



## **AGENDA**

### **PLANNING APPLICATIONS COMMITTEE**

**Tuesday, 7th November, 2006, at 10.00 am**  
**Council Chamber, Sessions House, County**  
**Hall, Maidstone**

Ask for: **Andrew Tait**  
Telephone: **01622 694342**

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

#### **UNRESTRICTED ITEMS**

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

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

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 10 October 2006 (Pages 1 - 6)
4. Site Meetings and Other Meetings

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

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

1. Applications TW/06/502 - Variation of Condition 5 of Permission TW/93/1250 to extend the hours of operation at Household Waste and Recycling Centre, North Farm, Dowding Way, Tunbridge Wells; SITA UK Ltd. (Pages 7 - 18)
2. Application SW/05/744/R5 and R7 - (i) Importation of water by tanker or tractor and bowser (to supplement mains supply); and (ii) details of siting, design, external appearance, construction materials, finishes and colours of the proposed conditioning plant, external lighting, fencing and site drainage at Norwood Quarry and Landfill Site, Lower Road, Brambledown, Sheppey; Waste Recycling Group Ltd. (Pages 19 - 28)

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

1. Proposal CA/06/1187 - Retrospective application for the replacement of weldmesh fencing with metal palisade fencing at the shared school playing field off Spring Lane, Canterbury; Governors of Barton Court Grammar and Chaucer Technology Schools and KCC Children, Families and Education. (Pages 29 - 42)
2. Proposal DO/06/507 - Out of Hours Community Building at Sandwich Technology School, Deal Road, Sandwich; Governors of Sandwich Technology School and KCC Children, Families and Education. (Pages 43 - 54)

3. Proposal MA/06/118 - All-weather football pitch with associated fencing and floodlighting at Maplesden Noakes School, Buckland Road, Maidstone; Governors of Maplesden Noakes School and KCC Children, Families and Education. (Pages 55 - 64)
4. Proposal MA/06/1560 - New school building with Junior Classrooms, SEN (Special Educational Needs)/small group rooms, FSES (Full School Extended Services) building, staffroom and nursery; new Junior hard play area; reconfiguration of existing car parking off Rutland Way (including new access point, one-way system and additional parking); extension to existing dining room and reconfiguration of existing Infants block at Greenfields Community Primary School, Oxford Road, Maidstone; Governors of Gre (Pages 65 - 84)
5. Proposal DA/06/856 - Kent Thameside Fastrack, Everard's Link Phase 2, being the provision of a bus priority route linking the recently constructed bus/rail interchange with the new development at Ingress Park (including associated landscaping works) to form part of the Kent Thameside Fastrack Major Scheme at Land immediately north of the railway line between Station Road and The Avenue, Greenhithe; KCC Highways Advisory Board. (Pages 85 - 108)

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

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

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

##### **EXEMPT ITEMS**

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

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

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

Monday, 30 October 2006

**KENT COUNTY COUNCIL**

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**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held at Sessions House, County Hall, Maidstone on Tuesday, 10 October 2006.

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

OTHER MEMBERS: Mrs V J Dagger and Mr D S Daley.

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

**UNRESTRICTED ITEMS**

**70. Minutes – 12 September 2006**  
*(Item A2)*

RESOLVED that the Minutes of the meeting held on 12 September 2006 are correctly recorded and that they be signed by the Chairman.

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

The Committee agreed that those Members of the Committee who were unable to visit Sandwich Technology School that afternoon should have a second opportunity to visit the site on a date to be arranged.

**72. Planning Applications Group Business Plan 2006/07 – Half Year Progress Report**  
*(Item B1 – Report by Head of Planning Applications Group)*

(1) The Committee agreed that training should be provided in January and March 2007. Topics identified were Work with the Environment Agency, Climate Change, Flooding and a Tour of permitted developments.

(2) RESOLVED that:-

- (a) the half year progress against the current Business Plan be noted; and
- (b) the proposed minor revisions to the delegation arrangements set out in Appendix 1 of the report be agreed.

**73. Design and Access Statements**  
*(Item B2 – Report by Head of Planning Applications Group)*

RESOLVED that the report be noted and that further updates on the new requirements be reported to the Committee as part of the half-yearly Planning Applications Group Business Plan reports.

**74. Permission DO/03/477 – Proposed revisions to the Method Statement in relation to the Ecological Management Plan at the integrated waste management facility at Ramsgate Road, Sandwich; Thanet Waste Management Services Ltd.**

*(Item C1 – Report by Head of Planning Applications Group)*

RESOLVED that:-

- (a) the approval of the revised Ecological Mitigation Statement be noted; and
- (b) approval be given to the Head of Planning Applications Group to formally determine any future details submitted pursuant to outstanding Conditions under Permission DO/03/477 where, following statutory consultations no material planning objections are raised.

**75. Application TM/06/1899 – Variation of Condition 13 of Permission TM/01/3081/MR95 to allow for the retention of storage building and access road for the ongoing maintenance of the land at Land at Pearsons Sandpit, Addington Lane, Addington; Station Haulage Ltd.**

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

- (1) Correspondence from Trottiscliffe Parish Council was tabled.
- (2) RESOLVED that:-

- (a) permission be refused as the application represents inappropriate development in the Green Belt and Area of Outstanding Beauty. The applicant has failed to demonstrate the special circumstances necessary to override presumption against permitting the proposal. It is therefore contrary to Policies SS2, EN1, EN4 and EN5 of the Kent and Medway Structure Plan and Policy P2/16 of the Tonbridge and Malling Borough Local Plan;
- (b) the applicant be advised that the access road and associated buildings and hard standing must be removed and the site restored in accordance with the requirements of Permission TM/01/3081/MR95; and
- (c) close supervision be kept on the restoration of the site, and a final progress report be given to Regulation Committee in respect of any future enforcement action deemed necessary.

**76. Application TM/06/2171 – Recycling of inert waste/crushing and screening to produce secondary aggregate at Borough Green Landfill Site, Wrotham Road, Borough Green; Cemex UK Materials Ltd**

*(Item C3 – Report by Head of Planning Applications Group)*

*(Mrs V J Dagger was present for this item pursuant to Committee Procedure Rule 2.24 and spoke)*

- (1) The Head of Planning Applications Group tabled an amplified recommendation. This included advice received from the Environment Agency.
- (2) The Head of Planning Applications Group agreed to consult the Local Member and Mr J F London concerning the wheel wash Condition.
- (3) RESOLVED that:-
  - (a) permission be granted to the proposed subject to conditions including the standard time condition; the development being carried out in accordance with the plans and specifications for the approved restoration scheme; restriction on overall movements of

traffic associated with the combined operation to the maximum levels associated with the landfill operation; full adherence to all conditions under the original infill consent, including traffic restrictions during school travel periods; wheel washing; and further noise assessments being submitted for written approval from the County Planning Authority should the screening and crushing facilities need to be moved to a different location; and

(b) the applicant be advised of the advice offered by the Environment Agency.

**77. Proposal MA/06/859 – Extension, refurbishment and new build to an existing special needs school, including a new sports hall, secondary school extension and specialist classroom block at Bower Grove School, Fant Lane, Maidstone; Governors of Bower Grove School and KCC Children, Families and Education.**

*(Item D1 – Report by Head of Planning Applications Group)*

RESOLVED that permission be granted to the proposal subject to conditions including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; external materials being submitted for approval; details of the levels of the re-graded playing field; a scheme for the disposal of foul and surface waters; a scheme of landscaping, its implementation and maintenance; protection of nesting birds; hours of working during construction; prevention of access for construction vehicles at peak school times; and prevention of mud being deposited on the highway.

**78. Proposal TH/06/887 – New multi-use play area with floodlights at Dame Janet Junior School, Newington Road, Ramsgate; Governors of Dame Janet Junior School and KCC Children, Families and Education.**

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

(1) Mrs E Green and Mr A R Poole made declarations of Prejudicial Interest as they had each allocated £1,000 to the project from their Member Community Grants. They left the Chamber and took no part in the debate on this item.

(2) The Head of Planning Applications Group tabled an amplified recommendation.

(3) RESOLVED that permission be granted to the proposal subject to conditions including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the use of the development being limited to between the hours of 8.00 am and 9.00 pm on Mondays to Fridays only; the use of the development being restricted solely to use by pupils of Dame Janet Junior School between the hours of 8.00 am and 4.30 pm on Mondays to Friday s during term time; on-site car parking being made available during hours of use; inspection of the lighting installation by a qualified lighting engineer; and controls over hours of working during construction.

**79. Proposal DA/06/779 – Retention of temporary access off Heath Lane for construction vehicles in connection with the Westgate School project at Westgate School Dartford Campus, Heath Lane, Dartford; KCC Children, Families and Education**

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

(1) The Head of Planning Applications Group was asked to write to the applicant about the concerns of local residents over noise outside the gates before 7.00 am, and requesting them to take measures to prevent it.

(2) RESOLVED that permission be granted to the proposal subject to conditions including conditions covering the removal of the temporary access and the reinstatement of the land on or before 31 December 2008; the submission of a landscaping scheme for the reinstatement of boundary fencing and planting; details of dust suppression measures; prevention of mud being deposited on the highway; and hours of working during construction.

**80. Proposal MA/06/1584 – Retention of existing mobile classroom with change of use to a nursery unit at Archbishop Courtenay CE (Aided) Primary School, Church Road, Tovil, Maidstone; Governors of Archbishop Courtenay CE Primary School and KCC Children, Families and Education**  
*(Item D4 – Report by Head of Planning Applications Group)*

*(Mr D S Daley was present for this item pursuant to Committee Procedure Rule 2.24 and spoke)*

(1) Mrs A Chew from Tovil Parish Council addressed the Committee in support of the proposal. Mrs M Brookes (Headteacher of Archbishop Courtney CE Primary School) spoke in reply.

(2) Mr A R Poole moved, seconded by Mr T Gates the motion set out in paragraph (5) below.

(3) Mr T Gates moved as an amendment that the year 2009 be substituted for 2008. As there was no seconder, the amendment was lost.

(4) On being put to the vote the original motion was carried by 9 votes to 5.

(5) RESOLVED that:-

- (a) permission be granted for the retention of the mobile, for use as a nursery only, for the period up to 31 December 2008 or until the completion of the new primary school at Eccleston Road, Tovil; and
- (b) the Managing Director of Children, Families and Education be informed of the Committee's decision and the reasoning behind it.

**81. Proposal TM/06/2342 – Redevelopment to provide integrated highway depot comprising offices, garaging, salt barn, and storage areas with associated parking and landscaping at The Poplars Business Park, London Road, Wrotham; KCC Highway Services**  
*(Item D5 – Report by Head of Planning Applications Group)*

(1) The Head of Planning Applications Group recommended to the Committee that consideration of this item should be deferred to enable proper investigation of the effects of reducing the number of principal depots in Kent from three to two. This was agreed.

(2) RESOLVED that consideration of this item be deferred.

**82. Proposal TH/06/464 – Extension to provide 3 classrooms, three-court sports hall and gym with ancillary storage, changing and WC facilities, extension to 3 existing classrooms and provision of new vehicular access and car park at St Anthony's School, St Anthony's Way, Margate; Governors of St Anthony's School and KCC Children, Families and Education**  
*(Item D6 – Report by Head of Planning Applications Group)*

(1) The Head of Planning Applications Group reported the receipt of correspondence from Thanet District Council raising no objection to the proposal.

