



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 13th May, 2008, at 10.00 am
Council Chamber - Sessions House, County
Hall, Maidstone

Ask for: **Andrew Tait**

Telephone **(01622) 694342**

Tea/Coffee will be available from 9.45 am 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. Minutes - 15 April 2008 (Pages 1 - 4)
3. Declarations of Interests by Members for items on the Agenda for this meeting.
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TM/07/4294 - Extension of time until January 2011 to commence work in the Western Extension, Hermitage Quarry, Hermitage Lane, Ditton; Gallagher Aggregates Ltd. (Pages 5 - 14)
2. Application SH/08/351 - Use of farm access road to provide access to waste composting facility and variation of Conditions 2, 6 and 7 of Permission SH/03/62 and Condition 14 of Permission SH/04/1629 at Hope Farm, Crete Road East, Hawkinge, Folkestone; J Taylor and Son. (Pages 15 - 28)
3. Application MA/07/1649 - Development of inert waste recycling facility at Hanson Aggregates, 20/20 Industrial Estate, Allington, Maidstone; Hanson Quarry Products. (Pages 29 - 46)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal SH/07/2611R - Single storey school to replace the existing School. Minor amendments to the approved scheme, including raised height of the building at Lympne Primary School, Lympne; KCC Property Group. (Pages 47 - 64)

2. Proposal DA/08/175 - Two storey new Children's Centre with a pitched roof construction at Swan Valley School, Swanscombe; KCC Children, Families and Education. (Pages 65 - 80)
3. Proposal SW/04/1453 - Alternative bridge designs at Sittingbourne Northern Relief Road; KCC Environment and Regeneration. (Pages 81 - 112)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 113 - 120)
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.)

Friday, 2 May 2008

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held at Sessions House, County Hall, Maidstone on Tuesday, 15 April 2008.

PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mrs A D Allen (substitute for Mrs V J Dagger), Mr T J Birkett (substitute for Mr T A Maddison), Mr D S Daley (substitute for Mr S J G Koowaree), Mr J A Davies, Mr T Gates, Mrs E Green, Mr C Hibberd, Mr P M Hill, OBE (substitute for Mr R A Marsh), Mr P W A Lake (substitute for Mrs S V Hohler), Mr J F London, Mr J I Muckle, Mr W V Newman, Mr M J Northey (substitute for Mr J B O Fullarton), Mr A R Poole and Mr F Wood-Brignall.

OFFICERS: The Head of Planning Applications Group, Mrs S Thompson (with Mr J Crossley and Mr J Wooldridge); the Development Manager, Mr R White; and the Democratic Services Officer, Mr A Tait.

UNRESTRICTED ITEMS

27. Minutes

RESOLVED that the Minutes of the meeting held on 18 March 2008 are correctly recorded and that they be signed by the Chairman.

28. Application MA/08/45 – Importation of inert material over a three year period for site remediation works and associated office and wheel cleaning facilities at Lenham Quarry, Lenham Forstal Road, Lenham; Brett Aggregates
(Item C1 – Report by Head of Planning Applications Group)

RESOLVED that permission be granted to the application subject to conditions including conditions covering operations being completed within 3 years; HGV movements being limited to a maximum of 106 per day (53 in / 53 out) for all operations at the site; the volume of fill material imported to the site not exceeding that necessary to achieve the proposed remediation scheme; a detailed design document for the construction of the slope including a monitoring regime; fill materials according with those proposed; final site contours according with the permitted restoration scheme; each source of fill material passing acceptance criteria detailed in the applicant's geotechnical report to determine mechanical acceptability; submission of compaction methodology for imported fills; submission of details of the proposed fuel storage tank; wheel-wash facilities being provided prior to commencement of operations on site; hours of operation; noise limits; dust suppression measures; the removal of the office building and wheel-wash on completion of operations; and the development being carried out in accordance with the submitted plans and any others approved pursuant to the above conditions.

29. Proposal CA/07/1414 – Timber building to be used as a music room at St Mary’s Catholic Primary School, Northwood Road, Whitstable; Governors of St Mary’s Catholic Primary School and KCC Children, Families and Education.

(Item D1- Report by Head of Planning Applications Group)

(1) The Head of Planning Application Group tabled a summary of further representations.

(2) Mr C Wakeman, a local resident addressed the Committee in opposition to the proposal. Mrs E Leaman, Head Teacher of St Mary’s Catholic Primary School spoke in reply.

(3) The Committee agreed to strengthen the final condition in the Head of Planning Application Group’s recommendations, as set out in (4) below.

(4) RESOLVED that permission be granted to the proposal subject to conditions including the standard time condition; and conditions covering the development being carried out in accordance with the permitted plans; the use of the development hereby permitted being limited to between the hours of 08:30 and 16:15 Monday to Friday term time only, with no use on Saturdays, Sundays or Bank Holidays; a scheme of landscaping, its implementation and maintenance; external roof materials being submitted for approval; details of all access arrangements to comply with DDA legislation being submitted for approval prior to commencement of operations on site; and the use of the buildings being specifically restricted to low noise level singing and scholastic instruments, with no use of amplification being permitted.

30. Proposal MA/08/289 – Polymeric surfaced multi-use games area with fencing and planting at Eastborough Primary School, Vinters Road, Maidstone; Governors of Eastborough Primary School and KCC Children, Families and Education.

(Item D2 – Report by Head of Planning Applications Group)

(1) The Head of Planning Applications Group reported the views of Mr I S Chittenden, the local Member.

(2) In agreeing the Head of Planning Applications Group’s recommendations, the Committee included permission for use on Saturdays from 9.00 am to 1.00 pm, no use on Bank Holidays and a restriction on use to children under 12 years of age.

(3) RESOLVED that permission be granted to the proposal subject to conditions including conditions covering the standard time limit; no external lighting being installed; details of the landscaping scheme, including colour of fencing; hours of use for the multi-use games area being restricted to 8.00 – 18.00 Monday to Friday and 9.00 – 13.00 on Saturdays with no use on Sundays or Bank Holidays; use of the facility being restricted to children under 12 years of age; and the development being carried out in accordance with the permitted details.

31. County Matters dealt with under Delegated Powers
(Items 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 (None);
- (c) County Council developments;
- (d) detailed submissions under Channel Tunnel Rail Link Act 1996 (None);
- (e) screening opinions under Environmental Impact Assessment Regulations 1999; and
- (f) scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

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Item C1

TM/07/4294 Renewal of Planning Permission TM/03/2785 (Western Extension) – Hermitage Quarry, Hermitage Lane, Aylesford, Kent

A report by Head of Planning Applications Group to Planning Applications Committee on 13 May 2008.

Renewal of planning permission TM/03/2785 – Hermitage Quarry, Hermitage Lane, Aylesford, Kent (MR. 724 562)

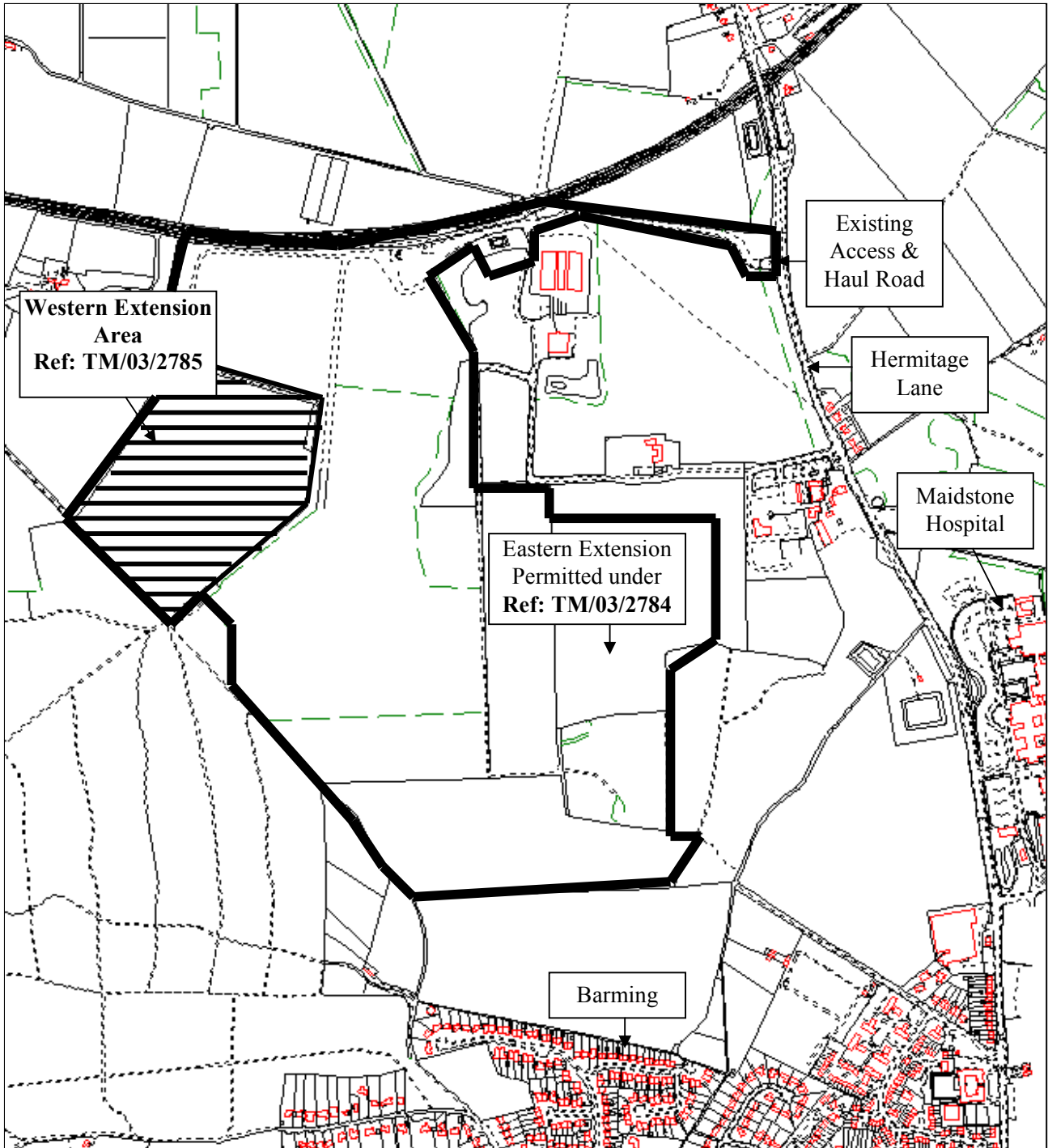
Recommendation: Permission be granted subject to conditions.

Local Member: Mr G Rowe, Mrs S Hohler, Mrs P Stockell and Mr J Curwood
Classification: Unrestricted

Background

1. Hermitage Quarry lies within the strategic gap between Allington, to the east, the village of Aylesford, to the north and Barming Heath to the south. It forms part of the 210ha Hermitage Farm Estate and comprises agricultural land and woodland as well as the quarry itself. The quarry has a purpose built access onto Hermitage Lane (B2246), leading to the A20 and M20 at junction 5. A site location plan is attached (Plan 1).
2. The Quarry is one of only two ragstone quarries within the County, the other being located at Blaise Farm, West Malling. Hermitage Quarry is currently operating under a permission originally granted in September 1989 (ref. TM/88/295). Three further planning permissions have since been granted as extensions to the Quarry, one for a Southern Extension (reference TM/95/761), an Eastern Extension (reference TM/03/2784) currently being worked, and a Western Extension (reference TM/03/2785), the subject of this renewal.
3. Following the last grant of planning permission for the Eastern Extension, subsequent variations of existing conditions in 2005 (permitted under references TM/03/2782, TM/03/2784 and TM/03/2787) made provision for a detailed working, phasing and restoration plan. This scheme encompasses the whole of the Quarry, including that of the current plant area as well as the existing Western Extension. The scheme makes provision for the progressive working and restoration of the eastern extension followed by working and restoration of the remaining southern extension then the western extension followed finally by the restoration of the plant area. The working and restoration plan, along with a woodland and landscape management plan form part of a section 106 Legal Agreement attached to the eastern extension permission, signed up to by the operator to manage the whole site in perpetuity upon final restoration.

TM/07/4294 Renewal of Planning Permission TM/03/2785 (Western Extension) – Hermitage Quarry, Hermitage Lane, Aylesford, Kent



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SITE LOCATION PLAN 1



TM/07/4294 Renewal of Planning Permission TM/03/2785 (Western Extension) – Hermitage Quarry, Hermitage Lane, Aylesford, Kent

Western Extension History and Current proposal

4. The Western Extension was originally granted consent under planning permission reference TM/97/2068 and required the operator to commence work within that area before 14 June 2004. A later request for extending the period within which to work this area was granted under permission reference TM/03/2785, which at that time was designed to allow for the prior working and restoration of the eastern and southern extension areas. Given no specific objections were raised, the County Council issued a planning consent, to extend the period by which excavation could commence to 1 January 2008.
5. Owing to delays incurred in completing the S106 Agreement, the permission for the eastern extension was not formally issued until December 2006. As a result this latest planning application has been submitted to seek a further extension of time to commence work in the western extension on or before 1 January 2011 in order to allow the operator to keep in sequence with their existing working and restoration phasing plan before commencing extraction in the western section of the site.

National Guidance and Relevant Development Plan Policies

Need

6. Policies providing for the maintenance of landbanks are recognised as an important feature of minerals planning because they enable the industry to respond speedily to increases in demand.

National Planning Policies

7. The most relevant National Planning Policies are set out in PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.

Mineral Policy Statement 1

8. To ensure as far as practicable, the prudent efficient and sustainable use of minerals and recycling of materials, thereby minimising the requirement for new primary extraction; To safeguard minerals resources as far as possible; to prevent or minimise production of mineral waste; to secure working practices which prevent or reduce as far as possible, impacts on the environment and human health arising from the extraction, processing management or transportation of minerals; to protect internationally or nationally designated areas of landscape value and nature conservation importance from minerals development; to secure adequate and steady supplies of minerals needed by society and the economy within the limits set by the environment, assessed through sustainability appraisal, without irreversible damage; to maximise the benefits and minimise the impacts of minerals operations over their full life cycle; to promote sustainable transport of minerals by rail, sea

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or inland waterways; to protect and seek to enhance the overall quality of the environment once extraction has ceased, through high standards of restoration, and to safeguard the long-term potential of land for a wide range of after-uses; to secure closer integration of minerals planning policy with national policy on sustainable construction and waste management and other applicable environmental health legislation; and to encourage the use of high quality materials for the purposes for which they are most suitable.

Agriculture

9. In line with government advice, Policy EP9 of the Kent and Medway Structure Plan provides protection to the long-term productive potential of agricultural land, particularly that relating to the best and most versatile land (i.e. Grades 1, 2 and 3A).

Operational Considerations

10. When considering applications for the working or supply of construction aggregates, the County Council will have regard to Policies CA16, CA18, CA19, CA20, CA20A, CA21, CA2 and, CA23 incorporate the County Council's requirements for the detailed control of mineral sites.
11. Kent and Medway Structure Plan Policy MN3 sets out the criteria for which mineral extraction applications should be assessed against including any potential impacts from operations on agricultural, landscape, conservation or environmental interests of acknowledged importance.

Landscape and Nature Conservation

12. The site is not subject to any national or local landscape policy designations on landscape grounds. However in recognition of the need to protect the countryside for its own sake Policy EN1 of the Kent and Medway Structure Plan applies – development in the countryside should seek to maintain or enhance it.

Adopted Kent and Medway Structure Plan (2006)

- Policy SP1:** Seeks to conserve and enhance Kent's environment and ensure a sustainable pattern and form by reducing the need to travel and reducing growth in dependence on the road network.
- Policy EN8:** Provides for protection and enhancement of biodiversity.
- Policy QL7:** Provides for protection of archaeological sites.

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Policy SS3: Seeks to ensure that gaps between existing settlements are largely maintained.

Policy MN3: Proposals for mineral extraction and/or associated plant and buildings and minerals recycling facilities 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.

Permission will only be granted if any physical constraints on the land have been properly taken into account and if there are adequate access proposals, measures to minimise harm to the landscape and environment, to protect local communities, to landscape the site, remove plant or buildings after workings have ceased and to restore the land to an appropriate after use, normally as working progresses.

Wherever appropriate a period of aftercare will also be required.

Policy MN5: Kent County Council and Medway will review and maintain:

- 1) a supply of aggregates sufficient to contribute to national, regional and local needs, in accordance with their agreed share of regional aggregates supply.
- 2) A landbank of permitted reserves of (i) sand and gravel and (ii) ragstone throughout the period of the Plan sufficient for at least 7 years supply at agreed apportionment levels.

Archaeology

13. Policy QL7 of the Kent and Medway Structure Plan provides for the protection of archaeological sites and their settings, and where development is permitted, the investigation and recording of their archaeological interest.

Consultations

14.

Tonbridge and Malling Borough Council: No objections raised.

Maidstone Borough Council: No objection raised.

Barming Parish Council: No views received.

Aylesford Parish Council: No views received.

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Ditton Parish Council: No objections raised.

English Nature: No comments to make.

Kent Wildlife Trust: No views received.

DEFRA: No views received.

CPRE: No views received.

Environment Agency: No objections in principle.

Network Rail: No comments to make on the proposals.

Transportation Planning: No views received.

Babtie (Noise/Dust): No objections raised.

Babtie (Landscape): No views received.

Environmental Management Public Rights of Way: No objection.

Heritage and Conservation (County Archaeologist): No comments received.

Countryside Policy and Projects (Biodiversity Officer): No objection raised.

Barming Protection Campaign Association: No objections raised.

Mid Kent Health Care Trust: Raise concerns that blasting may be having an adverse impact on the Maidstone Hospital building and delicate specialist equipment in theatres, wards and various departments not designed to encounter such vibrations.

Local Members

15. The Local and adjoining Members, Mr G Rowe, Mrs S Hohler, Mrs P Stockell and Mr J Curwood were notified of the applications on 6 December 2007.

Publicity

16. The application was publicised by the posting of 2 site notices and the individual notification of 82 properties. The application was also publicised in the local press on 24 December 2007.

Representations

17. A total of 4 letters of representation have been received and are summarised as follows:

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- need
- impact on the Strategic Gap

Blasting

- Concerns that blasting is already causing damage to properties and will continue to do so if further working is allowed
- Vibration from blasting at Hermitage Quarry is already experienced in surrounding properties
- Continued blasting and industrial processing of materials opposite Maidstone Hospital is unacceptable.

Amenity Impacts

- Properties are covered in white dust from the quarry
- Extending the life of the existing quarry is not acceptable
- Noise and dust nuisance from existing operations
- Noise nuisance from blasting

Discussion

18. Section 38(6) of the Planning and Compulsory Purchase Act requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
19. In essence this application seeks a further variation of condition to extend the time period within which to commence operations in the western extension. This has been brought about as a result of a comprehensive scheme of working having been approved applicable to the whole site which makes provision for the prior extraction and progressive restoration of other remaining areas in advance of the western extension.
20. Previous permissions have already established that the extraction of ragstone from this area is in principle acceptable. In this respect I am mindful that with the exception of the Mid Kent Healthcare Trust concerns over the effects of blasting, no other objections have been raised by statutory consultees. Similar concerns on blasting have been raised by local residents along with other impacts on the local amenity.

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Blasting

21. Having regard to comments made by consultees along with representations received from local residents, in my opinion the main determining issue relates to the impacts from blasting.
22. Government advice, as set out under Minerals Planning Guidance Note 9 (MPG9) recommends that individual blasts should not exceed 12mmsec pp. when measured at vibration sensitive buildings. Average levels should not exceed 10mm/sec pp. and usually not be below 6mm/sec ppv, in 95% of all blasts. Accordingly conditions relating to blasting, have been imposed on the latest planning permissions at Hermitage Quarry to reflect these recommended limits. The operator is required to provide the County Council with regular monitoring data to indicate levels of vibration on days where blasting has taken place. To date this data has demonstrated that vibration levels continue to be well below the limits set. Notwithstanding this, the views and concerns of local residents remain and as a result, a number of residents have requested monitoring be undertaken at their properties. In response to these complaints, independent monitoring has been undertaken on various occasions on behalf of the County Council. The results indicated blasts remain well within set limits prescribed in the planning conditions and well below levels above which it is considered cosmetic or structural damage may occur.
23. However, I recognise there is likely to be continued concern associated with blasting and having regard to the County Councils protocol on blasting, I would recommend that independent monitoring continues to be undertaken up to 4 times a year in the local vicinity at cost to the applicant as already secured under the terms of the existing S106 Legal Agreement. In addition, as a safeguard, I would advise that should Members resolve to grant permission, blasting conditions in relation to maximum levels of vibration be imposed, similar to those relating to the existing permissions on this site and which also require a scheme of monitoring to ensure continued compliance with set limits.
24. Notwithstanding the views expressed regarding blasting, in particular those raised by the Mid Kent Health Care Trust, I consider that given the western extension is significantly more distant from Maidstone Hospital than where quarrying operations are currently being undertaken in the eastern extension and provided levels do not exceed government guidelines, these issues do not represent an overriding objection to the proposals.

Other amenity impact

25. Local residents have also raised a number of other concerns in connection to the proposed application, including potential noise and dust nuisance. Policy W18 of the Kent Waste Local Plan requires the Planning Authority to be satisfied as to the means of controlling noise, dust odour and other emissions particularly in respect of the potential impact on neighbouring land uses and amenity. Jacobs have been consulted and have raised no objections on noise and dust grounds. In addition, Jacobs are satisfied that no adverse noise impact from proposed HGV movements to and from the site, is likely to occur. With the exception of a variation to the timescale within which to commence operations in the

TM/07/4294 Renewal of Planning Permission TM/03/2785 (Western Extension) – Hermitage Quarry, Hermitage Lane, Aylesford, Kent

western extension, all other conditions imposed on the previous consent including those controlling noise, dust and odour would remain the same. The proposal in my view therefore meets the requirements of policy MN3 of the Kent and Medway Structure Plan and policy W18 of the KWLP.

Conclusion

26. This application seeks purely an extension to the timescale within which the operator wishes to commence work in the western area. Such an extension is required to allow the operator to continue operations on site in accordance with their approved working, restoration phasing scheme. Should Members resolve to grant permission, I consider that the imposition of similar conditions to those imposed on the previous planning consents would be sufficient to ensure impacts to the local amenity be kept to a minimum. I am satisfied therefore, that this variation in timescale is acceptable in planning terms. I therefore recommend accordingly.

Recommendation

27. I RECOMMEND that PERMISSION BE GRANTED subject to conditions covering amongst other matters standard time condition, noise, dust and odour controls, hours of working, scheme of working and restoration, blasting regime.

Case Officer: Angela Watts	01622 221059
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Background Documents: See Section Heading

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Application to vary conditions 2, 6 & 7 of planning permission SH/03/62 and condition 14 of planning permission SH/04/1629 to allow use of the farm access road between Hope Farm & 82011 New Dover Road to provide vehicular access to green waste composting facility at Hope Farm - Hope Farm, Crete Road East, Hawkinge - SH/08/351.

A report by the Head of Planning Applications Group to the Planning Applications Committee on 13 May 2008.

Application by J Taylor & Son for the use of a farm access road between Hope Farm & B2011 New Dover Road to provide vehicular access to green waste composting facility at Hope Farm and variations of conditions 2, 6 & 7 of planning permission SH/03/62 and condition 14 of planning permission SH/04/1629 at Hope Farm, Hawkinge.

Recommendation: Planning permission be permitted subject to conditions.

Local Member(s): Susan Carey & Richard Pascoe

Classification: Unrestricted

Site

1. The application site covers 1.4 hectares of a 243ha farm situated on land between Folkestone, Hawkinge and Capel-le-Ferne. The site is located with the Kent Downs Area of Outstanding Natural Beauty (AONB) and a Special Landscape Area (SLA). The Folkestone Warren Site of Special Scientific Interest (SSSI) and the Folkestone to Etchinghill Escarpment Site of Special Scientific Interest (SSSI) and candidate Special Area of Conservation (CSAC) are located in close proximity to the site (to the south of the B2011 and to the south west of the application site). A Public Right of Way and Bridlepath (HE213) (see location plan on page C2.2) is located within the application site approximately 100 metres to the north of the B2011. *A site location plan is attached.*

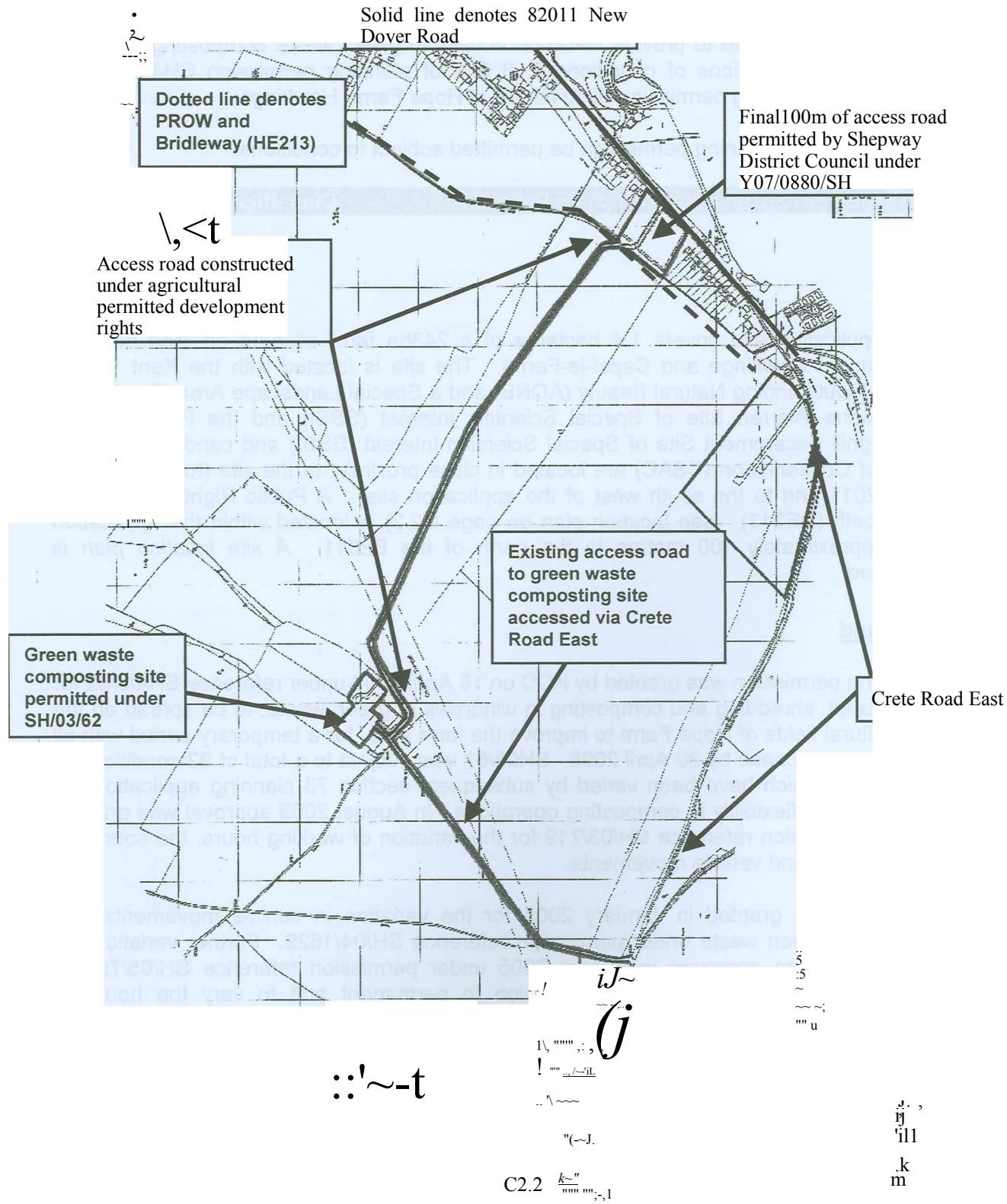
Backaround

2. Planning permission was granted by KCC on 15 April 2003 under reference SH/03/62 for the receipt, shredding and composting in windrows of green waste, to be spread on the agricultural fields of Hope Farm to improve the farm soils, for a temporary period with all operations to cease by 30 April 2006. SH03/62 was subject to a total of 22 conditions, a number of which have been varied by subsequent section 73 planning applications to allow greater flexibility in composting operations. In August 2003 approval was granted under permission reference SH/03/719 for the variation of working hours, the source of green waste and vehicle movements.
3. Approval was granted in January 2005 for the variation in vehicle movements and volume of green waste under permission reference SH/04/1629. Further variations to conditions were approved in August 2005 under permission reference SH/05/792 to change the original temporary permission to permanent and to vary the hours of operation and volume of green waste.

