.

### **Waste Sources and the Proximity Principle**

71. This issue formed one of the Council's grounds for refusal for application DA/04/787. The Planning Authority was not satisfied that the applicant had satisfactorily demonstrated that a site did not exist closer to the waste sources that in terms of other planning considerations, particularly amenity impact on adjoining land-uses,

was equal to or better than the application site.

72. The current application reconsiders the issue of proximity and provides fuller investigation of possible alternatives. In doing so the applicant took into account that planning permission already exists for the aggregate washing plant and that the current proposal could provide the feedstock for the aggregate washing plant. The applicant therefore argues that notwithstanding the outcome of this application, some 75% of the annual 200,000 tonnes of material will be processed on the site pursuant to the permission for the approved aggregate washing plant. The submitted BPEO therefore considers a number of alternative sites to the application site and calculates the proximity with and without the mileage implications of the material being processed via the aggregate washing plant on the applicant's site. Each assessment included a number of locational criteria, along with a calculation for the average distance travelled in miles per tonne of waste. This allowed the sites to be ranked.
73. Of the 23 sites considered, the assessment concluded that in terms of proximity to the waste sources there is little to choose between the top 10 ranked sites. If the proximity issue is determined without regard to the waste miles to the aggregate washing plant, then the site at Bell Green Gas Works in Lewisham appears to be the most proximate to the waste source. Here the average distance per tonne the waste would have to travel from its source is 7.78 miles compared to 9.69 miles for the application site. It is also noted however that a mixture of uses are proposed for this site as part of a comprehensive redevelopment. The assessment ranks the application site as 10<sup>th</sup> out of the 23 sites considered if the proximity issue is determined without regard to the waste miles to the aggregate washing plant. If the assessment considers the fuller 'waste mileage ie with the mileage to the aggregate washing plant, then the application site is ranked 1<sup>st</sup> out of the 23 sites and is the most proximate.
74. In considering the earlier application I advised the Planning Authority that whilst operationally it may suit the applicant to locate the crushing facility with the other operations it is not a fundamental requirement in my view. In planning terms there is merit in 'processing' the material stream as close as possible to the source of the arisings. It is of note that as the applicant has invested considerable capital in constructing the washing plant adjacent to the application site, in commercial terms it is likely that transferral of a considerable proportion of any crushed waste stream from an alternative location could be brought to the site for washing.
75. It is therefore appropriate in my view to consider further the sites that were ranked higher than the application site in the assessment when the aggregate washing plant was excluded from the assessment and to consider whether they provide a realistic available alternative to the application site. These were:

SITE	RANKING	AVERAGE DISTANCE IN MILES /TONNE	COMMENTS
Bell Green Gas Works, Lewisham	1	7.78	Allocated for employment purposes, but falls outside the defined employment area. Proposed uses are B1/B2 and B8 and non-food retailing. Site adjacent to Sainsburys, with residential use along the northern boundary. Noise and dust impacts would need to be assessed. The site is known to be contaminated.

New Cross Railway Yard, Lewisham	2	7.88	Allocated as a defined employment area. Site to be bisected by proposed East London line extension rendering site too small. Residential properties lie within 100m north, south, east and west – the noise and dust impacts on these properties would need to be assessed.
Silwood Triangle, Lewisham	3	8.05	Allocated as a defined employment area. The site is raised and visible from housing which is within 100m. Part of the site falls within the Strategic Viewing Corridor. The site is known to be contaminated. A Green Corridor abuts the west of the site and nature conservation sites lie within 250m.
Angerstein Wharf including Day Aggregates Site, Greenwich	4	8.09	Allocated as aggregate and other open yard industries area. Site inspection established no vacant area to locate the applicant's facility. Day's Aggregate has insufficient capacity to handle the volumes envisaged in this application
Footscray Business Park, Bexley	5	8.85	Allocated as primary employment area – office location. Development plan seeks to modernise this area to provide high quality business uses. Within 50m of housing and nature conservation sites within 100m.
Plumstead Coal Yard, Greenwich	6	8.86	Allocated as a rail freight site and industrial area. Currently used as a builders yard including aggregate storage. Access route narrow in parts and via A206 Plumstead High Street - new site access would be required. Housing located within 100m of the south of the site. Dust and noise impacts would need to be considered
White Hart Triangle, Greenwich	7	8.89	Defined as industrial land and currently under- construction. Housing towards the southern and north eastern parts of site.
Central Way, Greenwich	8	9.18	Allocated as defined industrial. The local plan advises that the site is linked with the White Hart Triangle site which is under construction for industrial uses. New housing within 50m – dust and noise impacts would need to be assessed. Highly visible site – screening would need further consideration.
Erith Haulage, Thamesmead	9	9.32	Currently used as a recycling depot. Part safeguarded for the Thames Crossing/ part allocated for housing. Adjacent Thamesmead Housing village development noise/dust impacts would need assessment. Site is highly visible and offers little potential for screening. Adjacent nature conservation site.
Application Site	10	9.69	

76. In light of the above, I am satisfied that the application has reasonably demonstrated that a site is not currently available closer to the waste sources that in terms of other planning considerations, is equal to or better than the application site. In particular, the BPEO assessment highlighted that in most cases the development would be contrary to some current development plan policies. In terms of proximity to housing, the application site performs as well as the best of the other sites considered. As a result of the detailed site investigation for the current application site, I now have more confidence that the impacts in terms of noise and dust can be adequately mitigated at the application site.
77. I therefore consider that on balance it is reasonable to conclude that given the waste sources, and consideration of the fuller BPEO assessment, which accompanied this application that the application site is reasonably proximate to the waste arisings. This conclusion is strengthened if you consider the wider objectives under- pinning the proximity principle (ie waste should travel the shortest possible distance) as the site clearly scores the highest proximity ranking if you include the mileage associated with transfer to the aggregate washing plant.

#### **Locational Considerations**

78. The site is not identified in the Waste Local Plan for waste management development. As such the locational criteria of policies W3 and W7 are relevant. These seek to ensure that development on unallocated sites has access to the primary or secondary route network, is located within or adjacent to an existing waste management operation or within an area of established general industrial use and seeks to minimise the impact on local and natural environments. The locational criteria in the emerging Regional Plan is also relevant.
79. The application site lies within an old established industrial area and is surrounded by a number of other waste management operations. The site is well connected to the primary route network. In light of these characteristics, the site is in accordance with elements of development plan policy. The proposal has demonstrated that there are benefits to the SE Region by providing needed capacity in the Thames Gateway area of Kent to support the regeneration in North West Kent and that on balance the proximity principle is met.

#### **Green Belt**

80. The site lies within the Green Belt. In relation to development in the green belt, proposals for waste facilities are acceptable in Regional Planning policy terms where they are consistent with the proximity principle, where there are no suitable alternative sites and provided that the development does not conflict with the purposes of the Green Belt designation. In addition to the general policies controlling development in the Green Belt, there is an additional general presumption against inappropriate development within them. Inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances.
81. The applicant considers that the development is not 'inappropriate development' as a result of the circumstances of the site, the development and its planning history. It therefore considers that it is not necessary to demonstrate the *very special circumstances* to set against the harm caused by inappropriateness, but to consider the proposal against whether it maintains openness and does not conflict with the purpose of the Green Belt. Notwithstanding this view, the application provides information setting out 'very special circumstances' for development in the Green Belt



should the local planning authority form the view that the development represents 'inappropriate development' with the potential to significantly impact on the openness on the Green Belt.

82. The applicant's special circumstances case can be summarised as; the site no longer serves any of the Green Belt functions, nor does it enjoy the principle characteristics ie openness; the need for the facility as recognised in national, regional and local planning policy to assist in the diversion of material away from landfill through increased recycling; the operation is wholly integrated with the approved drainage treatment plant on site and the permitted use of the land for mixed waste and industrial uses and buildings under DA/04/770.

83. I do not share the applicant's conclusion that the development is not inappropriate in terms of Green Belt assessment. In my view the development is not limited to a material change of use and involves the construction of new building. As such the development is '*inappropriate*' for the purposes of PPG2 and there is a policy presumption against development unless 'very special circumstances' can be demonstrated.

84. The applicant sets out a number of grounds to demonstrate that the very special circumstances are met as set out in para. 82 above. Taking each element in turn I would advise:

**The site no longer serves any of the Green Belt functions, nor does it enjoy the principle characteristics ie openness**

85. The application site is an industrial enclave within the Green Belt. It does not easily meet any of the 5 purposes of the Green Belt designation, nor does it realistically fulfil the objective of the use of land within the Green Belt.

86. In considering the issue of 'openness', it is appropriate to consider the relevant planning history and the impact this has on the 'openness argument'. Setting aside the retrospective nature of the application, the site is not undeveloped and this fact will not be affected by the determination of this application. The site lies within the boundary of the recently permitted drainage treatment and aggregate washing plant site. Irrespective of whether this application is permitted, the site already benefits from a permission that would see the storage of feedstock and processed materials for the aggregate washing plant and associated loading and unloading of these materials. This permission includes the open storage of material up to 6m in height.

87. Furthermore, an earlier planning decision by Dartford Borough Council in 2002 for industrial and storage use on the site is particularly important with regard to the very special circumstances test and the precedent that that decision set. In determining this 2002 application, the Borough Council would appear to have considered that the planning benefit gained by the replacement of various unsightly buildings at the site by more attractive buildings and development was sufficient to meet the very special circumstances test. In determining the application for the drainage treatment and aggregate washing plants (DA/04/770), the County Council and the Government Office for the South East (when the application was referred as a departure to the development plan) accepted that case law as set out in *Tesco's Stores Limited v Secretary of State for the Environment and Hounslow Bough Council, 1991* (the Tesco Case) was relevant to the consideration of the very special circumstances test on this site. It is therefore reasonable to consider the current application in the context of the Tesco case.

88. This caselaw established that in considering a case for Tesco's, the Inspector had not found it necessary to follow an earlier decision on the site that 'very special circumstances' existed, but had taken a practical view that if the appeal were dismissed, the consequence would remain that the site could be developed under the earlier permission for industrial uses. It was therefore, the dismissing of the appeal that amounted to the very special circumstances. The consequences of permitting the Tesco application would be that the development would have no greater impact than the permitted development on the Green Belt.
89. Transferring the principle to the current application, it is my view that in permitting this application the impact on the Green Belt objective of openness is no greater than that already permitted on the site. The Dartford Borough Council permission places no restrictions on the site in respect of storage use with regard to operating hours, nature of materials, nor a limit on the number or height of any stockpiles. Similarly, the County Council's decision for the aggregate washing plant allows the site to be used as a feedstock and storage area, subject to various conditions including limits on stockpile heights at 6m.

**The need for the facility**

90. The need for additional waste management facilities is recognised in national, regional and local planning policy. In delivering this strategy it is recognised that a dramatic change is required to current management patterns and that certain circumstances waste management facilities are not precluded from the Green Belt. An important factor in considering alternative locations and a further factor to set against the harm by reason of inappropriateness is that some 75% of crushed materials is to be processed through the aggregate washing plant. It is therefore feasible that some 150,000 m<sup>3</sup> of material would be processed on the site to deliver an enhanced recycled product irrespective of whether the crushing plant is permitted on this site.

**The operation is wholly integrated with the drainage treatment plant on site**

91. It is noted that there is an element of inter-dependency between the proposal which would provide feed stock material for the aggregate washing plant on site. However, this inter-dependency is a commercial decision of the applicant and the washing plant does not require the crushing facility to be located adjacent. This argument therefore in my view would not represent special circumstances.

**The permitted use of the land for waste and industrial uses and buildings**

92. The development that was the subject of DA/04/770 (the aggregate and drainage treatment plants) was considered to be 'inappropriate' development' in Green Belt terms. It can therefore be argued that the current application if permitted would not lead to the introduction of 'inappropriate development' onto land where there is none, but would rather substitute one form of inappropriate Green Belt development for another.

**Summary of Very Special Circumstances**

93. To summarise on the Green Belt consideration, in my view this proposal is '*inappropriate development*' in terms of the guidance in PPG2. As such it is necessary for '*very special circumstances*' to be demonstrated that outweigh the harm caused by '*inappropriate development*'. In this particular case I am satisfied that the need for the facility, the role that the site plays in meeting the purpose of the Green Belt as set out in para 85 above and its contribution to maintaining the concept of '*openness*' and the planning history of the site are factors that are adequate to justify the very special circumstances for development in the Green Belt.

**Amenity Impacts (noise, dust, odour and visual impact)**

94. A substantial number of objections have been raised to the development on these grounds arguing that the development is inappropriate to be sited in close proximity to housing. In the decision making process, these amenity considerations referred to above should have particular regard to the adjoining land uses. In terms of noise and dust considerations there is little doubt, that the development without measures to mitigate noise and dust gives rise to unacceptable amenity impacts on adjacent land uses. Policy W18 of the Waste Local Plan requires development to satisfactorily address means of controlling noise, dust, odour and other emissions. A similar objective is reflected in the Kent and Medway Structure Plan policies QL1 and NR5.

**Noise**

95. Noise assessment for this development has indicated that the development without mitigation measures would give rise to noise impacts greater than the acceptable threshold advised in BS:4142. The applicant has therefore proposed a number of mitigation measures to demonstrate that the development when considered with the approved aggregate washing plant and the drainage treatment plant could operate within a noise rating of 0-+5dba rating above background levels. A rating of +5dba is defined in the British Standard as of 'marginal significance' and is considered to be the threshold of acceptability in planning terms for assessing the noise impacts of industrial type activities on residential areas.
96. The application has undergone a number of revisions during the planning process to satisfactorily demonstrate that this threshold could be met including the provision of a new enclosed crushing plant and an acoustic fence in addition to the mitigation measures set out in paragraph 21 above. A revised noise assessment based upon a worst case scenario has demonstrated that the development would result in a rating of +3.9db above background levels. In light of this, I am now confident that the development is acceptable in noise terms.

**Dust**

97. Grounds 2 and 3 of the County Council's refusal of the application that is currently the subject of the unheard appeal relate to dust. In particular, the Planning Authority considered that the earlier application failed to demonstrate that the development would not have an unacceptable impact upon local amenity with regards to dust. In reaching that conclusion the Committee accepted officer advice that the application had failed to provide sufficient information to enable the impact on the amenity of local residents and adjacent land uses to be properly assessed.
98. Whilst it is of note that Bexley Council no longer raise an objection on dust grounds, considerable objection has been raised by local residents to the dust that could arise from the development and concerns regarding poor air quality. Dust has been witnessed on the site around the crusher and above the industrial estate from the Braeburn Park area. Residents claim that dust regularly falls within the housing area and monitoring by Bexley Council has identified a number of 'dust instances' following the installation of a dust monitor within the estate.
99. The application currently before Members specifically seeks to address the earlier grounds of refusal. It incorporates a comprehensive dust assessment considering relevant legislation and policy, existing air quality conditions, dust emission modelling and a comprehensive dust mitigation and management scheme based upon the specific circumstances at the site. Details are set out in para. 23 above. They include measures for the crusher and storage areas in addition to operational

controls and monitoring.

100. The applicant has confirmed its intention to place these revised details in relation to dust before the Planning Inspectorate in the event that the appeal against the earlier decision is heard. The Council has appointed an expert witness on air quality to defend its position on the air quality issues raised by the development. It is therefore appropriate that the Committee takes into account his view on the air quality consideration of this current proposal. His view is summarised in para. 36 above.
101. The air quality considerations have been reviewed by Professor Laxen and officers in the context of the planning policies cited in the Council's refusal of the 2004 application as set out in para. (2) above. The study submitted with the application provides a reasonable assessment of dust arising from the application site. It concludes that the application site will not lead to exceedences of the air quality objectives for PM<sub>10</sub>. Professor Laxen advises that this conclusion is considered appropriate, especially given the results of the monitoring that has been carried out.
102. Concerns about health and the risk of silicosis due to exposure to dust from the application site have been examined. Professor Laxen advises that silica dust is widely present in the environment and not unique to the F M Conway activities. Using reasonable assumptions, it is concluded that unmitigated emissions would give rise to negligible concentrations of free crystalline silica within Braeburn Park. Levels would be lower still with mitigation of dust emissions.
103. The analysis of the current F M Conway proposals in relation to the appropriate policies shows that they now meet the requirements of the policies set out in the Council's earlier grounds of refusal. The mitigation measures proposed reflect good practice in planning guidance. Jacobs who usually advise the Planning Authority on air quality issues has also considered the dust assessment and raises no objection.
104. I am now therefore satisfied that the application subject to effective implementation of the dust mitigation scheme would not lead to overriding amenity impacts on adjacent landuses such as to warrant a refusal of planning permission.

#### **Odour**

105. A number of the representations refer to odour objections. Site visits by officers from the planning authority and from Jacobs Babbie have not experienced an odour problem arising from the development and odour was not identified as a ground of refusal in the earlier application. I do however understand that the applicant may have previously had a bitumen plant on the site which may have given rise to the concerns raised in the representations. This plant is no longer on site and not part of the planning application.

#### **Visual Impact**

106. Objection has been raised to the visual appearance of the site and the negative impact this is having on the housing in Braeburn Park and the surrounding area. Between the application site and the houses in Braeburn Park there is an extensive earth bund which is to form part of a nature reserve. The bund rises to approximately 15m in height above the houses in Braeburn Park and was provided as a 'buffer' between the housing and industrial landuses. The approved housing scheme shows that some 10,000 trees of mixed species are to be planted. Planting has taken place with limited success. Bexley Council has however confirmed that it is its intention to ensure that the planting takes place in accordance with the legal agreement. It is therefore reasonable to determine the planning application on the basis that the bund

will be planted and that in time it will assist in providing a visual screen between the two landuses. The successful planting of the bund would in my view greatly enhance the effectiveness of the bund as a visual screen.

107. Jacobs who advise the Planning Authority on landscape matters considers that in the absence of a noise barrier on the applicant's boundary a successful planting scheme of more than 3m in height on the adjacent earth bund would screen the operations on the applicant's site and satisfactorily address visual intrusion. The site is briefly glimpsed from the A2 and is read as part of the established industrial estate. This view is transitory and is not considered to be an overriding factor. The noise barrier would reduce further the visual impact of the development.
108. The visual impact of the development including the impact of the noise barrier needs to be balanced against the potential visual impact of unrestricted open storage on the site and in the context of the visibility of other large industrial buildings and structures that are clearly visible in the locality. There are clear visual benefits in my view to the erection of the barrier and the effect this would have in screening views into the industrial estate. In light of the above, the visual impact arising from the development is considered acceptable.

#### **Hours of Operation**

109. Operating hours are set out in para. 18 above. At present the F M Conway site operates under the benefit of a planning permission granted by Dartford Borough Council. With the exception of the workshop building there are no restrictions on operating hours and vehicles have 24 hour access.
110. Objection has been raised by local residents to the working hours operating on the site. In its consideration of the application, Bexley Council seeks the imposition of a planning condition to restrict the hours of operation for maintenance activities on Saturday to between 0800 and 1300. In addition, it seeks a condition to restrict deliveries to the site before 0800 and for there to be a restriction on the operating hours of the road sweeper.
111. The working hours sought mirror those approved by this Council for the operation of the aggregate washing plant. Providing that the noise and dust mitigation measures are adequately implemented, it would be unreasonable in my view to seek to restrict this maintenance period to a different time-frame than that applicable to the adjacent washing plant. It is also of note that in considering the hours acceptable for the washing plant, the Committee restricted the hours to those set out in the Waste Local Plan to reflect the amenity considerations on the site. Clarification has been sought as to what activities constitute maintenance. Should members be minded to grant permission a condition would be attached defining maintenance activities.
112. With regard to the road sweeper, the operation of this plant is recognised to be a key area of concern to local residents due to its tonal noise. The introduction of the acoustic barrier will reduce the impact. Whilst the revised noise calculations demonstrate that the quieter road sweeper is no longer required, the applicant has agreed to limit the hours of operation of the sweeper to 2 daily operations between 10am to noon and between 2pm and 4pm Monday to Friday. As necessary, the crushing yard would be swept between 10am and noon on Saturday. These hours are not unreasonable when balanced against health and safety requirements. It should however be noted that the operating hours for the road sweeper is not restricted elsewhere on the site, or on other adjoining landuses.

113. The application states that the applicant has contracts that can require weekend and night-time working. These are planned and except in emergencies (ie emergency road re-surfacing following an accident) the work can be scheduled so that there is no requirement to load or unload outside the above 'normal' hours. In the event that contracts arise which would result in the arrival of material at site outside of the approved working hours, then the agreement of the planning authority would be sought. There would be no operation of the plant outside of the above working hours.

#### **Impact upon the SSSI and Nature Conservation**

114. Objection is made on the grounds of the potential impact to the nature conservation site and the SSSI in the vicinity of the site. The SSSI lies to the east of the application site. Natural England (formerly English Nature) has not responded to the current application, although in response to the 2004 application advised that as a precaution to protect the site a buffer zone should be provided between the SSSI and the development. In this case, the SSSI lies to the rear of the existing workshop, some 150m from the application site. I am therefore satisfied that the development would have no adverse impact upon the SSSI and would be consistent with development plan policy.

115. The earth bund adjoining the application site is intended to be densely planted and managed by London Wildlife Trust. With the dust and noise mitigation schemes successfully implemented, there is unlikely to be an unacceptable impact on the proposed nature conservation site. I note the views of the London Wildlife Trust in seeking a contribution towards additional planting on the earth bund. In light of the mitigation scheme and the commitment to replant landscaping that has failed on site, I do not consider that this is necessary as part of the proposal.

#### **Access**

116. The site has good access to the primary route network and in particular the A2 and the M25. Width restrictions are in place in Station Road, Bexley which effectively prohibit large vehicles using roads within the Bexley area. There is no objection from the Highway Authority. I therefore conclude that the proposal is in accordance with development plan policy regarding satisfactory means of access.

#### **Other issues**

117. A number of representations are concerned that measures are needed to prevent the crushing of contaminated material. The application is made on the basis that operations would be undertaken in accordance with the WRAP<sup>1</sup> Quality Protocol for the production of aggregates from inert waste. This Protocol has been produced by a partnership of the Highways Agency and the Quarry Products Association. It sets out acceptance criteria for waste. Waste that doesn't meet the criteria will not be deposited on site.

118. In the event that permission were granted, monitoring would take place by the Waste Planning Authority against the terms of the permission. A Site Liaison Group is to be established for the site which would provide a channel for communication and dialogue on planning issues.

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<sup>1</sup> Waste and Resources Action Programme

**Conclusion**

119. This is an application designed to specifically address this Council's earlier decision to refuse planning permission for an aggregate crushing operation on the site (ref: DA/04/787). Since the determination of this application, national planning guidance on waste management has been reviewed with the publication of PPS10 (Planning for Sustainable Waste Management) in 2005. A key policy change was to move the concept of BPEO from application stage to the plan making stage. The guidance requires planning authorities in determining applications for waste management developments to be satisfied that they are '*the right type, in the right place and at the right time*'. Until the Council's emerging Waste Development Framework is adopted, this approach requires consideration as to whether applications reflect the principles of BPEO.
120. National, regional and local policy and guidance all recognise the need to provide a significant increase in new waste management facilities in order to meet national recycling and recovery targets. There is a clear policy direction to divert waste disposal away from landfill options, up the waste hierarchy and for its management in a sustainable way. New waste facilities are not excluded from the Green Belt where they are consistent with the proximity principle, where there are no suitable alternative sites and provided that the development does not conflict with the purposes of the Green Belt designation (to prevent urban sprawl by keeping land open).
121. The application has been considered against the planning objectives and principles and development plan policies. Subject to the effective implementation of the mitigation measures and appropriate planning conditions I consider, on balance that the application would provide a waste management facility that accords with planning policy.
122. The application has been advertised as a departure to the development plan given its location within the Green Belt. In the event that the Committee is minded to permit the application, it will need to be referred to the Government Office for the South East. I therefore recommend accordingly.

**Recommendation**

123. SUBJECT TO NO direction to the contrary from the Secretary of State, I RECOMMEND that PERMISSION BE GRANTED subject to CONDITIONS amongst others relating to standard commencement, restriction on waste sources to those identified, details of the acoustic barrier including planting, restriction on stockpile heights to 6m and measures to remove plant visible above the barrier outside working hours, control of noise, operating hours, including the provision for out of hours use in exceptional circumstances and operating hours for the road sweeper, noise, dust and environmental monitoring and the availability of data and results, limitations on plant, measures to eliminate contaminated material, the definition of maintenance activities and a programme for implementation.

Case Officer: Sharon Thompson

Tel. No. 01622 696052

Background Documents: see section heading.

**APPLICATION DA/06/417 – RETROSPECTIVE APPLICATION FOR USE OF LAND FOR SCREENING, CRUSHING AND PROCESSING OF AGGREGATES, CONSTRUCTION AND DEMOLITION WASTE AND CONCRETE TOGETHER WITH OPEN STORAGE OF THESE MATERIALS AT FM CONWAY WORKS, ROCHESTER WAY, DARTFORD**

NOTES of a site visit held at FM Conway Works, Dartford on Tuesday, 20 June 2006.

MEMBERS PRESENT: Mr R E King(Chairman), Mr J A Davies, Mrs E Green, Mr S J G Koowaree, Mr J F London, Mr T A Maddison and Mr A R Poole.

OFFICERS: Mrs S Thompson (Planning) and Mr A Tait (Legal and Secretariat).

THE APPLICANT: FM Conway: Mr M Conway (Managing Director), Mr N Leaver (Director), Mr R Woodland (Solicitor) and Mr K Parr (RPS).

OTHER LOCAL AUTHORITIES: Bexley Council: Mrs J Slaughter (Chair-Planning), Cllr H Mariner, Cllr J Waters, Mr K Stone (Planning) and Mrs D Blazer (Environmental Health); Dartford BC: Mr T Smith (Chair-Planning), Mr A Legg (Planning), Mr H Pugh (Environmental Health).

ALSO PRESENT were Ms J Schofield from the London Wildlife Trust and six local residents from the adjoining housing development.

- (1) The Chairman opened the visit by explaining that its purpose was to enable Members to familiarise themselves with the application site and to gather the views of those present.
- (2) Mrs Thompson introduced the application, explaining the previous planning history of the site. She said that a previous application had been refused in March 2005 on the grounds that:
  - the proposal had failed to demonstrate that it represented the Best Practicable Environmental Option (BPEO);
  - the application had failed to demonstrate that the development would not have an unacceptable impact upon local amenity with regard to dust; and
  - given the potential harm arising from dust emissions from the development, the applicant had failed to satisfactorily demonstrate an overriding need for the development.
- (3) Mrs Thompson then explained that the applicants had lodged an appeal against the refusal. The inquiry was to be held in abeyance whilst the County Council considered the merits of this current application. She advised that the current application had been prepared to specifically address the Council's grounds of refusal for the earlier planning application.
- (4) Mrs Thompson informed the meeting that the applicants held the view that crushing activity on the site did not require planning permission as, in their view, the activity fell within the B2/B8 use classes already permitted. The applicants had therefore submitted two applications for a Certificate of Lawful Development (CLUED) to Dartford BC. The applicants had appealed against the non-determination of the first (in conjunction with their appeal against KCC's refusal of the previous planning application). The second had been refused by the Borough Council.
- (5) Mrs Thompson then informed the meeting that the County Council's enforcement function was carried out by the Regulation Committee which considered the situation at the site every three months. This Committee had agreed that owing to the uncertainty concerning the lawful use, the site would be allowed to work under an agreed working protocol pending the determination of the planning appeal. This protocol set limitations concerning the way in which the development was carried out including restrictions on stockpile heights, dust suppression measures and the adoption of good practice on the production of aggregates from inert waste.



- (6) Mrs Thompson then described the application itself. She said that it sought retrospective permission to stockpile, screen, crush and store construction material arising from the applicants' highway maintenance and civil engineering operations. This material was then used either as a sub-base or as a feedstock to the aggregate washing plant which had been permitted in March 2005.
- (7) Mrs Thompson referred to the applicants' definition of the site operations contained in the briefing paper and then described the waste sources. She said that the applicants' business was centred on servicing highway maintenance contracts for highway authorities. These contracts fell into two categories: highway maintenance; and repair and gully cleansing. Based upon contracts from previous years and contracts for future years, the approximate proportions of waste sources were expected to be 20% from North West Kent, 60% from London Boroughs south of the Thames River and 20% from London Boroughs north of the Thames. The intention was for 100% of the aggregates arising from the highway maintenance contracts to be recycled with some 75% going to the aggregate washing plant (permitted on site) for future processing and 25% to sub-base or foamway use.
- (8) Mrs Thompson continued that the application had been accompanied by a revised BPEO assessment, an assessment against planning policy considerations; and a detailed noise assessment with mitigation measures. The BPEO Assessment had considered 22 alternative sites in nearby London Boroughs, in sites identified in a recent GLA Study and in sites identified in the London Plan. The assessment had also considered the implications of material being crushed in one location and then being transported to the approved washing plant at the site. The applicants' assessment had concluded that there was little to choose between the top ten sites assessed. If movements associated with the Conway site's aggregate washing plant were excluded from consideration, the Bell Green Works site in Lewisham would be the most suitable in proximity terms. If, however, these movements were taken into account, the assessment had concluded that the Conways site was the most suitable in proximity terms. It was the applicants' view that the development therefore represented the BPEO.
- (9) Mrs Thompson then explained that access to the site would be via Rochester Way and the strategic road networks (A2 and M25).
- (10) Mrs Thompson turned to the proposed noise mitigation measures. These included the provision of a bespoke enclosure for the crusher; positioning the crusher within the south west quadrant of the yard to reduce impact on the Braeburn Park Estate; introducing a quieter road sweeper; and the replacement of conventional reversing alarms with silent "Smart Alarms."
- (11) Mrs Thompson then said that a number of dust mitigation measures were also proposed. These included the augmentation of the current water based dust control system on the crusher with a new foam based system; the installation of a fully automated water sprinkler system mounted around the perimeter walls between the aggregate storage bays; water sprays located to serve the north of the processing area with a spray located to cover the stockpile and the yard entrance; the installation of 4 impact sprays on the entrance roadway to keep the surface dampened down; the use of a road sweeper; maintaining the height of stockpiled raw materials to below 6m; minimising drop distances and the number of times materials were handled; sheeting the trucks entering and leaving the site; and minimising exhaust emissions by ensuring that plant and equipment was not left running for long periods when not in use.
- (12) Mrs Thompson said that the views of a number of statutory consultees had been received and were summarised in the briefing paper. She had also received 51 letters of objection from local residents. Their main grounds were: that the site was wholly inappropriate so close to housing in terms of noise, dust, odour, visual impact and operating hours; health issues arising from dust from the site; that the site conflicted with planning policies and was inappropriate for the Green Belt; and objection to the retrospective nature of the application.
- (13) Mrs Thompson then summarised the key policy considerations, cross-referring to the briefing

note. She advised that the application would need to be considered against policies that sought to move away from traditional landfilling to more sustainable forms of waste management. These policy considerations sought to see waste as a resource, aimed to meet the principles of BPEO and recognised a need for additional facilities for the recycling and recovery of waste. There was also a policy recognition that some of London's waste would be processed in adjoining regions. She also advised that the application would need to be determined against the locational criteria for waste management facilities and policy considerations that sought to protect amenity and environmental resources, including the Green Belt.

- (14) Mr Conway said that the Company had been founded in 1961 and had become the largest private construction business in the London region. It had an annual turnover of £10 million and employed 600 staff. It had achieved the ISO 14,000 Standard (Environmental Management) in 2004 and had also received Investors in People accreditation, the Green Apple Award 02 and the Liverpool City Award.
- (15) Mr Conway continued by saying that the company processed 200,000 tonnes of waste road arisings every year. These were inspected at source, washed and screened, returned to their virgin state and then re-used (often in the very place from which they had been taken). Overall, 96% of all these materials were recycled.
- (16) Mr Conway then said that the Drainage Treatment Plant (the only one in the UK) treated 750 litres of water per year, aiming for Zero Impact on the water supply.
- (17) Mr Conway concluded his remarks by saying that Conways was the only Company to meet all the requirements of the Landfill Directive and that this site was the only one in the UK to have received a PPC Certificate for Drainage Treatment.
- (18) Mr Parr (RPS) agreed that Mrs Thompson's introduction had correctly outlined the proposal. He said that the application had addressed all three grounds for refusal set out for the previous application. Firstly, he believed that this location demonstrated that it conformed to the BPEO Principle because it was an integrated facility which enabled the materials to be brought in and processed before being sent out again.
- (19) Mr Parr went on to say that Conways had invested considerably in dust mitigation measures. The new foam-based system, combined with other measures reduced emissions to the point where the applicants believed they could demonstrate to the Committee's satisfaction that it was operating at an acceptable level.
- (20) Mr Parr said that the Noise Assessment had identified the two noisiest parts of the operation which would now be enclosed. This would enable the facility to conform to BS 4142 in an acceptable way.
- (21) Mr Parr concluded by saying that it was important to recognise that the land had established industrial use. Also, that the Bund would separate industrial and residential activity.
- (22) Mr Stone from Bexley Council said that the concerns of Officers set out in the briefing note regarding this application had been endorsed by Bexley Council's Planning Committee on 15 June 2006. He advised that his Council wanted to protect the amenity of residents affected by the proposal and that these residents principally lived in the Bexley area. The grounds for objection were that there was insufficient information within the application to enable the Council to be satisfied that residential amenity would be protected. There were also concerns over the robustness of the Noise and Dust Assessments. The Council had put a number of questions to the applicants and had, up to this point, received only an insufficient, partial response. Bexley believed that the entire plant should be enclosed, rather than just parts of it. He also said that his Council considered that KCC should consider whether it was expedient to take enforcement action. With regard to this he acknowledged the points made by Mrs Thompson in paragraph 5 above.
- (23) Mr Stone said that Bexley Council had also included some suggested Conditions if KCC were minded to grant Permission.

- (24) Mr Davies asked how long the business had been established at the site and when the housing estate had been built. He also asked whether the Bund was a part of the application and whether any other parties were the subject of possible enforcement action.
- (25) Mr Woodland (Solicitor on behalf of the applicants) said that Braeburn Park Estate had originally been a quarry. Bexley Council had then offered the land owner a land exchange so that it could identify it as appropriate for residential development. Bexley Council had granted planning permission for residential development. Planning permission was granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 which included provision for extensive open space to be created on the site and managed as a nature conservation area. He understood that as soon as the bund was properly planted, London Wildlife Trust would take over its management. He said that in 1999 the Developer, as part of the Section 106 Agreement, had deposited £1.5m with Bexley Council. Of this amount, £800,000 could not be released until the Bund was screened and planted. The developer had then planted 10,000 trees on soil that was predominantly rubble and unsuitable for growth. He had asked Bexley Council why they did not insist on the planting being properly undertaken with the topsoil being removed and replaced with more decent soil.
- (26) Mr Leaver (Conways) said that Conways had arrived at the site in October 2000. Crushing operations had commenced in 2001. The first house in the Braeburn Park Estate had also been built in 2001. Mr Leaver then said that before 2000 the site had been a mixed-use industrial site, consisting of such diverse activities as removals, crane operators, ship waste, oil waste and storage cabins. This use had been in place since the 1960s.
- (27) Mr Stone agreed that the history of the site was complicated. The area of Braeburn Park Estate had been transferred from Dartford BC to Bexley Council by the Boundary Commission and the permission for housing development there had been granted before Conways had commenced crushing operations. The Bund had been planted with limited success and meetings were taking place between Taylor Woodrow and Bexley Council on how best to proceed. Taylor Woodrow had presented evidence to the Council on the chemical make up of the soil. The £800,000 which Mr Woodland had referred to, would be released to the London Wildlife Trust as soon as Bexley was satisfied with the planting arrangements.
- (28) In response to a question from Mr Woodland, Mr Stone confirmed that enforcement proceedings had not taken place against Taylor Woodrow and that any decision on this matter was a consideration for his Committee.
- (29) Ms Schofield from the London Wildlife Trust advised that hand-over to the Trust was not just dependent upon the planting of trees.
- (30) Mrs Thompson said that there were two Permissions on the application site. One of these had been issued by Dartford BC in 2002 for an industrial/storage use, the other by KCC in 2005 for the drainage treatment plant, aggregate washing plant and two industrial/storage buildings. She also asked Members to be aware that there were unresolved lighting issues which were currently being addressed by Dartford BC.
- (31) Mr Maddison introduced himself as the local Member and clarified that he was speaking neither for nor against the proposal. He then said that local residents appeared to have bought their houses on the understanding that the bund would be completed and planted. He asked whether its eventual satisfactory completion would have the desired effect of a buffer zone.
- (32) Mrs Grady (a local resident) asked why the industrial activity had not come up during the land searches. Mr Woodland said that this was probably because the developer had provided local searches, which might not have provided a search over a wider area.
- (33) Mr Morgan (local resident) said that the residents could not understand why the Bund had not yet become a Nature Reserve as promised. He added that there had been a significant

increase in the scale of operations since the residents had moved in to their new homes. It was doubtful whether a fully and properly planted Bund would make a satisfactory difference in terms of noise, dust and visual amenity. He raised concern over what would follow if permission were granted.

- (34) Mr Poole asked whether it would be realistic or reasonable to completely enclose the process. Mr Conway said that this option would be unnecessary and uneconomic. Mr Parr said that the proposal had been assessed against noise and dust criteria and that the development could operate within acceptable limits. There was therefore no need to enclose the development.
- (35) Mrs Thompson said that were Conways to apply to fully enclose the facility, there would be serious planning issues to consider, including the size of the shed and the impact that such a building would have on the Green Belt and the very special circumstances needed for such a development within the Green Belt.
- (36) Mr London asked whether the water based dust control system and the noise from the screening and crushing operation would be continuous or intermittent. Mr Leaver replied that the dust control system would work off a wind trigger system which would not come into operation on a still day. The crusher itself would be permanently in operation.
- (37) Mr Leaver said that Conways had attempted to arrange for the formation of a Liaison Group involving Conways, Bexley Council, Dartford BC and local residents. There had to date been little interest shown.
- (38) Mrs Thompson said that she had very recently been instrumental in getting such a group together.
- (39) A local resident asked why Conways had to operate in the Green Belt. She suggested that there were far more appropriate sites in the Thames Gateway area. Mr Conway said that this would not be an economic option for his company as land in Thames Gateway cost as much as £4.5m per acre. Furthermore, this site was very good in BPEO terms.
- (40) Mr Pugh (Dartford BC) asked whether either the noise or dust mitigation measures had been used elsewhere. Mr Parr replied that the foam-based water control system was used in the USA and at a quarry in Barnstable. Acoustic cladding was a standard procedure throughout the UK. He offered to provide further details on request.
- (41) Mrs Blazer (Dartford BC Environmental Health) supported the views of Mr Pugh and also raised concerns related to maintenance and durability. It was important to establish how these measures performed in a working environment. She added that dust and noise impact on Braeburn Park Estate could not be mitigated by the tree planting measures permitted for the Bund. She also sought clarification as to whether the noise assessment had been taken with the crusher fully loaded.
- (42) Mr Leaver replied to a question by saying that the water to be used in the sprinklers would be recycled.
- (43) Mrs Thompson asked the meeting to note that if the Planning Applications Committee were minded to grant permission, the application would need to be referred to the Secretary of State as a departure from the Development Plan.
- (44) The Chairman asked that an aerial photograph showing the industrial estate in its wider setting be included in the Committee report together with a description of the other activities taking place.
- (45) The Chairman thanked everyone for attending. The notes of this visit would be appended to the Committee report when the application came to be determined.

*Following the meeting, Members inspected the site including the crushing operation. They then viewed the site and Bund from various locations in Braeburn Park Estate*

## **Appendix 2 to Item C1**

### **Planning Policy Considerations**

#### **National Planning Policy**

The European Waste Framework Directive (75/442/EEC) sets out general requirements for a national waste management strategy.

#### **Government's Waste Strategy 2000 (as Amended)**

Waste Strategy 2000 was prepared in response to the above and sets out the Government's objectives and targets for the management of waste. The latest change to the Waste Strategy was published in July 2005 and was issued with PPS10 (Planning for Sustainable Waste Management) and its Companion Guide.

Key objectives of the strategy in relation to waste management decisions are to:

- reduce the environmental impact of waste by moving its management up the waste hierarchy;
- manage the waste in ways that protect human health and the environment;
- Individuals and communities should take responsibility for their own waste;
- Deliver the environmental outcome that does most to meet the objective of the Waste Strategy taking into account feasibility and acceptable costs.

Challenging targets are set to achieve a reduction in landfill disposal.

#### **PPS10 and its Companion Guide (Planning for Sustainable Waste Management)**

PPS10 sets out how the principles of the National Waste Strategy are to be carried forward into the planning system. The Guidance recognises that a step change is needed in the way that waste is handled and that significant new investment in waste management facilities will be required. In particular, the PPS requires planning authorities to:

- take account of the Strategy objectives set out above;
- play a key role in providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time
- deliver more sustainable waste management solutions by moving management up the waste hierarchy;
- to move away from landfill solutions towards recycling, composting and energy from waste;
- take an integrated approach to waste management.
- consider a broad range of locations including opportunities for on-site management and co-location of facilities ;
- See waste as a resource.
- consider the physical and environmental constraints including impact on neighbouring uses;

In considering applications on unallocated sites (such as the current application), the Guidance advises that sites for waste management facilities should be considered favourably when consistent with the policies in the PPS. Where sites are within the Green Belt they are likely to be *inappropriate development*. The Guidance advises that it may be appropriate to grant planning permission for such development, providing the applicant can demonstrate that *very special circumstances* clearly outweigh the harm caused by the site being developed in the Green Belt.

A key change from the previous guidance (PPG 10) was to move the consideration of the BPEO (Best Practicable Environmental Option) to the plan making stage where it is considered as part of the Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) processes applied to the plan.

Guidance is given for handling applications in the interim stage pending the updating of development plans. Where planning authorities' have current waste plans that have not been through the SA/SEA process (as in the case of Kent), it is appropriate to consider planning applications against the principles of BPEO in the interim. Therefore until the emerging Kent Waste Development Framework reaches a more advanced stage, the County Council has resolved to consider applications against Policy WM2 of the Kent and Medway Structure Plan to ensure that they deliver facilities that are '*of the right type, in the right place and at the right time*' in accordance with paragraph 2 of PPS10'. This approach requires consideration as to whether planning applications reflect the principles of BPEO. These can be broadly summarised as the waste hierarchy<sup>2</sup>, the proximity principle, the objectives of regional self-sufficiency and seeking the right form and scale of waste management for the given waste stream at the right time and location.

Finally, it reminds planning authorities that they should not duplicate the role of pollution control authorities and that planning authorities should work on the assumption that the relevant pollution control requirements will be properly applied and enforced.

### **PPS1 – Delivering Sustainable Development**

This sets out the overarching planning guidance for the delivery of sustainable development through the planning system. Sustainable development is a core principle underpinning planning decisions. It recognises the need to bring forward sites for essential infrastructure, including sustainable waste management.

### **MPS1 : Planning and Minerals (Nov 2006)**

This sets out the national planning guidance for mineral development. It reflects the Government's requirement to contribute to the achievement of sustainable development as required by s39 of the Planning and Compulsory Purchase Act 2004 and incorporates the UK Strategy for delivering sustainable development as set out in 'Securing the Future' (March 2005). These set out how the goal of sustainable development can be achieved in an integrated way to provide amongst others the protection and enhancement of the environment and the efficient use of resources and energy. The Aggregate Annex replaces the former guidance in MPG6.

The guidance recognises that in order to long term conservation of minerals it is necessary to make the best use of them. This is to be achieved by adopting a hierarchical approach to minerals supply, which aims firstly to reduce the quantity of minerals used, then to use as much recycled and secondary material as possible, before securing the remainder through new primary extraction. The Guidance also gives support for closer integration of mineral planning policy with national policy on sustainable construction and waste management.

### **MPS2: Controlling and Mitigation the Environmental Effects of Mineral Extraction in England – Annex 1 – Dust**

This provides guidance to minimise dust emissions.

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<sup>2</sup> reduction, re-use, recycling and composting, energy recovery and disposal

### **PPG2 - Green Belts**

There is a general presumption against inappropriate development in the Green Belt unless 'very special circumstances' can be demonstrated. The PPG provides guidance on inappropriateness and sets out limited circumstances where development may be acceptable. This includes advice for 'essential other uses of land' which preserve the openness of the Green Belt and do not conflict with the purpose of its inclusion and for redevelopment proposals of major sites within the Green Belt where opportunities for improvement may arise without adding to the impact on the openness of the Green Belt.

### **PPG24 – Planning and Noise**

This provides guidance on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development. As a general principle, noisy development should where possible be sited away from noise sensitive land uses (ie housing). Planning Authorities should however consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations.

### **Regional Planning Policy**

The most relevant policies are set out in the Adopted Regional Spatial Strategy (**RPG9**) which sets out current regional planning advice regarding waste and provides a framework for the preparation of local development frameworks. The Strategy requires local authorities to make adequate provision for managing the Region's waste within its boundaries and that a range of facilities are necessary to manage the waste arisings. Key objectives focus on reducing the amount of material sent to landfill, an emphasis on waste minimisation and the encouragement of recycling and recovery, and seeing waste as a resource. It recognises that capacity could be limiting recycling rates and to justify capital investment, it accepts that some of the more specialised facilities may need to serve large catchment areas.

The strategy reiterates the principles of Waste Strategy 2000. In particular Policy INF3 seeks to provide adequate provision for the South-East Region's waste within its own boundaries, wherever possible and policy E3 addresses Green Belt considerations.

Changes to the Regional Guidance (RPG9) – Waste and Minerals dated August 2005 are also relevant. The key relevant policies are:

**W3 and W4** seeks provision for regional and sub-regional self-sufficiency. This includes a requirement for Waste Planning Authorities to provide capacity (usually landfill) for waste exported to the region from London; Provision for recovery and processing capacity for London's waste should be made only where there is a proven need with demonstrable benefits to the region and where this is consistent with the proximity principle. The explanatory text for policy W3 states:

*'There may be situations where the use of facilities within the (South East) Region for recovery or processing of waste materials from London or other regions would be appropriate, for example where the facility is the nearest available to the source of materials, where there are good sustainable transport links and this would make provision of recovery or reprocessing capacity more viable.'*

**W5 and W6** set targets for the diversion from landfill and improvements in recycling construction and demolition waste rates from 45% in 2005 to 60% in 2025.

**W7** sets the waste management capacity requirements for the County.

**Policy W17** gives support for the location of waste management facilities. Potential new sites should have the following:

- Good accessibility from existing urban area
- Good transport connections
- Compatible land uses – active mineral site, previous existing industrial land use, contaminated or derelict land, or land on or adjacent to sewage treatment works, or agricultural buildings or yards, and
- Be capable of meeting locally based environmental and amenity criteria.

It further advises that on Green Belt locations that:

*'waste management facilities should not be precluded from Green Belt where this is the nearest appropriate location, where there are no alternative sites and provided that the development would not cause harm to the objectives of the designation. ....'*

**Policies M1, M2 and M3** support sustainable construction and a greater use of recycled and secondary aggregate.

These policies have largely been carried forward in the draft South East Plan, which is to be the subject of an Examination in Public late 2006.

**Kent and Medway Structure Plan: (Adopted July 2006)**

The most relevant policies are :

**SP1-** Strategic policy to conserve and enhance Kent's environment and ensure a sustainable pattern of development.

**SS2-** Green Belt and presumption against 'inappropriate development'. Any development permitted within the Green Belt should be designed and sited so as to maintain the open character of the area and should not conflict with the purposes of including the land within the Green Belt.

**EN3** –protection and enhancement of countryside character

**EN7** – protection for County and local wildlife designations

**QL1** – development should be well designed and be of high quality. Development that is detrimental to the built environment and amenity will not be permitted.

**TP15**– Presumption against development that generates significant increases in traffic unless it accesses the primary and secondary route network.

**NR1** - prudent use of resources

**NR5** – protection from pollution impacts.

**NR8** – protection of water quality.

**WM1** – support for integrated management of waste reflecting BPEO, national waste hierarchy and national waste management targets.

**WM2** – Assessment criteria for waste proposals. Proposals should demonstrate that they are the BPEO and that they demonstrate a need that overrides material environmental and other land use concerns.

**WM3** - securing waste reduction

**MN1** – support for the provision of minerals through recycling, subject to environmental, transport and other planning considerations.