(2) RESOLVED that permission be granted to the proposal subject to conditions including the standard time limit; the development being carried out in accordance with the permitted drawings; the submission of a desk top study into previous land uses along with further survey works and completion of remedial work as appropriate; hours of operation during construction; no external lighting being installed without prior approval; the provision of car parking spaces prior to first occupation; the provision of appropriate visibility splays; all works to the public highway being completed in accordance with Kent Highway Services specifications; and submission of details covering foul and surface water drainage.

**83. Proposal DO/06/1034 – Retention and renewal of consent for a mobile classroom at Sir Roger Manwood’s School, Manwood Road, Sandwich; Governors of Sir Roger Manwood’s School and KCC Children, Families and Education.**

*(Item D7 – Report by Head of Planning Applications Group)*

(1) A further letter from Christine Daley, a neighbouring resident objecting to the proposal, was circulated to all Members of the Committee.

(2) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions requiring the removal of the mobile classroom on or before 31 October 2008 with the site being returned to its former use; and the development being carried out in accordance with the approved plans; and
- (b) the school be strongly urged to investigate the provision of permanent accommodation if the school roll remains at its current level or increases; and to also explore the potential for increased car parking provision in that eventuality.

**84. County Matters dealt with under Delegated Powers**

*(Item E1-E6 – Reports by Head of Planning Applications Group)*

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

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils or Government Departments;
- (c) County Council developments;
- (d) detailed submissions under Channel Tunnel Rail Link Act 1996 (None)
- (e) screening opinions under Environmental Impact Assessment Regulations 1999 (None); and
- (f) scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

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SECTION C  
MINERALS AND WASTE DISPOSAL

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

## **Item C1**

### **Variation of Condition (5) of permission TW/93/1250 to extend the hours of operation – Household Waste & Recycling Centre, North Farm, Tunbridge Wells – TW/06/502**

A report by Head of Planning Applications Unit to Planning Applications Committee on 07 November 2006.

Application by SITA UK Limited for the variation of condition (5) of permission TW/93/1250 to extend the hours of operation at the Household Waste and Recycling Centre, North Farm, Dowding Way, Tunbridge Wells.

Recommendation: Permission be part granted and part refused.

**Local Member(s): Kevin Lynes & James Scholes**

**Classification: Unrestricted**

#### **Site**

1. This existing Waste Transfer Station and Household Waste Recycling Centre, which occupies some 0.6 hectares, is located along Dowding way, within the North Farm Industrial Estate on the north eastern outskirts of Tunbridge Wells approximate 2.5Km from the Town Centre. The site forms part of an established industrial centre. New light industrial units are present to the south of the site, with open land located to the north. The route to the site is accessed via the A21 trunk road located 1km to the east of the site. A site plan is attached.
2. The site lies approximately 500 metres from the nearest concentration of housing and no traffic movements associated with activities on site pass through these locations. However, two properties at the entrance of the industrial estate, where the A21 meets Longfield Road, are located along the route for HGVs, although set back from the road (see plan on page C1.3).
3. The facility comprises two separate elements with the western section open to the public, consisting of the Household Waste Recycling facility, whilst the commercial processing area lies within the eastern section.
4. The commercial operations currently undertaken comprise the delivery of waste in commercial vehicles, processing to remove recyclable materials (wood, metal, cardboard, soil and hardcore) and subsequent transfer of remaining material to landfill sites located in Essex. All material is deposited into the covered building located in the central area of the site, before being processed by use of a power shovel, which operates both internally and externally over concrete hardstanding. The recyclable material is deposited into large bays, with separate bays for each type of material. Commercial vehicles are weighed on entry and exit from the site.

SECTION C  
MINERALS AND WASTE DISPOSAL

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

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### **Variation of Condition (5) of permission TW/93/1250 to extend the hours of operation at the Household Waste & Recycling Centre, North Farm, Tunbridge Wells – TW/06/502**

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#### **Background**

5. Planning permission was granted in February 2004 (ref: TW/93/1250) for the redevelopment of the original waste recycling centre to provide a covered waste management facility together with the retention of an existing workshop and compound area. Conditions (5) and (6) of the permission state:
  - (5) “no operations shall take place upon the site, nor shall there be any movement of waste transporting vehicles to and from the site, other than that in accordance with the provisions of condition (6), except between the following times: 0700 to 1800 hours Monday to Saturdays; no such work or activities shall be undertaken at any time on Sundays, Bank Holidays or other Public Holidays other than those detailed in Condition (6) below, without the prior written approval of the County Planning Authority;”
  - (6) “notwithstanding the provisions of condition(5) above, the householders waste recycling area shall not be open to the public except between 0700 to 1800 hours Monday to Saturdays, and 0900 to 1800 hours Sundays without the prior written approval of the County Planning Authority”.

#### **Proposal**

6. As part of the drive to reduce reliance on landfill and to deal with more of Kent’s waste arisings within the County Waste is due to be transferred to Allington Waste to Energy Plant rather than to landfill in Essex as currently occurs.
7. SITA UK Limited has submitted an application to vary condition (5) of permission TW/93/1250. The variation relates to an extension of current working hours in order to facilitate the supply of waste material to the Allington Plant.
8. The proposal is to dispatch waste from the site within the extended hours of 0530 to 0700 and 1800 to 2300 (Monday to Sunday).
9. The number of vehicle movements within the extended hours is anticipated as being between 7 and 10 vehicle movements per hour in the morning period and a further 7 to 10 per hour in the evening. It is anticipated that overall there would be between 200 and 220 vehicle movements per day.
10. With the exception of HGVs transporting waste, the only external plant operating on site within the proposed extended hours would be the existing wheeled loader (currently – 120E Volvo Waste Eater).
11. In support of the proposal the application included a noise assessment, which has been supplemented by further information in the light of concerns raised by consultees regarding potential noise impacts. This included an additional background noise survey undertaken at the site during the early morning at noise sensitive receptors. An assessment of the noise levels generated by vehicles and plant using the site during the proposed extended hours has also been undertaken.

**Variation of Condition (5) of permission TW/93/1250 to extend the hours of operation at the Household Waste & Recycling Centre, North Farm, Tunbridge Wells – TW/06/502**

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**Planning Policy**

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

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

**Policy SP1** - Conserving and enhancing Kent's environment and ensuring a sustainable pattern of development.

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

**Policy NR5** – The quality of Kent's environment will be conserved and enhanced.

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

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

**Policy W1** – The Local Planning Authority will make provision in accordance with the principles of sustainable development for wastes arising in Kent to be dealt with in Kent.

**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, odour and other emissions and landfill gas, particularly in respect of its potential impact on neighbouring land uses and amenity.

**Policy W22** – The planning Authority would normally refuse permission if it is considered that the proposed necessary highway improvements or the effects of vehicles travelling to and from the site, would adversely affect the safety of the highway network, the character of the area and the local environment.

**Policy W26** – The Planning Authority will normally grant permission for waste management facilities conditioned to operate between the hours of 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturday. Any proposals to work outside of these hours will be considered where operational factors justify greater flexibility.

**Consultations**

13. **Tunbridge Wells Borough Council:** raises objection to the proposal pending consideration of further details required to assess the impact of road traffic and to ensure that the application will not result in a detrimental impact on amenities of

**Variation of Condition (5) of permission TW/93/1250 to extend the hours of operation at the Household Waste & Recycling Centre, North Farm, Tunbridge Wells – TW/06/502**

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surrounding residential properties.

**Southern Water:** No comment.

**Environment Agency:** No objection.

**Divisional Transportation Manager:** No objection.

**Jacobs Noise:** Comments as follows:

Noise from Site

I would have liked to see some reference in the Noise Assessment to MPS 2 Annex 2 Noise. However, in following the guidance in MPS 2, the correct methodology to use is that given in BS 5228.

No calculations have been included within the submission so it has not been possible to check the prediction of 29dB(A) at the nearest noise sensitive property, nor whether the assumptions made within the calculation are appropriate. I have however undertaken a very simple calculation based on the distance and screening involved and if the plant were on 100% of the time, noise levels would be way below the existing levels experienced during the early morning/evening periods. It should not therefore be noticed amongst the other noise sources in the area.

Following receipt of the additional noise report submitted for the proposed extension of hours, Jacobs Noise consider that this now clarifies what was said in the Applicant's earlier report, that the area is already noisy in the early morning period and that the additional noise from 10 vehicle movements in an hour will not make significant impact to existing noise levels.

Traffic Noise

All HGVs leaving the site (in the proposed extension of hours) are stated to be going towards the A21 for the journey to Allington, and not therefore travelling through residential areas.

The assessment undertaken for traffic noise has used the assumption of all HGVs in the proposed extension of hours passing the closest noise sensitive receiver, which should never occur in reality. Even in this scenario, noise levels are not predicted to make a significant impact on existing noise levels, which are already stated to be high.

**KCC Waste Management:** "The Waste Disposal Authority welcomes the proposal. The existing facility is integral to current and future arrangements for the Tunbridge Wells area. Under the provision of existing contractual arrangements there is the option to divert material away from final disposal to landfill and to feed into the imminently operational Allington EfW facility".

"Operationally the request to extend the hours of working would be a particularly welcome outlet for treating this category of material".

**Variation of Condition (5) of permission TW/93/1250 to extend the hours of operation at the Household Waste & Recycling Centre, North Farm, Tunbridge Wells – TW/06/502**

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**Local Member**

14. The local County Member(s), Mr K. Lynes and Mr J. Scholes were notified of the application on the 18 April 2006.

**Publicity**

15. The application was publicised by the posting of a Site Notice, advertisement in the local newspaper and individual notification of 8 neighbouring properties.

**Representations**

16. No letters of representation have been received to date.

**Discussion**

17. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
18. The proposed variation of the existing planning conditions relates solely to the extension of current working hours associated with the commercial operations at the site, in order to facilitate the supply of waste material to the soon to be operational Energy from Waste plant located at Allington. Members' attention is drawn to Policy W26 of the adopted Kent Waste Local Plan (KWLP). This sets operating hours consistent with the condition set in Condition (5) of permission TW/93/1250. Policy W26 requires the applicant to demonstrate that operational requirements require greater flexibility. KWLP Policy W18 requires the applicant to demonstrate no unacceptable impact by way of noise on neighbouring landuses and amenity.

**Operational Flexibility**

19. As required by Policy W26, I am satisfied that allowing an increased time period for the dispatch of vehicles from the site to Allington would increase operational efficiency and that this would be beneficial to the community as a whole by staggering the delivery of vehicles at the Allington facility, which is located in an area that suffers from traffic congestion during the morning and evening traffic peak hours.

**Noise – From HGVs:**

20. Policy W18 requires consideration of the potential impact of the proposed extension of hours on residential amenity, an issue that is of concern to the Borough Council.
21. The additional background noise surveys during the morning period have gone some way to address the initial concerns of the Borough Council, particularly in relation to the number of surveys undertaken and their location in relation to nearest noise sensitive properties (figure 1 on page C1.3). However, the Borough Council remains concerned with regards to increased levels of traffic movements in the early mornings and late at night, making specific reference to the potential occurrence of sleep disturbance.