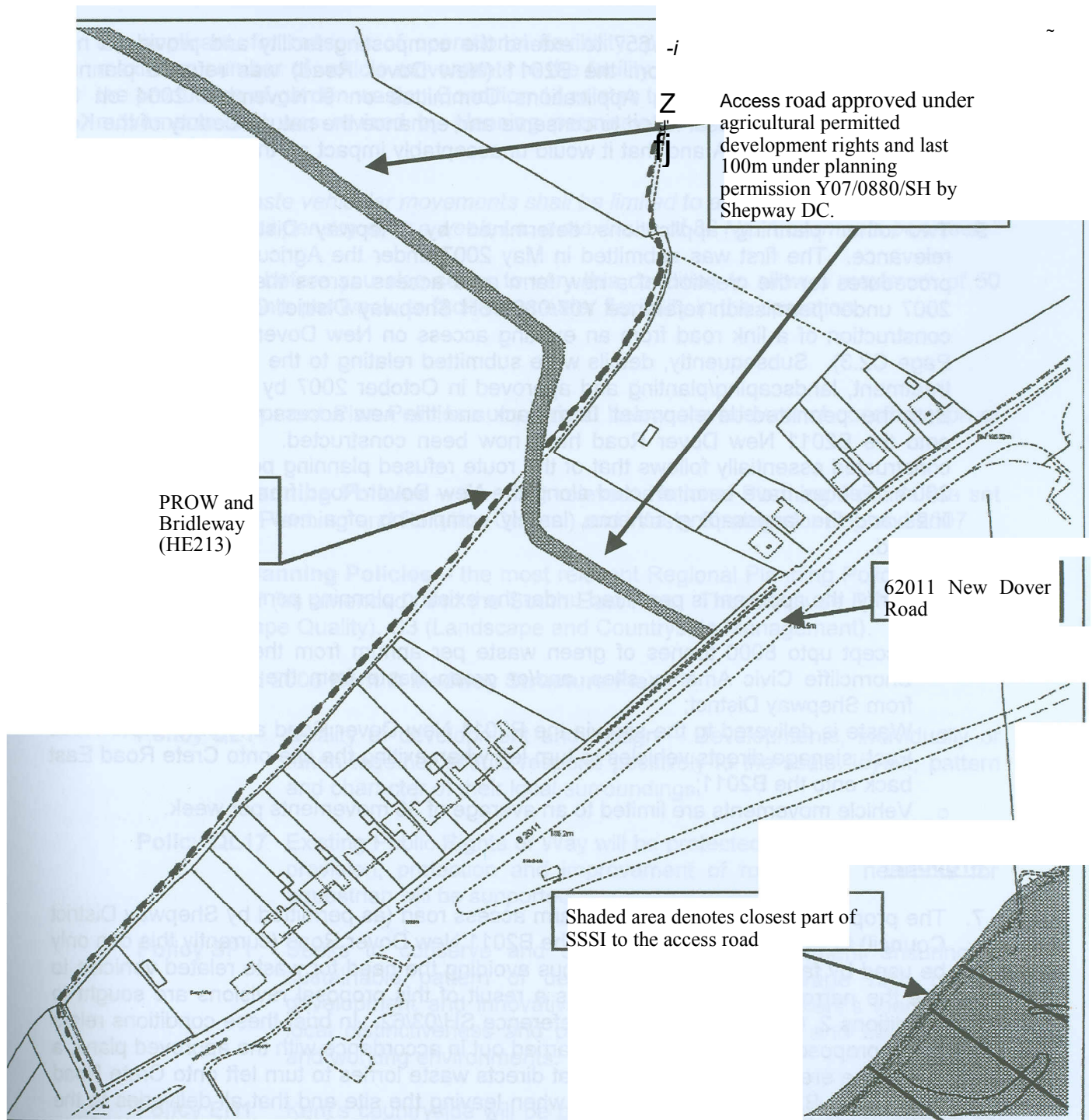
Item C2

Application to vary conditions 2, 6 & 7 of planning permission SH/03/62 and condition 14 of planning permission SH/04/1629 to allow use of the farm access road between Hope Farm & 82011 New Dover Road to provide vehicular access to green waste composting facility at Hope Farm - Hope Farm, Crete Road East, Hawkinge - SH/08/351.

Site Location Plan I,



Application to vary conditions 2, 6 & 7 of planning permission SH/03/62 and condition 14 of planning permission SH/04/1629 to allow use of the farm access road between Hope Farm & 82011 New Dover Road to provide vehicular access to green waste composting facility at Hope Farm - Hope Farm, Crete Road East, Hawkinge - SH/08/351.



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Application to vary conditions 2, 6 & 7 of planning permission SH/03/62 and condition 14 of planning permission SH/04/1629 to allow use of the farm access road between Hope Farm & B2011 New Dover Road to provide vehicular access to green waste composting facility at Hope Farm - Hope Farm, Crete Road East, Hawkinge - SH/08/351.

4. Application reference SH/04/657 to extend the composting facility and provide a new access road to the farm from the 82011 (New Dover Road) was refused planning permission by the Planning Applications Committee on 9. November 2004 on the grounds that the proposal failed to conserve and enhance the natural beauty of the Kent Downs AON8 and SLA and that it would unacceptably impact on the public right of way network.
5. Two other planning applications determined by Shepway District Council are of relevance. The first was submitted in May 2007 under the Agricultural Prior Approval procedures for the creation of a new farm road access across the farmland. In June 2007 under permission reference Y07/0880/SH Shepway District Council approved the construction of a link road from an existing access on New Dover Road (see plan on Page C2.3). Subsequently, details were submitted relating to the access road surface treatment, landscaping/planting and approved in October 2007 by the District Council. 80th the 'permitted development' farm track and the new access road with its junction onto the 82011 New Dover Road have now been constructed. The permitted route constructed essentially follows that of the route refused planning permission by KCC in 2004. Fences have been erected along the New Dover Road frontage along the sight lines and the landscaping scheme, largely comprising of a new hedgerow has been planted.
6. To clarify, the applicant is permitted under the existing planning permissions to:
 - o Accept upto 8000 tonnes of green waste per annum from the Hawkinge and the Shornccliffe Civic Amenity sites, and/or green waste from the kerbside collections from Shepway District;
 - o Waste is delivered to the site via the 82011 New Dover Road and onto Crete Road East; signage directs vehicles to turn left when exiting the site onto Crete Road East back onto the 82011;
 - o Vehicle movements are limited to an average of 36 movements per week.

Pro,Rosa

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7. The proposal seeks to use the new farm access road (as permitted by Shepway District Council) from the composting site to the 82011 New Dover Road (currently this can only be used by farm/agricultural traffic) thus avoiding the need for waste related vehicles to use the narrow Crete Road East. As a result of this proposal revisions are sought to conditions 2, 6 and 7 of permission reference SH/03/62. In brief these conditions relate to the proposed development being carried out in accordance with the approved plans, a sign to be erected and maintained that directs waste lorries to turn left onto Crete Road East to the 82011 New Dover Road when leaving the site and that all deliveries to the site approach from the 82011 New Dover Road and turn right onto the site via Crete Road East.
8. The application does not seek to change the operational processes on the green waste composting facility or increase the volume of waste to be handled nor does it seek to take the processed material off site as part of any commercial enterprise. The processed material will continue to be used solely on the fields at Hope Farm. However

Application to vary conditions 2, 6 & 7 of planning permission SH/03/62 and condition 14 of planning permission SH/04/1629 to allow use of the farm access road between Hope Farm & B2011 New Dover Road to provide vehicular access to green waste composting facility at Hope Farm - Hope Farm, Crete Road East, Hawkinge - SH/08/351.

the applicant, for reasons of operational flexibility, proposes to vary the limit on the maximum number of vehicle movements to the facility to allow for seasonal variations in the production of garden waste. Condition 14 relates to the maximum number of vehicle movements and was revised by planning permissions SH/03/719 & SH/04/1629. It currently reads:

"Green waste vehicular movements shall be limited to an average of 3 No. in and 3 No. out per day over a week; i. e. a maximum of 36 No. movements per week."

9. The application before you also seeks to vary this condition to allow a maximum of 50 vehicle movements per week, to facilitate greater flexibility in the operation.

Planning Policy

10. The key Development Plan Policies summarised below are relevant of consideration of the application:

- (i) National Planning Policies - the most relevant National Planning Policies are set out PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.
- (ii) Regional Planning Policies - the most relevant Regional Planning Policies are set out in RPG9 (as amended) and the South East Plan. These include RPG9 Policies E1 (Landscape Quality), C3 (Landscape and Countryside Management).
- (iii) The adopted 2006 Kent & Medway Structure Plan
 - Policy QL 1 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 QL 17 Existing Public Rights of Way will be protected and enhanced and the provision, protection and improvement of routes and networks for equestrian will be supported.
 - Policy SP1 Seeks to conserve and enhance Kent's environment ensuring a sustainable pattern of development and encourage 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 EN1 Kent's countryside will be protected, conserved and enhanced for its own sake. Development, which will adversely affect the countryside, will not be permitted unless there is an overriding need for it, which outweighs the requirement to protect the countryside. Development so permitted should include appropriate mitigation and/or compensation.
 - Policy EN3 Kent's landscape and wildlife habitats will be protected, conserved

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and enhanced. Development will not be permitted if it would lead to the loss of features or habitats which are of landscape, historic, wildlife or geological importance, or are of an unspoilt quality, free from urban intrusion unless there is a need for development which outweighs these considerations.

- 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, 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** The primary objective of designating Special Landscape Areas is the protection, conservation and enhancement of the quality of their landscapes, whilst having regard to the need to facilitate the social and economic well being of the communities situated within them.
- Policy EN6** Development will not be permitted where it would directly, indirectly or cumulatively, materially harm the scientific or nature conservation interests of Sites of Special Scientific Interest.
- Policy NR5** The quality of Kent's environment will be conserved and enhanced. This will include the visual, ecological, geological, historic, noise and levels of tranquillity.
- Policy TP15** 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.
- Policy TP17** Through traffic, particularly goods vehicles will be discouraged from travelling on minor roads.

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(iv) The adopted 1998 Kent Waste Local Plan

Policy W10 Proposals for composting by windrow will be permitted subject to them being within a rural area, that the proposal would not cause significant harm to residential amenities, that the site has or is planned to have ready accessibility to the primary or secondary route network, that the proposal would not be unduly obtrusive in the landscape and that the impact on the natural environment would be minimised.

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 omissions particularly in respect of its potential impact on neighbouring land uses and amenity.

Policy W19 General protection of surface and groundwater interests.

Policy W21 Seeks protection of earth science and ecological interests and the safeguarding of irreplaceable and other important geological and geomorphological features, habitats or species of wildlife importance. Requires the provision of mitigation measures where there is an overriding need for the development.

Policy W22 Requires refusal of a proposal if the proposed access or necessary off-site highway improvements or the vehicles travelling to and from the site would affect in a materially adverse way safety of the highway network, the character of historic rural lanes of the local environment.

Policy W27 Seeks to protect the interests of the users of public rights of way.

Policy W31 Seeks landscaping schemes where appropriate.

(v) The adopted 2006 Shepway District Local Plan Policies - including policies SD1 (sustainable development), BE16 (landscaping), U4 (protection of ground/surface waters), U10 (waste disposal/recycling), TR1 (traffic & road safety), C01 (countryside), C03 (AONB), C04 (SLA), C08 (SSSI), C016 (diversification of farming), LR8 (Protection of PROW).

Consultations

11. Shepway District Council - Raises no objection subject to the views of Kent Highway Services and the imposition of any further conditions that they may request. They further request the conditioning of a robust landscaping scheme to provide screening along the New Dover Road frontage and adjacent to the boundaries with numbers 12 and 13 New Dover Road to reduce the visual impact of the new access way (as permitted by Shepway District Council) and the associated vehicles on the occupants of these properties and the wider street scene.

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Hawkinge Parish Council - Raises no objection subject to a scheme of landscaping along New Dover Road and where else appropriate.

Capel-le-Ferne Parish Council - Raise objection on the grounds that two years ago the same sort of planning application to this one was refused by KCC. Questions the difference with this application. Prior to this refusal the following points were raised:

- o Provision of a centre refuge/protection islands on 82011
- o Provision of through free flow lane Folkestone bound 82011 for non green waste traffic
- o No green waste vehicles to proceed through Capel 82011 in either direction
- o Passing places at site/gate entrance thus avoiding lorries stopping on the highway whilst waiting for another vehicle to exit the site
- o Entrance to site designed to facilitate left turn access

Furthermore, the new access road for agricultural farm vehicles was permitted by Shepway District Council without any notice to residents. This planning application is a back door move by the applicant to get green waste via the new access as the present access is unsuitable and is breaking up the highway. This section of highway (82011) is subject to no speed restrictions and subject to thick fog at any time of the year and with the amalgamation of Shepway and Dover Districts with regards the collection of household and recycling waste this will only increase the number of lorry movements to the site and how long before Ashford and Canterbury Councils start using this facility also?

Folkestone Town Council - No comments received - notified on 13 March 2008.

Divisional Transportation Manager - Raises no objection. In response to the comments from Capel-le-Ferne Parish Council states that given the proposal only seeks to increase the number of weekly vehicle movements from 36 to 50 it does not warrant the provision of a right turn lane into the site from the 82011 New Dover Road.

Jacobs (Noise, Dust and Odour) - Raises no objection and comments that the increase in traffic is unlikely to cause a significant impact to the nearest residential receptors.

Environment Agency - Raises no objection.

Public Rights of Way - Raises no objection providing signage is erected warning drivers of users on the Public Right of Way and 8ridleway.

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Local Member

12. The local County Members Susan Carey and Richard Pascoe were notified on 13 March 2008 and to date no comments received.

Publicity

13. The application was advertised by the posting of a site notice and the notification of twenty neighbouring properties and advertised in the Folkestone and Hythe Extra on 19 March 2008.

Representations

14. Two letters of representation have been received. The points raised are summarised below:

- o We have no objections to the access being used but we have great concern about the speed of traffic on the 82011 New Dover Road.
- o Is it proposed for speed restrictions to be imposed on the 82011 New Dover Road.
- o Any permission to increase the traffic along the access road must include conditions to ensure the safety of walkers and riders, for whom traffic MUST stop. I anticipate that there is suitable expertise within KCC to decide what measures there should be - traffic lights, gates or stop signs to ensure traffic stops before crossing the bridle path/footpath.

Discussion

15. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore in considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (10), Government Guidance and other material planning considerations arising from consultation and publicity.

16. In my opinion the key determining issues are the acceptability of using the permitted farm access road as access for green waste vehicles in terms of highway safety, and impact on the environment and local amenity (which includes the potential impact on the AON8 and nearby protected nature conservation sites). The application also needs to be considered in the context of the decision made by the Planning Applications Committee in November 2004 to refuse the expansion of the green waste facility and construction of a new access road and whether there is a material change in planning circumstances that supports an alternative decision.

Issues arising from 2004 decision

17. The current planning application has a number of similarities with the application that was refused in 2004. Namely both applications sought to access a small scale green waste composting facility at Hope Farm via an access from the 82011. The substantial

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difference is that in the case of the current proposal, the access road has since been constructed pursuant to other planning processes. In considering the earlier application, this Committee was concerned about the visual impact of the access road per se through the protected landscape. It was less concerned with the visual impact of vehicles using the route, principally because of the low numbers and therefore intermittent use. Highway safety was not cited as a ground for refusal, an indication that the Committee was satisfied on this aspect. The construction of the access road does in my view raise a new material planning consideration.

Highway Impacts

18. As the access road is already in situ and the application does not increase the operational capacity of the facility, a key issue to consider is the impact the variation of conditions would have in highway safety terms. The application seeks approval to use the existing farm access road for green waste related traffic along with the already permitted agricultural traffic. Consideration should therefore be given to whether the additional use of the existing road for waste vehicles would cause sufficient intrusion and impact on the locality to warrant refusal. The proposal seeks to increase the overall number of waste vehicle movements that can enter the composing site from 36 to 50 per week. It is proposed that all waste vehicles would use the site access from the 82011.
19. Kent Highways Services raises no objection to the proposal. The concerns and highway improvement to the 82011 sought by Capel-le-Ferne Parish Council have been discussed with the Highway Officer. He has responded that given the relatively minor increase in vehicle movements proposed (an overall increase of 7 extra vehicles per week) on the 82011 the provision of a right turn lane and centre protection islands would be unnecessary and unreasonable requirements. Furthermore in light of the Highway view it would be difficult to support an argument against the introduction of up to 50 extra vehicle movements per week using the new access route. At present there are no restrictions on the number of vehicles using the access route. Currently a maximum of four vehicle movements an hour use the access route.
20. In my opinion, the proposed development would actually result in an overall reduction in distances travelled on the public highway. At present all green waste traffic currently arrives at the site via the 82011 New Dover Road. Traffic is therefore already travelling along this stretch of public highway. As a result of this proposal, instead of leaving the 82011 and travelling along the narrow Crete Road East (width 2.9 - 3.5m) before entering Hope Farm, waste vehicles would leave the 82011 and enter the farm site directly via the existing purpose built access road. In my view the proposal would constitute an overall improvement in highway terms and safety and would accord with Structure Plan Policy TP15 relating to increases in traffic on the primary and secondary road network. Furthermore, I consider the proposals to actually be a significant improvement to the current situation where heavy goods vehicles are compelled to travel along the narrow Crete Road East, which is essentially little more than a rural lane in terms of its width and quality. Therefore in my view the proposal would accord with Structure Plan Policy TP17 and also more fully comply with Waste Local Plan Policy W22 in relation to proposed developments affecting the character of historic rural lanes and the local environment.

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21. There would inevitably be an increased impact on the existing public right of way and bridleway that crosses the access road (around 100 metres from the junction of the access road and the B2011). The KCC Public Rights of Way Officer has not objected to the proposal provided signage is erected that warns drivers and gives priority to users of the public right of way/bridleway. I am of the opinion that, should Members be minded to permit the incorporation of additional warning signage to drivers using the access road and the use of Stop signs for all vehicles, giving priority to users of the public right of way and bridleway, it would ensure accordance with Waste Local Plan Policy W27 in relation to protecting the interests of the users of the public right of way and bridleway network.

Environmental and Amenity Impacts

22. The application site is located within the Kent Downs AONB, the SLA and in close proximity to two SSSI and a Candidate SAC. Compliance with stringent environmental development plan policies is therefore essential. As previously advised, the access road of some 1,080m in length is already constructed and in use. The alignment follows the contours of the land as much as possible, reducing the impact on the wider landscape and environmental designations. The visual impact of the additional vehicles in the landscape would be mitigated by planting and given this and the limited number of vehicles it would not be sufficient in my view to warrant refusal.
23. In terms of the potential impact on nature conservation interests, at its closest point the access is in excess of 165m from the nearest part of the SSSI, see plan on page C2.3. As such, when the proposal is considered cumulatively with the existing use of the access road it is not considered that there would be any material harm directly or indirectly on the scientific or nature conservation interests.
24. Structure Plan Policy EN4 presumes against major development unless it can be demonstrated that it complies with strict criteria as set out in para (10) above. However in view of the nature of this application, it does not need to be assessed against the 'major' criteria in the policy. The proposed development would remove the requirement for heavy goods vehicles to use Crete Road East, which also lies within the AONB. This road provides exceptional views from the top of the Kent Downs across Folkestone and beyond. The removal of large HGV travelling along this stretch of public highway would represent a significant improvement in not only highway terms but in environmental and would improve amenity for residents of Crete Road East.
25. In terms of impact on the local amenity the cumulative effect of the increase of upto 50 further vehicle movements per week using the access road would be negligible. Given on average this would only amount to around 4 vehicles entering and leaving the site 6 days a week it is reasonable to conclude that there would be no impact on the local amenity. However the applicant is willing to incorporate increased screening and landscaping to help soften any visual impact on the closest residential properties and the wider street scene helping to ensure compliance with Structure Plan Policies QL 1, SP1 and EN1. Furthermore, the comments received from our Noise, Dust and Odour Consultants (Jacobs) state that the proposals are unlikely to cause significant impact on

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the nearest residential receptors in terms of the additional vehicle movements generated. It is also of note that in terms of the operation of the site, the composting facility appears well managed and I have received no complaints. The limited number and nature of representations received would also support this.

26. In my view the application would further enhance and ensure compliance with Structure Plan Policies QL 1, QL 17, SP1, EN1, EN4, ENS, EN6 relating to the quality of development, protection of public rights of way, the countryside and landscape and AONBs, SLAs and candidate SACs.

Conclusion

27. Whilst I appreciate the views of Capel-le-Ferne Parish Council, that on face value this application can appear, in part, to have similarities with SH/04/657, it is necessary to reach a decision on the proposal that is before us and the change in material planning considerations that the Shepway District Council decision and agricultural permitted development 'rights' have brought about. In light of the change in circumstances brought about by the construction of the farm access road, I am satisfied that the proposal for determination is sufficiently different to that refused in 2004.
28. At present, the facility is accessed via the B2011 and the narrow Crete Road East. In my view the proposed access route is superior to Crete Road East and the visual impacts of vehicles on the proposed route are no greater than that on the existing route. Now that the farm access road is constructed, there would be perceived benefits in transferring the traffic from Crete Road East. It is noted that the Parish Council draws attention to the breaking up of the highway in its response and there are difficulties in vehicles passing due to the restricted width of the road. There would also be visual benefits in terms of the prominent position of Crete Road East in the wider landscape.
29. The applicant is not applying for planning permission to increase the site, expand operations or to vary the source of the material, but rather to allow green waste vehicles to use the recently constructed farm access road. The overall increase in vehicle movement numbers to the composting facility could increase by upto 14 (7 vehicles in and 7 out) and when coupled with the betterment of the amenity for Crete Road East it is difficult to argue successfully against this proposal. In my view, as discussed above, I do consider the application to accord with National/Regional Planning Policies, Structure Plan and Waste Local Plan Policies. I therefore recommend the application be approved subject to conditions.

Recommendation

30. I RECOMMEND that PERMISSION BE GRANTED subject to conditions including:
- o Green Waste vehicular movements shall be limited to an average of 50 movements per week;
 - o All drivers delivering Green Waste to the site shall approach from the B2011 New Dover Road direction and turn right onto the new access road;

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- o All green waste vehicles shall exit the site using the new access road onto the B2011 New Dover Road;
- o Additional warning signage shall be erected to alert delivery drivers of the Public Right of Way/Bridleway and cycle path that cross the access road;
- o A scheme of landscaping.

Case officer - Adam Tomaszewski 01622 696923

Background documents - See section heading

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Item C3**Development of an inert waste recycling facility at Allington Depot, 20/20 Industrial Estate, Allington, Maidstone – MA/07/1649.**

A report by Head of Planning Applications Group to Planning Applications Committee on 13 May 2008.

MA/07/1649 - Application by Hanson Quarry Products Europe Ltd for the development of an inert waste recycling facility at the Allington Depot, 20/20 Industrial Estate, Allington, Maidstone.

Recommendation: Permission be granted subject to conditions

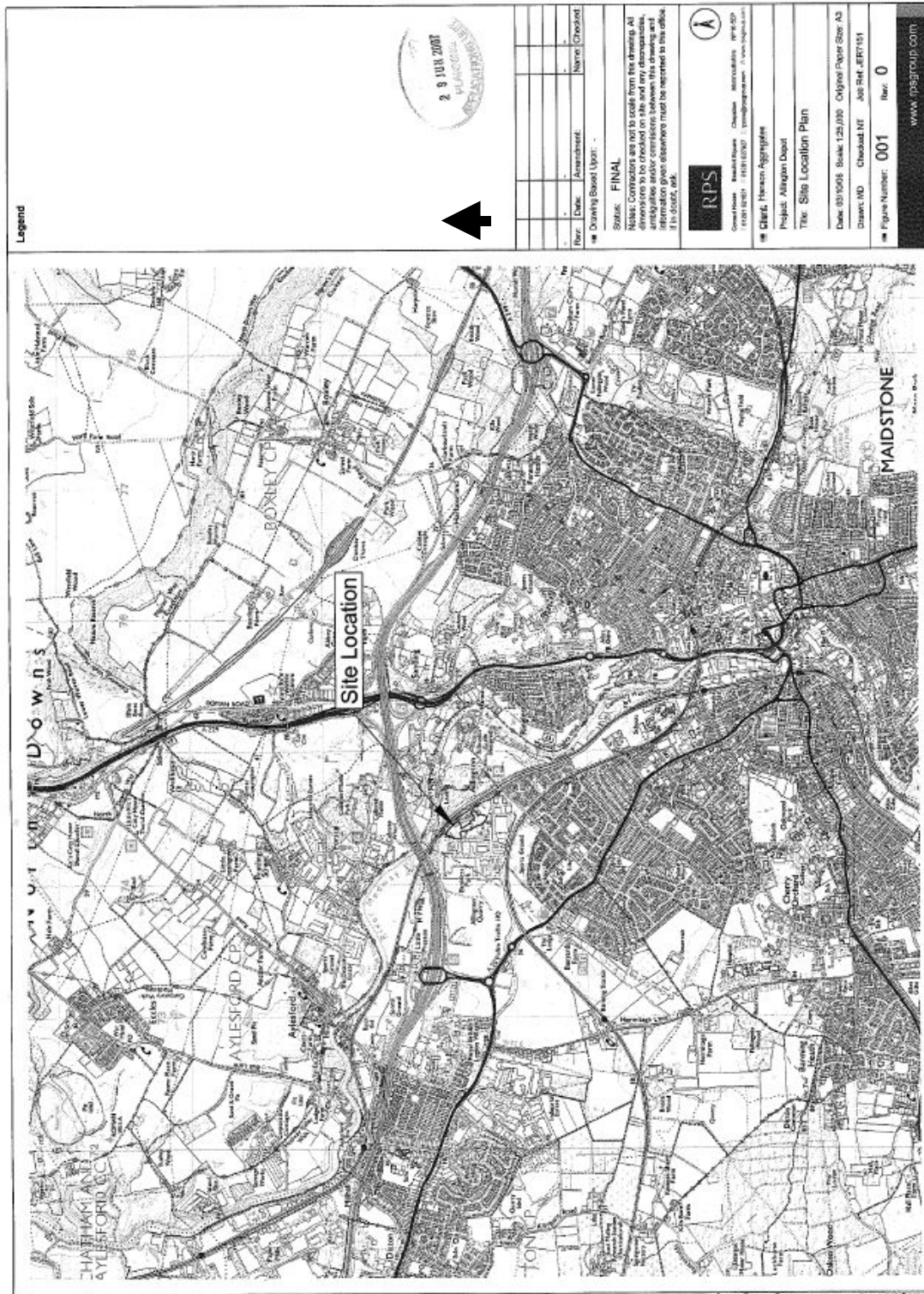
Local Member: Mr J. Curwood and Mr D. Daley

Unrestricted

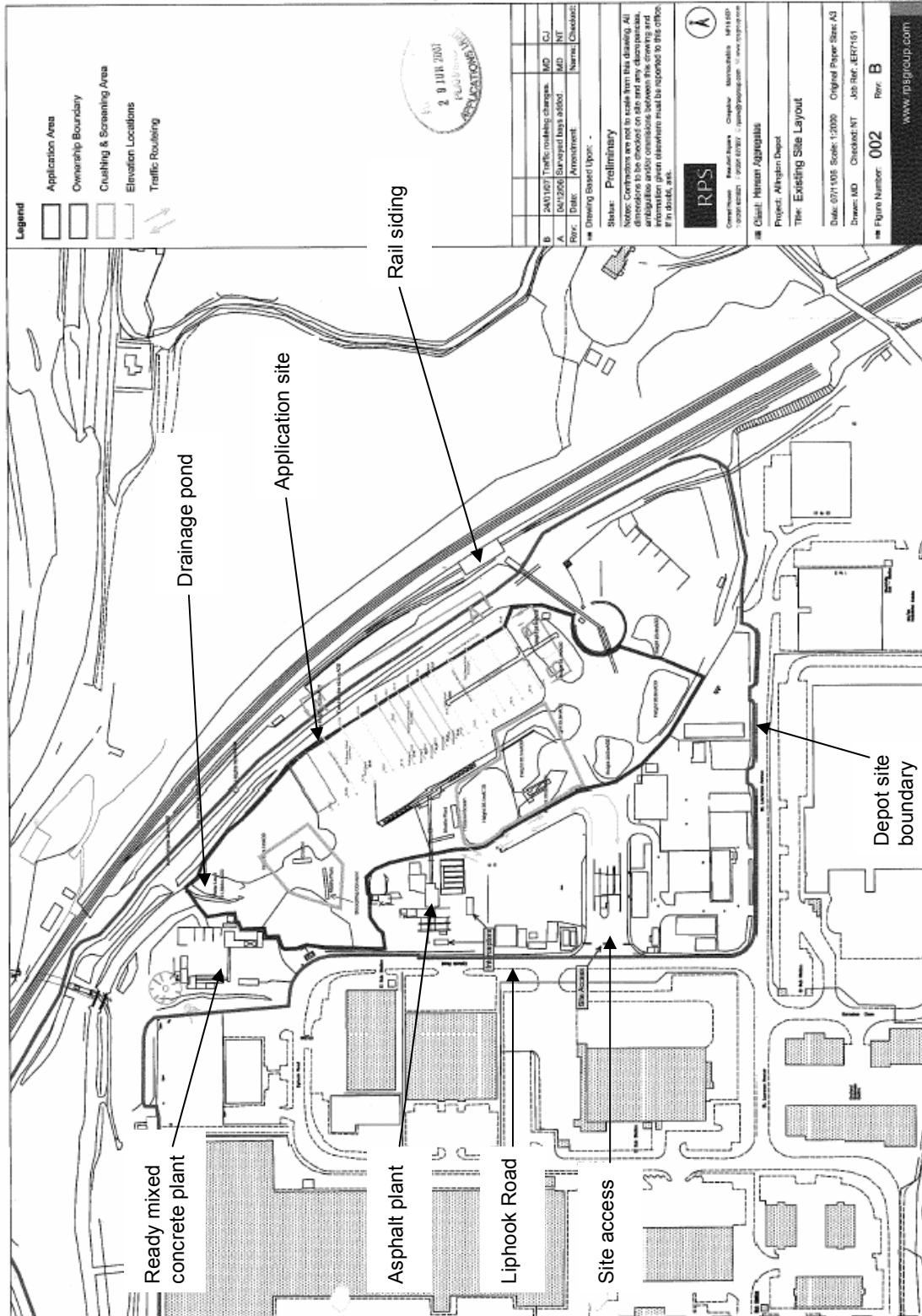
Site description

1. Allington Depot is located approximately 2.5km north-west of Maidstone town centre, approximately 1 km to the east of junction 5 of the M20. The depot is positioned within the 20/20 Industrial Estate and is accessed via St Laurence Avenue which links to London Road (A20) and in turn the M20. Entry to the site is gained via an existing dedicated access point off Liphook Road, an estate road. The depot is bounded to the south and west by mixed industrial uses within the estate and by the main line railway to the north and east – see attached site location plan.
2. The nearest residential property is located 200m to the east of the proposed site boundary, beyond the railway line. There are also properties located to the east, south east and south all within 350m of the boundary of the proposed site. A public footpath runs along the north-east boundary, between the site and the railway line. The M20 passes approximately 200m to the north of the site. The River Medway passes at its closest point 100m to the north-east of the site boundary.
3. The Allington Depot site is principally used as a rail fed aggregates depot, making use of a dedicated railway siding to import between 300,000-600,000 tonnes of aggregate per year. This material is sold loose into the local market or used in on-site manufacture of asphalt and ready mixed concrete.
4. The application site forms a 2.9-hectare area of land within the depot, located adjacent to the north-east boundary. Existing mature site screening is planted on top of this boundary, where the land descends approximately 10m down toward the railway line and siding. The site incorporates land used in association with the existing lawful operations on site, which include the existing access arrangements already established for the depot.
5. The Kent Waste Local Plan (1998) Proposals Map identifies the location as being considered to be suitable in principle for proposals to prepare inert waste for re-use (Policy W7(1)), and for proposals for waste separation and transfer (Policy W9).