**MN2** – support for recycling proposals at appropriate locations to maximise the use of recycled and secondary materials.



### **Kent Waste Local Plan (1998)**

Relevant policies are:

**W1** – Provision for dealing with waste arisings in accordance with the waste hierarchy for Kent and for a share of the Region's waste as agreed by SERPLAN which cannot be reasonably dealt with in the area of origin.

**W2**-Protection of environmental resources including groundwater, SSSIs and sites of nature conservation interest.

**W3** – Locational criteria for waste processing and transfer proposals. On unallocated sites, presumption against development unless it has access to primary or secondary route network and is located within or adjacent to an existing waste management operation or within an area of established general industrial use.

**W4** - Presumption against built waste management development within the Green Belt with the exception of temporary proposals related to the restoration of mineral workings.

**W6** – on unallocated sites where demonstrable harm would be caused, need will be a material consideration

**W7** – location al criteria for proposals to prepare Cat A material for re-use. Unallocated , sites considered against whether they:

- Seek to minimise impact on the local and natural environment;
- Have access to the main road network
- Are within or adjacent to an existing waste management facility or are part of a location within an established general industrial type area.

**W18** – Policy to satisfactorily address means of controlling noise, dust, odour and other emissions, particularly in respect of potential impact on neighbouring land uses.

**W19** – policy to satisfactorily address surface and ground water issues.

**W21** – safeguard of geological and habitat features and provision where appropriate for suitable compensatory mitigation measures.

**W22** – satisfactory means of access.

**W23** – measures to prevent debris on the highway.

**W25** – consideration for the siting and layout of the facility to minimise impact.

**W26** - Standard operating hours – 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturday – Proposals to work outside these hours will be considered where operational factors justify greater flexibility

### **Dartford Borough Local Plan Review 2000**

GB2/GB6 – presumption against development in the greenbelt unless it maintains the openness of the greenbelt and does not conflict with its function.

DD11 – General design criteria for development

### **Draft London Plan Adopted 2004 (including Alterations 2005)**

The Mayor's Spatial Strategy for London was adopted in February 2004 and provides a regional planning framework for London for the next 15 years. In October 2005, the Mayor published draft alterations to the Plan which included minor changes to its waste strategy. Relevant policies seek to provide self-sufficiency and a framework for moving the management of waste up the hierarchy through the timely provision of facilities The strategy recognises that London's self-sufficiency is to be improved over time and that in the interim some waste will continue to be exported to the neighbouring regions. The following policies are particularly relevant:

**Policy 4A.1** - seeks to improve levels of regional self sufficiency (rising from 75% in 2010 to 85% by 2020) with emphasis on the waste hierarchy. It is recognised that a partnership with Government, London Boroughs and other interested parties will be needed to meet

this policy objective.

**Policy 4A.2** spatial policies for waste management including support for recycling and recovery in suitable locations, applying the principles of BPEO. Where waste cannot be dealt with locally, facilities are promoted that have good access to river or rail.

**Policy 4A.3** - site selection criteria to be based upon proximity to waste source, nature of activity and its scale, environmental and transport impact. Policy support is given primarily to sites that are located on Preferred Industrial Locations or existing waste management locations. The Mayor of London is to work with SEERA (and the East of England Regional Assembly) to co-ordinate strategic waste management across the 3 regions.

**Policy 4A.5** – support for the development of aggregate recycling facilities in appropriate and environmentally acceptable locations with measures to reduce noise, dust and visual intrusion to a practical minimum.

**Policy 5** – policy support for construction and demolition waste facilities by encouraging recycling at existing sites, using mineral extraction sites for recycling and ensuring that major development sites are required to recycle by using mobile facilities wherever practicable.

Further alterations to the Plan published in September 2006 are currently the subject of public consultation. In particular policy 4A.1 includes an objective to minimise the amount of energy used in the collection, transfer and management of waste and to seek recycling and re-use levels for construction and demolition waste to 95% by 2020. Policy 4A.2 supports the need to deal with waste in one of the nearest appropriate installations.

Site investigation work for the recycling and recovery facilities in London undertaken for the Greater London Authority in July 2005 is also relevant. This evaluated the adequacy of London's existing strategically important waste management facilities to meet London's future needs and identified the potential to locate new recycling and recovery facilities in London.

**Draft London Best Practice Guide – The control of dust and emissions from construction and demolition, 2005** (Greater London Authority, London Boroughs and the Association of London Government)

This sets out good practice including dust and emission controls and site monitoring protocols. It also includes site risk assessment criteria and mitigation measures relating to low, medium and high risk sites.

#### **Bexley Unitary Development Plan**

**G26** – gives protection to conserve and enhance those features of the built and natural environment, which contribute to the special character of London. This includes sites of nature conservation interest.

**G27** – protection for open land.

**ENV24** – In the Sites of Borough Importance for Nature Conservation, the Council will have particular regard to the effects of development on wildlife habitats, or the need to protect rare species. Planning permission may be refused if development is likely to cause the loss of a valuable habitat or conditions will be used, where appropriate, to protect, enhance, create or restore habitats.

**G30** – Proposals for waste management developments will be considered within the context of national sustainable development principles of BPEO, the waste hierarchy and the proximity principle.

**G39** – Protection and enhancement of the quality of the built environment.

**Extract from Report to Bexley Council's Planning Applications Committee  
23<sup>rd</sup> November 2006**

**Recommendation and Suggested Conditions**

In conclusion, in the absence of a satisfactory noise barrier close to the noise source concerns are raised that the operations would have an adverse impact on the residents of the Braeburn Park Estate, **it is therefore recommended that Kent County Council be advised that Bexley Council objects to the proposal and requests that the application be refused**

It is also recognised however that this application is not within the jurisdiction of Bexley Council and falls to Kent County Council to determine and it is therefore considered appropriate to suggest that, if KCC is minded to grant planning permission, a number of detailed matters (as set out in the recommendation) be addressed by way of suitably worded conditions

**RECOMMENDATION**

- OBJECT, in the absence of a suitable noise barrier
- Should Kent County Council be minded to grant planning permission that the following matters be addressed by way of suitably worded conditions

**CONDITIONS**

**Noise Readings**

1. Kent County Council has indicated a condition could be imposed requiring that noise emanating from the activities associated with the aggregate washing plant, drainage treatment plant and screening, crushing and processing of aggregates, construction and demolition waste and concrete together with open storage of these materials during the approved anytime operating hours shall not exceed a Rating Level of 5dB when calculated in accordance with BS:4142 (1997) above the measured agreed background level at any noise sensitive location. If such a condition were to be imposed Bexley Council would require the following
2. Background noise levels to be taken on the same day that noise monitoring readings are taken
3. All plant on site associated with the crushing, screening, stage and processing of waste to shut down to ensure effective background noise readings are made
4. No lorry movements associated with the crushing, screening and storage of materials, drainage treatment plant or aggregate wash plant should occur at times when the background noise level is being assessed
5. Background noise readings to be taken between 10am and 3pm at times when noise from the A2 is typically low.
6. The equipment on-time figures for the bucket loaders, excavators and lorries that form part of the BS4142 assessment of noise from the site shall be adjusted to properly reflect "worst case" hour to the satisfaction of the Local Planning Authority.
7. A robust noise assessment of all the plant and equipment that actually operates on the site must be made to the satisfaction of the Local Planning Authority.
8. A maximum 5 minutes reference time interval is to be used for the assessment of noise from the site.

**Barrier**

9. Within 3 months of the granting of planning permission plans to be put forward for the construction of an additional acoustic barrier at the boundary of the FM Conway site.
10. A written scheme for the construction, design, extent and erection of the acoustic barrier shall be submitted to the LPA and must be to the satisfaction of and approved by the LPA and shall thereafter be maintained in accordance with approved scheme.

**Crusher**

11. No crusher, screener or grader operates on site other than that identified in this application on the site otherwise than as agreed in writing by the LPA.
12. Plastic strips to be fitted to conveyor openings on the crusher and grader.

**Plant**

13. No plant or machinery other than that identified in this planning application must operate on site.
14. The steel buckets on the bucket loaders should be dampened using a heavy duty rubber lining to reduce impulsive noise impacts.
15. Exhaust silencers to be provided for the bucket loaders.

**Stockpiles**

16. The height of stockpiles of materials shall be limited to four metres above the adjacent ground level.
17. A permanently fixed clearly visible measuring stick must be provided to the satisfaction of the Local Planning Authority to demonstrate compliance.
18. No more than one excavator shall operate on the stockpiles at any time.
19. No plant or machinery shall be left on the stockpiles outside of the hours of operation of the crushing facility, 7am to 6pm on Monday to Friday, and not at all on Saturdays, Sundays or Public Holidays

**Road Sweeper**

20. The road sweeper shall not be operated on a Saturday or Sunday.
21. The road sweeper shall only be operated two times per day during the hours of 9am –6pm Monday to Friday (not on Public Holidays) for a period of time to be agreed with the Local Planning Authority.

**Lorries Reversing Alarms and Work Flow**

22. Within 3 months of the granting of planning permission;
23. Tonal reversing beepers on all on site vehicles must be replaced with either white noise beepers, "smart alarms", radar activated alarms or similar quieter alternatives.
24. A timescale must be given for the replacement of reversing beepers on the FMC lorry fleet and third party haulers with quiet alternatives.
25. Work flow on site to be designed to minimize the need for reversing alarms.
26. Tailgate seals and powered tail gate lifts to be fitted to all FMC lorries as part of its fleet replacement programme.

27. A written scheme for each shall be submitted to the Local Planning Authority and must be to the satisfaction of and approved by the Local Planning Authority and shall thereafter be maintained in accordance with approved scheme. The types of beeper to be used must be approved by the Local Planning Authority.

**Hours of operation**

28. Waste Management Activities need to be defined.
29. Maintenance work needs to be defined.
  
30. Deliveries shall not be made before 8am as per the permissions granted for the Aggregate Wash Plant and Drainage Treatment Plant. This includes pre-crushed material being delivered to crushing area.
  
31. The hours of operation of the waste management activities shall be limited to 7am to 6pm on Monday to Friday with no working on Saturdays, Sundays or Public Holidays, apart from maintenance work on Saturdays, which may take place between 8.00am to 1.00pm

**General**

32. All plant, machinery, equipment and raw materials on site to be kept within the areas identified on the plan.

**Contaminated material**

33. The applicant needs to submit details of the strict controls used to eliminate contaminated material from the waste prior to crushing. This scheme shall be to the satisfaction of and approved in writing by the Local Planning Authority and shall thereafter be maintained in accordance with the approved scheme.

**Traffic**

34. The routeing of HGVs travelling to and from the site shall be restricted to the A2 and London Distributor roads.

**Dust**

35. A management system shall be implemented which monitors dust at the boundary of the site closest to residential properties. This management system shall detail the dust monitoring protocol to be implemented, monitoring locations, and specify boundary concentrations of dust which are indicative of system failure leading to unacceptable dust emissions. The management system shall also specify action to be taken in the event of unacceptable dust emissions from the site.
  
36. All monitoring results shall be made available to officers from Kent County Council, Dartford Borough Council, Bexley Council and the Environment Agency on request, and shall be kept for a minimum period of two years.

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**Item C2****TW/06/1646 – Change of Use from Agricultural Use to New Green Waste Open Windrow Composting Facility at Little Bayhall Farm, High Woods Lane, Tunbridge Wells**

A report by Head of Planning Applications Group to Planning Applications Committee on 12 December 2006.

TW/06/1646 – Change of use from agricultural use to new green waste open windrow composting facility at Little Bayhall Farm, High Woods Lane, Tunbridge Wells, Kent (MR. 096 901)

Recommendation: Refusal.

Local Member: Mr J Scholes

Classification: Unrestricted

**Background**

1. Members will recall considering a similar planning application under reference TW/05/3222 for a green waste composting facility at Little Bayhall Farm at the March 2006 Committee meeting. Given the lack of information submitted at the time which failed to demonstrate the special circumstances required to override the normal policy presumption against this type of development being located in such areas together with insufficient information on the potential impact of passing places upon landscape and nature conservation interest in the adjacent hedgerows, the application was refused. The Applicant has now submitted a second application, which seeks to address the previous reasons for refusal, set out in full below<sup>1</sup>.
2. A site location plan is attached.

**Site Description and Current Proposal**

3. The application site is located within the Metropolitan Green Belt and High Weald Area of Outstanding Natural Beauty. The site is located to the east of Tunbridge Wells Town Centre. The existing site is currently used as an agricultural and organic farm.
4. This is a retrospective application which proposes a change of use from agricultural use to a permanent green waste open windrow composting facility which operate for a period of three months every year, processing an average of 4000 tonnes of material. The applicant states that source separated green waste would be collected by Tunbridge Wells Borough Council contractors and local landscape specialists and delivered to Little Bayhall Farm for processing.

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<sup>1</sup> See paragraph 20

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Lane, Tunbridge Wells**

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**TW/06/1646 – Change of Use from Agricultural Use to New Green Waste  
Open Windrow Composting Facility at Little Bayhall Farm, High Woods  
Lane, Tunbridge Wells**

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**TW/06/1646 – Change of Use from Agricultural Use to New Green Waste Open Windrow Composting Facility at Little Bayhall Farm, High Woods Lane, Tunbridge Wells**

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5. The proposal would generate a maximum of 4 vehicle movements per day (2 in/2 out), although the applicant states that an average of 2 movements is more likely. Vehicles would access the site via High Woods Lane, a Public Bridleway and privately owned road which the applicant considers to have sufficient passing places along its route to accommodate passing vehicles.
6. Upon delivery to the site, it is proposed that green waste would be stored within the reception area for a maximum of 24 hours before being checked for non compostable waste and shredded to optimal particle size. Non compostable waste would be stored in a skip on site and returned to the Borough Councils sorting station at North Farm on a weekly basis. The applicant states that shredded material would be placed in open windrows (identified by the applicant as High Rate Composting) for between 10-12 weeks and turned whenever necessary. Compost would then be transferred to the Low rate Composting area for a further 3 – 14 days until the material has transformed to *odourless compost*.
7. Upon completion of the process, finished compost would be spread on adjoining agricultural land farmed by the applicant and would not be available for sale on the open market.
8. The proposed operating hours would be between 0700 and 1700 Monday to Friday only and whilst in the main the applicant proposes to use existing farm equipment, the only additional equipment required would be a shredder at the front end of the process.

**Planning Policy Context**

9. The National and Development Plan Policies summarised below are relevant to the consideration of the application:

**National Planning Policy** – National Planning Policies are set out in PPS10, PPS23 and Waste Strategy 2000 (as amended in July 2005).

**Regional Planning Policy** – the most relevant Regional Planning Policies are set out in RPG9 and the emerging South East Regional Waste Strategy. GOSE has published the changes to RPG9 in August 2005.

**(i) The Kent & Medway Structure Plan: Adopted July 2006:**

<b>Policy SP1</b>	Seeks to conserve and enhance Kent's environment and ensuring a sustainable pattern of development.
<b>Policy SS8</b>	Non-residential development in rural Kent should amongst other matters re-use, adapt or redevelop an existing rural building where the change is acceptable on environmental, traffic and other planning grounds.

## Item C2

### **TW/06/1646 – Change of Use from Agricultural Use to New Green Waste Open Windrow Composting Facility at Little Bayhall Farm, High Woods Lane, Tunbridge Wells**

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<b>Policy E1</b>	Kent's countryside will be protected for its own sake. Development in the countryside should seek to maintain and enhance it.
<b>Policy E4</b>	Protection will be given to the nationally important landscapes of the Kent Downs and High Weald Areas of Outstanding Natural Beauty.
<b>Policy E5</b>	The primary objective in Special Landscape Areas will be the long term protection and enhancement of the quality of the landscape.
<b>Policy E9</b>	Tree cover and hedgerow networks in the County will be maintained and where possible enhanced.
<b>Policy QL1</b>	All development should be well designed, of high quality and should amongst other matters protect the amenity of residents. Development detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted. Existing built environment of high quality and character will be protected and enhanced.
<b>Policy QL6</b>	The primary planning policy towards conservation areas is to preserve or enhance their special character and appearance.
<b>Policy QL17c)</b>	The rights of way network will be protected and enhanced and the provision, protection and improvement of routes and networks open to equestrians will be supported.
<b>Policy TP15</b>	Development which generates significant increases in traffic, especially heavy goods vehicles, will not be permitted if it is not well related to the primary and secondary road network, or would result in a significant increased risk of crashes or traffic delays unless appropriate measures to mitigate the effect of the development have been secured.
<b>Policy EP7</b>	Provision for small-scale business development should be appropriate to the scale of the settlement and without detriment to its amenity, character or setting.
<b>Policy NR5</b>	The quality of Kent's environment will be conserved and enhanced.
<b>Policy WM1</b>	Provision will be made for the integrated management of waste reflecting Best Practicable Environmental Option (BPEO), the national waste hierarchy and national targets for waste management.

**TW/06/1646 – Change of Use from Agricultural Use to New Green Waste Open Windrow Composting Facility at Little Bayhall Farm, High Woods Lane, Tunbridge Wells**

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**Policy WM2** Proposals for the treatment, storage, transfer, processing or disposal of waste will be required to show that they represent the most efficient and environmentally sustainable method of managing a specific type of waste.

**(ii) Kent Waste Local Plan, 1998:**

**Policy W1** The local planning authority will make provision for waste arising in Kent to be dealt with in Kent, based on the following hierarchy: I) reduction, (ii) re-use, (iii) recovery (including composting) and (iv) disposal.

**Policy W2** Waste Management proposals will not be permitted if they would cause a significantly adverse impact in areas including: Special Landscape Areas, Conservation Areas and sites and settings of buildings of historic interest.

**Policy W3** Proposals, which involve only waste processing at locations outside those identified on the proposals map will not be permitted unless they are located within or adjacent to existing waste management operations or avoid the need for road access.

**Policy W4** With the exception of temporary proposals related to the restoration of mineral workings, there will be a general presumption against proposals for any built waste management developments within the Metropolitan Green Belt.

**Policy W6** Where a planning application is submitted for waste management development on a site outside a location identified as suitable in principle in the plan and demonstrable harm would be caused to an interest of acknowledged importance, need will be a material consideration in the decision.

**Policy W10** Proposals for composting and digestion plant will be permitted subject to their satisfying the following criteria:

- a) That the site is within an established or committed industrial area (with the exception of proposals for composting by windrowing, which in principle are better suited to a rural area).
- b) That the proposal would not cause significant harm to residential amenities due to noise, dust, smell or visual impact.
- c) That the site has, or is planned to have, ready accessibility to the primary or secondary route network.

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- d) That the proposal would not be unduly obtrusive in the landscape.
- e) That impact on the natural environment would be minimised.

- Policy W16** When considering applications for waste management facilities, the planning authority will have regard to the industry's past record in respect of the environmental management of comparable operations.
- Policy W18** Before granting permission for a waste management operation the planning authority will require to be satisfied as to the means of control of noise, dust, odours and other emissions, particularly in respect of its potential impact on neighbouring land uses and amenity.
- Policy W20** Before granting planning permission the planning authority will require to be satisfied that proposals have taken into account land settlement, land stability, safeguarding of land drainage etc.
- Policy W21** Before granting permission for a waste management proposal the Planning Authority will need to be satisfied that the earth science and ecological interests of the site and its surroundings have been established and provisions made for the safeguarding of irreplaceable and other important geological and geomorphological features, habitats, or species of wildlife importance. Where an overriding need requires some direct loss or indirect harm to such features, habitats or species, where practicable suitable compensatory mitigation measures should be provided.
- Policy W22** When considering applications for waste management facilities the planning authority will:-
- (i) normally refuse permission if it is considered that the proposed access, or necessary off-site highway improvements or the effects of vehicles travelling to and from the site, would affect in a materially adverse way:-
    - (a) the safety of the highway network
- Policy W27** Where proposals to establish a waste management facility could adversely affect a public right of way, when determining the application the planning authority will secure the interests of the users of the right of way. The use of primarily pedestrian rights of

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way to gain vehicular access to a proposal will normally be resisted.

**Policy W33**

The planning authority requires all waste management activities to take place within planning control and the appropriate planning permission obtained.

**10. Consultations**

**Tunbridge Wells Borough Council:** Raise objections to the proposal, for the following reasons:

- (1) Insufficient information has currently been supplied to fully assess the impact of the proposed development and therefore the recommendation is to refuse until further details are supplied. These details should include:
- Traffic Impact Assessment
  - Landscape Impact Assessment
  - Details of total level of activity/waste levels
  - Realistic assessment of traffic movements
  - Assessment of alternative sites not included within the Metropolitan Green Belt

**Countryside Agency:** No comments received.

**Environment Agency:** No objection raised.

**Divisional Transportation Manager:** No objections raised in principle however he has raised some concerns over possible pedestrian vehicular conflict along High Woods Lane.

**Jacobs (Landscape Consultant):** No objections raised.

**Jacobs (Noise, dust and Odour):** – no objection raised.

**Countryside Policy and Projects (Biodiversity Officer):** No comments received.

**Environmental Management Officer, Public Rights of Way:** No objection raised subject to a condition restricting daily vehicle movements to 4 (2 in/2 out) per day and provided the passing places indicated in the application are of sufficient size.

**Ramblers Association:** No views received.

**British Horse Society:** No views received.

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**Local Member**

11. The Local County Member, Mr Scholes was notified of the application on 14 June 2006.

**Publicity**

12. The application was publicised by the posting of a site notice, advertisement in the local newspaper and individual notification of 16 neighbouring properties including those who made written representations on the previous planning application.

**Representations**

13. 5 letters of representation have been received to date objecting to the proposal. Those objections can be summarised as follows:

- ❑ High Woods Lane is in a very poor state of repair is not suitable for heavy goods vehicles;
- ❑ High Woods Lane is a private road with long stretches of road between the Bowls Club and little Bayhall Farm without suitable passing places;
- ❑ High Woods Lane is busy at weekends with visitors to the Bowls Club as well as users of the PROW and Bridleway;
- ❑ Given the current activity along the Lane, any 'industrial type' activity could cause conflict;
- ❑ The number of vehicle movements proposed is unclear;
- ❑ Not sufficient space for large vehicles to pass safely along the stretch of High Woods Lane between the Bowls Club and Little Bayhall Farm;
- ❑ High Woods Lane is too narrow to allow pedestrians, cyclists and horses to safely pass a large vehicle;
- ❑ How would the use of green waste on the land be restricted?
- ❑ Concerns at potential for the site to generate unacceptable noise, odour and pollution levels.

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**Discussion**

14. The application is for a change of use from agricultural use to a green waste open windrow composting facility. It represents a departure from the Development Plan. Given its location in the Green Belt where this is a requirement to maintain the open character of Green Belt land. In addition, long term protection should be provided for designated AONBs and conservation and enhancement are priorities in such areas. There is therefore a strong policy presumption against this type of development in such areas and very special circumstances would need to be demonstrated in order to allow what would normally be considered as inappropriate development in such areas.
15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
16. Prior to the publication of PPS10 and revisions to Waste Strategy 2000 in July 2005, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO to individual applications should be afforded substantial weight in the decision making process.
17. PPS10 moves the consideration of BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) process applied during the preparation and review of existing development plans. However, where planning authorities' current development plan policies have not been subject to the SA / SEA process (as is the case with the Kent Waste Local Plan) it is appropriate to consider planning applications against the principles of BPEO.
18. Until such time as the Kent Waste Development Framework (WDF) which is at a relatively early stage in its preparation reaches a more advanced stage, applications will be considered against Policy WM2 of the Kent & Medway Structure Plan to ensure that they deliver facilities that are "*of the right type, in the right place and at the right time*" in accordance with paragraph 2 of PPS10. This approach is also consistent with the underlying principles of the emerging South East Regional Waste Strategy / RSS for the South East.
19. The principles of 'location' for green waste composing proposals are set down in the Adopted Kent Waste Local Plan which considers rural locations to be the most appropriate for the windrowing method of composting. However, given the proposed site is within the Green Belt and AONB it will need to be demonstrated that special circumstances exist sufficient to override the normal policy presumption against such development being located in these areas.
20. Members will recall the previous application determined under reference TW/95/3222 was refused on the following grounds:



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- (1) The proposal represents inappropriate development in the Green Belt and Area of Outstanding Natural Beauty and the applicant has failed to demonstrate the special circumstances necessary to override presumption against permitting the proposal. I therefore consider the proposal to be contrary to Policies ENV1, ENV3 and MGB3 of the Adopted Kent Structure Plan, Policies WM2, E1 and E4 of the Kent and Medway Structure Plan (Deposit Draft) and Policies W2 and W4 of the Kent Waste Local Plan.
- (2) The proposal lacks in sufficient detail to enable a proposed assessment to be made of the potential impacts from the development to be properly enforced should planning permission be granted. The proposal is therefore contrary to Policy W33 of the Kent Waste Local Plan.
- (3) The proposal lacks sufficient information to ensure that the spreading of the end product on agricultural land would not exceed the Nitrate Vulnerable Zone.
- (4) No details assessing the potential impact of the passing bays has been provided both in terms of impact upon landscape itself and of nature conservation interest in the adjacent hedgerows. The proposal therefore is contrary to policies W2, W4 and W21 of the Kent Waste Local Plan, policy ENV2 of the Kent Structure Plan and Policy E3 of the Kent and Medway Structure Plan (Deposit Draft).

21. To be considered favourably it is therefore incumbent on the applicant to address all these previous reasons for refusal in his current application. I therefore take each ground for refusal in turn:

*Refusal Ground (i)*

22. Whilst the site is located within a rural location, which in principle is supported in the Waste Local Plan as suitable in principle for green waste open windrowing, this site is located within the Metropolitan Green Belt (MGB) and High Weald Area of Outstanding Natural Beauty (AONB). The limited details submitted under the previous application failed to demonstrate the special circumstances necessary to override a presumption against permitting the proposal in the Green Belt and AONB.

23. The applicant was therefore advised prior to submission of this second application to provide an alternative site assessment having regard to other potential locations not subject to such policy designations and taking into account the proximity of these to the source of the waste material to enable him to demonstrate the special circumstances necessary to overcome this reason for refusal. It should be noted that the Borough Council in objecting to the proposal have also raised this issue. In my opinion given no built development is proposed an assessment of whether this small-scale proposal constitutes inappropriate

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development in this sensitive location would also be dependant on whether grounds (ii) to (iv) for refusal listed above, have been satisfactorily addressed.

*Refusal Ground (ii) and (iv)*

24. Policy W10 c) of the Kent Waste Local Plan requires consideration be given to whether proposals have ready access to the main road network. The applicant states that vehicles visiting the site would use the existing private High Woods Lane which is currently maintained by the applicant and would generate a maximum of 4 daily vehicle movements (2 in/2 out) as a result of this proposal. Notwithstanding the comments of the Borough Council, who have recommended a Traffic Impact Assessment be submitted in support of the proposal, both the Divisional Transport Manager and Public Rights of Way officer are of the opinion that in terms of pure numbers the vehicle movements proposed are negligible when compared to the amount of traffic which will continue to use this route as part of the current agricultural activities, particularly during certain times of the year. However, the previous proposal left doubts as to whether the applicant was proposing additional passing places or whether they already existed along High Woods Lane. Given the uncertainty at the time, the landscape and biodiversity officers had concerns that should some form of hedgerow removal be necessary to facilitate additional passing places, the applicant would need to provide further supporting information by way of a landscape impact assessment and biodiversity assessment with the application. The applicant has now clarified that no hedgerow removal is required, and that some 13 natural passing places already exist along the Lane. In recognition of this, Jacobs, our landscape advisors, raise no objection to the proposal. In addition, both the Divisional Transport Manager and the Public Rights of Way Officer raise no objection subject to a planning condition restricting an upper limit of vehicles visiting the site. In my view it would be difficult to justify a traffic assessment based on the limited vehicle movements proposed, however, I have reservations as to the ability of the applicant to secure the passing places. In the absence of the control of the passing place there is likely to be a detrimental impact on highway and pedestrian safety along High Woods Lane.

*Securing the maintenance of the proposed passing places*

25. As already stated above, High Woods Lane runs alongside a Public Right of Way and Bridleway. Whilst the application proposes a maximum number of 4 vehicle movements a day, the PROW officer has indicated he has no objection to the proposal provided a restriction be placed on vehicle movements to and from the site and on the proviso that the Highway Authority is satisfied that the proposed passing places are of sufficient size for safe passing of vehicles and pedestrians. The Divisional Transportation Officer has raised no objection in principle to the proposal given, in his view, the minimal numbers of vehicle movements proposed and that as the lane does not form part of the adopted highway, there would be no impact on the public highway itself. However he recognises that passing places are few and far between and that there is likelihood of conflicting vehicles where there would be no space to pass or where there is poor visibility along the lane. Thus he suggests that any reversing vehicles could have possible consequences for the safety of users of the PROW. On the basis of this advice, in my opinion should the proposal be granted planning

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permission as a minimum requirement the maintenance of all the current passing places along the lane should be secured to maintain highway and pedestrian safety for the duration of operations. In order to secure this by condition, the applicant would have to be sole owner of the access and the passing places included in the application. However it has come to light that notwithstanding the submission of an ownership certificate A, which indicates sole ownership, the applicant is not able to demonstrate that he has the necessary ownership or control over the passing places. In his letter dated 22 September 2006, the applicants states that “*some of the passing places are gateways and access points to other properties e.g. the bowls club*). *As such they are (in the applicants view) suitable passing places but not under my control beyond the confines of the lane.*”

26. The applicant was advised that in order to progress his application, and given some of those passing places indicated in the application are privately owned access points and cannot be maintained by him, the Waste Planning Authority would require a guarantee that the passing places could be maintained to ensure highway and pedestrian safety in the event of any future grant of planning permission. Failure to have such control would make any planning condition unenforceable. Thus far the applicant has failed to do so therefore I cannot guarantee the safety of users of the PROW. In my view therefore it does not fully address ground (ii) of the previous reasons for refusal and in addition also, the proposal clearly conflicts with Policy QL17c) of the Structure Plan and Policies W22 and W27 of the Kent Waste Local Plan.

*Refusal Ground (iii) - Nitrate Vulnerable Zone*

27. The Environment Agency (EA) raised an objection to the previous planning application in the absence of any evidence to ensure that the spreading activity would not exceed the Nitrate Vulnerable Zone (NVZ) and Soil Association limits. The applicant has submitted the required risk assessment and NVZ Compliance Assessment in support of the proposal to address these concerns. The EA have been formally consulted and they have raised no objection. I am therefore satisfied that ground (iii) has been satisfactorily addressed.

*Other Matters*

28. Policy W10 b) of the Kent Waste Local Plan requires that consideration be given to whether proposals seek to minimise impacts on residential amenity in terms of noise, dust, smell or visual impact. This site is located approximately 160 metres from the nearest residential properties. The EA as regulators of any Waste Management License have been consulted on the potential health impact. The applicant has included in his submission a site specific risk assessment as required by the EA I can confirm that the Agency are satisfied with the contents and raise no objection to the proposal.
29. In terms of noise, dust and odour, no objections have been raised by consultees provided the necessary mitigation measures can be put in place. I agree that on the basis of the

**TW/06/1646 – Change of Use from Agricultural Use to New Green Waste Open Windrow Composting Facility at Little Bayhall Farm, High Woods Lane, Tunbridge Wells**

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information submitted, noise, dust and odour be controlled by way of appropriate planning conditions should Members be minded to grant planning permission.

**Conclusion**

30. Despite the efforts of the applicant to address the reasons for refusing the previous application, I consider that whilst he forms his own conclusions that this proposal represents the best location for such a facility, he does not provide with the application any evidence to support this view by way of an alternative sites assessment. In addition, the applicant has not been able to provide evidence that he has control over the access and passing places necessary for them to be maintained for the duration of operations and as such I am not satisfied that there would be no vehicular/pedestrian conflict. I am therefore of the opinion that the proposal does not meet the objectives of policy QL17c) of the Structure Plan and Policies W22 and W27 of the KWLP. Finally, notwithstanding that the current proposal does not require the erection of any built development, which would clearly compromise development plan policy for a site located in the Green Belt, in my view the applicant has failed to demonstrate the special circumstances necessary to override the strong policy presumption against permitting the proposal in the Green Belt and AONB.
31. With the exception of ground (3) and in part, ground (2), I am not satisfied that the Applicant has addressed all other grounds for refusing the previous application.
32. I therefore recommend accordingly.

**Recommendation**

33. I RECOMMEND that PERMISSION BE REFUSED, on the following grounds:
- (1) The proposal represents inappropriate development in the Green Belt and Area of Outstanding Natural Beauty and the applicant has failed to demonstrate the special circumstances necessary to override presumption against permitting the proposal. I therefore consider the proposal to be contrary to Policies WM2, E1 and E4 of the Adopted Kent and Medway Structure Plan 2006, and Policies W2 and W4 of the Kent Waste Local Plan.
  - (2) The applicant has failed to demonstrate he has control over the passing places required to be maintained for the duration of operations applied for to ensure vehicular and pedestrian safety along High Woods Lane. The proposal is therefore contrary to of policy QL17c) of the Kent and Medway Structure Plan and Policies W22, W27 and W33of the Kent Waste Local Plan.

**Item C2**

**TW/06/1646 – Change of Use from Agricultural Use to New Green Waste  
Open Windrow Composting Facility at Little Bayhall Farm, High Woods  
Lane, Tunbridge Wells**

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Case Officer: Angela Watts
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Background Documents: See Section Heading
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**Item C3**

**Variation of condition (8) of permission SE/87/1468 to extend operating hours for bagging plant for the period of 1800 to 2400 Monday to Friday, between 1 April and 30 September at Sevenoaks Quarry, Sevenoaks – SE/06/2415**

A report by Head of Planning Applications Unit to Planning Applications Committee on 12 December 2006.

Application by Tarmac Limited to extend operating hours for bagging plant by varying condition (8) of planning permission SE/87/1468 for the period between 1800 to 2400 hours, Monday to Friday, during the months from 1 April to 30 September at Sevenoaks Quarry, Bat & Ball Road, Sevenoaks.

Recommendation: Permission be part granted and part refused.

Local Member(s): Mr N Chard

Classification: Unrestricted

**Site description and background**

1. Sevenoaks Quarry is a long established mineral working located within the metropolitan Green Belt. The sand quarry covers an extensive area which is being worked in a west to east direction towards Seal. An area previously worked for clay is currently being restored by landfilling to original levels. The majority of the sand quarry is worked to below the water table and is being restored at a lower level. The bagging plant, the subject of this application, is located within an area containing various processing plant and is approximately 40 metres from the closest housing to the north west on Watercress Drive.
2. Sevenoaks Quarry produces sand for building and concreting purposes. The processing plant at the quarry includes a bagging plant in which sands of various blends and mixes are bagged for sale as pre-packed items. This process takes place in a closed building with the bagged product being stored in the adjacent open stockyard.
3. The bagging plant was originally approved in 1987. In 1993, following noise assessment as to potential impact, temporary permission was granted to extend plant operation from 1800 to 2400 hours, Monday to Friday, during the period of April to September. A request to include Saturday in the extended hours was refused on amenity grounds. Since 1993 the extended hours permission has been renewed by a series of temporary permissions every 3 years, the last of which expired on 30 September 2006.

**The Proposal**

4. This application is to allow the same extended hours between the months of April and September (inclusive) on a permanent basis for the remaining life of the permitted sand reserves.
5. The applicant has advised that the bagging building is currently being altered using permitted development rights and that the building will have new front and back walls comprising doubled skinned insulated steel.

## **Item C3**

**Application to extend operating hours for bagging plant by varying condition (8) of permission SE/87/1468 at Sevenoaks Quarry, Sevenoaks SE/06/2415**

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**Item C3**

**Application to extend operating hours for bagging plant by varying condition (8) of permission SE/87/1468 at Sevenoaks Quarry, Sevenoaks SE/06/2415**

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**Application to extend operating hours for bagging plant by varying condition (8) of permission SE/87/1468 at Sevenoaks Quarry, Sevenoaks SE/06/2415**

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**Planning Policy**

6. The adopted and emerging Development Plan Policies summarised below are relevant to the consideration of the renewal of planning permission:

**The Kent & Medway Structure Plan (2006):**

Policy SP1 – This seeks to conserve and enhancing Kent’s environment and ensure a sustainable pattern of development.

Policy SS2 – Within the Green Belt there is a general presumption against inappropriate development.

Policy TP15 – Development that generates significant increases in traffic, especially HGVs will not be permitted if it is not well related to primary and secondary road networks.

Policy MN3 – Proposals for minerals extraction and or/associated plant and buildings will be permitted only where they do not have an unacceptable adverse impact on agricultural, landscape, conservation or environmental interests of acknowledged importance, or on residential and business communities.

**Kent Minerals Local Plan Construction Aggregates (1993):**

Policy CA18 – Proposals are considered against potential impacts of noise, vibration and dust.

**Sevenoaks District Local Plan (2000):**

Policy GB2 – Within the Green Belt there is a general presumption against inappropriate development.

**Kent Waste Development Framework Primary Mineral Development Control Policies Development Plan Document (Submission Document, November 2006):**

(Draft) Policy MDC20 – sets out appropriate noise limits for mineral development during different times of the day, evening and night.

**Consultations**

7. **Sevenoaks District Council:** No objection.
8. **Sevenoaks Town Council:** Object to the proposal as there are strong local objections to the proposal, which is situated within metres of the end of Farm Road and Watercress Drive. Operations on site cause noise nuisance and loss of amenity through disturbance in Watercress Drive and Farm Road.
9. **Divisional Transport Manager:** No objection.
10. **KCC Noise / Dust Consultant (Jacobs):** No objection subject to imposition of an appropriate noise condition.

**Application to extend operating hours for bagging plant by varying condition (8) of permission SE/87/1468 at Sevenoaks Quarry, Sevenoaks SE/06/2415**

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**Local Member**

11. The local County Council Member, Nick Chard was notified of the application on the 29 September 2006.

**Publicity**

12. The application was publicised by the posting of 2 site notices, advertisement in the local newspaper and individual notification of 40 neighbouring properties.

**Representations**

13. Two letters of representation have been received to date. The main reasons for objection are as follows:
  - Traffic coming from the Sevenoaks Quarry will cause worse tailbacks at the Bat and Ball traffic junction.
  - Currently noise and pollution from this industrial area and the proposal would be a gross intrusion on the well being of local residents.
  - The impact of early alarms coming from the site at present, along with noise generated on site and by vehicles entering and leaving the site.
  - Reversing alarms from 0600 to 1800, noise from empty tippers, squeaks and squeals from the conveyer systems and noise from other mechanical devices.
  - Neighbours cannot enjoy their gardens in the summer months.

**Discussion**

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the most significant adopted and emerging development plan policies are set out at paragraph 6. In determining this application, Members should consider the issues discussed under the following headings.

**Metropolitan Green Belt**

15. The site is located within the Metropolitan Green Belt and the development would normally constitute unacceptable development. However, the principle of the bagging plant located within an operating quarry has already been established and this application does seek to further develop the site. The application therefore will not adversely affect the openness of the Green Belt any further than current operations do. From this perspective I consider the proposal to be acceptable. The development, however, has the potential to cause an impact upon the amenity of surrounding residents by virtue of noise impact and therefore requires consideration against Policy MN3 of the Structure Plan, Policy CA18 of the adopted Construction Aggregates Plan and draft Policy MDC20 of the submitted Kent Waste Development Framework Primary Mineral Development Control Policies Development Plan Document.

**Application to extend operating hours for bagging plant by varying condition (8) of permission SE/87/1468 at Sevenoaks Quarry, Sevenoaks SE/06/2415**

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**Impact on adjoining residents**

16. The impact of the proposed continuation of extended hours is strongly opposed by the Town Council who refer to the potential loss of amenity to residents in Farm Road and Watercress Drive. In response to the consultation, one resident of Farm Road has also raised objection on noise grounds although it would appear that some of the noise referred to may originate from other activities within the quarry. Several residents from Watercress Drive have also raised noise concerns via the local newspaper.
17. It is clear that the local community has concerns relating to the potential impact of noise during the extended hours. The operators, however, claim not to have received complaints since the extended hours were first approved in 1993 and I have no records of complaints being received by my Group. It should also be noted that the Borough Council, which often comments on such issues, has raised no objection. Similarly, the County Council's noise consultant (Jacobs) has not objected subject to the imposition of an appropriate noise condition.
18. In considering the previous proposals for working the bagging plant after 1800 hours, the advice of the County Council's noise consultant was that a limit of 50dB (LAeq) (1 hour) free field at relevant noise sensitive properties was appropriate on the basis that this was 10dB above the measured background noise level of 40dB in the area during the evening period. As a result, this 50dB limit was imposed by condition on previous permissions. At that time, the relevant minerals policies (e.g. Policy CA18 of the Construction Aggregates Plan) contained no specific noise limits.
19. Since the previous application for extended hours, the County Council has published the first parts of its new Minerals Development Framework (MDF). When formally adopted, these will replace the old Minerals Local Plans. Draft Policy MDC20 of the MDF Primary Mineral Development Control Policies Development Plan Document states that the Mineral Planning Authority (MPA) will require noise associated with mineral development to comply with the following limits outside normal working hours (i.e. outside 0700 to 1800 hours):-
  - evening working (i.e. between 1800 and 2200 hours) not to exceed the background noise level by more than 10dB;
  - night time working (i.e. between 2200 and 0700 hours) not to exceed 42dB L<sub>Aeq</sub> 1hour (free field).
20. Although not yet adopted as part of the development plan, draft Policy MDC20 is an important material consideration in this case, particularly as the limits are consistent with Government advice in Annex 2 (paragraph 2.19) of Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. It is clear that a limit of 50dB L<sub>Aeq</sub> 1hour (free field) would no longer be appropriate after 2200 hours and that a lower limit of 42dB L<sub>Aeq</sub> 1hour (free field) should be applied if mineral development were to be allowed after this time.
21. Notwithstanding the fact that the applicant has recently carried out works to the building which should reduce the potential for noise leakage from it, in the absence of further detailed noise assessment there can be no guarantee that if a limit of 42dB

**Application to extend operating hours for bagging plant by varying condition (8) of permission SE/87/1468 at Sevenoaks Quarry, Sevenoaks SE/06/2415**

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were imposed after 2200 hours that this would be complied with. In this context it should also be noted that some operations take place outside the building.

22. As a result of the recent policy change, I consider that if the bagging plant is permitted to operate after 1800 hours it would only be appropriate to allow this up to 2200 hours with a limit of 50dB  $L_{Aeq}$  1hour (free field) unless the applicant can demonstrate that the 42dB  $L_{Aeq}$  1hour (free field) limit can be achieved during the period 2200 to 2400 hours. At this time, this has not been done.

**Other issues**

23. I have received one objection from a resident of Otford Road which raises issues relating to import of traffic from the quarry. As the proposal does not alter traffic movements from those currently permitted I do not consider this to be a material issue.

**Conclusion**

24. Provision already exists for mineral working at this site and the bagging plant has operated during extended hours for over 15 years through various temporary planning permissions, renewed every 3 years. Whilst it is clear that there are concerns from the Town Council and local residents concerning noise impact, given the imposition of appropriate conditions to control noise levels I would conclude that permission could be granted for extended hours for a period which coincides with the estimated life of the site (i.e. the end of 2018) without adversely affecting residential amenity. However, for the reasons set out in paragraphs 18 to 22 I do not consider that it would be appropriate to allow the bagging plant to operate after 2200 hours until such a time as it can be demonstrated that the new 42dB  $L_{Aeq}$  1hour (free field) limit can be achieved during the period 2200 to 2400 hours. I therefore recommend accordingly.

**Recommendation**

21. I RECOMMEND that:-
- (A) PERMISSION BE GRANTED to extend the operating hours for the bagging plant for the period between 1800 to 2200 hours, Monday to Friday, during the months from April to September (inclusive) SUBJECT TO conditions which (amongst other things) limit the use of the site for these hours up to 31 December 2018 and restrict noise between these hours to no more than 50dB  $L_{Aeq}$  1hour (free field);
  - (B) PERMISSION BE REFUSED for the proposed extended operating hours for the bagging plant between 2200 and 2400 hours on the grounds that the applicant has not demonstrated that the required 42dB  $L_{Aeq}$  1hour (free field) limit can be achieved between these hours; and
  - (C) that the applicant BE INFORMED that should it be able to satisfactorily demonstrate that the new 42dB  $L_{Aeq}$  1hour (free field) limit can be achieved during the period 2200 to 2400 hours, the County Council may favourably view an application to extend the hours during this period on a similar basis subject to the imposition of such a limit.

### **Item C3**

**Application to extend operating hours for bagging plant by varying condition (8) of permission SE/87/1468 at Sevenoaks Quarry, Sevenoaks SE/06/2415**

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Case Officer: Helena Woodcock

Tel. no. 01622 221063

Background Documents: see section heading.

SECTION D  
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents - the deposited documents, views and representations received as referred to in the reports and included in the development proposal dossier for each case and also as might be additionally indicated.

**Item D1**

**Extension and modernisation to 1.0FE Boughton-Under-Blean Methodist School, including parking area and temporary works, including mobile classroom – SW/06/1137**

A report by Head of Planning Applications Unit to Planning Applications Committee on 12 December 2006.

Application by Boughton-under-Blean Methodist School and Kent County Council Children, Families and Education for the extension and modernisation to 1.0FE school at Boughton-Under-Blean Methodist School including parking area and temporary works, including mobile classrooms at Boughton-Under-Blean Methodist Primary School, School Lane, Boughton-under-Blean, Faversham.

Recommendation: Permission be granted subject to conditions.

Local Member(s): A. Bowles

Classification: Unrestricted

**Site**

1. Boughton-Under-Blean Methodist School is located within the Boughton Street Conservation Area, off School Lane. The site of the existing school shares boundaries with farmland to the north and to the east. The rear gardens of the properties along The Street and a few houses lie to the south of the school. To the west, a car park for the Village Hall is accessible from Bulls Lane. A site location plan is attached.

**Proposal**

2. The application has been submitted by Boughton-under-Blean Methodist Primary School and Kent County Council Children, Families & Education and proposes an extension and modernisation to 1 Form of Entry school, including a new parking area and temporary works including mobile classrooms. Vehicular access is proposed to be from School Lane. Car parking is to be extended to provide an additional 21 spaces including disabled spaces. The application is also accompanied by a School Travel Plan.

**Design**

3. An attempt has been made to design a sensitive low-impact building appropriate to its natural setting. External materials have been chosen on the basis of being durable and low maintenance. The building would use large areas of glass with aluminium windows and skylights to provide internal spaces with good levels of daylight and views towards the exterior play areas the external teaching spaces.

SECTION D  
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents - the deposited documents, views and representations received as referred to in the reports and included in the development proposal dossier for each case and also as might be additionally indicated.

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**Item D1**

**Extension and modernisation to 1.0FE Boughton-Under-Blean Methodist School, including parking area and temporary works, including mobile classroom – SW/06/1137**

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A report by Head of Planning Applications Unit to Planning Applications Committee on 12 December 2006.

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Recommendation: Permission be granted subject to conditions.

**Local Member(s): A. Bowles**

**Classification: Unrestricted**

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## **Item D1**

**Extension and modernisation to 1.0FE Boughton-Under-Blean Methodist School, including parking area and temporary works, including mobile classroom – SW/06/1137**

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## **Item D1**

**Extension and modernisation to 1.0FE Boughton-Under-Blean Methodist School, including parking area and temporary works, including mobile classroom – SW/06/1137**

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**Extension and modernisation to 1.0FE Boughton-Under-Blean Methodist School, including parking area and temporary works, including mobile classroom – SW/06/1137**

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**Planning Policy**

4. The Development Plan Policies summarised below are relevant to the consideration of the application:

(i) **The Kent & Medway Structure Plan, 2006:**

**Policy SP1** - Seeks to conserve and enhance Kent's environment and ensuring a sustainable pattern of development.

**Policy QL1** – All development should be well designed and be of high quality.

**Policy QL6** – Seeks to preserve or enhance the special character and Appearance of Conservation Areas.

**Policy QL11** – Existing community services, including schools, will be protected as long as there is a demonstrable need for them.

**Policy TP19** – Development proposals should comply with the respective Vehicle Parking policies and maximum standards adopted by Kent County Council and Medway Council.

(ii) **Swale Borough Local Plan, 2000:**

**Policy G1** – All development will be expected to accord with the policies and proposals of the Plan unless material considerations indicate otherwise, have regard for the character of the locality, avoid unacceptable impact, cause not harm to residential amenity, provide parking facilities.