## **Item C1**

### **Variation of Condition (5) of permission TW/93/1250 to extend the hours of operation at the Household Waste & Recycling Centre, North Farm, Tunbridge Wells – TW/06/502**

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22. The additional monitoring included 3 weekdays (Wednesday to Friday). No weekend monitoring has been undertaken, which in my opinion is the time when people look forward to a “lie in” and when other premises on the industrial estate are more likely to be closed. Consequently background noise levels are reduced resulting in a greater influence from external noise sources. I do not therefore consider the potential impact from extended hours during the weekend has been satisfactorily addressed. I would therefore advise that if Member’s are minded to permit, that this be restricted to the extended hours proposed for Monday’s to Friday’s only.
23. I am mindful however, having regard to the advice from Jacobs that nearby residential properties are likely to already experience existing high levels of road traffic noise from the use of the A21 (attached plan) to the east as well as from traffic using Longfield Road itself even in the early hours of the morning, including during the weekends. Therefore, should permission be granted restricted to weekdays only I would recommend that the applicant be invited to provide further supporting information should they wish to operate extended hours at weekends, which can then be considered separately on its merits.
24. With regards to the nearest concentration of housing, I consider that at 500m distance, with an industrial estate being located between the housing and the site, it is unlikely that noise as a result of the extension of hours would increase above those levels already experienced. Jacobs Noise consultants are also of this view.

#### **Noise – From Site**

25. Tunbridge Wells Borough Council has also raised objection based on potential increase in noise disturbance from the site on nearby properties. Jacobs noise consultants have stated that, although residents in Hornbeam Avenue have line of the site and of the top of the structure, this structure should be providing a barrier effect on any noise generated from within the building. The application does not include any activity taking place above this structure.
26. The applicant has confirmed that only one wheeled loader would be used on site during the extended hours, and not “dozers, dump trucks and loaders” as Tunbridge Wells Borough Council implies. I consider that the use of this item of plant (or no noisier plant) only during extended hours can be restricted by condition.
27. The application to vary an existing condition on planning consent TW/93/1250 does not involve changes permitted operations but rather an increase in despatch hours in order to supply waste materials to the Waste to Energy Plant at Allington. On the basis of advice from Jacobs, I do not therefore consider there would be any material increase in noise levels generated from the site.

#### **Traffic**

28. The Borough Council does not consider that account has been taken of the route of the vehicles beyond the immediate area. With the exception of two properties HGVs would not travel past residential property, rather industrial units.

### **Variation of Condition (5) of permission TW/93/1250 to extend the hours of operation at the Household Waste & Recycling Centre, North Farm, Tunbridge Wells – TW/06/502**

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29. The attached plan on page C1.2 shows the route for HGVs entering and exiting the site and industrial estate. This route is the approved route for all vehicles delivering waste from the site to the Allington Waste to Energy Plant. Tunbridge Wells Borough Council have stated that the proposed 10 HGV movements over the extended 1 ½ hour morning period would be a significant increase along these routes. However, given the nature of the area I do not consider this increase to have a significant impact on the established road system (Fig1).
30. The Divisional Transport Manager has not raised any objection to the proposed increase in hours. The Waste Recycling Centre is located within an established industrial estate, which has an existing satisfactory access and which is already generating significant levels of traffic. In my view there will not therefore be a detrimental impact on traffic flows or road networks as a result of this application.

### **Conclusion**

31. I do not consider the concerns raised over the potential impacts on residential properties to be sufficient to warrant refusal of the proposal outright. I acknowledge, however, that insufficient information has been supplied by the applicant in respect of potential noise disturbance at weekends and as such recommend that this element be refused.
32. Given that the Waste Recycling Centre is located within an established industrial estate, with established road networks already used by HGVs visiting the site, I do not consider there to be a detrimental impact from the potential increase in noise and traffic as a result of the proposal during week days. I consider the proposed increase in working hours would have positive benefits in allowing the delivery of waste from the site to the Allington Energy from Waste Plant to be spread over a longer period, thus helping to stagger arrivals at the Allington facility.

### **Recommendation**

33. I RECOMMEND that

- (A) PERMISSION BE GRANTED, to the proposed extended hours of working during weekdays only SUBJECT TO conditions including the standard time condition, restriction on plant and machinery to be used during the extended hours, with an informative that all other conditions attached to permission TW/93/1250 be strictly adhered to;
- (B) PERMISSION BE REFUSED for the proposed extended hours during the weekends on the grounds that insufficient detail has been provided including an appropriate noise assessment to demonstrate there would be no detrimental impacts on local amenity.
- (C) I FURTHER RECOMMEND that the applicant BE INFORMED that should extended hours of use during the weekends be required then further information should be submitted in support of a separate application, which can then be considered separately on its merits.

## **Item C1**

### **Variation of Condition (5) of permission TW/93/1250 to extend the hours of operation at the Household Waste & Recycling Centre, North Farm, Tunbridge Wells – TW/06/502**

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Case officer – Helena Woodcock

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Background documents - See section heading
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**Item C2**

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

A report by Head of Planning Applications Unit to Planning Applications Committee on 7 November 2006.

Application by Waste Recycling Group Ltd for: (i) approval to import water by tanker or tractor and bowser (to supplement mains supply) pursuant to condition 5 of planning permission SW/05/744; and (ii) approval of details of siting, design, external appearance, construction materials, finishes and colours of the proposed conditioning plant, external lighting, fencing and site drainage pursuant to conditions 5 and 7 of planning permission SW/05/744 at Norwood Quarry and Landfill Site, Lower Road, Brambledown, Isle of Sheppey, Kent.

Recommendation: Approval be given.

Local Member: Mr AD Crowther

Unrestricted

**Site description and background**

1. Norwood Quarry and Landfill Site is located mid way up the southern flank of Shrubsoles Hill, Brambledown, between Lower Road (B2231) and Eastchurch Road (B2008), approximately 2.5km south east of Minster and 2km to the west of Eastchurch on the Isle of Sheppey. The B2231 forms the main east-west route through the Isle of Sheppey and links with the A249 that provides the only road link to the mainland. Access to the site is via a dedicated access road off the B2231. Site weighbridge, wheel wash, offices and associated facilities are located at the top of the site access road over 100m from the main road.
2. The site has a history of planning permissions for clay extraction and landfill since 1992. Most recently, planning permission SW/05/774 was granted on 17 May 2006 for extension to mineral (clay) workings with restoration by landfill using imported boiler ash and air pollution control residues (APCRs) from the Allington EfW facility. These wastes would be treated in a conditioning plant at the site prior to landfill. The application had been considered by the Planning Applications Committee on 13 December 2005 and the delay in issuing the permission was due to the need to conclude a Section 106 (legal) agreement to secure (amongst other things) developer contributions towards highway works at the site entrance and on Lower Road. The permission contains 32 conditions, including a restriction on HGV movements of 200 per day (100 in and 100 out) associated with clay extraction and landfilling (condition 14). The site is also subject to a Pollution Prevention Control (PPC) Permit issued by the Environment Agency.

## **Item C2**

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

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

3. Condition 5 requires that the development be carried out in accordance with the details submitted with application SW/05/744, together with those further details which were required to be submitted for approval, unless the prior written approval of the County Planning Authority is obtained. The details submitted with planning application SW/05/744, and which now form part of the permission, indicated that water required to treat the imported wastes at the conditioning plant would be sourced from both mains supply and site surface water. The details also included plans and elevations of the proposed conditioning plant. These showed (amongst other things) a single large steel portal framed building (21m x 14m x 7m high – 5m to eaves) clad with plastic coated galvanised steel sheeting, a single mixing tower for conditioning waste within the building (i.e. one 'line') and two external horizontal silos for the storage of imported waste (each 19m x 4m x 6m high). The details also included a surface water lagoon to the east of the plant.
4. Condition 7 requires that with the exception of clay extraction and engineering operations associated with the landfill containment system no development shall take place until details of the siting, design, external appearance, construction materials, finishes and colours of the proposed conditioning plant, external lighting, fencing and site drainage have been submitted to and approved in writing by the County Planning Authority.

**The Proposal**

(i) Submission pursuant to condition 5

5. The applicant seeks approval to import water by tanker or tractor and bowser to supplement mains supply and that available from surface water at the site as originally intended. This could involve up to 20 vehicle movements per day (10 in and 10 out). The applicant proposes that any such vehicle movements be included within those allowed by condition 14 such that no additional movements would be needed.
6. The applicant states that it has been unable to obtain approval from Southern Water for the improved (potable) mains supply capacity originally envisaged due to current drought and related constraints on the Isle of Sheppey. The water proposed to be imported by road would principally be final treated effluent from a Southern Water wastewater treatment plant (e.g. *Queenborough*) or sea water abstracted from Ridham Dock. The applicant states that agreement has already been reached with the necessary parties that would enable water from these sources to be used. The applicant states that its preferred option is to use final treated effluent due to the corrosive nature of sea water, although sea water could be used as a back up if suitably blended. The Environment Agency would need to be satisfied that any water used is suitable under the terms of the PPC Permit. If at any time insufficient water is available, the conditioning of waste and landfilling could not take place.
7. The applicant states that its preferred solution would still be to have an improved mains supply such that vehicle movements could be reduced. It also states that it is exploring the potential for a borehole on the island to provide a suitable long term water resource.

## Item C2

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

#### (ii) Submission pursuant to condition 7

8. The applicant seeks approval of the details required by condition 7 relating to: (a) the siting, design, external appearance, construction materials, finishes and colours of the proposed conditioning plant; (b) external lighting; (c) fencing; and (d) site drainage. The proposed details have already been implemented and the application is therefore retrospective.
9. The proposed conditioning plant comprises a steel framed building clad in green plastic coated box profile steel sheeting with silver / grey roller shutter doors (16m x 10.5m x 6.5m high), two carbon steel green painted ash silos (each 12m x 4m x 6m high), two green vertical water tanks (4m diameter x about 6m high), together with galvanised support steel, access platforms and sealed conveyors. The proposed plant has two mixing towers ('lines'). Proposed external floodlighting is mounted at 6m above local ground level pointing downwards on the periphery of the conditioning building and silo access platforms (lighting the ash offload area). Proposed fencing is as existing with chain link on the southern site boundary and post and wire elsewhere. The existing site access gates provide security and prevent unauthorised access. The applicant proposes separate surface water management / drainage for the hazardous and non-hazardous landfill areas and water would be stored in an underground tank rather than the surface water lagoon originally intended. Surplus water would be channelled to the landfill cell where it would be stored until re-used. No new foul sewer works are proposed.
10. The proposed conditioning plant is different from that outlined in paragraph 3 (above) in a number of respects and this part of the submission therefore also needs to be considered in the context of condition 5.
11. The proposals were discussed at the Norwood Farm Liaison Committee meeting and associated site visit on 5 October 2006. This was attended by representatives of Kent County Council, Swale Borough Council, Eastchurch Parish Council, the Brambledown / Norwood Monitoring Group (formerly the local action group KATTS) and WRG.

#### **Planning Policy Context**

12. **National Planning Policy** – the most relevant National Planning Policies are set out in PPS10, PPS23 and Waste Strategy 2000 (as amended in July 2005).
13. **Regional Planning Policy** – the most relevant Regional Planning Policies are set out in RPG9 and the emerging South East Regional Waste Strategy. The draft Regional Waste Strategy was the subject of consultation in March 2004, an EIP in October 2004 and an EIP Panel Report in December 2004. In response to the EIP Panel Report, GOSE has also published proposed changes to RPG9 in August 2005 and these will be subject to EIP later in 2006.