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Inert waste recycling facility at Allington Depot, 20/20 Industrial Estate, Allington - MA/07/1649



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6. The Maidstone Borough-Wide Local Plan (2000) Proposals Map identifies the application site as an existing area of economic activity (Policy ED2(iii)) and a site for potential vehicle sales and showroom facilities (Policy R18(ii)). The Local Plan Proposals Map identifies land on the north east of the railway line as part of a Special Landscape Area.

Background

7. The Allington Depot was historically connected to the Allington Quarry and Landfill site which has since been re-developed as the 20/20 Industrial Estate and Allington Waste to Energy Plant. The main planning permissions at the Allington Depot granted by the County Council are for a coated stone (asphalt) plant (MA/82/629) and for two new coated roadstone bins (MA/02/1673). The asphalt plant was originally only permitted to operate from 0500 to 1800 hours Monday to Friday and 0500 to 1300 hours on Saturdays and had no restrictions on HGV movements. This permission was subsequently amended (by MA/95/1707) to allow seven additional working hour periods per month subject to (amongst other things) no more than 10 vehicles leaving the site between 2100 and 0500 hours. These permissions have since been varied a number of times to allow a greater number of additional working hour periods per month and more vehicle movements during these periods to serve specific major road contracts. The most recent temporary permission (MA/02/179) , which expired on 31 March 2003, allowed up to 21 additional working hour periods per month and significantly more vehicle movements. The County Council also issued a Certificate of Lawful Use for Existing Development (CLUED) for use of a private rail sidings for the import and export of construction aggregate and rail discharge / stockpiling activities (MA/98/505). The CLUED contains no specific restrictions in respect of hours of use or vehicle numbers. Maidstone Borough Council has also granted planning permission for a concrete batching plant (MA/87/647) and offices on adjoining land. The application estimates that the aggregates depot, asphalt plant and concrete batching plant generate in the order of 550 vehicle movements per day.
8. More recently, an application for a second CLUED was submitted in 2005 for the recycling of concrete, asphalt, break-out material, road planings and foundry sand at the site. This application was subsequently withdrawn on the advice of officers on the basis that insufficient evidence was provided to demonstrate that the recycling use in question had taken place at the same intensity for a period of at least 10 years. The current application has been submitted to regularise the use of the site following the withdrawal of the CLUED application.

Proposal

9. The application proposes to regularise the use of a 2.9 ha area of the existing aggregate depot as an inert waste recycling facility. The recycling operation has continued on site for a number of years, albeit not necessarily at the same intensity as proposed. The proposed operation would sit alongside the permitted use of the depot for the importation of primary aggregates and enable the recycling of similar types of construction materials. The proposed development would allow the importation, stockpiling, screening and crushing of waste materials for re-use in various forms as construction aggregates. No sorting of waste would take place on site and only materials such as concrete, returned asphalt, break out material, road planings, foundry sand, incinerator bottom ash and track ballast would be accepted. The application sets

Inert waste recycling facility at Allington Depot, 20/20 Industrial Estate, Allington – MA/07/1649

out that the proposed facility would receive an average input of 110,000 tonnes of waste material each year.

10. The waste materials would be imported from local sources, primarily by road. However, the rail siding connected with the depot would also allow for the importation of track ballast by rail. Subject to its specification, the recycled material would either be used within the existing asphalt plant on site or sold on to third parties as recycled construction aggregate. The application details that the proposed facility would operate similar working hours to the existing permitted operations at the depot. The processing of materials would take place between 0600 – 1700 hours Monday to Friday and 0700 – 1300 hours on Saturdays. Essential maintenance would take place outside these hours.
11. All materials, excluding road planings, would be imported to the site during normal working hours. The road planings would be received as necessary over a 24-hour period to satisfy contracts with the Highways Agency and other Highway Authorities. Based on the proposed importation of an average of 110,000 tonnes of waste material each year the application estimates an average of 44 heavy goods vehicle movements per day, of which an average of 8 movements (4 vehicles) would be received outside the normal working hours set out above.
12. The application proposes that incoming materials would be stockpiled and processed to the north end of the depot. Processed material would be stockpiled and, where possible, stored within existing storage bays along the eastern boundary. The application sets out that screening may occasionally take place within an identified area in the south of the depot. The proposed maximum height of the stockpiles associated with this application would not exceed 6.5m as measured from ground level and a 1-metre stand-off would be maintained between stockpiles and the site boundaries. The application includes the provision of roofs to cover three of the fourteen existing storage bays to 'weather proof' the bays and enabling finer materials capable of generating dust to be stored under cover.
13. The application documents received include additional technical assessments of the potential environmental effects of the proposal in relation to air quality, noise and flood risk and drainage.

Additional Information provided by the Applicant

14. Following initial comments received from the Environment Agency, Southern Water and Network Rail concerning the drainage of the application site, the applicant supplied additional information in support of the proposal in the form of a flood risk assessment and outline drainage strategy. The report confirms that the application site is outside the adjacent Source Protection Zones, which reduces the risk of contamination of groundwater from the waste imported to site. The report indicates that surface water runoff from the application site would pass through proposed interceptors either side of the existing pond to the north into which the site drains before discharging to a culvert under the railway line. The report concludes that the proposal would not result in an increase in surface water runoff as a result of the operations proposed.

Planning Policy & Other Material Planning Considerations

15. **National Planning Policy** – the most relevant National Planning Policies are set out in PPS1 (Sustainable Development), PPS10 (Sustainable Waste Management), PPS23

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(Planning and Pollution Control), PPG24 (Planning and Noise), MPS1 (Planning and Minerals) and Waste Strategy for England 2007.

16. **Regional Planning Policy** – the most relevant Regional Planning Policies are set out in RPG9 (as amended) and the emerging South East Plan. These include RPG9 Policies E1 (Landscape Quality), INF2 (Water Quality and Drainage), INF3 (Waste Management), M1 (Supply of Minerals) and emerging South East Plan Policies NRM1 (Sustainable Water Resources, Groundwater, and River Water Quality Management), W3 (Regional Self-Sufficiency), W4 (Sub Regional Self-Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting Targets), W17 (Location of Waste Management Facilities) and M2 (Recycled and Secondary Aggregates).
17. **Kent and Medway Structure Plan (2006) (KMSP)** – the most relevant Policies include SP1 (Conserving Kent's Environment and Ensuring Sustainable Pattern of Development), QL1 (Quality of Development and Design), TP12 (Development and Access to the Primary/Secondary Road Network), TP15 (Development Traffic and Heavy Goods Vehicles), NR5 (Pollution Impacts), NR8 (Water Quality), WM1 (Integrated Waste Management), WM2 (Assessment Criteria for Waste Proposals), MN1 (Sources of Mineral Supply), MN2 (Use of Secondary / Recycled Materials) and MN3 (Assessment Criteria for Minerals Proposals).
18. **Kent Waste Local Plan (1998) (KWLP)** – the most relevant saved Policies include: W7 (Location of Proposals to Re-use Waste), W18 (Control of Noise, Dust, and Odour), W19 (Groundwater Protection), W20 (Land Stability, Drainage and Flood Control), W22 (Road Traffic and Access) and W25 (Plant and Buildings).
19. **Maidstone Borough-Wide Local Plan (2000)** – Proposals Map – the site specific Policies include ED2 (Employment Sites) and R18 (Vehicle Sales).

Consultees

20. **Maidstone Borough Council** – No objection, subject to matters relating to drainage and contamination of groundwater being resolved in consultation with the Environment Agency. Should planning permission be granted the Borough Council recommends conditions covering the implementation of proposed dust mitigation measures and an informative advising contact with the Borough Council's Environmental Health Section concerning the need to vary the existing Local Authority Pollution Prevention Control (PPC) permits for the site.
21. **South East England Development Agency** – Supports the application. Comments that maximising the value of waste is of economic importance to the South East. The application meets the Regional Economic Strategy Objective to meet sustainable prosperity within environmental limits.
22. **South East England Regional Assembly** – Comments that the proposal is not of regional significance and therefore the Assembly does not wish to make representations.
23. **Environment Agency** – No objection. Comments that the site is underlain by the Hythe Beds formation, classified as a major aquifer, and adjacent to a Source Protection Zone 1 for the Forstal public water supply. All precautions must be taken to prevent potential

Inert waste recycling facility at Allington Depot, 20/20 Industrial Estate, Allington – MA/07/1649

contamination and spillage to ground. All material with the potential to leach should be placed on an impermeable surface and must not be allowed to discharge to ground.

The Agency initially raised queries over site drainage and pollution prevention control measures proposed and recommended that a site drainage plan should be submitted to clearly detail where each area of the site discharges.

Following receipt of additional information from the applicant within a flood risk assessment and outline drainage strategy the Agency raises no objection. Comments that the assessment received details that the pre and post development runoff would not change as a result of the proposals. Notes that the site lies outside the current modelled floodplain for the nearby River Medway. The Agency notes that the culvert to which the site drains will be constructed to standards set out in the Highway Agency Design Manual for Road and Bridges and that the connection to the culvert will be sized to prevent surcharging and therefore flooding. Excess flows would be passed through an interceptor prior to discharge to the River Medway. The Agency states that the County Planning Authority should be satisfied that the proposed method of surface water disposal would not increase the risk of flooding elsewhere.

24. **Southern Water** – No objection, subject to the applicant contacting Southern Water concerning the discharge of trade effluent. Southern Water initially requested additional information concerning the disposal of foul and surface waters. Following receipt of further information from the applicant Southern Water has confirmed that the proposed drainage details received are acceptable.

25. **Network Rail** – Raised concerns for the safe operation of the railway in terms of the affect of surface water run-off from the site on the railway and the capacity of the culvert which passes beneath the railway to accept additional water resulting from the development. Requested that a report be prepared which address various surface water drainage issues.

The flood risk assessment and outline drainage strategy received from the applicant has been made available to Network Rail in response to their initial concerns. On writing this report no further comments have been received, any received prior to the Committee meeting will be reported verbally.

26. **The Divisional Transportation Manager** – No objection to the proposal in respect of highway matters as the application is to regularise the existing operations. The traffic generation has and would remain around 44 movements per day, which has been accommodated on the network to date without detriment, and would be spread throughout the day with around 8 movements taking place during the night.

27. **The County Council's Noise Consultant** – No objection to proposal on noise grounds. Comments that the operation of the site proposed by Hanson would not affect the amenity of the closest noise sensitive properties.

28. **The County Council's Dust Consultant** – No objection to the proposal on dust grounds. The proposal would not affect the amenity of the closest dust sensitive properties.

29. **The County Council's Landscape Consultant** – No objection in landscape terms. Comments as follows:

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'The site is well screened by mature trees to the north and east, and by the existing industrial estate buildings to the west and south, so there are no important visual receptors which would experience visual intrusion. The Kent Downs AONB is some 1.3km distant and although views of the locality may just be possible from the elevated scarp slope they would be very largely screened by the intervening tree belt. In any case the site would be seen in the context of the rest of the industrial estate which would form a backdrop to the view from this location. The North Downs Special Landscape Area (SLA) adjoins the site to the north and east, but again the mature tree belt prevents any adverse impact.'

Publicity and Representations

30. The application has been publicised by a site notice and newspaper advertisement. 26 neighbouring properties were notified. 1 letter of representation has been received. The objections raised relate to the following issues: -

- Adverse impacts on the highway network in terms of capacity and existing congestion;
- Concerns about odour emitted from the site.

Local Member

31. The Local County Members for Maidstone Central, Mr J. Curwood and Mr D. Daley were notified of the application on 5 July 2007.

Discussion

32. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are 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 including those arising from consultation and publicity. In considering this proposal the Development Plan Policies outlined in paragraphs (16-19) above are particularly relevant.

33. In my opinion, the main determining issues relate to the following points:

- need for the facility;
- sources of waste and proximity principle;
- location (including visual impact);
- highway, traffic and access considerations;
- environmental and amenity impacts (noise, dust, and odour); and
- water environment (drainage / groundwater considerations).

Need for the Facility

34. KMSP Policy WM2 requires proposals for the treatment, storage, transfer, processing or disposal of waste to balance the most efficient and most environmentally sustainable method of managing waste. The policy also requires that proposals demonstrate a need that overrides any material concerns and reflects the principles of Best Practicable

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Environmental Option (BPEO) in relation to the waste hierarchy, proximity principle and contribution to self sufficiency.

35. The principle of re-use / recycling of waste materials receives strong policy support at national, regional and local levels as it encourages the management of waste streams in a sustainable way. The re-use of inert waste effectively diverts material that would otherwise end up at a landfill. The materials recycled would also assist in reducing pressure for land-won primary aggregates by increasing the availability of alternate sources of material in accordance with national policy. Therefore the proposed operation would accord with the principles of the Waste Hierarchy by diverting waste from disposal to landfill. The approach would also allow a more sustainable use of resources and a more integrated approach to waste management. To ensure better protection for the environment, and to meet with statutory requirements, the appropriate Development Plan Policies identify a need for, and encourage the provision of, additional recovery facilities. The provision of appropriate sites for new recycling operations is necessary to assist in meeting the ambitious recycling targets set at national and regional level. The proposals would also contribute to local capacity to process the identified waste stream, which is in accordance with the principles of local self sufficiency in managing the waste produced within the County. The economic benefits of the proposed operation are also highlighted by the comments received from the South East England Development Agency.
36. I am satisfied that the proposed development would be in accordance with the provisions of the Waste Hierarchy and the principles of local self-sufficiency. Therefore subject to consideration of sources of waste and the proximity principle, location (including visual impact), highway, traffic and access considerations, environmental and amenity impacts and water environment below, I consider that the proposal would accord with KMSP Policies SP1, WM1, WM2, and MN2.

Sources of Waste and Proximity Principle

37. The principles of BPEO seek new waste developments to take into account the environmental impact of the mode of transport proposed through the adoption of the proximity principle. This seeks to locate appropriate waste facilities in close proximity to the sources of waste and/or the final destination/market that the processed materials would be moved to. The aim of the approach is to reduce the number of miles that waste material is transported.
38. The application provides an analysis of the types of waste, the sources, volume, mode of transport and final destination. The application sets out that both the materials received on site and the distribution of the recycled product would essentially be local. The materials received on site would mainly come from within a 15-mile radius of the application site and primarily be transported by road. However, a quantity of the 10,000 tonnes per annum of track ballast received could be transported by rail through the dedicated rail siding. Once the waste material has been processed it would then be sold into the open market to customers that are for the most part based with a 25-mile radius of the depot. The applicant states that approximately one third of the recycled material would be used in the asphalt produced on site which is then transported out into the local market. The direct use of the recycled materials into a final production on site again reduces the distance travelled per tonne by cutting out the need to move raw material from the point where it is recycled.

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39. In considering future sources of waste material and potential markets, I note that the application site is located in close proximity to Maidstone which will continue to generate potential inert waste streams and demand for construction materials. The location of the depot also allows good access to the primary and secondary road networks as well as being well positioned geographically to serve the wider County. I also note that opportunities to extend the use of the rail siding to import waste materials further enhancing the sustainable credentials of the site.
40. Therefore, in principle, I am satisfied that the proposal would accord with the objectives of the proximity principle by accommodating material on site from local waste streams. The secondary aggregate is then re-used in the asphalt plant on site or sold to customers around the South East. The local sources of material and subsequent markets assists in reducing the mileage traveled per tonne of material in accordance with the aims of the proximity principle. Subject to consideration of location (including visual impact), highway, traffic and access considerations, environmental and amenity impacts and water environment below, I consider the proposal accords with KMSP Policies SP1, WM1 and WM2.

Location (including visual impact)

41. KMSP Policy SP1 seeks to protect and enhance Kent's environment and achieve a sustainable pattern and form of development. Policy MN1 and MN2 support proposals for the provision of minerals through recycling subject to environment, transport and other material considerations. Policy MN3 requires that proposals for mineral recycling facilities do not have an unacceptable adverse impact on landscape, environmental interests or residential and business communities. This Policy requires that permission will only be granted if any physical constraints on the land have been taken into account and if there is adequate access, measures to minimise harm to the landscape and environment, to protect local communities and to landscape the site. KWLP Policies W7 and W9 specifically identify (respectively) the proposed site as being suitable in principle for proposals to prepare inert waste for re-use and for waste separation and transfer. The Maidstone Borough-Wide Local Plan (2000) Policies ED2 and R18 identify the site as part of the wider 20/20 industrial estate as being appropriate for employment uses.
42. Where recycling and waste transfer operations are proposed in an urban area careful consideration of the proximity of any site to other land uses is required. Development Plan Policies seek to protect the local environment from any potential adverse impacts that could occur as a result of a proposed use or development. Further consideration is given to the potential highway implications, environmental impacts and local amenity considerations in the sections below.
43. The site is located on the outskirts of an urban area on an existing industrial site that is well screened at a local level and relatively remote from the residential properties. The site is not subject to any specific environmental designations, nor is it proximate to any sites of natural or historic interest. The site adjoins the North Downs Special Landscape Area (SLA) to the north and east.
44. The effect of any proposed development within the landscape in terms of its visual impact is a material consideration. Whilst the application site is positioned within an existing industrial estate the site adjoins an SLA and as such has the potential to impact on the character of the natural landscape. KMSP Policy EN5 seeks to protect and enhance designated Special Landscape Areas, whilst having regard to the need to

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facilitate the social and economic wellbeing of the communities situated within them. Policy QL1 seeks development that responds positively to the scale, layout and pattern, and character of local surroundings, and that would be acceptable in terms of the built environment, amenity, function and character of settlements.

45. The application proposes changes to the permitted land-use and operation of part of an existing aggregate depot. Mature boundary planting located to the north and east screens the depot site at a local level from these directions. Existing buildings with the wider industrial estate screen the site to the west and south. Wider views of the depot may be possible from the Kent Downs Area of Outstanding Natural Beauty but the site would be viewed in the context of the industrial estate with views broken by the surrounding tree line. There is currently a gap in perimeter planting on the western boundary of the site adjoining Liphook Road that would benefit from being infilled with similar planting to that along the rest of this boundary. The applicant has indicated that it would be happy to reinstate this planting as a requirement of any planning permission and implement measures to prevent future encroachment on this. This could be secured by condition.
46. The application also seeks retrospective permission for roofs to cover three existing storage bays on north-eastern boundary of the site. Two of the roofs would measure approximately 9m at the ridgeline, whilst the third would measure approximately 14.5m at the highest point. The higher roof allows an existing conveyor that runs above a number of the storage bays to be accommodated within the roof structure. The covering of the storage bays is proposed to allow finer materials that could generate dust to be accommodated undercover. In addition to the proposed covered storage the application would also permit materials to be stockpiled in the open. Such stockpiling is already permitted in the aggregates depot. The application sets out provision for the storage of materials across the proposed site and states that stockpiles of materials associated with the recycling operations would not exceed 6.5m in height.
47. Taking account of fall in ground levels the takes place across the site in a general northerly direction. I am satisfied that the provision of stockpiles to a maximum height of 6.5m would minimise the visual impact of this activity from outside the industrial estate by maintaining the height below the existing tree belt that runs along the northern-east boundary. Whilst the proposed roof structures (which are already in place) would extend above the height proposed for the stockpiles only the highest of the three covered bays would be visible above the tree line. I note that the County Council's Landscape Architect has advised that the existing landscaping and surrounding buildings would prevent any adverse impact from the development on the SLA or the local area.
48. KWLP Proposals Map and Policy W7 specifically identifies the site as appropriate in principle for the preparation of inert waste for re-use. The application sets out that the proposed recycling facility would receive an average input of 110,000 tonnes of material each year. Whilst I do not consider the scale or intensity of use proposed to be out of keeping with the existing uses or the location it would be appropriate to impose an upper limit of the overall throughput for the site to prevent activities from exceeding site capacity and potentially causing undue amenity impact. When considering the proposed operations in the context of the existing permitted uses on site and those carried out within the adjoining industrial estate, I am satisfied that, subject to appropriate operational controls, the scale of the facility proposed could be satisfactorily accommodated within the depot site.

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49. I consider that subject to being acceptable in terms of highway, traffic and access, environmental and amenity impacts and the water environment, the proposed development would be acceptable in terms of its location, scale, layout and would not result in an adverse visual impact at a local level or when viewed in the context of the wider landscape of the adjacent SLA. Subject to the outcome of this further consideration, the proposed development would be acceptable when considered against KMSP Policies SP1, EN5, QL1, MN1, MN2 and MN3, KWLP Policies W7 and W9 and Maidstone Borough Local Plan Policies ED2 and R18.

Highway, Traffic and Access Considerations

50. KMSP Policy TP12 states that development will not be permitted where the use of an existing access would lead to a significantly increased risk of crashes or traffic delays unless appropriate measures to mitigate such effects have been secured. Policy TP15 requires development that would generate HGV movements to be well related to primary and secondary road networks and be acceptable in terms of highway safety and capacity. Policy MN1 supports proposals for the provision of minerals through recycling subject to environment, transport and other material considerations. KWLP Policy W22 presumes against development that would have material affect on highway safety or the local environment including residential property. One letter of representation has been received from a nearby resident that raises an objection to the potential impact of the development on the highway network in terms its impact on existing traffic congestion.

51. Based on the importation of 110,000 tonnes of material each year the applicant calculates an average of 44 Heavy Goods Vehicle movements (22 vehicles in and 22 out) spread across a normal working day. Of the 44 HGV movements proposed, 8 movements are expected to occur outside normal operating hours. These movements would be in connection with the importation of road planings from assorted highway projects around the County and would arise to accommodate the Highways Agency or other Highway Authority requirements.

52. The proposed movements need to be considered in the context of the traffic generated by the existing operations permitted at the depot along with the traffic associated with the wider industrial estate. The application site enjoys excellent access arrangements that include access to the secondary and primary road network along with a dedicated railway siding. The 20/20 industrial estate enjoys a direct access road onto the London Road (A20) which connects locally to junction 5 of the M20.

53. The applicant estimates that the existing permitted uses within the depot generate in the order of 550 vehicle movements per day, with other operations within the estate generating substantial levels of traffic movements on a 24 hour basis. I am aware that at peak times traffic exiting the industrial estate can cause congestion when accessing the A20. In considering the proposed traffic levels in the context of the access arrangements, and the level of movements associated with the existing depot, the increase in traffic would not be significant. If all 44 HGV movements were to occur evenly during normal working hours (an 11-hour day), the proposal would only give rise to 4 movements per hour. Given the nature of the recycling operation, it is unlikely that a significant number of HGV associated with this operation would occur during peak hours.

54. I note that the Divisional Transportation Manager has raised no objection to the proposal. He advises that the proposed increase in HGV movements could be

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accommodated on the highway network without detriment. Indeed, on the basis that the application is retrospective, he acknowledges that the HGV movements have already been accommodated without detriment to the network. Whilst the proposed development would increase HGV movements above those already permitted to the industrial estate the increase would be relatively minor and not have an undue impact on the local environment including any residential properties. As noted above, it would be appropriate for the overall amount of materials that could be accepted on site being limited to 110,000 tonnes per year. This would serve to provide some control the number of vehicle movements associated with the importation of materials and allow some operational flexibility. Given the relatively small number of HGV movements associated with the proposed development which have already been accommodated without detriment to the highway network, since precise numbers are complicated by the fact that lorries taking out asphalt / coated stone or other materials often return with waste materials and because the only restrictions on HGV movements at the depot relate to those associated with the asphalt plant during out of hours working periods (which appear to have been designed at least in part to minimise potential noise associated with the operation of the plant itself), I do not consider it appropriate in this instance to impose any specific limitations on HGV movements. Given the response of the Divisional Transportation Manager, the geographic location of the site in terms of proximity to Maidstone and in the context of serving the County, the direct access to primary and secondary road network and the availability of access to the railway network, I consider the location to be acceptable in highway terms and am satisfied that the highway and access considerations of the proposed development would accord with KMSP Policies TP12, TP15 and MN1 and KWLP Policy W22.

Environmental and Amenity Impacts (noise, dust, and odour)

55. KMSP Policy MN1 supports proposals for the provision of minerals through recycling subject to environment, transport and other material considerations. KWLP Policy W18 requires proposals to be acceptable in terms of noise, odour and dust from both site and haulage vehicles.

Noise

56. The application includes a noise assessment carried out on behalf of the applicant to establish the potential impact of the proposed use of the site on the closest residential properties. The report considers noise impact of vehicles entering the site and depositing materials onto stockpiles, the noise generated through the screening and crushing of materials with mobile plant, along with the general management of stockpiles and loading of HGVs. The report notes that the background noise levels for the general area are dominated by road traffic, predominately from the M20. As such, the report concludes the noise from road traffic attending the site would blend with background levels. The assessment calculates that the predicted noise levels for operations on site would be within 10dB of the background noise level and within 5dB of the measured background levels at the closest neighbouring properties. This level of noise at residential properties is considered within the appropriate British Standard to have only marginal significance. The County Council's Noise Consultant has considered the application and accompanying noise assessment and has raised no objection, advising that operation of the site would not affect the amenity of the closest noise sensitive properties. Neither the County Council's Noise Consultant nor Maidstone Borough Council have recommended that any specific noise conditions be imposed.

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57. The application proposes that the normal working hours for the recycling operation would be between 0600 – 1700 hours Monday to Friday and 0700 – 1300 hours on Saturdays. This would accord with the usual operating hours of the asphalt plant and be more restricted than those actually permitted for that facility. Whilst no processing of materials is proposed outside these hours, the application proposes that the delivery of road planings or similar materials from highway projects be permitted at any other time as required to meet the needs of the Highway Authorities. It is noted that a number of adjoining uses within the 20/20 industrial estate operate on a 24 hour basis. The frequency and estimated number of average vehicle movements (8 movements) outside normal operating hours is not considered to be significant. Vehicles would only deliver waste materials to site, unload and leave. No processing would take place outside the normal working hours set out above.

58. Taking into consideration the comments of the County Council's Noise Consultant, the existing operations on site and the background noise environment, I am satisfied that the proposed development would be acceptable in noise terms subject to the imposition of conditions restricting recycling operations to those hours proposed.

Dust

59. The application proposes the importation and deposit of waste material using tipper lorries, the screening and crushing of materials using mobile plant and the general management and storage of materials (primarily in the open). Due to the nature of the materials to be imported and the operations proposed on site the development is likely to give rise to dust emissions. The application includes a dust assessment that considers the impact of the recycling facility, the existing operations, dust control measures and any environmental complaints register concerning the site. The report notes that most of the proposed activities are already taking place in association with the permitted uses, including loading and unloading of HGVs, stockpiling of aggregates and general housekeeping. The applicant states that as a result dust control equipment and measures are already in place.

60. The Allington Depot has a Local Authority Pollution Prevention and Control (PPC) Permit in place (issued by Maidstone Borough Council) that controls the atmospheric emissions from the mobile plant machinery and associated operations. The permit imposes a number of controls on the operation of the site under the PPC Regulations 2000. The applicant also operates an Environmental Management System (EMS) that satisfies the requirements of ISO14001, which is audited at a corporate level by the British Standards Institute. The applicant states that no complaints concerning dust have been recorded since the EMS was introduced.

61. The applicant's dust assessment statements that the environmental emissions resulting from proposed operations would be generally associated with nuisance caused by dust depositing onto surfaces. The Government guidance recommends a stand off distance of between 100 and 200m between the source and any dust sensitive properties. The minimum distance in this instance between the site and residential properties would be approximately 200m to the closest point, with the area identified for crushing and screening over 300m away from all properties. The applicant's report identifies that the stand off distances are further enhanced by good physical barriers, including the adjacent tree belt, which would reduce dust emissions. The application proposes the following mitigation measures: compliance with the requirements of the PPC permit; water spraying of haul roads and plant machinery in dry weather; restrictions of vehicle

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speeds to below 25kph; use of vertical exhausts wherever possible; and careful handling of both waste and processed materials including minimising drop heights. The report concludes that the potential for the generation of airborne dust from the proposed operations is low and that the measures set out above would prevent opportunities for significant emissions to air from the process.

62. The County Council's Dust Consultant has raised no objection to the application on dust grounds. Maidstone Borough Council has raised no objection subject to, amongst other matters, a condition requiring the implementation of the proposed dust mitigation measures. The Borough Council also advise that the Local Authority PPC permit for the site would need to be varied accordingly. Taking the above into consideration, and subject to a condition requiring the implementation of the proposed dust mitigation measures, I would raise no objection to the application on dust grounds.