**Policy E9** – The countryside of the Borough will be protected for its own sake.

**Policy E36** – When considering development within or adjacent to Conservation Areas, the Borough Council will pay special attention to ensure that the character or appearance of the area is preserved and enhanced, high standard of design is achieved and the scale, mass and setting of the development are appropriate.

**Policy E48** – The Borough Council will seek to ensure that all new development is of a high standard of design appropriate to its surroundings and reflecting local distinctiveness.

**Policy E49** – The Borough Council will, in appropriate cases, require the submission of a landscaping proposal in connection with the proposed development.

### **Extension and modernisation to 1.0FE Boughton-Under-Blean Methodist School, including parking area and temporary works, including mobile classroom – SW/06/1137**

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**Policy E50** – The Borough Council will expect development to have regard to security and safety measures within its design and layout.

**Policy IN12** – Proposals for schools, or for significant extensions to existing schools, will be required to provide adequate car parking and dropping off facilities on site.

(iii) **Swale Borough Local Plan, First Deposit 2004:**

**Policy E1** – As G1 above.

**Policy E6** - As E9 above.

**Policy E14** – As E36 above.

**Policy E18** – As E48 above.

**Policy E19** – As E50 above.

**Policy C1** – The Borough Council will grant planning permission for new or improved community services and facilities.

(iv) **Swale Borough Local Plan, Second Deposit 2005:**

**Policy E1** – As above.

**Policy E6** – As above.

**Policy E15** – As E14 above.

**Policy E19** – As E18 above.

**Policy E20** – As E19 above.

**Policy C1** – As above.

### **Consultations**

5. **Swale Borough Council:** raises no objection to the proposed works, subject to the following:

- Standard time limit condition;
- High quality of materials for external surfaces;
- Management of the time of use;
- Restrictions on the use of School Lane by construction vehicles;
- Any other conditions recommended by consultees.

### **Extension and modernisation to 1.0FE Boughton-Under-Blean Methodist School, including parking area and temporary works, including mobile classroom – SW/06/1137**

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“Whilst we raise no objection to the proposal, we would draw your attention to the location of the proposed car park extension. As shown on the current drawings, the car park extends across the entire length of the boundary with a nearby residential property, and we are of the opinion that this may result in detrimental amenity impacts for the occupiers of the dwelling. We therefore suggest that an investigation into the possibility of continuing the line of the existing tarmac parking area, bringing the car park extension gradually further away from the boundary fence and allowing space for appropriate screening”.

**Boughton-under-Blean Parish Council:** welcomes the long overdue improvements to the school and upgrading of the conditions under which the children are taught.

“With regard to the proposed plans, the Council has carefully considered these and Members have queried as to why cedar cladding is being used when it would be more appropriate to have red brick to match the existing building and which would require less maintenance in the future.

“There is also some confusion regarding the design of the roof, which seems to be, at least, partially flat – a feature not to be recommended as this type of construction always leads to future problems.

“Finally, in the light of a recent devastating fire at another Kent school, are there any plans to have an internal sprinkler system installed in the new building?”

**Sport England:** no objection to the temporary road subject to the proviso that the County Council imposes planning conditions to ensure the removal of the road and reinstatement of the playing field afterwards. Sport England would wish to see a condition that requires the complete removal of the temporary road including all gravel and other materials deposited within 1 month of completion and signing off of the project. The playing fields shall be reinstated to the same or better condition than before the road was constructed. Photographic evidence of the current condition of the playing field should be recorded to ensure this.

**English Heritage:** No comments.

**Conservation Officer:** No comments.

**Divisional Transport Manager:** No objection.

**Biodiversity Officer:** Comments as follows:

“The submitted bat report is satisfactory to conclude that currently there are unlikely to be significant impacts upon bats. I would note section 5 of the report that potential exists for bats to use the building, I would recommend that the implementation of the precautionary mitigation in section 5 of the report is used as a condition of any planning permission.

“Likewise the potential to impact on breeding birds is significant and mitigation advice at section 5.5 of the report should also be conditioned with any grant of permission.

**Extension and modernisation to 1.0FE Boughton-Under-Blean Methodist School, including parking area and temporary works, including mobile classroom – SW/06/1137**

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“Whilst the applicant has not provided any evidence of why reptile and great crested newts surveys were not required after having been highlighted in the scoping report. From reviewing the site photographs and our GIS information it seems unlikely that significant potential for impacts exists to either of these receptors”.

**Environment Agency:** No objection subject to the following conditions:

- All surface water drainage from parking areas and hard-standings shall be passed through an oil separator and trapped gullies. Roof water shall not pass through the separator.

**Local Member**

6. The local County Member, Mr A. Bowles was notified of the application on the 19 September 2006.

**Publicity**

7. The application was publicised by an advertisement in a local paper, the posting of a site notice and the individual notification of 18 neighbouring properties.

**Representations**

8. 1 letter of representation has been received to date. The main areas of concern and objection are as follows:
  - What is the need for additional parking spaces?
  - The car parking area appears to extend along the whole length of the fence against a neighbour's Golden Cypress hedge, preventing it from receiving any rain, damaging the roots and killing the hedge (it must be at least 2m from the hedge to avoid killing it).
  - School Lane is to be the main access but is only approx. 13ft wide with high brick walls on each side, with no footpaths. Unaccompanied children and elderly people use the lane, building lorries should not be allowed to use it.
  - Lorries will churn up the road surface and damage the foundations requiring extensive repairs.
  - What is the point in introducing bats on to the site? Encouraging bats on to the site will lead to health risks. Who will clear up the droppings caused by bats?
  - Bats only come out at night when the children are not there to see them.
  - Bats are offensive to neighbours who do not like them entering their roofs.
  - The building of a newt pond seems impractical and expensive and will need to be properly fenced for safety, concreted, located well away from the hedge otherwise newts could be adversely affected by the shedding of twigs and leaves.
  - The newt pond will need cleaning regularly so that it does not have an offensive smell and cause a health hazard. Who will pay for this?
  - Children in this rural and attractive area have plenty of opportunity to study wildlife without the expense of introducing bats and newts.

**Discussion**

### **Extension and modernisation to 1.0FE Boughton-Under-Blean Methodist School, including parking area and temporary works, including mobile classroom – SW/06/1137**

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9. This application must be determined with regard to the relevant Development Plan Policies and in the light of other material planning considerations, including relevant planning objections raised by consultees, set against the need for the proposed development.

#### **Policy**

10. The key policies for consideration regarding the proposed development are SP1 (environment), QL6 (Conservation Areas), and QL11 (Community). I consider that the principle of the development accords with Policy SP1 and the detailed layout and design is such that the overall impact on the wider landscape and environment is minimised and generally acceptable.
11. Overall I consider that the proposed development is in general in accordance with the relevant Development Plan Policies and I see no overriding objection on planning policy grounds. In particular the proposed development would be erected adjacent to the existing school, and would not encroach onto playing field or open land. However, there are detailed design and layout, ecological and parking issues, which need to be addressed further.

#### **Design**

12. Due to the restrictive nature of the site and level of accommodation required by the School, I consider a mix of new build and refurbishment to be an appropriate design approach.
13. Boughton-under-Blean Parish Council raises concern regarding the choice of Cedar Cladding to be used instead of red brick, which would match the existing building. The applicant provides two reasons for this choice: *Best Practice & Best Value and Architectural Merit*. In terms of Best Practice and Best value, the applicant states that unless reconstituted Victorian red brick was employed for the new build it would be impossible to closely marry to the existing. Using reconstituted Victorian brick would have implications in that it would require sourcing brick from a similar building that has been demolished with a mind for reuse, which is uncommon. Reclaimed brick also requires manual cleaning prior to re-use which has significant associated time, cost and wastage factors which would dramatically hinder the ability to deliver the new school on time and on budget. The sourcing of non-reconstituted brick that marries with the existing is also difficult and requires greater transportation. Cedar cladding is considered a more practical option and has a low ecological impact rating. I support these arguments.
14. With regard to architectural merit, in circumstances where it is difficult to marry with an existing structure it is argued by the architects that aesthetically successful extensions do not try to mimic architecture of a differing genre but instead provide a solution that contrasts whilst complementing the existing. This can be facilitated by a sympathetic linking structure. The applicant does not consider the proposed new build would lend itself to an application of brick construction. The proposed extension is of a modern contemporary nature and as such the chosen materials should reflect this in order to maintain the building's integrity.

### **Extension and modernisation to 1.0FE Boughton-Under-Blean Methodist School, including parking area and temporary works, including mobile classroom – SW/06/1137**

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15. I do not consider the use of red brick, in order to try and match with the existing school building, to be practicable or aesthetically appropriate in this instance, particularly considering the school's location within a Conservation Area. I consider the proposed contrasting extension to be an acceptable solution to the School's development needs. The contrasting nature of the proposed extension would also complement the existing building in terms of its architectural merits and the existing Victorian features should become more prominent than if they were crudely copied by the new build.
16. The reasoning for not employing a traditional pitch roof is similar to that for the use of cedar cladding rather than red brick. The architectural language of the building does not lend itself to a pitched roof construction and the architect has stated that the employment of a flat roofing system is a cleaner and more elegant solution that would have a significantly smaller aesthetic impact from the road side and on its surrounding landscape and environment. Under the circumstances pertaining to this particular site and development, I would agree with this view.
17. The applicant has stated that a number of problems would be experienced should a pitched roof be adopted. If a pitched roof was employed it would be preferable to span the entire extent of the width of the building. In order to keep the ridge height at an acceptable level a 15° pitch would need to be employed. The vast majority of tiles on the market require a minimum of 22.5° pitch, with a few requiring a minimum of 17° pitch. Therefore in order for the tiles to function effectively against elements of wind, rain and snow an under tray system would be required to hold the tiles in place which has significant cost implications for that particular element. Even with a 15° pitch, the height of the building would be increased by 1m along the entire extents of the façade, resulting in a 6m-ridge height of which half the main elevation would become roof. I do not consider this to be an acceptable solution as the proportion of roof to façade would be disproportionately balanced.
18. The applicant has advised that within the original competition brief the installation of an internal sprinkler system was requested as an additional feature. When the project is submitted to competitive contractors for tender they will be requested to quote for an internal sprinkler system as an 'over & above' element. The normal resulting scenario is that if the returned tender prices fall below budget the inclusion of the 'over & above elements' are then considered for inclusion. My own view is that the precise method of fire protection is a matter best resolved through the Building Regulations and Insurance provider, and it is not a matter for the Planning Authority to concern itself with.
19. Overall, I consider that the design approach is of a satisfactory standard for this particular site. The proposed extension complements the existing building and I consider that it is appropriate to its location (attached to the existing school building). Under the circumstances, I consider that the new building would enhance the visual appearance of the site.

#### **Parking & Access**

20. Boughton-under-Blean Primary School suffers from a lack of on site car parking. Limited parking facilities create an overflow that encroaches on the school's entry and compromises the safe entry for students and visitors. It is proposed within this application to introduce additional car parking by extending the existing car park along the southern boundary of the school site.



**Extension and modernisation to 1.0FE Boughton-Under-Blean Methodist School, including parking area and temporary works, including mobile classroom – SW/06/1137**

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21. Concerns have been raised by Swale Borough Council regarding the proximity of this extension to an adjacent residential property. I consider that by redesigning the parking in such a manner that it effectively extends the current line of the existing tarmac area would result in an unacceptable loss of soft open play area. The applicant has stated that at the eastern extent of the extension they had aspired to provide a bunded play area around the existing slide. Details of this could be requested through a landscaping condition. There is also a significant amount of soil that would be required to be moved in order to accommodate a reasonably level playing area. It is currently proposed that the soil could be placed around the existing slide area to form landscaped bunds that define a visual boundary around this particular play space. This would not be possible if the existing line of the current car park was simply extended. However, the applicant has proposed that a compromise could be reached to resolve this issue that could provide a 1200mm buffer zone to the boundary of the affected neighbouring property resulting in a smaller proportion of the existing slide play area being lost.
22. I acknowledge neighbour's concerns regarding associated pollutants with the car park, and the applicant has confirmed that if it is deemed necessary it is quite feasible that additional landscaping can be included within this area and specified in such a manner that the flora assimilates light and heavy toxins/pollutants exhausted from cars and thereby help mitigate the effects of pollutants. Self-clinging climbers are particularly effective in this manner and a surprisingly high level of success can be achieved in this way. I consider that this can be dealt with through a suitably worded planning condition, requesting the prior submission of a detailed landscaping scheme to include details relating to flora and fauna to mitigate pollution impacts.
23. With regards to the concerns raised about an existing 2 metre high golden cypress hedge and the possibility of damage occurring to it, the applicant has confirmed that the development would be carried out in such a manner as to avoid damage to hedges, including their root system, and a suitable condition placed on the planning permission would help to ensure that this is the case. Overall, it is not expected that the existing hedging would be threatened by the proposed proximity of the car park.
24. The car park extension would, in my view, reduce the problem of visitors parking in and around the entrance of the school. Appropriate landscaping and tree/hedge protection measures would help reduce any visual or pollutant impacts that the proposed car park would have.
25. Due to the concerns raised by neighbours of the school with regard to School Lane being used as a main site access, the applicant is proposing a site access via Bulls Lane with a temporary service road being laid through the school playing field, which would later be removed and remedial works would ensure that it is reinstated to its original condition. Neighbours should not be significantly affected by the construction access under the circumstances.
26. Concern has been raised by neighbours of the school regarding access arrangements for the school and contractors involved in the new build. In particular, concerns have been raised regarding the amount of playing field space taken up by the temporary construction access and road. I agree that the temporary access road does take a large sweep through the playing field and the applicant has confirmed that it is being proposed for a number of reasons. In particular, School Lane is particularly narrow and poses a

### **Extension and modernisation to 1.0FE Boughton-Under-Blean Methodist School, including parking area and temporary works, including mobile classroom – SW/06/1137**

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number of health and safety issues if used as a site access to pedestrians, especially parents with school children. It is the opinion of the School and myself that using School Lane as site access would cause undue disruption to the local community. It was also considered by the planning supervisor that School Lane was unsuitable for HGV's, cranes, plant and any other heavy or sizeable equipment.

27. With regard to the specification for the temporary site road, the applicant proposes to strip the topsoil down and fill with granular material and provide a geotextile to cover compacted gravel/granular materials. This road would be in place for the full duration of the construction period and all remedial works would ensure that the field would be reinstated as before. This can also be attached as a condition to the decision notice should Members be minded to permit.
28. I do not consider there to be a detrimental impact to playing field and sporting/play areas as a result of the construction access road given that it is temporary in nature and playing fields and open space would only be affected for a limited period of time. A condition can be placed on the decision notice requesting the playing fields be reinstated as originally found prior to the construction access being instated on the land.

#### **Ecology**

29. The application also seeks to provide facilities on site to encourage wildlife, such as bats and great crested newts on to the school site by providing bat boxes and additional ponds. This has raised concerns with a neighbour of the school in terms of the impacts this would have on residents and the area.
30. Bats are a European protected species and are protected due to declining populations as a result of a number of factors, particularly habitat loss. Legislation protects the bats themselves as well as any place they use for shelter, whether they are present or not. The school building was identified as having the potential to support bats. Albeit no bats were recorded emerging from the building on the day of survey, bats were recorded in the local area and bats may move roost relatively frequently. There is, therefore, the potential that bats may roost in the building in the future, prior to works commencing on the extension. If a roost is identified, it will be necessary to obtain a licence to undertake works and a replacement roost must be provided if the original roost is to be lost. This replacement roost must either be in the form of bat boxes or through building in roosting sites into the structure, through lifted tiles or gaps under the eaves. It is also best practice to enhance development sites for biodiversity and this may include erecting bat boxes or building in habitat for bats into structures.
31. An adjoining resident raises concerns relating to bat hygiene and need to clean out droppings. The ecologist employed by the School advises that many people may have bats between tiles and roofing felt in their loft and are never aware of their presence. If bat hygiene does become a concern it would ultimately be a management issue incurred and absorbed by the School and would be undertaken in accordance with current health & safety standards. I do not consider this to be a reason in itself to warrant refusing planning permission.
32. Similar concerns have been raised in respect of the maintenance associated with providing newt habitat. As there is already an existing pond, no more additional maintenance should be required than is already in place. It is of the opinion of the school that the pond does not require fencing as the children would always be under

### **Extension and modernisation to 1.0FE Boughton-Under-Blean Methodist School, including parking area and temporary works, including mobile classroom – SW/06/1137**

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appropriate supervision and they also consider that this is an opportunity to teach the children about responsible behaviour and safety around bodies of water.

33. Overall, I consider that any proposals incorporating facilities to encourage the introduction of biodiversity and ecology as part of a development scheme should be welcomed. It is not so much for the benefit of learning (especially with regards the nocturnal bats) but to encourage and maintain a protected species by providing safe habitats for them. The Biodiversity Officer does not consider that a detrimental impact would be have on wildlife habitats and encourages the mitigation measures proposed.

#### **Landscaping**

34. Although no objections have been received in terms of landscaping and tree removal, a number of small trees and a couple of semi-mature trees are proposed to be removed as part of the application, these are located, in the main, within the area proposed for the car park extension. There are no plans to remove the hedging and climbing plants along the southern boundary adjacent to the proposed extended car parking area. A full landscaping scheme incorporating the retention of trees, any new trees to be planted, bunding and shrubs can be requested via condition on the planning permission. I consider that this would help to compensate for the loss of those trees proposed for removal.

#### **Temporary Facilities**

35. During construction, pupils would be required to be taught in temporary mobile classrooms until the permanent classrooms are ready to be occupied. This would include the relocation of an existing mobile classroom, and a proposed new temporary mobile classroom. I have no objection to these temporary facilities being provided, however, a planning condition should be placed on any grant of planning permission requiring the removal of these facilities on the completion of the development and the reinstatement of the areas back to their former condition.

#### **Conclusion**

36. Overall the application has to be considered in relation to the location of the proposed development set against the impact of the proposal in the context of the Development Plan. I consider the design of the development to be acceptable in planning terms and that the development would represent an opportunity to improve and enhance the school site overall in line with development plan policies. Whilst concerns have been raised mainly relating to access and parking at the site and the proposed methods of encouraging bats and newts onto the site, these matters can be addressed through suitably worded conditions. I therefore recommend accordingly.

#### **Recommendation**

37. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO conditions including: -  
the standard time condition;  
- Submission of details of all external materials;

## Item D1

### **Extension and modernisation to 1.0FE Boughton-Under-Blean Methodist School, including parking area and temporary works, including mobile classroom – SW/06/1137**

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- Submission of a detailed landscaping scheme to include details of trees to be removed and replaced, shrubbery to minimise pollution impacts, fencing details and bunding details;
- Temporary consent for mobile classrooms;
- The temporary access road to be removed upon completion of the development and the land reinstated to its former state;
- A minimum 1200mm landscape buffer zone to the southern boundary shall be created between the extended car park and neighbouring property.
- Details of any external lighting shall be submitted for prior approval.

Case officer – Helena Woodcock	01622 221063
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Background documents - See section heading
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**Item D2****40 Extra Care apartments for the elderly with associated communal facilities, car parking and landscaping at King Edward Court, Herne Bay – CA/06/1392**

A report by Head of Planning Applications Unit to Planning Applications Committee on 12 December 2006.

Application by Kent County Council Adult Services and Housing 21 for the demolition of existing buildings and erection of a detached three storey block of 40 extra care apartments for the elderly with associated communal facilities together with car parking and landscaping at King Edward Court, King Edward Avenue, Herne Bay.

Recommendation: Permission be granted subject to conditions.

Local Member(s): J. Law and D. Hirst

Classification: Unrestricted

**Site**

1. The application site is located off King Edward Avenue in Herne Bay. The site currently consists of a mixture of one and two storey buildings, which provide County Council accommodation for the elderly. Residential properties surround the site and a hospital is located on the northern side of King Edward Avenue. A Public Right of Way runs to the south of the site along Grange Road (see attached plans).

**Background**

2. The application is one of a number of applications, which have been submitted on behalf of Kent County Council Adult Services and Housing 21. The proposals form part of a Private Finance Initiative (PFI) to redevelop a number of sites in Kent with new extra care accommodation for the elderly and supported flats for people with learning disabilities.
3. Outline Planning permission was granted (ref: CA/05/1124) by the Planning Application Committee on 8 November 2005 for a similar development. That outline planning permission for the site approved the principle of development, with a part 2 and part 3 storey building for use as 40 extra care flats, using a site layout that differs from the current application.
4. Following the submission of a new full planning application, Housing 21 has held an exhibition for local residents regarding the proposed development of the site, which coincided with the submission of the planning application. Responses submitted in response to the exhibition have been conveyed to myself and are incorporated those received in response to the planning application.

**Proposal**

5. Full planning permission is now sought for the demolition of the existing buildings and the erection of a detached 3-storey block of 40 extra care apartments for the elderly with associated communal facilities together with landscaping. A total of 19 car-parking spaces would be provided on site, including 4 spaces for use by disabled persons.

**40 Extra Care apartments for the elderly with associated communal facilities, car parking and landscaping at King Edward Court, Herne Bay – CA/06/1392**

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**Local Member(s): J. Law and D. Hirst**

**Classification: Unrestricted**

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**Item D2**

**40 Extra Care apartments for the elderly with associated communal facilities, car parking and landscaping at King Edward Court, Herne Bay – CA/06/1392**

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**40 Extra Care apartments for the elderly with associated communal facilities, car parking and landscaping at King Edward Court, Herne Bay – CA/06/1392**

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**Item D2**

**40 Extra Care apartments for the elderly with associated communal facilities, car parking and landscaping at King Edward Court, Herne Bay – CA/06/1392**

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**40 Extra Care apartments for the elderly with associated communal facilities, car parking and landscaping at King Edward Court, Herne Bay – CA/06/1392**

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**Layout**

6. The layout of the development on site is constrained by the need to re-use the existing access to King Edward Court and by surrounding residential development. The site runs southward from King Edward Avenue and is broadly triangular in plan. The applicant considered the siting of the proposed building would respect the existing building line and appearance of the essentially residential character of the street.
7. The compact 'L' shaped building form is concentrated to the north of the site releasing much of the southern portion to provide a large south facing garden and separation zone to the existing rear gardens beyond. One of the three existing bungalows on the site (each with three flats) is to be retained along with a significant number of existing mature trees. The principal communal rooms are located in the north/south wing to benefit from direct access to the garden and the long views beyond.
8. The access into the building for residents and tenants is very close to the access into the site and is by its nature clear and direct to encourage the wider community in. The service road continues to a discreet service area, which also allows access to those bungalow units that would remain. Parking would be located away from the building entrance and is broken into bays of a few spaces separated by new landscaping.
9. The development has been designed in crime prevention terms to comply with Secured by Design principles. The applicant has stated that an integrated approach to the development has been taken to ensure that a well designed environment is created with good natural surveillance over the car parking areas, a secure and well maintained access from King Edward Avenue and private amenity space for the residents which is overlooked from each unit within the building and secure from intruders. It is also proposed to introduce low level lighting to the parking court and pedestrian access route.

**Proposed Building**

10. The site is located in a residential area and the design of the new building has been influenced by the need to provide a building which complements adjoining properties whilst providing an appropriate appearance to the street scene. The building has long principal elevations with a strong horizontal emphasis. In order to provide interest and activity in the elevations, the front and rear elevations have been broken into modules with projecting bays in contrasting materials in order to provide a vertical rhythm.
11. The horizontal emphasis would also be delineated by differing materials with the third floor set within a tiled mansard style roof and lower floors marked by fair faced brick. The projecting bay windows are a key feature of the design, which provides residents with a safe and secure area for viewing the gardens to the front and rear of the building. These features have proved to work well in other similar schemes that have been built to this architect's design. The projecting bays are also distinguished by horizontal cedar cladding to provide a softer contrast to the other materials. In order to complement the other materials, windows and doors would be constructed of powder coated metal frames to provide a crisp, understated finish.

**40 Extra Care apartments for the elderly with associated communal facilities, car parking and landscaping at King Edward Court, Herne Bay – CA/06/1392**

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12. The main entrance to the extra care building would be easily identified by its location alongside the drop-off point and the car parking spaces, with shelter provided by a projecting canopy.

**Access**

13. Given the site constraints and the layout of the surrounding development, the existing site access is being re-used. The site is well located in relation to main routes into the town and is easily accessible from the surrounding road network. Full access for refuse and emergency vehicles would be maintained.

**Landscaping**

14. The garden is protected and made private by the configuration of the buildings, the area closest to the communal rooms is framed and given a discreet sense of enclosure by the existing trees on the western border and by the bungalows to the south.
15. A sensory garden is also proposed. Its main component would be new planting. The structure of the planting would be visually stimulating with bright areas and cooler zones and all year round interest. It would include plants that have movement and create sound, such as ornamental grasses. Tactile plants would be located at the front of raised beds. Plants with scented flowers and leaves would be carefully selected and located with both summer and winter in mind. Small and safe water features such as bubble fountains would be designed in association with seating areas.
16. A clipped evergreen hedge laid out with indented cells would define the new site frontage to King Edwards Avenue. Within each cell a tree would be planted with low ground cover below. Altogether 5 trees at even spacing, together with the hedge, would create a formal but distinctive boundary with the avenue. Around the immediate edge of the Care Home block, low to medium height flowering and scented would be planted to enhance the view from the windows.
17. The rear garden has two design elements. First, a sensory garden would be laid out adjoining the proposed paved patio. This would comprise of a circular walk enclosing a curved garden. Within the garden a sitting out space would be created bordered by a semi-circular curved timber pergola with climbing plants. That would link through to a raised bed. Planting in both the ground and raised bed would comprise a range of flowering shrubs, herbs and perennials with an emphasis on scented species that are also suitable for a seaside location.
18. Secondly, a line of ornamental trees would be planted along the western boundary to create interest. Along the south eastern boundary groups of woodland trees and shrubs would provide a wooded backcloth and encourage birds and other wildlife to enrich the experience of living in the new care home.

**Planning Policy**

19. The Development Plan Policies summarised below are relevant to the consideration of the application:

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(i) **The Kent & Medway Structure Plan, 2006:**

**Policy SP1** - Seeks to conserve and enhance Kent's environment and ensuring a sustainable pattern of development.

**Policy QL1** – All development should be well designed and be of high quality.

**Policy QL7** – The archaeological and historic integrity of scheduled ancient monuments and other important archaeological sites, together with their settings, will be protected and, where possible, enhanced.

**Policy QL11** – Existing community services, will be protected as long as there is a demonstrable need for them.

**Policy TP3** – Development sites should be well served by public transport, walking and cycling or will be made so as a result of the development. Requires travel plans to be established for larger developments that generate significant demand for travel. Developments likely to generate a larger number of trips should be located where there is either a good choice of transport already available or where a good choice can be provided in an acceptable manner.

**Policy TP19** – Development proposals must comply with the adopted vehicle parking policies and standards.

**Policy NR5** – The quality of Kent's environment will be conserved and enhanced, this includes visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion.

(ii) **Canterbury District Local Plan, Adopted November 1998:**

**Policy D1** – The City Council will permit development of a high standard of design, which is sympathetic to the appearance and character of the surrounding area and appropriate in scale; and avoids placing undue burden on existing infrastructure.

**Policy D3** – The City Council seeks landscaping to be carried out in appropriate cases.

**Policy D62** – New development will be required to provide parking for vehicles in accordance with Kent Vehicle Parking Standards.

(iii) **Canterbury District Local Plan, Deposit April 2002:**

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**Policy BE1** – The City Council will permit proposals of high quality design.

**Policy BE2** - Sets out criteria that should be given regard to when considering planning applications including landscaping, lighting, the retention and incorporation of public rights of way and the creation of a connected open space and pedestrian/cyclist circulation system.

**Policy NE5** – Requires development to retain existing trees, hedgerows and woodland.

**Policy C8** - Seeks to apply Kent Vehicle Parking Standards to development proposals.

**Policy C10** - Proposals for new buildings or uses for local communities will be encouraged and granted planning permission on the basis that any new building is appropriately designed and located.

**Consultations**

20. **Canterbury City Council:** has no objection to the principle of the application. The redevelopment of this site is acceptable however, the Council is concerned by the scale and mass of the proposed building and its impact in the street scene and on the adjoining residential properties. The provision of second floor accommodation within the roof of any new building may be a means of reducing its scale and impact.

“Kent County Council should be satisfied that sufficient parking is to be provided on the site and should consider a Green Travel Plan for staff. Landscaping screening should be sought to break up views of the building, including hedging and mature trees. Additional screening should be provided along the boundary with 9 King Edward Avenue to reduce the impact of the car parking in this part of the site. Overall, as much landscaping and existing trees should be retained on site and it is recommended that a condition should be imposed to require an archaeological evaluation to be undertaken”

**Divisional Transport Manager:** no objection subject to cycle parking being conditioned. The cycle parking facilities for 5 Bicycles should be shown in a secure communal compound on site.

**Jacobs (Landscaping):** “Overall, the visual impact would be ‘slight adverse’ due to the size of the proposed building and close proximity of visual receptors. In order to reduce this impact, we recommend the retention of existing screening planting to the south of the site. Slight adjustment of the car parking along the eastern boundary to allow for a native hedgerow would also be beneficial in reducing visual impact on the adjacent property, 9 King Edward Avenue. The impact on trees and the landscape is assessed as negligible, providing the suitability of the following information, which we would like to see before making further comment:

- Full landscape plans, including hard and soft detailing (taking into account the above recommendations).
- Tree protection plan in accordance with BS5837:2005 ‘Trees in Relation to

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Construction”.

**Public Rights of Way:** No comments.  
**County Archaeologist:** No comments.

**Local Member**

21. The local County Member(s), Mr J. Law and Mr. D. Hirst were notified of the application on the 13 October 2006. Mr Law has commented as follows:

“As local Kent County Council Member, I have inspected the plans together with the officers on site and support the application in line with desirable Supporting Independence Programme providing modern accommodation and monitoring systems for residents. The project will also provide 23 additional jobs on site to benefit the local economy”.

**Publicity**

22. The application was publicised by advertisement in a local paper, the posting of two site notices and the notification of 31 neighbouring properties.

**Representations**

23. 3 letters of representation have been received. The main concerns and objections are as follows:

- To demolish the existing building would entail the use of heavy equipment and transport. King Edward Avenue is in poor condition and considering the car parking that takes place on both sides due to the hospital and Church, heavy traffic would cause serious problems.
- The noise, dust, etc. from the demolition and construction would be an inconvenience, affecting surrounding properties, most of these are bungalows owned by elderly people.
- Is there not a more suitable site for the proposed development?
- 3-storey building is a bit domineering in an area of predominately two and one storey homes.
- The proposed number of parking spaces does not appear to be sufficient to cope with traffic numbers and cars will be parked outside neighbouring properties.
- Detrimental effect on visual amenity from neighbouring properties.
- Privacy will be taken away from neighbours trying to enjoy their homes.
- The proposed new building is unattractive.
- What is the intention of the west boundary, where at present there is only a basic long link fence garages and a shed? Traffic entering the site will look directly onto the property adjacent to the west boundary, as at present there is only a low fence.

**Discussion**

24. This application needs to be determined with regard to the relevant Development Plan Policies and in the light of other material planning considerations, including relevant

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planning objections raised by the consultees, set against the need for the proposed development.

**Policy**

25. The key policies for consideration regarding the proposed development are SP1 (environment), QL1 (design) and QL11 (community). The principle of the development accords with Policy SP1, although there are design and layout issues that need to be addressed.
26. Overall I consider that the proposed development is in general accordance with the relevant Development Plan Policies and I see no overriding objection on planning policy grounds. In particular the proposed development would be erected over the existing footprint of the existing care home facilities and a significant part of the building is contained in a block, which follows the orientation of properties fronting King Edward Avenue.

**Design and Layout**

27. Canterbury City Council has no objections in principle to the redevelopment of the site, but is concerned by the scale and mass of the proposed building and its impact in the street scene and on the adjoining residential properties. This concern is shared by neighbours of the site. The proposed building generally follows the existing building line, and although it would be a large building (3-storey) it would be similar in scale to the existing building. Unlike the existing building on the site, the proposed care home building would be articulated with bays, commensurate in size with the adjoining houses, projecting forward to reduce its scale. In this regard, I consider that the building would represent an appropriate scale of development in the street scene, which can be softened in appearance through the implementation of appropriate landscaping and other detailed building treatment.
28. To further reduce the bulk of the proposed building, the applicant has looked at the possibility of including accommodation within the roof space, but that would result in the loss of a number of units of accommodation. The proposal is for a high quality extra care building with enhanced communal facilities such as a hairdresser, a small kiosk/shop and restaurant and tea bar, both for residents and visitors. These additional facilities would add to the quality of life for residents but also require a quantum of development to make them viable, both economically and in care terms. The applicant would therefore be concerned that the loss of accommodation would render the scheme unviable and could also have an impact on the Kent PFI as a whole. The architect has explored a mansard roof plan on other proposed sites in Kent and has come to the conclusion that the proposed building at King Edwards Court would be more elegant and less imposing were a mansard not deployed, and this aspect has therefore not been adopted. I do not dissent from that view in this particular case, where there is little precedent for such a style of roofing.
29. In terms of appearance, all external materials proposed for use can be conditioned for submission prior to the commencement of operations on site. I do not consider the design to be out of character for the site and consider that it would complement the existing street scene, which is a mixture of relatively modern materials and detailing of

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no uniform or distinctive design. The proposed building would be an improvement to the run-down buildings existing on site and in my opinion provide a fresh contribution to the character of the area.

**Residential Amenity**

30. With regards to the amenities of neighbouring local residents, the new building's proposed siting has been chosen in order to minimise its impact on the amenities of neighbouring local residents. The front section of the building would be located in line with existing houses either side of the site and would have a limited impact on their amenities in my view. To the east the new building would be located 18 metres from the side elevation of number 9 King Edward Avenue. To the west, the building would be located in line with the existing dwelling and 4 metres from the side elevation of number 11. New planting on the western elevation boundary of the site would also protect the privacy of the garden of number 11.
31. The eastern elevation of the building would, however, have a view of the rear garden of number 9, and in order to mitigate this impact, the applicant has relocated two of the car parking spaces and now showing tree planting along the eastern boundary of the site which in time, would prevent any overlooking. The car parking spaces, which remain on the eastern boundary, are located in a similar location to the existing car parking spaces on site. At the rear of the site the new building would be located over 35 metres from the nearest residential properties in Grange Road. There would be no windows in this part of the southern elevation of the building and therefore I do not consider the amenities of local residents would be affected along the southern boundary. Overall I do not consider that there would be any significant loss of privacy for neighbouring occupiers by virtue of overlooking.
32. Loss of amenity due to the introduction of a building of overbearing proportions should not be confused with the right to an uninterrupted private view, which cannot be considered as a material planning objection sufficient to warrant refusal of the application. The proximity of a dominant building could have the potential to affect neighbouring amenities if it was perceived as overbearing in appearance and presence. However, given the distances proposed and the measures proposed to reduce impact such as landscaping, I do not consider that the building would be overbearing for neighbouring residents and therefore see no overriding objection in terms of residential amenity considerations. Additional planting can be included along open boundaries of the site in order to further maintain privacy and any overlooking issues.
33. The boundaries are likely to be marked with a 1.8 metre high close boarded fence (details of which can be requested under a condition on the planning consent, should Members be minded to permit).

**Parking and Access**

34. The site would be accessed from an existing access off King Edward Avenue and the parking spaces would be provided off the access road. One of these spaces would be an ambulance space. The applicant has submitted an amended plan in order to address the concerns raised by the Divisional Transport Manager and Canterbury City Council. The ambulance parking space has now been provided to the right on entering the site from King Edward Avenue and the parking bays have been re-organised to Kent Vehicle



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Parking standards and also to incorporate landscaping cover on the east boundary next to 9 King Edward Avenue. This has been considered acceptable by the Divisional Transport Officer.

35. There are a number of other issues arising in relation to traffic, access and parking as a result of the proposed development. These are reflected in the letters of representation summarised in paragraph (23) above and include concerns about additional traffic and the state of the roads in the area and the impact on residential amenity.
36. I consider that the number of car parking spaces proposed to be sufficient to serve the needs of the development, without causing unacceptable additional on-street car parking. The Divisional Transport Manager has raised no objections on this issue. It is not expected that parking problems would occur as a direct result of this development. The County Council vehicle parking standards for sheltered housing require 1 space per resident warden and 1 space for 2 units. This would result in the requirement for 21 spaces. However, it should be borne in mind that the residents of extra-care housing are likely to be the very frail/elderly and car ownership levels amongst residents is usually very low. The provision of 19 spaces in total, including 4 spaces for disabled use would therefore be appropriate in this instance.
37. Concern has been raised regarding the ability for King Edward Avenue to cope with the level of construction vehicles associated with the new build. It is not envisaged that there would be significant change to traffic generation at the site and therefore the development should not have a significant effect on the existing road network. Construction traffic and the presence of HGVs would be temporary, and the area would not experience heavy vehicle traffic permanently. A condition to control construction hours can be attached to any planning consent, in order that construction traffic does not compete with peak time traffic.
38. The Divisional Transport Manager has also requested a condition for the inclusion of cycle parking on site, which I would advise could be incorporated in any consent.

**Landscaping**

39. The application site currently benefits from existing planting and landscaping, which forms an important amenity function both within the site and within the wider area. The proposed development would not affect the existing boundary vegetation, and further tree planting is proposed.
40. Canterbury City Council has requested the inclusion of landscape screening at the front of the site to break up views of the building, including hedging and mature trees. The applicant has stated that this can be done, but considers it not to be a feature of the existing building. It is possible that any serious tree planting and screening which breaks forward from the main front elevation would draw attention to the different nature of the building, and therefore the applicant has suggested a small number of high quality specimen trees to break up the frontage and to add interest to the street scene.
41. Jacobs Landscaping has also requested the submission of a detailed landscaping scheme that could be attached to any grant of planning permission. Details would include species and size of trees to be planted, those to be removed, a maintenance plan and specific boundary work on the east and west boundaries of the site. Given that

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the proposal includes the removal of at least 4 existing trees, the applicant has been informed of the need for a Tree Protection Plan, which has been requested prior to determination of this planning application. The Tree Protection Plan has not yet been submitted and I would therefore advise that permission be granted subject to the receipt of a satisfactory Tree Protection Plan.

42. I have no objection to the removal of the trees identified in paragraph (41) or the proposed extra tree planting provided by the applicant. I consider that detailed and thorough landscaping on site would help mitigate and visual amenity and overlooking issues which have been of particular concern for neighbouring residents of the site. I also consider that detailed landscaping would add character and attractiveness to the site and proposed building.

**Archaeology**

43. The application site lies between two concentrations of prehistoric and Roman activity, and whilst the County Archaeologist has not commented on the full application for the proposed care home facility, it was advised under outline planning stage that the site might harbour archaeological remains. It is acknowledged that a sizeable building already occupies the site, but it is considered that there is the potential for significant remains to survive in some parts of the site. It was therefore recommended that a condition is placed on any grant of planning permission requiring that prior to any development taking place on the site that the implementation of a programme of archaeological work is secured in accordance with a written specification and time table. I consider that the suggested condition would be an appropriate means of addressing the potential archaeological issues.

**Public Rights of Way**

44. A Public Right of Way (CH49) is located to the south of the application site linking the two parts of Grange Road (see attached plans). Development Plan Policies see to protect and enhance Public Rights of Way and the interests of its users. I would advise that the main impacts of the development on the Public Right of Way would appear to be from demolition and construction works and from the location of the proposed location of the building and car park.
45. In terms of the location of the building within the site, the proposed building would be at its closest point approximately 22 metres from the boundary of the site. The elevation, which would face the Public Right of Way, would be the end elevation and this would be approximately 18 metres in length. I would consider this elevation to be of sufficient distance not to affect the Public Right of way and given the proposed parking area is two-dimensional, I do not consider this to have a detrimental impact of the footpath. The boundary is also well vegetated and views to the site are minimal.
46. In terms of the effect of the demolition and construction works on the Public Right of Way, these would predominantly be from the potential for the activities to cause noise and dust. In order to minimise the potential for these impacts to occur, conditions should be imposed on any grant of planning permission. The specific conditions that should be imposed are outlined below.

**Demolition and Construction**

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47. It is proposed to demolish the two blocks of 3 bungalows included within, and to the south of, the development site along with the 'C' shaped existing care home building. This has the potential to have an impact particularly on the closest residential properties. In order to minimise the impact of the development on local residents during demolition and construction, especially in terms of noise and dust, a condition should limit the use of any plant, machinery and other equipment which is audible at the application site boundary to 0800 to 1800 Mondays to Fridays and 0900 to 1300 Saturdays. Conditions should also require measures to be taken to minimise dust and to ensure mud and other debris is not deposited on the public highway.

**Conclusion**

48. The application has to be considered in the context of the Development Plan and in relation to the location of the proposed development set against the impact of the proposal and the need for the proposal. Whilst issues have been raised relating to amongst other things the scale of the building and the potential loss of amenity and privacy from the proposed development, I consider that the location of the development on the site is acceptable. Additionally, I consider that with the use of suitable external materials and the provision of landscape screening, the impacts of the building would be minimised to an acceptable level. Furthermore I consider that there should not be an unacceptable detrimental impact from vehicle movements at the site and that the use of conditions should minimise any potential disturbance during demolition and construction. I therefore recommend accordingly.

**Recommendation**

49. I RECOMMEND that SUBJECT TO the submission of an acceptable Tree Protection Plan, PERMISSION BE GRANTED, SUBJECT to conditions including:
- the standard time condition,
  - submission of details of materials,
  - submission of a detailed landscaping scheme, including fencing details,
  - provision of cycle parking,
  - hours of use for construction, including use of machinery and plant,
  - measures to minimise dust disturbance
  - measure to ensure mud is not deposited on the highway
  - programme of archaeological work
  - development to be constructed strictly in accordance with approved plans.

Case officer – Helena Woodcock	01622 221063
Background documents - See section heading	

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**Item D3****Integrated Highways Depot, at land adjacent to the Henwood Industrial Estate, Ashford- AS/06/1422**

A report by Head of Planning Applications Group to Planning Applications Committee on 12 December 2006.

Application submitted by Kent Highway Services for an integrated highways depot comprising offices, garaging, salt barn and storage areas with associated car parking and landscaping at land adjacent to The Henwood Industrial Estate, Ashford. (Ref:AS/06/1422)

Recommendation: Permission be granted subject to conditions.

Local Member(s): Mrs E Tweed

Classification: Unrestricted

**Site**

1. The application site is located about 1.5 km east of Ashford Town Centre, south of the M20 and north of Hythe Road, with the Ashford to Canterbury railway line to the east, and Henwood Road to the west. The site is approximately 2.04 hectares in area, and comprises former playing field, raised above boundary drainage ditches to the east, south and west. To the north the site is bounded by the M20 motorway. Norton Knatchbull School playing fields, incorporating a fenced sports pitch, are located to the immediate east of the site. Land to the south is slightly lower in level, and is subject to an outline planning approval for a housing development. Buildings forming part of the Henwood Industrial Estate are located to the west. *A site location plan is attached.*

**Background**

2. The application site forms part of a larger area of land allocated for both employment uses and housing in the Ashford Borough Local Plan, adopted in 2000. The site was also included within a previous planning application (Ashford Borough Council Application Reference: AS/05/00786) for class B1, B2 and B8 employment uses, which has been granted outline planning permission. Planning condition 13 of the consent prevents operation of any process or machinery, and deliveries or despatches to and from the site outside the hours of 0700-1900 Mondays to Fridays and 0700-1700 on Saturdays. The applicant understands that this condition was applied to control 'nuisance development' in respect of future residential properties to the south. However, the applicant believes that the condition would be unreasonable for a highways depot, which would need to carry out gritting activities at all times during bad weather, usually at night. Therefore, the applicant proposes that the condition should not apply, providing that adequate acoustic attenuation and the maintenance of appropriate air quality can be demonstrated.

**Proposal**

3. The application seeks planning permission for an integrated highways depot comprising a 2 storey office block, garaging, salt barn and storage areas, along with associated car parking and landscaping. *Reduced copies of the drawings showing the illustrative site layout, floor plans and site elevations and sections are attached.*

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The application is also accompanied by a Planning Supporting Statement, Design Statement, Access Statement, Transport Assessment, Travel Plan, Air Quality Assessment and Noise Assessment.

4. The depot would be one of two principal depots in East and West Kent, the West Kent Depot being proposed at Wrotham. It is intended that the proposed Ashford Divisional Headquarters serve Ashford, Swale, Canterbury, Thanet, Dover and Shepway Districts, supported by a satellite depot at Preston, Faversham. The proposal for this, and the other highway depots, follows a decision taken by Cabinet in September 2004 to reshape the Kent Highways Service including, among other matters, the County Council taking back the functions previously delegated to the twelve District Councils under an agency agreement. The initial intention was to provide three super depots across Kent, but Cabinet resolved on the 16 October 2006 not to proceed with the acquisition and development of the site at Dover. The County Council decided upon a new strategy – to concentrate service delivery at two principal sites and to rely more heavily upon new technology, making more effective use of the satellite locations/remote working, and to promote more home working.
5. Therefore, it is now proposed to develop two Divisional Headquarters, one at Ashford and the other at Wrotham. In addition to the application site, it is proposed that another operational depot be developed in the Dover/Thanet area in the future. The purpose of the proposed development is to enable the County Council to discharge its functions as Highway Authority more efficiently and effectively, involving the co-location of maintenance, design and administrative functions. More specifically the purpose is:
  - To enable the effective maintenance of the highways network to be carried out all year round;
  - In winter, and at other times of the year as necessary, to respond swiftly to the arrival of severe weather, to keep roads open to facilitate safe and convenient travel for all road users;
  - To take full advantage of the organisational benefits to be derived from the location on a single site of a range of professional and administrative staff, along with manual workers.
6. The primary strategy of the development at the site has been to locate most of the buildings and structures along the southern boundary in an effort to minimise the visual impact of the development's operation, and reduce noise, fumes and odours for the future residential properties which have the benefit of planning permission to the south. The proposed development provides a single point of access through the adjacent Henwood Industrial Estate, and planning permission has already been obtained for the access road (from Ashford Borough Council). The road would cross over the open drainage ditch running along the western boundary, via a small bridge, and would be provided by the developer of the Heinke Building site. The application site is divided between the depot yard, located in the western half of the site, and the depot offices and associated car park located in the eastern half. This arrangement has been adopted to ensure early separation of yard and office traffic.
7. The proposed 2 storey office building would be located at the south east corner of the site, predominately aligned with the southern boundary, and in alignment with, but separate from, the covered storage buildings within the depot yard. The 'L' shaped office building would provide general open plan office space for 169 Kent Highways Services staff, PROW (Public Right of Way) staff, external contractors and suppliers, including yard and headquarters staff working for Kent's appointed road maintenance and traffic signal maintenance contractors. In addition, the building would provide surveying, road safety equipment and traffic signal equipment stores, traffic signal testing facilities, and

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welfare accommodation for 45 road maintenance contractor operatives. It is proposed that the offices would be occupied between 7.30am and 7pm.