## Item C2

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

14. **Kent and Medway Structure Plan (July 2006)** – These include Policies SP1 (conserving and enhancing Kent's environment), EN1 (protecting Kent's countryside), EN3 (countryside character), EN8 (biodiversity), NR1 (prudent use of resources), NR5 (pollution impacts), NR8 (water quality), WM2 (assessment criteria for waste proposals), TP12 (access to the primary / secondary road network) and TP15 (HGVs).
15. **Kent Waste Local Plan (1998)** – These include Policies W2 (protecting environmental resources), W16 (past record of industry), W18 (noise, dust, odour and emissions), W19 (water resources), W20 (land drainage), W22 (road traffic and access), W24 and W25 (plant and buildings).

### Consultations

16. **Swale Borough Council** – No objection.
17. **Minster Parish Council** – Comments awaited.
18. **Eastchurch Parish Council** – No objection. However, is concerned that the conditioning plant has been redesigned, built and is receiving hazardous waste before planning permission has been sought, particularly as this has been such a sensitive issue locally.
19. **Environment Agency** – No objection. Confirms that a licence to abstract water was issued to Ridham Sea Terminals Ltd authorising the abstraction of tidal water for the purpose of industrial processes of waste treatment (Licence No. 07/037). This allows up to 24,750m<sup>3</sup>/year, 150m<sup>3</sup>/day, 80m<sup>3</sup>/hour to be abstracted. The Environment Agency sees this abstraction as a temporary solution and as such the Licence shall expire on 31 March 2017, or once an alternative source of water has been identified and licensed, whichever is first.
20. **Southern Water** – Supports the use of harvested rainwater and re-used final effluent from wastewater treatment works for conditioning the hazardous landfill. This use would be a waste of potable water resources. The volumes required are relatively small but the use of alternative sources would be a more sustainable use of the existing finite resources. No comments on other details.
21. **Divisional Transportation Manager** – No objection.

### Representations

22. The Brambledown / Norwood Monitoring Group has objected for the following reasons:-
  - "1) The original application was based on fresh water. Now, they want to use sea water and effluence from Ridham Dock and Queenborough Sewerage Plant. We have not been told what this can do to the hazardous waste or what this can do the environment around the area. We have been told this is going to be brought

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in by tanks on an already very busy B ROAD.

- 2) We are very concerned that W.R.G have gone ahead and flouted the planning laws, without further consultation. We are wondering if this is going to be a regular occurrence with this company. Are they going to change any more of their planning applications without the knowledge of the residents and K.C.C planning?

We hope these objections will be taken into consideration.”

**Local Member**

23. County Council Member Mr Crowther was notified on 22 September 2006.

**Discussion**

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the policies outlined in paragraphs 12 to 15 are of greatest relevance.
25. Prior to the publication of PPS10 and revisions to Waste Strategy 2000 in July 2005, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO to individual applications should be afforded substantial weight in the decision making process. The new advice moves the consideration of BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA / SEA process (as is the case with the Kent Waste Local Plan) it is appropriate to consider planning applications against the principles of BPEO. Until such time as the Kent Waste Development Framework (WDF) reaches a more advanced stage, applications will be considered against Policy WM2 of the Kent & Medway Structure Plan to ensure that they deliver facilities that are *“of the right type, in the right place and at the right time”* in accordance with paragraph 2 of PPS10. This approach is also consistent with the underlying principles of the emerging South East Regional Waste Strategy / RSS for the South East.
26. The principle of the development at Norwood Quarry and Landfill is already established and not a matter for further consideration at this stage. The issues are therefore:-
  - (a) whether sea water or final treated effluent from a wastewater treatment plant are acceptable for use in conditioning imported wastes to supplement or replace the use of potable water as originally intended;
  - (b) whether the proposed importation of water by tanker or tractor and bowser is acceptable in terms of highway impacts on Lower Road and impacts on

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- residential amenity (particularly in Brambledown); and
- (c) whether the details of the conditioning plant (and other matters pursuant to condition 7) are acceptable in all respects (e.g. potential pollution, landscape and visual amenity).

Use of sea water and final treated effluent from a wastewater treatment plant

27. Southern Water supports the use of the use of final effluent from wastewater treatment works for conditioning purposes on the basis that this is more sustainable than using finite potable water resources. The use of sea water can also be viewed favourably in this context. The Environment Agency has no objection to the proposal and has confirmed that sea water is available for use. Since the suitability of any water used for conditioning rests with the Environment Agency under the terms of the PPC Permit, there is no reason to restrict planning approval on the basis of suitability. This approach accords with the Government advice in PPS10 (paragraph 26) that “in considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities”. It should also be noted that Government advises that “waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced” (PPS10, paragraph 27). It is also worth noting that neither Swale Borough Council or Eastchurch Parish Council objects to the use of such water.
28. In view of the comments of Southern Water and the Environment Agency, the proposed use of sea water and final treated effluent from a wastewater treatment plant for conditioning accords with the principles of Kent and Medway Structure Plan (KMSP) Policies SP1 and NR1 and Kent Waste Local Plan (WLP) Policies W2 and W19 insofar as these relate to sustainable use of water resources / water conservation. Given suitable controls which are in place in the PPC Permit, the proposal also accords with KMSP Policy WM2 and Kent WLP Policies W2 and W19. Any statements from WRG about the potential for a borehole on the island to provide a suitable long term water resource are not relevant at this stage and are, in any event, matters for the Environment Agency in its groundwater regulatory role.

Highway and amenity impacts of importing water by tanker or tractor and bowser

29. Although not stated in the application, WRG advised the recent Norwood Farm Liaison Committee meeting that the preferred source of imported water was the Queenborough wastewater treatment works on the Isle of Sheppey and that water would be captured just before being piped out into the sea. On this basis, vehicle movements associated with the importation of water would access the site along Lower Road from Cowstead Corner to the west (as with all imported boiler ash and APCRs and any sea water from Ridham Dock). It is also worth reiterating that the applicant proposes that any necessary vehicle movements associated with the importation of water (of whichever variety) would be included within those allowed by condition 14 which permits no more than 200 movements per day (100 in and 100 out) such that no additional movements would be needed. Notwithstanding this, it should

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

also be noted that when submitting application SW/05/744 WRG estimated that once clay exports cease, the number of HGV movements would reduce to about 24 (12 in and 12 out) (i.e. 25 tonne capacity tankers transporting the boiler ash and APCRs).

30. Concerns have been expressed by the Brambledown / Norwood Monitoring Group about the impact of HGVs and other traffic on Lower Road. Such concerns are not new. Indeed, concerns about speed, safety and the lack of a footway through Brambledown were expressed during consideration of application SW/05/744 and previous proposals at the site as well as during the Norwood Farm Liaison Committee meetings over many years. In part, this led to WRG agreeing to contribute towards the improvements to Lower Road set out in paragraph 2. Whilst the comments are of concern, the adverse impacts cannot be attributed entirely to the quarry and landfill site and need to be considered in the context of recent development more generally on the Isle of Sheppey. However, I consider it appropriate for the Divisional Transportation Manager to be reminded of the concerns expressed by local residents about adverse traffic impacts on Lower Road, particularly through Brambledown, and be asked to explore opportunities to resolve the problems when considering proposals for future development on the Island or through other means. In addition, I consider that he should be asked to provide a report to the next meeting of the Norwood Farm Liaison Committee setting out his views on the issues.
31. Notwithstanding the local concerns about traffic on Lower Road, neither the Divisional Transportation Manager, Swale Borough Council nor Eastchurch Parish Council objects to the proposal. Subject to any vehicle movements associated with the importation of water being included within those already permitted by condition 14 of planning permission SW/05/744 and using the existing access to the site off Lower Road, the proposal is considered to be acceptable in terms of KMSP Policies TP12 and TP15 and Kent WLP Policy W22.

Details of conditioning plant and other matters pursuant to condition 7

32. The main element of the details submitted pursuant to condition 7 is the proposed conditioning plant (including the building) which has already been constructed and is being used. The proposed plant and associated building occupy a smaller footprint, are more limited in scale and are no more intrusive than that previously approved. As intended, they cannot be seen from outside the site due to the site perimeter bund which will be further mitigated by landscape planting approved as part of the main permission.
33. No objections have been received to the proposed conditioning plant, associated building or other details, however, concerns have been expressed by Eastchurch Parish Council and the Brambledown / Norwood Monitoring Group about the failure of WRG to obtain the necessary approvals prior to implementing these and commencing the importation of boiler ash and APCRs, conditioning and landfilling of waste at the site, particularly due to the sensitive nature of the site and local concerns. This does not sit comfortably with Kent WLP Policy W16 or good planning generally and I consider that WRG should be informed of the Planning Applications Committee's dissatisfaction on this point.

## Item C2

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

34. Notwithstanding this, since the Environment Agency has no objection to the proposed conditioning plant, associated building and other details set out in paragraph 9, and has confirmed that these are acceptable in terms of the PPC Permit during the recent Norwood Farm Liaison Committee meeting and associated site visit, I consider them to be operationally acceptable. I also consider that the other aspects of the submission are either acceptable in their own right (e.g. drainage and fencing) or would, in conjunction with their design, be satisfactorily controlled by existing planning conditions attached to the main permission (e.g. lighting is restricted to hours of use which are in turn limited by condition). For these reasons, I consider that the proposals are acceptable and accord with KMSP Policies NR5 and WM2 and Kent WLP Policies W2, W18, W19, W20, W24 and W25.

### **Conclusions**

35. I consider the proposals to be acceptable, in accordance with development plan policies and the principles of BPEO and therefore recommend accordingly.

### **Recommendation**

36. I RECOMMEND that APPROVAL BE GIVEN SUBJECT TO:-

- (i) any remaining details being implemented as approved;
- (ii) conditions confirming that any vehicle movements associated with the importation of water are included within those allowed under the terms of condition 14 of planning permission SW/05/744 and that the only access used to import water is the existing site access off Lower Road;
- (iii) the applicant being reprimanded on its failure to fully comply with the terms of condition 7 of planning permission SW/05/744 in that it implemented the proposed details and commenced the importation of boiler ash and APCRs, conditioning and landfilling of waste at the site without first having obtained the necessary approvals from the County Planning Authority; and
- (iv) the Divisional Transportation Manager being: (a) reminded of the concerns expressed by local residents about adverse traffic impacts on Lower Road, particularly through Brambledown; (b) asked to explore opportunities to resolve the problems when considering proposals for future development on the Island or through other means; and (c) asked to provide a report to the next meeting of the Norwood Farm Liaison Committee setting out his views on the issues.

Case Officer: Jim Wooldridge	Tel. no. 01622 221060
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Background Documents: see section heading.
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**Item D1****Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

A report by Head of Planning Applications Group to Planning Applications Committee on 7 November 2006.