Odour

63. One letter of objection has been received from a nearby resident raising concern over existing odour generated from the industrial estate. The objection does not clearly identify the application site as the source of any odour that is causing concern. The materials proposed to be transported to site as part of the recycling operation are not of a nature that would generate odour. The asphalt plant on site does generate some odour however this is a permitted operation and is not subject to consideration as part of the current application. There are a number of other operations within the industrial estate that have the potential to generate odours. Taking the timing of the objection into consideration, the concerns raised may relate to the problems encountered during commencement of operations at the Energy from Waste facility within the estate. The objection coincides with the period when waste was being retained in the bays at the Energy from Waste facilities for a prolonged period. I am satisfied that the proposed operations would not result in an impact on local amenity through the generation of odour.
64. Subject to appropriate conditions and consideration of the water environment below, I consider that the proposed development would not have an unacceptable impact on the local environmental or the amenities of the closest residential properties through the generation of noise, dust or odour and would be in accordance with the relevant Development Plan Policies.

Water Environment (drainage / groundwater considerations)

65. The application site covers a 2.9-hectare area within an aggregate depot. The site lies to the south and west of the River Medway but is above the nearby flood plain and there is no flood risk from the river. The application site lies between 21m and 32.1m above ordnance datum (AOD) and is underlain by the Hythe Beds formation which is classified as a major aquifer. It is adjacent to a Groundwater Source Protection Zone 1 which is classified by the Environment Agency as an Inner Protection Zone for the Forstal public water supply.
66. The information received with the application confirms that the application site drains by overland flow to the north. The surface of the site is a mixture of hardstanding and compacted unmade ground. The drainage collects in a pond positioned in the north-west corner of the site which is currently enclosed by a soil bund. The application states that the pond has not overflowed since 2005 when the bund around its perimeter was

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extended. Any overflow would pass down an adjacent service road to a culvert that passes under the railway line toward the river. The pond is occasionally pumped out to a tanker, however, the report indicates that it may also act as a soakaway. The drainage report also states that a bund along the eastern boundary of the catchment area prevents drainage flowing down the adjacent scarp slope towards the railway line.

67. The application proposes measures to improve the existing drainage pattern for the application site, including the introduction of interceptors to remove pollutants from the site drainage, and the provision of an overflow for the pond. It is proposed that this overflow would drain to the culvert that passes under the railway line further to the northwest.
68. The Environment Agency initially raised concerns over the site drainage and pollution prevention control measures proposed and recommended that a site drainage plan be prepared. The Agency advises that all precautions should be taken to prevent potentially contaminating discharge and spillage to ground. The initial comments received from Southern Water also requested details concerning the disposal of foul and surface waters. Network Rail has raised concerns about how the surface water run-off from the site would impact on the railway and the capacity of the culvert that passes beneath the railway line.
69. The applicant provided further details concerning drainage and groundwater considerations in response to these consultee concerns. This included an outline drainage strategy for the site. This information has been provided to the consultees. The Environment Agency has raised no objection to the proposed arrangements advising that the County Planning Authority should be satisfied that the proposed method of surface water disposal would not increase the risk of flooding elsewhere. Southern Water has raised no objection to the outline scheme. No further comment has been received from Network Rail.
70. I note that as a result of the proposed operations the drainage patterns from the site are unlikely to change. However, the applicant is seeking to formalise use of the site to process waste materials and as such we would expect them to formalise the site drainage in line with the use being proposed and in a manner more in keeping with a permanent facility. Whilst the information received to date satisfactorily addresses the majority of issues raised by consultees, there are still a number of queries about the final detailed arrangements that the applicant proposes to provide on site. The information received to date constitutes only an outline drainage scheme and further details are required. In light of the comments received from the Environment Agency and Network Rail, I would recommend that should planning permission be granted a condition requiring the submission of a full detailed drainage scheme be included within any decision notice. This drainage scheme should secure full details of the outline arrangements proposed and address any issues that have yet to be fully resolved such as the capacity of the culvert to which some of the surface water from the site drains.
71. I am satisfied that, subject to a condition requiring the submission of a full drainage scheme for the application site, the proposals would be acceptable in terms of ground and surface water protection and drainage considerations in accordance with KMSP Policy NR8 and KWLP Policy W19.

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Conclusion

72. The proposed development would provide additional local capacity for the recycling of inert waste streams, allowing the reuse of materials as secondary aggregates. This integrated approach to waste management reflects the principles of BPEO through the provision of a waste management facility towards the top of the waste hierarchy. The approach would divert waste material that would otherwise finish up in landfill. The proposal also reflects the principles of BPEO by encouraging the sustainable use of materials and reducing pressure for land-won primary aggregates, as well as by improving local self sufficiency of suitable waste streams. The location proposed enjoys good access to the primary road network and is well positioned geographically to serve wider areas of the County. The proposed site also enjoys the benefit of direct access to the rail network through an existing rail siding. I am satisfied the proposed location would serve a local market and in doing so accord with the provisions of the proximity principle in reducing the number of miles travelled per tonne of waste material.
73. The KWLP Proposals Map and Policy W7 specifically identify the site as acceptable in principle for the processing of inert waste materials for reuse. The application demonstrates that the increase in traffic movements would not be significant on the basis of 110,000 tonnes of material being received to site per annum. The Divisional Transportation Manager has confirmed that the increase in movements has already been accommodated on the highway network without detriment. The application includes assessments of the environmental considerations and I am satisfied that this information demonstrates that there would be no unacceptable impact from the proposed facilities on local amenities subject to certain controls.
74. I therefore consider that, subject to the imposition of appropriate conditions as set out above and below, the proposed development is acceptable in terms of the appropriate Development Plan Policies identified in paragraphs (16-19), and that there are no material planning consideration that indicate I should recommend otherwise.

Recommendation

75. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- the development being carried out in accordance with the submitted plans,
 - the submission of a full detailed drainage scheme for the site,
 - hours of operation,
 - material received on site not to exceed 110,000 tonnes per annum,
 - stockpile heights not to exceed 6.5m above ground level,
 - new landscape planting to infill the gap on western boundary of site and measures to prevent future encroachment on this, and
 - implementation of dust mitigation measures.

Case Officer: James Bickle	Tel. no. 01622 221068
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Background Documents: see section heading.
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Item D1**Retrospective amendments to the approved scheme, including revised height of the building at Lympne Primary School – SH/07/261/R**

A report by Head of Planning Applications Group to Planning Applications Committee on 13 May 2008.

Application by KCC Children, Families And Education for single storey school to replace the existing Lympne Primary School – minor amendments to the approved scheme including revised height of the building at Lympne Primary School, Octavian Drive, Lympne, Hythe (Ref: SH/07/261/R)

Recommendation: Option 1a – Refuse

Option 2a – approve subject to conditions

Local Member(s): Ms S. Carey

Classification: Unrestricted

Site

1. Lympne Primary School is located to the south of the village of Lympne, accessed via Octavian Drive. The school site is bounded by residential properties to the north and west, facing residential properties to the east and Aldington Road to the south. The whole of the school site is within the Kent Downs Area of Outstanding Natural Beauty and a Special Landscape Area. In addition, the 'green' areas of the school site are protected as playing fields under Policy LR12 of the Shepway District Local Plan. A site plan is attached.

Background

2. In September 2006, a fire broke out at Lympne Primary School. The pupils and staff were all led to safety, but the fire took hold of the building and the school was destroyed. Although the original school building was demolished following the fire all hard and soft landscaping, including access and car parking, remains in situ, along with the original footings.
3. A planning application for a replacement Primary School was submitted in February 2007, and proposed the erection of a single storey school, to be built upon the foundations of the previous school building. The school would accommodate 230 pupils aged between 4-11 years within 3 reception and 4 infant classrooms, together with a main hall and ancillary rooms. Due to objections to the proposal on the grounds of proximity to the boundary, the application was considered at the Planning Applications Committee meeting on the 17 April 2007, where Members resolved to grant planning permission subject to conditions. This was in accordance with the recommendation.
4. Following the grant of planning permission on the 20 April 2007, works commenced on site. As works progressed on site to roof level, a neighbouring resident expressed concern over the height of the building, suggesting that it was taller than as approved. Having had this matter brought to the attention of the County Planning Authority, it was requested that the applicant check the height of the building on site. As a result, it became apparent that the building was being constructed approximately 1 metre higher than permitted. This has since been confirmed as 1.027metres. The increase in height relates to the higher clerestorey element of the roof to both classroom blocks, and not the lower pitched element or the sports hall, which are constructed to the correct height.

Proposed retrospective amendments to the approved scheme, including revised height of the building, at Lympne Primary School, Octavian Drive, Lympne – SH/07/261/R

5. In considering the planning application in April 2007, the Planning Applications Committee were concerned about the height of the proposed building, bearing in mind the proximity of local residents, the impact on the Area of Outstanding Natural Beauty and the Special Landscape Area, and the increase in height over the original school building. In light of this earlier concern, Officers could not be certain of the Committee's views on the change to the roof and, therefore, in accordance with good enforcement practice, advised that all work on the roof should cease whilst steps were taken to address the breach.
6. Informal discussions with the applicant have been ongoing since early February, where a number of solutions have been informally discussed. A formal application to regularise the matter was not however received until 10 April 2008.

Proposal

7. The applicant is keen to ensure that the breach is resolved as swiftly as possible so that the school can be re-opened for the next school year in September (the intention had been to open sometime late this academic year). To this end, the applicant submitted 2 initial proposals. The first of those sought to essentially retain the structure as built. The second proposed a reduction in height. These options were subject of the Members Site Visit on the 23 April 2008, and subsequently revised following the visit. The proposals at the time of the site visit were:
 - Option 1 proposed that the height of the clerestorey element of the roof remained as built, 1.027 metres higher than permitted. However, in an effort to reduce the impact upon the closest neighbouring residential properties, the applicant proposed to cut back the western most gable to the clerestorey as built, replacing it with a hip. The hip would pitch back from the same height above ground level as the apex to the gable of the approved scheme. Should option 1 be rejected, then the applicant asks that the Planning Authority consider option 2;
 - Option 2 proposed to reduce the ridge height by 600mm (0.6m) across its entire length from the height as built. This would be an increase in height of 400mm (0.4m) above the height as permitted. As a result of this reduction in height, the two windows to the western gable elevation would be removed;
8. The site meeting was also attended by local residents, representatives of the School and the applicant (A note of the meeting *is appended to this report*). Subsequently, the applicant has stated that the meeting provided a good forum to understand local concerns on option 1 and 2. In light of this, the applicant has revised the two options. The amendment to options 1 and 2 were formally submitted on the 24 April 2008, and are referred to as option 1a and option 2a. It is these options that are the consideration of this report.
9. The two amended options are as follows:
 - Option 1a proposes that the height of the clerestorey element of the roof remains as built, 1.027 metres higher than permitted. The applicant also proposes to cut back the four ends of the clerestorey roof as built, replacing them with four hips. The hips would pitch back from the same height above ground level as the apex to the gable of the approved scheme.

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Should option 1a be refused, then the Planning Authority is asked to consider option 2a;

- Option 2a proposes to reduce the ridge height by 600mm (0.6m) across its entire length from the height as built. This would be an increase in height of 400mm (0.4m) above the height as permitted. As a result of this reduction in height, the two windows to the western gable elevation would be removed. In addition, the applicant is proposing to hip the four ends of the clerestorey roof on the 2 classroom blocks.;

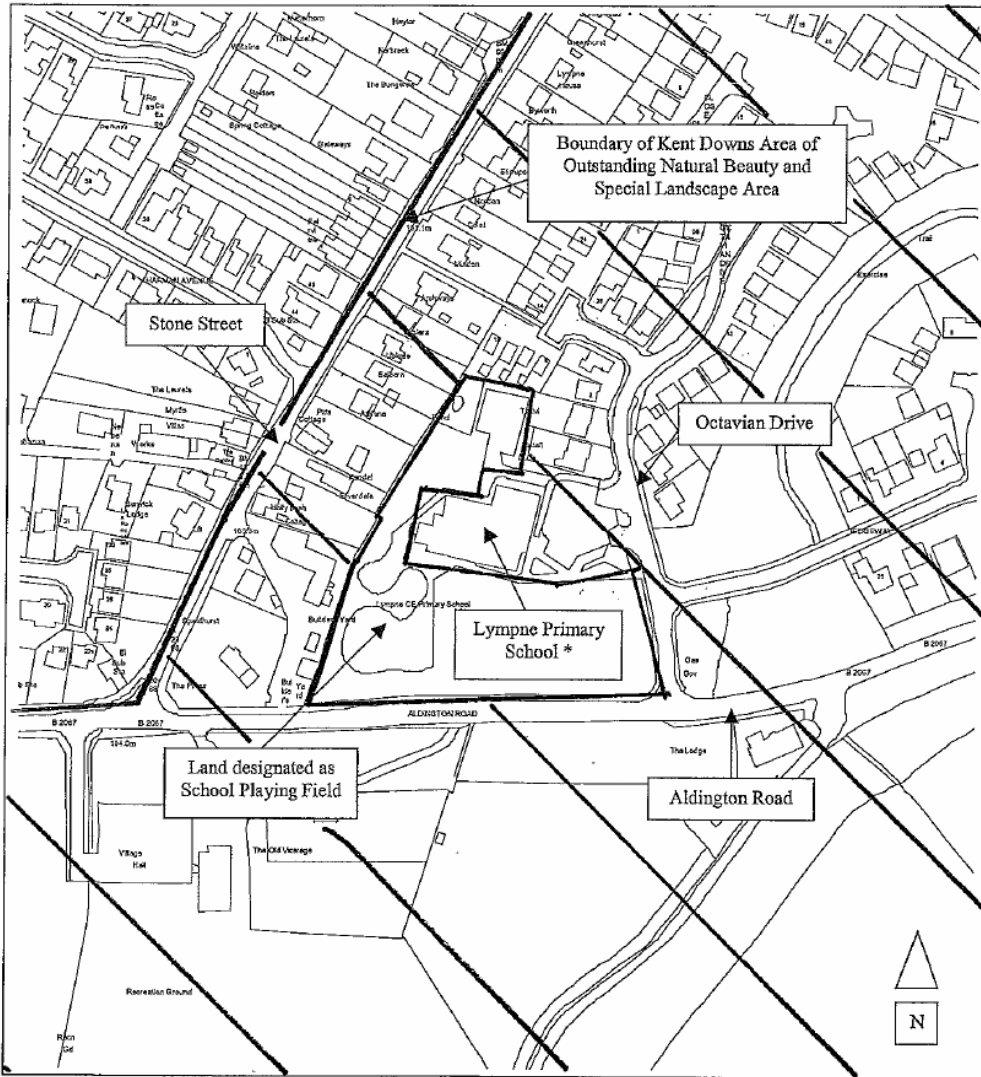
In addition to the increase in height, a number of minor amendments to the elevational treatment of the building are proposed including minor repositioning of windows and doors, redesign of a window feature in the western gable end, the insertion of a small number of roof lights, the introduction of two ventilation louvers in the northern elevation and an amendment to the design of the entrance way in the eastern elevation. These amendments are included, and to be considered, as a part of both options 1a & 2a.

10. The applicant believes that option 1a provides better symmetry to the scheme and an overall more balanced appearance than was presented in option 1. In addition, the applicant states that it was apparent that the gable end adjacent to the western boundary was an area of focus for both the Committee Members and local residents who attended the site meeting on the 23 April. Based on this, option 2 was amended to incorporate a hipped end to the western boundary in an effort to soften its appearance. As with option 1a, all four ends of the clerestorey roof would be hipped to maintain the symmetry of the scheme.
11. The application was accompanied by a supporting statement. In consideration against the approved scheme, the applicant advised that whilst the change in appearance would be noticeable, the impact upon amenity in its view is so small to be undetectable and would have no qualitative impact upon the living conditions of the occupiers of Silverdale, Stone Street. In terms of impact on the general visual amenity, the applicant concluded that option 1 will change the profile of the building in the longer views of the site, however the impact will be minor. Overall the applicant considers that in terms of the public views, the effect of the revised scheme will be neutral relative to the approved scheme.
12. In terms of option 2, the supporting statement concluded that the increase in height (over the above scheme) would not cause demonstrable harm to residential amenity in neighbouring properties compared to the approved scheme. Both schemes would be sensitive to the character and appearance of the AONB and SLA.
13. The applicant further advises that the increase in height occurred as a result of a discrepancy between the approved planning drawings and the construction working drawings. I am advised that the position of the original foundations, which had to be used as a base for the replacement school, was not known until works commenced. That resulted in the width of the 'activity area' (below the atrium) becoming slightly larger which, in turn, resulted in a change to the roof pitch, increasing the atrium height. A number of constructional changes/details including better flashing, additional steel support for the trusses, roof insulation, steel aligning with brick coursing and an

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SITE PLAN



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* NB: This plan omits extensions to the school completed prior to the fire of 2006.

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increase in the height/size of the windows by approximately 15 cms has also added to the height of the clerestorey element of the building. Please note that the increase in height applies to both classroom blocks.

Reduced copies of the submitted drawings showing the site layout and elevations are attached. These drawings relate to option 1a and option 2a. A copy will be on display at Committee.

Planning Policy

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

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

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

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 QL12 -Provision will be made to accommodate additional requirements for local community services. New community services will be located where they are accessible by walking and cycling and by public transport from the area they serve. Wherever practical they will be located in town, district or local centres.

Policy EN4 - Protection will be given to the nationally important landscape of the Kent Downs and High Weald Areas of Outstanding Natural Beauty; the primary objective in these areas will be to protect, conserve and enhance landscape character and natural beauty. 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 it is consistent with the purpose of Areas of Outstanding Natural Beauty.

Policy EN5 – The primary objective of designating Special Landscape Areas is the protection, conservation and enhancement of the quality of their landscapes, whilst having regard to the need to facilitate the social and economic well-being of the communities situated within them.

(ii) **Shepway District Local Plan: Adopted 2006**

Policy BE1 – A high standard of layout, design and choice of materials will be expected for all new development. Materials should be sympathetic to those predominating locally in type, colour and texture. Development should accord with existing development in the locality, where the site and surrounding development are physically and visually interrelated in respect of building form, mass, height, and elevational details.

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Policy SD1 - All development proposals should take account of the broad aim of sustainable development - ensuring that development contributes towards ensuring a better quality of life for everyone, now and for generations to come. This involves meeting economic and social objectives and helping people meet their personal aspirations through accommodating the district's need for commercial and industrial development, new homes and other land uses and improving quality of life for all members of society whilst respecting specified environmental criteria

Policy SC2 - The District Planning Authority will grant planning permission for new or improved social and community facilities where the proposal meets set criteria relating to compatibility with surrounding land uses, access, access for disabled people and acceptability on highway, infrastructure and environmental terms.

Policy CO3- The District Planning Authority will give priority to the conservation and enhancement of natural beauty, including landscape, wildlife and geological features over other planning considerations. Proposals should protect or enhance the natural beauty of the AONB. Development inconsistent with this objective will not be permitted unless the exceptional economic and social benefits of the proposal outweigh the primary objective of conserving natural beauty.

Policy CO4 - Proposals should protect or enhance the natural beauty of the Special Landscape Area. The District Planning Authority will not permit development proposals that are inconsistent with this objective unless the need to secure economic and social wellbeing outweighs the need to protect the SLA's countywide landscape significance.

Consultations

14. Shepway District Council: no comment received to date.

Lympne Parish Council: Comments as follows on the initial options 1 and 2:

"After receiving strong representations from residents most affected by the building, due consideration was given to the views expressed. Sympathetic consideration was given to the fact that the children would be further delayed in returning to their school, however, the majority decision of the Parish Council is that the residents will have to live with the visual impact for the life of the school and, therefore, the building plan should be strictly in accordance with the original. A mistake has been made and this should be rectified."

The Parish Council is meeting on the 7 May 2008 to discuss options 1a and 2a. Further comments from the Parish Council will be reported to Members verbally at the Planning Applications Committee Meeting on the 13 May 2008.

Local Member

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15. The local County Member, Ms S. Carey, was notified of the initial application to amend the scheme on the 10 April 2008. Ms S. Carey was notified of the revised amendments (option 1a and 2a) on the 24 April 2008. No views have been received to date.

Publicity

16. The initial application to amend the scheme was publicised by the individual notification of 24 nearby properties. Details of the revised amendments were also sent to the 24 nearby properties.

Representations

17. 2 letters of representation were received prior to the submission of the application to amend the scheme. These letters expressed concern and objection to the height of the school as built, stating that the building should be constructed at the permitted height.

11 letters expressing support for a quick resolution to this matter, allowing the school to reopen as soon as possible were received. In addition, a petition with 232 signatories entitled *'we the undersigned express our extreme concern about the delay in the completion of the Lympne School building and the detrimental effect this will have on the well-being of the children attending the school'* was received.

Following the formal submission of an application to amend to scheme 11 letters of representation have been received from 7 properties neighbouring the site. It must be noted that the letters of representation relate to both options 1 and 2, and the revised options 1a and 2a. The main planning comments/points of concern and objection can be summarised as follows:

- Objection was not raised to the original planning application because residents were informed that the replacement school was to be built upon the same footprint and no higher than the original school. This is not the case;
- Would Members have granted planning permission for the replacement school if they had realised the full impact of this structure upon neighbouring properties;
- The new school is very high, and has long ridgelines whereas the old school had a very short ridge and was lower, so much less intrusive;
- The new school is much higher than the old school and residents are dismayed to learn that the building is taller than originally approved within the planning application;
- The building does not appear to be single storey due to its height and massing.
- Concern is expressed that a mezzanine floor could be added at a later date. It is requested that it be conditioned that this cannot be added;
- Neighbouring properties and gardens are overshadowed by the height and stature of the school, which by no means was rebuilt with minor adjustments;
- The gable end of the western elevation is a tall overpowering tower, a gigantic structure which fills the sky;
- The clerestorey element of the roof should be removed completely, and roof lights should be installed to give natural lighting;
- The building design is out of character with the surrounding village and is unsympathetic with it;
- Objection is raised to all the proposals suggested by the architects, including options 1a and 2a, who are responsible for the current situation;

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- The aesthetical amendments proposed provide no significant improvement to the current situation;
- The only acceptable solution is that the school height be reduced to that approved within the original planning application;
- It is understood that the approved height of the school is not structurally possible to build, but this is not neighbouring residents problem or fault;
- The whole school should be redesigned and re-built, the cost of which should not be a consideration;
- If a similar mistake was made by a private house owner they would have to rectify the problem. Kent County Council should not be treated any differently;
- The windows to the western gable should be removed;
- Strong objection is raised to option 1, and support given to option 2 as the only viable alternative;
- The proposed amendments in option 2a will help make the school more acceptable being a little lower and the inclusion of hips to the clerestorey roof;
- Any cost associated with this mistake should not be met by the public purse;
- Sympathy is expressed for the staff, parents and the pupils of Lympne Primary School, but consideration must be given to properties surrounding the site who will have to live with this development for the foreseeable future;
- Members are thanked for visiting the site and viewing the building from Stone Street. Residents believe Members now have a true perspective of why they need to object;

Discussion

18. In considering this proposal regard must be had to the Development Plan policies outlined in paragraph (14) 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.

In my view, the key determining issues are:

- Whether the increased height of the building is deemed appropriate for this location;
- Whether the impact on residential amenity is considered acceptable bearing in mind Development Plan Policies;
- Whether the change in design is appropriate given the sites location within an Area of Outstanding Natural Beauty and a Special Landscape Area;

19. Members will be aware that this application must be determined solely on planning merits. The Committee must also be aware that, in considering retrospective development applications, it must consider the application as if the development had not taken place.

Members are asked to consider option 1a first. If this is deemed to be unacceptable in planning terms, then the Committee is requested to consider option 2a.

The discussion section considers the planning merits of option 1a, then option 2a, along with consideration relating to the original approval.

The original planning approval

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21. Local residents have expressed concern over the height and massing of the school, regardless of the increase in height, and state that they would have objected should they have known the school would be built upon a bigger footprint, and higher than the original school. It should be noted that the replacement school is built upon the foundation of the original school, and apart from the infilling of two small areas to the front of the school, the footprint of the original and replacement school are the same. With regards to the height of the replacement school, the highest part of the replacement school as approved was no higher than the highest point of the original school building. However, the design of the roof has changed. Whereas the original school was of a traditional pitched roof construction, the replacement school incorporates gable walls and long roof pitches. Although the maximum height of the replacement school as approved is no higher than the highest point of the original school, a far greater proportion of the roof is now at this tallest height. However, this scheme was considered on its own merits by Members of the Planning Applications Committee in April 2007, where Members resolved to grant planning permission, subject to conditions, in accordance with Officer recommendation. It is not for the Planning Committee to consider the merits of the original planning application today. Moreover, Members must consider the options before them.
22. Before the two options are discussed, it should be noted that many residents raise objection to both options 1a and 2a, and wish to see the height lowered to that as approved. Members are reminded that they must consider only options 1a and 2a, as before them, and in the event that neither are found to be acceptable, then the applicant would have to submit a further amendment for consideration at a future time. Reducing the height of the building to that as approved is not proposed by the applicant and, therefore, cannot be considered by Members at this time. However, it should be noted that the applicant has confirmed that structurally that the approved scheme cannot be built at the permitted height.
23. I note the local resident's suggestion to remove the clerestorey element of the roof completely. Again, this option is not being promoted by the applicant and cannot be considered at this time.

Option 1a

24. Option1a proposes that the height of the clerestorey element of the roof remains as built, 1.027 metres higher than permitted. It is also proposed to cut back the four ends of the clerestorey roof as built, replacing them with four hips. The hips would pitch back from the same height above ground level as the apex to the gable of the approved scheme. The matter for consideration here is whether an increase in height of 1.027m over the approved scheme is acceptable, bearing in mind the sites location within the AONB and SLA, and development plan policies which seek to conserve and enhance the environment through the quality of development and design. Kent and Medway Structure Plan Policy QL1 and Shepway District Local Plan Policy BE1 require developments to respond positively to the scale, layout, pattern and character of their local surroundings.
25. Local residents have expressed concern and objection over the height, scale and massing of the building, and consider it to be out of character with the locality. Surrounding properties are both single and two storey in height, of traditional building styles. Although single storey, the replacement school is the height of a two storey

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development, and given its proximity to the boundary, the matter of whether an extra metre in height is acceptable for the site needs to be carefully considered. Although the gable end on the western elevation of the building is the closest part of the building to the boundary, the wider views of the development also need to be considered.

26. The approved height of the school, and the western elevation gable wall, is 7.63 metres, whereas it has been constructed at a height of 8.65 metres, 1.027 metres taller than approved. The applicant has explained the reasoning behind this breach in consent, and this is outlined in paragraph 13 of this report. The height of the replacement school was raised by Members at the time of determining the original application but, on balance, the approved height was deemed to be acceptable. However, by increasing the height of the development, this conclusion needs to be reconsidered.
27. Firstly, I shall address the impact upon residential amenity and in particular the closest residential properties in Stone Street, which are located adjacent to the western elevation of the building, which incorporates a gable end to the clerestorey element of the roof. This gable wall also houses two high level windows, which residents have expressed concern over due to the perception of overlooking and future concern over the possibility of the introduction of a mezzanine floor within the building. Members will be aware that the actual loss/protection of private views per se is not a material planning consideration. However the effect of the physical presence of the building on the amenity of local residents and in particular whether or not it would be overbearing, and therefore unacceptable in planning terms needs to be considered.
28. The outlook of properties bordering the site, particularly the rear outlook of properties in Stone Street, is dominated by the new school building and the impact of the changes is more significant in this area. For those properties the new building is and would be a predominant feature in the foreground. Compared to the permitted height the original view of the sky has been further obstructed. In my judgement, the increase in height has resulted in the building being overbearing and taken it beyond acceptable limits. It would result in a detrimental effect on the amenity of local residents. This impact could possibly be mitigated by some appropriate planting, although it would be some years before it was fully effective. On the other hand, at close proximity the planting in itself could be oppressive and exacerbate the situation.
29. I note the concerns regarding window details raised by local residents. The high level windows in this elevation are currently proposed for lighting purposes. They are too high for people to view out of, although I accept that their existence supports a perception of overlooking. Should a mezzanine floor be introduced at a later date, then these windows would directly overlook neighbouring properties, creating a privacy issue. Although neither the applicant or the school have expressed an intention to provide a second floor at a later date, for the avoidance of doubt, I consider that should Members be minded to grant permission for either option 1a or 2a then permitted development rights should be removed, thereby requiring a formal application for any mezzanine floor. This can be achieved via condition. Under option 1a the high level windows would be retained. If Members are minded to support this option, I would also support the imposition of a condition to ensure that the glazing in these windows be obscured to afford neighbours a sense of privacy.
30. The proposal incorporates 4 hips to replace the approved gable ends of the classroom blocks. This element of the proposal would help to mitigate the impact of the

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development on the closest residential properties, however it raises wider design issues which are considered below.