8. The proposed office building is 17 metres wide and 68 metres in length, with a 15 metre by 15 metre section at the south eastern end. It would have a total gross floor area of 2,368 Sq.m, the gross floor area at ground level being 1,197 Sq.m. Steep roof pitches and low eaves lines combine to lower the overall height of the building to 9.175 metres, ensuring that the height and scale is more comparable with the adjacent yard buildings. Accommodation at ground floor level would be generally cellular in nature, apart from the open plan offices, reception and break out spaces at the southeastern end of the building. At first floor level the accommodation would be fully open plan on the south east and south west frontages, and at each end of the building, with cellular accommodation such as managers offices, meeting rooms, toilets and other support accommodation arranged along the northerly facades of the building. This arrangement allows for good daylight penetration and assisted natural ventilation in the majority of spaces. Fresh air and day light would be able to filter into all parts of the building via openable vents, windows, roof lights, and via wind catcher ridge ventilators. Large (1 metre deep) roof overhangs at eaves level and external slatted timber solar shading devices would reduce unwanted solar gain.
9. The external envelope of the building proposes two differing wall cladding aesthetics, each reflecting the nature of the accommodation contained within the building, its aspect and location. The south east and south west elevations, fronting onto open plan office spaces are proposed to be clad to full height in a light grey powder coated curtain walling system, in-filled with green tinted glazing and mid brown coloured horizontal cedar boarding. The remaining elevations, fronting onto cellular accommodation, would be clad in flint filled gabion walling to a height of 3 metres above ground floor level, with either curtain walling or mid brown vertical cedar boarding located above it. The roof would be clad in mid grey PVF coated standing seam aluminium, with like coloured roof light framing. The applicant advises that the appearance of the external cladding is durable and tough, appropriate to the office building's location in a highways depot environment, whilst also providing a visual interest. Similar materials and arrangement of fenestration is proposed on corresponding end and side elevations.
10. In addition to the two storey office building, the eastern half of the site would also accommodate 142 car parking spaces for office and yard staff (including 10 spaces for visitor parking and 7 disabled parking bays), together with 5 motorcycle spaces and parking for 15 cycles. The site access road, pedestrian access and the primary car parking aisles and parking spaces would be surfaced in macadam. Secondary car parking aisles and parking spaces would be surfaced with reinforced turf. Block paving is proposed at the office entrances and for outdoor working areas, with access to the office block proposed via a full height recessed glazed entrance screen with automatic doors, located to the south east of the building.
11. The depot yard, located to the west of the site would be separated from the office building and associated access and car parking by a 2.4 metre high fine mesh galvanised steel security fence, to be finished in dark green. The remaining perimeter of the site would be fenced using a more open mesh equivalent, or by means of existing fencing. Gates of a similar construction, finish and colour would be provided at the point of entry to the depot yard and car park. The gates would be of the hinged type, being held open during the working day and locked shut when the depot yard and/or car park are not in use. A personnel gate of similar construction but with swipe card controlled access would be provided between the yard and the office building. The entrance gates

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to the depot yard would be 'framed' by free standing gabion walling and structure planting to soften and enhance the visual appearance of the site entrance.

12. The depot yard would include a salt barn to store up to 4000 tonnes of salt, open and covered parking for gritting and other lorries, enclosed storage buildings, open storage areas, a weighbridge and other related areas for recycling, refuelling and vehicle washing. In addition, there would be a small office, a mess room and a toilet for yard staff.
13. The salt barn, because of the salt loading requirements and method of delivery is required to be high. Therefore, in an effort to reduce its visual impact, the structure is proposed to be sited in the northern part of the site, adjacent to the car park and access road, away from sensitive site boundaries. The rectangular shaped salt barn would be 30 metres long and 21.6 metres wide, with an overall height of 11.2 metres.
14. A covered parking areas for gritting lorries and smaller vehicles is also proposed. This structure would measure 21 metres by 14.2 metres, with a height of 6.4 metres.
15. Further covered storage buildings are proposed along the southern boundary of the yard, to house various plant and equipment. The 'L' shaped form of the buildings is intended to reflect the form of the office building, and would have a maximum roof height of 6.4 metres and a total gross floor area of 1332.8 square metres.
16. Concreted open storage areas designed to drain to interceptor tanks and filters are proposed to the east, north and west boundaries of the depot yard, and also centrally within the yard.
17. Various other structures, plant, equipment and facilities, as shown on the site layout, would also be provided.
18. Indicative details of landscaping and boundary treatment have been submitted. Existing trees within planted margins along the east, south and west boundaries would be retained, where possible, and reinforced with further planting of trees, shrubs and hedging. New native tree planting along the southern boundary, in conjunction with mounding and trellis topped fencing, is proposed to screen the office building from the residential properties that are to be constructed to the south of the site, and to provide summer shade for office staff. Native species of climbing plants are also proposed to cover the south west and south east facades of the covered storage buildings.

*Reduced copies of the submitted drawings showing the site layout, elevations, and access are attached.*

**Planning Policy**

19. The Development Plan Policies summarised below are relevant to the consideration of the application:
  - (i) The Adopted 2006 **Kent & Medway Structure Plan**:  
**Policy SP1** - States that the primary purpose of Kent's development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern of development.

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- Policy NR5** - The quality of Kent's environment will be conserved and enhanced. This will include the visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion.  
Development should be planned and designed to avoid, or adequately mitigate, pollution impacts. Proposals likely to have adverse implications for pollution should be the subject of a pollution impact assessment.  
In assessing proposals local authorities will take into account:  
(a) impact on prevailing background pollution levels; and  
(b) the cumulative impacts of proposals on pollution levels; and  
(c) the ability to mitigate adverse pollution impacts; and  
(d) the extent and potential extremes of any impacts on air quality, water resources, biodiversity and human health.  
Development which would result in, or significantly contribute to, unacceptable levels of pollution, will not be permitted.
- Policy QL1** – Seeks to conserve and enhance the environment through the quality of development and design. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings.
- Policy EN3** - Kent's landscape and wildlife (flora and fauna) habitats will be conserved and enhanced.
- Policy EN8** - Wildlife habitats and species will be protected, conserved and enhanced, especially through long term management and habitat creation schemes, particularly where they have been identified as national and county priorities in the UK and Kent Biodiversity Action Plan(s), or where they are protected under wildlife legislation. This will be secured by:  
(a) ensuring that site evaluation is undertaken to establish the nature conservation value of proposed development sites  
(b) identifying, safeguarding and managing existing and potential land for nature conservation as part of development proposals, particularly where a connected series of sites can be achieved  
(c) local planning authorities identifying locations and proposals for habitat and species management, restoration and creation.  
Development likely to have an adverse effect, directly, indirectly or cumulatively, on important habitats or species will not be permitted unless:  
• there is an overriding need for the development that outweighs adverse impact on nature conservation; and  
• adverse impact on an important nature conservation resource can be adequately mitigated and/or compensated.
- Policy EN9** - Seeks to maintain tree cover and the hedgerow network. Additionally, states they should be enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats. Ancient and semi-natural woodland will be protected and, where possible, enhanced.



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**Policy EP3** - Proposals for employment and business development other than (a) those already identified in adopted Local Plans or (b) at the specific locations identified in Policy EP5(b) or identified pursuant to Policy EP7, should be located in, or adjacent to, major or principal urban areas and be easily accessible by a choice of transport. Such proposals should be attractive to the market place.

**Policy TP3** - States that local planning authorities should ensure that development sites are well served by public transport, walking and cycling, or will be made so as a result of the development. Travel Plans should be established for larger developments that generate significant demand for travel to promote the use of these means of transport. Developments likely to generate a large number of trips should be located where there is either a good choice of transport already available or where a good choice can be provided in a manner acceptable to the local transport authority.

**Policy TP15** - States that development which generates significant increases in traffic, especially heavy goods vehicles, will not be permitted if it is not well related to the primary and secondary road network, or if it would result in a significant increased risk of crashes or traffic delays unless appropriate measures to mitigate the effect of the development have been secured.

**Policy TP19** - States that development proposals should comply with vehicle parking policies and maximum standards adopted by the County Council.

(ii) The adopted 2000 **Ashford Borough Local Plan**:

**Policy DP1** - Requires development to be thought out in design terms in relation to scale, density, height, massing, landscape, access and detailing.

**Policy DP2** - New development proposals must satisfy the following general requirements:

(a) the development must be designed in a way which respects the character and appearance of the area around it;

(b) the ability of neighbours to enjoy reasonable levels of privacy, peace and quiet, natural light, and atmosphere relatively free from dust and other pollutants must not be adversely affected;

(c) the local transport system must be capable of properly serving the development proposed taking account of its scale, nature and location and there must be safe access to the site, sufficient car and cycle parking and adequate space for safe manoeuvring.

**Policy DP6** – Development proposals that generate significant levels of noise should be accompanied by a scheme to mitigate such effects, bearing in mind the character of surrounding uses, to ensure there would be no serious impact upon noise sensitive uses.

- Policy DP7-** Wherever practical, all new development proposals should provide for the enhancement of nature conservation by maintaining and/or creating suitable habitats with locally native species and corridor planting to help sustain and promote wildlife.
- Policy GP4** -To propose development on specific sites in a way which minimises damage to the environment by respecting the character of surrounding areas, protecting important features in the landscape, heritage features and wildlife habitats and providing compensating environmental benefits where damage by development cannot be avoided.
- Policy EN30** -Development which would harm or cause adverse effects to any species protected under the Wildlife and Countryside Act 1981, will not be permitted unless there are material considerations which outweigh the harm to the conservation interest, or the harm could be overcome by conditions or planning obligations. In exceptional circumstances it may be possible for mitigating measures to be included in any particular scheme, provided that they would at least offset any harm.
- Policy EN31** -Development which is likely to significantly affect semi-natural habitats or any other important habitat will not be permitted unless measures have been taken to limit significantly this impact and long term habitat protection is provided where appropriate.
- Policy TP1** - Proposals for development must take account of the following issues and, wherever appropriate, show how these issues have been reflected in the scheme put forward:
- (a) the need to minimise the need to travel, for example, by the location together of complementary uses;
  - (b) the importance of providing access to development via a wide choice of transport modes, including public transport, cycling and walking;
  - (c) the need to design site layouts and the facilities provided in a way which encourages a variety of feasible forms of transport, promotes safety and is attractive.
- Policy TP11-** Proposals for development should provide for the parking of vehicles, in accordance with the Kent County Council Vehicle Parking Standards.
- Policy S37** - Land to the east of Henwood Industrial Estate is proposed for housing and employment development, although at least half of the site should remain as public open space. The Council will seek to secure proposals for the site that:
- (a) deal carefully with the relationship between the layout of the new development to existing residential, employment and educational uses bordering the site;
  - (b) include a variation of housing density and building type;

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- (c) protect existing important habitats wherever practical, and design the site layout to provide new habitat links providing routed for wildlife and provide for the long term management of these areas;
- (d) provide replacement playing fields;
- (e) provide pedestrian and cycle routes through the site which link to the wider network and give easy access to surrounding areas;
- (f) provide separate vehicle accesses to residential and employment development on the site;
- (g) retain the Listed Buildings in an appropriate setting.

**Consultations**

20. **Ashford Borough Council:** raises no objection to the proposal but makes the following comments and suggestions:

- The Travel Plan is noted and the intention for this to be monitored and periodically reviewed is appreciated. The Council would be grateful to receive updates to the Travel Plan as and when they occur;
- The energy efficiency measures incorporated into the design are welcomed;
- Suggests that enhanced landscaping around the perimeter fence to the compound should be provided to give visual softening, and defensive planting incorporated to assist in security of the compound;
- There is no specific detail in the application concerning external lighting, which has the capacity to give rise to unnecessary light spillage and adverse amenity impact to existing and planned nearby residences. The Council urges that this be dealt with in consideration of the application rather than be left to be dealt with by means of planning condition;
- The southern boundary would benefit from additional tree planting, especially to the rear of the PROW store building, in order to improve the relationship of the development with the planned new dwellings to the south. It is noted that the landscaped 'buffer zone' on this boundary is generally of a reduced depth to that envisaged with Scarborough and Benchmark Estates through the grant of outline planning permission. In that application, the Borough Council considered that a 15 metre wide heavily landscaped buffer zone should be provided. The Borough Council will leave this matter to the County Council to properly consider in the application determination process;
- Any decision made will need to adequately address the potential noise and disturbance impacts arising from uses taking place within the enclosed compound on the amenities of nearby residential occupiers;
- Policies ET3 and ET4 of the Ashford Borough Local Plan (2000) should be taken into account in the determination process. Both Policies were specifically mentioned in the reason for condition 10 of outline planning permission that seeks to restrict the quantum of floorspace related to the matters of use, transport generation and location, relative to the town centre 'employment core' identified in the Ashford Borough Local Plan.

In addition, Ashford Borough Council's Environmental Health Officer comments as follows:

- Pleased to note that the contractor will be expected to apply for a prior consent in accordance with Section 61 of the Control of Pollution Act 1974. Any application

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should assume working hours of 0800-1800 hrs (Mondays to Fridays) and 0800 to 1300 hrs (Saturdays), with no works on Sundays or Bank Holidays;

- The noise assessment should indicate what noise levels may be anticipated at the nearest residential property.
- Dust emissions during the initial construction phase will need to be controlled and works should not begin until there is an adequate mains water supply on site. The mitigation measures outlined in the air quality assessment should be embodied into a dust control condition.

**The Divisional Transport Manager:** requested that additional information was submitted, and that the Transport Assessment and Travel Plan be amended accordingly. Following receipt of the revised documents, he comments as follows:

“Following confirmation from the applicant, in which we are assured that ‘KHS Management endorses the Travel Plan, and are committed to implementing the measures included in it’, I have no objection to this application.

The trip rates detailed in the Transport Assessment correspond with the proposed modal splits in the Travel Plan. Therefore the success of the Travel Plan is essential for this development in order to keep trip rates at the agreed levels.

The Travel Plan should be conditioned to ensure that the proposals within it are undertaken. By conditioning this, it should be understood that all modal shift targets, initiatives, schemes, facilities, timescales and monitoring targets detailed in the Travel Plan are expected to be implemented. In addition, it should be conditioned that a Travel Plan Co-ordinator is appointed at least 6 months before the site is occupied.

The maximum parking level has been agreed, and this should be reflected in a ‘final’ plan as previously requested. Owing to this change, a condition should be imposed that the final external layout is agreed with the Highways Authority prior to commencement on site.”

**Jacobs (Noise):** comment as follows:

#### Construction Noise

“I am satisfied that noise from the proposed development can be adequately controlled by condition to restrict noisy construction work to those typically agreed, in order to reduce the impact on amenity of the closest noise sensitive receivers, (eg. Monday to Friday 7am to 7pm, and on Saturday 8am to 1pm, with no working on Sundays/Bank Holidays).

The applicant has predicted a ‘severe noise impact’ [from construction activity] at the proposed residential area to the south of the site, which is claimed to be 25 metres away. There is also mention of a ‘potential’ for an acoustic barrier to this boundary of the site. I would wish to see this provided to ensure some acoustic mitigation is provided to the proposed housing, albeit for a temporary period of time.”

#### Operational Noise

“I am satisfied that, subject to a condition, noise from the operational use of the depot should not cause a detriment to amenity at the closest properties. A condition should be attached that only authorises use of vehicles with smart alarms, and the not the traditional reversing alarms that can be most annoying.”

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Air Quality

“There should be no detriment to amenity through air quality emissions from the site.”

**Jacobs (Landscaping):** raises no objection and concludes that the site is well suited for the proposed development due to the surrounding land use as an industrial estate. The impact on existing trees and vegetation is minimal, with much of it retained as visual screening along the east and south eastern boundaries. The residual visual impact upon proposed housing to the south, the M20 to the north, existing industrial buildings to the west and open land to the east would be minimal. Proposed planting and building materials are suited to the site.

**Biodiversity Projects Officer:** The submitted reptile survey indicates the definite presence of protected reptiles on the site, and therefore a legal requirement to make all reasonable precautions to avoid harm to these species. The Reptile Mitigation Strategy should identify a receptor site prior to determining the planning application. However, it is considered that in this instance, with the use of appropriate conditions, the written commitment of the applicant, and the integrity of the appointed ecologist, that it is a pragmatic solution which can be supported, given the right controls. Conditions covering the following are suggested:

- that the on-site mitigation work (exclusion, containment) will be carried out as per the method statement;
- that reptile capture cannot commence until a suitable receptor site has been agreed;
- that the identification of a suitable receptor site will be carried out as per the Method Statement with a mechanism to ensure its protection into the "foreseeable future", with enhancement, translocation and monitoring plans submitted for approval;
- that the landscaping proposals are developed in line with the Method Statement proposals, with reptiles in mind to enable recolonisation from surrounding habitat.

In addition, no disturbance to birds should be carried out during the nesting season (March to August). Mitigation measures should be included in the development plans and implemented during construction in order to protect breeding birds that may use vegetation that would be removed.

The landscaping proposed appears to suggest non-native planting in some areas. The choice of native species available is more than adequate for the proposals and indigenous species, with their associated biodiversity gains should be used for all planting.

**The Environment Agency:** raises no objection to the proposal subject to the imposition of conditions regarding the disposal of foul and surface waters and land contamination.

**County Archaeologist:** requests that a condition requiring the implementation of an archaeological watching brief be added to any subsequent planning permission.

**Representations were also received from:**

**Mid Kent Water:** raises concerns related to the proposed salt barn and the potential risk of contamination to the Groundwater Source at Henwood. Mid Kent Water has a

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duty to ensure it maintains safe drinking water supplies, and that these remain protected from any potential contamination. The data received so far has not been sufficient for the Company to conclude whether there would be risks to water supplies and how this would be mitigated, and therefore maintains an objection to the proposal.

**Local Member**

21. The local County Member, Mrs E Tweed, was notified of the application on the 2 August 2006.

**Publicity**

22. The application was publicised by advertisement in a local newspaper, the posting of two site notices, and the individual notification of 8 nearby properties and the housing developer Jones Homes.

**Representations**

23. At the time of compiling this report, 1 letter of representation had been received. This letter is from Jones Homes, the housing developer which has planning permission to build housing on land immediately to the south of the application site. A copy of the letter is appended to this report.

**Discussion**

24. In considering this proposal regard must be had to the Development Plan policies outlined in paragraph (19) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance include impact upon protected species and their habitats, residential and local amenity, massing and design and impacts upon the local highway network.

Principle of the Development

25. As indicated above, the application site forms part of a larger area of land allocated in the Ashford Borough Local Plan for housing as well as employment uses. Planning permission was granted in November 2005, in outline, for new development to provide Class B1 (business) a, b and c, Class B2 (general industry) and Class B8 (storage and distribution) uses, with associated external works, new access road and junction, and cycleway. The application site covers part of the area allocated for employment. The indicative layout plan for the outline application included a 15 metre buffer zone at the southern boundary of the site, to separate employment and residential development. Condition 13 of the outline permission limits the hours of use for development at the site, as detailed in paragraph 2 above. Although this application proposes development which is considered *sui generis* (ie. a unique use), it is recognised that the purpose of condition 13 is material to the consideration of this application. This application however seeks a 24 hour operation, albeit only in cases of emergency, including the requirement to grit roads in the winter when necessary. Therefore, the impact upon amenity, with regard to the housing to be built to the south of the site, needs to be considered.

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26. The neighbouring housing developer has suggested that the site is not the best location for such an intensive and environmentally disturbing use. It is suggested that the County Council should undertake a more thorough and detailed search for a better located site as it appears that this site has been selected as a compromise solution, and is not wholly acceptable in environmental, access and locational terms. The highway and ecological implications of this proposal are discussed later in this report, as are possible impacts upon adjacent residential development.
27. This application seeks to provide one of two new divisional highway depots/offices in Kent, following a reorganisation in the delivery of highway services. Contrary to the assertions, there has been a thorough and detailed site search with 50 potential sites for the principal depots initially identified. All of those sites were tested for suitability in relation to their proximity to the strategic road network, their adequacy of size, their accessibility for the workforce and others, and their proximity to satellite depots. Out of that initial search, 8 sites made up the initial shortlist for the Mid Kent Division (7 in Ashford and 1 in Aylesford). In strategic terms, Ashford was considered the most appropriate location for the Mid Kent depot, but none of the 7 Ashford sites could ultimately be pursued. Three were found to have overriding constraints which precluded them from further consideration, and the remaining 4 proved unavailable for acquisition. The final choice of the Henwood site followed this initial extensive search, and reflects its subsequent availability as well as the fact that it also meets the locational requirements of the initial site search.
28. Following the decision taken by Cabinet in October 2006 not to proceed with the acquisition and development of the site at Dover, and to concentrate service delivery to 2 principal sites, the site selection process was reviewed and an addendum to the Planning Supporting Statement submitted. The present situation for the newly defined East Kent division is more complex than for the proposed Wrotham Divisional Headquarters which would serve the newly defined West Kent division. The territory covered by Wrotham simply expanded to take in Maidstone and Tunbridge Wells Districts in addition to the original 4. In the case of Ashford, the new territory is substantially different, involving the removal of the 2 districts (Maidstone and Tunbridge Wells) which now form part of West Kent, and the addition of all 4 districts which formed East Kent as originally constituted. Thus the review of the site selection process takes into account the 13 sites originally considered in Ashford and Swale districts, and the 22 sites in the 4 easternmost districts in the County originally considered to serve East Kent as then defined.
29. Seven of these sites were eliminated on the grounds that they were too small. They would therefore also be unsuitable in the present context. 18 sites in all 6 Districts were taken forward for further consideration at the next stage. To have been carried forward to the second stage for consideration, sites had to be large enough and to have adequate connections involving easy access to an A road or other road on the strategic network. It does not however necessarily mean that the point at which access is gained to that network is well located in relation to the area the depot needs to cover. The strategic location of these sites was therefore reconsidered.

The following sites (running clockwise from the north) had a near-coastal location:

- Waterbrook Park, Graveney, near Faversham
- Eddington Business Park, Herne Bay
- Blacksole Farm, near Herne Bay
- Richborough, near Sandwich (two sites)
- Sheerway Business Park, near Folkestone

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- Link Park, Lympne

The following sites (again running clockwise from the north) are located further inland:

- Staines Hill, Sturry
- Lakesview Industrial Estate, Hersden
- Manston Business Park, near Ramsgate
- Lydden Field, near Dover
- Hawkinge Airfield, near Folkestone
- Westenhanger

The near-coastal sites are by definition located near the edge of the East Kent division as now defined, and although well placed to provide winter service and maintenance in the vicinity, are remote from much of the rest of the territory to be covered. Even the sites located a little further inland are situated either too far north or too far south, and none is well located to serve the area to the south-west of Ashford, with the possible exception of the sites at Lympne and Westenhanger, or the western parts. In any event, the consideration of a suitable location in this instance must take into account the proposal to develop the existing depot at Preston, Faversham, as a satellite depot with a salt barn, and the intention to compensate for the Dover site by finding another site for an operational depot in the Dover/Thanet area. It is concluded that none of these sites, considered as candidates for the East Kent division as originally defined, is suitably located to serve the East Kent division as now defined.

30. Three sites were shortlisted for East Kent as originally defined: the White Cliffs Business Park (planning application withdrawn), Highland Court Farm, Bridge, near Canterbury (site sold and therefore no longer available) and the McClaren site at Lydden. As a strategic location, the last named would have the same drawbacks as the Lydden Fields site discussed above. All these factors focussed attention again on Ashford as the optimum strategic location, and given the location of all other potential sites, and the lack of availability of alternatives in Ashford itself, it is concluded that the site at Henwood, Ashford, is the most suitable location for a Divisional Headquarters to serve East Kent as now defined.

#### Siting and Design

31. The primary concern with regards to the proposed site layout and design is the impact that the development could have on adjacent land to the south, which has planning permission for residential development. Policy QL1 of the Kent and Medway Structure Plan, and Policies DP1 and DP2 of the Ashford Borough Local Plan require developments to respond positively to the scale, layout, pattern and character of their local surroundings. Development must be designed in a way which does not detrimentally impact upon the ability of neighbours to enjoy reasonable levels of privacy, peace and quiet, natural light, and an atmosphere relatively free from dust and other pollutants.
32. In respect of the permitted housing development located to the south of the site, 7 out of the 25 dwellings are to be sited close to the boundary, and it is the impact upon these properties that needs to be addressed. The primary strategy for the layout of the application site is to locate the majority of buildings and structures along the southern boundary. This would reduce the impact of the development's operation, in terms of noise, fumes and odours. However, although the buildings and structures would screen these site operation impacts from residential properties, the impact of the buildings themselves needs to be considered and addressed in terms of overlooking, levels of privacy and loss of light. The issues of noise and dust, and their impact upon residential amenity, is discussed later in this report.



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33. A buffer zone between the proposed development and the southern boundary of the site has been included within this proposal in an effort to screen the proposal from neighbouring residential properties. The southern site boundary would be delineated by a 2.4 metre high fence, topped with 0.7 metre high trellis, giving a total height of 3.1 metres. Between the boundary fencing and the proposed buildings a bund, up to 1 metre above natural ground level, would be created. Native shrubs and trees would be retained, with gaps infilled with new planting of the same species. Adjacent to the boundary fencing, new shrub planting is proposed, with a high proportion of evergreens, at a planting height of 1.2 metres and a density of 1 plant per metre. Beyond this, towards the top of the bund, it is proposed to plant evergreen oaks at 3.5 metres in height, and at 5 metre spacing. Low level shrub planting would then separate the tree planting and a pedestrian footpath, which is proposed to the rear of the buildings. The width of the buffer zone would be 11 metres at the widest point and 7 metres at the narrowest point, which although narrower than the 15 metres specified in the current outline consent, is considered acceptable given the location of noise generating activities further to the north than otherwise might have been the case with general industrial warehousing development on this site.
34. Jacobs Landscaping advises that the proposed design takes into account the future development of the land to the south, and that visual impacts are reduced through the retention of existing shrubs and trees to the southern elevation. The visual buffer that this would provide would be enhanced and strengthened through proposals for new native shrub planting, and a belt of trees. Jacobs Landscaping states that the residual visual impact to the housing to the south of the site would be minimal. Therefore, I consider that the buffer zone and its associated fencing, bunding and planting are appropriate to the context of the site, and would provide adequate screening between the proposed development and housing to the south. However, concerns regarding overlooking and loss of light remain and are considered below.
35. The main office building, and an area of covered storage, are proposed to run parallel to the southern boundary of the site. As explained above, the intention is that the buildings would screen neighbouring properties from noise and activity within the depot itself. The 2 storey office building is proposed to the eastern end of the southern boundary and would face the rear elevations of 4 properties. The height of the office block has been kept as low as possible (9.175 metres) by designing the building with steep roof pitches and low eaves lines. The low eaves height, compared with internal floor level, and the proposed use of high level windows, has the effect of reducing the angle of view from within the proposed office building towards residential properties. Drawing no. B0147000/A/002 Rev P6 shows sections through the site, and plots the proposed office buildings and a rear elevation of the permitted housing. Sight lines from the office windows have been plotted, and the applicant has accurately demonstrated that once boundary fencing, bunding and planting is *in situ* direct views into neighbouring properties would not be possible. In addition, the distance between the rear elevation of properties and the proposed office block would be over 21 metres, a distance considered acceptable for window to window distances within the Kent Design Guide. The design of the office block has taken into consideration the amenity of the properties to be constructed to the south of the site. All practicable methods have been adopted to reduce and mitigate overlooking from the office block. In addition, the distance between the office block and the housing is deemed to be acceptable in terms of window to window distances, indicating that loss of light is not a cause of concern in this instance.
36. In addition to the 2 storey office building, covered storage is proposed to the western end of the southern boundary, which would face the side elevations of two properties.

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The covered storage area would have a maximum roof height of 6.4 metres, but would be a mono-pitch roof in nature, increasing in height as one moves away from the boundary. The rear elevation would be clad in timber and climbing plants would be utilised to cover the timber, softening the appearance of the building. The closest property would be within 12 metres from the covered storage, although the storage building would not contain any windows and therefore overlooking is not a cause of concern here. The side elevations of the properties would run parallel to the storage building, resulting in front and rear facing aspects being unaffected by the proposed development. The Kent Design Guide advises that 11 metres is an acceptable distance between window and walls, and this proposal therefore is in excess of this guidance. Therefore, I do not consider that the proposed office block, or covered storage area, would have a significantly detrimental impact upon the residential amenity of neighbouring properties in terms of privacy, overlooking and loss of light.

37. I consider that the remainder of the site layout is appropriate in terms of scale, massing and design. The salt barn, the tallest element of the proposed depot, is located as far away from the southern boundary as is practicably possible. Conflicting uses on site are adequately separated and the layout would facilitate effective working on site. The design of the proposed buildings, whilst industrial in nature, has incorporated the use of materials and finishes which would soften and reduce the visual impact of the development. Jacobs Landscaping consider that the size and design of the proposed buildings, and the materials to be used, are suitable in terms of adding to the existing built fabric of the surrounding industrial estate. Therefore, I consider that the design and siting of the development is appropriate to the context of the site, and that the applicant has adequately considered and addressed the impact upon housing to the south.

#### Residential Amenity

38. In addition to the siting and design of the proposed buildings within the depot, which I consider to be acceptable, the use of the depot, at times over 24 hour periods, would generate noise and disturbance. Air Quality and Noise Assessments have been submitted to enable an accurate assessment of the impacts of the use of the depot to be made.
38. Jacobs advise that, subject to the imposition of conditions and the provision of a 2 metre high noise barrier, to be erected to the southern boundary of the site prior to the commencement of construction works, noise should not have a detrimental effect on the amenity of the closest properties to the depot. Hours of construction works could also be limited under planning condition, and I would concur with those suggested by Ashford Borough Council in this regard (0800 to 1800 hrs (Mondays to Fridays) and 0800 to 1300 hrs (Saturdays), with no works on Sundays or Bank Holidays). In addition, Jacobs are satisfied that there should be no detriment to amenity through air quality emissions at the site. Design and siting within the depot has been carefully considered and thought through, resulting in the main office building and covered storage area screening the depot from neighbouring properties. The impacts of noise and dust have been mitigated against and are considered to be acceptable, whilst at the same time the design of the buildings is such that privacy and light levels are maintained.
39. The applicant has requested that planning condition 13 of the previous outline consent at the site, which limited the hours of use, should not apply to this proposal. The applicant advises that the use of the dept at night would be infrequent, occurring only during severe weather conditions, and that the salt barn would be some 90 metres from the nearest property. Calculations of noise generated by the operation of the salt barn predict noise levels of 38dB  $L_{Aeq, 1 \text{ hour}}$  at the nearest properties. The World Health

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Organisation (WHO) recommends, in their publication Guidelines for Community Noise, a noise level outside a bedroom window of no more than 45 dB  $L_{Aeq, 8 \text{ hours}}$  or 60 dB  $L_{Amax}$  in order to minimise sleep disturbance with a window open. Simplistically, a partially open window provides between 10 and 15 dB(A) attenuation. WHO considers that when referring to an internal noise level 'night time' noise levels should not exceed 30 dB  $L_{Aeq, 8 \text{ hour}}$ , if negative effects on sleeping are to be avoided. The noise assessment predicts that during the extreme weather episodes that require the deployment of gritters, the residents of the properties in the vicinity of the depot would ordinarily have their thermally, double glazed windows closed. Therefore, with an external noise level predicted to be 38dB  $L_{Aeq}$ , the night-time noise from the gritters using the depot would not give rise to sleep disturbance. Jacobs Noise are of the opinion that noise should not have a detrimental effect on the amenity of the closest properties to the depot, and air quality should not be affected. Therefore, I consider that 24-hour operation of the depot, which would be infrequent, would be acceptable. Subject to the imposition of conditions, I am of the opinion that this proposal would not have a significantly detrimental impact on the amenity of residential properties to be constructed to the south of the site.

Drainage/Protection of Water Resources

40. The Environment Agency raises no objection to this proposal, subject to the imposition of conditions. In particular, the Agency would require a scheme for the disposal of foul and surface waters to be submitted for approval, prior to the commencement of development on site, and are satisfied that this can be dealt with under planning condition. However, Mid Kent Water is of the opinion that insufficient detail has been provided with regard to the new drainage systems, and are concerned about potential contamination of groundwater. Although the applicant has stated that 'new drainage systems will be provided to ensure that run off that has salt content is directed to the new foul water sewer', Mid Kent Water would like to see the design, volumes of water being considered, the route and the point of discharge for the proposed drainage system before they can comment fully. Members will note the Company's holding objection in this regard, but Mid Kent Water is only accountable for the supply of water and is not responsible for the protection of groundwater quality, which is the proper responsibility of the Environment Agency. Full drainage details, including appropriate contaminant interceptors, would normally be reserved by planning condition and subject to further approval if consent was to be given. Under the circumstances, I do not consider that the additional information requested by Mid Kent Water should delay consideration of the planning application.

Highways Issues

41. Following amendments to the Transport Assessment and Travel Plan submitted with this application, Kent Highways have confirmed that these documents are now acceptable. The application originally proposed a total of 182 car parking spaces, but following negotiations with Kent Highways, the applicant has reduced the number of parking spaces proposed to 125 staff spaces, 10 visitor spaces, 7 disabled spaces, 6 motorcycle spaces and 15 cycle spaces. This number of spaces is now considered by Kent Highways to be the maximum required for the land uses proposed.
42. However, the Travel Plan states that there would be 285 staff using the site, 164 of which would be based in the office 5 days a week with the remaining 121 based at home with a weekly team meeting on site. It is imperative that this arrangement is enforced, as local residents must not be affected by staff parking on the local highway network. Trip rates which have been 'agreed' in the submitted Transport Assessment and Travel Plan would also be incorrect if more staff than predicted used the site on a

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daily basis. Therefore, the success of the Travel Plan is essential for this development in order to keep trip rates at the agreed levels. The Director of Kent Highways Services has confirmed that they endorse the Travel Plan, and are committed to implementing the measures included within it. Should Members be minded to permit, a condition should be added to the decision to ensure that all modal shift targets, initiatives, schemes, facilities, timescales and monitoring targets detailed in the Travel Plan are implemented.

43. The reduction in the number of car parking spaces proposed has resulted in a reduction in the area of the site allocated for car parking. This has freed up an area of the site that could be used for a number of purposes, including additional planting and landscaping. Alternatively, the newly available space could facilitate a minor alteration to the site layout, which was restricted at the time that the application was submitted. An amended site plan is awaited, and should Members be minded to permit, the granting of planning permission would be subject to the receipt and approval of this amended site plan.

#### Ecology Issues

44. An ecological scoping survey was submitted with this application and confirmed the presence of good to exceptional populations of the viviparous lizard and slow-worm within the application site. The site at Henwood supports individual reptiles that form part of a larger population that also occupies adjacent land areas. This population is considered to be of County wide importance. Proposed development work is likely to result in direct disturbance to individual reptiles, the loss of approximately 0.4 hectares of good quality reptile habitat would contribute to the fragmentation of an important reptile population. Therefore the ecological scoping survey concluded that the preparation of a Method Statement, to detail proposed reptile mitigation, was required.
45. The Method Statement details the mitigation and compensation proposed including habitat enhancement work, isolation of land within the development site using reptile fencing, and relocation of captured animals. Reptile capture work would only commence after the identification and preparation of a suitable receptor site. The Method Statement reiterates Kent County Council's commitment to identifying land that would not be subject to development activities for the foreseeable future that could be used for relocating reptile captures within the proposed development site. A suitable receptor site is not identified within the Method Statement, but it is stated that the future identification of land for use as a receptor site would be assessed for suitability. A suitable planning condition could require the provision and management of a receptor site prior to the removal of the affected reptile population. Habitat management would also be required under planning condition. The views of Natural England are awaited on this application and will be reported at the Committee Meeting.
46. In addition to the protected species issues discussed above, no disturbance to birds should be carried out during the nesting season (March to August). This could also be subject to a planning condition. In addition, a detailed landscaping scheme would be required under planning condition which, amongst other matters, should identify existing trees to be removed, existing trees and planting to be retained, the provision of new trees, shrubs and planting and a programme of maintenance. The initial landscaping proposed appears to suggest non-native planting in some areas, however it would be preferable to use indigenous species, with their associated benefits for biodiversity. Although this proposal has the potential to have a detrimental impact upon protected species, I consider that, subject to the imposition of conditions (as discussed above), any adverse impacts could be effectively mitigated against.

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**Conclusion**

47. In summary, I consider that there is no overriding planning policy objection to the proposal. I consider that the siting and design of the proposed buildings has been carefully considered to reduce the impact of the depot, and its associated activities, upon the housing to be built to the south of the site. The applicant has successfully demonstrated that the Highway Depot would not have a significantly detrimental effect on the amenity of local residents, or the local highway network. I consider that there are special circumstances to justify the proposed development on a site which is home to a population of protected species. I therefore conclude that, subject to the satisfactory resolution of the outstanding issues on contamination of ground water, revised site layout and any views from Natural England, and the imposition of conditions, the proposed development would not give rise to any material harm and is otherwise in accordance with the general principles of the relevant Development Plan Policies. Therefore, I recommend that permission be granted subject to the imposition of appropriate conditions.

**Recommendation**

48. SUBJECT TO any further views received by the Committee Meeting, a revised site layout to take account of the reduction in car parking provision and any comments from Natural England received by the Committee Meeting date, I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:

- the standard time limit;
- the development to be carried out in accordance with the permitted details;
- external materials to be submitted for approval;
- external lighting details to be submitted for approval;
- a detailed scheme of landscaping, its implementation and maintenance, to be developed in line with the Method Statement proposals;
- tree protection and a methodology for working in close proximity to trees;
- provision of a 2 metre high noise barrier to the southern boundary;
- details of a scheme for the disposal of foul and surface waters;
- implementation of an archaeological watching brief;
- implementation and ongoing review of the Travel Plan;
- use of smart alarms;
- provision and safeguarding of parking and vehicular access routes within the site;
- location of and construction of contractors site compound and provision of vehicle parking;
- on site mitigation work to be carried out in accordance with the submitted Method Statement;
- reptile capture to not commence until a suitable receptor site is found;
- Identification of a suitable receptor site and its long term protection;
- enhancement, translocation and monitoring plans for the receptor site;
- protection of nesting birds;
- hours of working during construction;
- measures to prevent mud and debris being taken onto the public highway;

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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**Item D4****New Art and Drama Block, Sports Centre and new exit onto Pembury Road, Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge - TM/06/2488**

A report by Head of Planning Applications Group to Planning Applications Committee on 12 December 2006.

Application by the Governors of Weald of Kent Grammar School for Girls and Kent County Council Children, Families and Education for construction of new Art and Drama Block and Sports Centre, introduction of a one-way traffic management system with new exit and slip road onto Pembury Road and refurbishment of the existing reception (collectively Phase 2), Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge – TM/06/2488

Recommendation: The application be referred to the Secretary of State and that subject to her decision, and receipt of details of tree protection measures and a satisfactory landscaping scheme, permission be granted subject to conditions.

**Local Members:** Dr T R Robinson and Mr G A Horne MBE      **Classification:** Unrestricted

**The Site**

1. Weald of Kent Grammar School for Girls is located on the south east edge of the built up area of Tonbridge. It is bordered by Tudeley Lane to the north, Pembury Road to the west/south west and Woodgate Way to the south east. There are residential properties to the north side of Tudeley Lane and to the west/south west side of Pembury Road where there is also a Public House. The school site is within the Metropolitan Green Belt together with the adjacent highways. The Woodgate Way boundary of the school to the south east adjoins the High Weald Area of Outstanding Natural Beauty and Special Landscape Area, and an Area of Local Landscape Importance that covers the area of Somerhill Park, a historic park with a Grade 1 Listed Building. *A site location plan is attached.*
2. The school buildings adjoin the built up area of Tonbridge occupying a triangular area on a plateau of land above the playing fields to the east. Apart from the floodlit netball/tennis courts on the south side to the south east of the buildings and a new 37-space car park off Tudeley Lane to the east side of the bus lay-by the playing fields remain undeveloped. The main school buildings, which are up to 3 storeys in height, were built in the 1960's but in the last 10 – 16 years there have been a number of extensions, detached buildings and temporary buildings added to provide for an incremental increase in the roll and changing curriculum needs. The most recent additions are a detached kitchen and dining hall building granted permission in October 2002 and a three-storey classroom block granted permission in July 2005 together with the new car park, considered by the Planning Applications Committee in June 2005.

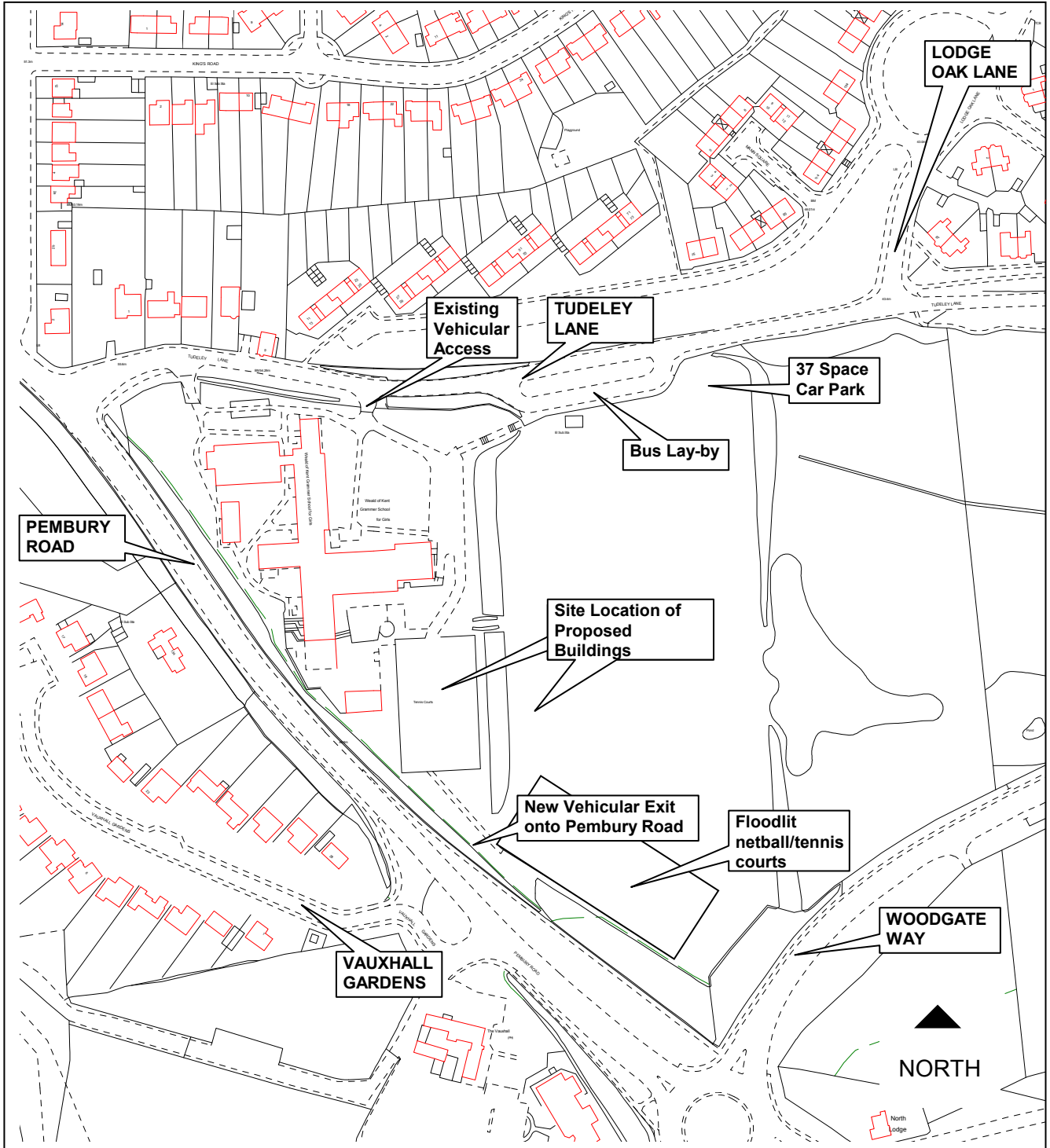
**Proposal**

3. Planning permission is sought for four phases of development as set out below, which in the case of the two later phases the applicants have indicated are subject to funding being secured. The applicants have stated that the School would continue to be a girls' school of around 1200 pupils and that it is not intended to increase the number of pupils as a result of the proposed development. The application is accompanied by a Design Statement, Landscape Appraisal, a Protected Species Assessment and a School Travel Plan.

# Item D4

## New Art and Drama Block, Sports Centre and new exit onto Pembury Road, Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge - TM/06/2488

### Site Location Plan



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*Drawings showing the proposed site layout, exit road, elevations and site sections are attached.*

**Phase 2a. Refurbishment of the School main reception.**

4. Permission is sought retrospectively for this element of the proposal. It has involved increasing the size of the reception area by removing the external front entrance doors and screen, which was set back, and erecting a new white UPVC glazed screen within the line of existing columns to the front of the building with a lean-to roof.

**Phase 2b(i) Art and drama block.**

5. A two storey building is proposed linked to the recently completed three storey (English and Humanities) classroom block to the north and to the dining hall to the west. This area is currently a hard standing providing 22 parking spaces. On the south side of this, an existing single storey prefabricated modular building (the maths mobile unit) providing five classrooms (the subject of a temporary permission that expired at the end of 2005) would be removed upon completion on the new building. Its removal would free up hard standing, which would provide parking space for 32 vehicles and allow for delivery vehicles to access the new kitchen service yard.
6. It is proposed that the design and appearance of the new building would complement the adjoining classroom block and dining hall. It would have yellow stock brick elevations relieved with a mix of brown brickwork and white cladding panels and a shallow pitched roof finished with slate grey, concrete roof tiles. Windows would be white UPVC and the gable screen and entrance doors would be aluminium powder coated to match the window colour.

**Phase 2b(ii) Implementation of a one way traffic management system and creation of a new exit and slip road onto Pembury Road.**

7. It is proposed to introduce a one way traffic management system from the existing vehicular access from Tudeley Lane routed through the car park area at the front and along the eastern side of the buildings to a new exit and slip road onto Pembury Road. Some trees would need to be removed to make this possible, together with earthworks and re-routing of the existing footway along Pembury Road to accommodate level changes. The applicants indicate that this proposal has partly arisen in preparing the School Travel Plan. It is intended to reduce congestion on Tudeley Lane and the Pembury Road, increase pedestrian safety, both on the school campus and its adjacent highways, segregate pedestrian routes from those used by motorists within the school site and create a dedicated delivery area away from pedestrian routes. The proposals would increase the number of car parking spaces available on site and create a drop off/pick up zone, promoting student safety and reducing congestion on adjacent roads.

**Phase 2c Sports centre**

8. The proposed sports centre would be located opposite the proposed art and drama block on the edge of the playing field. It would include two-storey accommodation on the western side and double height space for the sports hall on the eastern side accommodating badminton courts (suitable for national standard play) and a basket ball court together with storage space.

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### **New Art and Drama Block, Sports Centre and new exit onto Pembury Road, Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge - TM/06/2488**

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9. The building would also contain other accommodation, including medical room, staff offices, changing rooms, a PE classroom and dance studio, viewing gallery and servery. It is the School's intention to hire the facilities out to outside groups and non-school users when not required for school use.
10. The building would have yellow stock facing brickwork to match adjacent buildings, low level plinth and banding constructed with brown facing brickwork, projecting first floor, and high level cladding and gable ends clad with powder coated insulated composite panels. The roof would be of powder coated insulated composite panels, and doors and windows powder coated aluminium.
11. Construction of the building would result in the loss of several mature trees along the top of the existing embankment as well as those lost as a result of the new exit. To compensate for the loss of these, additional trees are proposed to be planted around the new exit and on the embankment between the upper and lower sports fields to the east of the existing tennis courts. It is also proposed that a management plan would be established to provide for the trees to be maintained.

#### **Construction Access**

12. Due to congestion and safety issues raised by contractors accessing the site through the existing School, it is proposed that if the exit road for the one way traffic management system is approved, this would be used temporarily to access the construction site as a two way road. That would only be for the duration of the construction period. On completion of the building works it would be reinstated as a one way road, exiting onto the Pembury Road.

#### **Planning Policy**

13. In ODPM Circular (11/2005), the Government's commitment to the principles of the Green Belt and to maintaining tight planning controls over development on Green Belt land has been reaffirmed. It is expected that all planning applications for development in the Green Belt be subject to the most rigorous scrutiny, having regard to the fundamental aim of Green Belt policy as set out in Planning Policy Guidance note 2. That is to prevent urban sprawl by keeping land permanently open. The openness of Green Belts is considered to be their most important attribute and therefore there is a general presumption against inappropriate development, which is by definition harmful and should not be permitted, unless it can be justified by very special circumstances.
14. The Development Plan Policies summarised below are relevant to consideration of the application:
  - (i) The adopted 2006 **Kent & Medway Structure Plan**:
    - Policy SP1 States that the primary purpose of Kent's development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development.
    - Policy NR5 The quality of Kent's environment will be conserved and enhanced. This will include the visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion.