Application by The Governors of Chaucer Technology and Barton Court Grammar Schools and Kent County Council Children Families and Education for the retrospective permission for the replacement of weldmesh fencing with metal palisade fencing at the shared school playing field off Spring Lane, Canterbury – CA/06/1187

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Mr. M. Northey

Classification: Unrestricted

**Site**

1. Chaucer Technology School is located off Spring Lane, Canterbury and Barton Court Grammar School is located at Longport, opposite Canterbury Prison and Canterbury Christ Church University. The two schools have their own independent playing fields attached to their sites, yet Barton Court has the least amount of its own independent outdoor playing field. As such, the field between both Schools is under shared ownership between both Governing bodies of the two Schools. It is this field which is the subject of the retrospective planning permission, which relates to the replacement of the previous weldmesh fencing with the newly installed metal palisade fencing. *A site location plan is attached and shows both Schools and the playing field off Spring Lane.*

**Background and Proposal**

2. During the school summer holiday, both schools engaged on a joint venture to replace the boundary fencing of the playing field off Spring Lane from the previous weldmesh fencing to new metal palisade fencing. Prior to the commencement of these works, Chaucer Technology School has been undergoing a 5-year repair and maintenance programme to their entire site fencing around their current premises. At the time of embarking on these works, the School claim that a courtesy call was made to the City Council asking if planning permission was required, and claim that at the time the City Council gave them the go ahead, provided no change of height was being considered. Over the last 5 years, all the fencing around Chaucer Technology School has been replaced with metal palisade fencing without the grant of any planning permission from the County Planning Authority.
3. During the 2006 School summer holiday, the County Planning Authority received complaints that the existing fencing around the shared school playing field was being removed and replaced with metal palisade fencing. At the time this caused some disquiet locally and the fencing attracted several complaints as well as featuring several times in the local newspaper, the Kent Messenger. Following these complaints, a decision was taken that the fence in question would require the benefit of planning consent. Although the applicants claim that there is no change in the height from the previous fence to the new one, the change from a visual point of view and the fact that the fence exceeds one metre in height next to a highway, triggers the need for planning consent in this particular case.
4. Both Schools were notified of the requirement for planning consent and were advised to stop works until the outcome of such application had been decided. It was advised that should the works continue, this would be entirely at the Schools' own risk as the

**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

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outcome of any planning application could not be guaranteed. After discussions with Chaucer Technology School, it was agreed that the fencing works would be discontinued and a full application would be submitted for determination by the County Planning Authority. However, given the time between receiving the complaints and getting the work to stop, the previous weldmesh fence was entirely removed and the posts and rails of the metal palisade fencing have been installed. To date, the posts and rails remain in situ and the field remains open, as the majority of the vertical metal palings have not been installed.

5. The applicants have stated that the need for the replacement fence has come about due to an inadequacy in the previous weldmesh fence in preventing trespassers entering the field. The applicants claim that this poses a major health and safety issues for both Schools. In the past, attempts have been made to repair sections of the weldmesh fence which had been broken into, but this proved to be unsuccessful in preventing unauthorised access to the field. The main issues which both Schools have highlighted as justifications for the development are as follows:
  - There is a serious risk of harm to students and staff, both during the day (normal school curriculum) and at the end of the day (during extra-curriculum activities) by trespassers. There has been verbal abuse and very intimidating behaviour by intruders on a number of occasions when the previous fence existed;
  - There is a serious risk of harm to students and staff through the use of needles, broken bottles and dog excrement being left on the field by trespassers;
  - The field is currently being used as a dumping ground for unwanted household items, such as refrigerators;
  - There has been extensive damage to fixed equipment such as goals being broken and fires being lit on the all-weather cricket square;
  - Members of the public are stealing the sand from the long jump pits;
  - Trespassers are driving cars and motorbikes onto the field and 'performing doughnuts' which ruts the grass and proves to be a nuisance to local residents;
  - There is unauthorised use of the school field both at evenings and weekends from activities such as dog walking, playing golf and football.
6. In addition to the above, the applicants have stated that the field is virtually useless in its current open form. Staff and students are more than wary about using it even during the school day. As a result of this, Barton Court Grammar School claim that all their football match fixtures have had to be organised as away games for this term as they cannot guarantee the safety of their students and staff as well as any visiting teams.

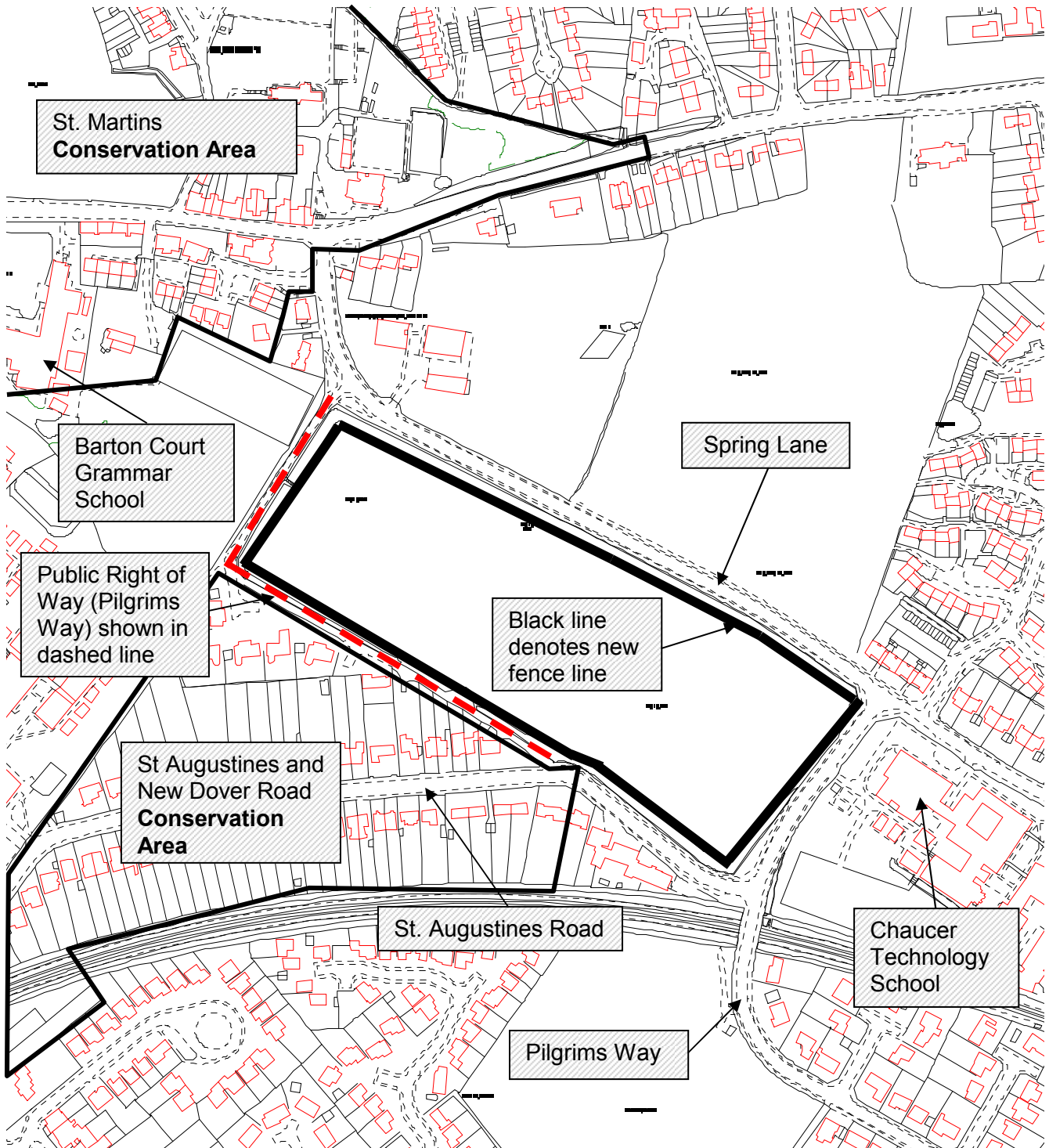
**Planning History**

7. In October 2006, planning permission was granted to Barton Court Grammar School for the erection of a two storey food technology block and the recladding of the existing first floor gymnasium in association with the conversion to a library under permission CA/06/1101.
8. At present, Canterbury City Council are dealing with an application for a new sports hall at Barton Court Grammar School as a joint venture with Canterbury Christ Church University. Given that the lead party with the development is Christ Church University, the application is being dealt with by the City Council under application number CA/06/01295.



**Retrospective application for replacement fencing, Spring Lane,  
Canterbury – CA/06/1187**

**Site Location Plan**



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**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

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Following the extension to a car park under permission CA/03/1194 in 2003, no further planning applications have been received by the County Planning Authority for Chaucer Technology School Canterbury.

**Planning Policy**

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

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

**Policy SP1** – The primary purpose of Kent's development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development. This will be done principally by, amongst other matters:

- protecting the Kent countryside and its wildlife for future generations;
- protecting and enhancing features of importance in the natural and built environment;
- encouraging high quality development and innovative design that reflects Kent's identity and local distinctiveness and promoting healthy, safe and secure living and working environments;

**Policy QL1** – All development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.

**Policy QL6** - The primary planning policy towards conservation areas is to preserve or enhance their special character or appearance. Development which would harm the character or appearance of a conservation area will not be permitted.

**Policy QL11** – Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

**Policy EN1** – Kent's countryside will be protected, conserved and enhanced for its own sake. Development in the countryside should seek to maintain or enhance it.

**Policy EN9** - Tree cover and the hedgerow network should be maintained. Additionally, they should be enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats.

**Policy CA1** - At Canterbury the location of new development will be governed by the need to conserve the built environment and setting of the historic city.

**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

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**(ii) The Adopted Canterbury City Council Local Plan 2006**

**Policy BE1** – The City Council will expect proposals of high quality design which respond to the objectives of sustainable development. When considering any application for development the Council will have regard to the following consideration:

- The need for the development;
- The landscape character of the locality and the way the development is integrated into the landscape;
- The conservation and integration of natural features including trees and hedgerows to strengthen local distinctiveness, character and biodiversity;
- The visual impact and impact on local townscape character;
- The form of the development: the efficient use of land, layout, landscape, density and mix, scale, massing, materials, finish and architectural details;

**Policy BE7** - Development within, affecting the setting, or views into and out of conservation areas, should preserve or enhance all features that contribute positively to the area's character or appearance. Particular consideration will be given to the following:

- The impact of the proposal on the townscape, roofscape, skyline and the relative scale and importance of buildings in the area;
- The need to protect trees and landscape;
- The removal of unsightly and negative features; and
- The need for the development.

**Policy C17** – The City Council will work with the Education Authority and school Governors to ensure that the needs of primary and secondary schools are taken into account in the assessment of their development needs and proposals. Planning permission will be granted for proposals that are needed by the schools subject to design and highway safety considerations.

**Policy C24** – Proposals which would result in the loss of protected existing open space as shown will only be permitted if:

- There would be no material harm to the contribution the protected open space makes to the visual or recreational amenity of the area where there would be material harm, this would be balanced against demonstrable need for the development

**Policy NE5** – Development should be designed to retain trees and hedgerows that make an important contribution to the amenity of the site and the surrounding area and which are important to wild flora and fauna. The City Council will refuse planning permission for proposals that would threaten the future retention of trees and hedgerows or other landscape features of importance to the site's character, an area's amenity or the movement of wildlife.

**Consultations**

**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

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10. **Canterbury City Council** – raise no objections in principle to the replacement of the weldmesh fencing with metal palisade fencing, subject to the new fence being painted an appropriate dark colour.

**Divisional Transport Manager:** has raised no objections, given that the height of the fencing has not been increased, and as such any vision splays on the perimeter of the site will not have been further impeded.