31. In terms of the impact upon the wider locality, this is more difficult to quantify, as the change in height will be more difficult to discern the further you move away from the school site. Views of the site and across the site would be changed by the proposal, but I share the applicant's view that the impact on longer views would be minor.
32. The applicant is proposing to hip the four ends of the classroom block in an effort to reduce the impact of the western gable end of the building, whilst maintaining the integrity of the design. Although this would help in mitigating the impact upon the closest residential properties, it would, in my opinion, compromise the design of the replacement school. This revision also seeks to retain larger windows than previously approved. This in my view undermines an important design principle whereby the clerestorey roof and windows were intended to be a small change in the roofscape, to be read as a line of glazing. This had the effect of making the clerestorey roof subservient to the remainder of the roofscape. Option 1a, and the development as built, would maintain the dominant appearance of the clerestorey roof, contrary to the original design and the principles underpinning it. In my view this option fails to demonstrate the necessary high standard of design and respond positively to the scale and character of local surroundings.
33. I note the applicant's view as set out in para 11 above concerning the impact of the revisions compared against the approved scheme, but do not share their conclusion. In my view, although the introduction of a hipped end would aid in reducing the impact of the western elevation gable end wall upon properties in Stone Street, the impact upon the design would be detrimental. This, combined with an increase in height of 1.027 metre over the approved height and the amenity impacts this creates, draws me to the conclusion that option 1a is an insensitive solution for this location, bearing in mind the protected landscape and proximity to neighbouring properties. In my opinion, this option is contrary to the general thrust of relevant Development Plan Policies. Therefore, I recommend that Members find option 1a to be unacceptable in planning terms, and subsequently consider the merits of option 2a.

Option 2a

34. Option 2a proposes to reduce the ridge height by 600mm (0.6m) across its entire length from the height as built. This would be an increase in height of 400mm (0.4m) above the height as permitted. This is the lowest possible height that can be achieved without major demolition. As a result of this reduction in height, the two windows to the western gable elevation would be removed. I understand that the removal of these windows would be supported by residents in neighbouring properties as it would remove the potential for overlooking. Although it would be conditioned that a second floor could not be introduced at a later date without a fresh planning application, the presence of the windows removes neighbouring residents' sense of privacy. The removal of the windows on the western gable is therefore welcomed.
35. In addition, the applicant is proposing to hip the four ends of the clerestorey roof, as in option 1a. Although I consider that this would compromise the original integrity of the design of the school, this would aid in mitigating the impact of the western gable on properties in Stone Street. I considered option 1a to be unacceptable as I do not consider that the hip alone would mitigate the impact of the increase in height, or have a

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significant impact on the scale and massing of the building. However, option 2a proposes that the height of the building be reduced by 600mm (0.6m). In essence, therefore, the applicant is seeking permission to increase the height of the building by some 400mm (0.4m), meaning that the height of the building would be 8.03metres in height, compared to the heights of 7.63metres as approved, and 8.65 metres as built.

36. An increase in height of 400mm over the approved height would, in my view, have a negligible impact in terms of wider views of the site, and would not significantly change the massing and scale of the building from that as approved by this Committee last year. The clerestorey windows in the classroom blocks, would also be reduced in height, making them more subservient to the design, which was the intention of the school's original design. This is welcomed. From a wider landscape and visual point of view, bearing in mind the sites location within a SLA and an AONB, I do not consider that an increase in height of 400mm over the permitted height would significantly change the scale and massing to that of the approved development, and it would not compromise the integrity of the design.
37. However, although the impact of the small increase in height may not be significant in the wider landscape, it is, in my view, significant for those properties closest to the school in Stone Street. The introduction of the hipped ends to the classroom blocks, and the omission of the windows to the western gable would, in my view, go some way to reducing the impact of the development. The introduction of these measures would aid in mitigating the height of the building, increase the amount of sky visible from neighbouring properties and remove the perception of overlooking. Although I consider that the introduction of the hips would compromise the original design of the building, this needs to be balanced against the positive impact the hips would have on neighbouring properties, in conjunction with a reduction in the height of the development as built.
38. Bearing in the mind that the approved scheme cannot be physically built (to build to the approved height requires the building to be demolished and rebuilt with lower supporting walls), I do not consider overall that the increase in height of 400mm would be significantly detrimental in terms of the scale and massing of the development or undermine the integrity of the approved design such as to warrant refusal of option 2a.

Other minor amendments

39. In addition to the increase in height, a number of minor amendments to the elevational treatment of the building are proposed including minor repositioning of windows and doors, redesign of a window feature in the western gable end, the insertion of a small number of roof lights, the introduction of two ventilation louvers in the northern elevation and an amendment to the design of the entrance way in the eastern elevation. These amendments are included, and to be considered, as a part of both options 1a & 2a and would be approved should either option be granted permission. I do not consider that these amendments would have a detrimental impact on the overall appearance of the development, and therefore see no reason why these minor amendments should not be permitted.

Conclusion

40. This development seeks to regularise a breach of planning control in which the recently permitted school building has been built just over a metre higher than the approved

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Proposed retrospective amendments to the approved scheme, including revised height of the building, at Lympne Primary School, Octavian Drive, Lympne – SH/07/261/R

scheme. The site is sensitive in planning terms lying within the AONB and SLA and is in close proximity to residential property and gives rise to amenity and design considerations. Two options are submitted to regularise the matter. Option 1a essentially seeks to regularise the building as constructed with the introduction of hipped roofs in place of the gables. Option 2a seeks to reduce the height of the building to 400mm above permitted levels (the lowest possible height that can be achieved without major demolition), to introduce hipped ends to the roof and delete windows in the western elevation.

41. For the reasons given above, I consider that option 1a an inappropriate design solution for this location, bearing in mind the protected landscape and proximity to neighbouring properties. It would give rise to a detrimental effect on the amenity of local residents and the character and appearance of the Special Landscape Area and the Kent Downs Area of Outstanding Natural Beauty. In my opinion, this option is contrary to the general thrust of relevant Development Plan Policies. I therefore recommend that Members find option 1a to be unacceptable in planning terms, and subsequently consider the merits of option 2a.
42. In terms of option 2a, I consider that this option incorporates the key components of the previously permitted scheme and on balance conclude that this proposal does not raise unacceptable amenity impacts or material harm and is in accordance with development plan policy. I therefore recommend accordingly.

Recommendation

43. I RECOMMEND that:

in terms of option 1a THE AMENDMENT BE REFUSED on the grounds that the proposal gives rise to unacceptable amenity and environmental impacts and fails to protect and enhance the natural beauty of the AONB and the SLA contrary to development plan policy QL1, EN4, EN5 and S1 of the Kent and Medway Structure Plan 2006 and policies BE1, SD1, CO3 and CO4 of the Shepway District Local Plan.

In **terms of option 2a** that **THE AMENDMENT BE APPROVED SUBJECT TO conditions, including conditions covering:**

- the development to be carried out in accordance with the permitted details;
- the removal of permitted development rights;
- a scheme of landscaping, its implementation and maintenance;

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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APPENDIX 1

APPLICATION SH/07/261/R: RETROSPECTIVE AMENDMENTS TO THE APPROVED SCHEME, INCLUDING REVISED HEIGHT OF THE BUILDING AT LYMPNE PRIMARY SCHOOL OCTAVIAN DRIVE, LYMPNE

NOTES of a Planning Applications Committee Members' site meeting at Lympne Primary School, Lympne on Wednesday, 23 April 2008.

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MEMBERS PRESENT: Mr R E King (Chairman), Mr A R Bassam, Mr C Hibberd, Mrs S V Hohler, Mr S J G Koowaree, Mr J F London, Mr T A Maddison, Mr J I Muckle, Mr W V Newman, Mr A R Poole and Mr F Wood-Brignall.

OFFICERS: Mrs S Thompson, Mr J Crossley and Miss M Green (Planning); and Mr G Rudd (Legal and Democratic Services).

LYMPNE PARISH COUNCIL: Cllr C Hunter and Mr A E Goodwin – Parish Clerk.

THE APPLICANTS: Lympne CEP School (Mrs J Roberts – Headteacher), (Mr G Clark – Chairman of Governors), (Mr L Small – KCC Property Team).

ALSO PRESENT were some members of the public.

- (1) The visit commenced at 11.35 am and Mr R King welcomed everyone and introduced the officers of the planning Applications Group who support the Planning Applications Committee. He explained that the purpose of the visit was for Members of the Committee to view the site prior to considering retrospective amendments to the approved scheme, including revised height of the building, at Lympne Primary School, Octavian Drive, Lympne.
- (2) Mrs Thompson explained that this was a fact-finding visit and was an opportunity for the members of the Committee to see the site and listen to the various points made (Mrs Thompson went on to report on the circumstances as set out in the Members' briefing note). She advised that the Planning Authority had not been aware of the error until it had been pointed out by a local resident.
- (3) Mrs Hohler referred to the height of the central section of the building (behind the green sheet) and was advised by Mrs Thompson that it would be the same as the other roof heights.
- (4) One of the local residents told the members that she had been advised by the Planning Department that the original footprint had been followed but that they were not made aware of the roof height changes. She also asked whether the building would go back to as originally approved. Mr King replied that if the members objected to both of the Options before them then the applicant would have to submit another option.

APPENDIX 1

- (5) Mrs J Roberts explained how the school roof had originally been designed and that following the fire, the advice from the Fire Authority was that the roof had to be designed differently as its original design had contributed to the way the fire had spread as quickly as it did. The difficulty was that the re-designed roof had to be built on the same footprint of the damaged building.
- (6) Mrs Connelly from Silverdale in Stone Street asked whether Options 1 and 2 could be combined. She explained that she particularly did not like the windows

Item D1

Proposed retrospective amendments to the approved scheme, including revised height of the building, at Lympne Primary School, Octavian Drive, Lympne – SH/07/261/R

as they looked into her garden. She produced photographs showing the view from her garden. Mrs Thompson explained that the members could only consider the application before them. Mr King confirmed this and advised that the members would have to consider whether either of the proposals was acceptable. He explained that on balance the approval had been given to the original application based on the officer report and photographs presented to the Planning Applications Committee

- (7) Mr Muckle asked Mr Small, as the applicant's representative, how the building had come to be built in such a way that it did not meet the original agreed proposals. He asked what inspections had taken place. Mr King asked whether the Building Regulations Control Officer would have picked up the error. Mr Small replied that the Control Officer would only have been checking that the contractor's drawings complied with the building regulations. The contractor's drawings differed from the planning drawings. He added that the architects concerned had now gone into liquidation.
- (8) Mrs Piddock of Pitts Cottage, Stone Street stated that the proposed reduction in height of the roof was not an acceptable solution as it did not meet the original approved height.
- (9) Mrs Thompson showed the members battens marking the original approved roof height and the proposed height under the two options.
- (10) Mrs Connelly wanted the members to know that it was not her who had referred the issue to the planners. Mr King reassured her that it was not relevant who had done so as it would have come to light anyway.
- (11) Mrs Hohler clarified that the Committee had approved a plan submitted with the application but that the construction drawings were subsequently changed. Mrs Thompson agreed that the expectation would be that the approved drawings should be adhered to. Mr Muckle emphasised the question again as to how could this mistake have occurred. Mr King's understanding was that the Building Contractor was given different plans by the architect and that the fault lay with the architect for changing the plans without reference back to the Planning Authority. Mrs Hohler sought clarification as to who had liability. Mrs

APPENDIX 1

Thompson advised that liability for the breach rested with the applicant and its consultant.

- (12) The local Parish Council Chairman asked whether there was a policy for all primary schools to be single storey. Mr Crossley agreed that this was usually the case but for this proposal more light and ventilation had been needed to the central areas, so the roof space was higher with extra windows to give light.

Item D1

Proposed retrospective amendments to the approved scheme, including revised height of the building, at Lypne Primary School, Octavian Drive, Lypne – SH/07/261/R

- (13) Having walked around the school and seen the building from all sides, the residents asked about the options available. Mrs Thompson reiterated that under Option 1 the building would be the height as revised but that a hip would slope the roof away at the end closest to properties in Stone Street. Option 2 would reduce the height but not to the original approved height. In response to a resident's question, Mrs Thompson advised that if Option 1 or Option 2 was approved she understood that the work would be done in time for the school to open in September 2008. If Option 1 was chosen it should be available earlier. Mr King commented that whichever scheme was chosen the school would be occupied by September. However if the Committee refused both options the applicant would have to rethink the proposals and come back to the Committee with a revised proposal. He advised the residents that members of the public can address the Committee with their views at the meeting.
- (14) Mr Wood-Brignall asked if only one "hip" would be used. He was advised that at the moment there was only one "hip" proposed. Some residents asked whether the Options could be combined to remove windows and "hip" the roof. Mr King stated that if necessary the applicant might seek to vary the plans as a result of today's discussion. Mrs Thompson confirmed that the school hall was the correct height.
- (15) At this stage the formal site visit was concluded but members subsequently visited the gardens of Mrs Piddock and Mrs Connelly in Stone Street to note the view of the building from their back gardens and the Stone Street area. Mr Muckle took the view that if the window was retained the Committee could insist on frosted glass even though in practice the window would not be used to look out on to the gardens as it was only a means to allow more light into the building.
- (16) The visit concluded at 12.50 pm.
- (17) The notes of the visit would be appended to the Head of Planning Applications Group's report to the determining Committee meeting.

Proposed Children's Centre at Swan Valley School, Swanscombe – DA/08/175

A report by Head of Planning Applications Group to Planning Applications Committee on 13 May 2008.

Application by KCC Children, Families And Education for the construction of a new two storey children's centre and use of the car parking spaces to the rear of properties 11-17 Southfleet Road during working hours at Swan Valley School, Southfleet Road, Swanscombe (Ref: DA/08/175)

Recommendation: permission be granted subject to conditions

Local Member(s): Mr Ivor Jones

Classification: Unrestricted

Site

1. Swan Valley School is located to the south of Swanscombe, on the boundary between residential development and rural land which extends to the south. To the east of the site lies Southfleet Road, beyond which Northfleet Landfill Site is located. Swan Valley School is accessed via Southfleet Road, although a second pedestrian and cycle entrance is located to the north of the site, accessed via Swanscombe Street. Swan Valley School is located within a parcel of land owned by the County Council, which is also home to The Sweyne Junior School, Swanscombe Infant and Nursery School and a Health Centre. The adjacent schools to the west of Swan Valley School, separate the boundary of Swan Valley with residential properties in Keary Road. The Health Centre is located to the north of the site, adjacent to the pedestrian and cycle access from Swanscombe Street, beyond which lie residential properties. The remainder of the northern boundary is bounded by residential properties, and associated parking areas. To the south of the site a footpath runs along the boundary, beyond which lies open countryside. Swan Valley School was granted planning permission in 2 phases, the first of which was funded by the County Council, and granted permission in 1997, the second of which was subject to a PFI completion and was granted permission in 1999. The school was opened and fully operational a few years ago. The proposed Children's Centre would be located to the north west of the Swan Valley School site, sited between the school building and the Health Centre. A site plan is attached.

Background

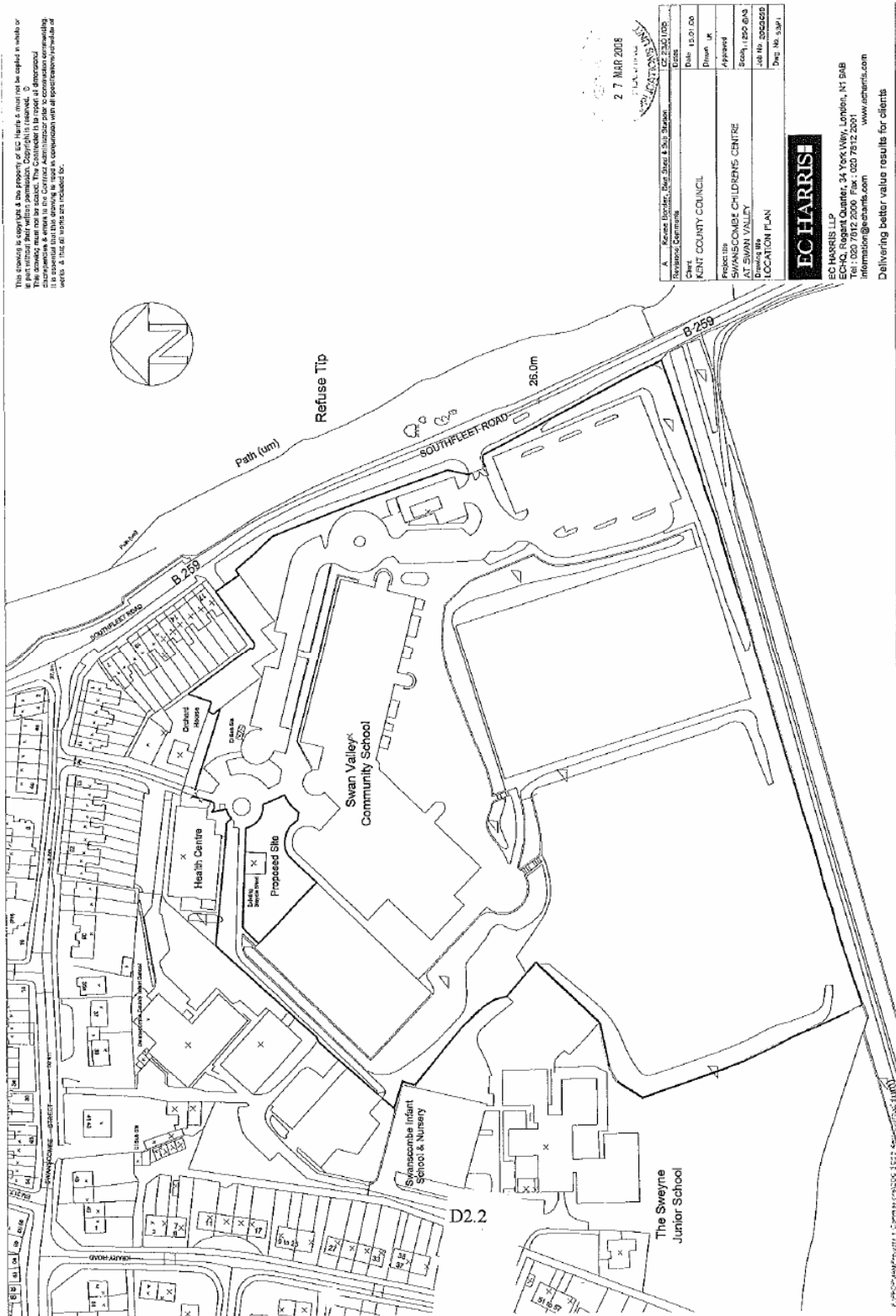
2. Two applications proposing the construction of a Children's Centre on this site have been submitted within the last year. Both of these applications proposed a single storey building and met with objection from Dartford Borough Council on the grounds of over development of the site. Due to the large footprint of the building, important open space within the school site would have been lost had planning permission been granted. In addition, Swanscombe and Greenhithe Town Council and neighbouring residents raised objection. Kent Highway Services also expressed concern over the lack of car parking proposed. In light of this, the applicant has attempted to address the issues raised previously and has submitted this application accordingly.

Proposal

3. This planning application is for one of 52 proposed Children's Centres across Kent, which form a part of Central Government's National Sure Start Programme. The main aims of the Sure Start programme are to increase the availability of childcare for all children, improve health and emotional development for young children and support

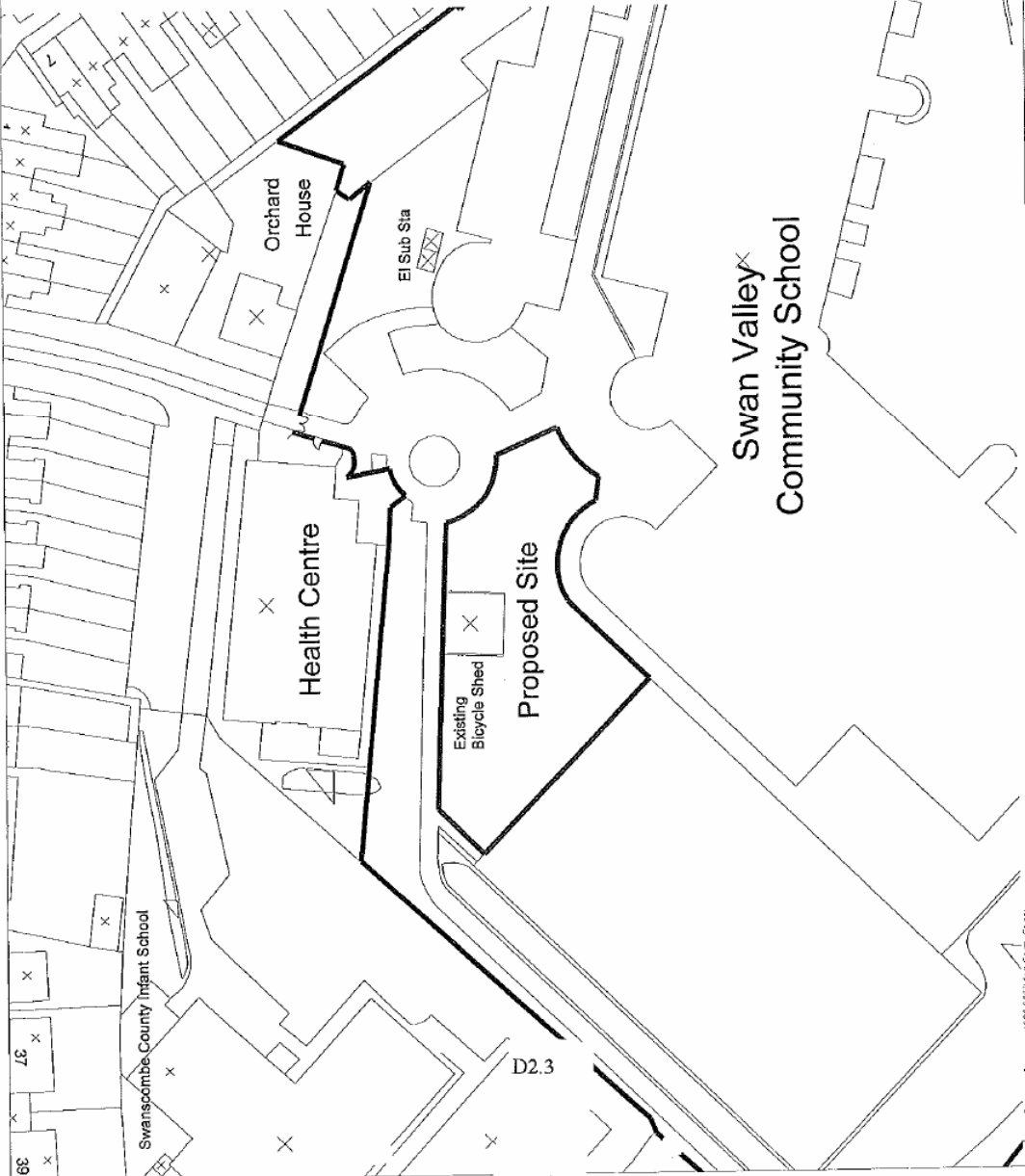
Proposed Children's Centre at Swan Valley School, Swanscombe – DA/08/175

parents as parents and in their aspirations towards employment. Of the 52 proposed Children's Centre's some would be half core, offering a community facility with creche,



Proposed Children's Centre at Swan Valley School, Swanscombe – DA/08/175

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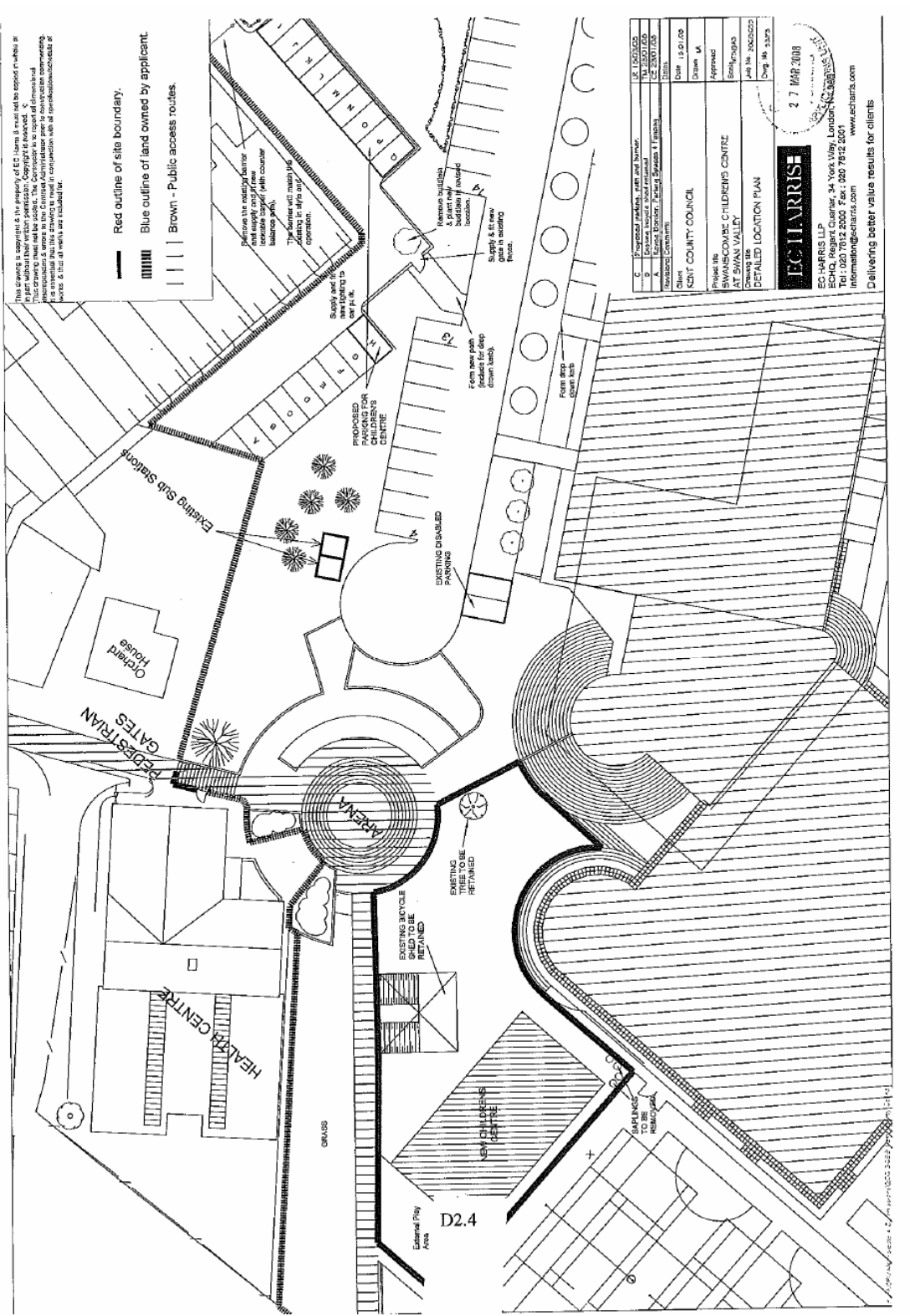
27 MAR 2008
 ECHARRIS ARCHITECTS

Client	SWAN VALLEY COMMUNITY COUNCIL
Project No.	SWANSCOMBE CHILDREN'S CENTRE AT SWAN VALLEY
Drawing No.	BLOCK PLAN - EXISTING LAYOUT
Date	27 MAR 2008
Drawn by	JK
Checked by	JK
Scale	1:500
Author	JK
Drawn by	JK

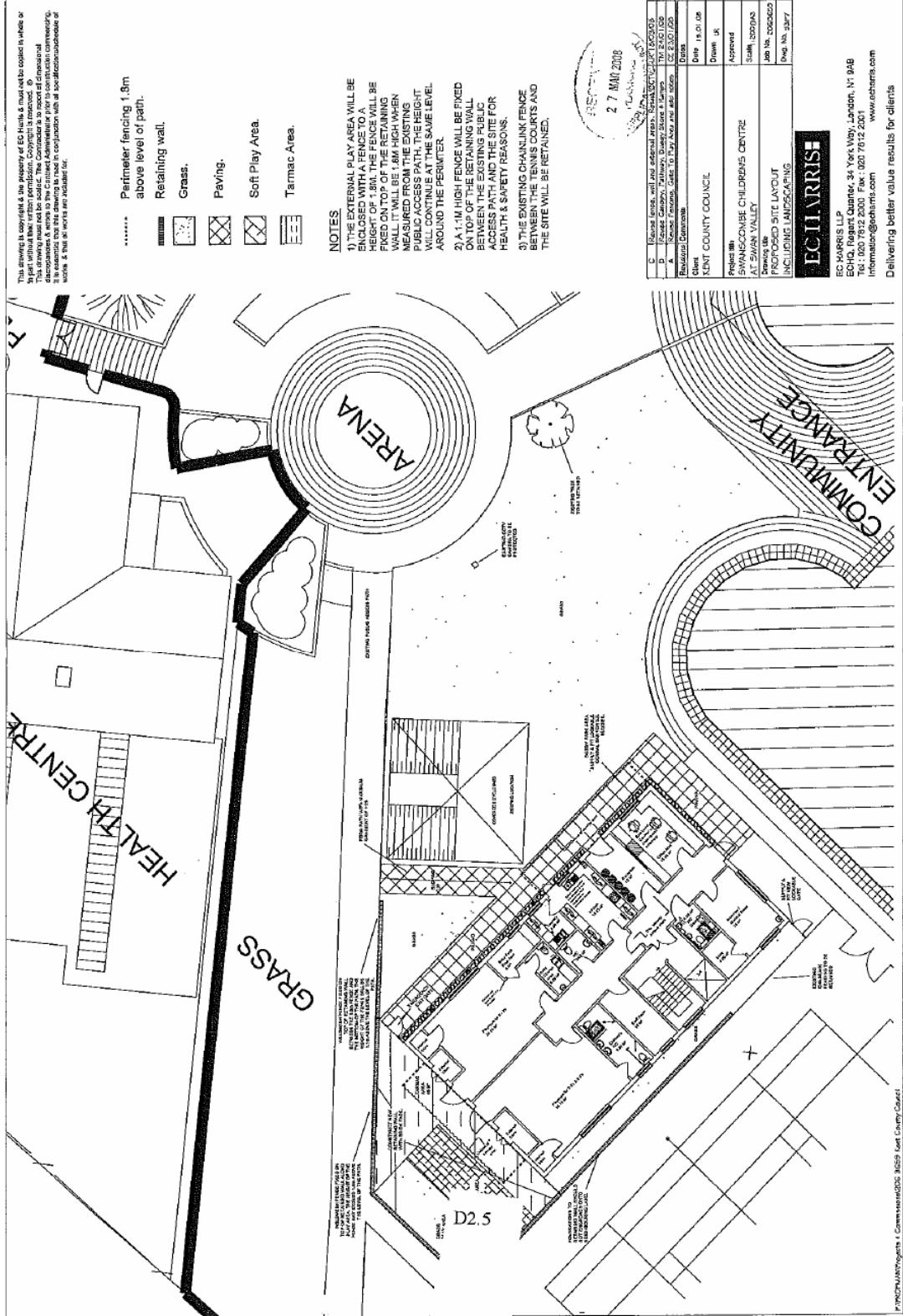
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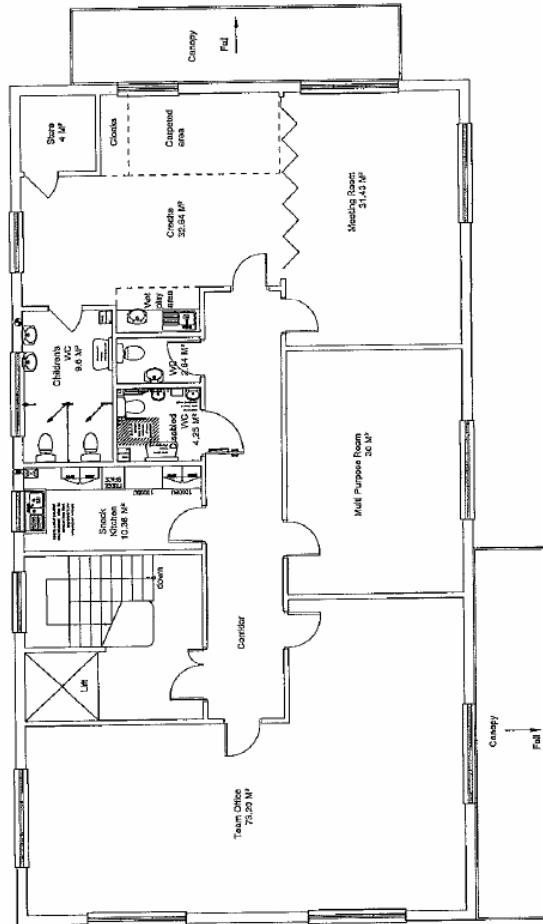
Proposed Children's Centre at Swan Valley School, Swanscombe – DA/08/175