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- Development should be planned and designed to avoid, or adequately mitigate, pollution impacts. Proposals likely to have adverse implications for pollution should be the subject of a pollution impact assessment.
- In assessing proposals local authorities will take into account:
- (a) impact on prevailing background pollution levels; and
  - (b) the cumulative impacts of proposals on pollution levels; and
  - (c) the ability to mitigate adverse pollution impacts; and
  - (d) the extent and potential extremes of any impacts on air quality, water resources, biodiversity and human health.
- Development which would result in, or significantly contribute to, unacceptable levels of pollution, will not be permitted.
- Policy QL1 Requires that all development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.
- Policy QL11 Existing community services (*including schools and other education provision*) and recreation facilities will be protected as long as there is a demonstrable need for them. Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.
- Policy EN4 Seeks protection for Kent Downs and High Weald Areas of Outstanding Natural Beauty. The primary objective will be to protect, conserve and enhance landscape character and natural beauty. Major commercial development will not be permitted unless there is a proven national interest, and a lack of alternative sites. Major commercial, mineral or transport infrastructure developments will not be permitted unless it can be demonstrated that:
- (a) there is a proven national interest;
  - (b) there are no alternative sites available or the need cannot be met in any other way; and
  - (c) appropriate provision can be made to minimise harm to the environment.
- Other development which would be detrimental to the natural beauty, quality and character of the landscape and quiet enjoyment of the area will not be permitted.
- Development that is essential to meet local social or economic needs should be permitted provided that it is consistent with the purpose of Areas of Outstanding Natural Beauty.
- Policy EN5 Seeks protection, conservation and enhancement of the quality of the landscape in Special Landscape Areas whilst having regard to the need to facilitate the social and economic well-being of the communities situated within them.
- Policy E9 Seeks to maintain tree cover and the hedgerow network. Additionally, states they should be enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats. Ancient

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- and semi-natural woodland will be protected and, where possible, enhanced.
- Policy SS2 Sets out a general presumption against inappropriate development within the Green Belt. Further states that new building should accord with the provisions of PPG2 and Annex B of PPG3.
- Policy TP3 States that local planning authorities should ensure that development sites are well served by public transport, walking and cycling, or will be made so as a result of the development. Travel Plans should be established for larger developments that generate significant demand for travel to promote the use of these means of transport. Developments likely to generate a large number of trips should be located where there is either a good choice of transport already available or where a good choice can be provided in a manner acceptable to the local transport authority.
- Policy TP12 States that development will not be permitted which involves either the construction of a new access onto the local transport authorities' primary or secondary road network or the increased use of an existing access, where a significantly increased risk of crashes or traffic delays would result, unless appropriate measures to mitigate the effect of development have been secured.
- Policy TP19 States that development proposals should comply with vehicle parking policies and maximum standards adopted by the County Council.

(ii) The adopted 1998 **Tonbridge and Malling Borough Local Plan**:

- Policy P2/16 Long-term protection will be given to the Green Belt. Development outside the built up confines will not be permitted unless acceptable under the terms of other policies of the Plan, or otherwise exceptionally justified.
- Policy P3/5 Gives priority to the conservation and enhancement of the natural beauty of Areas of Outstanding Natural Beauty including landscape, wildlife and geological features, over other planning considerations.
- Policy P3/6 Gives priority to the conservation and enhancement of the natural beauty of Special Landscape Areas.
- Policy P3/7 Within Areas of Local Landscape Importance (in this case Somerhill Park) development which would materially harm the landscape character will not be permitted.
- Policy P4/11 Development must not harm the particular character and quality of the local environment, and wherever possible should make a positive contribution towards the enhancement of the area. The Policy also sets out a list of criteria to be met that include built form and its relationship to site context, development being of a high quality in terms of design, detailing and use of materials, regard to principles contained in Kent Design, regard to good practice relating to daylight and sunlight, security issues, and the need to for landscaping proposals and amenity areas as appropriate.
- Policy P7/18 Provision for parking.

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**Consultations**

15. **Tonbridge and Malling Borough Council** raises no objection subject to a technical and safety audit which would ensure traffic maintains appropriate speeds at the pedestrian crossing points and where the exit merges with the public highway.

Has further commented on the proposed new exit onto Pembury Road, as follows:

1. It would be appropriate to position Traffic Regulation Orders along Pembury Road to ensure there is no unsuitable parking at school drop-off and pick-up times.
2. The use of speed cushions within the one way system may not be sufficient to reduce vehicular traffic speeds. Consideration should be given to provide a raised pedestrian crossing on the egress road.
3. Consideration should be given to the possibility of extending the 30mph speed limit in Pembury Road.

**Divisional Transportation Manager** has commented as follows:

“The application seeks to deal with both the existing traffic congestion that occurs in Tudley Lane at school drop off and pick up time, as well as the potential additional traffic associated with the development proposals.

This proposal introduces a one way system that permits vehicles to in effect 'kiss-n-ride' with traffic entering the site via Tudley lane and egressing onto Pembury Road. This will reduce the resulting congestion experienced at present on the highway network in the immediate area and improve highway safety for residents and school children.

Earlier submissions raised issues that following a site meeting with the applicants' agent have been addressed. The gradient of the egress route has been reduced, gates introduced to prevent unacceptable reversing manoeuvres, anti pedestrian paving to deter pedestrian use included, along with other modifications to deal with the safe use of the egress.

The alignment now shown on drg.6746.AL(90)02 Rev B will require a Stage Two safety audit but has addressed former concerns related to vehicle approach speeds, sight lines, and includes additional work to deter right turns from the egress onto Pembury Road.

Whilst Pembury Road in this location is designated as a Primary Distributor road and would normally attract a policy objection to the formation of a new access I am satisfied that the resulting reduction of traffic at the Lodge Oak Lane balances the highway impact.

Further recommendations should this application be approved would be that the applicant is to discuss and potentially fund extensions of Traffic Regulation Orders related to extending parking restrictions and the relocation of the 30mph speed limit nearer to the round-about.

Therefore subject to the imposition of conditions for the proposals to be built as shown on the submitted drawings (including the stage two safety audit modifications if required) and the funding of alterations to Traffic Regulation Orders as mentioned above I raise no objections.”

**Sport England** raises no objection. It further comments that, should the new sports facilities be built in compliance with Sport England's technical standards within its Guidance Notes and be subject of a Community Use Agreement then it would be in a position to support the application

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**Jacobs** (Landscape) has commented as follows:

The existing site is located within Green Belt land and so any development of the site should respect the constraints of this designation. The development of the new Art and Drama block and sports hall in the proposed location should not cause an adverse impact on the landscape or detract from the site in any way. The formation of the Art and Drama block may enhance the school campus and provide an enclosed courtyard. The new block and sports hall will not impinge significantly on the existing field, which will still accommodate the 400m running track.

The site is visually contained by vegetation and is situated adjacent to a residential area, with few significant views of the proposals from surrounding properties. Views from properties along Tudeley Lane opposite the site currently have views of the bus layby and the proposed new car park to the Grammar School behind existing mature vegetation. The existing school building does not support local character and the proposed new buildings would not be visually intrusive in size or scale. The proposed materials will be in keeping with the existing permanent School buildings. There would be insignificant visual impact from neighbouring properties.

A small number of properties off Tudeley Lane currently have glimpses through the existing vegetation and trees of the playing field and existing school buildings. There would be a slight visual impact from these properties principally from the upper storey windows. The existing vegetation and mature trees are currently beneficial in providing a visual screen between the housing and school site. Its protection and retention is therefore important

Properties off Pembury Road are unlikely to have views of the proposals due to the existing mature vegetation and trees between the housing and school proposals. The removal of the mature trees to accommodate the exit adjacent to Pembury Road will have an adverse visual impact. Views from users of Pembury Road will be affected, although this impact is not considered severely adverse. Providing the existing vegetation is retained along Woodgate Way, visibility of the new development will be minimal.

Conclusion

The proposals are acceptable in terms of size, scale, siting, design and material use. Visual impacts from the removal of vegetation and some mature trees with construction of new built structures as a result of the development are slight. In addition, requests full landscape details, tree survey and tree protection plans.

Following receipt of a Landscape Appraisal Jacobs (Landscape) has made the following further comments:

The landscape planting proposals for the location should provide adequate screening to the new development in the locations indicated on the submitted drawings. However, full landscape comment is not possible without detailed plant specification as previously requested. It is recommended that native species are used. Planting stock should be of adequate size at the time of planting to provide mass, and be planted at a suitable density.

The construction of the proposed development would result in the loss of 24 trees, several of which are mature, and some of which are of high amenity value. There

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would inevitably be a large adverse impact on existing trees. The mitigation strategy states that compensatory tree planting of preferably native species trees is planned, but there are deficient details as to what species will be planted and at what size the planting stock will be. Replacement trees should be of a reasonable size at time of planting and consist of locally appropriate species to reflect the character of the existing site and surrounding landscape. Whilst tree protection fencing to the correct standard is noted within the appraisal, we would like to see an illustration of the fencing location to ensure it incorporates all retained trees and vegetation adequately.

#### **Local Member**

16. Dr T R Robinson and Mr G A Horne MBE, the local County Members were notified of the application on the 26 July 2006.

#### **Publicity**

17. The application was publicised by an advertisement in a local newspaper, the posting of site notices and the individual notification of 56 neighbouring properties. Given that the site is within the Metropolitan Green Belt, the advertisement and notices indicate that the proposed development does not accord with the provisions of the Development Plan in force in the area in which the land to which the application relates is situated.

#### **Representations**

18. I have received 7 letters of representation from nearby residents in Vauxhall Gardens. The issues raised/points made includes the following.
  - Has no issue with the proposed changes within the school and fully support the continued upgrading of the school facilities. However is concerned about the new vehicular exit onto Pembury Road both in terms of the practicality of it at peak times and also the additional hazards it would potentially cause to an already difficult junction between Vauxhall Gardens and Pembury Road. There are two main issues. The first is the parked cars all down the eastern side of Pembury Road waiting to pick up pupils being an obstruction to cars exiting and the likelihood of cars displaced parking on the other side as well or in Vauxhall Gardens. The second is there is always a queue from the roundabout back up the Pembury Road and traffic emerging from the school would have to filter into the queue virtually on the roundabout itself.
  - It is suggested that consideration be given to the following matters:
    - Moving the start/end of the 30mph restriction zone to the roundabout itself. Installing a 'flashing' 30mph sign between the roundabout and Vauxhall Gardens to reinforce the message.
    - Re-locating the Tonbridge and Malling sign out of the line of sight for drivers emerging from Vauxhall Gardens.
    - Removing the slip road outside the Vauxhall Inn to create a standard junction.
    - Extending further the bollards and raised kerb for the school slip road to stop u-turning.
  - Welcomes the proposed facilities and the drop off for the school but concerned about the potential hazard created by traffic merging from the slip road which would conflict with that turning right out of Vauxhall Gardens. At peak time traffic from the school and from Vauxhall Gardens, which carries traffic from the Inn and Travel

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Lodge, would be competing for the same gap which would be exacerbated by the speed and heavy flow of approaching traffic.

- An alternative safe exit point for the school should be considered.
- As the traffic often exceeds 60mph, to reduce the danger the 30mph restriction should be restored to its old position near the Vauxhall Inn or a roundabout or traffic lights might prove necessary to calm traffic.
- Double yellow lines should be extended to prevent the hazards to traffic from parents parking along Pembury Road including on the Vauxhall gardens side.
- Has no objection to the new building but asks the Planning Applications Committee reject the proposed slip road and additional parking on the following grounds:
  - Bearing in mind the existing situation an additional flow of vehicles would create an unnecessary hazard.
  - Pedestrian safety given that the proposal is likely to lead to more pedestrians crossing Pembury Road in the vicinity of the new exit, for example, being dropped off on the opposite side.
  - Creating 35 new car parking spaces is not consistent with the objective of working towards sustainable transport. The proposals make no provision for cyclists even though 30% of pupils live within 3km. No justification is provided for the additional spaces and no assurances are offered that on-street parking would be curtailed during school events.
  - The application gives few details about lighting around the new car park overlooking Pembury Road. Hopes that measures are put in place to ensure that night-time levels are controlled and that delivery times are reasonable. Also comments that no details are given about what road-signs would be installed and that there is already plenty of unsightly street furniture and extraneous lighting.
  - Use of the access for construction traffic bearing in mind that it is one-way.
  - Loss of trees and inadequate landscaping proposals.

**Discussion**Introduction

19. Although the existing use of the land to accommodate school buildings and activities is well established there are a number of issues arising from the proposed development. These include siting, design and appearance in terms of impact on the Green Belt and landscape, and transport and access considerations, which have to be considered in the context of the Development Plan Policies, referred to in paragraph (14) above, and other material planning considerations arising from consultation and publicity.

Siting, design and appearance

20. It will be noted that the whole of the school site is within the Metropolitan Green Belt and in the context of the relevant National Planning Policy and Development Policies that apply, what is proposed has to be considered as inappropriate development. It is therefore necessary to consider the impact of the development on the openness of the Green Belt and whether or not there are very special circumstances that would warrant setting aside the general presumption against the development.
21. Arguably, at first consideration, the development of a two storey building, a large double height sports hall, use of land for car parking and the new exit, would collectively, if not

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individually, significantly impact the openness of the Green Belt. However this needs to be examined in more detail.

22. The existing school buildings form a relatively compact grouping and are contained on a triangular plateau of land above and separate from the playing field land from where they are partly screened by trees along the bank that lies between. This area of development immediately adjoins the urban area confines of Tonbridge to the north and west, identified in the Local Plan. Previous proposals for additional or replacement buildings, including the recent three storey classroom block have been located on this developed part of the site and have not therefore extended the built development onto the playing field to the east, i.e. the open part of the site. Such development has been accepted as not having a significant effect on the openness of the Green Belt, largely on the basis of these factors. In respect of the current proposals, this would not entirely apply since the Sports centre would be located on part of the playing field below the developed part of the site.
23. It will be noted, however, that the new art and drama building would adjoin the dining hall and the recently completed three storey classroom block in the developed part of the site without encroaching onto the open part of the site. That would be on an area of a former hard play area/tennis courts, in effect an area of land already developed, and also until recently occupied by temporary buildings. In terms of layout, massing and built form it would complete and balance the planned arrangement of buildings in this part of the site, including the formation of a courtyard and the step down from three storeys to two. Furthermore upon completion it would result in the removal of a further temporary building (maths mobile) to the side of it, and I now understand two standard mobiles at the front of the site. Taken on its own, bearing in mind the above factors, I do not consider the proposed art and drama block would have a significant effect on the openness of the Green Belt.
24. The area to be used for replacement/additional parking is also in the developed part of the site, currently occupied by the temporary building and formerly a hard play area/tennis courts. I consider that it would have very little additional impact on the openness of the Green Belt limited by its location close to the boundary and its two dimensional nature when not in use.
25. The new exit route would continue from the existing service road along the edge of the developed part of the site and then down the slope breaching the site boundary onto the Pembury Road highway verge before joining the carriageway. Although mainly two dimensional, given quite intensive use during peak times of the day, I consider that it could be argued that it would have a significant impact on the openness of the Green Belt. On the other hand it does not encroach onto the open part of the site and would in part be mitigated by careful alignment through the site and its boundary.
26. As already indicated the Sports Centre building would be located on the edge of the playing field and as such encroaches into what has always been acknowledged as being the open part of the site. It has a sizeable footprint and mass, given the double height space, and would have a significant impact on the openness of the Green Belt. However the applicant has sought to minimise intrusiveness by locating it partly within the embankment, close to the netball/tennis courts and so it is not isolated from other buildings. As such, it would not appear that the buildings are sprawling into the open part of the site. I accept that there is no available space for a building of this size on the already developed part of the site. An alternative site considered off Tudeley Lane



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where it would be isolated from other buildings and more obviously within the playing field, would in my view be unacceptable. A path to serve the Sports centre is proposed across the playing field at the foot of the embankment but I do not consider that this would significantly affect the openness of the Green Belt.

27. The proposed new buildings have been put forward largely on the basis of curriculum needs arising from an incremental expansion of the school over a number of years and the need to provide improved accommodation to meet the challenges of an evolving curriculum and increased expectations of secondary education. The applicants also wish to address the adequacy of existing access arrangements and reduce the traffic impacts particularly on Tudeley Lane. These factors are cited in justification of the proposals by the applicants and, in essence, I consider that taking account of the detailed siting considerations, discussed in paragraphs (23) - (26) above, are sufficient to demonstrate the very special circumstances for overriding Green Belt policy constraints in this particular case. I would not therefore raise an objection on the basis of the effects of the proposed development on the openness of the Green Belt. However, if Members are minded to grant permission, the application would have to be referred to the Secretary of State for Communities and Local Government for consideration. This is required under The Town and Country (Green Belt) Direction 2005 because the proposal involves inappropriate development that would significantly impact on the openness of the Green Belt.
28. The siting of the development also needs to be considered in respect of any potential impact on the landscape, particularly bearing in mind that land on the other side of the Woodgate Way boundary is subject to important landscape designations, as referred to in paragraph (1) above. Development Plan Policies seek to protect, conserve and enhance such landscapes. The school site is, however, on the whole well screened with trees and/or hedgerows along most of its boundaries and across parts of the site. Therefore immediate views of the new buildings from outside of the site in general would be limited and to a greater or lesser extent filtered. There are though some long views of the school buildings from higher land to the east and therefore it would be possible to see the new buildings. However they would be seen against the backdrop of the other buildings on the site and trees, and as such I do not consider they would be particularly conspicuous or have an adverse impact on the wider landscape setting.
29. The main landscape/visual impact would arise as result of the new exit road onto Pembury Road and the need to break through the existing tree belt. This involves the removal of a number of mature trees as well as less mature trees and whilst not necessarily of high individual value they are important as a group to the integrity of the boundary in screening views into the site. Although the exit road has been carefully aligned to minimise impact on trees and to restrict the opening, the proposed car parking, existing and proposed buildings would become more noticeable, from the south east, but more immediately from the lower end of Pembury Road. Furthermore, Structure Plan Policy E9 seeks to maintain and enhance tree cover and the hedgerow network. In addition to these impacts, the slip road and realigned footway/cycle way would have a visual impact on the highway verge, which is a fairly wide grassed area and visually prominent in the street scene and approach to the roundabout junction to the south east.
30. New planting is proposed to mitigate the visual impacts and to integrate the new development into its surroundings, without which, in my view, the proposals would not be acceptable. Jacobs (Landscape) comments will be noted, including the request to

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see full details of landscaping and tree protection measures. Bearing in mind the impacts referred to, I have asked for these details to be submitted now rather than reserve them for later consideration, to ensure that they can be satisfactorily addressed. Whilst it has to be acknowledged that it would be sometime before any new planting establishes and matures to meet the intended objectives, subject to receipt of satisfactory planting details I would not raise a planning objection on the grounds of landscape/visual impact.

31. In terms of the design and appearance of the buildings, I consider that the buildings are appropriate to the context of the site, would complement the existing buildings and would accord with the Development Plan Policies that require development to be well designed. *See attached elevations.* The 2-storey building provides a balance between the massing of the dining hall and recently completed 3-storey classroom building and completes the enclosure of the courtyard. Elevation treatment is similar to the 3-storey building. Overall this building would result in an enhancement of this part of the site bearing in mind removal of the existing temporary accommodation. The Sports Centre building is a large building of significant bulk but careful use of materials (generally matching the other buildings) and window fenestration help to break this up and reduce its overall scale. The result is a very reasonable balance of solid and void. Furthermore, a shallow pitched roof and the fact that it is built at the lower level into the embankment would help to integrate the building into the site and with the adjoining buildings.
32. As the Sports Centre building encroaches onto the playing field Sport England has been consulted. The existing running track can still be accommodated and any sports pitches. Accordingly Sport England has not raised objection.

Transport and access issues

33. There is not intended to be an increase in the school roll as a result of the new classrooms and Sports facilities but there would be a net increase of 10 in the number of parking spaces. As part of new one-way access arrangements it is proposed to provide a drop off within the site and improve the flow of school traffic and reduce congestion in the local area. This is part of the measures promoted in the School Travel Plan, which also seeks to reduce reliance on car travel and increase use of other modes of travel.
34. It will be noted that a number of concerns have been raised by local residents about the new access arrangements including issues about conflict with the speed of traffic and on street parking. Following negotiations about the technical aspects of the new exit and slip road, the details have been amended to address concerns raised by the Divisional Transportation Manager. It will be noted that he comments that, whilst the formation of a new access onto a designated Primary Distributor road would normally attract a policy objection (Structure Plan Policy TP12 refers), he is satisfied that the resulting reduction of traffic at the Lodge Oak Lane balances the highway impact. Therefore, subject to the imposition of conditions (including the stage two safety audit modifications if required) and the funding of alterations to Traffic Regulation Orders to extend parking restrictions and for the relocation of the 30mph speed limit nearer to the roundabout, he raises no objections.
35. It is intended that the new access arrangements be implemented following erection of the two-storey arts and drama block. If permission is granted I consider that the new

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access arrangements should be implemented before the new Sports Centre is constructed. That could be covered by an appropriate condition, which also requires the use of the one-way system and drop off to be safeguarded and made available for use at all times during school term time and/when the sports facilities are in use.

Community Use

36. It is proposed that there would be some community use of the Sports Centre. I am seeking further details and will report verbally on this at the Committee meeting. It does raise some concerns about traffic generation, parking and impact on local amenity. In principle I see no objection to it, subject to hours of use relating to community use outside of normal school hours being controlled, in order to protect the amenity of nearby residential properties. If planning permission is granted, that could be reserved for approval by an appropriate condition.

Construction

37. Given that there are nearby residential properties, if planning permission is granted it would, in my view, be appropriate in order to protect their amenities to impose a condition restricting hours of construction and demolition. I would suggest that this should be between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also normal on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of school day. The applicant is proposing to use the new exit point, once it is constructed, temporarily as access for construction in connection with the Sports Centre. The Divisional Transportation Manager has advised that it would be acceptable in principle but a programme of works/detailed arrangements would need to be considered in the interests of highway safety, and could be reserved by condition.

Ecology

38. The Protected Species Assessment identifies the need for a bat emergence survey to be undertaken on school accommodation affected by the proposed development. It also recommends a badger survey around the proposed development prior to any work commencing because although there were no signs of badger setts at the time, signs of badger have been noted along the A26 and in the scrub adjacent to Pembury Road. In addition, it recommends the examination of any vegetation or structures that are removed during the bird-nesting season to be examined by an ecologist within 48 hours of commencing work. I consider that the requirement for these surveys could be covered by condition together with submission for approval of any necessary mitigation measures. Bearing in mind that the surveys are more relevant to the later phases of the development, the first phase being on an area of hard standing, it would in my view, be premature to undertake them too far in advance of development taking place.

**Conclusion**

39. This proposal has given rise to a number of issues including the impact of the proposed development on the openness of the Green Belt, as discussed above. However, I consider that there are very special circumstances for overriding Green Belt policy constraints in this particular case. In the first place, the accommodation is necessary to

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meet secondary education provision in this locality on an established education site as supported by Structure Plan Policy QL11, which also encourages the concentration of sports facilities at school sites. Secondly, the careful siting, as discussed above, would also to some extent mitigate the overall impact on this part of the Green Belt, and in the case of the Art and Drama block would result in a qualitative visual improvement over the temporary building that in effect is being replaced. On balance therefore, subject to resolution of the outstanding issues, and imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general thrust of the relevant Development Plan Policies. Accordingly, I recommend that the application be referred to the Secretary of State and that subject to her decision and receipt of details of tree protection measures and a satisfactory landscaping scheme, permission be granted subject to appropriate conditions.

**Recommendation**

40. I RECOMMEND that the application be referred to the Secretary of State and that subject to her decision, and receipt of details of tree protection measures and a satisfactory landscaping scheme, PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:

- the standard time limit,
- the development to be carried out in accordance with the permitted details,
- external materials,
- tree protection and methodology for working in close proximity to trees,
- implementation of a scheme of landscaping and maintenance,
- new egress and slip road to be constructed in accordance with the permitted details and/or as otherwise amended in accordance with stage 2 safety audit;
- subject to Traffic Regulation Orders, extension of parking restrictions and for the relocation of the 30mph speed limit nearer to the roundabout prior to use of the new egress,
- provision of new one-way access arrangements before the construction of the Sports Centre and safeguarding of vehicular access, drop-off and parking,
- external lighting,
- continuing implementation and ongoing review of the School Travel Plan,
- ecological surveys prior to work commencing on the relevant phases and submission for approval of any necessary mitigation measures,
- details of the hours of use relating to community use outside of normal school hours for the Sports Centre,
- measures to prevent mud and debris being taken onto the public highway,
- hours of working during construction,
- details of construction access, and
- removal of the temporary building (maths mobile) and the 2 standard mobiles at the front of the site within 3 months of the completion and first occupation of the new Arts and Drama block.

Case officer - Paul Hopkins	01622 221051
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Background documents - See section heading
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**Item D5****Application for an integrated highways depot, London Road, Wrotham – TM/06/2342**

A report by Head of Planning Applications Group to Planning Applications Committee on 12 December 2006

Application by Kent Highway Services for redevelopment to provide integrated highways depot comprising offices, garaging, salt barn and storage areas with associated car parking and landscaping, The Poplars Business Park, London Road, Wrotham – TM/06/2342

Recommendation: Subject to the final views of the Divisional Transportation Manager and any further views received by the Committee Meeting and satisfactory resolution of outstanding issues, recommend that the application be referred to the Secretary of State, and that subject to her decision, planning permission be granted subject to conditions.

**Local Member:** Mrs V Dagger

**Classification:** Unrestricted

**Introduction**

1. At the Planning Applications Committee meeting on the 10 October 2006 Members deferred consideration of a report on this application to enable investigation of the effects of reducing the number of principal highway depots proposed in Kent from three to two. That report is attached as **Appendix 1** together with the Committee Secretary's notes of the site meeting held on the 17 January 2006 as **Appendix 2**, both for Members' consideration in determining this application. This report updates the position on the application since then and includes responses to further consultation on amended documentation received that address the changed circumstances. It also summarises or refers to correspondence received between finalising the previous Committee Report and the October Committee meeting that would have been reported verbally had the item been considered.

**Changed circumstances**

2. The details and background of the proposed development are outlined in paragraph nos. (4) to (13) in Appendix 1. It was intended that the Wrotham Depot would be one of three super highway depots, with offices, each serving four District Council areas as part of the re-organisation of the Highway service in Kent. Just before the October Committee meeting the applicant, Kent Highway Services, announced that a review of this re-organisation had been undertaken and that the number of principal depots was reducing from 3 to 2. This was the subject of a report to Cabinet on the 16 October 2006 and will be subject of a further report to Cabinet on the 4 December 2006.
3. Under the circumstances it is now proposed that the Wrotham site would serve the whole of West Kent, serving Maidstone and Tunbridge Wells in addition to Dartford, Gravesham, Sevenoaks and Tonbridge and Malling Districts. It is intended that it would become the Divisional Headquarters for West Kent. Apart from the vehicular access junction now being left turn only and adjustment of the pedestrian access, some minor re-arrangement of storage areas and minor elevational changes to the covered storage building, the amount and disposition of the proposed development remains unchanged. *A revised site layout plan is attached.* However, the enlarged area that it would serve

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would mean that more office staff (225 compared to 159 previously) would be nominally assigned to it, (although the applicants state that there would be no more staff on site at any one time) and it would serve a wider highway network. Consequently this alters the basis on which the application was originally made in terms of the area the site would serve, and the origin and destination of staff and traffic associated with the site. Therefore addenda to the Planning Supporting Statement and Transport Assessment, a revised Travel Plan and amended site layout, have been submitted addressing the changes.

4. With regard to operational use the applicants have provided a table, attached as **Appendix 3**, which lists the depots that would be used as part of the move to two divisional offices. (A table of existing depots and offices is attached as **Appendix 4** for comparison.) The applicant states that the proposed set up produces no difference to the operational requirements than when the choice was for three divisional offices. To clarify this, they state that there would be no change to the number, frequency and direction of trips by gritters and other heavy vehicles from the depot. These trips would still be solely related to the incidence of severe weather and the need for repairs whenever and wherever these occur.
5. As there would not be any more staff on site at any one time and no changes to the operational use, the total number of trips generated remains unchanged. The addendum to the Transport Assessment therefore addresses the changed circumstances on the basis that only the origin and destinations and therefore direction of travel to and from the site for some trips have changed. It concludes that the proposed development would not have a material impact on the local highway network, and the existing network would be able to accommodate the predicted number of trips generated. Furthermore it concludes that the increase in trips as a result of the proposed development would not have a detrimental impact on the A20 London Road, or the surrounding local highway network.
6. A revised Travel Plan has been prepared to demonstrate how an increased number of staff can be based at the site without increasing levels of movement by private car or creating excessive demand for the unchanged number of car parking spaces. The Travel Plan indicates that to a large extent it is to be achieved by a change in working practices. The applicant states that of the 225 total staff based at Wrotham, 16% would be 80 % home based, visiting the office only one day a week. A further 23% would be 60% home based, visiting the office only two days a week. When this is calculated out, it means that on an average day, 28% of staff would be working from home. Home working would apply especially to staff that are mainly mobile, and is intended to both save time and reduce the number of miles travelled.
7. Of the staff who need to be in the office and do not need their cars for work that day, 23% would need to car share and 14% to use public transport. It is assumed that none would walk or cycle, due to the wide catchment area of staff involved. Revised modal share targets have been included in the Travel Plan to reflect that. In addition to the introduction of home working, the public transport and car share modal share percentages would need to be higher than previously. New analysis of the numbers of staff able to use public transport has been carried out to ensure that the percentage of 14% is realistic.
8. The Travel Plan proposes the introduction of additional measures to ensure modal share targets are achieved. These include:

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- Increased management involvement and a full staff travel survey to confirm initiatives.
  - Detailed proposals for securing a public service or shuttle bus link, including a staff survey to determine likely patronage.
  - Extensive use of home working supported by substantial investment in information technology and use of drop in centres where necessary.
  - Implementation of a comprehensive parking management policy.
  - Increased monitoring to provide for constant review of parking issues and immediate action to resolve any problems.
9. The timetable for having the Travel Plan in place has also been tightened up, requiring, *inter alia*, that –
- a full staff travel survey is to be carried out 6 months before occupation,
  - an agreed parking management plan to be launched to staff 1 month before occupation,
  - assignment of parking permits and allocation of days for team meetings to be in place 1 month before occupation, and
  - an improved bus or shuttle link to Borough Green Station to be in place by the time the site is occupied.
10. The applicant has also revisited the site selection process in relation to the justification for the proposed development in the Green Belt because of the wider area it is now proposed that the site would serve, i.e. for the new larger West Kent division. Accordingly the applicant has taken in to account potential sites in Maidstone and Tunbridge Wells Districts that were previously considered in the search for a site to serve the Mid Kent division, in addition to the original ten sites for West Kent. Of the eight sites which were on the original shortlist for the Mid Kent division, seven were in Ashford. The only short listed site outside Ashford was the existing depot at Doubleday House, Aylesford. This site was rejected on the grounds of its peripheral location in relation to the proposed Mid Kent division.
11. However the applicant has assessed the relative merits of the site at Aylesford with the site at Wrotham in the context of the West Kent division as now defined. It is stated that although Aylesford was shortlisted as a candidate site for Mid Kent, and that the original reason for its rejection - poor location - no longer applies, it does not follow that it is necessarily as good a site as Wrotham, or a better one. It is also stated that time is absolutely crucial to the activities based at any highways depot and at Wrotham, access to the strategic road network, either directly or indirectly via the motorways, can be gained immediately. It is stated that this is not the case with the Aylesford site and that a rapid response to severe weather may be hampered by local traffic, traffic signals and speed limits, to a much greater extent than is likely at Wrotham. It is therefore concluded that in terms of swift access to the strategic road network for winter service and for emergency repairs, the Wrotham site has significant advantages over the Aylesford site, and it is therefore the most suitable location for the new West Kent division.
12. In respect of office based staff, it is stated that on the occasions that they need to visit the office, easy accessibility is still needed and that for the same reason that Wrotham is a better location to gain access to the strategic road network, it is a better location to gain access from the same network.



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13. Bearing in mind the addition of the Maidstone and Tunbridge Wells districts, the applicant notes that in terms of Green Belt coverage only the western part of Tunbridge Wells Borough, and a small part of Maidstone Borough on its western edge in the vicinity of Nettlestead are covered by the Green Belt. Most of Tunbridge Wells Borough and nearly all of Maidstone Borough therefore fall outside the Green Belt. It had been noted, in the original submission, that the Green Belt covers the whole of Dartford, Gravesham and Sevenoaks districts, and all but a small part of Tonbridge and Malling Borough. The applicant has acknowledged therefore that the potential area of search for a depot to serve what is now defined as West Kent now includes a substantial area which is not Green Belt, and which may in principle be regarded as more suitable to accommodate what has been acknowledged as inappropriate development in the Green Belt. However, although the reconfiguration of Divisional offices potentially brings some sites in Maidstone and Tunbridge Wells which are not in the Green Belt into consideration, the applicant states that these have been rejected because of accessibility criteria, and comments that in any event they are constrained by strategic gap/urban fringe policies.
14. The applicant has concluded that the Wrotham site is still the most appropriate site and location of all the eighteen sites considered in what now constitutes the West Kent Division. It is also concluded that the significant advantages of the Wrotham site in terms of location and accessibility over the only plausible alternative - at Aylesford - are sufficient to justify the development of the depot in the Green Belt. The applicant further states that this consideration is reinforced by the status of the Wrotham site as previously developed land, and the fact that half of the site forms part of a substantial major developed site as defined in the Tonbridge and Malling Local Plan. The applicant therefore argues that the conclusions of the original Planning Supporting Statement on the matter of very special circumstances are reaffirmed.

**Late views/representations to the proposal as originally submitted**

15. A number of views were received prior to the October Committee Meeting after the committee report had been finalised as follows:

**Wrotham Parish Council**

In addition to its views set out in paragraph (16) of **Appendix 1** the Parish Council made a further detailed submission the day before the October Committee Meeting. The submission is reproduced in **Appendix 5** except a BBC news item. (*Appendix A of its submission.*)

It reaffirms its opposition to the proposal and questions decisions about restructuring Kent Highway Services and the purchase of the Wrotham site, sets out details of activity and inactivity at the site, sets out a site history and includes a Statutory Declaration from a neighbour to the site and from the Chairman of the Parish Council in these respects. The Parish Council asserts that in addition to the residential use at the Poplars the site only has agricultural permissions and therefore disagrees that the site should be considered as previously developed land as referred to in paragraph (21) of the October Committee Report (Appendix 1).

The Parish Council also considers that I have failed to bring to Members' attention that in its view the proposed mitigation in respect of landscaping fails to meet government guidelines or comes close to the standards required by policies within the Development Plan. It considers the standards being applied to a KCC development are lenient compared to that for others.

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The Parish Council queries the amount of information provided for the alternative sites assessment and why the applicant has not been required to provide an all encompassing Environmental Statement.

**Platt Parish Council** confines its comments to matters that affect it directly as the application site is not in its Parish, as follows:

First, they note widely expressed anxiety about the possible effect on local aquifers and ask that this matter be investigated thoroughly.

Secondly, the Parish Council has considerable concerns about traffic generation. They consider that the Travel Plan is unduly optimistic, given the location of the site, the lack of public transport and home bases of employees and therefore it should assume that all employees would arrive by car. It also considers that the proposed operations at the site would significantly add to the volume of traffic on local roads which are already overloaded at peak hours. In particular the Parish Council has in mind the A25 through Platt which, though substandard, will continue to be a Principal Route and a Heavy Lorry Route until such time as the Borough Green and Platt Bypass is built. If permission is granted it asks that a condition be imposed requiring the applicant to make a substantial contribution to the cost of construction of that bypass.

**Natural England** were consulted in particular on the information provided in respect of an initial scoping survey for ecology and a report on the Herpetofauna Surveys carried out as referred to in paragraph (49) of Appendix1. Based on the information provided Natural England has no objection to this application regarding protected species, subject to the following conditions and recommendations:

An informative setting out the action to be taken, should there be any bats or evidence of bats be found prior to or during works.

A condition to the effect that no development shall commence until a detailed reptile mitigation strategy has been submitted to, and approved in writing by the County Planning Authority. Work shall then proceed in accordance with the agreed strategy with any amendments agreed in writing. Also recommends that should permission be granted that a condition be imposed requiring the production and implementation of a long term management plan and monitoring strategy in respect of habitat created or enhanced in respect of the reptile mitigation and that funding should be secured from the applicant to implement the strategy in perpetuity.

Recommends that should permission be granted measures to enhance the site for wildlife should be secured, for example through the use of native plants in the landscaping or the provision of artificial bird or bat boxes.

Natural England also asks it to be noted that the applicant should ensure any activity they undertake on the site must comply with the appropriate wildlife legislation, and failure to do so may result in fines and potentially, a custodial sentence.

**CPRE Kent** raises objection on the following grounds:

The site lies wholly within the Area of Outstanding Natural Beauty and Metropolitan Green Belt. CPRE Kent is concerned that the development would set a precedent and would make it difficult to enforce the policies that protect such areas. It does not consider improving efficiency constitutes the very special circumstances necessary to override what is inappropriate development within the Green Belt.

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The proposed buildings would have a major visual impact and the proposed tree planting would not reach 14 metres in height in fewer than 25 to 30 years.

Considers that moving to one superdepot would surely increase mileage travelled by lorries carrying out gritting operations, than they do at present, contrary to KCC policy. They also consider that that staff working at the site would be car-dependent travelling further distances than at present, as there are no alternative means of transport to the site, contrary to KCC policy.

CPRE Kent questions the logic of the location for gritting lorries being at the foot of a very long hill, which in adverse weather is likely to cause problems.

CPRE Kent is also concerned about saline penetration of the water aquifer of the local pumping station, particular bearing in mind that drainage of the site would find its way into a former clay pit (excavated down to the Folkestone Beds) now infilled with chalk that acts as a drainage sump.

CPRE Kent concludes that it considers no valid case has been made to set aside AONB and Metropolitan Green Belt protection.

**independent – Traffic Action Group (i-TAG)**

The Group asks that the proposal is rethought and questions the location of the superdepot in the village of Wrotham that (as they understand) would serve the whole County. *[Note this understanding is incorrect, see paragraphs (2) – (3) above.]*

Is concerned about the risks of salt storage and handling as the site is right on top of the water aquifer and is close to a pumping station.

i-TAG considers that it would increase problems (of pollution and safety) of living in a community of increased traffic chaos, poor community road safety and lack of traffic calming. It comments that Borough Green and Platt have no relief road for its villages.

**Local residents**

I received 4 further letters of representation from local residents, one in the form of a petition with 16 signatories. The points made are similar to those made by other residents as set out in paragraph (19) of Appendix 1. In brief they cover the following:

- This part of London Road is already suffering gridlock and the impact of additional HGV movements from the depot making it worse 24 hours a day, including danger to other road users.
- The development would be a health and safety risk.
- Additional dust and dirt to that arising from the unmade parking area in the Transport Café.
- Potential pollution from salt contamination.
- Noise pollution including from reversing beepers.
- Light pollution including from flashing orange lights.
- Impact on the landscape.
- Invasion of privacy from workers overlooking neighbouring homes.
- The proposed development has not been properly justified.
- No consideration of bio-diversity, archaeology, water resource contamination from salt or non-KCC alternative sites.
- It is contrary to Landscape and Green Belt Policies.
- Demolition of the house at the front would open up views into the site.

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**Further Consultations**

16. Consultations have been carried out on the new documents with the appropriate consultees and they have been notified that consideration of the application was previously deferred. Views not received at the time of writing will be reported verbally if received by the Committee meeting.

**Tonbridge and Malling Borough Council's** further views are awaited.

**Wrotham Parish Council's** further views are attached as **Appendix 7**.

**Platt Parish Council** further comments that it is surprised by the contention in the Addendum to the Planning Support Statement that, "There will be no change to the number, frequency and direction of trips by gritters and other heavy vehicles from the depot. These trips will still be solely related to the incidence of severe weather and the need for repairs whenever and wherever these occur". It comments that, the last point cannot negate the obvious common sense conclusion that a depot which is now expected to service six areas instead of the original four is bound to generate more trips.

It notes in the Addendum to the Transport Assessment, that one can expect to find a vehicle entering or leaving the new depot site every 20 seconds during peak hours and that, without the Borough Green and Platt Bypass there would be a 9% increase in traffic on the approach to the site northbound from the M26. This would involve right turns into the site. The Parish Council cannot agree with the conclusion that there would not in these circumstances be a material impact on the local highway network. It is confident that its view would be shared by anyone who has attempted, even now, to slip into the stream of traffic on the A20 along this stretch at busy times.

It notes that the Transport Assessment does not address the likely effect on the A25 through Platt directly. However, it states that common sense and local knowledge compels the conclusion that there is bound to be a significant increase in traffic along this substandard road which winds closely by houses and schools (yet is designated a Principal Route and Heavy Lorry Route). It is the Parish Council's contention that the depot should not be built until the overall traffic situation is improved by the provision of the long-awaited Borough Green and Platt Bypass and that the developer should be required to contribute to the cost of the bypass.

In conclusion, the Parish Council objects most strongly to the depot being built before the Borough Green and Platt bypass.

**CPRE Kent** further comments as follows:

- "1. It has come to light recently that the identification of much of the Wrotham site as previously developed land was inaccurate. Since the site was closed down by Customs & Excise in 2003, it cannot be claimed that there was continuous use of the site. Since it is now clear that only 30% of the site was genuinely previously developed, it follows that 70% is greenfield, highly protected land. Because none of the criteria which permit development on green AONB land (including national interest) can be met, the development of the site would be directly contrary to Kent and Medway Structure Plan, Tonbridge & Malling Borough Policy P6/18[d] and the draft South East Plan, which are supposed to protect against serious landscape destruction.

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2. The revised application for the Wrotham development follows a decision that only two of the original three proposed super-depot sites should be taken forward. This change has not, in CPRE Kent's view, been adequately justified and does not provide any improvement in the case for development on Greenfield land in the Metropolitan Green Belt.
3. The Transport Plan, although rewritten in a manner which attempts to justify the use of this site, actually shows that it is contrary to all the relevant transport policies. The site is virtually impossible to reach by public transport or by walking or cycling, and would undoubtedly result in a considerable increase in vehicle mileage by the staff and contractors. The change from local depots now to only two super depots will also clearly lead to a very significant increase in lorry mileage.
4. CPRE Kent states that granting permission would seriously undermine policies in the Kent and Medway Structure Plan and in the draft South East England Plan."

**Divisional Transportation Manager's** final views are awaited.

**Local Member**

17. The local County Member, Mrs Valerie Dagger, was notified and sent copies of the new documents on the 9 November 2006

**Representations**

18. Third parties that made representations to the application as originally submitted have been notified that consideration of the application was previously deferred and of receipt of the new documents, together with immediate neighbours that have not made any representations. Any additional representations to those already made will be reported verbally if received by the Committee meeting.

**Discussion**

**Introduction**

19. The introduction to the discussion in my previous report is set out in paragraphs (21) and (22), in Appendix 1. It refers to the context of the site, its derelict and despoiled nature and that part of the site is identified in the Local Plan (Policy P6/18 refers) as being suitable for redevelopment subject to redevelopment achieving an overall improvement in the environment and certain criteria being met. The criteria include impact on the openness of the Green Belt and ensuring a contribution to the objectives of Green Belt designation. It is also states that the whole of the site can by definition be considered as 'previously-developed land' and treated as a single planning unit. It will be noted that the Parish Council (in its submissions attached as Appendix 5 & 7) considers that this definition has been wrongly applied in this case as they assert that apart from the residential use at the Poplars the site only has agricultural permissions. It also highlights a long period of inactivity at the site and considers that the applicant has placed undue reliance on the details of an application for a Certificate of Lawful Development. The applicant's agent has commented on these and other matters raised by the Parish Council's submission, and this is attached as **Appendix 6**.
20. I recognise that there are uncertainties about the planning history and that, for example, the recent brick building with the clock tower, as far as can be ascertained, does not have the benefit of planning permission nor does the extended hard standing at the

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north eastern end of the site. (That is shown on an aerial photograph as recently as 2003 as a grassed area.) In addition, I accept there is likewise uncertainty over the lawfulness of recent uses of the site and it is difficult, in my view, to entirely qualify or quantify any of the previous uses at the site.

21. What is clear, however, is that part of the site has been previously developed, and in addition to a residential property is evidenced by a group of warehouse type buildings on the site. The latter appear to have been standing for a considerable number of years and their lawfulness is not, as I understand, being questioned. [It is possible that these were originally used in connection with the fruit business referred to in the in the Parish Council submissions which appears to have involved some storage and distribution.] I would not regard the buildings as agricultural buildings and remain of the view that the whole of the site can by definition be considered as 'previously-developed land. That said, in my opinion, it has not been given undue weight since I have acknowledged that the whole of the site is within the Metropolitan Green Belt. Moreover given the type of development and that the extent of it goes beyond the Local Plan designation for redevelopment, the development has to be considered as inappropriate development within the Green Belt. Paragraph (22) of my previous report (Appendix 1) makes it clear that it has to be considered on that basis, i.e. notwithstanding what has been said in the paragraph before. [This is restated in paragraph (23) of that report.]
22. It is therefore, as also previously stated, necessary to consider the impact of the development on the openness of the Green Belt and whether or not this is outweighed by very special circumstances, in the light of national Green Belt Policy. In any event Policy P6/18 of the Local Plan requires that proposals for that part of the site included as being suitable for redevelopment should also be tested against the same criteria. The very special circumstances are reviewed below having regard to the changed circumstances outlined in paragraphs (2) - (14) above.
23. The previous report (Appendix1) also considers a number of other key issues. These include, the impact of the development on the landscape taking into account that the land is within the Kent Downs Area of Outstanding Natural Beauty and North Downs Special Landscape Area, the impact of the development on local amenity of residential properties, and local environmental impacts, and the impact of additional traffic generated by the development. These issues are considered in the context of the Development Plan policies, Government Guidance and other material planning considerations arising from consultation and publicity in the previous report (Appendix1) and where necessary are reviewed below.

**Metropolitan Green Belt**

24. It remains unquestionable that given the form, extent and nature of what is proposed, the development would significantly impact on the openness of the Green Belt, even if in terms of its visual rather than physical presence it could to some extent be mitigated. In particular, the development would extend beyond the area of the existing buildings and the area outside of the land identified in the Local Plan as suitable for redevelopment. The proposed development which extends beyond the land identified in the Local Plan includes part of the office and garage buildings, the salt barn and a large expanse of car parking as previously stated.
25. Mindful of the Green Belt issues associated with the application site, particularly bearing in mind the need to demonstrate very special circumstances, the applicant has gone into some detail about the background and need for the development and site selection

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process. The latter has now been reviewed to take account of the now extended West Kent division. The purpose for the re-organisation of the County Council's Highway service, including co-location of functions, as referred to in paragraph (6) and (24) of Appendix 1 and need for a suitable site remain.

26. The site selection process is discussed in paragraphs (24) to (29) of Appendix 1 and the applicant's review in the context of the extended area to be served by the site is outlined in paragraphs (10) to (14) above. The extended area opened up the possibility of sites outside of the Green Belt but of the possible additional alternatives only one further site comes forward through the selection process as potentially suitable. This is the existing Doubleday House site at Aylesford. However this has largely been ruled out on accessibility criteria. In clarifying this issue of accessibility, the applicant has stated that there are two strands to this. First, the question of how quickly access can be gained to the principal highway network; secondly, there is the wider question of strategic location – once on the nearest part of the principal road network, how easily the whole of that West Kent network can be reached.
27. In respect of the first issue, the applicant considers that the only viable route for heavy vehicles to travel west from the Aylesford site is to use the M20 westbound from junction 6 but the route along Forstal Road to this junction is neither direct or quick. The applicant comments that in contrast immediate access can be gained to the strategic road network at Wrotham. Secondly, the applicant states that it is clear from looking at a map that many of the principal routes for which Kent Highway Services carries out maintenance and winter service, radiate in all directions out from Wrotham. The applicant also points out how the motorways can be used from this area to provide access to the more distant parts of the principal road network in the division. On the other hand the applicant considers that Aylesford has a markedly inferior strategic location in this respect commenting that the roads do not radiate from it in the same way as they do from Wrotham. The applicant further comments that although Aylesford might be better placed to serve Maidstone Borough, it is not as well located as Wrotham in respect of any of the other five districts which make up West Kent as now defined. Furthermore, the applicant states that the distribution of development proposed in the Kent and Medway Structure Plan, and in the longer term South East Plan, with their emphasis on the concentration of development in the Thames Gateway, will further reinforce the advantages of the Wrotham location.
28. I am aware that significant delays can occur getting out of Beddow Way onto Forstal Road and also out of Forstal Road onto the roundabout at the A229/M20 junction. I also accept the arguments about the application site and, *crucially*, its centrality and relationship to the highway network as a whole to serve the West Kent division, and that it has distinct advantages in this respect. It needs to be borne in mind that in terms of winter maintenance it is intended that Wrotham would cover part of Sevenoaks, part of Tonbridge and Malling and part of Dartford districts and therefore Wrotham has clear advantages overall. To provide this service from the Aylesford site would add a significant disadvantage, for example, to gritting vehicles going to Dartford compared to Wrotham, both in terms of quick access to the strategic highway network and the additional distance that would have to be travelled for a service that needs to be carried out as effectively and efficiently as possible. In this respect, I am advised by Kent Highway Services that the governing factor for salting routes is based on salting rates and best practice not taking longer than 2 hours 15 minutes from leaving the salt loading area. I understand that the Aylesford site would result in areas outside of this limit.