**Public Rights of Way Officer:** was notified of the application on the 31 August 2006 and no comments have been expressed to date.

**Jacobs (Landscaping):** have made the following comments in favour of hedgerow planting around the field.

“The fencing around the playing field would benefit from an adjacent native hedgerow, planted within the Chaucer Technology School land alongside the fence. The hedgerow would provide additional security benefits as well as visually screening the site. Native species would support existing local planting surrounding the site.

**Local Members**

11. The local County Member, Mr M. Northey, was notified of the application on the 31 August 2006.

**Publicity**

12. The application was publicised by the posting of four site notices around the perimeter of the playing field, an advertisement in the Kent Messenger and the individual notification of 73 neighbouring residential properties. The site notice and advertisement indicate that the application is adjacent to both St. Martin's and New Dover Road & St. Augustine's Road Conservation Areas and is likely to affect their character and/or appearance. It is also indicated that the proposed development may affect the setting of an existing Public Right of Way.

**Representations**

13. To date, 24 letters of objection have been received along with one letter of support in relation to the retrospective fencing. The main points of the letters are summarised below:

Objections

- The fence such as the one which is partially erected would spoil the character of the Conservation Area, where certain regulations are in operation regarding the nature of boundary walls;
- How does this retrospective fencing sit with in interpretation that conservation areas are defined as “areas of special architectural or historic interest, the character of which is desirable to preserve or enhance”?
- Perhaps a lower, wooden fence with attractive gates would be more acceptable;
- The fencing is of an industrial style and is very unsympathetic to a residential suburban environment. It is a type which does not weather, so it will permanently disfigure an extensive area;

**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

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- The playing fields have proved to be a valuable resource for local families. It would be a shame to close the fields off to this kind of use especially in an area where there is no open green space, not even a play park for children to use. At a time where Central and Local Government, together with Schools, are emphasising the need for physical activity for youngsters, this proposed enclosure would seem to contradict this ethos;
- There is no comparable public recreation space in the area and it is sad we are losing the only amenity we have, which is such a necessity and appreciate local community resource;
- Both schools have their own fenced off playing fields and the large playing fields between the schools are seldom used by them, these should be open to the public;
- On the occasions where the schools need the fields during school hours they should of course have priority, but at other times (e.g. at weekends, evenings or in the holidays), the young should be able to, and indeed encouraged, to benefit from this wonderful facility as they do so now;
- This area has been of importance for hundreds of years, as it is part of the Pilgrim's Way from Winchester to Canterbury. Walkers have traditionally been greeted with wonderful views of St. Martin's Hill and the windmill, and we are particularly unhappy that this traditional view is now completely ruined by the ugly fencing;
- The previous fencing was of a colour and type that blended perfectly with the environment. The new fencing does the opposite;
- The planning proposal states that the field would accommodate local community groups, however many local residents are not part of any local groups and they therefore would be excluded from the use of the field on a casual basis;
- A condition could be to permit the development on condition that access is allowed to local residents up to a certain hour of the day. For example, this could be at dusk during the winter, and 9pm during the summer months;
- It is because there is a real need for recreational space in this part of Canterbury that such a wide cross-section of the community are so upset at the thought of losing access to this open area;
- The type of fencing is totally inappropriate around a field on one side by Babs Hill (memorial field) – an open country space which continues the rolling sense of country greenery through to St. Martins Hill. On the other boundary is a picturesque route out of Canterbury taken by the North Downs Way and Elham Valley. This type of fence would be commonly chosen for an industrial estate or a sewage works;
- The fence itself is incredibly unsightly and the enclosure of such a large area would make an enormous blot on the landscape. It would add to the existing, similarly designed, fencing all around the Chaucer Technology School, and also around Barton Court, and to the overall sense of ugliness;
- The height of the fence along Spring Lane is approximately 2.5m high. This is unreasonable given the length to be erected and the impact on the road which I believe to be detrimental to the visual amenity of the road for residents;
- We fully understand the need to protect schools against vandalism and theft. For this reason, one accepts fencing around schools, yet the same type around an empty green space that is not used to the same degree seems very much over the top. Whilst the field on occasions has been vandalised and that some irresponsible dog walkers allow their pets to foul the field but the fence would appear over the top and extremely ugly;

**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

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- It will add significantly to the negative environmental impact, and will contrast hugely with Kent Partnership's *Vision for Kent* for the next 20 years, which includes aspirations to be a place:
  - *"where a high quality environment and countryside are protected and enhanced for current and future generations..."*
  - *where residents and visitors enjoy life through an enhanced and accessible range of recreational, sporting, artistic, and cultural opportunities"...*
  - *and where creating "...attractive, safe and friendly communities" is a priority.*
  - *None of these will be achieved by fencing off with huge and unsightly materials.*
- The fence is intrusive and offensive in appearance and more resembles a detention centre than recreational space;
- The sharp, pointed nature of the top of the fence, though intended as a deterrent, could result in a serious accident to any young person to whom it represents a challenge;
- A muted toned and less oppressive style of fence would be more in keeping with the surroundings;
- There has been no consideration given to the positioning of the fencing here. For example, Canterbury College has at least placed their fence behind the line of trees, which serve to soften its visual aspect from the roadway;
- When replacing the weldmesh fencing a number of mature trees have been chopped down to the visual detriment of those who live by or use Pilgrims Way;
- Object to the procedure as the fence was erected without consulting the local residents and has, as a result, disfigured the area;
- Retrospective applications for fencing should not be accepted;
- Were the fence to be wooden, or failing that painted green or brown, it would be much more in keeping with the area;
- We feel that references to the abuse of the playing field space by "dog owners, golfers and drug users" is exaggerated;
- We strongly urge the Council and Schools to have a radical re-think about the misguided decision to construct this monstrous fence and consider the idea of opening up the field to the wider community;
- I hope the County Council will refuse planning permission in the pursuit of a sympathetic and practical fencing solution taking into account, and possibly influencing, the discussions the schools are having with the local Councillors and residents for the responsible usage of the field;

**Support**

- I have no objection at all – I hope this will stop the weldmesh fence being cut and wire sticking out to cut clothes or poke eyes out. Maybe this will help to bring it back to the pleasant area it once was.

**Discussion**

14. In considering this proposal, regard must be had to the Development Plan policies outlined in paragraph (9) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from

**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

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consultation and publicity. Issues of particular relevance in this case include the impact upon residential and local amenity and the impact of the development of the two adjacent Conservation Areas and historic Public Right of Way.

Need for development

15. As stated in paragraph (5) above, the applicants have provided a strong case of need to increase the specification for the fencing surrounding the shared playing field. However, in my opinion this is not an overriding factor against the design and style of the fencing chosen and I consider that the most important factor here is the design of the fence in relation to its setting and local context. These issues are set out in the following paragraphs as detailed below.

Design

16. The replacement of the existing shared school playing field fence has, as shown in paragraph (13) above, caused a considerable amount of disquiet from the local community. At present, the palisade fence that the applicants are applying for planning permission to retain is half installed (see figures 1 & 2 in Appendix) in the majority of places, yet fully installed along other sections (see figure 3 in Appendix). The perimeter has been marked out by the installation of the galvanised steel posts and horizontal beams, yet the majority of the sections do not have their metal palings installed. This is because the County Planning Authority has intervened as a direct result from local concern, and has requested that all works on site be stopped until the outcome of this application.
17. The proposed fencing is steel galvanised palisade fencing, which varies in height from 2.4m high along Spring Lane and 1.8m high around the remaining three sides of the playing field. I am informed by the applicants that the heights of the new fencing mirrors the heights of the previous fencing prior to it being removed to commence works over the recent school summer holidays.
18. The issue here is whether or not the fencing which is currently half installed, is suitable for use adjacent to two Conservation Areas and alongside a historic Public Right of Way (The Pilgrims Way from Winchester to Canterbury). In my opinion, given that the fencing here is steel palisade, and is not finished in a powder coated dark colour (for example black or dark green), the visual impact from the fencing is detrimental to the environment in which it sits. As outlined in paragraph (10) above, Canterbury City Council share the same view.
19. The applicants have asked that they be allowed to paint only the metal palings of the palisade fencing, given that the posts and rails are already in situ. Whilst I sympathise with the current situation, I do not believe that this would be appropriate as it would result a mis-match of colours of the fencing, with galvanised posts and either green or black palings.

Impact on adjacent Conservation Areas

20. As outlined above, the playing field sits between two Conservation Areas. These are the St. Martin's Conservation Area and New Dover Road and St. Augustine's Road Conservation Area, both of which can be seen on the site location plan on page (3).
21. Development Plan policies state that proposals within or adjacent to Conservation Areas should *'preserve or enhance their special character or appearance'* and *'development*

**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

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*which would harm the character or appearance of a Conservation Area will not be permitted*’ [Policy QL6 from the Adopted Kent and Medway Structure Plan 2006]. Similarly, the Adopted Canterbury City Council Local Plan states that, under Policy BE7 that, *‘development within, affecting the setting, or views into and out of conservation areas, should preserve or enhance all features that contribute positively to the area’s character or appearance’*.

22. In my opinion, the fencing currently installed does not reflect the special characteristics of both adjoining Conservation Areas. Whilst I acknowledge the need for the fence, I feel that more consideration should be given to the aesthetic appearance of the fence in order to mitigate its visual impact upon the local landscape. It is my opinion that, in order to soften the visual impact of the retrospective development, it should be finished in either black or dark green and softened through the planting of a substantial landscaping scheme in areas where the fence is particularly prominent (see figures 2 & 3 attached)
23. It has been highlighted by local residents that there has been some tree / shrub removal undertaken during the clearance works for the new fence. I am of the opinion therefore that in order to mitigate the loss of existing vegetation, and to soften the visual impact of the development, a landscaping scheme should be approved and implemented where the existing boundary treatment to the field is particularly weak. The areas which I have identified that could be strengthened are the end of St. Augustines Road, along the boundary of the field with the existing public right of way (Pilgrims Way) and opposite the Chaucer Technology School buildings on Spring Lane.
24. Policy EN9 of the Adopted Structure Plan states that *‘tree cover and the hedgerow network should be maintained. Additionally this should be enhanced where this would improve the landscape [...]’*. Similarly, Policy NE5 of the Adopted Local Plan states that *‘development should be designed to retain trees and hedgerows that make an important contribution to the amenity of the site and the surrounding area [...]’*. Therefore, I am of the opinion that the implementation of additional landscape to replace any vegetation lost, and to strengthen the existing vegetation boundary, would help reduce the visual impact of the fence.
25. Similarly, the advice given by Jacobs (landscaping), shown in paragraph (10) above suggests that the fence would benefit from landscaping planting, in particular native hedgerow planting along the boundary of the fence. It is suggested that this would not only have a visual benefit in screening the site, but would also provide additional security to the applicants as well.

Access to and use of playing field

26. The informal community use of the field hitherto is not a material consideration in the determination of this application. Given that the field is privately owned, jointly between Barton Court Grammar School and Chaucer Technology School, there is no right of public access onto the field without the prior permission of either, and/or both of the landowners. The applicants have stated that since the schools were built in the late 1960s the field has been fenced and gated and has never been an open space for access for the community. It has been the case that, over the years, the constant damage to the previous weldmesh fence has allowed unauthorised access onto the field through broken sections of fencing.
27. Under the circumstances, Chaucer Technology School has, for the last 5 years, been embarking on a repair and maintenance program to all of their fencing, culminating in



**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

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the combined venture to maintain the fencing on the shared school playing field. At the time of the commencement of the works, Chaucer Technology School were not aware of the need for planning consent to install new fencing around the shared playing field.