Proposed Children's Centre at Swan Valley School, Swanscombe – DA/08/175

Item D2

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D2.7

Revision	CF 25/07/09
Author	EC Harris
Client	SWAN VALLEY COUNCIL
Project No	SWANSCOMBE CHILDRENS CENTRE AT SWAN VALLEY
Drawing No	PROPOSED FIRST FLOOR PLAN
Date	16.01.08
Drawn by	EC Harris
Approved	EC Harris
Scale	1:100
Job No	20060409
Drawn by	EC Harris



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EC Harris LLP Architects & Consultants 2006 5259 Swan Valley, Swanscombe

Proposed Children's Centre at Swan Valley School, Swanscombe – DA/08/175

Item D2

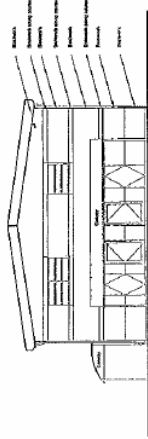
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NOTES:

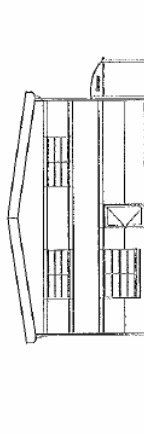
BRICKWORK CLADDING - TO MATCH THE ADJACENT SCHOOL AND MEDICAL CENTRE
 BLOCKWORK CLADDING - TO MATCH THE ADJACENT SCHOOL AND MEDICAL CENTRE

DOORS - DOUBLE GLAZED - TO MATCH THE ADJACENT SCHOOL AND MEDICAL CENTRE
 WINDOWS - DOUBLE GLAZED - TO MATCH THE ADJACENT SCHOOL AND MEDICAL CENTRE
 ROOF - TO MATCH THE ADJACENT SCHOOL AND MEDICAL CENTRE
 CANOPIES - STEEL FRAME WITH POLYCARBONATE ROOF

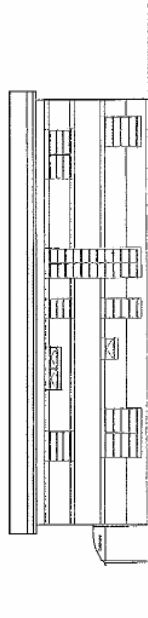
*ALL MATERIALS AND COLOURS ARE TO MATCH THE ADJACENT SCHOOL AND MEDICAL CENTRE



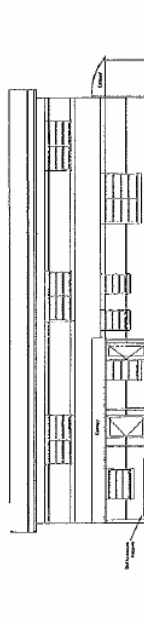
Elevation 4



Elevation 2

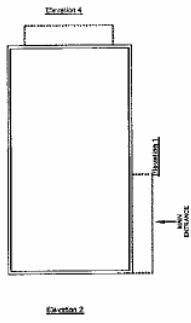


Elevation 3

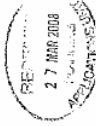


Elevation 1

D2.8



Elevation 4



Project Name	Swan Valley School
Client	Kent County Council
Site	Swan Valley School, Swanscombe, Kent, DA11 9JG
Drawn by	EC Harris
Checked by	EC Harris
Date	15.01.08
Scale	As Shown
Project No.	08/0001/01
Drawn No.	08/0001/01
Checked No.	08/0001/01
Project No.	08/0001/01
Drawn No.	08/0001/01
Checked No.	08/0001/01



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P:\PROJECTS\Projects 4\Comm\DA08\2008\0808 Kent County Council

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D2.9

Client	KENT COUNTY COUNCIL
Project Name	PROPOSED CHILDREN'S CENTRE AT SWAN VALLEY
Drawing No.	DA/08/175
Scale	1:500
Date	12/08/08
Drawn by	EC Harris
Approved	EC Harris
Site No.	DA/08/175
Job No.	2008050
Drawn by	EC Harris
Approved	EC Harris

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meeting and staff accommodation, some would be full core offering the half core aspect and full day care facilities for 0-5 years old, and some would be full core plus facilities, offering all of the above and an office facility for an out reach service. This application, which has been submitted by Kent County Council's Children, Families and Education Directorate, proposes a full core plus facility. The Swan Valley School site has been chosen as part of the Kent Strategy as being in an area with demand for the Children's Centre.

4. The Children's Centre is proposed to be sited parallel to the existing fenced hard courts, between the School building and Health Centre. The site is adjacent to an existing cycle shelter, and this would be retained in its current location. The centre would be a 2-storey building with a metal covered pitched roof, to match the adjacent school and Health Centre. The external walls would be clad in brickwork and blockwork to match the adjacent buildings, and windows and door would be powder-coated aluminium, again to match the adjacent buildings. Two steel and polycarbonate canopies are proposed, one to cover the main entrance, and the other to provide a covered play area for the nursery classrooms.
5. The centre would contain a crèche/meeting room for use by parents who are visiting the centre, as well as a flexible space for use as an informal meeting room through to a formal seminar style learning suite with ICT. A smaller multi-use room is also required for smaller meetings and seminars. An interview/medical room would be provided for one-to-ones and to administer first aid. To complement these areas, the unit would have a reception/office area, snack kitchen and child and adult toilets. For the nursery section there would be two large classrooms for 0-2 and 2-5 year olds, with associated preparation and storage areas.
6. The existing site is sloped, so the land would be excavated and a brick faced retaining wall would be constructed as necessary to enable level access to be provided. Green powder coated weld mesh fencing, to match the existing, is proposed to secure the Children's Centre. In addition, a 1.8m high fence would enclose the external play area.
7. The nursery and community facilities would employ 15 members of staff. The out-reach service would employ a further 12 staff. However, the staff of the out-reach service would spend most of their time visiting their clients, and would only attend the office to research and update records etc. The facilities incorporated in the full core portion element of the Centre would serve the community in Swan Valley only. However, the out-reach service would provide a service across the whole of the Gravesham/Dartford area. Although the number of children attending the nursery cannot be confirmed at this stage, the applicant advises that there would be a maximum of 25 children attending at any time. However, some children may attend the nursery all day, while others may attend for the morning/afternoon only. The Centre would operate as a separate unit from Swan Valley School.
8. In order to address the additional parking requirements for the site, and following consultations between the applicant and local residents, it is intended that staff would use the existing adjacent County Council owned parking area to the rear of properties in Southfleet Road. This area of land was licensed to individual local residents as part of the Swan Valley School application. The applicant states that this parking area is currently under used with only 2 or 3 residents using the facilities. It is therefore intended to improve the existing area with low level lighting and a new access gate and allow 10 spaces to be used by the Children Centre staff during the centres opening hours. All spaces would be available for residents out of hours and at weekends.
9. Access to the school site from the car parking area would be via a new lockable pedestrian gate and dropped kerb in the existing site fencing. This would be opposite an existing dropped kerb pedestrian crossing point within the school site, and the applicant

Proposed Children's Centre at Swan Valley School, Swanscombe – DA/08/175

advises that it would not necessitate any amendments to the existing landscaping or parking. Pedestrian access to the site would be via an existing entrance located on Swanscombe Street.

10. The opening hours for the Children's Centre are proposed to be 8.00am to 6.00pm, five days a week for 48 weeks of the year. The nursery and community facilities would be offered to people in the locality of Swan Valley School. It is expected that they would be within buggy pushing distance of the Centre and would not rely on cars or public transport. Therefore no parking would be provided for users of the Centre to encourage them to walk. It is expected that on a typical day the Children's Centre would have 30 visitors, spread over the 10 hours of operation. Only when a particular event, such as a seminar, is provided would there be a number of people arriving at one time, and in these instances it is expected that 50 people may visit the centre. The applicant advises that it is unlikely that these events would occur at the same time as the start and end of the school day.

Reduced copies of the submitted drawings showing the site layout, elevations and floor plans are attached.

Planning Policy

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

The Kent & Medway Structure Plan 2006:

- | | |
|-------------|---|
| Policy SP1 | Seeks to conserve and enhance Kent's environment and to ensure a sustainable pattern of development. |
| Policy SS6 | Seeks to improve the built and natural environment, the functioning and appearance of the suburbs, including the provision of services and facilities that serve local needs. |
| Policy QL1 | Seeks to ensure that all development is well designed and of a high quality that responds positively to the local character. Development, which would be detrimental to the built environment, amenity, function or character of the area, will not be permitted. |
| Policy QL7 | Where important or potentially important archaeological remains may exist, developers will be required to arrange for archaeological assessment and/or field evaluation to be carried out in advance of the determination of planning applications. |
| Policy QL12 | Provision will be made to accommodate additional requirements for local community services in response to growth in demand from the community as a whole. The services will be located where they are accessible by walking, cycling and by public transport. |
| Policy TP3 | States that the local planning authority should ensure that development sites are well served by public transport, walking and cycling. |

Proposed Children's Centre at Swan Valley School, Swanscombe – DA/08/175

- Policy TP19 States that development proposals should comply with vehicle parking policies and maximum standards adopted by the County Council.
- Policy NE5 Development should not result in an unacceptable level of pollution i.e. noise levels.

The adopted (1995) Borough of Dartford Local Plan:

- Policy S2 Encouragement will be given to the provision of community facilities.
- Policy T19 Proposals for development will not normally be permitted where they are not appropriately related to the highway network and generate volumes of traffic in excess of the capacity of the highway network.
- Policy B1 The following factors will be taken into account in considering development proposals:
- a) Proposed Use, which should be appropriate for its location and should not have a detrimental effect on the local area through visual impact, traffic generation, noise or other factors.
 - b) Design, which should be of a high standard and respect and integrate with the surroundings. Particular attention should be paid to the mass, form and scale of the proposed development and its impact on the environment and neighbouring uses.
 - c) Materials, which should be of good quality, pleasing in appearance and durable.
 - d) Amenity of adjoining properties, particularly in the case of residential properties, should not be materially detracted from by development proposals. This includes the loss of daylight or sunlight, and overlooking from habitable rooms.
 - e/f) Access and parking.
- [.....]
- Policy B12 Development proposals may be permitted where it can be demonstrated that the site can be preserved either in situ or by making a detailed record of it for future archaeological reference. Appropriate conditions would be attached to any planning permission.
- Policy CF3 The Borough Council will encourage and support the provision of social, community, educational and cultural facilities and infrastructure to meet the current and future needs of the Borough.

Consultations

12. **Dartford Borough Council:** raises no objection to the proposal subject to Kent Highway Services being satisfied that adequate parking is provided at the site, the submission of a landscaping scheme, which should include tree planting to provide shade for the external

play area, and a condition to ensure that organised events avoid school start and finish times.

Swanscombe and Greenhithe Town Council: object to the application on the grounds that the development is directly adjacent to the Health Centre, which would create parking problems, especially for the people most likely to use the Health Centre such as the elderly and the disabled. The development would also block out light to the Health Centre, and could affect access for ambulances. The Town Council requests that a site visit be arranged when the health centre is open and at the local school closing time so that the traffic and parking issues can be experienced/witnessed.

A second letter of objection was received from the Town Council that stated:

“Members strongly object to this application as it is completely contrary to the original application for the school. Originally the small car park at the back of the properties was required for residents use and this application would appear to be taking away that use (“during working hours”) which would add to the already severe parking problems in the area.”

Divisional Transportation Manager: raises no objection to the proposal and states that shared use of the car park is a good idea. To encourage use of the car park it is suggested that the barrier should be changed to a key fob or remote operations. The Children Centre's use of the car park should be restricted to staff only.

The Environment Agency: raises no objection to the proposal and offers advice regarding drainage and storage of fuel, oil and chemicals.

County Archaeologist: raises no objection to the application, subject to the imposition of conditions requiring the implementation of a programme of archaeological work and the submission of details of foundation design and any other below ground excavation.

Local Members

13. The local Member Mr. I Jones was notified of the application on the 5 February 2008.

Publicity

14. The application was publicised by the posting of a site notice and the individual notification of 33 nearby properties.

Representations

15. 2 letters of representation have been received in response to the proposal. The main planning reasons for objections can be summarised as follows:

- Concern is expressed over the removal of local residents parking during the day;
- The barrier to the car park must remain as if it is not used it becomes a regular dumping ground for fly tippers;
- The area already suffers from congestion due to school traffic and traffic associated with the health centre. This development would make the situation worse;
- The proposed Children's Centre is too close to the Health Centre;

Discussion*Introduction*

16. The Children's Centre Programme is being developed as part of the Central Government's National Sure Start Programme and is funded by the DfES. Kent County Council has been tasked with creating 52 Children's Centres across Kent by March 2008. Having regard to the Kent Primary Strategy, Kent County Council's Children's Centre Team, in conjunction with Multi Agency partners, has identified suitable sites within areas of deprivation. This proposal represents one of the many Children's Centres planned in Kent.
17. In considering this proposal regard must be had to the Development Plan policies outlined in paragraph (11) 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 siting, design and scale, and access and parking.
18. Policy QL1 of the Kent and Medway Structure Plan and Policy B1 of the Dartford Borough Local Plan require new developments to be of high quality and well designed, and not to lead to a loss of residential amenity. Further, consideration should be given to the Kent and Medway Structure Plan Policy QL12 and the Dartford Borough Local Plan Policy CF3 that encourage decision makers to make provision for community facilities. In conjunction with these and other relevant policies, these issues are considered and discussed below. In principle, I see no overriding objection on planning policy grounds, on the basis that site is already well established for the accommodation of children's services.

Car parking

19. The Swan Valley School site provides parking facilities for the school, and accommodates designated parking for the Health Centre. It is not proposed to provide any additional parking on site in conjunction with this proposal, nor is it proposed to provide any parking for visitors/users of the Children's Centre. However, the application does propose to provide 10 car parking spaces during the Children Centre's hours of operation for staff of the centre only. These 10 spaces are located within an area of land licensed to local residents as part of the Swan Valley School planning application, and is separated from the school site by close boarded fencing. A lockable gate would be installed within this fencing to allow staff of the Children's Centre access to the School site. Local residents were consulted on the proposed use of their car parking by the applicant prior to submission of the application, and consulted again by the County Planning Authority upon receipt of the application. To date, I have received only one objection relating to this element of the proposal.
20. Concern is expressed that should the car parking be used by staff of the children's centre, then local residents would be unable to park, bearing in mind that local streets are already congested. However, through initial consultation with neighbouring residents, the applicant established that only 2 or 3 local residents use the facility. The car park accommodates 17 spaces, 7 of which would be available for use by local residents during the Children Centre's opening hours. During the evening and at weekends all 17 car parking spaces would be available for the sole use of local residents. In addition, Kent Highway Services raise no objection to the application and support the use of the adjacent car parking area. Therefore, in principle, I see no reason to raise objection to the application on the grounds of car parking provision for staff.

21. In addition to this, the applicant proposes to replace the existing barrier, to match the original, as the existing is in disrepair. Although Kent Highway Services have suggested that the applicant provide a key fob or remotely operated barrier, the applicant proposes to replace the barrier with a manually locked barrier, as currently exists. This has not met with objection from neighbouring residents, and providing the barrier is used correctly (i.e. locked after being opened), it is fit for purpose and secures the car park. In addition, the applicant is intending to improve the existing car park area through the provision of low level lighting. However, details of the proposed lighting have not been provided and, as there is a potential to cause nuisance to neighbouring residents, details regarding the type and level of lighting, including details of operation (i.e. motion sensitive or on a set timer), would be required to be submitted pursuant to planning condition, should permission be granted.
22. Although the level of car parking to be provided for staff is deemed to be acceptable, there is no visitor car parking proposed. The applicant states that the Centre has been strategically located to minimise travel distance for the community it is intended to serve. Also, the Sure Start scheme puts a great deal of emphasis on "buggy pushing distance" with the users of the Centre being encouraged to walk. In particular, the centre has been sited within the local community which it is intended to serve and it should not therefore attract more distant visitors. It is estimated that the Centre would have up to 30 visitors in a day. However, the applicant believes that these visitors would be spread out over the 10 hours of operation. Only when a particular event, such as a seminar, is being provided would there be a number of people arriving at one time. The applicant believes that it is unlikely that these events would occur at the same time as the start and end of school. However, in order to ensure that this is the case, this matter would be subject to planning condition.
23. With regards to the nursery aspect, this would provide care for a maximum of 25 children at any one time. The nursery day would be split into 2 sessions, with some children attending in the morning, some in the afternoon and some all day. Although it is expected that all parents would walk to the facility, should vehicles be used on occasion the traffic associated with the nursery would be spread throughout the day as a result of the sessions. The opening hours of the nursery are expected to be 8.00am to 6.00pm, times which do not conflict with school start and finishing times. This would help in minimising the risk of increasing congestion during peak time hours, and would from a condition of consent, should permission be granted.
24. From the policy point of view, I consider that the proposal meets the requirements of Policies TP3 and QL12 of the KMSP 2006, which requires that community facilities be located where they are accessible by walking and cycling and by public transport to reduce the need for travel. In the opinion of the Divisional Transportation Manager, due to the nature of the facility the proposal is acceptable and the number of staff car parking spaces proposed is appropriate.
25. It is acknowledged that residents may already be experiencing some level of congestion around the site during the school times, especially during pick up and drop off times. However, I do not consider the proposed development would cause a significant increase in car journeys to the site sufficient to justify refusal of the proposal on the grounds of an existing and separate traffic congestion issue.

Siting, design and massing

26. The proposed site is currently an informal grass area, located between the hard tennis courts, the school building and the Health Centre, and the existing covered cycle parking. The area is not used formally or otherwise, and upon investigation by the applicant, is the only area within the site that could house the Children's Centre. Initial proposals met with objection on the basis that a single storey building was proposed, which had a large footprint, necessitating the relocation of the cycle parking. It was

Proposed Children’s Centre at Swan Valley School, Swanscombe – DA/08/175

considered that a building of the size originally proposed would be overbearing and would remove the sense of openness that this area of the site currently has. In light of that, the applicant reviewed the design of the Centre. The two storey building now proposed has a much smaller footprint than the single storey building originally proposed, maintaining some of the open space that this area of the site benefits from. The surrounding developments are all two storey (or greater in terms of Swan Valley School) and, therefore, the addition of a further two storey building would not be out of context, and is of a massing and scale appropriate to the site. Consequently, I would not recommend refusal on these grounds.

27. However, concern is expressed that the proximity of the Children’s Centre to the existing Health Centre would block light to the Health Centre. In response to this, the applicant has undertaken a ‘right of light analysis’ which confirms that “any effect on the natural lighting level inside the Health Centre would be negligible”. Given that the Swan Valley School building is 5 storeys in places, and 2 storeys at its lowest point, the Children’s Centre would be of a much smaller scale than the adjacent school. I do not consider that the Health Centre would be significantly adversely affected in terms of loss of light or overshadowing as a result of the proposed development. I therefore see no reason to refuse the application on these grounds.
28. The Children’s Centre would be constructed in materials that would match the adjacent school building and Health Centre. Given the close proximity of these buildings to each other, the use of materials which did not match would not be aesthetically pleasing and, therefore, would not be appropriate. I consider that details of all materials to be used externally should be submitted pursuant to planning condition in order to ensure that the materials match the adjacent buildings.
29. Overall, I consider that the proposal is in accordance with the Policy QL1 and NR5 of the Kent and Medway Structure Plan 2006 and Policy B1 of the Dartford Borough Local Plan, which require all developments to protect the amenity of their local surroundings. I consider that the siting, design and massing of the Children’s Centre is appropriate for its setting, and see no reason to refuse the application on these grounds.

Conclusion

30. Overall, I consider that the local community would benefit from having the facility, which would provide better access to a range of health, adult education and family support services. It is unlikely in my view that by introducing the Children’s Centre within the School’s grounds the safety on the nearby highways would be compromised or that it would cause a significant increase in traffic problems during the drop-off and pick-up times. In addition, I consider that the design, siting and massing of the Children’s Centre is appropriate for the site, and the surrounding locality. Consequently, I consider that the proposed development would be in accordance with the aims and objectives of the relevant Development Plan Policies.

Recommendation

31. I RECOMMEND that PERMISSION BE GRANTED SUBJECT to conditions, covering:
- The development to be carried out in accordance with the permitted details;
 - The standard time limit;
 - The submission of details relating to the lighting of the car park;
 - The submission of details of external materials;
 - The provision of 10 car parking spaces for staff during opening hours;
 - Hours of use for the Children’s Centre to be restricted to 8.00-18.00 Monday to Friday;

Case Officer – Mary Green	01622 221066
Background documents –See section heading	

Item D3**Submission of Investigation into Alternative Bridge Designs, Sittingbourne Northern Relief Road – SW/04/1453/R4**

A report by Head of Planning Applications Group to the Planning Applications Committee on 13 May 2008.

Submission of report by Jacobs for KCC Regeneration and Economy Division investigating alternative opening bridge designs for the proposed Milton Creek Crossing, as part of the proposed Sittingbourne Northern Relief Road, at Milton Creek, Sittingbourne.

Recommendation: Approval be given to the submitted investigation as satisfying the requirements of Condition (4) of planning consent SW/04/1453.

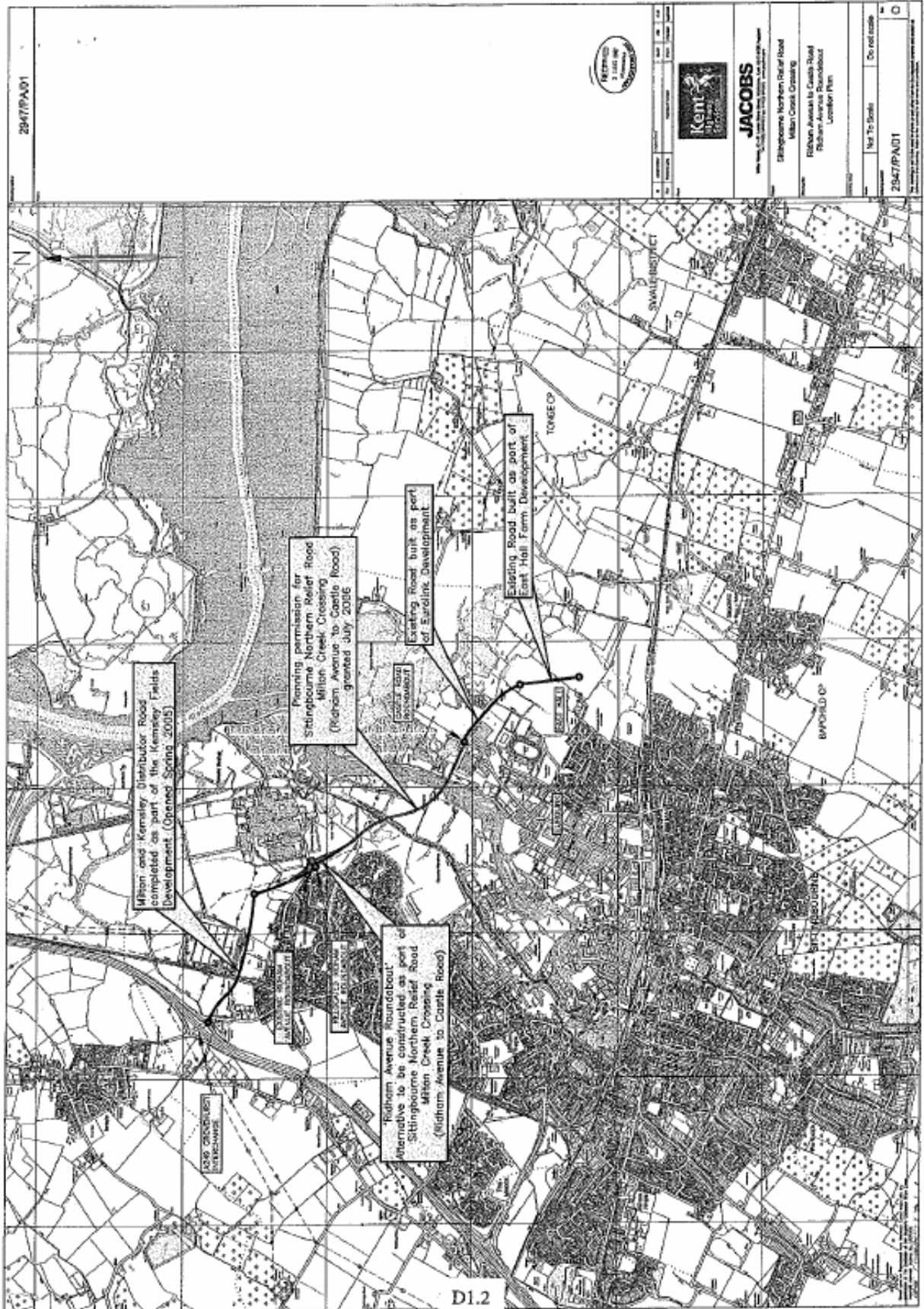
Local Member(s): Mrs B. Simpson & Mr R. Truelove

Classification: Unrestricted

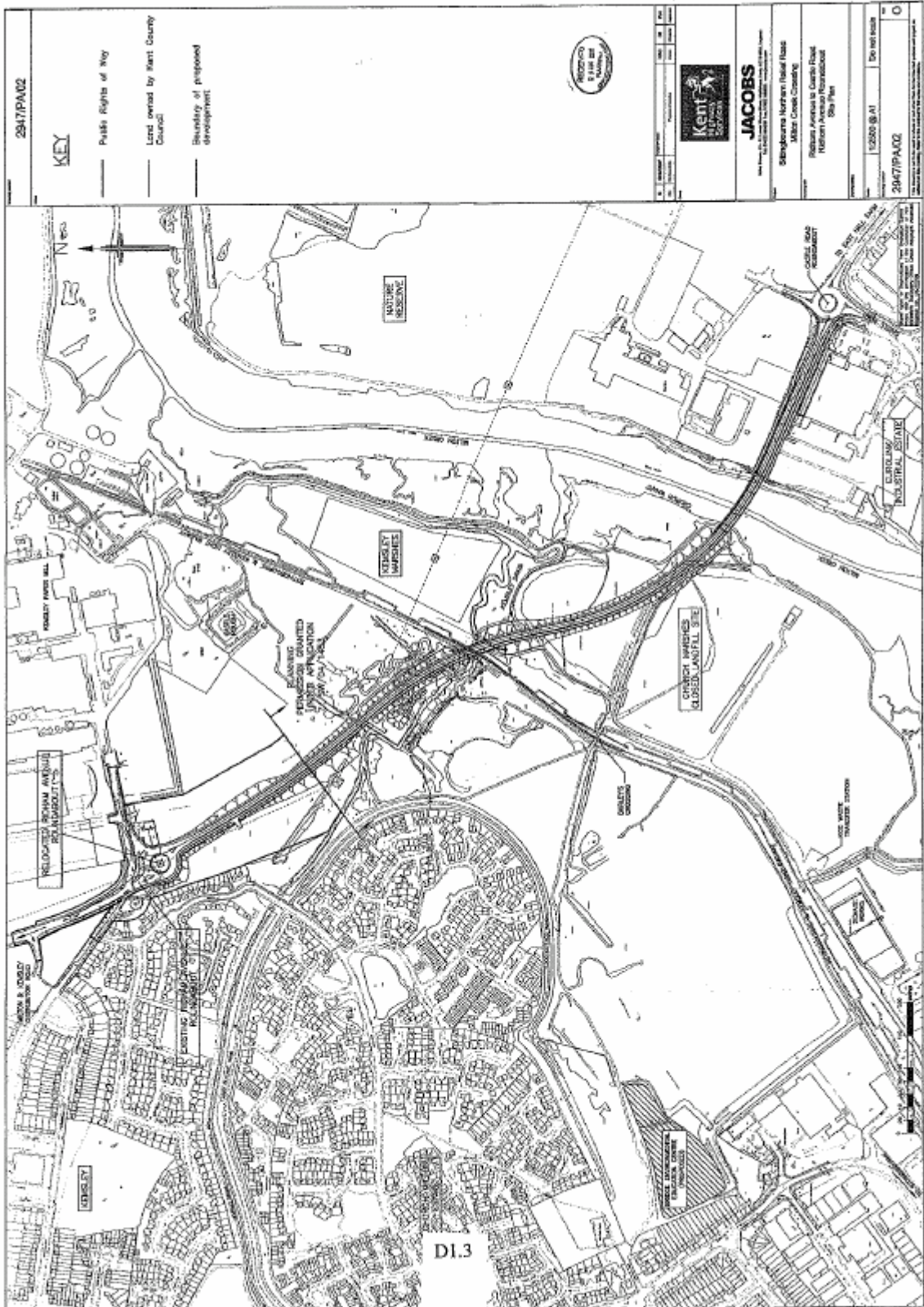
Background

1. Sittingbourne occupies the eastern extremity of the Thames Gateway regeneration area in Kent. A key component of the infrastructure proposals for regeneration in the Sittingbourne area is the completion of the Sittingbourne Northern Relief Road, which would ultimately link the A249 trunk road at Kemsley with the A2 to the east of the town, as well as enabling local environmental improvements in the town by the removal of much of its through traffic.
2. The western end of the Relief Road has already been constructed through developer funding, but the County Council is promoting the central section between Ridham Avenue and Castle Road, via a new east-west crossing of Milton Creek. This section is more problematic since it involves crossing the Church Marshes Country Park, a former landfill site, the Sittingbourne and Kemsley Light Railway, Kemsley Drain and Milton Creek, as well as impinging on a Special Landscape Area and a Site of Nature Conservation Interest, and being close to the Swale Special Protection Area, Swale Site of Special Scientific Interest and Swale RAMSAR Site.
3. The element of the Relief Road which would be the most costly in financial terms, and potentially in environmental terms, is the bridge crossing of Milton Creek. Considerable time and effort has therefore gone into deciding on the optimum design for the proposed bridge design, bearing in mind the potentially conflicting aspirations of the different interest groups involved. In particular, environmental bodies have pressed for as low a structure as possible, whilst ramblers and the boating community have argued for a higher crossing.
4. The planning application for the proposed Sittingbourne Northern Relief Road was submitted in November 2004 (under reference SW/04/1453), which was subject to Environmental Impact Assessment, as well as subsequent amendments before it was considered by the Planning Applications Committee in July 2006. Members resolved to grant consent subject to its referral to the Secretary of State as a departure from the approved Development Plan at that time, and subject to a range of detailed conditions. Planning consent was granted in September 2006 and, as further amended, in January 2008 (under reference SW/07/1032). The necessary Highway Orders (Compulsory Purchase Order and Side Roads Order) have since been published. A Public Inquiry into the Highway Orders is programmed for 8, 9, 10 July 2008 and further debate over the proposed crossing is likely given the objections already lodged. It would therefore be opportune for the Planning Applications Committee to come to its own decision on the planning merits of the preferred bridge design before the Inquiry opens.