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29. In addition to the accessibility criteria, the applicant has now advised me that the Aylesford site at 1.21 hectares is too small to accommodate the development for which planning permission has been sought at Wrotham. Furthermore the question of size is reinforced by other factors including that the site is on three different levels and that only about 0.8 hectares could realistically be redeveloped without having to accommodate some of the existing activities which are not part of the County Council elsewhere. The applicant states that in contrast, the site of the proposed development at Wrotham is large enough to accommodate the proposed development, and suffers from no such other constraints. In the circumstances, I accept that it would be difficult to argue that a proposal on the same basis as Wrotham, of the same amount and extent of development could be accommodated on the Aylesford site. Taken together with the disadvantages of the location discussed above, I consider that the Aylesford site is effectively ruled out as an appropriate alternative.
30. In the light of the above consideration of the alternative sites review, I consider that the assessment in paragraphs (30) and (31) of my previous report - Appendix 1 remain relevant to consideration of the application site in the context of the now extended West Kent Division and are reaffirmed. For ease of reference they are reproduced below.
31. In my view, the reasons for the development and the need to locate with regard to the Strategic Highway network and central to the *now extended* West Kent Division are logical and can be accepted. It is also probable that if there were an acceptable alternative it would also be located within the Green Belt. If that is the case, it must be preferable that any such development should then take place on a site where impact on the openness of the Green Belt would be minimised and in particular (to accord with Structure Plan Policy SP1) locations that do not rely on green field sites. I consider that, taken as a whole, that would be true of the application site even though, as acknowledged in paragraph (24) above, by definition the development would significantly impact on the openness of the Green Belt because it would effectively infill the whole site with development. However, it will be noted that about half of the site has been previously developed and is identified in the Local Plan as suitable for redevelopment and arguably is located within an area of/adjoining existing built (ribbon) development and curtilages. Some of that is non-residential, including the café adjacent to the site and petrol filling station about 160 metres to the north-west. In addition, boundary trees and hedgerow to some extent enclose the remainder of the site, where the impact on openness would otherwise be more extensive and intrusive on the countryside beyond.
32. Taking all the above factors into account, I do not consider that an objection on the basis of the effects of the proposed development on the openness of the Green Belt would be warranted. Particularly, as I consider that very special circumstances have been demonstrated for overriding Green Belt policy constraints in this particular case. However, if Members are minded to grant permission, the application would have to be referred to the Secretary of State for Communities and Local Government for consideration. This is required under The Town and Country (Green Belt) Direction 2005 because the proposal involves inappropriate development that would significantly impact on the openness of the Green Belt.

**Landscape/Visual impact**

33. Landscape/visual impact of the development is discussed in paragraphs (32) - (36) of Appendix 1. This includes consideration of the design and appearance of the building.



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**Impact on Local Amenity**

34. Impact on local amenity is discussed in paragraphs (37) - (42) of Appendix 1. This includes consideration of the proximity of the development to residential properties, noise issues, air quality and external lighting.
35. The issue raised by the Borough Council referred to in paragraph (38) of Appendix 1 in relation to whether changes could be made to the design of the upper part of the south-west elevation of the office block has been further discussed with the applicant's Architect. I understand that the he is prepared to make some changes to address the issue by partial inclusion of obscure glazing and I await an amended drawing.
36. In respect of the issues relating to noise discussed in paragraph (40) of Appendix 1. I have had further clarification from the applicant's Architect. I have again re-consulted my environmental consultants and hope to be able to advise on the outcome at the Committee Meeting. However, they are satisfied with the revised layout, which moves the hot boxes and chipping storage further away from the nearest residential property. I would concur with the view that this adjustment would minimise the potential noise nuisance for neighbouring properties.

**Construction**

37. Paragraphs (43) and (44) of Appendix 1 deal with construction activity, including a recommendation for controlling hours for demolition and construction.

**Drainage/Protection of Water Resources**

38. Paragraph (45) of Appendix 1 deals with drainage and water resource protection and refers to the Environment Agency's request for appropriate conditions.

**Salt Contamination**

39. Paragraph (46) and (47) deal with the issue of salt contamination and refers to the Environment Agency needing to be satisfied with drainage proposals in this respect.

**Ground Contamination**

40. Paragraph (48) of Appendix 1 identifies that the Environment Agency has advised that a desk top study is carried out prior to determination of the application to examine the issue of ground contamination, and imposition of a number of conditions to deal with the issue subsequently. At the time of writing this has been done and, following an initial consultation, I have recently received additional information from the applicant in response with additional reports following further site surveys/work carried out, and I am currently seeking the further advice of the Environment Agency. If Members were minded to grant planning permission this issue should be addressed/resolved in consultation with the Environment Agency prior to any decision being issued.

**Ecology**

41. Paragraph (49) of Appendix 1 considers the issue of Protected Species. I have now received Nature England's comments as set out in paragraph (15) above. If Members were minded to grant planning permission an appropriate informative and condition could be imposed regarding the bats and reptile mitigation, respectively. With regard to

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the production and implementation of a long term management plan and monitoring strategy I would suggest that it is considered in the context of and as part of the mitigation strategy. In my view the timescale for long term management should be based on what is actually reasonable and necessary to achieve the objectives of the Strategy, which may well be self sustaining in the longer term. Measures to enhance the site for wildlife could be required as part of the landscaping scheme.

**Archaeology**

42. Paragraph (50) of Appendix 1 deals with archaeology.

**Transport and Access Issues**

43. Transport and access issues are discussed in paragraphs (51) – (54) of Appendix 1. The changed circumstances as they relate to these issues arising from the extended West Kent Division are outlined in paragraphs (2) – (9) above. The key points are that the applicants state that there would be no more staff on site at any one time, even though more staff would be nominally assigned to the site, and that the operational use would not change. In the light of this the total number of trips generated remains unchanged although the origin and destinations and therefore direction of travel to and from the site for some trips would change. The addendum to the Transport Assessment concludes that the proposed development would not have a material impact on the local highway network, and the existing network would be able to accommodate the predicted number of trips generated. Furthermore that the increase in trips as a result of the proposed development would not have a detrimental impact on the A20 London Road, or the surrounding local highway network.
44. Other points to note are that no additional car parking is proposed on the site which is any event physically constrained, and no increase in the size of the office floor space is proposed. Therefore to some extent the capacity for more staff on the site would be self governing. The greater use of home working supported information technology and other measures proposed in the Travel Plan to manage the use of the offices, reduce the need to travel, and proposals for securing a public service or shuttle bus link with Borough Green Station will, however, be noted.
45. The access is now proposed to be a left turn only egress as previously required by the Divisional Transportation Manager. Full details would need to be submitted and if planning permission is granted could be reserved by condition and would need to be subject to a stage two safety audit. In addition, conditions should be imposed to safeguard parking, access and circulation within the site, to require the Travel Plan to be actively implemented and regularly reviewed, and to require a scheme of signing and lighting for approval. In addition it would be appropriate to impose a condition stating that the mezzanine floor of the offices should not be extended without the permission of the County Planning Authority in order that the implications for traffic generation and parking could be considered afresh.
46. As previously acknowledged, the site is not currently well served by public transport and there would be an increase in traffic generated by the development (although as discussed above the changed circumstances should not result in further increases in traffic). Subject to the Divisional Transportation Manager not raising a highway objection, I consider that these factors are outweighed by the need for the development to be well related to the strategic highway network and for it to be centrally located within the area it would serve. Subject also to the technical requirements of the

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Divisional Transportation Manager being met, and to the implementation and ongoing review of the Travel Plan, I do not consider that a refusal would be warranted on highway grounds in this particular case.

**Other non material planning considerations**

47. The detailed submission dated 7 October 2006 from Wrotham Parish Council attached as Appendix 5 contains a detailed account of previous land-uses and ownership history of the site. The substantive points it makes with regard to whether the site should be considered as previously developed land are of relevance and have been covered in paragraphs (19) to (21) above. However, the Parish's Council's submission also covers the cost of acquisition of the site, previous ownership history and criminal convictions of an earlier owner. The submission concludes by referring to alleged damage to the County Council's reputation. I would advise Members that none of these points are material planning considerations and should be disregarded in their deliberations on this application.

**Conclusion**

48. This proposal has given rise to a variety of issues including the impact of the proposed development on the openness of the Green Belt as discussed above. However, I consider that very special circumstances have been demonstrated in this particular case for overriding Green Belt policy constraints in terms of the need, and specialised nature of the proposed development, the inescapable operational requirements of the proposed development, the lack of alternative sites capable of meeting the exacting locational requirements and the limited visual impact on this part of the Green Belt as a result of the proposed site redevelopment. On balance therefore, subject to satisfactory resolution of the outstanding issues on noise and contamination, and the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and would otherwise be in accordance with the general thrust of the relevant Development Plan Policies. Therefore subject to the final views of the Divisional Transportation Manager and any further views received by the Committee Meeting and to satisfactory resolution of the outstanding issues, I recommend that the application be referred to the Secretary of State for Communities and Local Government, and that subject to her decision, planning permission be granted subject to conditions.

**Recommendation**

49. SUBJECT TO the final views of the Divisional Transportation Manager and any further views received by the Committee Meeting and satisfactory resolution of the outstanding issues on noise and contamination, I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government and subject to her decision, PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:

- the standard time limit,
- the development to be carried out in accordance with the permitted details,
- tree protection measures,
- a scheme of landscaping and boundary treatment, to include measures to enhance the site for wildlife, and subsequent maintenance,
- details of site and finished floor levels,
- external materials,

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- external lighting,
- details of vehicular access - egress to be designed for left turn only, and a scheme of signing and lighting, for approval,
- provision and safeguarding of pedestrian access,
- provision and safeguarding of parking within the site and vehicular access routes within the site,
- implementation and ongoing review of the Travel Plan,
- details of foul and surface water drainage,
- ground contamination from previous uses,
- location of and construction of contractors' site compound and provision of vehicle parking,
- measures to prevent mud and debris being taken onto the public highway,
- hours of working during construction and demolition,
- preparation and implementation of a detailed reptile mitigation strategy to include a long term management plan and monitoring strategy,
- an archaeological watching brief, and
- no additional floor space added to the buildings without the permission of the County Planning Authority.

50. I FURTHER RECOMMEND that the applicant BE ADVISED of the following informatives:

- Natural England's advice about the action to be taken, should there be any bats or evidence of bats found prior to or during works.
- The applicant should ensure any activity they undertake on the site must comply with the appropriate wildlife legislation, and failure to do so may result in fines and potentially, a custodial sentence.
- The applicant to take account of the Environment Agency's Pollution Prevention Guidelines for Highway Depots.

Paul Hopkins	01622 221051
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Background documents - See section heading
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**Appendix 1 to Item D5**

**Application for an integrated highways depot, London Road, Wrotham – TM/06/2342**

A report by Head of Planning Applications Group to Planning Applications Committee on 10 October 2006

Application by Kent Highway Services for redevelopment to provide integrated highways depot comprising offices, garaging, salt barn and storage areas with associated car parking and landscaping, The Poplars Business Park, London Road, Wrotham – TM/06/2342

Recommendation: Subject to any further views received by the Committee Meeting and satisfactory resolution of outstanding issues, recommend that the application be referred to the Secretary of State, and that subject to her decision, planning permission be granted subject to conditions.

**Local Member:** Mrs V Dagger

**Classification:** Unrestricted

**Members' Site Visit**

1. A group of Planning Application Committee Members visited the application site on the 17 January 2006 to acquaint themselves with proposals for a highway depot and the issues arising, in considering an earlier (outline) planning application that was subsequently withdrawn with a view to submitting this current (detailed) application. They were accompanied by the local County Member, representatives of the applicants, a Member and officer of Tonbridge & Malling Borough Council, Members of the Parish Council, officers of the Highway Authority, Planning Applications Group and the Council Secretariat. The Committee Secretary's notes of the meeting are attached as an Appendix.

**Site**

2. The application site is located on the north eastern side of the A20 London Road, Wrotham about 100 metres north of junction 2A of the M26. The site is approximately 1.7 hectares in area and comprises of vacant residential property fronting the A20 and adjoining the access road to the main part of the site, areas of hard standing and a number of disused industrial and commercial buildings. The Oakdene Transport Cafe adjoins the north western boundary of the site, residential properties adjoin the south western, western and south eastern boundaries and farmland adjoins to the north east and east. The adopted Tonbridge and Malling Borough Local Plan shows the site to be within the Metropolitan Green Belt but about half of the site at the south western end is identified as part of a larger site within the Green Belt suitable for redevelopment. The site is also within the Kent Downs Area of Outstanding Natural Beauty and North Downs Special Landscape Area. *A site location plan and a plan of the planning designations are attached.*
3. The applicant has provided details of the planning history as far as is known and indicates that although currently disused the site has hosted a range of industrial and commercial uses since the late 1940's, of a varying intensity of activity. It is also stated that for at least the previous 11 years the site had been in continuous operation as a Business Park. In that respect it was subject of an application for a Certificate of Lawful Development in order to regularise B1, B2 and B8 uses on the site, although this was subsequently withdrawn. It is apparent that one of the buildings on the site was constructed without the benefit of planning permission and similarly the area at the

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north eastern end of the site, previously a grassed area, has in recent years been surfaced with scalplings. The applicant considers that the entire site constitutes previously developed land in terms of the definition in Annex C of PPG3 since all of the land within the curtilage of a site, attached to a building, is included.

#### Background and Proposal

4. The application seeks planning permission for demolition of existing warehousing and storage areas, and the erection of a 2 storey office building, garaging for lorries with a contractor's office, salt barn and storage areas, along with associated car parking and landscaping to form an integrated Road Services Depot for Kent Highway Services. Permission is also sought for the adaptation of the existing access to the A20. *Reduced copies of the drawings showing the illustrative site layout, floor plans and site elevations and sections are attached.*

The application is also accompanied by a Planning Supporting Statement, Design Statement, Access Statement, Transport Assessment, Travel Plan, a Landscape and Visual Assessment, Air Quality Assessment and Noise Assessment

5. The depot would be one of three principal depots in West, Mid, and East Kent, each serving four districts, in West and Mid Kent to be supported by a satellite depot. The application site would be the principal depot in West Kent, supported by a satellite site the subject of redevelopment of the existing Haysden Depot at Tonbridge, serving between them Dartford, Gravesham, Sevenoaks and Tonbridge and Malling districts.
6. The proposal for this and the other highway depots follows a decision taken by Cabinet in September 2004 to reshape the Kent Highways Service including among other things the County Council taking back the functions previously delegated to the twelve District Councils under an agency agreement. The purpose of the proposed development is to enable the County Council to discharge its functions as Highway Authority more efficiently and effectively, involving the co-location of maintenance, design and administrative functions. More specifically the purpose is:
  - To enable the effective maintenance of the highways network to be carried out all year round
  - In winter, and at other times of the year as necessary, to respond swiftly to the arrival of severe weather, to keep roads open to facilitate safe and convenient travel for all road users
  - To take full advantage of the organisational benefits to be derived from the location on a single site of a range of professional and administrative staff along with manual workers
7. The proposed 2 storey office building would be located parallel to the south eastern boundary of the site, between 11m and 14m from neighbouring common boundaries. It would have a footprint of approximately 74 metres by 14 metres and a ridge height of 9.175 metres above finished floor level. It would provide accommodation for 115 staff, mostly in open plan but with separate offices for senior staff, meeting rooms, space for archiving and filing, kitchens, print room, first aid room and shower room. The first floor is a mezzanine floor occupying just over half of the space, and on the north west side of the building. The north west elevation would be constructed from a flint faced gabion wall up to a height of 3m from floor level. Above this level panels of cedar boarding are proposed. The south east elevation, would be constructed of a grey coated curtain walling system, with green tinted glass panels, and fronted by a slatted timber brises soleil at the mid point. The north east elevation, would have full height



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glazing to the lobby, whilst the staircase is enveloped in gabion walling and cedar panelling with grey coloured aluminium louvres above. The south west elevation, enclosing a subsidiary escape stair is expressed with cedar panelling above a glazed lower level and full height glazing returning from the south east elevation. The pitched roof is curved at the central ridge and proposed to be clad in mid grey PVF coated standing seam aluminium. On the north west side there would be a series of roof lights and sun pipes, and on the south east side a continuous dormer with solar heating panels at either end of it. A row of grey glass reinforced plastic finials/windcatchers for natural ventilation is proposed at 7metre spacing along the ridge.

8. The garage building would be located in the centre of the site, parallel to the office building, with parking for 28 vehicles (gritters, maintenance vehicles and 2 disabled spaces), along with the contractor's offices at the western end on two floors. The building would be semi-circular at each end with a footprint of approximately 91 metres by 15 metres and have a ridge height of 7 metres. The offices would be clad in cedar boarding to tie in with the main office building but the building would otherwise be open sided and have a curved roof clad with a dark grey/matt black coated standing seam metal roofing.
9. The salt barn would be located towards the north western end of the site, in line with garage building, and adjacent to a new pond area. It would have an elliptical footprint of about 618 square metres with a diameter of about 31 metres one way and 25 the other way. It would have concrete masonry painted walls to a height of about 3.5 metres with a tall dome-like roof clad in asphalt shingle tiles giving an overall height of about 14 metres. It would have a capacity of 4000 tonnes.
10. A covered storage area with a mono-pitched curved roof would be located along the north western boundary parallel to the garage building, about 75 metres long by 13 metres in depth and a height of 6.5 metres. This would have shuttered reinforced concrete walls to a height of 3 metres to provide open fronted bays. In addition some 612 square metres of open storage will be provided, and 175 square metres for temporary storage and recycling. These facilities would also be located adjacent to the north western boundary of the site. 3m high reinforced concrete walls would be constructed for the open storage bays. Those that face the A20 would be externally faced with brickwork.
11. Other structures, plant, equipment and facilities, as shown on the site layout would include:
  - 2 no 12 tonne hot boxes [each of footprint size 3.5 metres wide x 3.4 metres deep] for the closed storage of bitumen coated product.
  - A propane storage tank.
  - Adjoining the salt barn a storage building of reinforced concrete construction with a plan area of 50 square metres and 4.5 metres high for the separate storage of brine salt. The roof would be pre-formed glass reinforced plastic clad panel construction, lead grey coloured.
  - A silo mixer for mixing of brine solution is located adjacent to the salt store with a 16 square metre in footprint area and 2.5 m high. An associated tank for brine storage with a diameter of 3 metres and a height of 4.5 metres.
  - Skips and bins for the recycling area.
  - A vehicle wash bay adjacent to the garage building with drainage discharged via interceptor tanks and filters.
  - A weighbridge.

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- A 12,500 litre self-bunded tank for fuel storage with a height of 3.27metres and a plan area 3.2metres x 2.5metres.
12. The site layout drawing shows a total of 125 car parking spaces. Of these, 106 spaces would serve the depot and office, 7 would be disabled spaces, and 12 would be for visitors. Five spaces would be provided for motorcycles, and a secure rack for 15 cycles. These facilities are located mainly in the north eastern part of the site but 10 car parking spaces are located at the front on the south western side of the access road. There is also a lay by/holding area on the south western side of the access road and a footway to the offices adjoining the boundary of Bellaville. In the main car parking area it is proposed that the bays would be surfaced using a grass reinforcing system.
  13. Indicative details of landscaping and boundary treatment have been submitted. This includes planting of a new hedgerow (on the north western boundary to replace existing leylandii hedge), tree and shrub planting, wild flower planting and seeding, and amenity grass areas

#### Planning Policy

14. In ODPM Circular (11/2005), the Government's commitment to the principles of the Green Belt and to maintaining tight planning controls over development on Green Belt land has been reaffirmed. It is expected that all planning applications for development in the Green Belt be subject to the most rigorous scrutiny, having regard to the fundamental aim of Green Belt policy as set out in Planning Policy Guidance note 2. That is to prevent urban sprawl by keeping land permanently open. The openness of Green Belts is considered to be their most important attribute and therefore there is a general presumption against inappropriate development, which is by definition harmful and should not be permitted, unless it can be justified by very special circumstances.
15. The Development Plan Policies summarised below are relevant to consideration of the application:
  - (i) The adopted 2006 **Kent & Medway Structure Plan**:

Policy SP1 States that the primary purpose of Kent's development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development.

Policy NR5 The quality of Kent's environment will be conserved and enhanced. This will include the visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion.

Development should be planned and designed to avoid, or adequately mitigate, pollution impacts. Proposals likely to have adverse implications for pollution should be the subject of a pollution impact assessment.

In assessing proposals local authorities will take into account:

- (a) impact on prevailing background pollution levels; and
- (b) the cumulative impacts of proposals on pollution levels; and
- (c) the ability to mitigate adverse pollution impacts; and
- (d) the extent and potential extremes of any impacts on air quality, water resources, biodiversity and human health.

Development which would result in, or significantly contribute to, unacceptable levels of pollution, will not be permitted.



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- Policy QL1 Requires that all development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.
- Policy EN4 Seeks protection for Kent Downs and High Weald Areas of Outstanding Natural Beauty. The primary objective will be to protect, conserve and enhance landscape character and natural beauty. Major commercial development will not be permitted unless there is a proven national interest, and a lack of alternative sites. Major commercial, mineral or transport infrastructure developments will not be permitted unless it can be demonstrated that:
- (a) there is a proven national interest;
  - (b) there are no alternative sites available or the need cannot be met in any other way; and
  - (c) appropriate provision can be made to minimise harm to the environment.
- Other development which would be detrimental to the natural beauty, quality and character of the landscape and quiet enjoyment of the area will not be permitted.
- Development that is essential to meet local social or economic needs should be permitted provided that it is consistent with the purpose of Areas of Outstanding Natural Beauty.
- Policy EN5 Seeks protection, conservation and enhancement of the quality of the landscape in Special Landscape Areas whilst having regard to the need to facilitate the social and economic well-being of the communities situated within them.
- Policy E9 Seeks to maintain tree cover and the hedgerow network. Additionally, states they should be enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats. Ancient and semi-natural woodland will be protected and, where possible, enhanced.
- Policy SS2 Sets out a general presumption against inappropriate development within the Green Belt. Further states that new building should accord with the provisions of PPG2 and Annex B of PPG3.
- Policy SS8 Non-residential development in rural Kent other than at rural settlements should:
- (i) be demonstrated to be necessary to agriculture, forestry, the winning of minerals or other land uses for which a rural location is essential; or
  - (ii) be the re-use, adaptation or redevelopment of an existing rural building or institution, where the change is acceptable on environmental, traffic and other planning grounds; or
  - (iii) provide a public facility for which a rural location is justified; or
  - (iv) allow for business development in accordance with Policy EP7(ii) or the business diversification of an existing farm in accordance with Policy EP8.
- Policy TP3 States that local planning authorities should ensure that development sites are well served by public transport, walking and cycling, or will be made so as a result of the development. Travel Plans should be established for larger developments that generate significant demand for travel to promote the use of these means of transport.

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Developments likely to generate a large number of trips should be located where there is either a good choice of transport already available or where a good choice can be provided in a manner acceptable to the local transport authority.

Policy TP12 State that development will not be permitted which involves either the construction of a new access onto the local transport authorities' primary or secondary road network or the increased use of an existing access, where a significantly increased risk of crashes or traffic delays would result, unless appropriate measures to mitigate the effect of development have been secured.

Before proposals for development are permitted, the local planning authority will need to be satisfied that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, are in place or certain to be provided.

Policy TP15 States that development which generates significant increases in traffic, especially heavy goods vehicles, will not be permitted if it is not well related to the primary and secondary road network, or if it would result in a significant increased risk of crashes or traffic delays unless appropriate measures to mitigate the effect of the development have been secured.

Policy TP19 States that development proposals should comply with vehicle parking policies and maximum standards adopted by the County Council.

(ii) The adopted **Tonbridge and Malling Borough Local Plan:**

Policy P2/16 Long-term protection will be given to the Green Belt. Development outside the built up confines will not be permitted unless acceptable under the terms of other policies of the plan, or otherwise exceptionally justified.

Policy P3/5 Gives priority to the conservation and enhancement of the natural beauty of Areas of Outstanding Natural Beauty including landscape, wildlife and geological features, over other planning considerations.

Policy P3/6 Gives priority to the conservation and enhancement of the natural beauty of Special Landscape Areas.

Policy P4/11 Development must not harm the particular character and quality of the local environment, and wherever possible should make a positive contribution towards the enhancement of the area. The Policy also sets out a list of criteria to be met that includes built form and its relationship to site context, development being of a high quality in terms of design, detailing and use of materials, regard to principles contained in Kent Design, regard to good practice relating to daylight and sunlight, security issues, and the need to for landscaping proposals and amenity areas as appropriate.

Policy P7/17 States that development proposals which would lead to a significant increase in traffic or the number of heavy goods vehicle movements will only be permitted where the proposal would not lead to conditions harmful to road safety and where there is evidence that the traffic generated can be adequately served by the highway network. Where significant traffic effects are identified, appropriate mitigation measures must be provided.

Policy P6/18 Includes a list of sites within the Green Belt for redevelopment including Nepicar Area: East, London Road, Wrotham, part of which covers about half of the application site. The policy states that

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proposals will only be permitted where an overall improvement in the environment is achieved and subject to a list of criteria being met, covering impact on the openness of the Green Belt, contributing to the objectives of its inclusion in the Green Belt, having regard to the features of the landscape, and an improvement to visual amenity. In addition proposals for a sensitive redevelopment should incorporate a high quality of design and appropriate scale of development sympathetic to the landscape setting in order to integrate the development into the area. Satisfactory access must be provided and appropriate measures should be taken within the site to ameliorate road traffic noise.

Policy P7/18 Provision for parking.

### Consultations

16. **Tonbridge & Malling Borough Council** – raises no objections subject to the following:

- It is considered that HGVs should not be permitted to make a right turn exit from the site in the interests of highway safety and the free flow of traffic.
- The County Council is asked to consider whether changes could be made to the design of the upper part of the south-west elevation of the office block, in the interests of privacy of neighbouring residential properties yet retaining an adequate internal environment to the office; and to the salt barn's height and design such that it be more traditional in appearance and therefore more in keeping with the locality.
- The County Council is asked to impose appropriately worded conditions to secure compliance with the Travel Plan and with noise, air quality and light pollution mitigation as detailed in the application's supporting documents. The Travel Plan should be the subject of early consultation with TMBC and Wrotham Parish Council (WPC).
- All external materials should be subject of early consultation with TMBC and should be as subdued as possible to minimise visual prominence in longer distance views within the Area of Outstanding Natural Beauty.
- All possible steps should be taken to avoid the risk of contamination of local water courses by salt, road scalpings, surfacing and other materials – the County Council is asked to review this matter further with the EA.
- The County Council is asked to engage in early discussion with WPC and local residents in order to investigate opportunities for mitigation of any detrimental impact of the development, as far as this proves possible.

**Wrotham Parish Council** has commented on the application as summarised below:

The Parish Council is concerned that much of the justification for the planning proposal is based on the fundamental principle that "The whole application site is previously developed land." In this respect, draws attention to evidence that land at the north eastern end of the site was surfaced as hard standing sometime during 2004 without the benefit of planning permission. Furthermore points out that it is clear from an aerial photograph in the Landscape and Visual Assessment that this area of the site at the time was grassed over. Considers that it would clearly be a miscarriage of all planning regulation if a planning violation by a previous, but recent, owner was allowed to unduly influence a new planning application.

Comments that the height of the proposed buildings greatly exceeds that of the small single storey dwellings on adjacent roadside sites. In fact the height of the salt store,

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which is wholly located in the MGB is 14m which is equivalent to a 4-storey office block. It would be situated to the north east of the site, which is closest to the North Downs escarpment. Such is its height, size and bulk that it is inevitable that it will be visible to walkers on the Pilgrims Way and for many miles around.

Comments that the proposed development is 5 times more intensive in terms of building density and of far greater height than existing structures and even the area of parked vehicles would have a greater footprint than existing structures.

Notes that either side of this site is an existing line of 9 residences which would be dwarfed by the intensive and disproportionate development that would be completely out of character in this rural residential environment.

Comments that there are some inconsistencies in the application documents including references to utilising green roofs which appear to be an aspiration when in fact what is actually specified is mid grey PVF coated aluminium. It is also unclear whether or not solar panels are included.

Considers that the proposed development does not conform to the Local Plan both in the area covered by Policy 6.18(d) and the area covered by policies: Countryside Protection P2/16, Areas of Outstanding Natural Beauty P3/5, Special Landscape Areas P3/6. The proposed development is therefore inappropriate and could only be justified in the Green Belt by exceptional & Very Special Circumstances. In addition Policy ENV3 requires a proven national interest and a lack of alternative sites. MGB3 sets a strong presumption against such development.

#### Alternative Sites

Considers that the criteria by which alternative sites have been evaluated and other sites rejected is flawed and designed to arrive at the conclusion that the only suitable site is the one that Kent Highways had previously purchased. The Parish Council representation discusses assessment of alternative sites in some detail but in summary it considers that the analysis is flawed for the following reasons:

- A greater assessment of available sites should have been considered.
- More consideration should have been given to the various judgement criteria.
- A model should have been developed for properly weighting criteria in line with actual operational needs and taking account of Governmental advice on planning criteria and sustainability.
- Consideration should have been given to the possibility of ground water contamination.

#### Sustainable Travel Locations

Comments that the selection of a Green Belt site, away from local communities, has resulted in a location, which is very difficult to reach, except by car, as admitted in the Travel Assessment. The lack of a canteen would result in additional use of vehicles to get to local facilities that provide food at lunch times. Obviously the design has had to reflect the reality of the location and accommodate most of the staff travelling to work in their cars, hence the provision of large numbers of car parking bays. The Parish Council does not consider that car sharing is realistic or a practical alternative to good public transport services, and that the excessive parking is a tacit admission of this.

#### Site Access

Comments that entrance is constricted by the adjoining NHS care home and is only 6.7 metres wide measured at the point just after the holding area. Therefore staff cars,

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HGV lorries and HGV gritting vehicles will share a two way access which is only 3.35 meters wide with oncoming traffic and no separation of lanes. Further comments that it has been given very little time to assess this application but are very concerned about the safety of the proposed access given the severely restricted width. The 6.7 metres access must be capable of accommodating cyclists and potentially two HGV's all in opposing directions. This is particularly important given the high volume of use of the junction during the AM and PM peak periods. On a preliminary assessment having referred to particular guidance it considers that 4.2 metres is the minimum width necessary to allow a bicyclist and motorist to share the same lane without coming into conflict, changing lanes, or potentially reducing the motor vehicle capacity of the lane. Furthermore it considers a safe pedestrian entrance on either side of the road is needed as staff could be walking from either direction. With the frequency of peak vehicle access, they will need dual pavement access and a safe means to cross the entrance road, as at present there appears to be only one pedestrian access. It also considers that this constitutes significant intensification of use of a non-conforming access onto a primary distributor road.

#### Environmental Impact Assessment

As the site is within the North Downs AONB, the Parish Council is of the opinion that the applicant should have conducted an Environmental Impact Assessment and included an Environment Statement with the application to fully evaluate the environmental implications of the proposed development. It also considers that the applicant would have been better advised if they had requested a scoping opinion from the determining authority.

#### Bio-diversity

Considers that biodiversity has not been dealt with adequately and comments that it is a material planning issue that must be considered before an application can be determined. Also that as an integral part of an Environmental Statement, surveys should have been carried out to determine what species of flora and fauna are present. For example, there is a pond on the site that may contain Great Crested Newts, a European Protected Species, but the applicant has not been forthcoming with this data.

#### Site Archaeology

The applicant has not provided adequate information or carried out an archaeological assessment in accordance with Kent & Medway Structure Plan and considers that the application cannot be determined without, particularly as archaeological remains have been found in the vicinity of the London Road and close to the application site.

#### Ground Water Contamination

As an integral part of the Environmental Statement a study to determine the possibility of ground water contamination should have been included. The site has aquifers that have resulted in a pond, and a water drain runs from the site. The area is a network of fresh water streams and drainage ditches. The potential for ground water contamination from storage and handling of salt, brine and fuel and from vehicle washing detergents is high. Therefore it is essential to fully address the impact on the groundwater and surface water systems during the construction and working phases of the development.

In addition the site has had a number of unconsented activities taking place over a number of years. This lack of regulation and scrutiny could easily have given rise to activities that have contaminated the ground soil with the potential to further contaminate important aquifers. There is little comment in the application of substance. Soil contamination surveys need to be carried out.

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Without the information regarding potential contamination the Parish Council cannot be satisfied that the impacts of the proposed development could be fully assessed and therefore adequately mitigated, and considers it would be unacceptable to determine the application without it. The applicant has specified salt tolerant plants which is a tacit admission that contamination is likely to occur. The Parish Council therefore considers that the proposal would be contrary to Policies NR4, 5 and 7 of the Structure Plan.

#### Wind Turbine

Questions why the Design Statement refers to energy being generated by a wind turbine, why it does not appear on the plans and if it would create noise for the local residents?

#### Exceptional and Special Circumstances

The Parish Council has questioned in some detail the basis for the applicant's case for locating at the application site.

#### Other comments made in addition to the above in the Parish Council's conclusion, include:

The proposal is inappropriate and the applicant has failed to put forward a case for 'very special circumstances'. In addition considers that the alternative site survey was not conducted in a professional manner and it is not possible to determine if there are more appropriate locations. States that consideration should be given to distributed sites linked by networked computer systems and suggests that Kent Highways employ consultants to review their business plan.

The Parish Council would need considerably greater information before it can properly come to a conclusion regarding the suitability of the Wrotham site.

Question whether a single depot can service roads all across west Kent without hugely increasing lorry travel compared to the present arrangements, and whether it is sensible to have the depot at the foot of Wrotham Hill which can get blocked so easily in snow conditions. Comments that these aspects have not been considered in the submission.

Overall the Parish Council "thinks this is an incompetent application that is only worthy of outright refusal. In addition the significant omissions preclude KCC from further consideration."

**Environment Agency** has no objection to the application subject to the following:

- Note that no details have been provided but comment that all foul and surface water is discharged to the main public sewer.
- Particular conditions being imposed covering foul and surface water drainage, all surface water drainage from roads, parking areas and hard standings being passed through an oil separator and trapped gullies.
- Has several areas of concern in relation to depot activities and enclosed Pollution Prevention Guidelines for Highway Depots, for the applicant to take into account. Comments that written approval is required from the Environment Agency for any discharge of sewage or trade effluent into controlled waters and similarly may be required for discharge into waters which are not controlled. Also comments that such approval may be withheld.
- Comments that the previous use may have left contamination and could impact on the proposed development. The Agency recommends that, prior to determination, a desktop study be carried out which shall include the identification of previous uses,

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potential contaminants that might reasonably be expected given those uses and other relevant information. If the study identifies that contamination may be a problem then the Agency recommends that suitable conditions be imposed relating to site investigation, risk assessment and remediation Method Statement.

- Any contamination or odorous material encountered should be investigated and the Planning Authority informed.

**Divisional Transportation Manager** has commented as follows:

The site has an existing access from London Road (A20) which is to be modified. Approval of this is to be subject to the safety audit procedure.

#### Location

Located on the north side of the A20 between the A227 to the west and M26/M20 junction to the east with easy access to the A25 and Seven Mile Lane B2016 this site is very well suited to serve as an operational highway depot serving the West Kent Districts of Sevenoaks, Dartford, Gravesham and Tonbridge and Malling.

#### Traffic generation.

Given the range of uses declared by the former owner of the site it would not be unreasonable to consider the proposed use as being comparable with the former uses, in terms of staff, traffic type and working practices.

With some 150 members of staff being employed at the site and little if any local facilities within walking or cycling distance of the site TRICS would suggest that 3.7 movements per member of staff would not be unreasonable figure to apply given the transient nature of the employment. Approximate figures suggest that of the order of 550-600 movements in a 24hour period can be expected. Of these there are likely to be 25 - 30% of those movements in the am and pm peak periods, 140 - 200. It is noted that the Transport Assessment has not raised concerns regarding turning movements from the site. I would suggest that a stage 1-2 Safety Audit would raise concerns given the close proximity of other accesses in the vicinity and that egress from the site is restricted to left turn only.

#### Sustainability

The submitted Travel Assessment sets out the constraints of the site and as previously stated the site is ideally located with regards to operational requirements. It is recognised that the site is not directly accessible by public transport and the numbers of staff accessing the site by foot or cycle will be limited. It suggests that a system of car sharing be introduced and maintained to minimise the number of car trips to and from the site.

Options for transporting staff and visitors from existing public transport facilities including Borough Green railway station are to be explored. The options being considered include extending or diverting existing bus services, providing some form of mini bus shuttle to the railway station, organised lifts and or the use of taxis. These options will be fully assessed in terms of cost effectiveness and sustainability in the light of the staff travel needs survey and the on going operation of the site.

The full Travel Plan package is to be regularly reviewed to ensure that the number of cars parking at the site is broadly consistent with the stated Travel Plan targets and that parking is contained within the curtilage of the site.

With regard to visitors it may well be appropriate for officers to arrange to meet potential visitors at other offices or on site. Provision is being made for visitor parking but for those without access to a private car the County Council should be seen to be making services accessible to the public. It could in special circumstances involve officers arranging for visitors to be picked up from the railway station or other convenient

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locations and meetings be arranged on site or offices is to be encouraged where linked journeys make it more sustainable.

Information sheets should be provided for potential visitors together with information on the KHS web site to include web links.

#### Parking

Parking is to be provided in accordance with the latest Government and County Council guidance and the provision of 127 spaces for staff and visitors represents those aspirations, coupled with secure cycle and motorcycle provision. The parking of operational vehicles in the main is to be provided undercover. The separation of the operational parking and private vehicle parking is to be welcomed though the parking area at the entrance of the site should be reserved for operational staff only to minimise the potential movements arising in the am and pm peaks. It will be essential that a full scheme of signing be submitted prior to occupation.

#### Summary

The proposal is for the site to be operated as a highway depot and Area office to serve the West Kent area. Its location gives immediate access to the highway network that serves the West Kent area of Dartford, Gravesend, Sevenoaks and Tonbridge and Malling. The site is not readily accessible by public transport though sufficient links within a 5km range exist such that with compliance with a Travel Plan this site should be considered as sustainable within the area the depot is required to serve.

The site has operated in the past in the form of storage and distribution operating on a 24 hour basis since 1950s. The last uses were somewhat varied having been occupied by independent users. As such various uses of workshops and storage and distribution would be similar to the proposed use the main difference being a likely reduction in large goods vehicle movements and increased private vehicle movements, this is to be welcomed but it is suggested that the egress from the site should be left turn only and I shall require the submission of details and stage two Safety Audit.

Subject to the imposition of the conditions to safeguard parking, access and circulation within the site. The requirement to produce and regularly review a travel plan, produce a scheme of signing and lighting for approval. I raise no objections.

**The County Archaeologist** has requested that a condition be imposed requiring a watching brief.

**Jacobs Babbie** (Environmental Science) has commented as follows:

“I have been verbally advised that the Chipping Storage and Hot Boxes are to be relocated northwards to where there is open storage. I have not seen any plans yet with this revision marked. My comments are however based on the revised scenario.

#### Construction Noise

I am satisfied that noise from the proposal can be adequately controlled by condition to restrict hours of noisy construction work in order to reduce impact on amenity for the closest noise sensitive receivers. It is useful to note that Tonbridge and Malling Borough Council has a different set of “core hours” during the week (i.e. 0730 hours to 1830 hours Monday to Friday) that they expect noisy construction work to be adhered to within their Borough, to those proposed by the Applicant.

#### Operational Noise

With regard to night-time working on the site, the Applicant has only made mention of up to 12 gritting units departing from the site per hour in times of adverse weather. There is no mention on whether these vehicles will be loaded during the night, or



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preloaded during the previous day; nor of the predicted noise levels at the closest housing when this loading occurs. This potential impact of loading operations should be assessed.

The arrival and departure of the gritting vehicles are stated to generate maximum noise levels of 70 dB  $L_{Amax}$  at the nearest noise sensitive receiver. In order to minimize sleep disturbance the WHO state that noise should be limited to less than 60dB  $L_{Amax}$ . It is however noted that the existing  $L_{Amax}$  levels are in excess of 60dB  $L_{Amax}$  throughout the night time period. As such, the departing of gritting vehicles is unlikely to give rise to a detriment in amenity to the nearest noise sensitive receivers.

There is no mention of any other night time activities occurring on the site. The Applicant should be requested to confirm that there will be no other night time use of the depot. No assessment has been undertaken for any deliveries occurring at night time. If these are envisaged, more details will need to be provided. Any potential night time activity must take into account the WHO sleep disturbance criteria.

I am not satisfied that the noise from reversing alarms has been adequately assessed. It is stated that they will be kept to a minimum, but this is not quantified at all. The applicant should demonstrate that this activity (which can be very disturbing) will not detrimentally affect the amenity of the noise sensitive receivers adjacent to the site.

#### Air Quality

I have looked at the predictions of nitrogen dioxide and particulate matter with the proposal in operation. The slight impact caused by the increase in vehicles on the road network would not be measurable. There should therefore be no detriment to amenity through air quality emissions from the site.”

In response to concerns raised by the Parish Council on the previous application has commented as follows:

“I note that the Parish Council raised a concern on air quality at this site due to looking at nitrogen dioxide diffusion tube data for a location 1km away. The Parish Council had concern that NO<sub>2</sub> concentrations appeared to be increasing within their parish area. My investigations show that the years of concern were 2003, which is known to be a high pollution year and 2004, where a tube supplier change led to significantly higher results being obtained. 2005 data, not shown by the Parish Council indicate lower levels once again being achieved (38 $\mu$ g<sup>3</sup>).”

**Jacobs Babbie** (Landscape) has made a number of detailed comments, including the following:

#### “Visual Effects of the Proposed Development

The current proposals are now accompanied by a Landscape Assessment and I have visited the elevated scarp face within the Area of Outstanding Natural Beauty (AONB), which I had previously assessed as having a high potential for views of the site. However I would concur with the submitted Landscape Assessment that the site is well screened by intervening vegetation and that the strong network of woodland and hedgerows north of the site helps to integrate the site into the landscape. Most importantly it is at sufficient distance from elevated viewpoints and elevated public footpaths (at least 1.5 km) that significant adverse effects on views are not possible. Similarly any indirect effects on the Special Landscape Area (SLA) would not be significant.

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At close range the site is seen either in the context of the existing surrounding development or there is sufficient intervening vegetation to largely screen views of the development. However the height and scale of the proposed buildings is somewhat larger than existing buildings and some nearby properties are likely to experience a moderate degree of visual intrusion. Whilst this can be softened to some extent by new planting, it is unlikely to be mitigated entirely.

#### Impact on Trees and Vegetation

The site is bounded by a number of hedgerows and trees of various sizes, which are important to its landscape setting. The most visually significant and important vegetation is located around the northern boundary where the site is surrounded by open countryside in the ownership of the National Trust. Proposals here are confined to roads/parking. The use of porous asphalt and reinforced grass will help to ensure that the area below the tree canopy is conducive to root growth, although for this to be fully successful levels should not be reduced within the area of the canopy. The recreational footpath impinges on the canopies of some trees and the alignment of this footpath should be adjusted to avoid them.

The hedgerows along the western boundary, mostly of *Leylandii* conifers, would be removed and replaced with more ecologically desirable species, although at the northern end by the Open Storage area there is the opportunity to retain the existing native hedge. On the eastern boundary trees are outside the site and at sufficient distance that they should be unaffected.

There are proposals to provide additional planting on site, to increase the width of boundary planting, especially around the car park area.

#### Green Belt Effects

There would be loss of openness within the Green Belt, at least within the northern half of the site. The loss of openness within the Green Belt needs to be weighed against the policy considerations and the 'special circumstances' of the development.

#### Landscape Effects

There would be a slight direct effect on the AONB, in terms of built development extending further into the protected area (i.e. the redevelopment of the northern sector). As discussed this would not be significantly adverse visually and the most valuable elements, the existing native trees and native hedgerows, would be retained. Indirect impact on the SLA is also low.

Any slight adverse landscape effect on the AONB needs to be balanced against the development criteria as discussed earlier.

#### Conclusion and Recommendations

Clearly landscape policy supports the conservation of the landscape above that of development, especially where the development would be harmful to the landscape.

From important elevated viewpoints within the AONB the site is well screened by intervening vegetation and is at sufficient distance that significant adverse effects on views are unlikely. Similarly any indirect effects on the SLA would not be significant. There would however be moderate adverse impacts on nearby residential properties, which could not be entirely mitigated. There would also be more intense built development within the AONB. These adverse effects need to be carefully balanced against other planning considerations.

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Apart from the leylandii hedgerow along the western boundary, most of the significant site vegetation can be retained, provided that level changes in the vicinity of the vegetation are not significant. If the application were to be approved, this could be dealt with through a suitable condition requiring tree constraint and protection plans (BS 5837: 2005) and full details of levels, layout and construction details. Full details of planting and aftercare would also be necessary.”

**West Kent Shared Services Agency of the NHS** (owners of the adjoining Care Home – Bellaville) – views awaited (but raised no concerns about the previous application).

#### **Local Member**

17. The local County Member, Mrs Valerie Dagger, was notified of the application on the 10 July 2006.

#### **Publicity**

18. The application was publicised by an advertisement in a local newspaper, the posting of a site notice and the individual notification of 6 neighbouring properties. As the site is within the Metropolitan Green Belt the advertisement and site notice indicate that the proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.

#### **Representations**

19. I have received 4 letters of representation from local residents, 2 from neighbouring properties. The concerns raised/comments made include those below, and where relevant are covered in the discussion section:
  - Notes that the height of office block is reduced from the outline application, but comments that the site and usage of the site is still greater than any which was there previously.
  - There has never been a building on the site where the office block is to be situated; also the salt barn is beyond the existing building line, higher than any building in the immediate area and would be an eyesore. When the leaves are off the trees it will be very visible to travellers on the M26, embankment and crossing the bridge.
  - Have a grave concern that there may be 24hour usage, which would be intolerable to the residential dwellings bordering on the site.
  - Concerned for a family member that stays at the weekend, 70% of the year who would be affected by any sudden or loud noise, which will cause her to go into a muscular spasm, particularly when woken from sleep at night. On several occasions this has caused her to bite through her tongue and quite long spells in hospital.
  - Concerns regarding salt leaking into the surrounding land. Questions whether or not the lake is to be used for the lorry-wash plant. Concerned that even with a filter plant some salt would find its way into the stream, which crosses the site. The stream previously became polluted with oil when lorry washing took place on the site.
  - Comments that there is frequently heavy traffic congestion at peak times very often associated with stationary traffic on the M26. Also that there is no usable bus service on this section of the A20 and notice the reluctance to run a mini-bus from the station on cost grounds and considers it would have limited use any way. Questions therefore whether there would be sufficient parking on site as a result of

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most people having to travel by car and consider that the traffic congestion would be made worse. Comments that the lay by opposite would become an overflow car park, as will their service road which serves 3 residential properties where there is already a problem caused by commuters.