28. Many concerns have been raised about the erection of this fence preventing public access onto the school field due to the loss of a much needed and extremely valuable recreational space. In my opinion however, this is not a material consideration to the determination of this application, given that the field is privately owned and there is no rights of access onto or over the land.

**Residential and local amenity**

29. As discussed in paragraphs (26-28) above, I am of the opinion that the residential amenity through the fencing off of the school playing field would not be detrimental to local residents over and above what should be the case, given that there is no public right of access to the field for community usage. However, I do acknowledge the objections lodged regarding the design of the fencing chosen. I consider that the installation of the metal palisade fence, as it currently stands, is unsightly in an attractive residential area with views stretching from St. Augustines Road to the Cathedral. In my opinion, the addition of such a utilitarian fence gives rise to a detrimental impact on the St. Augustine's / New Dover Road Conservation Area. In order to make the fence acceptable in visual terms, I would recommend that, should be Members be minded to grant planning permission, a condition should be attached which requires the applicant to paint the fence in an appropriate dark colour, as well as the implementation and future maintenance of a substantial landscaping scheme.

**Conclusion**

30. In conclusion, it is unfortunate that the application which is to be determined is retrospective and was largely erected before the applicants realised the need for planning consent. I understand the urgent need for both Schools to secure their private property in order to bring the field back into use as sports facility for both schools. However, in balancing up the fact that this application is retrospective and the urgency of the Schools to erect their fence, I have to consider its visual impact on the wider environment. I consider that the fence should be finished in an appropriate dark colour with the planting and future maintenance of a substantial landscaping scheme in order to soften the development into the wider environment. Whilst I acknowledge the widespread concern from the local community relating to the field being fenced off by the applicants, this is out of the control of the Planning Authority, and in this case is not material to the determination of this application. Accordingly, I recommend that planning permission be granted, subject to the conditions outlined in paragraph (31) below.

**Recommendation**

31. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO
- details of the colour treatment for the entire fence be submitted to and approved by the County Planning Authority within one month of the date of any permission, and thereafter implemented as approved within four months of the date of any permission;
  - a detailed landscaping scheme to include tree, shrub and vegetation planting to be submitted to and approved by the County Planning Authority, and thereafter implemented as approved within the next available planting season; and
  - the rest of the development being carried out in accordance with the approved plans.

## **Item D1**

### **Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

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Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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Figure 1 (below) – View of the 2.4m high metal posts and rails currently installed along Spring Lane

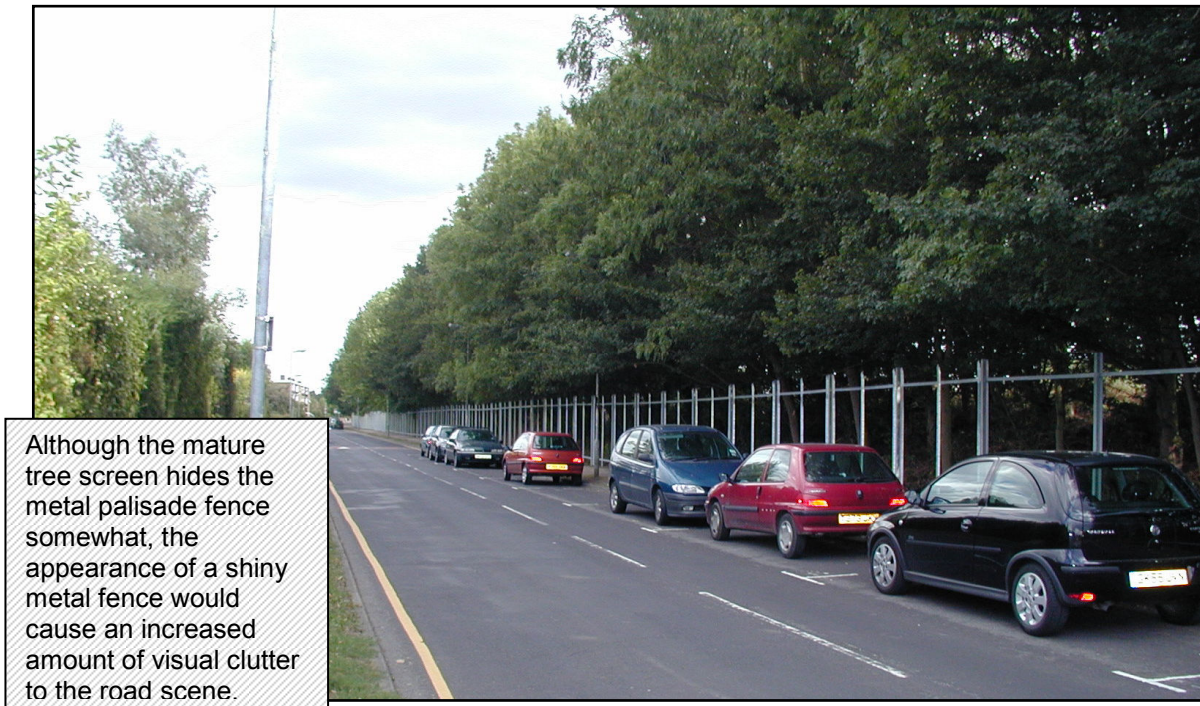


Figure 2 (below) – View of 1.8m high palisade fence currently installed along Pilgrims Way Public Right of Way





Figure 3 (below) – 1.8m high fencing currently erected adjacent to the highway and public rights of way network along Pilgrims Way



Figure 4 (below) – Photo looking towards the St. Augustines Conservation Area to the left, and the open views across the field towards the City Centre.



**Item D2****Out of hours community building at Sandwich Technology School – DO/06/507**

A report by Head of Planning Applications Group to Planning Applications Committee on 7 November 2006.

Application by the Governors of Sandwich Technology School and Kent County Council Children, Families & Education for the construction of out of school hours community building at Sandwich Technology School, Deal Road, Sandwich.

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Mr. L Ridings

Classification: Unrestricted

**Members' Site Meeting**

1. A group of Planning Application Committee Members visited the application site on the 10 October 2006 to acquaint themselves with proposals for an out of school hour's community building at Sandwich Technology School.  
The Committee Secretary's notes of the site meeting are attached as an Appendix.

**Site**

2. Sandwich Technology School is located between Deal Road, to which the main vehicle access to the school leads, and Dover Road to the front of the school. The site is well screened with a tree-lined boundary along Deal Road, and is bordered by residential properties to the north-east on Dover Road. The entire site is within an Open Space designation [Policy OS1 from Dover District Council Local Plan], which presumes against the loss of open space, with the exception of development in a School site for educational purposes.  
*A site plan is attached and shows the School site and the proposed community building.*

**Proposal**

3. The application has been submitted by the Governors of Sandwich Technology School and Kent County Council Children, Families & Education and proposes the construction of an out of hours community usage building to contain various equipment and products, as well as providing a workspace for the community to build carnival structures.
4. As a technology school, Sandwich Technology School is required to deal with not just education, but with a variety of issues concerning the community. The School has done that in the past from a variety of short-term locations, such as huts and mobile classrooms, and this is the first time that a viable alternative solution has been proposed.
5. The School is proposing to build a light industrial unit, measuring 14 x 21 metres, to contain the equipment and products required to construct carnival structures. The new building is proposed to replace existing structures, such as mobile classrooms, which have recently been removed from the site. These mobile classrooms have previously housed the School's community facilities, and it is proposed for the new building to sit exactly in the footprint of the old huts, thus using the existing services. *A plan is attached showing the proposed community building.*

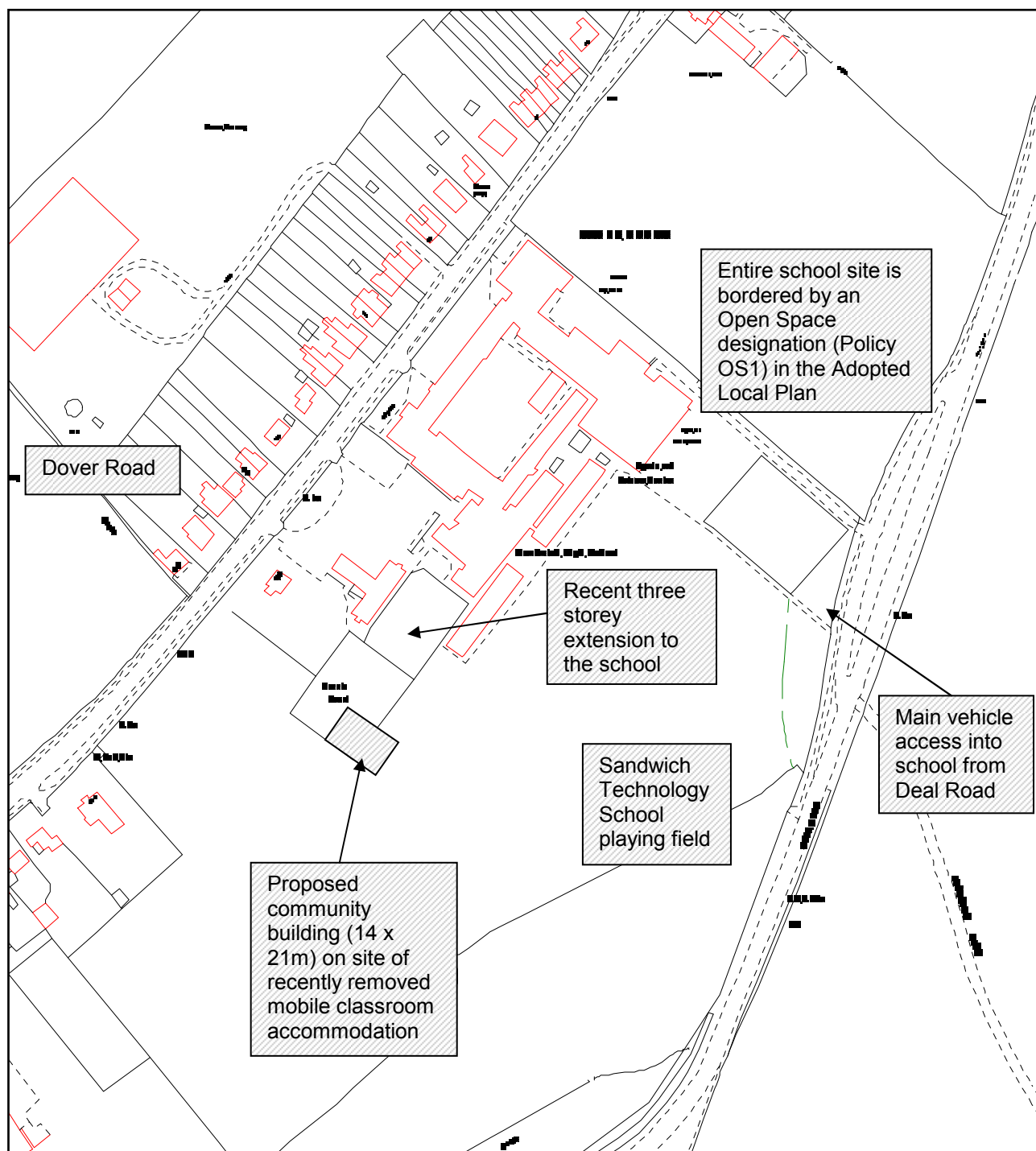
**Out of hours community building at Sandwich Technology School,  
Sandwich – DO/06/507**