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5. One of the conditions attached to the planning consent (Condition 4) requires the applicant to include an investigation of alternative opening bridge design solutions for the proposed crossing of Milton Creek by the new road. The reason for this condition was to ensure that the potential for maintaining access to the Creek by masted watercraft is fully explored. Representations had been made late in the planning consultation process on behalf of boating organisations, concerned that the height of the proposed bridge above the High Water mark (at 4.2 metres) would unduly restrict access by yachts to the upper reaches of Milton Creek, and would therefore potentially jeopardise any future aspirations for the development of water based leisure upstream of the bridge. Whilst the planning application already included a bridge design solution, which had been negotiated previously with interested parties, the final design was reserved pending further exploration of opening bridge designs. In particular, it remained to be seen whether a low level bridge could still be pursued which did not otherwise preclude the passage of all vessels beneath it, such as a lifting or swing bridge.

Proposals

6. The current submission seeks to address Condition (4) by way of a detailed report, which has been prepared since the planning decision was issued, together with various minutes of meetings with consultees on the report. The *'Moveable Bridge Investigation'* report was prepared by Jacobs as Kent Highway Services' engineering consultants and it concludes that a fixed link crossing of the Creek remains the appropriate solution having investigated various aspects including the operational practicalities for both road users and creek/creekside users, alternative opening bridge design solutions, and the engineering cost differentials involved:

"The original design and planning application proposed an air clearance at Milton Creek of 6.4 metres above Mean High Water Spring (MHWS) tide level. This clearance was set following discussions with the Sailing Barge Museum and barge owners using the associated Dolphin Yard. An air clearance of 6.4 metres was the lowest height that could accommodate the largest visiting barge with mast gear lowered.

During progress of the planning application, it became apparent that the Barge Museum and Dolphin Yard were likely to close prior to construction of the Milton Creek Crossing. A lower level crossing of the creek better suited a revised alignment adopted for the relief road with potential environmental and cost advantages. It was concluded that the air clearance should be reconsidered.

A revised air clearance at Milton Creek of 4.2 metres above Mean High Water Spring (MHWS) tide level was recommended to the KCC Highways Advisory Board on 10 January 2006 and subsequently approved on 13 January 2006. This clearance was supported by Medway Ports as an appropriate height to accommodate the majority of private motor cruisers found in the Swale and Medway estuary area. It is the minimum clearance which still accommodates pedestrian routes along the Saxon Shore Way to be maintained under the bridge.

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A Scheme under Section 106 of the Highways Act 1980 was published in February 2007 in order to obtain statutory authority to bridge a navigable waterway. This Scheme proposes a fixed bridge crossing of Milton Creek with 4.2 metres air clearance above MHWS tide level. Objections to the Scheme will be considered by the Secretary of State for Transport before deciding whether to confirm the Scheme or instruct that a public inquiry should be held.

Investigation Constraints

Following the closure of the Barge Museum and the Dolphin Yard, the current usage of Milton Creek is irregular and infrequent. In addition, it is not possible to predict the future usage of Milton Creek with any certainty without knowledge of firm plans for development upstream of the proposed crossing. An opening bridge is assumed, for the purposes of this investigation, to require unlimited headroom to cater for yacht masts. For the purpose of this investigation, the opening span has been assumed as 12 metres. This is based on the maximum beam of a Thames sailing barge with allowance for horizontal clearance on each side between the barge and the fenders. The minimum opening span which could accommodate a Thames barge is considered to be 9 metres. The cost sensitivity of reducing the opening span to this width has been considered as part of the investigation.

Options

There are three basic forms of moveable bridge which would be possible [swing bridge, bascule lifting bridge and hinged lifting bridge – see Appendix 1]. Comparisons have been made between the three forms but a further in-depth study would be necessary to establish the most efficient and cost effective solution for this site. This report considers a swing bridge to highlight the principal effects when comparing a moveable bridge to a fixed crossing.

Road Traffic

Highway traffic using the bridge would be delayed whilst vessels on Milton Creek are passing through the opened span of the bridge. The total period of closure is estimated to be at least 8 minutes for a single craft passing through the opening.

Traffic queues are likely to stretch back to Castle Road roundabout at every opening and additionally back to Ridham Avenue roundabout for openings carried out during peak periods. The restriction of bridge opening periods to avoid peak hours would reduce traffic queues and resulting delays.

Creek Traffic and Tide Availability

Milton Creek is a tidal inlet off The Swale. Ebb tides completely drain the creek of water leaving a narrow channel, approximately 10 metres wide at the bridge site. Navigation is limited therefore to periods either side of high water. During the summer period at least one high tide would be available everyday during the period 0600 to 2100 hours. On about 25% of days two high tides would be available. Excluding openings during peak periods for road traffic would reduce the number of days with two high tides available to about 18%. Outside the summer period at least one opening would be possible on 85% of days, reducing to 55% of days if peak periods are excluded.

Possible Modes of Operation

Initial review of the possible modes for operation has highlighted the follow options:

- 19. Issue keys to registered users*
- 20. Remote telemetry*
- 21. Call out as result of pushed button or radio / telephone contact*
- 22. Manned operation*

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presence is maintained during the opening and closure phase as a sensible safeguard against malfunction or abuse. Manual presence could be provided on a call-out or full time basis depending on the predicted costs for the anticipated number of openings.

Additional Capital Costs

The estimated additional capital costs of providing a moving structure as opposed to a fixed link is £3.5-£4m. This is likely to be of a similar order whichever solution is chosen. Reducing the opening span from 12 to 9 metres would give an estimated capital cost saving of £0.33 million. However, this reduction in opening span would have a negligible affect on the commuted sums to cover maintenance.

Maintenance and Operational Costs

Maintenance and operation costs for a moveable bridge are highly dependent on the number of openings taking place each year. The maintenance and operational costs for highway structures, built by Kent County Council, are normally funded from annual revenue expenditure budgets. These budgets are always under severe pressure because of the demands of maintaining the whole highway network. The estimated additional annual revenue costs for operation and maintenance of a moveable bridge, is between £20,000 and £80,000 depending on the annual number of bridge openings. Where highway structures are built as part of a development and proposed for adoption by the Kent County Council, the developer is required to contribute a commuted sum towards the maintenance and operational costs estimated throughout the life of the structure. The estimated additional commuted sum to cover operation, maintenance and capital renewal costs for a moveable bridge is between £565,000 and £1,990,000 depending on the annual number of bridge openings.”

Planning Policy

23. The Development Plan Policies summarised below are relevant to the consideration of the Milton Creek Crossing in particular:

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

Policy SW1 - Within the Thames Gateway part of the Swale measures to support economic regeneration and diversification at Sittingbourne and Sheerness/Queenborough will be pursued. Provision of the A249 Second Swale Crossing and the Sittingbourne Northern Relief Road (linking the A249 to the A2 to the east) are prime requirements for this.

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

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 EN3 - Kent's landscape and wildlife habitats will be protected, conserved and enhanced. Where a need for development in the countryside is justified, important features and characteristics will be retained. Proposals should reflect the need for conservation, reinforcement, restoration or creation of

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countryside character and provide for the appropriate management of important features and the wider landscape.

Policy EN5 - The primary objective of designating Special Landscape Areas is the protection, conservation and enhancement of the quality of their landscapes, whilst having regard to the need to facilitate the social and economic wellbeing of the communities situated within them.

Policy EN7 - Development which would materially harm the scientific or nature conservation interests of County and/or Local Wildlife designations will not be permitted unless there is a need which outweighs the local conservation interest, and adverse impacts can be adequately compensated.

Policy EN8 - Wildlife habitats and species will be protected, conserved and enhanced. Development likely to have an adverse effect, directly, indirectly or cumulatively, on important habitats or species, will not be permitted unless the adverse impact on an important nature conservation resource can be adequately mitigated and/or compensated.

Policy QL1 - All development should be well designed and be of high quality. Developments should respond positively to the scale, layout, pattern and character of their local surroundings.

Policy TP2 - Proposals for enhancing the transport network in Kent and Medway will be assessed according to their social, transport, economic and environmental effects, with specific regard to a number of criteria.

Policy TP4 - The programmed major transport schemes listed in the Plan (which includes the 'Sittingbourne Northern Distributor Road' (sections between Ridham Avenue and East Hall Farm)) will be promoted and land required for their construction safeguarded.

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.

(ii) The adopted (2000) **Swale Borough Local Plan** (Policies agreed by the Secretary of State to be further saved beyond 27 September 2007):

Policy E14 - Seeks long term protection for Special Landscape Areas

Policy E23 - Development appropriate to a location within the coastal zone will be required to protect, and where appropriate, enhance the landscape, environmental quality, wildlife habitat and recreational opportunities of the coast, acknowledging those natural processes such as flooding, erosion and sea level rise which influence the zone.

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- Policy E28** - Seeks long term protection of Ramsar Sites, Special Protection Areas, Special Areas of Conservation, National Nature Reserves and Sites of Special Scientific Interest.
- Policy E29** - Seeks to protect, amongst other things, sites of Nature Conservation Interest.
- Policy SS4** - Seeks to grant planning permission for developments which seek to enhance and complement the industrial and maritime heritage, the recreational potential and the wildlife interest of Milton Creek and the surrounding area.

Consultations

24. Further consultations have been carried out on the submitted details with those parties previously having expressed interest in this particular aspect, and the following further responses have been received:

Kent Highway Services confirms that the information provided demonstrates that the Condition could now be discharged.

Sittingbourne Yacht Club maintains its objections to the omission of an opening bridge design for Milton Creek, on the grounds of underestimating the importance of the Creek for leisure boating interests and its future potential for urban regeneration to the benefit of the town as a whole. Fuller views are included in Appendix 2 to this report.

Further views are currently awaited from the following and any views received by the date of the Committee Meeting will be reported verbally or circulated on the day:

Swale Borough Council
Natural England
The Royal Society for the Protection of Birds
Kent Wildlife Trust
The Sailing Barge Association
The Cruising Association

Representations

25. The submission has also been advertised in the local press, given the potentially wide geographical area of interest (transport, business and boating/recreation bodies) and the absence of any nearby residents to the site of the proposed crossing. No written responses have been received so far, but any subsequently received will be reported verbally at the Committee Meeting.

Local Members

26. The Local Members, Mrs. Simpson and Mr. Truelove, were notified of the submission on 14 April 2008, and any views received will be reported verbally at the Committee Meeting.

Issues

27. Whilst planning consent already exists for this section of the Sittingbourne Northern Relief Road, and has been subject to the additional scrutiny of the Environmental Impact

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Assessment process and the referral process to the Secretary of State, there is an outstanding conditional requirement to further investigate alternative bridge designs for the Milton Creek Crossing. In particular, the submitted fixed bridge design provides access beneath it for walkers to pass on the Saxon Shore Way and some watercraft on Milton Creek, but would restrict access for boats with masts unless it was either constructed greater height clearance or was of an opening design. Following representations made to the Committee Meeting in July 2006 by the (now) Sittingbourne Yacht Club, Members resolved that further investigation into opening bridge designs was warranted.

28. The Development Plan policy context is set out in paragraph 7 above, and was particularly relevant to the determination of the main planning application. Whilst some of these policies continue to have a bearing on the proposed Milton Creek Crossing, the principle of a bridge crossing has now been accepted and has received planning consent. The detailed design of the bridge is more a matter of balancing local considerations, bearing in mind the earlier undertakings to minimise disruption and any harm to wildlife interests. In particular, the crossing point is within a Site of Nature Conservation Interest and close to some of the highest ecological protection zonings, including a Special Protection Area, a Site of Special Scientific Interest and the Swale RAMSAR Site locality. Under the circumstances, the Planning Authority is duty bound to take due cognisance of the previously expressed views of the nature conservation bodies in response to the Environmental Impact Assessment process, since there is a limit as to how far the applicants can unpick the previously negotiated mitigation for wildlife interests.

29. Deciding on the optimum design of a crossing of Milton Creek has been particularly difficult from the outset, with a wide range of conflicting aspects to try and address. Clearly the final decision either will be a compromise only partly addressing some parties' concerns, or a balanced judgement more fully respecting the aspirations of some parties but setting aside those of others. The following factors are relevant to the decision, and one or more of these might inescapably govern its outcome:

- **visual intrusion** – a high level structure would be unduly intrusive in a sensitive natural landscape, recognised as of both local and regional importance
- **acoustic intrusion** – a high level structure would be difficult to contain road traffic noise, to the detriment of residential amenity
- **geology/hydrology** – tunnelling below the Creek would present prohibitively costly engineering problems and an onerous ongoing maintenance burden
- **biodiversity** – a high level or moveable raising structure would impede flight paths for birds in ecological protection areas of local, regional and international importance, and any narrowing or widening of the Creek to accommodate the more extensive engineering for an opening bridge would affect tidal flows, sedimentation rates/channel scour to the detriment of wildlife, the low water feeding grounds for waders and wintering birds, as well as the potential passage of boats
- **transportation** – the interruption of road traffic flows during the operation of an opening bridge would be detrimental to the local economy, increase vehicle emissions and encourage traffic to seek alternative routes through the town, and the operation and maintenance of an opening bridge would have significant ongoing revenue implications for the Highway Authority
- **urban regeneration** – a low level fixed bridge would hinder the future redevelopment of waterside sites in Sittingbourne by precluding water based transshipment and water based recreation such as marina berthing, to the detriment of the local economy

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- **water recreation** - a low level fixed bridge would restrict the passage of water craft other than motor cruisers, which would not normally be attracted to the Creek because of its naturally restricted gutway, to the detriment of boat users
 - **land recreation** - a low level fixed bridge would prevent the incorporation of Creekside moorings in an extension of the Church Marshes Country Park, to the detriment of local recreation
 - **capital costs** – a more expensive design solution might render the whole scheme no longer cost-effective, thereby jeopardising its eventual implementation to the detriment of the local economy and local residential amenity.
14. The notion of a fixed bridge was researched early on before the 2004 planning application was submitted, and was the result of discussions with the nature conservation bodies and Creek users at that time, including the Dolphin Sailing Barge Museum. Subsequent announcement of the closure of the Museum and the absence of any other regular uses of the Creek, provided the opportunity to then agree a lower clearance below the bridge with the nature conservation bodies. The previously agreed lower level of crossing also assisted with the visual intrusion and traffic noise mitigation dimensions, as well as minimising the disturbance to wildlife habitats, the low water bird feeding grounds and the movements of wintering birds. The more recent promotion of the Creek as a navigable waterway for both recreational use and potential waterside regeneration, warrants further consideration of some of the above determining factors.

Urban Regeneration

15. I would agree with the contention that many port and riverside towns have benefitted in recent years by the redevelopment of former waterside industrial areas. In Sittingbourne, the Creek has been used in the past in association with local industries such as brickmaking, but in recent decades these areas have largely been redeveloped for warehousing and other commercial activities which have no need for wharfage or indeed a waterside location. The Eurolink Business Park has long been allocated for accommodating the town's commercial development, and the scope for now integrating some more mixed use development is rather limited. Indeed, the Borough Local Plan only allocates one such area where possible residential and leisure uses could be developed, but this is at the head of the Creek where the waterside attraction will be very limited because, apart from occasional spring tides, the Creek will only bear water for a very short period each day.
16. Under the circumstances, the only option for capitalising on the creekside location for urban regeneration would be through the relocation of some of the existing commercial enterprises and the impounding of water to create a dock or marina type facility. Attractive though that might be, it would involve substantial capital investment and engineering works in the Creek, which would significantly alter its natural state and its environmental status as a result. In particular, the creation of a deep water channel and its regular dredging would destroy the wildlife habitats and remove the bird feeding grounds. Whilst that strategy has been consciously adopted in other creeks within the Swale and the Medway estuary, the counter argument is that the few remaining unadulterated creeks are all the more precious to retain in their natural state.

Water Based Recreation

17. Without either a higher fixed bridge design or some form of opening bridge, the proposed crossing of the Creek will restrict boat movements to either motor cruisers or small yachts capable of lowering their masts. My understanding is that motor cruisers are less likely to wish to visit Milton Creek because it is only has a narrow gutway, which could only be navigated at High Tide, and which is barely wide enough for two boats to

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pass each other without veering onto the tidal mudflats. Moreover, motor cruisers tend to require greater water depth because they cannot usually raise their propellers, and are less suited to mud berthing than yachts if they were to remain in the Creek between High Tides. Yachts are more likely to be attracted to the Creek, and many have motors which can be lifted out of shallow water, although I understand that the narrow channel might well sometimes restrict their ability to sail rather than proceed under power. Yachts are also more capable of berthing on mud by balancing on their keels, so I can appreciate the argument that a fixed bridge might be unduly restrictive and the reliance on mast lowering to pass under the bridge would tend to deter such vessels.

18. However, this matter needs to be kept in proportion, since there are other factors that presume against the wider use of Milton Creek by leisure craft. In particular, the tidal patterns are not conducive to extensive use of the Creek, with at best only a two hour window of opportunity to allow navigation. That would be about an hour either side of High Tide, which would not always be during daylight hours, and largely only when there are spring tides. I also understand that it would take most of the normal High Tide window to reach the head of the Creek and to then return again to the Swale. Unless some berthing facilities are created to cater for longer intertidal visits, it is difficult to envisage any extensive leisure use of the Creek. I am also advised that the entrance to the Creek is difficult for inexperienced sailors, and therefore inadvisable in the dark, which must also be a disincentive for many boat owners. Moreover, I understand that the Ports Authority does not undertake any channel dredging in this part at present, and that there would be objections from the nature conservation bodies to the erosion of the bird feeding grounds and disturbance of the tidal flows. Furthermore, it needs to be borne in mind that there is very little existing use of the Creek by boats, before any such bridge is constructed, so it is only any latent potential use which would be disadvantaged.

Land Recreation

18. The Church Marshes Country Park is currently under construction, and will provide an extensive green collar around the Church Milton housing development. The scope for its eastward extension to link up with the Creek is limited by the nature and uses of the intervening land, which encompasses a former landfill site, the Sittingbourne and Kemsley Light Railway line and Sittingbourne Sewage Treatment Works. Whilst the redevelopment of the waste site, the improved traversing of the railway line and the relocation of the sewage works is not an impossibility, they jointly present a formidable obstacle and a costly proposition, which pushes the notion of an extended Country Park into the realms of improbability. Indeed, the absence of such an aspiration being translated into the Swale Borough Local Plan does lend credence to this considered opinion.
19. Clearly an opening bridge would widen the scope for attracting more yachts to Milton Creek, notwithstanding the above findings about tide movements. However, the creation of creekside moorings is of doubtful value, given that they would only be of limited attraction to boat users because of the restricted High Water window of opportunity for movement, the extent of mud flats that would discourage motor cruisers and the poor and the restricted opportunity generally for moving under sail in the Creek. Given the existing undeveloped nature of the Creek's margins, the creation of berthing would necessitate some new retaining structures to provide any reasonable mooring, which would inevitably impact on the natural habitat and feeding grounds for wildlife. Removal of the Low Water mudflats is therefore likely to be resisted by the nature conservation bodies, and any regular dredging of the Creek channel might well be a cost that the Ports Authority and the Creek users are unlikely to bear.

Alternative bridge designs for Sittingbourne Northern Relief Road

Capital Costs

20. The cost of the eventual bridge solution is not in itself a planning consideration, but it has an inescapable bearing on what might be achievable. The Jacobs report has estimated that the additional cost of providing some form of opening bridge would be in the order of £3.5 to £4 million (at 2007 prices, so an 6.5% inflation supplement could reasonably be added to that). Operating costs are also estimated at an additional £0.5 to £2 million per year. Should the overall cost of the scheme alter its priority rating for funding, then there could be serious delays in its construction and major implications for realising some of the wider aspirations in the Borough Local Plan for developing the local economy, as well as achieving local environmental improvements by the removal of commercial and through traffic. The Highway Authority would also have to come to terms with the additional costs for manning the operation of any opening structure, as well as the additional costs for maintaining its mechanism in perpetuity.

Conclusion

21. There is no doubt that the construction of a fixed bridge at the proposed height would limit the movement of sailing vessels using Milton Creek. However, the issue does need to be kept in proportion since there are very few existing boat movements likely to be affected, and whilst such use could reasonably be expected to increase in the future, there are various inescapable factors that seriously limit that potential – prolonged Low Tide periods, narrow navigable channel, ecological restraints on dredging, berthing facilities and any impoundment, uncertainty over waterside regeneration proposals coming forward and unrealistic expectations for Country Park extension in the short term. Whilst it would be admirable if all movements of local leisure and business activity could be satisfactorily accommodated, with none being disadvantaged, I consider that it would be disproportionate to insist on a substantially more elaborate bridge design for the benefit of so few adventurous boat owners. Bearing in mind the possibility of also inadvertently threatening the special ecological protection status of the Creek, I have to advise in this particular case that the arguments put forward by the applicants for not pursuing an opening bridge be accepted.

Recommendation

22. I RECOMMEND that Members note the findings of the investigation into an alternative opening bridge design and APPROVE the submitted report as satisfying the requirements of Condition (4).

Case Officer – Jerry Crossley	01622 221052
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Background Documents – See Section heading, plus Planning Applications Committee Report D1 for the Committee Meetings held on 18 July 2006 and 15 January 2008.

Alternative bridge designs for Sittingbourne Northern Relief Road

Kent County Council
 Sittingbourne Northern Relief Road
 Milton Creek Crossing (Ridham Avenue to Castle Road)
 Moveable Bridge Investigation

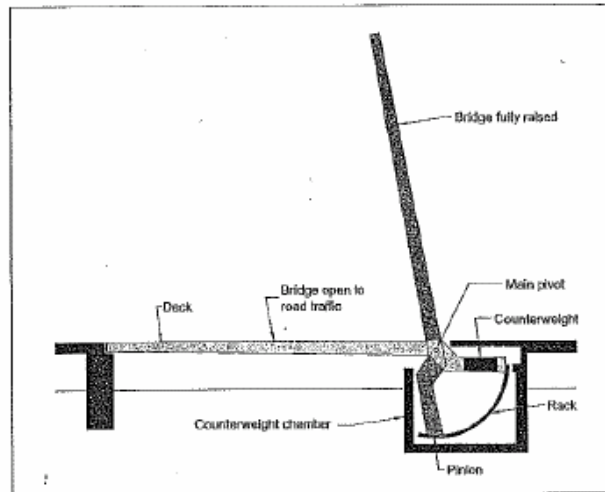
3 Options

3.1 Options Considered

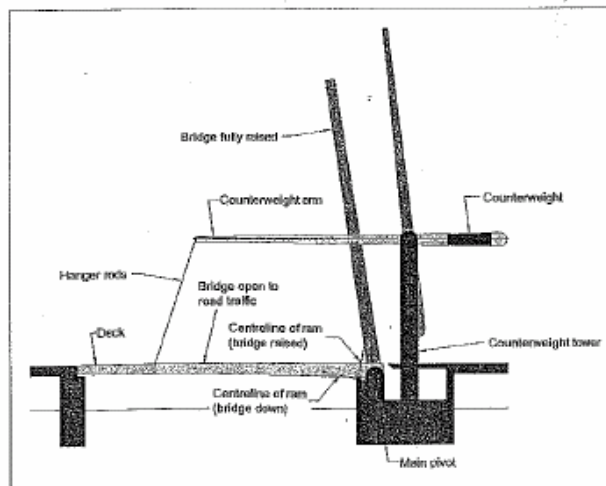
3.1.1.1 This investigation is for a moveable section of bridge within an overall longer structure to provide un-restricted headroom for pleasure craft using the creek. Lifting bridges similar to the Kingsferry Bridge, Sheppey are eliminated for the purposes of this investigation as they do not fulfil the requirement of very high / un-restricted headroom.

3.1.1.2 Research has indicated that there are three possible options for the moveable element of the structure, these being:-

- Option 1 - Lifting bridge (bascule) with counterweight below deck



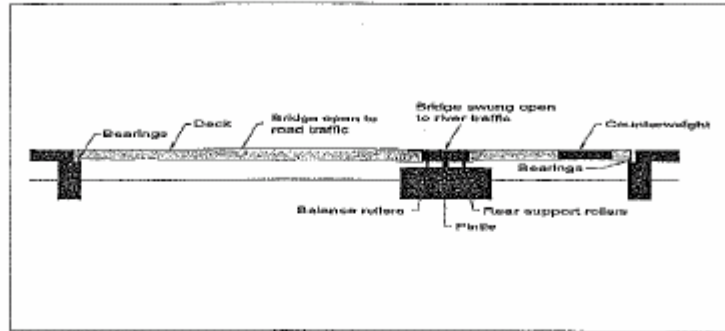
- Option 2 - Lifting bridge (bascule) with overhead counterweight



Alternative bridge designs for Sittingbourne Northern Relief Road

Kent County Council
 Sittingbourne Northern Relief Road
 Milton Creek Crossing (Ridham Avenue to Castle Road)
 Moveable Bridge Investigation

- Option 3 - Swing bridge



3.2 Comparison of Options

- 3.2.1.1 Over the length of the new structure the road alignment comprises a horizontal curve of 450 metres radius and is super-elevated. The structure will also follow this curve. The two bascule bridges (options 1 and 2) are suited to a straight road alignment as they pivot in a vertical direction. The effect of curvature and super-elevation would introduce out-of-balance loading on the pivot points and this would need to be fully investigated.
- 3.2.1.2 Changing the road alignment to better suit a bascule bridge may be possible although the full implications would need to be investigated. Such an alternative alignment would affect both the central landfill cell as well as the northern cell and cause added complications to the bridge over the railway. Reverting to the original scheme alignment across the domed landfill through the country park which would allow a straight bridge across Milton Creek is no longer considered a viable option.
- 3.2.1.3 To accommodate a curved road alignment the width of a bascule style bridge would need to exceed the normal horizontal carriageway cross section and have variable width footway/verges. This would further impact on the design for the remainder of the structure.
- 3.2.1.4 The following provides a comparison of advantages and disadvantages of the three types of construction.