- Whilst not totally opposed to the proposal consider that too much is being pushed into a small site and would like to see it scale down, fitted more sympathetically into the landscape with no night time working.
- Comment that the site has not legally been in constant use, and the illegal use has caused a nuisance and the police have had to be called on many occasions. Due to this have had to erect a fence to separate the two properties. Note that the application for a Certificate of Lawful Development for B1, B2 & B8 uses was withdrawn.
- Notes that the site is in the Metropolitan Green Belt and an Area of Outstanding Natural Beauty.
- What is proposed is about 3 times the size of the combined footprint of the existing buildings. Trusts that the building that does not have planning permission has not been included to justify the new development.
- The site is going from a storage yard to a 24hour/7day week full-blown industrial yard. The disturbance will include flashing lights, noise, car doors opening and shutting especially during the evening when roads are salted and most maintenance is carried out.
- The area where the office would be is going from an open space and being able to see the sun rise, to a 10 metre high building which will block the complete view and light from their kitchen window and garden. The garage building would block the view and light to the bedroom window.
- The salt barn at 14 metres high will be a blot on the landscape, block the sky, views and light etc.
- Concerned about contamination of garden, effect on wildlife, and pollution of stream from the salt including arising from being wind blown.
- The parking is mainly located on the Green Belt land where shrubs and trees should be to absorb the natural water. Their garden already gets flooded from the extensive hard standing on the site and it being higher than their garden.
- It seems that the site is not large enough to cope with the proposed development. Concerned that there will not be enough car parking.
- No mention is made about the need to sprinkle dust over melting roads in hot weather.
- Note that the Areas of Outstanding Natural Beauty receive the highest level of protection and express concern that all planting schemes take years to establish. Questions the accuracy of the Visual Assessment. Also comments that the buildings will be more clearly seen when the leaves are not on the trees.
- The site is not suitable because the salt barn and part of the office building are outside the area designated in the Local plan for redevelopment. The development would take away the complete openness of the site and does not comply with Planning Policy Guidance on Green Belts. There is no point in having planning regulations if they are not abided by. This development could set a precedent resulting in no Green Belts being left.
- Notes that siting of major industrial or commercial development within Areas of Outstanding Natural Beauty will not be permitted. Disagrees with the applicants that this is not a major development.
- Given the location of the site it is not possible to reduce reliance private car use and considers the development will increase the need to travel.

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- The traffic generated by the development in this location would cause congestion, pollution and environmental damage. Asks what mitigation proposals are going to be put in place to address these. Also comments that there will be a significant increase in traffic and therefore the application should be refused. relating to transport impacts
- Concerned about impact on wildlife from construction and operation of the depot.
- The proposal would not enhance anything other than causing a blot on the landscape, destroy the neighbouring houses quality of life by 24 hour/7 days a week pollution, noise, activity, etc.
- Concerned about impact on their property when 95% of their garden runs along side the site with direct views of it. Also comment that there are no buildings adjoining it.
- Finds it hard to believe within Kent there are no suitable alternative sites and also suggest some other locations along A20 that they consider more suitable.
- Asks how often the retention pond would be cleaned and what is going to happen to stream and existing pond. Asks for drainage proposals for the whole property.
- There is no information on security and fencing.
- There is no in depth report on how the work is to be carried out. Also ask about Method Statements, Risk Assessments and Health and Safety Assessment.
- Also concerned about there not being enough room for site offices, plant machinery, parking of contractor's and employees vehicles etc. during construction
- Concerned about security because the site has had many intruders in the past, which has affected their property.
- Concerned about dirt being taken onto the road arising from construction activities.
- Conclude by saying they totally disapprove of this application and under no circumstances are prepared to live next door to a 24 hour/7 days a week working industrial yard they never moved next to when they purchased their property.
- Opposes it because it is an inappropriate development in this residential and rural spot - the site being in the green belt, in an area of outstanding natural beauty and in a special landscape area. I oppose it because the development would be contrary to all relevant plans and central government guidance and because no special case has been made to override the good sense behind those plans and guidance.
- This is predominantly a residential area surrounded closely by countryside. In addition to the houses immediately adjoining, there are many other houses, which would be affected. There are also two Listed buildings in the vicinity - and, additionally, three of the houses date from several centuries ago. The noise and pollution (including throughout the night) which the development would involve is unreasonable in such a residential area.
- As the current entrance to the site is fairly narrow, there is currently no interference with the rural ambience but as the proposal involves demolishing one of the houses the industrial nature would be all too obvious from the road.
- As Wrotham Hill (used by walkers) rises behind the site, the development would be clearly visible also from the rear.
- The development would be against the Special Landscape Areas and Green Belt and Areas Of Outstanding Natural Beauty Policies and, for various reasons, not in accordance with PPS1, PPS2, PPS7, PPS11, PPS13, PPS23 and PPS24. It also would not accord with the Kent Structure Plan or the Local plan.
- Finds it totally inconceivable that in the whole of Kent the Council could not find an alternative site which would not be contrary to all those plans, policies and guidance – and opposes the application also because of inadequate consideration of other locations.
- It would seem far more sensible to have a site towards the centre of the relevant area. There would be a waste of energy and unnecessary pollution from vehicles

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travelling to and from this site. It is irrelevant that there are motorways to the north of the site when the area being served is to the South.

- The applicant has got anywhere near making out any case for 'exceptional and special circumstances' such as to override the plans, policies and guidance mentioned above. Has seen the representations made by Wrotham Parish Council on this point and agrees with them.
- Also, mentions another aspect of the water problem identified in the Parish Council's representations. When a road further up Wrotham Hill was being built, there were serious problems with water and springs. Also, twice in the last ten years water spouted unexpectedly from the Hill and flowed onto the London Road.
- Concurs with the representations from Borough Green Traffic Action Group and Keep Borough Green as well as those of the Parish Council.
- Concerned at the noise [both from lorries coming and going from the site and also the site itself - such as from the proposed wind turbine], the vibration from passing lorries and the fumes and the pollution which the development would mean.
- Suggests that it would make more sense to have several smaller localised depots than to have the large facility proposed. Does not consider adequate explanation has been given for having all the office workers at the depot site.
- Concurs with other objections made to the proposal. Considers there must be other locations that would not be so contrary to planning policy and guidance and does not consider an adequate search has been made or consideration given to other ways of working.

20. In addition to the above I have received two further representations, one from 'Keep Boroughs Green' and the other from 'Borough Green Traffic Action Committee'. The concerns raised/comments made include those below, and where relevant are covered in the discussion section:

#### Keep Boroughs Green

- In effect Kent County Council is the determining authority on its own planning application and one that is contrary to planning policy, it is therefore an obligation for the Planning Applications Unit to be rigorous in its determination of the application.
- The proposal is massively over intensive in size and form and will be very ugly in its essentially residential, rural setting. In particular the 14-metre salt barn to the rear of the site is particularly hideous and is destined to become a local landmark for all the wrong reasons, if consented. It is very unfortunate that it will clearly be seen from the North Downs, which is why the area is designated MGB, (to the rear of the site), AONB & ASLI.
- The frequent HGV movements caused by the depot and the road gritting service will generate dust, chemical and most of all noise pollution, particularly within the site. Air brakes, reversing beepers and large salt filled vehicles will make life hell for local residents and the NHS care home that is engulfed by the proposed site. The plant is designed to operate through the night, which will be particularly annoying in terms of noise and light pollution.
- As the development would be inappropriate, the nub of the matter is whether the applicant has clearly demonstrated that the claimed efficiencies are enough to override all planning constraints in this sensitive area.
- Bearing in mind gritting operations questions why is it essential to have all of Highways office staff located in an adjacent building since most of the time they will have gone home to bed? We live in a time of distributed network computer systems and it is for the applicant to clearly demonstrate what business process makes particularly office and gritting operations essential to co-locate.

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- KCC Highways have purchased a site that is just capable, though over intensive development, of cramming all of their operations in and now seek to justify this by an exceptional circumstance of alleged efficiency in operations.
- The applicants justification is completely inadequate and any alleged benefit should be properly justified by business process analysis carried out independently by experts. In particular the need to co-locate office and gritting functions should be examined closely because this reduces the number of available sites drastically and would appear to be of relatively little benefit.
- The ES is lacking essential information as follows: -
  1. Biodiversity study/habitat for protected species needs to be assessed in advance of determination.
  2. Archaeological survey.
  3. Groundwater Contamination Survey. The site is crossed by aquifers and fresh water drains and the risk should have been fully assessed and mitigated by appropriate technology.
  4. Soil contamination survey, the unconsented activities on the site might have resulted in soil contamination.
  5. Why the applicant is specifying salt tolerant plants for landscaping?
  6. The alternative site survey was not carried out in a professional manner, the criteria are flawed and it was designed to conclude that the only site possible is the one already in KCC's ownership.

#### **Borough Green Traffic Action Committee**

- Concurs with the submissions of Wrotham Parish Council and Keep Boroughs Green.
- Questions why it needs to be located adjacent to a motorway junction when the use of the site specifically excludes motorway and A21 operations.
- What is the point of tucking the depot away in the northern corner of the County, rather than a central location?
- Because of the largely emergency nature of both Highway and Gritting operations, it makes far more commercial and operational sense to have a plethora of small strategically located depots, which can respond quickly to local problems. Modern communications now mean that on the spot management is unnecessary, and even to be discouraged.
- Concerned about salt being stored within half a mile of the local mid Kent Water pumping station, right on top of the aquifers that station draws from. The water table in this area is only a few feet below ground level, and if the depot is allowed we are looking at an imminent ecological disaster. No matter how carefully the site is run, there will be escapes of salt, and whilst a couple of tonnes are discountable from an operational point of view, it will wipe out the viability of Ford Lane Pumping station overnight.
- The unacceptable impact on the residential properties adjacent to the site, and the destruction of both an actual portion of Green Belt land, and the loss of the amenity value of that Green Belt land as part of the view from the North Downs.
- The depot would generate a large amount of extra traffic in an area that already suffers gridlock on a regular basis because of its strategic location, and would only exacerbate the traffic chaos that Borough Green already suffers because of the lack of a Bypass.
- Hopes that the KCC Planning Authority remains aware that they must maintain an arms length relationship with KCC Highways, and rely on the laid down planning guidelines to deliver an unbiased decision.

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#### Discussion

##### Introduction

21. Although the application site, is set within an urban frontage it backs onto the countryside beyond. Its context is outlined in more detail in paragraphs (2) and (3) above. At first considering, it would appear that the proposal just involves the redevelopment of what is in effect a derelict and despoiled site. Indeed part of the site is identified in the Local Plan as being suitable for redevelopment and an overall improvement in the environment is sought subject to certain criteria being met. Furthermore by definition the whole of the site can be considered as 'previously-developed land' even if the north eastern part, bearing in mind the likely unauthorised surfacing of it, should be regarded as if it were an undeveloped grassed area. Since Annex C of Planning Policy Guidance Note 3 (which defines 'previously developed land') includes the curtilage of land attached to buildings as being part of the whole; the site should be treated as a single planning unit.
22. However, it will be noted that the whole of the site is within the Metropolitan Green Belt. Therefore, given that the extent of the proposed development goes beyond the Local Plan designation for redevelopment, and given the type of development, it has to be considered as inappropriate development within the Green Belt. It will therefore be necessary to consider the impact of the development on the openness of the Green Belt and whether or not this is outweighed by very special circumstances, in the light of Green Belt Policy. In addition the proposal also raises a number of other key issues. These include, the impact of the development on the landscape taking into account that the land is within the Kent Downs Area of Outstanding Natural Beauty and North Downs Special Landscape Area, the impact of the development on local amenity of residential properties, and local environmental impacts. Also, the impact of additional traffic generated by the development. These must be considered in the context of the Development Plan policies, referred to in paragraph (15) above, Government Guidance and other material planning considerations arising from consultation and publicity.

##### Metropolitan Green Belt

23. As already referred to, the proposal involves 'inappropriate development' within the Metropolitan Green Belt and it is necessary to consider the impact of the development on its openness and whether or not there are very special circumstances that would warrant setting aside the general presumption against the development. To my mind it is unquestionable that given the form, extent and nature of what is proposed the development would significantly impact on the openness of the Green Belt, even if in terms of its visual rather than physical presence it could to some extent be mitigated. In particular, the development would extend beyond the area of the existing buildings and the area outside of the land identified in the Local Plan as suitable for redevelopment. This includes part of the office and garage buildings, the salt barn and a large expanse of car parking.
24. Mindful of the Green Belt issues associated with the application site, particularly bearing in mind the need to demonstrate very special circumstances, the applicant goes into some detail about the background and need for the development and site selection process. The proposal arises from the re-organisation of the County Council's Highway service, including co-location of functions, and the need to provide a suitably located site to serve the West Kent Area as referred to in paragraphs (5) & (6) above. The applicant has stressed that the advantages of co-location derive from the highways staff



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performing various different functions being located together in one place, wherever that might be. The existing locations of offices and depots were deemed not to be suitable for a variety of reasons and therefore the applicants undertook a site search, initially identifying 50 potential sites for the proposed principal depots across Kent, prior to pursuing the proposals for the application site.

25. Ten of the sites referred to above are located in West Kent. To have been considered at all, sites needed to be located near the strategic road network, preferably trunk roads and motorways. Although proximity to the motorways is not in itself a requirement, since the Highways Agency remains responsible for their maintenance, and gritting, such proximity ensures easy access to the parts of the strategic road network for which the County Council is itself responsible. Whilst all qualified on this criterion, it did not mean that all were as equally well located.
26. The second consideration was the size of the site and its suitability to accommodate an office for 100-120 people, car parking and an operational depot. Four sites were eliminated at this stage, two simply because they were not large enough. A third, the existing Hayesden depot at Tonbridge, was discarded as too tight a fit. This depot is now proposed for redevelopment as a satellite to the application site. A fourth was eliminated as a result of uncertainties about other developments in the vicinity.
27. The suitability of the remaining six was evaluated according to the following criteria:
  - A location which will enable reasonable access for staff, public, members and contractors to access all parts of the division.
  - Costs of purchasing or leasing the site.
  - The perceived ease or otherwise of obtaining planning permission.
  - Site availability.
  - Suitability for sustainable travel planning.
  - Existence or otherwise of services.

The six were graded for each criterion. The first criterion, of location, was accorded substantially more weight than the others. The application site emerged as the most suitable, having by some way the best location, central to the West Kent Division. It scored well on all but one of the other criteria, but was acknowledged to be the least suitable in terms of sustainable transport planning owing to its essentially rural location away from any settlement of significant size. However, this disadvantage was considered to be substantially outweighed by the site's location advantage and it was concluded that the application site was the best located for the provision of highways maintenance services generally throughout the year and gritting in particular when required in winter. For these functions, the proposed development would effectively replace the Swanley depot, which is to be sold to the Highways Agency for its own use.

28. The applicant states that the very special circumstances derive from the need for the development, and then from the site selection process that led to the identification of application site as the most suitable site. Its central location in the West Kent Division and outstanding access to the relevant parts of the strategic road network, often by means of the nearby motorways, was the most important single criterion and no other site matched its location advantages.
29. The applicant further states that with the exception of a small part of Tonbridge and Malling Borough close to Maidstone, the whole of the West Kent Division, apart from its urban areas, is covered by the Green Belt. This area, on the eastern edge of the four

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Districts, which together make up the West Kent Division, is by definition poorly located in relation to the Division as a whole. It was therefore inevitable that a suitably located site would be in the Green Belt, unless an urban location could be found.

30. In my view, the reasons for the development and the need to locate with regard to the Strategic Highway network and central to the West Kent Division are logical and can be accepted. It is also probable that if there were an acceptable alternative it would also be located within the Green Belt. If that is the case, it must be preferable that any such development should then take place on a site where impact on the openness of the Green Belt would be minimised and in particular (to accord with Structure Plan Policy SP1) locations that do not rely on Green field sites. I consider that taken as a whole that would be true of the application site even though as acknowledged in paragraph (23) above, by definition the development would significantly impact on the openness of the Green Belt because it would effectively infill the whole site with development. However, it will be noted that about half of the site has been previously developed and is identified in the Local Plan as suitable for redevelopment and arguably is located within an area of/adjoining existing built (ribbon) development and curtilages. Some of which is non-residential, including the café adjacent to the site and petrol filling station about 160 metres to the north-west. In addition, boundary trees and hedgerow to some extent enclose the remainder of the site, where the impact on openness would otherwise be more extensive and intrusive on the countryside beyond.
31. Taking all the above factors into account I do not consider that an objection on the basis of the effects of the proposed development on the openness of the Green Belt would be warranted. Particularly, as I consider that very special circumstances have been demonstrated for overriding Green Belt policy constraints in this particular case. However, if Members are minded to grant permission, the application would have to be referred to the Secretary of State for Communities and Local Government for consideration. This is required under The Town and Country (Green Belt) Direction 2005 because the proposal involves inappropriate development that would significantly impact on the openness of the Green Belt.

#### Landscape/Visual impact

32. Bearing in mind the landscape policy context of the site and the main objective of Development Plan Policies to protect, conserve and enhance landscape character and natural beauty, and landscape quality, the applicants have prepared a Landscape and Visual Assessment to accompany the application and state that the development has been designed and laid out with this context in mind. The extent and layout of the proposed development, the height, scale and bulk of the buildings will be noted from the drawings and as otherwise referred to above. Landscaping proposals are also included that would provide for native tree and hedge planting together with retention of existing trees and hedgerows to assimilate the development into the landscape and protect views. In addition it is proposed that grass reinforcing system would be used for the parking bays and adjoining areas would be seeded with a wild flower mix. Given the expanse of parking this would help to minimise the visual impact compared to a completely solid paved surface. The landscape proposals are to be welcomed but it has to be acknowledged that the benefits of the tree and hedge planting in achieving the stated objectives would not be immediate.
33. Our Landscape Architect's views in paragraph (16) above will be noted. In particular, his conclusions, that:

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“From important elevated viewpoints within the AONB the site is well screened by intervening vegetation and is at sufficient distance that significant adverse effects on views are unlikely. Similarly any indirect effects on the SLA would not be significant. There would however be moderate adverse impacts on nearby residential properties, which could not be entirely mitigated. There would also be more intense built development within the AONB.”

Taking account of his assessment and the applicant’s case for the depot to be located at the site, I do not consider an objection on the basis of landscape/visual impact could be sustained. However if permission is granted, full details of the proposed landscaping would need to be reserved by condition, a condition imposed for its subsequent aftercare and maintenance, and conditions imposed covering tree protection and site levels.

34. It is also necessary to consider the design and appearance of the development more specifically. In summary, Development Plan Policies, require development to be well designed and to respect its setting. The layout of the site, relationship of buildings, circulation spaces and parking are logical and would provide a cohesive result. In my view, the design and appearance of the buildings, including their form and scale, are appropriate to the proposed uses and in general respond well to the site context. The offices, garage building and covered storage areas at heights of just over 9 metres, about 7 and 6.5 metres respectively are not in my view unacceptable in design terms. Some concerns have though been raised more particularly about the height of the salt barn at 14 metres, and its design. Indeed the Borough Council has asked for consideration to be given to re-designing the salt barn to follow a more traditional approach and to consider reducing it in height. However I am not convinced that a rectangular building with a pitched roof would have any advantage in visual terms and consider that the elliptical/spherical shape proposed with an appropriate colour roof covering would be less obtrusive in the landscape. In terms of reducing the height I have put this to the applicant and understand that the height is governed by the need for the tipper trucks to unload within the building.
35. A range of materials for the buildings is proposed as set in paragraphs (7) – (10) above and are largely considered to be acceptable. The way they are used to express the elevations, particularly on the office block with a balance of solid and void achieved with the glazed areas, adds interest and helps to reduce the scale of the building. However, I do share the Borough Council’s concerns about the colour of the proposed roofing and agree that a darker grey than that currently proposed would be preferable in terms of visual impact, particularly in the wider landscape. As is normal practise, it would be appropriate for the final choice of materials to be reserved by condition to maintain control and to ensure that current intentions of quality are achieved and that acceptable roof colours are chosen both for office, garage and covered storage areas and for the salt barn.
36. Overall, I consider that the design and appearance of the buildings is acceptable and would accord with the Development Plan policies in this respect. Despite the site being more extensively developed, I consider that the new buildings and the layout of the site would offer a considerable enhancement over the existing buildings and site as it currently is.

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#### Impact on Local Amenity

37. The proximity of residential properties to the site will be noted and has given rise to concerns being raised about the development by local residents, as summarised in paragraph (19) above. The properties closest to the site are to some extent separated by fencing and/or boundary planting although as acknowledged above there would be a degree of visual impact experienced as a result of the development, more particularly from the gardens and because of its height or from where there are gaps in the boundary. The nearest building to these properties would be the office building and this would be 11m and 14m from the neighbouring garden boundaries of Bellaville and Rosador, respectively. In terms of distances from the dwellings the office building would be about 36 metres from the nearest façade of Bellaville which is interrupted by boundary fencing and planting and about 42 metres from Rosador, corner to corner. The office building would be taller than these properties but, in my view, would be an acceptable distance away in terms of not, having an adverse impact on daylight and sunlight, resulting in any loss of privacy from overlooking, or the building appearing to be overbearing. As such I would not raise an objection to loss of residential amenity on these grounds.
38. It will however be noted that the Borough Council has asked the County Council to consider whether changes could be made to the design of the upper part of the south-west elevation of the office block, in the interests of protecting the privacy of neighbouring residential properties yet retaining an adequate internal environment to the office. I have put this to the applicant's Architect and I am awaiting a response, but it is the case that the building has been designed to ensure that there are not opportunities for direct overlooking any way. The first floor mezzanine floor is set back on the other side away from the glazing on the south east and south west elevations, as can be seen from the section AA on page D5.7. Although for the above reasons I do not consider that it is essential, I would not object to an appropriate change that improved the situation.
39. It is difficult to quantify and compare the proposal with previous activities at the site. There would obviously be traffic movements associated with the offices and the depot and a certain amount of onsite activity associated with the depot operations. One of the main concerns has been the perception that the depot would be operational 24 hours a day, 7 days a week and the noise associated with the continuous activity. In the light of these concerns the applicant's agent has indicated that this is not intended to be the case but rather that the depot element of the proposal must have the potential to operate continuously when necessary; and in practice such continuous operation or activity would mainly take place in the winter months during extreme weather conditions. Kent Highway Services has also provided information that the average number of runs from Swanley [which Wrotham will broadly replace] in the period 2001/02 to 2005/06 was about 60. In terms of runs outside normal working hours (defined for these purposes as 0700-1900), it has been advised that the vast majority take place in the evening (1930-2200) or early morning (0400-0700) with runs between 2200 and 0400 only undertaken when absolutely necessary.
40. A noise assessment was carried out on behalf of the applicants and our Environmental Consultant has advised on this as set out in paragraph (16) above. She is seeking some clarification and further assessment in particular of night-time activity. At the time of writing I have received the following response:

### Application for an integrated highways depot, London Road, Wrotham – TM/06/2342

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“A 3m solid concrete wall would be constructed to the west of the site which would provide noise attenuation for Oakdene from noise emanating from the site. A two storey office block would be constructed to the southeast of the site which would provide protection to Bellaville and Rosador from noise emanating from the site. The entrance of the site would be bounded on either side by a 2.4m close boarded timber fence, providing additional protection, particularly from HGVs.

The vehicles, with predicted adverse weather anticipated would be loaded during the day. Only on rare occasions would the vehicles need to be loaded during the night and then the vehicles would be loaded internally within the salt barn. The skin of the barn would provide significant noise attenuation. The night-time use of the vehicles during adverse weather obviously depends upon the severity of the prevailing weather conditions and whether the vehicles need to return to the depot to reload; this would not be normal practice.

It must be stressed that this occurrence would be highly infrequent, and occur only during severe weather conditions when properties would have their double glazed windows closed, and be separated from the depot's activities by a 3m concrete wall, building structures and a 2.4m close boarded fence. It is considered that with the salt barn to the north of the depot, some 140 metres from the nearest property, the infrastructure of the depot would provide significant noise attenuation to the activities within the depot.

There is no mention of any other night time activities occurring on the site as they are not anticipated during the normal working week.

The design of the site is such that the vehicles movements within the site are directed clockwise and reversing manoeuvres are therefore kept to a minimum. Where such movements are necessary the vehicles would be moving away from the residential development. Use would be made of localised, directional alarms, which employ broadband white noise rather than a tonal signal, which is perceived as quieter and less disturbing and thus is less likely to cause annoyance, the reversing alarm being localized only in the danger area behind the vehicle, again the infrastructure of the depot would provide significant noise attenuation.”

I have re-consulted our Environmental Consultant and hope to be able to advise on the outcome at the Committee Meeting.

41. Concerns have been raised about pollution levels increasing in this locality arising from the concentration of the traffic generated by the proposed development. An air quality survey was carried out on behalf of the applicant. Our Environmental Consultant advises that having considered nitrogen dioxide and particulate matter with the proposal in operation, the slight impact caused by the increase in vehicles on the road network would not be measurable. She concludes therefore that there would be no detriment to amenity through air quality emissions from the site.
42. No details of external lighting have been submitted with the application and since this can have a significant impact on the local environment/landscape and be a cause of nuisance this should be reserved by condition if permission is granted.

#### Construction

43. Concerns have been raised about the impact of construction activity and the traffic generated. Clearly a site compound and temporary accommodation for contractors would be needed during the demolition and construction operations associated with the development. If planning permission is granted details particularly in respect of siting could be reserved by condition to ensure that it does not unduly impact on residential

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amenity. Similarly details of parking for contractors and subcontractors vehicles, to be provided on the site to avoid indiscriminate parking elsewhere that would compromise highway safety or inconvenience local residents, could also be reserved by condition if planning permission is granted. It is also normal to impose a condition requiring appropriate measures be taken to prevent mud and other debris being taken onto the highway.

44. In addition to the above, given the proximity of adjoining properties, if planning permission is granted it would, in my view, be appropriate in order to protect their amenities to impose a condition restricting hours of construction and demolition. I would suggest that this should be between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays.

#### Drainage/Protection of Water Resources

45. Some local residents have concerns regarding water run-off from the proposed development. No details of drainage for the new buildings, access and parking areas have been provided at this stage, but they could be reserved by condition for later consideration, including consultation with the Environment Agency if permission is granted. In fact, the Environment Agency has requested a number of conditions be imposed in respect of foul and surface water drainage.

#### Salt Contamination

46. A number of concerns have also been raised about contamination from salt. The Environment Agency has provided a guidance note which covers this issue. Their preference is for salt storage to be covered as is proposed in this case, unlike the current practice at some of the existing depots. The drainage of the site would also be important to prevent contamination of the local water environment from salt, and as indicated above the Environment Agency would need to be satisfied with these proposals.
47. In response to concerns about windblown salt, the applicant's agent has commented as follows:

"I am advised by KCC Highways and Ringway that gritting salt consists of particles about 6mm in diameter. Although the salt barn is covered, salt is hygroscopic, that is, it absorbs moisture from the air. The method of loading the salt, either by shovel or hopper, is designed to avoid spillage. A new system (called "pre-wet") will I understand be introduced. These four factors, however – the size of the salt particles, the properties of salt, and the current and future operational methods should in my opinion ensure that the risk of wind blown salt affecting neighbouring properties would be minimal."

#### Ground Contamination

48. It will be noted that the Environment Agency has given advice about the potential contamination of the site from the previous uses. It is suggesting that in the first instance a desk top study is carried out prior to determination of the application to examine this issue, and imposition of a number of conditions to deal with the issue subsequently. At the time of writing I have been advised that a desk top study has been carried out and is being sent to me. Once received I will be seeking the further advice

### **Application for an integrated highways depot, London Road, Wrotham – TM/06/2342**

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of the Environment Agency. If Members were minded to grant planning permission this issue should be addressed/resolved in consultation with the Environment Agency prior to any decision being issued.

#### **Ecology**

49. The applicant has indicated in the Design Statement that surveys of wildlife and habitats on the site have been carried out and that the reports would be responded to. I understand that an initial scoping survey for ecology was carried out. At the time of writing I have just received a report on herpetofauna surveys carried out. This considers the likely presence of Great Crested Newts in appropriate ponds within 500 metres of the site, the likely presence of reptiles on the site, assesses the conservation status of herpetofauna at the site, and advises on mitigation. An assessment of habitat variables has revealed that the ponds surveyed offer 'poor' and 'below average' potential for Great Crested Newts and that an application for a DEFRA Great Crested Newt Licence is not necessary. Survey work confirmed the presence of Common Frog and Smooth Newt from terrestrial habitat within the site boundary and the presence of a protected species, Viviparous Lizard, from within the site boundary. The report advises that mitigation for the Viviparous Lizard would be required if the development were likely to disturb occupied habitat. It further advises that proposals for mitigation should be prepared and agreed with the appropriate authority before commencement of construction activities. I am consulting English Nature on the report and seeking advice on whether details of proposed mitigation are needed before the application is determined or whether they are content for these to be required by condition. In the latter case, conditions could be imposed to require details of the necessary mitigation work to be submitted for prior approval and to ensure that it takes place prior to the commencement of any development. If Members were minded to grant planning permission this issue should be satisfactorily resolved prior to any decision being issued.

#### **Archaeology**

50. An archaeological assessment has not been submitted with the application. However it will be noted that the County Archaeologist has asked that a condition requiring a watching brief be imposed, if planning permission is granted.

#### **Transport and Access Issues**

51. The proposal would generate a fairly significant amount of traffic arising from both the office staff and from the depot element of the proposal. As a consequence, provision for parking 125 cars, 5 motor cycles, 15 cycles, and garaging for 28 vehicles is proposed as described above. A Transport Assessment accompanied the application together with a Travel Plan to aid consideration of the proposal. In terms of traffic movements the Transport Assessment indicates that a total of 182 vehicle trips would be generated in the AM (0800-0900) and PM (1700-1800) peak periods. The distribution of these trips is relatively evenly split between the office and maintenance uses of the development and similarly split between traffic heading north and south. The total trips correspond to a vehicle entering or leaving the site approximately every 20 seconds during the peak hours (0800-0900) and (1700-1800). However, the Assessment demonstrates that the proposed development would not have a material impact on the local highway network, and that the existing network would be able to accommodate the predicted number of trips calculated. It concludes that the increase

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in trips as a result of the proposed development would not have a detrimental impact on the A20 London Road, or the surrounding local highway network.

52. In addition to requirements to meet highway safety objectives, Development Plan Policies and Planning Policy Guidance, seek to promote sustainable transport. A Travel Plan has therefore been submitted with the application. Whilst acknowledging the constraints arising from, for example, Highway staff needing to travel to locations that are inaccessible to public transport and to carry out their service as efficiently as possible, the applicant is committed to minimising the overall transport impact of its essential operation proposed at Wrotham. The Travel Plan aims to reduce the need to travel as far as possible while recognising operational needs; ensuring the most sustainable transport mode consistent with an efficient and best value service is used for necessary trips; encourage sustainable commuting to the site and especially decreasing the proportion of single occupancy car commuter trips; and influencing travel patterns and managing parking at the site so that demand can be accommodated within the level of 78% of staff numbers assumed in the Transport Assessment. The Plan includes targets and initiatives with the objective of meeting these aims, includes a section on monitoring and review and timescales for implementing initiatives. It is acknowledged that the site is not ideally located for public transport and that car sharing is likely to be the most flexible, convenient and cost-effective means of reducing car trips.
53. The proposal has given rise to a number of objections on account of the traffic that would be generated, particularly at peak periods and the potential for traffic congestion and parking problems in this locality being exacerbated. The points made summarised in paragraph (16), (19) & (20) above will be noted. The Divisional Transport Manager's observations made on behalf of the Highway Authority set out in paragraph (16) above will also be noted. In conclusion, he is not raising a highway objection subject to the egress from the site being left turn only, the submission of these details and a stage two safety audit of the access/egress. In addition, if planning permission is granted he would wish to see conditions imposed to safeguard parking, access and circulation within the site, to require a Travel Plan to be produced and regularly reviewed, and to require a scheme of signing and lighting for approval.
54. It is acknowledged that the site is not well served by public transport and that there would be an increase in traffic generated. However, bearing in mind that the Area Transportation Manager has not raised a highway objection, I consider that these factors are outweighed by the need for the development to be well related to the Strategic Highway network and for it to be central to the area it would serve. Subject therefore to the technical requirements of the Area Transportation Manager being met and to the implementation and ongoing review of the Travel Plan, I do not consider that a refusal would be warranted on highway grounds in this particular case.

### Conclusion

55. This proposal has given rise to a variety of issues including the impact of the proposed development on the openness of the Green Belt as discussed above. However, I consider that very special circumstances have been demonstrated in this particular case for overriding Green Belt policy constraints in terms of the need, the lack of alternative sites and the limited visual impact on this part of the Green Belt. On balance therefore subject to satisfactory resolution of the outstanding issues on noise, contamination and ecology, and the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and would otherwise be in



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accordance with the general thrust of the relevant Development Plan Policies. Therefore subject to any further views received by the Committee Meeting and to satisfactory resolution of the outstanding issues, I recommend that the application be referred to the Secretary of State for Communities and Local Government, and that subject to her decision, planning permission be granted subject to conditions.

#### Recommendation

56. SUBJECT TO any further views received by the Committee Meeting and satisfactory resolution of the outstanding issues on noise, contamination and ecology, I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government and subject to her decision, PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:

- the standard time,
- the development to be carried out in accordance with the permitted details,
- tree protection measures,
- landscaping and boundary treatment and subsequent maintenance,
- details of site and finished floor levels,
- external materials,
- external lighting,
- details of vehicular access - egress to be designed for left turn only, and a scheme of signing and lighting, for approval,
- provision and safeguarding of pedestrian access,
- provision and safeguarding of parking within the site and vehicular access routes within the site,
- implementation and ongoing review of the Travel Plan,
- details of foul and surface water drainage,
- ground contamination from previous uses,
- location of and construction of contractors site compound and provision of vehicle parking,
- measures to prevent mud and debris being taken onto the public highway,
- hours of working during construction and demolition,
- ecological surveys and mitigation, and
- an archaeological watching brief.

Paul Hopkins	01622 221051
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Background documents - See section heading
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## Appendix 2 to Item D5

### **APPLICATION TM/05/3315 – OUTLINE APPLICATION FOR DEVELOPMENT OF AN INTEGRATED COMMERCIAL SERVICES HQ AND ALTERATIONS TO EXISTING ACCESS AT POPLARS BUSINESS PARK, LONDON ROAD, WROTHAM**

NOTES of a Planning Applications Committee Members' site visit Poplars Business Park, London Road, Wrotham on Tuesday, 17 January 2006.

MEMBERS PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mrs V J Dagger, Mr J B O Fullarton, Mrs E Green, Mr S J G Koowaree, Mr T A Maddison, Mr A R Poole, Ms B J Simpson, Mrs P A V Stockell and Mr F Wood-Brignall. *Mrs Dagger was present as the local Member.*

OFFICERS: Mr J Crossley and Mr P Hopkins (Planning), Mr R Dines (Highways) and Mr A Tait (Democratic Services).

THE APPLICANT: Mr P Lott (KCC Highway Services) and Mr D Crofts (R P S Planning).

OTHER LOCAL AUTHORITIES: Tonbridge and Malling BC: Mr M Coffin (local Member) and Mrs M Geary (Planning); Wrotham PC (Mr H Rayner and Mr P Gillin).

- (1) The Chairman opened the meeting by explaining that its purpose was for Members of the Committee to see the application site and listen to the views of statutory consultees and technical officers.
- (2) Mr Hopkins introduced the application by saying that the purpose of the proposal would be to serve the West Kent road network as one of three divisional "super depots" within the County following reorganisation of its Highways Services. He pointed out the proximity of the M20 and M26. The application sought outline permission for the demolition of existing warehousing and storage areas on the site and the erection of a 3 storey office building, garaging for lorries, a salt barn and storage areas, with associated car parking and landscaping to form an integrated Road Services Depot.
- (3) Mr Hopkins explained that an illustrative layout had been submitted with the application to show how the structures and necessary elements of the development might be arranged on the site. Comments made about the proposal had been based on this illustrative layout, although it was not intended to be definitive at this stage and was likely to change.

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- (4) Mr Hopkins then stated that the site was approximately 1.7 hectares in area. He pointed out the Oakdene Transport Café on the north western boundary as well as the neighbouring residential properties on the south western, western and south eastern boundaries and the farmland to the north east and east.
- (5) Mr Hopkins said that the site lay within the Metropolitan Green Belt, although its southwestern half was part of a larger site within the Green Belt that was identified for redevelopment in the Local Plan. The site was also within the Kent Downs Area of Outstanding Natural Beauty and the North Downs Special Landscape Area.
- (6) Mr Hopkins then pointed out the location of the access and parking at the front of the site, the office, salt barn, retention pond, perimeter parking spaces and indigenous landscaping on the illustrative layout.
- (7) Mr Hopkins concluded his presentation by saying that the Planners had asked for clarification and further information on a number of issues. Further consultation would follow once this was received. He then identified the main issues that would need to be considered in determining the application. These were:
- the impact of the development on the openness of the Green Belt and whether or not this was outweighed by very special circumstances;
  - the impact of the development on the Landscape (taking into account that the land was within an AONB and SLA);
  - the impact of the development on local amenity given the proximity of residential properties;
  - the impact of additional traffic generated by the development.
- (8) Mr Crofts (RPS Planning) that the applicants were looking to provide further information to address the concerns of the Borough and Parish Councils. They were particularly concerned about the impact on the Green Belt and AONB. A Landscape and Visual Assessment would also be provided within the next few weeks.
- (9) Mrs Dagger (Local Member) said that her main concern (shared by CPRE) was over the impact of additional emissions, given the proximity of the M26. Mr Hopkins confirmed that the questions of air quality and air pollution had been raised by the Parish Council who had drawn attention to measurements taken by the Borough Council. The concerns and accompanying data had been referred to the applicants and the Planners were taking further advice.
- (10) Mr Crossley answered Members' questions by saying that there were Air Quality Monitoring Stations all over the County, which each covered a wide

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area. Their precise location was factored in to any calculations of measurements taken of sites in their proximity.

- (11) Mr Rayner (Chairman – Wrotham PC) said that he would not repeat what he had already told the Planners. There was, however, additional information that Members might find useful. He had known the site since 1985 when it was a full time packing station. The site had then been unused from November 1985 to 2003. A number of applications had then been brought forward to Tonbridge and Malling BC for general use. Permission had always been refused.
- (12) Mr Rayner then explained that the hardcore at the northeastern end of the site was officially green space that had been laid without permission.
- (13) Mr Rayner continued by saying that the site behind the trees was a Residential Home for the Mentally Handicapped. The Health Authority had informed him that it had not been notified about the proposal. Mr Crossley confirmed that the Health Authority had now been contacted.
- (14) Mr Gillin (Wrotham PC) said that he was concerned about the size and scale of the proposed development in a residential setting. According to the illustrative layout, there would be a three storey office block with an HGV depot in the centre. The applicants had stated that a vehicle would be entering and leaving the site every 20 seconds. This needed to be very carefully considered. So too did the visual impact of large buildings and 100 car parking spaces.
- (15) Mr Hopkins said that information in the application indicated that 182 vehicles would enter and exit the site during peak hours (0800 to 0900 and 1700 to 1800). This would incorporate people travelling to and from work as well as the operational side. Mr Crossley confirmed that this would include office staff from Gravesend as well as operational staff.
- (16) Mr Dines (Divisional Transportation) said that traffic consultants had been asked to look at the detail of capacity. In general terms, the proposal worked in terms of capacity. However, it still needed to be examined in detail before final advice could be given.
- (17) Mrs Dagger said that there was a concern that the danger was that no less than three junctions could be blocked as a result of the proposal.
- (18) Mr Maddison asked about the height of the salt barn and why the offices needed to be three storeys high. Mr Crofts replied that, at present it was proposed that the salt barn would be 13 metres high and that if the offices were to be three storeys, this would amount to 11 metres. Recently received information from KCC Property, however, suggested that there would be

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fewer people working on site, needing less floor space. Therefore the size of the office building could be reduced. Information received at Christmas suggested that the amount of salt to be stored would be 4,000 rather than 2,500 tonnes. It was not intended that it would be any higher but it would cover a larger footprint. In order to lower it, the footprint would have to increase further.

- (19) Mr Coffin (Tonbridge and Malling BC Member) asked how many alternative sites had been looked at. Mr Crofts said that about 50 sites had been looked at. Mr Hopkins said that Planners were awaiting details of this search. Mr Gillin said that Wrotham PC had sent a long letter to the applicants asking for evidence of the search. The Parish Council supported the co-location strategy but remained to be convinced that this was the right one.
- (20) Mr Rayner asked whether the existing Highways centres would remain or close. Mr Dines said that he did not know. Mr Crossley said that all the Highways Management sites were subject to review. If permission were granted to this proposal, there would have to be an impact on other sites, but it was not known which ones. In planning terms, however, this was not a consideration.
- (21) Mr Rayner said that, nevertheless, the suitability of existing sites should be strongly considered before this Green Belt site was sacrificed to a development of this nature.
- (22) Mr Davies asked how water would be drained from the site (given the gentle slope to the south). Mr Hopkins indicated that details had not been submitted with the application and could be covered by condition. Mr Rayner said that the existing drainage ran underneath the M26 to the hotel, then into a tributary of the Medway, which it joined near Beltring.
- (23) In response to a question from Mr Fullarton, Mr Dines said that Kent Highways was not responsible for the Motorway network. It was unlikely that permission would be granted for an additional access directly onto the M26 from the site.
- (24) Mr Crofts confirmed that vehicles would be able to take on fuel at the site, necessitating storage facilities. He was not yet sure where this would be as the proposal was still at the outline stage. The strict regulations for garages would therefore apply on site.
- (25) The Chairman thanked everyone for attending. The notes of this site visit would be appended to the Head of Planning Applications Group's report to the determining Committee meeting.

## Operational use of Depots

The following depots will be used as part of the move to two divisional offices:

Depot	Serving	Description of work	Districts served for winter maintenance
1. Pepperhill	West	<ul style="list-style-type: none"> <li>• Salting barn and facility for winter service vehicles</li> </ul>	<ul style="list-style-type: none"> <li>• All Gravesham</li> <li>• Part Dartford</li> </ul>
2. Wrotham Super Depot	West	<ul style="list-style-type: none"> <li>• Salting barn and facility for winter service vehicle</li> <li>• Day to day operational maintenance</li> <li>• Emergency maintenance</li> <li>• Main offices for permanent and flexible working</li> </ul>	<ul style="list-style-type: none"> <li>• Part Sevenoaks</li> <li>• Part Tonbridge and Malling</li> <li>• Part Dartford</li> </ul>
3. Coldharbour	West and East Shared with Highways agency	<ul style="list-style-type: none"> <li>• Salting barn and facility for winter service vehicle</li> <li>• Day to day maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• Part Maidstone</li> <li>• Part Tonbridge and Malling</li> <li>• Part Swale</li> </ul>
4. Hayesden	West	<ul style="list-style-type: none"> <li>• Salting barn and facility for winter service vehicle</li> <li>• Day to day operational maintenance</li> <li>• Drop in centre office facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Part Sevenoaks</li> <li>• Part Tonbridge and Malling</li> <li>• Part Tunbridge Wells</li> </ul>
5. Preston	East and West	<ul style="list-style-type: none"> <li>• Salting barn and facility for winter service vehicle</li> <li>• Day to day operational maintenance</li> <li>• Recycling</li> <li>• Drop in centre office facilities</li> <li>• Training centre</li> </ul>	<ul style="list-style-type: none"> <li>• Part Swale</li> <li>• Part Canterbury</li> <li>• Part Ashford</li> <li>• Part Maidstone</li> </ul>
6. Ashford Super depot	East and West	<ul style="list-style-type: none"> <li>• Salting barn and facility for winter service vehicle</li> <li>• Day to day operational maintenance</li> <li>• Emergency maintenance</li> <li>• Main offices for permanent and flexible working</li> </ul>	<ul style="list-style-type: none"> <li>• Part Ashford</li> <li>• Part Tunbridge Wells</li> <li>• Part Shepway</li> </ul>
7. Stanford	East Shared facility with Highways Agency	<ul style="list-style-type: none"> <li>• Salting barn and facility for winter service vehicle</li> <li>• Day to day maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• Part Shepway</li> <li>• Part Dover</li> <li>• Part Canterbury</li> </ul>
8. Another site to be sourced	East	<ul style="list-style-type: none"> <li>• Salting barn and facility for winter service vehicle</li> <li>• Day to day operational maintenance</li> <li>• Emergency maintenance</li> <li>• Drop in centre office facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Part Dover</li> <li>• Part Shepway</li> <li>• Thanet</li> </ul>

This set up produces no difference to the operational requirements when the choice was for three divisional offices.

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**KENT HIGHWAY SERVICES  
EXISTING DEPOTS AND OFFICES PRIOR TO MOVEMENT TO DIVISIONAL OFFICES**

<b>Depot and Offices</b>	<b>Current Division</b>		<b>Usage</b>
<b>Office and depots</b>			
Invicta House, Maidstone	HQ	Retained	<ul style="list-style-type: none"> <li>Head quarters, office based staff primarily carrying out strategy and HQ functions</li> </ul>
Joynes House, Gravesend	West	Replaced with Wrotham	<ul style="list-style-type: none"> <li>West Kent Divisional offices, operational maintenance, programme delivery, NRSWA co-ordination, transportation, liaison support</li> </ul>
Doubleday House, Aylesford	Mid	Replaced by Wrotham and Ashford	<ul style="list-style-type: none"> <li>Mid Kent divisional offices, operational maintenance, programme delivery, NRSWA co-ordination, transportation, liaison support</li> </ul>
Beer Cart Lane, Canterbury	East	Replaced by Ashford	<ul style="list-style-type: none"> <li>East Kent Divisional offices, operational maintenance, programme delivery, NRSWA co-ordination, transportation, liaison support</li> </ul>
St Michael's Close, Aylesford	All	Replaced by Wrotham and Ashford	<ul style="list-style-type: none"> <li>Ringway head office functions such as buying, accounts, senior operational staff, support staff</li> <li>TSUK head office and depot</li> </ul>
Miller House, Maidstone	All	Retained	<ul style="list-style-type: none"> <li>Jacobs HQ and area office</li> <li>Provides services to KCC contract but also serves other contracts</li> <li>Traffic management information centre</li> </ul>
Stanford, Folkestone	East	To be retained	<ul style="list-style-type: none"> <li>Shared facility with Highways agency</li> <li>Highway depot including storage of road salt and materials and highway maintenance plant</li> </ul>
Coldharbour, Little Preston	Mid	Retained	<ul style="list-style-type: none"> <li>Shared facility with Highways Agency</li> <li>Highway depot including storage of road salt and materials and highway maintenance plant</li> </ul>
Upper Hayesden Lane, Tonbridge	West	Retained and updated	Highway depot including storage of road salt and materials and highway maintenance plant
Preston Forge, Faversham	East	Retained and updated	Highway depot including storage of road salt and materials and highway maintenance plant

<b>Depot and Offices</b>	<b>Current Division</b>		<b>Usage</b>
Swattenden Lane, Cranbrook	Mid	To be sold	Highway depot including storage of road salt and materials and highway maintenance plant
Ash Road/Strand Street, Sandwich	East	To be sold	Highway depot including storage of road salt and materials and highway maintenance plant
London Road, Swanley	West	To be partially sold. May be retained depending upon outcome with Pepperhill	<ul style="list-style-type: none"> <li>• Currently a highway depot including storage of road salt and materials and highway maintenance plant.</li> <li>• Future use may only be for salt storage and winter service</li> </ul>
Pepperhill Depot, Southfleet	West	Possible retained for salt barn	<ul style="list-style-type: none"> <li>• Currently rarely used but does store some minor construction materials. Majority of site has been given over to waste management</li> <li>• Future store for highway salt and winter services</li> </ul>
<b>Chipping stores</b>			
Bonny Bush Barham	East	Review being undertaken for need	<ul style="list-style-type: none"> <li>• Store for highway surface dressings and chippings</li> <li>• There are no office facilities</li> </ul>
Penshurst Depot, Chiddingstone Causeway	West	Review being undertaken for need	<ul style="list-style-type: none"> <li>• Store for highway surface dressings and chippings</li> <li>• There are no office facilities</li> </ul>
Staines Hill, Westbere	East	Review being undertaken for need	<ul style="list-style-type: none"> <li>• Store for highway surface dressings and chippings</li> <li>• There are no office facilities</li> </ul>
Bushdane Wood, Challock	Mid	Review being undertaken for need	<ul style="list-style-type: none"> <li>• Store for highway surface dressings and chippings</li> <li>• There are no office facilities</li> </ul>
High Halden	Mid	To be sold	Not currently used
Goose Green, West Peckham	West	Review being undertaken for need	Store for highway surface dressings and chippings

## Appendix 6 to Item D5

**Our Ref:** DC/sm/JNP1641B  
**Your Ref:**

**E-mail:** croftsd@rpsgroup.com  
**Direct Dial:** 01235 448792  
**Date:** 16 October 2006

Paul Hopkins  
Planning Applications Group  
Kent County Council  
First Floor  
Invicta House  
County Hall  
Maidstone  
Kent ME14 1XQ

Dear Mr Hopkins

### **Proposed Highways Depot at the Poplars Business Park, Wrotham: Further Information from Wrotham PC**

I received a copy of the letter dated 7 October 2006 to Kent CC councillors and officers from Wrotham PC, and its attachments, at a meeting in Maidstone on 11 October.

Dealing first with the letter, I do not consider the alleged criminal activities on or associated with the site are material to the consideration and determination of the planning application.

The third paragraph refers to the rear of the site as a "green field". None of the historic maps we possess show any boundary between the rear part of the site and the rest, and it cannot in my view be regarded as a separate entity. The site should be regarded as a single unit for planning purposes.

I am not sure whether the depth of the "hard core" deposited on the rear of the site is relevant in the circumstances. On the day of the Committee site visit (17 January), some weed growth was apparent, and this leads me to consider that "two foot" is an exaggeration. I am also far from certain that these deposits extend to 0.9 hectare, as the letter suggests.

The letter quotes three paragraphs from the Planning Supporting Statement, and then describes them as "assertions". As you know, RPS went to considerable lengths to establish the planning history of the site, and in the circumstances, the withdrawn application was bound to be considered important. Far from being assertions, these paragraphs recognise uncertainties, indicated by the use of phrases such as "as far as can be ascertained" and "it is inferred that".

I fully support the paragraph from your report to Committee on the definition of previously developed land which is quoted in the letter.

I disagree with the Parish Council's view that the proposed development is "totally in contravention with this definitive advice", referring to PPG3 Annex C. This is not definitive advice, as "the local authority should make a judgement". As already indicated, we concur with the view you have reached about the status of this site as previously developed land.

## **Appendix 6 to Item D5**

In respect of the fifth bullet point, the statements of Mr Nokes may or may not be “extravagant” and “fallacious”. RPS did not rely on these “in order to gain advantage”; the application for the certificate of lawful use was included in the Planning Supporting Statement to provide part of the background and planning history. What we relied on is either incontrovertible fact – that there is significant built development on the site and extensive hardstanding other than the allegedly unauthorised deposit of scalplings – or what we consider to be the correct interpretation of planning guidance.

Appendix B, Site History, refers to the “failed application for lawful development”. As far as I am aware, the application for the certificate of lawful development did not fail; rather, it was withdrawn. The uses for which the certificate was sought are not the same as those for which Kent Highways Services have applied.

I have examined carefully the sworn statement of Mrs Dunn and the further sworn statement of Mr Rayner. I do not think either raises any issues material to the consideration and determination of the planning application for the highways depot.

Please telephone if you wish to discuss any matters arising.

Yours sincerely  
For RPS

**David Crofts**  
Associate

**Item D6****Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

A report by Head of Planning Applications Group to Planning Applications Committee on 12 December 2006.

Application by The Governors of Chaucer Technology and Barton Court Grammar Schools and Kent County Council Children Families and Education for the retrospective permission for the replacement of weldmesh fencing with metal palisade fencing at the shared school playing field off Spring Lane, Canterbury – CA/06/1187

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Mr. M. Northey

Classification: Unrestricted

**Members' Site Meeting**

1. The Planning Applications Committee considered this application at its meeting on 7<sup>th</sup> November, at which the application was deferred pending a Members' site meeting. A group of Planning Applications Committee Members visited the application site on the 1 December 2006 to acquaint themselves with the proposals for the retrospective fencing surrounding the shared ownership school playing field. The Committee Secretary's notes of the site meeting will be circulated at the Committee Meeting on 12 December.

**Site**

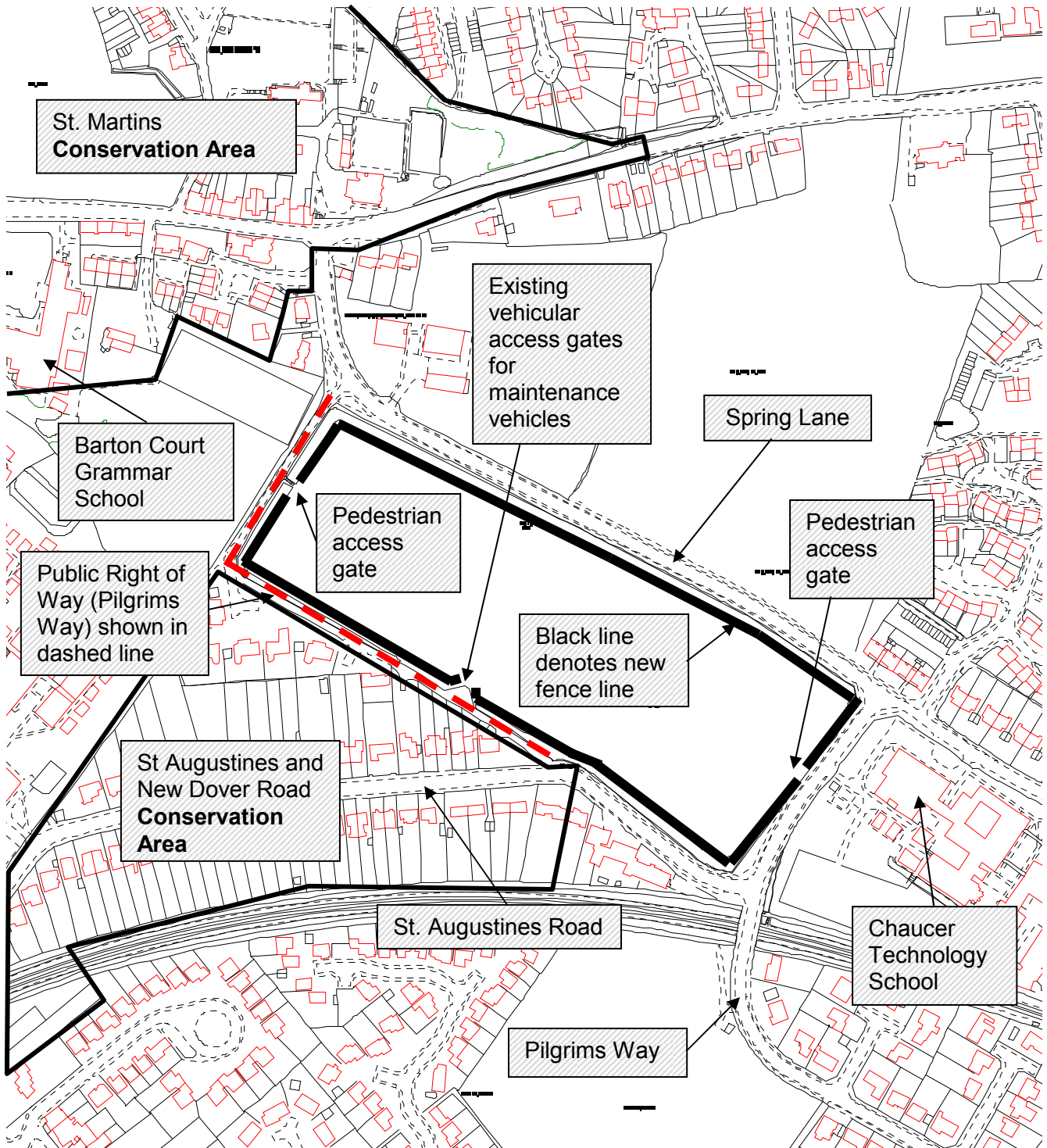
2. Chaucer Technology School is located off Spring Lane, Canterbury and Barton Court Grammar School is located at Longport, opposite Canterbury Prison and Canterbury Christ Church University. The two Schools have their own independent playing fields attached to their sites. The field between both Schools is under shared ownership between both Governing bodies of the two Schools. It is this field which is the subject of the retrospective planning permission, which relates to the replacement of the previous weldmesh fencing with the newly installed metal palisade fencing. *A site location plan is attached and shows both Schools and the playing field off Spring Lane.*

**Background and Proposal**

3. During the school summer holiday, both Schools engaged on a joint venture to replace the boundary fencing of the playing field off Spring Lane from the previous weldmesh fencing to new metal palisade fencing. Prior to the commencement of these works, Chaucer Technology School has been undergoing a 5-year repair and maintenance programme to their entire site fencing around their current premises. At the time of commencing these works, the School claim that a courtesy call was made to the City Council asking if planning permission was required, and claim that at the time the City Council gave them the go ahead, provided no change of height was being considered. Over the last 5 years, all the fencing around Chaucer Technology School has been replaced with metal palisade fencing without the grant of any planning permission from the County Planning Authority.
4. During the 2006 School summer holiday, the County Planning Authority received complaints from surrounding residents that the existing fencing around the shared school playing field was being removed and replaced with metal palisade fencing.

**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

**Site Location Plan**



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**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

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Following these complaints, I advised the schools that the fence would require the benefit of planning consent. Although the applicants claim that there is no change in the height from the previous fence to the new one, the change from a visual point of view and the fact that the fence exceeds one metre in height next to a highway, triggers the need for planning consent in this particular case.

5. Both Schools were notified of the requirement for planning consent and were advised to stop works until the outcome of an application had been decided. It was advised that should the works continue, this would be entirely at the Schools' own risk as the outcome of any planning application could not be guaranteed. After discussions with Chaucer Technology School, it was agreed that the fencing works would be discontinued and a full application would be submitted for determination by the County Planning Authority. However, given the time between receiving the complaints and getting the work to stop, the previous weldmesh fence was entirely removed and the posts and rails of the metal palisade fencing have been installed. To date, the posts and rails remain in situ and the field remains open, as the majority of the vertical metal palings have not been installed.
6. The applicants have stated that the need for the replacement fence has come about due to an inadequacy in the previous weldmesh fence in preventing trespassers entering the field. The applicants claim that this poses health and safety issues for both Schools. In the past, attempts have been made to repair sections of the weldmesh fence which had been broken into, but this proved to be unsuccessful in preventing unauthorised access to the field.
7. The applicants have also stated that the field is virtually useless to them in its current open form. Staff and students are more than wary about using it even during the school day. As a result of this, Barton Court Grammar School claim that all their football match fixtures have had to be organised as away games for this term as they cannot guarantee the safety of their students and staff as well as any visiting teams.

**Planning History**

8. There is no known planning history for the application site.

**Planning Policy**

9. The Development Plan Policies summarised below are relevant to consideration of the application:

- (i) **The Adopted 2006 Kent & Medway Structure Plan:**

**Policy SP1** – The primary purpose of Kent's development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development. This will be done principally by, amongst other matters:

- protecting the Kent countryside and its wildlife for future generations;
- protecting and enhancing features of importance in the natural and built environment;
- encouraging high quality development and innovative design that reflects Kent's identity and local distinctiveness and promoting healthy, safe and secure living and working environments;

**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

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**Policy QL1** – All development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.

**Policy QL6** - The primary planning policy towards conservation areas is to preserve or enhance their special character or appearance. Development which would harm the character or appearance of a conservation area will not be permitted.

**Policy QL11** – Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

**Policy EN1** – Kent’s countryside will be protected, conserved and enhanced for its own sake. Development in the countryside should seek to maintain or enhance it.

**Policy EN9** - Tree cover and the hedgerow network should be maintained. Additionally, they should be enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats.

**Policy CA1** - At Canterbury the location of new development will be governed by the need to conserve the built environment and setting of the historic city.

(ii) **The Adopted Canterbury City Council Local Plan 2006**

**Policy BE1** – The City Council will expect proposals of high quality design which respond to the objectives of sustainable development. When considering any application for development the Council will have regard to the following consideration:

- The need for the development;
- The landscape character of the locality and the way the development is integrated into the landscape;
- The conservation and integration of natural features including trees and hedgerows to strengthen local distinctiveness, character and biodiversity;
- The visual impact and impact on local townscape character;
- The form of the development: the efficient use of land, layout, landscape, density and mix, scale, massing, materials, finish and architectural details;

**Policy BE7** - Development within, affecting the setting, or views into and out of conservation areas, should preserve or enhance all features that contribute positively to the area’s character or appearance. Particular consideration will be given to the following:

- The impact of the proposal on the townscape, roofscape, skyline and the relative scale and importance of buildings in the area;
- The need to protect trees and landscape;



**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

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- The removal of unsightly and negative features; and
- The need for the development.

**Policy C17** – The City Council will work with the Education Authority and school Governors to ensure that the needs of primary and secondary schools are taken into account in the assessment of their development needs and proposals. Planning permission will be granted for proposals that are needed by the schools subject to design and highway safety considerations.

**Policy C24** – Proposals which would result in the loss of protected existing open space as shown will only be permitted if:

- There would be no material harm to the contribution the protected open space makes to the visual or recreational amenity of the area where there would be material harm, this would be balanced against demonstrable need for the development.

**Policy NE5** – Development should be designed to retain trees and hedgerows that make an important contribution to the amenity of the site and the surrounding area and which are important to wild flora and fauna. The City Council will refuse planning permission for proposals that would threaten the future retention of trees and hedgerows or other landscape features of importance to the site's character, an area's amenity or the movement of wildlife.

**Consultations**

10. **Canterbury City Council** – raises no objections in principle, subject to the new fence being painted an appropriate dark colour.

**Divisional Transport Manager:** has raised no objections, given that the height of the fencing has not been increased, and as such any visibility splays on the perimeter of the site will not have been further impeded.

**Public Rights of Way Officer:** raise no objections

**Jacobs (Landscaping):** have made the following comments in favour of hedgerow planting around the field.

“The fencing around the playing field would benefit from an adjacent native hedgerow, planted within the Chaucer Technology School land alongside the fence. The hedgerow would provide additional security benefits as well as visually screening the site. Native species would support existing local planting surrounding the site”.

**Local Members**

11. The local County Member, Mr M. Northey, was notified of the application on the 31 August 2006.

**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

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**Publicity**

12. The application was publicised by the posting of four site notices around the perimeter of the playing field, an advertisement in the Kent Messenger and the individual notification of 73 neighbouring residential properties. The site notice and advertisement indicate that the application is adjacent to both St. Martin's and New Dover Road & St. Augustine's Road Conservation Areas and is likely to affect their character and/or appearance. It is also indicated that the proposed development may affect the setting of an existing Public Right of Way.

**Representations**

13. To date, 24 letters of objection have been received along with 1 letter of support in relation to the retrospective fencing. The main points of the letters are summarised below:

Objections

- The design of the fence impacts upon the character of the Conservation Area and more appropriate materials, an alternative design of fence and additional colour treatment should be used;
- The fencing will prevent public use of the playing field, resulting in no alternative similar facility in the area;
- The enclosure of the playing field impacts upon the historic character of the area for walkers using the historic Pilgrims Way;
- Impact on the visual amenity of residents in the surrounding area (namely St. Augustines Road and Spring Lane);
- The erection of the fence has resulted in the loss of several mature trees;
- The fence line along Pilgrims Way has been altered by approximately 0.5m, resulting in restricted access over an existing byway;
- Object to the creation of a new vehicular access to the field off Pilgrims Way.

Support

- 1 letter of support states – "I hope this will stop the weldmesh fence being cut and wire sticking out to cut clothes or poke eyes out. Maybe this will help to bring it back to the pleasant area it once was".

**Discussion**

14. In considering this proposal, regard must be had to the Development Plan policies outlined in paragraph (9) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance in this case include the impact upon residential and local amenity and the impact of the development of the two adjacent Conservation Areas and historic Public Right of Way.

Impact on adjacent Conservation Areas

15. As outlined above, the playing field sits between two Conservation Areas. These are the St. Martin's Conservation Area and New Dover Road and St. Augustine's Road Conservation Area, both of which can be seen on the site location plan on page (2).

**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

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16. Development Plan policies state that proposals within or adjacent to Conservation Areas should *'preserve or enhance their special character or appearance'* and *'development which would harm the character or appearance of a Conservation Area will not be permitted'* [Policy QL6 from the Adopted Kent and Medway Structure Plan 2006]. Similarly, the Adopted Canterbury City Council Local Plan states that, under Policy BE7 that, *'development within, affecting the setting, or views into and out of conservation areas, should preserve or enhance all features that contribute positively to the area's character or appearance'*.
17. In my opinion, the design of the fencing currently partially erected does not reflect the special characteristics of both adjoining Conservation Areas. Whilst I acknowledge the need for the fence, I consider that more consideration should be given to the aesthetic appearance of the fence in order to mitigate its visual impact upon the local landscape. It is my opinion that, in order to soften the visual impact of the retrospective development, it should be finished in either black or dark green and softened through the planting of a substantial landscaping scheme in areas where the fence is particularly prominent (see figures 2 & 3 attached)
18. With regard to the painting of the fence in an appropriate dark colour, the applicants have asked that they be allowed to paint only the metal palings of the palisade fencing, given that the posts and rails are already in situ. Whilst I sympathise with the current situation, I do not believe that this would be appropriate as it would result in a mis-match of colours of the fencing, with galvanised posts and green or black palings.
19. It has been highlighted by local residents that there has been some tree / shrub removal undertaken during the clearance works for the new fence. I am of the opinion therefore that in order to mitigate the loss of existing vegetation, and to soften the visual impact of the development, a landscaping scheme should be approved and implemented where the existing boundary treatment to the field is particularly weak. The areas which I have identified that could be strengthened are the end of St. Augustines Road, along the boundary of the field with the existing public right of way (Pilgrims Way) and opposite the Chaucer Technology School buildings on Spring Lane.
20. Policy EN9 of the Adopted Structure Plan states that *'tree cover and the hedgerow network should be maintained. Additionally this should be enhanced where this would improve the landscape [...]*. Similarly, Policy NE5 of the Adopted Local Plan states that *'development should be designed to retain trees and hedgerows that make an important contribution to the amenity of the site and the surrounding area [...]*. Therefore, I am of the opinion that the implementation of additional landscape to replace any vegetation lost, and to strengthen the existing vegetation boundary, would help reduce the visual impact of the fence.
21. Similarly, the advice given by Jacobs (landscaping), (paragraph 10 above) suggests that the fence would benefit from landscaping planting, in particular native hedgerow planting along the boundary of the fence. It is suggested that this would not only have a visual benefit in screening the site, but would also provide additional security to the applicants as well. With the suggested additional planting and an appropriate choice of colour treatment for the fence, I believe the proposal will not have an unacceptable impact upon the adjoining Conservation Areas

Access to and use of playing field

**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

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22. The alleged informal community use of the field referred to in objection letters is not a material consideration in the determination of this application. Given that the field is privately owned, jointly between Barton Court Grammar School and Chaucer Technology School, there is no right of public access onto the field without the prior permission of either, and/or both of the landowners. The applicants have stated that since the schools were built in the late 1960s the field has been fenced and gated and has never been an open space for access for the community. It has been the case that, over the years, the constant damage to the previous weldmesh fence has allowed unauthorised access onto the field through broken sections of fencing.
23. Under the circumstances, Chaucer Technology School has, for the last 5 years, been embarking on a repair and maintenance program to all of their fencing, culminating in this joint venture to maintain the fencing on the shared school playing field. At the time of the commencement of the works, Chaucer Technology School were not aware of the need for planning consent to install new fencing around the shared playing field.
24. Many concerns have been raised about the erection of this fence preventing public access onto the school field due to the loss of a much needed and extremely valuable recreational space. In my opinion however, this is not a material consideration to the determination of this application, given that the field is privately owned and there is no rights of access onto or over the land.

Residential and local amenity

25. As discussed in paragraphs (22-24) above, I am of the opinion that the fencing off the school playing field would not be detrimental to local residents, given that there is no public right of access to the field for community usage. However, I do acknowledge the objections lodged regarding the design of the fencing chosen. I consider that the installation of the metal palisade fence, as it currently stands, is unsightly in an attractive residential area with views stretching from St. Augustines Road to the Cathedral. In my opinion, the addition of such a utilitarian fence gives rise to a detrimental impact on the St. Augustine's / New Dover Road Conservation Area. In order to make the fence acceptable in visual terms, I would recommend that, should Members be minded to grant planning permission, a condition should be attached which requires the applicant to paint the fence in an appropriate dark colour, as well as the implementation and future maintenance of a substantial landscaping scheme.

Fence line along Pilgrims Way

26. It has been alleged by a local resident that the new palisade fence has not, as claimed by the applicants, been installed on the previous fence line. The resident claims that the fence has moved outwards by approximately 0.5m which has resulted in the existing vehicular access along the existing byway (Pilgrims Way) becoming difficult. The resident has claimed that the rear access to their property is difficult at present in the fence's un-finished state, and that once the fence is fully erected the vehicular access to the rear of their property would be unachievable. The resident has therefore suggested that the fence line be "re-aligned to create a 1.5 – 2m (minimum) 'strip' between the fence line and adjoining footpath and roadway".
27. However, the applicants claim that the fencing contractor has erected the parts of the fence which are in situ today, on the same line as the previous weldmesh fence. I have no reason to question this and note that the fence which has been erected is on the boundary of the land owned jointly by both schools. It should also be noted that the

**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

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fence alignment along Pilgrims Way would be difficult to set back due to existing trees directly behind the inside line of the palisade fence.

Vehicular access to the field via Pilgrims Way

28. Some concern has been raised that the applicant is creating a new vehicular access way onto the field from an existing byway, the Pilgrims Way. It has been stated that the creation of this new access way is to the detriment of the conservation areas and causes noise and other nuisance problems for the occupants of the adjacent properties. It has also been alleged that in carrying out the creation of this new vehicular access way that this has facilitated the removal of several mature trees.
29. In response to the above point, the applicant has stated that there has been no new vehicular access way created into the shared school playing field. It is stated that it has always been the case that the vehicular entrance-way has been used for the access of the field by maintenance vehicles such as gang mowers to cut the grass. It is therefore my opinion that given that no new access way is actually being created this issue should bear no weighting on the determination of this application.

**Conclusion**

30. In conclusion, it is unfortunate that the application which is to be determined is retrospective and was largely erected before the applicants realised the need to seek planning approval. I understand the urgent need for both Schools to secure their private property in order to bring the field back into use as a sports facility for both schools. However, in balancing up the fact that this application is retrospective and the urgency of the Schools to erect their fence, I have to consider its visual impact on the wider environment. I consider that the fence should be finished in an appropriate dark colour with the planting and future maintenance of a substantial landscaping scheme in order to soften the development into the wider environment. Whilst I acknowledge the widespread concern from the local community relating to the field being fenced off by the applicants, this is out of the control of the Planning Authority, and in this case is not material to the determination of this application. Accordingly, I recommend that planning permission be granted, subject to the conditions outlined in paragraph (31) below.

**Recommendation**

31. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including conditions to cover the following aspects:
- details of the colour treatment for the entire fence be submitted to and approved by the County Planning Authority prior to the recommencement of erection of the remainder of the fence, and thereafter implemented as approved within four months of the date of any permission;
  - a detailed landscaping scheme to include tree, shrub and vegetation planting to be submitted to and approved by the County Planning Authority, and thereafter implemented as approved within the next available planting season; and
  - the rest of the development being carried out in accordance with the approved plans.
- I FURTHER RECOMMEND that the applicants be advised by informative that:
- both schools are requested to enter into discussions with the local community to ensure that formalised community use of the application site can be provided; and

## Item D6

### Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187

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- both schools ensure that the fence alignment along Pilgrims Way does not encroach beyond its previous alignment.

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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Figure 1 (below) – View of the 2.4m high metal posts and rails currently installed along Spring Lane



Figure 2 (below) – View of 1.8m high palisade fence currently installed along Pilgrims Way Public Right of Way



Figure 3 (below) – 1.8m high fencing currently erected adjacent to the highway and public rights of way network along Pilgrims Way



Figure 4 (below) – Photo looking towards the St. Augustines Conservation Area to the left, and the open views across the field towards the City Centre.





**Item D7****Erection of 1.5m high weldmesh fence and new stock fence at Rodmersham Primary School – SW/06/836**

A report by Head of Planning Applications Group to Planning Applications Committee on 12 December 2006.

Application by The Governors of Rodmersham Primary School and Kent County Council Children Families and Education for the erection of a 1.5m high weldmesh fence around the school playground and stock fence around the playing field at Rodmersham Primary School, Rodmersham Green, Sittingbourne – SW/06/836

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Mr. K. Ferrin

Classification: Unrestricted

**Site**

1. Rodmersham Primary School is located on Green Lane opposite the Rodmersham Village Green. The application site is adjacent to the Rodmersham Green Conservation Area on land which is beyond the settlement boundary as denoted in the Local Plan (*A site location plan is attached and shows the school site*) The nearest residential properties are situated to the Northeast and Northwest on opposite sides of the village green. The Village Hall shares a boundary with the school to the east. A Public Right of Way runs along the western boundary with more public space beyond that. The school site opens out to the south into a small playground and then a playing field, beyond which is agricultural land.

**Planning History**

2. In December 2000 a proposal for the change of use of an area of agricultural land adjoining the rear of Rodmersham School into a playing field was approved by the County Planning Authority (ref: SW/01/0021) and in 2001 the School was also granted permission for a small extension to provide toilets and an extension to the Head Teacher's office (ref: SW/01/364) In November 2004 the Planning Applications Committee approved a proposal for the temporary siting of a mobile classroom and toilet block at Rodmersham Primary School (ref: SW/04/1146).

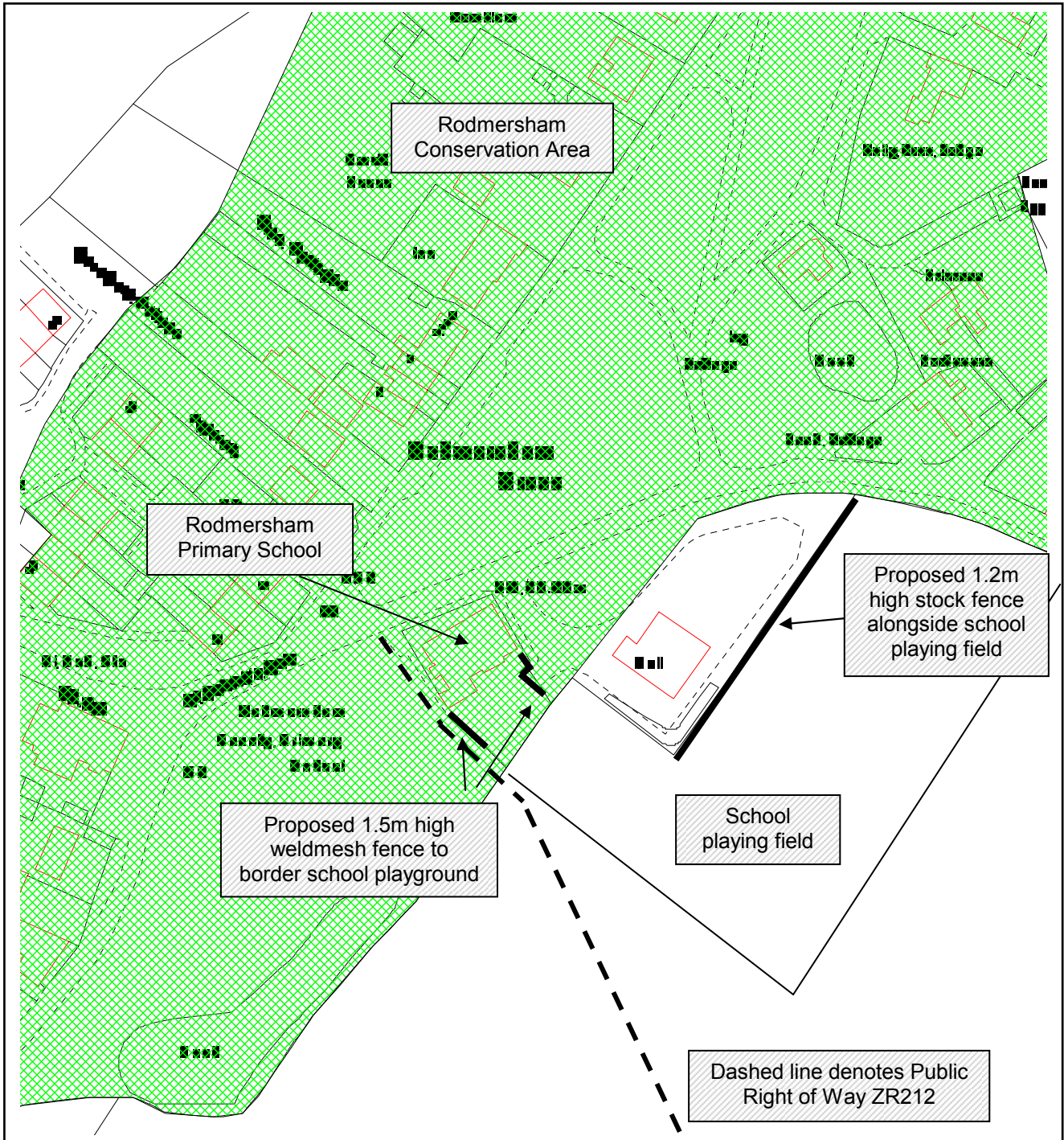
**Proposal**

3. The proposal includes the replacement of the existing school playground fence, which is currently a 1.3 high chain link fence and replacement stock fencing to the western side of the existing school playing field. When the original application was submitted earlier in 2006, the proposal was for a new 1.8m high weldmesh fence to border the north-east and south-west sides of the existing school playground. The original proposal also included the erection of a low level (1.2m high) stock fence along the west-side of the field. However, the original proposal met with several objections from local residents, as well as the Parish Council, on the grounds that the weldmesh fence that was proposed was too high and out of character in the Rodmersham Conservation Area. As a result the applicants have amended the new application following on from the original consultations. The proposal which is now for consideration is for the erection of a 1.5m weldmesh fence to border the north-east and south-west sides of the school playground, as well as the erection of 1.2m stock fencing on the western side of the school playing field, approximately 70m along boundary the existing Village Hall site.

# Item D7

## Erection of new weldmesh and stock fencing at Rodmersham Primary School – SW/06/836

### Site Location Plan



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Scale 1:2500

**Erection of new weldmesh and stock fencing at Rodmersham Primary School – SW/06/836**

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4. The applicants state that the proposal has come forward in order to bring the perimeter security fence up to current standards as set by other Schools in the locality and that the existing chain link fencing is in urgent need of replacement due to old age and wear.
5. The applicants suggest that the reduction in the proposed height of the playground fence has been an attempt to meet with the objections received to the original proposal for a higher fence. The applicants have also agreed to finish the fence in an appropriate dark colour (either black or green) to allow the fence to blend in as far as possible within its local context.

**Planning Policy**

6. The Development Plan Policies summarised below are relevant to consideration of the application:

- (i) **The Adopted 2006 Kent & Medway Structure Plan:**

**Policy SP1** – The primary purpose of Kent’s development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development. This will be done principally by, amongst other matters:

- protecting the Kent countryside and its wildlife for future generations;
- protecting and enhancing features of importance in the natural and built environment;
- encouraging high quality development and innovative design that reflects Kent’s identity and local distinctiveness and promoting healthy, safe and secure living and working environments;

**Policy QL1** – All development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.

**Policy QL6** - The primary planning policy towards Conservation Areas is to preserve or enhance their special character or appearance. Development that would harm the character or appearance of a conservation area will not be permitted.

**Policy QL8** - Listed Buildings will be preserved and their architectural and historic integrity and the character of their settings will be protected and enhanced.

**Policy QL11** - Existing community services and recreation facilities will be protected as long as there is a demonstrable need for them

**Policy EN1** – Kent’s countryside will be protected, conserved and enhanced for its own sake. Development in the countryside should seek to maintain or enhance it.

**Erection of new weldmesh and stock fencing at Rodmersham Primary School – SW/06/836**

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**(ii) The Adopted Swale Borough Council Local Plan 2000:**

**Policy G1** – All development proposals will be expected to:

- accord with policies and proposals of the Plan unless material considerations indicate otherwise;
- have regard for the characteristics and features of the site and locality;
- avoid an unacceptable impact on the natural and built environment;
- be well sited and an appropriate scale; and,
- cause no demonstrable harm to residential amenity and other sensitive neighbour uses.

**Policy E9** – Seeks to protect land outside defined built-up area boundaries

**Policy E36** – When considering development proposals within or adjacent to Conservation Areas the Borough Council will pay special attention to:

- the character or appearance of the area is preserved or enhanced;
- a high standard of design is achieved;
- the scale, mass and form are compatible with adjacent buildings and their setting

**Policy E38** – In the village of Rodmersham Green, proposals for infilling and small site development must have particular regard to the conservation of the built environment

**Policy E39** – Proposals affecting Listed Buildings, or their settings, will only be permitted if the character and its setting are maintained and preserved

**Policy E48** – The Borough Council will seek to ensure that all new development is of a high standard of design appropriate to its surroundings and reflecting local distinctiveness.

**Policy C1** – Subject to compliance with out Plan policies, planning permission will be granted for appropriately located social and community facilities

**Policy C7** – Subject to compliance with other Plan policies, will grant planning permission for the provision and retention of social and community facilities to serve the rural settlement.

**(iii) The Swale Borough Council Local Plan First Review 2005:**

**Policy E1** – Expects all development to:

- accord to policies and proposals of the Plan unless material considerations indicate otherwise;
- have regard for the characteristics and features of the site and locality;
- avoid an unacceptable impact on the natural and built environment;
- be well sited and an appropriate scale; and,
- cause no demonstrable harm to residential amenity and other sensitive neighbour uses.

**Policy E9** – seeks to ensure that development in the Countryside is sympathetic towards local landscape character and quality

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**Policy E14** – Proposals affecting the setting of Listed Buildings will only be permitted if the buildings special architectural or historical interest and its setting are preserved.

**Policy E15** – Development within, or affecting the setting or, or views into and out of a Conservation Area will preserve or enhance all features that contribute positively to the area’s special character or appearance.

**Policy E19** – The Borough Council expects development to be of high quality design

**Policy C1** – The Borough Council will not permit proposals that involve the loss, or change of use, or a local community facility where this would be detrimental to the social well being or the community.

**Consultations**

7. **Swale Borough Council:** – no comments have been received to date. Any comments received before the Committee Meeting will be reported verbally.

**Rodmersham Parish Council:** - views were expressed on the original proposal for new 1.8m weldmesh fence and 1.2m high stock fencing:

- “The Parish Council feels that the height of this proposed fence is totally out of keeping with a village school and very much over the top. Using the Public Footpath, as a reason is wrong, it’s scarcely used and is in full view of the school, houses, and playground assistants and teachers. A 1.8m high fence is far too high and quite out of character for a village green”.

Following the amendment by the applicant to reduce the height of the proposed weldmesh fence down to 1.5m and finish it in an appropriate dark colour the Parish Council commented as follows:

- “The Parish Council is still of the opinion that this fence is totally out of character with its rural location and is also still too high. A height of 1.2m is enough, any higher and the children may well feel as if they are being caged in. The Council still objects to this proposal”.

**Public Rights of Way Officer:** - Public footpath ZR212 is adjacent to the proposed development. The Public Rights of Way Officer has no objection to the proposed development.

**Local Members**

8. The local County Member, Mr M. Ferrin, was notified of the original application on the 13 June 2006.

**Publicity**

9. The application was publicised by the posting of a site, an advertisement in the Kent Messenger and the individual notification of 12 neighbouring residential properties. The

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site notice and advertisement indicate that the proposed development is within the Rodmersham Conservation Area and is likely to affect its character and/or appearance, and may also affect the setting of nearby Grade II Listed Buildings.

**Representations**

10. One letter of objection was received to the original application. The main points of the letter are summarised below:
- The existing fence is utilitarian in the extreme and certainly can be improved. However, the proposal to erect a fence on a scale more suited to a prison camp is totally unacceptable particularly as the school is in the central part of a Conservation Area. Whilst the fence is at the rear of the school, the flanks can be seen from a distance of at least 200 yards in each direction;
  - The school playtimes are well supervised and so a higher fence is not required.
  - Now that the school enjoys a large new playground, prohibiting ball games in the traditional playground would not cause any considerable hardship;
  - The design of the fence in such a prominent location should be aesthetically pleasing and neither at an extreme height nor of a poor design;
  - It is extraordinary that the Council has not taken the opportunity to re-instate the white picket fence that was so attractive. The school is not a great beauty in architectural terms but is an integral part of the character of Rodmersham Green. The previous picket fence much enhanced the school and the current, near industrial appearance is only because of an ill-considered concrete and wire mesh fence;

Following on from the amendment to reduce the height and change the colour finish of the weldmesh fence the neighbour was consulted with full details of the application. Since the re-consultation, there have been no further letters of representation received to date.

**Discussion**

11. In considering this proposal, regard must be had to the Development Plan policies outlined in paragraph (9) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance in this case include the impact of the proposed fence on the Rodmersham Conservation Area and the visual amenity of the nearby residential dwellings.

Design

12. The proposal to replace the existing school playground fence has, as shown in paragraphs (8 & 11) above, caused some concern from a local resident and the Parish Council. It is important to note that the proposal to erect new stock fence along the western side of the school playing field has attracted no objections and, in my opinion, would cause no material harm to the local environment.
13. When the original application came forward for the erection of 1.8m high weldmesh fencing objections were met on the grounds that the fencing proposed was too high and

**Erection of new weldmesh and stock fencing at Rodmersham Primary School – SW/06/836**

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totally out of character with the Conservation Area. Since receiving these objections the weldmesh fence has been lowered considerably (now down to 1.5m high) and is proposed to be finished in an appropriate dark colour (either dark green or black). In my opinion this is a significant improvement over the original proposal which was considerably higher and finished with a galvanised effect.

14. However, an objection to the current proposal has been lodged by the Parish Council which believes that the proposed fence (1.5m) is still too high and should be at most, erected at 1.2m. It should be noted that this would actually be a decrease in height from the current perimeter fence that is at present 1.3m high. The applicants have stated in their supporting documentation that the reason behind this proposal is to bring the current perimeter fencing up to standards set by other local Schools. It is my opinion that ensuring that the School only erect a fence to a height of 1.2m would be inappropriate and would give no benefit in terms of the overall security to the site.

#### Impact on Rodmersham Conservation Area

15. The proposed development is located within a Conservation Area. Development Plan policies state that proposals within or adjacent to Conservation Areas should *'preserve or enhance their special character or appearance'* and *'development which would harm the character or appearance of a Conservation Area will not be permitted'* [Policy QL6 from the Adopted Kent and Medway Structure Plan 2006]. Similarly, Policy E36 of the Adopted Swale Borough Council Local Plan states that, *'development within, affecting the setting, or views into and out of conservation areas, should ensure the character or appearance of the area is preserved or enhanced and that a high standard of design is achieved [...]'*.
16. Whilst I recognise that the need for the development should be weighed against any Structure / Local Plan policies, such as Conservation Area policies which aim to preserve the special characteristics of an area, it is my opinion that the current proposal is acceptable in planning terms. I consider that, the height has been considerably reduced and the visual appearance has been improved through colour treatment and would, if Member's were minded to grant permission blend in within the Conservation Area to an acceptable degree.
17. An adjoining nearby resident has suggested that the school should re-instate a previous picket fence that was, in his view, attractive. The picket fence that has been suggested here has not been proposed by the applicants as it would not provide sufficient security, and therefore the proposal before Members is a 1.5m high weldmesh fence along two sides of the existing playground. I do not dispute that a low-height picket fence would fit in well with the local context of the school buildings, but the applicants have insisted from the outset that this application has come forward to upgrade the overall security of the site as well as to replace an existing dilapidated fence.

#### Residential and local amenity

18. Given that the nearest residential properties are located some 45m from the proposed fencing, I do not consider that residential amenity would be compromised by the proposed development. It should be noted that the Public Right of Way Officer has raised no objection to the development, which on the southern side of the school playground would run alongside the Public Right of Way. Given that the design of fence chosen is a weldmesh fence, with a relatively large mesh size (of approximately 50mm), the visual impact of the fence would not be seriously detrimental on the Conservation Area, local residential amenity or the adjacent Public Right of Way

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**Conclusion**

19. In conclusion, I am satisfied that the reduction in the height of the weldmesh fence from 1.8m to 1.5m and the addition of the proposed colour treatment of the fence is acceptable in planning terms. Given that there is the option for either a black or green finish to the proposed weldmesh fence, I would suggest that the colour chosen, be black. This would seem an appropriate colour, as it would ensure that the fence blends in with the existing rainwater goods around the site as well as reducing its visual appearance in the locality. In addition to the erection of the weldmesh fence, I can see no reason why permission should not be granted for the erection of the low level (1.2m high) stock fence on the school playing field. Accordingly, I would recommend that planning permission be granted for both the revised height weldmesh fence (1.5m high) and the stock fence subject to conditions.

**Recommendation**

20. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including:

- The weldmesh fence being finished in a black and at a maximum height of 1.5m;
- the development being carried out in accordance with the approved plans;
- the development being carried out in accordance with the 3-year timescale.

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT  
PERMITTED/APPROVED UNDER DELEGATED POWERS - MEMBERS'  
INFORMATION**

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

**Background Documents** - The deposited documents.

TM/82/1138/R(ii) & TM/94/579/R18	Revised details pursuant to condition (ii) of planning permission TM/82/1138 and condition 18 of planning permission TM/94/579 – Holding pond for surface water drainage. Stangate West Landfill Site, Crowhurst Lane, Borough Green
DA/06/1066	Extension of existing material recycling facility (MRF) to enable upgrade of existing hopper and screening plant together with associated amendments to existing MRF pursuant to conditions (3) and (10) of planning permission DA/97/688. Pinden Quarry, Green Street Green Road, Nr Dartford
SH/05/53/R2 & SH/05/53/R14	Amendments to approved layout and fencing detail at Dunes Road temporary construction compound, Greatstone, pursuant to conditions (2) and (14) of planning permission reference SH/05/53. New Romney and Greatstone on Sea Wastewater Treatment Scheme
DO/02/496/R7	Details of external lighting to the Kent County Council Household Waste & Recycling Centre pursuant to condition 7 of planning permission DO/02/496. Southwall Road, Deal
DA/06/822	Variation to condition no. 2 attached to planning permission DA/01/62 for use of Hydroseeding on Landraise. Craylands Lane Pit, Craylands Lane, Dartford
DA/01/62/R5(2)	Discharge of condition (5) of permission DA/01/62. Craylands Lane Pit, Craylands Lane, Dartford
SW/05/1203/R20	Submission of details pursuant to condition 20 (landscape planting and maintenance scheme) of planning permission SW/05/1203. Plant to process incinerator bottom ash into secondary aggregates for recycling, Ridham Dock Industrial Complex, Iwade, Sittingbourne

**E2 CONSULTATIONS ON APPLICATIONS SUBMITTED BY DISTRICT COUNCILS OR GOVERNMENT DEPARTMENTS DEALT WITH UNDER DELEGATED POWERS - MEMBERS' INFORMATION**

Since the last meeting of the Committee, I have considered the following applications and - decided not to submit any strategic planning objections:-

**Background Documents** - The deposited documents.

None

**E3      COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS**  
**PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS**  
**MEMBERS' INFORMATION**

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

**Background Documents** – The deposited documents.

MA/05/2213/R	Amended details – Amendment to include repositioning to door from the hall - New extension. Boughton Monchelsea Primary School, Church Hill, Boughton Monchelsea
AS/05/1784/R	Amended details - Amendment to the original vent locations - Vocational kitchen. The Towers School, Faversham Road, Kennington, Ashford
SW/05/1071/R	Amended details – Amendments to approved site layout - Sports facilities. Sittingbourne Community College, Swanstree Avenue, Sittingbourne
SH/05/1165/R11/A	Amendment to details of external materials - Single storey extension. Hythe Community School, Cinque Ports Avenue, Hythe
CA/05/1109/R6	Details of external materials (roof finish) pursuant to Condition 6 of planning permission reference CA/05/1109. Herne Bay High School, Bullockstone Road, Herne Bay
TH/06/221/R3	Reserved matters – Details of foul and surface water drainage scheme - Reconstruction of library. Ramsgate Library, Guildford Lawn, Ramsgate
TH/06/221/R8	Reserved matters – Details of a scheme of landscape works - Reconstruction of library. Ramsgate Library, Guildford Lawn, Ramsgate
DA/05/446/R3 & R4	Reserved matters – Condition (3) - Details of a scheme for the disposal of foul and surface waters. Condition (4) – Details of access gates. Temporary access off Heath Lane, Dartford, for construction vehicles connected with school building. Dartford Campus, Heath Lane, Dartford
CA/06/364/R	Amendment to new playground to provide netball court. Reculver CE Primary School, Hillborough, Herne Bay
CA/06/364/RA	Amendments to north-east elevations, replacing doors with windows and reducing the size of the windows on the south-east elevation. Reculver CE Primary School, Hillborough, Herne Bay

TW/05/2924/R4	Reserved Matters – Scheme for the disposal of foul and surface waters - New teaching block. Pembury School, Lower Green Road, Pembury, Tunbridge Wells
CA/06/661/R5	Details of a scheme of landscaping and tree planting. Campfield, Reynolds Close, Herne Bay
CA/06/661/R	Amendments to approved scheme including changes to car parking layout, addition of escape doors and changes to materials. Campfield, Reynolds Close, Herne Bay
TH/06/806	Extension to science preparation room Chatham House Grammar School, Chatham Street, Ramsgate
TH/04/1266/R3	Reserved Details – Details of school access road. Replacement Ellington School for Girls, Pysons Road, Ramsgate
TH/03/1433/R6	Reserved Details – Details of external lighting. Replacement Ellington School for Girls, Pysons Road, Ramsgate
SW/06/1101	Extension to the staff room, relocation of the existing bin store and removal of the mobile classroom. Regis Manor Community Primary School, Middletune Avenue, Milton Regis, Sittingbourne
TH/06/1175	Replacement of glazed curtain walling. Dame Janet Infants School, Newington Road, Ramsgate
SE/06/1844/R3	Details of External Materials - First floor extension to accommodate new administration department. The Bradbourne School for Girls, Bradbourne Vale Road, Sevenoaks
SW/06/600/R3	Details of building record for removal of air raid shelter to provide additional parking and hard play surface. Milton Court Primary School, Brewery Road, Sittingbourne
SH/06/1223	Classroom extensions. Sandgate Primary School, Coolinge, Folkestone.
SW/06/544B/R3	Details pursuant – Details of external materials - Proposed disabled access ramp and steps to the front elevation at the school from emergency exit. Ospringe CE Primary School, Water Lane, Ospringe, Faversham
DO/05/1105/R3	Details of all materials to be used externally and minor amendments to the elevations. Whitfield and Aspen School, Mayfield Road, Whitfield, Dover
CA/06/661/R4	Details of external lighting – Childrens Resource Centre. Campfields, Reynolds Close, Herne Bay
SW/06/1204	Erection of a covered shelter area for parents and children. Eastling Primary School, Kettle Hill Road, Eastling

DA/05/252/R4	Reserved Details - Landscaping and tree planting scheme - New Teaching Block. Wilmington Grammar School for Boys, Common Lane, Dartford
DO/06/1267	Single storey extension. Sandwich Infant School, School Road, Sandwich
SE/06/1276/R3	Details of materials for sections of nature trail not passing through woodland. Valence School, Westerham Road, Westerham
SH/06/1322	Retrospective application for the erection of security fence to boundary adjacent to pavilion. Harvey Grammar School Sports Hall, Cherry Garden Avenue, Folkestone

**E4**

**DETAILED SUBMISSIONS UNDER CHANNEL TUNNEL  
RAIL LINK ACT 1996**

Since the last meeting of the Committee, the following matters have been determined/responded to by me under delegated powers:-

**Background Documents** – The deposited documents.

None

**E5 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS**

**Background Documents –**

- *The deposited documents*
- *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999*
- *DETR Circular 02/99 – Environmental Impact Assessment.*

- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-

DC29/06/TM/0001 - Medway Trilogy project to transfer from Cuxton Wastewater Treatment Works (WTW) via Halling WTW to a single point of treatment at Ham Hill WTW where wastewater treatment processes and hydraulic capacity will be improved

DC29/06/GR/0002 – Proposed Refurbishment Works at Northfleet Wastewater Treatment Works, Springhead Road, Northfleet

- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

None

**E6 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS**

- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

**Background Documents** -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*
- *DETR Circular 02/99 - Environmental Impact Assessment.*

None