Lifting bridge (bascule) with counterweight below deck	
Advantages	Disadvantages
The restriction on navigation is small	A wide and deep pier is required to accommodate the cantilevered counterweight
The mechanical arrangements for landing, moving and locking in position are straightforward and can be easily phased with road barriers etc	Access to the weatherproof enclosure to inspect and maintain the mechanical equipment is difficult and may compromise seals
	A large cofferdam, constructed in the middle of the creek, is required in order to build the pier and counterweight chamber

Alternative bridge designs for Sittingbourne Northern Relief Road

Kent County Council
 Sittingbourne Northern Relief Road
 Milton Creek Crossing (Ridham Avenue to Castle Road)
 Moveable Bridge Investigation

Lifting bridge (bascule) with overhead counterweight	
Advantages	Disadvantages
The restriction on navigation is small	Difficult inspection and maintenance of the overhead counterbalance
The mechanical arrangements for landing, moving and locking in position are straightforward and can be easily phased with road barriers etc	Requires attention to detail to overhead elements of the design to provide an aesthetically pleasing structure
The operating machinery can be kept below deck level in a watertight area with minimal risk of vandalism. The overhead counterweight allows a smaller enclosure which can be kept above water level in the creek.	A large cofferdam, constructed in the middle of the creek, is required in order to build the pier and counterweight chamber
	A wide pier is required to support pylons external to the width of the deck.
	Motive force increased as counterbalance attracts wind load

Swing bridge	
Advantages	Disadvantages
The main bridge support pier is a straightforward construction	The deck has to be lifted clear of its supports before the swing action takes place
The operating machinery can be kept below deck level in a watertight area with minimal risk of vandalism. No enclosures are required.	In its 'open' position the bridge lies parallel to the creeks channel. Protective measures founded in the creek are required to prevent craft impacting the bridge
The power to drive the bridge compared to that for the bascule bridges is considerably less.	A large diameter pier will be required to support the ring bearing
Straightforward inspection of critical elements	

3.2.1.5 There does not appear from investigations to-date, to be a preferred type of construction based upon span etc to give a clear cut indication of economic construction. Whilst the bascule solutions should not be disregarded from any more in-depth investigation, the remainder of this report concentrates on the delivery of a swing bridge.

Appendix 1 to Item D3 Alternative bridge designs for Sittingbourne Northern Relief Road

Kent County Council
Sittingbourne Northern Relief Road
Milton Creek Crossing (Ridham Avenue to Castle Road)
Moveable Bridge Investigation

Appendix C- Site Photos

Photo 1 - Bridge site at low tide

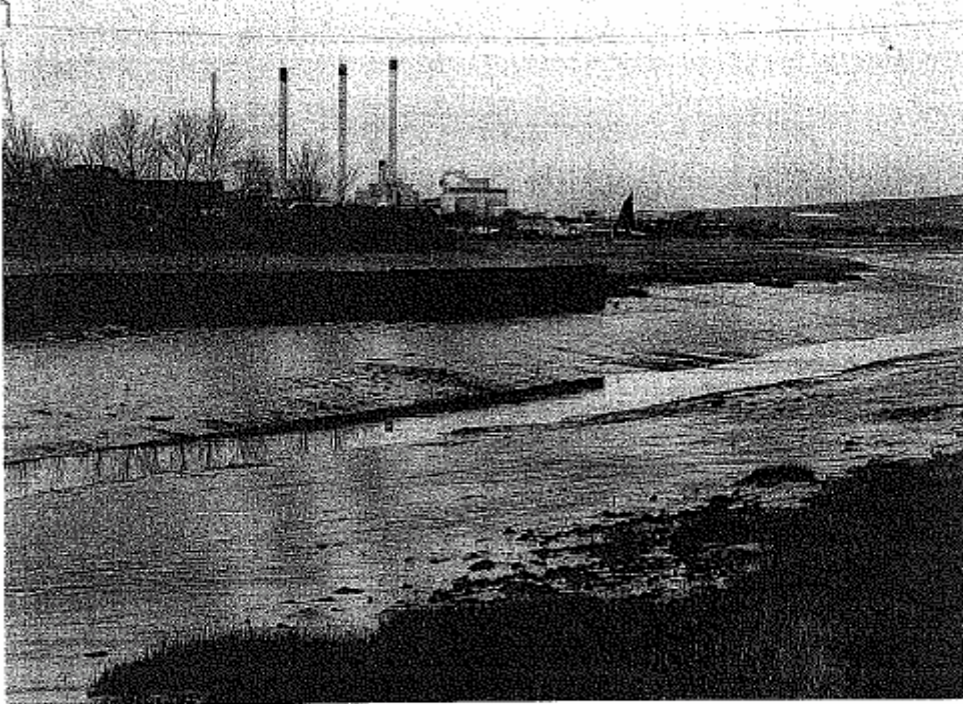
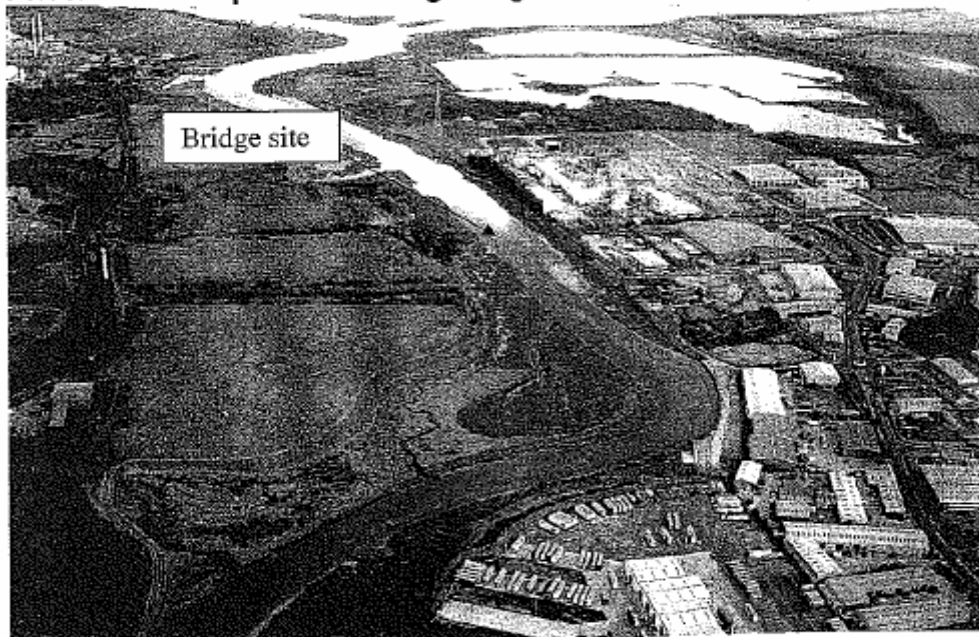


Photo 2 - Aerial photo showing bridge site –



Appendix 2 to Item D3
Alternative bridge designs for Sittingbourne Northern Relief Road



Daybreak at Milton Creek—1905
Painting of a photograph by local Artist—David Harvey

Milton Creek –will it survive

Presentation of images of the creek and lifting bridges that show the benefits to the community and for leisure that a working creek brings.

Sittingbourne Yacht Club
Medway Yachting Association



Bridge Location

A low level bridge will cut the creek in two and would prevent access by boats to the top which goes right into the centre of Sittingbourne.

There is no public vehicular access to the North of the bridge on either side of the Creek so there is little scope for the development of public leisure space there other than for walkers.

Appendix 2 to Item D3
Alternative bridge designs for Sittingbourne Northern Relief Road



Views above and below new Bridge Site.

Once the Bridge is constructed, this will be recognized as one of the most attractive viewing spots in Sittingbourne. This will generate an interest in realizing the benefits a waterway can provide.



Sailing Barges

Bargeman sculpture in Sittingbourne High Street

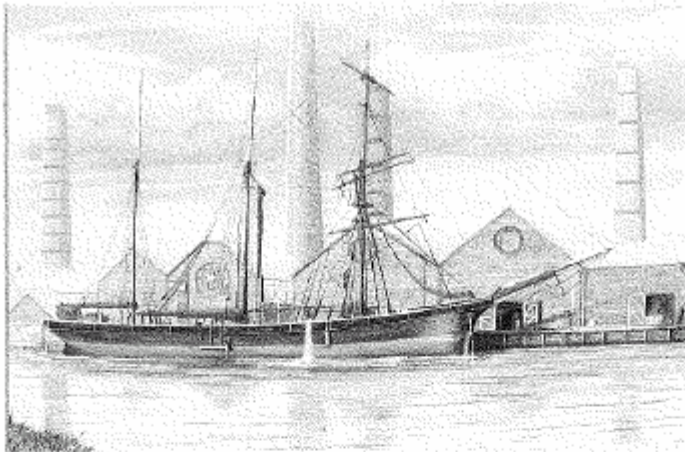
As a result of its history as a fishing port and the trade in cement and bricks, Milton Creek was an important trading and barge building port.

It has a barge museum and much could be made of its barge heritage along the creekside Saxon Shore Way.

A low level bridge would prevent Sailing Barges from being able to navigate the creek

Sailing Barges have a long term future. The centenary Medway barge match (race) is being held this year.

The 'Cambria' a frequent Milton Creek visitor has received £1M from the lottery heritage fund for its refit.



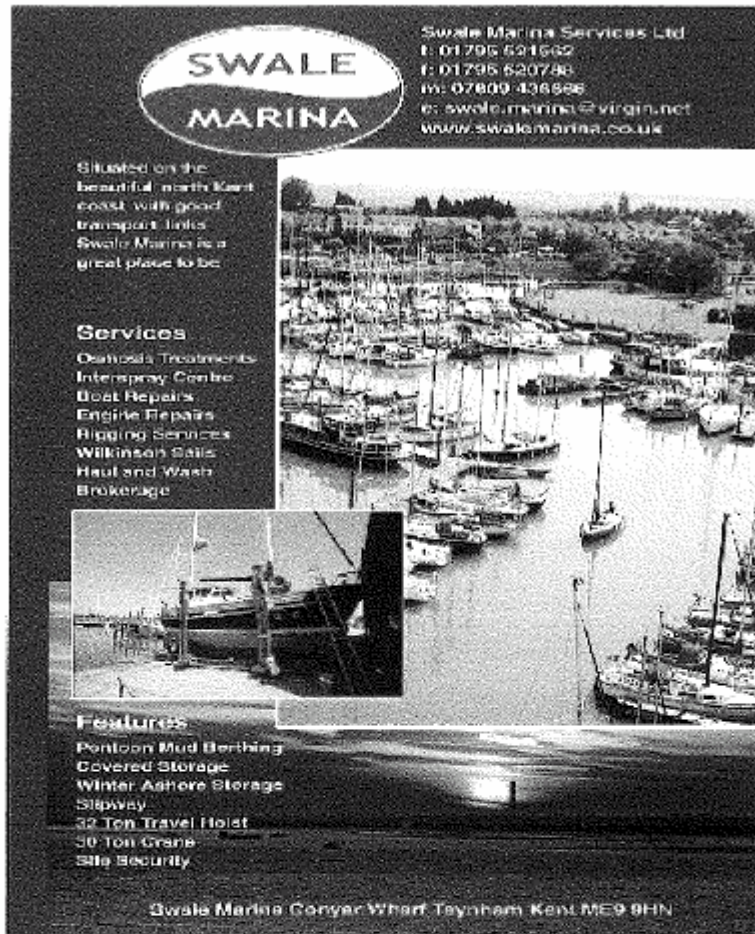
Quality Artist Print
Barquentine at Murston Cement Works
From a painting by Eric artist David
cadrassie@hotmail.com

Milton Creek—Navigability

This Barquentine used to regularly bring coal to Murston Quay and shows how navigable the Creek is.

This is a painting by a local Artist of an old picture. Pictures of the Creek are still popular despite the images dating from 100 yrs ago.

Alternative bridge designs for Sittingbourne Northern Relief Road



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Swale Marina Conyer Wharf Teynham Kent ME9 9HN

Swale Marina at Conyer is mainly occupied by Sailing Boats

Nearby Clubs are principally catering for sailing boats.

- Conyer Cruising Club – Sailing
- Hollowshore Cruising Club – Sailing
- Isle of Sheppey SC – Sailing dinghies
- Kingsferry Boat Club – Sailing and Motor
- Queenborough Yacht Club – Sailing
- Sittingbourne Yacht Club - Sailing

A low level bridge will prevent access by the masted boats that are based in the area.



Proposed Regeneration at Medway

Nowadays planners recognize the value of watersides and their designs feature quays, waterside walks and open spaces.

I am sure that this trend will not be ignored when Swales designers look at the top of Milton Creek .



Bascule Bridges at Cardiff Bay

Jacobs chose to investigate a swing bridge for their report, despite one of their subsidiaries having recently built these bascule bridges at Cardiff.

Sittingbourne YC's Chartered Engineer costs a bascule bridge at £2M. He has actually built one which is more than can be said for the Jacobs bridge report author.

Appendix 2 to Item D3
Alternative bridge designs for Sittingbourne Northern Relief Road



Havengore Bridge

Most Bridges on the Thames Estuary are Lifting
Bridges

Lifting (7) - Chatham Dockyard (2), Havengore,
Tower Bridge, St Kats, Kingsferry
London Docklands

Swing (4) - Limehouse, Potten Island, Faversham
(Broken), Sandwich

Fixed (2) - Dartford, Holehaven (Carries pipeline)



Lifting Bridge over River Cray for Howbury freight Terminal.

The proposal for this scheme was approved by the secretary of State after a Public Inquiry.

The applicant had discussions with the Port of London Authority and included a lifting bascule bridge in order to provide access for river traffic .



Lifting Bridge -Traffic delays

Tower bridge is in the centre of a big town and opens 1000 times a year. It is a major tourist attraction, people cope with the delays when it opens (In fact people like to watch bridges open)

Normal road traffic lights stop the traffic for 12 hours every day in each direction.

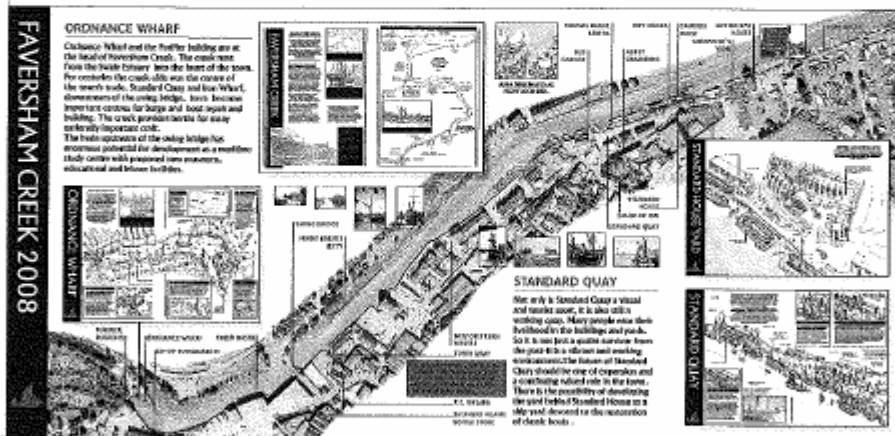
In comparison to a set of traffic lights, a lifting bridge over Milton Creek will cause minimal delays. It will mainly be opened at Weekends in the summer, once a day at High Tide and the duration will be 10 minutes maximum.

Alternative bridge designs for Sittingbourne Northern Relief Road



Views above and below the broken swing bridge at Faversham.

Below the bridge, a pub and restaurant front onto the creek, above the bridge the backs of buildings edge the creek and litter is not cleared away.



As a result of action by the local community in Faversham, there are plans for the bridge to be repaired to regenerate the stretch above the bridge and for the whole creek to be made more navigable.

Milton Creek currently is much like Faversham was 20 years ago and has an equal potential.

Faversham Raft Race

The value of a Creek

THE GAZETTE & TIMES, Wednesday, 19 July 2006

Plain sailing for raft of Creek race entries



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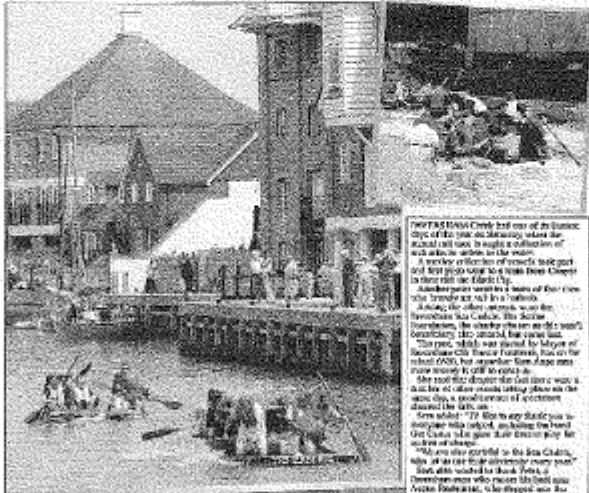
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Faversham Raft Race The value of a Creek

THE GAZETTE & TIMES, Wednesday, 19 July 2006

Plain sailing for raft of Creek race entries



PLAIN SAILING Creek had one of its quietest days of the year on Saturday when the annual raft race, in spite of a collection of such as it is, drew in the water.

A number of rafts of mixed make got off first past post to a finish line cheered in their own right.

It was a quiet affair with a number of the crew members not in a hurry to get on their feet. The race, which was held for the first time since the 1970s, had an air of the past. The raft that started the race was a simple one, a collection of wooden planks and a few poles, a professional of a sort.

It was a quiet affair with a number of the crew members not in a hurry to get on their feet. The race, which was held for the first time since the 1970s, had an air of the past.



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Appendix 2 to Item D3
Alternative bridge designs for Sittingbourne Northern Relief Road



Sittingbourne YC Regatta
2007

The Sea Cadets brought their toppers and managed to get 5 hrs of sailing in over the high tide.

The Indian canoe won the fancy dress prize.

Alternative bridge designs for Sittingbourne Northern Relief Road

The Document has been prepared by engineers and does not show any input by a town planner or chartered Surveyor. As a consequence it fails to discuss the issues related to "leisure and community".

Planning issues

The Report to Planning Committee of 18 July 2006 failed to take account of either KCC or Swale Planning Policies relating to the use of Milton Creek or any land adjoining the Creek. The "Deposit Kent & Medway Structure Plan (2003) (to be adopted in July 2006)" contains policies – E12, paragraph 4.34 and QL17 paragraph 4.39 - both advocate that rivers are an asset to be used for leisure and contribute to a sense of wellbeing and community

The "Swale Borough Local Plan, First Review, Re-deposit Draft, July 2005.." contains para 4.48 - Land Around Milton Creek

4.48 Some 75 hectares of land around Milton Creek is identified in Chapter 5 as an Area Action Plan under Policy AAP8 as a major opportunity for mixed-use development. The area already contains some existing employment land, and provision will need to be made for the retention and re-location where appropriate of these uses as development proceeds. The Council considers, however, that it is important that new employment opportunities are provided within the area as well, and it is considered that some 11,000 sq.m of new employment floorspace could be provided as part of the redevelopment itself. Policy AAP8 provides guidance as to how development will proceed in the area.

The key for the redevelopment rests in the developer, Tesco, who is assembling land around the Creek and in north Sittingbourne Town and their interpretation of Area Action Plan 8, guided by swale Borough Council

. The Swale BC comments in the report to the KCC Planning Committee said:

"Members of the Planning Committee considered it regrettable if the bridge over the Creek restricted longer term aspirations for the recreational use of the area and its use by taller craft. Whilst emphasising that they would not wish to see any delay in taking the scheme forward, Members requested the reconsideration of the height of the bridge, or consider whether some form of lifting bridge may be practical."

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.

- AS/06/2371 Request to amend the approved site layout pursuant to condition (4) and R4 & R7 (a-j) submission of outstanding details pursuant to condition 7 (parts a-j) of planning permission reference AS/06/2371.
Ripleys Yard, Ellingham Industrial Estate, Ellingham Way, Ashford
- DA/06/417/R8 Discharge of conditions 8 (details of external materials of the crushing plant) R9 & R10 condition 9 (details of current ground levels within the aggregate screening and crushing yard) and condition 10 (details of floodlighting) of planning permission DA/06/417.
FM Conway Ltd, Rochester Way, Dartford
- SH/05/53/R2 Minor amendments to approved plans and landscaping details of pumping & R15 station number 4 – Spitalfields Lane of the Greatstone first time sewer system.
Pumping station no. 4 Spitalfields Lane, New Romney
- SH/08/162 Siting of 2 Vacuum Monitoring Cabinets and 2 Air Admittance Cabinets to the first time sewer network to serve individual properties in Greatstone and Lydd on Sea.
Battery Road, Pleasant Road, Leonard Road and Baldwin Road, Greatstone, Lydd on Sea, Romney Marsh
- SH/08/168 Amendments to approved details of planning permission SH/05/53 including new widened access, changes to landscaping scheme and other minor amendments.
Pumping Station No. 3, Church Road, New Romney
- TM/98/1428 Submission of details in respect of vehicle data recording equipment & MA/98/1212 pursuant to Clause 6a, Schedule 3 of the Section 106 Agreement.
Allington Waste to Energy Plant, Allington Quarry, Laverstoke Road, Allington, Maidstone
- TM/02/3665/ Discharge of condition 10 (land for translocation of reptiles), condition 11 R10,11 & 12 (water management and water pollution prevention) and condition 12 (landscaping scheme) of planning permission TM/02/3665.
Holborough Road, Snodland, Kent

E1

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.

- AS/04/1708/
RC Amended car parking layout and cycle parking facilities.
The North School, Essella Road, Ashford
- AS/07/1578/
R22 Details of means for the disposal of spoil arising from the development.
Oak Tree Primary School, Oak Tree Road, Ashford
- AS/07/2283/R Amendment to scheme to extend library as permitted in planning permission
AS/07/2283.
Great Chart Primary School, Hoxton Close, Ashford
- AS/08/223 Provision of a playing field by conversion of an existing agricultural field,
including levelling, drainage and associated fencing works.
Mersham C of E Primary School, Church Road, Ashford
- AS/08/346 Creation of a new playground including change in site levels, creation of log
retaining structure, steps and ramps, trim trail creation, fencing and planting.
redevelopment of existing playground space including re-instatement of
playground edgings, removal of existing step structure, installation of a
multi-sport ball wall, and re-grading and re-seeding of grass banks.
Egerton CE Primary School, Stisted Way, Egerton, Ashford

E2

- CA/07/886/R Amendment to approved boundary fence scheme to allow removal of
existing trees and replacement with new tree and shrub boundary planting.

Whitstable Community College – Church Street Playing Fields – Church Street, Whitstable

- CA/07/1169/R4 Scheme for the disposal of foul and surface water pursuant to condition (4) of planning permission CA/07/1169 – Construction of new children and youth centre.
Parkside Centre, Kings Road, Herne Bay
- CA/08/382 Swimming pool refurbishment including replacement of existing enclosure for pool.
Simon Langton Grammar School for Boys, Langton Lane, Nackington Road, Canterbury
- DO/07/939/R2 Details of materials pursuant to condition 2 of planning permission DO/07/939.
Northbourne CE Controlled Primary School, Northbourne, Deal
- DA/08/209 Demolition of the existing Infant School, Classrooms & Nursery and construction of a 2FE Primary School & Nursery (including partial refurbishment of the existing Junior School), new vehicle and pedestrian access, car-parking and landscaping.
Oakfield Junior & Infant School, Oakfield Lane, Dartford
- DO/08/107 New extension to enclose DDA lift.
Sandwich Technology School, Deal Road, Sandwich
- DO/08/224 Provision of a vocational teaching space, to carry out courses in construction, rendering and plastering.
Sandwich Technology School, Deal Road, Sandwich
- GR/03/1052/R Minor amendments to the approved elevations, comprising changes to the roof to external covered area adjacent to amenity block permitted under GR/03/1052.
Trosley Country Park, Waterlow Road, Vigo, Meopham
- GR/07/792/R2 Details of materials pursuant to condition (2) of planning permission GR/07/792 – New 2-storey block.
Gravesend Grammar School, Church Walk, Gravesend
- GR/08/157 Single storey modular building with a flat roof and brick clad external walls for proposed Children's Centre.
Shears Green Infant School, Packham Road, Northfleet, Gravesend
- GR/08/176 Outside toilet block.
Lawn Primary School, High Street, Northfleet, Gravesend
- MA/06/1933/R10 Details of boundary treatments pursuant to condition (10) of planning permission MA/06/1933 for new apartment buildings.
Land at Tovil Green, Maidstone

E3

- MA/06/1933/R12 Details of pedestrian access arrangements pursuant to condition (12) of planning permission MA/06/1933 for new apartment buildings.
Land at Tovil Green, Maidstone

- MA/06/1933/
R13 Details of cycle parking pursuant to condition (13) of planning permission MA/06/1933 for new apartment buildings.
Land at Tovil Green, Maidstone
- MA/06/1933/
R19 Details of hard landscaping and surface treatment pursuant to condition (19) of planning permission MA/06/1933 for new apartment buildings.
Land at Tovil Green, Maidstone
- MA/08/388 Extension of existing car park.
Marden Primary School, Goudhurst Road, Marden, Tonbridge
- MA/08/505 Construction of a woodland pathway.
Maidstone Grammar School for Girls, Buckland Road, Maidstone
- SE/07/1914/
R11 Erection of new two storey teaching block. Extension and erection of four new single storey residential blocks – Details of foul and surface water drainage.
Valence School, Westerham Road, Westerham
- SE/08/525 Extension to side of school building.
Our Lady of Hartley Catholic Primary School, Stack Lane, Hartley, Longfield
- SE/08/735 Provision of a footpath from schools main vehicle entrance to playground area in accordance with the KCC school DDA audit report.
Chevening CE (aided) Primary School, Chevening Road, Chipstead, Sevenoaks
- SH/07/1646 Demolition of a timber building and construction of a single storey modular building for use as a community Children’s Centre, including the installation of canopy, external storage units, fencing and hard surfacing.
Morehall Primary School, Chart Road, Folkestone
- SW/06/1137
R5&R7 Details pursuant to condition 5 (landscaping) and condition 7 (external lighting).
Boughton-Under-Blean Methodist Primary School, School Lane, Boughton-Under-Blean, Faversham
- SW/07/1/R13 Details pursuant to condition (13) of planning permission SW/07/1 – A report relating to Anisodactylus poeciloides (ground beetles).
Land between A249, Neats Court Roundabout and Rushenden Road, including parts of Neats Court Marshes, Queenborough, Isle of Sheppey
- SW/07/1/R14
& R15 Details pursuant to conditions (14) & (15) of planning permission SW/07/1 - A report relating to fish.
Land between A249, Neats Court Roundabout and Rushenden Road, including parts of Neats Court Marshes, Queenborough, Isle of Sheppey

E4

- SW/07/1/R Proposed amendments to Rushenden Relief Road – 1. Short term proposal to amend the junction of the proposed Relief Road and Rushenden Road from a roundabout to a T-junction. 2. Revised access to Istil’s land to the north of Cullet Road roundabout.

Land between A249, Neats Court Roundabout and Rushenden Road, including parts of Neats Court Marshes, Queenborough, Isle of Sheppey

- SW/07/980/R Remodelling of one wing of the existing school buildings and formation of a new entrance canopy to provide new children's centre and small mental health facility for the local NHS primary care trust.
St. Mary of Charity Church of England Primary School, Orchard Place, Faversham
- SW/07/1304/R Amendment to retain DDA access ramp to front and rear of pre school nursery unit.
Bapchild & Tonge CE (aided) Primary School, School Lane, Bapchild, Sittingbourne
- SW/07/1304/R3 Details of landscaping scheme pursuant to condition (3) of planning permission SW/07/1304.
Bapchild & Tonge CE (aided) Primary School, School Lane, Bapchild, Sittingbourne
- SW/07/1442 Renewal of current planning consent for change of use from class A1 retail to class D1 non-residential education and training centre.
Unit 20, The Forum Centre, Sittingbourne
- SW/08/41 Single storey front conservatory.
Luddenham Primary School, Luddenham, Faversham
- SW/08/265 Erection of a new single storey physical education space with associated changing and WC facilities.
Highsted Grammar School, Highsted Road, Sittingbourne
- SW/08/397 Installation of two 2-bay mobile classrooms adjacent to pyramid centre.
The Westlands School, Westlands Avenue, Sittingbourne
- TH/08/259 Replacement of glazed curtain walling.
The Quarterdeck Youth Centre, Zion Place, Margate
- TH/08/351 Retention and continued use of the library/music/resource mobile.
St Nicholas-At-Wade CE Primary School, Down Barton Road, St Nicholas-At-Wade, Birchington
- TM/07/187/R6 Details of a scheme of landscaping – Construction of a new 1FTE primary school with nursery.
St James the Great Primary and Nursery School, Chapman Way, East Malling
- TM/07/199/R4 Details of tree protection plan and method statement pursuant to condition (4) of planning permission TM/07/199 – Two storey classroom extension and entrance.
Sussex Road School, Sussex Road, Tonbridge
- E5
- TM/08/574 Provision of two canopies over outdoor area to YR reception classroom.
Hildenborough CEP School, Riding Lane, Hildenborough, Tonbridge
- TW/08/733 Installation of roof mounted solar (and wind powered)* renewable energy generation system.

Claremont Primary School, Banner Farm Road, Tunbridge Wells

TW/08/770 Retention of 2 mobile classrooms: 1 single classroom and 1 double classroom.
Angley School, Angley Road, Cranbrook

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:-

DA/08/TEMP/0013 Section 73 application to vary condition (12) of planning permission DA/05/328 to allow the importation of additional type of wastes at Pepperhill HWRC & Transfer Station, Station Road, Southfleet, Gravesend

- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

None.

E6

E6 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

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- (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.

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