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6. It is proposed that the building would be used from 3.30pm to 5.30pm on 3 schooldays per week and at weekends on approximately one weekend per month from 10am until 4pm
7. The School's aims for the proposed development is to hold a few community workshops in the areas of puppet theatre crafts, carnival costume building and giant creations (some over 4 metres in height such as giant carnival Kings and Queens used in recent local events) and also to store the carnival or processional costumes each time. The applicants have stated that at no times would the building be used as a performance space for holding events such as discos, youth clubs, motorcycle maintenance club or model aeroplane clubs.
8. The School has stated that the issue of car parking would be resolved by the opening up of the playground from 3.35pm, thereby causing no nuisance to the residents of Dover Road. It is noted that this is already the case on three after school sessions per week, and the applicants state that this causes no complaints from local residents.
9. The applicants have stated that there is a limited budget to build the community building, and this has been the main influence when deciding on the style of building to erect. The applicants have selected a warehouse style building, as it can be self-erected and would not require a vast amount of footings. The building is proposed to be finished in a buttermilk colour, with a plasticized coating and not simply a galvanised effect as the applicants have stated that this would soften the look of the whole structure. In addition to the plasticized coating, the applicants would like to install windows in the building, in an attempt to match in as far as possible with existing structures on the school site. *A plan is attached which shows the elevations of the proposed building.*
10. In summary, the applicants have stated that the application has come forward to provide facilities for extending the use of the school buildings, to develop sustainable links to community groups and to provide a platform for a community group and a school to work in harmony.

## Out of hours community building at Sandwich Technology School, Sandwich – DO/06/507

### Site Plan



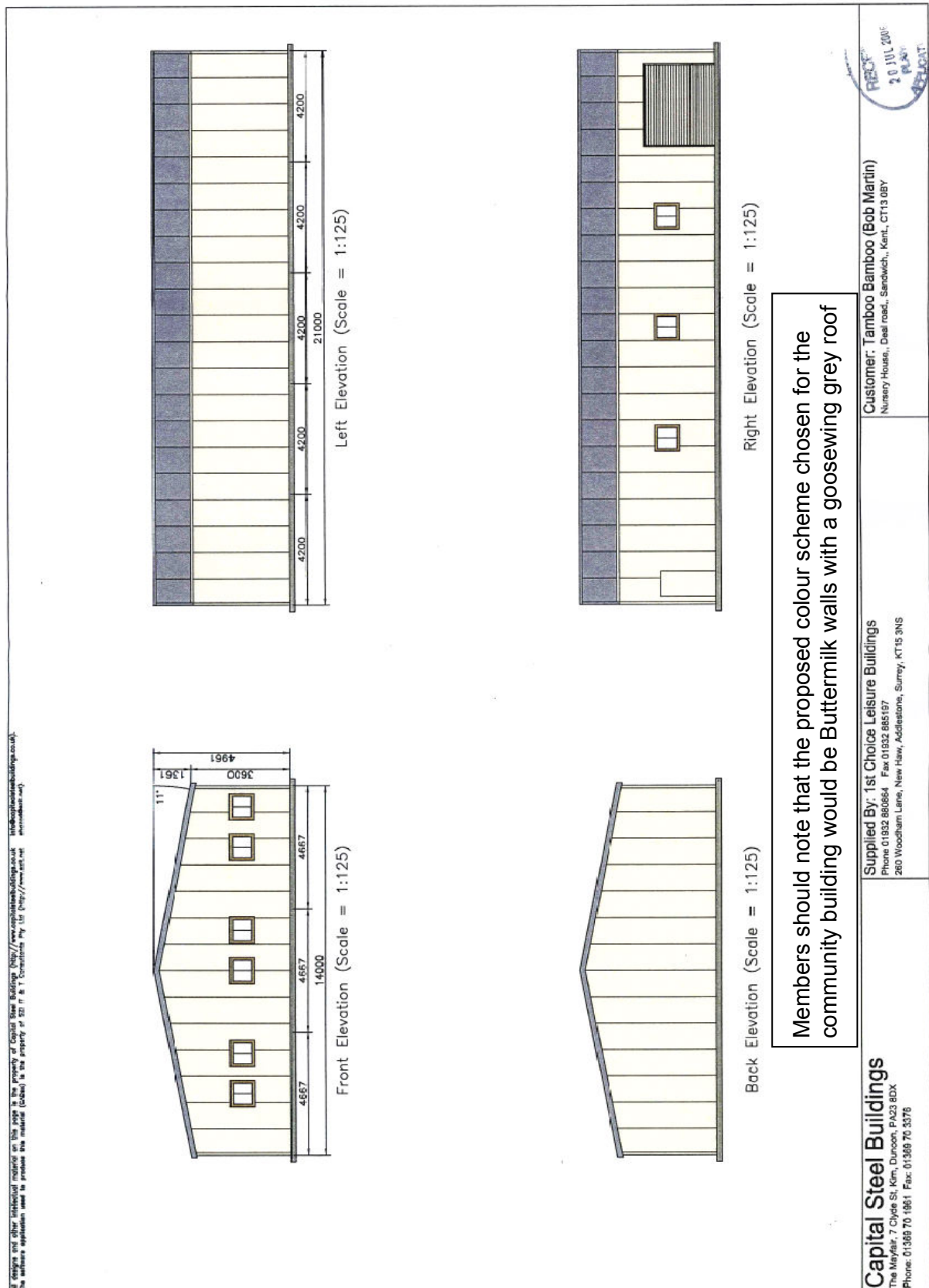
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Scale 1:2500



**Out of hours community building at Sandwich Technology School,  
Sandwich – DO/06/507**

**Proposed Elevation**





**Out of hours community building at Sandwich Technology School,  
Sandwich – DO/06/507**

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**Planning Policy**

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

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

**Policy SP1** – The primary purpose of Kent's development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development. This will be done principally by, amongst other matters:

- responding to the implications of long term climate change by:
  - advancing the conservation and prudent use of energy, water and other natural resources;
  - minimising pollution and assisting the control of greenhouse gas emissions;

**Policy QL1** – All development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.

**Policy QL11** – Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

**Policy EN1** – Kent's countryside will be protected, conserved and enhanced for its own sake. Development in the countryside should seek to maintain or enhance it.

**Policy EN2** – Kent's undeveloped coast and estuaries will be protected, conserved and enhanced. Development in such areas and in adjoining countryside will not be permitted if it materially detracts from the scenic, heritage, wildlife or scientific value of these areas. Development so permitted should include appropriate mitigation and/or compensation.

(ii) **Dover District Council Local Plan:**

**Policy DD1** – Proposals for development will not be permitted unless they are acceptable in terms of:

- Layout and functional needs of the development;
- Siting, massing and scale of new buildings;
- Architectural style and materials;
- Spatial and visual character of the surrounding area;
- Landform and landscaping;
- Privacy and amenity, including the avoidance of pollution;
- Energy efficiency.

**Out of hours community building at Sandwich Technology School,  
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**Policy DD3** – Proposals for development, which involve public use, will only be permitted if adequate arrangements are made to allow access by all people

**Policy CF1** – Proposals for the establishment or expansion of community facilities will be permitted provided that they are well related to the community that they serve

**Policy OS1** – Proposals for development which would result in the loss of open space, will not be permitted unless:

- in the case of a school site, the development is for educational purposes; or
- in the case of small scale development, it is ancillary to the enjoyment of the open space, and
- the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value

**Consultations**

12. **Dover District Council** has stated: “The above proposal has been considered and I have to inform you that whilst it is considered that the community building could be accommodated in the position indicated, the industrial nature of the proposed design is not regarded as appropriate for this location. For this reason, an objection is raised in respect of this application”.

Further to an amendment regarding the appearance of the building, I have received the following officer level views:

“I would confirm that the District Council still have concerns with regard to the size and form of the proposed building. As discussed, it would seem more reasonable to look to echo the design of the building to the north of the new three storey building in a rendered block form with a low metal roof. In this respect it may be that the size could be better justified to accord with the overall design and form of the school”

**Environment Agency:** has no objection to the proposal, but offers the following advice:

“The proposed site area is located just outside of an in an area which is known to be at risk from flooding, due to the nature and scale of the proposal, the Agency has no objection on flood grounds.

The previous use of this land may have left contamination which could impact on the proposed development. An assessment into the past usage of these buildings and any potential risks arising from the buildings/grounds for the proposed end use, should be carried out prior to the change of use. Any identified risks should be appropriately addressed.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored so as to prevent accidental discharge to the ground. The areas for storage should not drain to any surface water system”.

**Out of hours community building at Sandwich Technology School,  
Sandwich – DO/06/507**

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**Sandwich Town Council:** Members of Sandwich Town Council have considered the application and no objections have been raised.

**Divisional Transport Manager:** Notes that the community building is replacing existing mobile classrooms that would be used for the same use. Therefore, he has no highway objection to the proposal.

**Local Member**

13. The local County Member, Mr. L. Ridings was notified of the application on the 21 April 2006.

**Publicity**

14. The application was publicised by the posting of a site notice on the school boundary with Deal Road and the individual notification of 31 nearby residential properties.

**Representations**

15. I have received 7 letters of representation from nearby residents to date. Following a meeting organised by the School Management Team with the nearby residents who expressed concerns to this application, 3 of the 7 letters of objections were since withdrawn. A summary of the remaining objection letters are set out below:

- The continued extensions at the school have impacted on our home with an increase in noise, litter and disruption from their no smoking policy, whereby students congregate outside our properties at lunch break and after school;
- The Tamboo Bamboo Ltd have a band called "*Streetband Brew Ha Ha*" that practice at the School and the noise extends into our homes with a continued thud;
- The increase of students and attendees has overtaken the possibilities of the residents parking in their own road;
- We hope that parents and children will be advised to use the front entrance and not the back as this is a residential cul-de-sac (Dover Road);
- Should the proposal go ahead then access to the School should be from the main entrance only, with users encouraged to park at the front of the school, not in Dover Road which already carries enough traffic;
- It is unfair to expect residents to have to put up with extra noise disturbance after school and at weekends;
- We are appalled at not receiving a notification letter regarding the out of hour's community building. Because the development proposed will adversely affect us due to a possible increase in noise and a worsening of the parking problems already at the school;
- We have lived here for 32 years and the behaviour of the children and thoughtless parking of the teachers has gone from bad to worse – we very much hope that the school will not expand any further;
- Object to the proposal on environmental grounds due to an increased amount of litter for Dover Road residents;
- I welcome the fact that the site is to be used for community projects but would ask that the School and its users give more consideration to their neighbours than at present.

**Out of hours community building at Sandwich Technology School,  
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**Discussion**

16. 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 in this case include the impact upon residential and local amenity, the design of the building in terms of its industrial nature and any relevant Development Plan Policies.

Need for development

17. The applicants have, in this case indicated a clear need for this building to provide a work space and storage space for the community to build large carnival structures, as outlined in paragraphs (3-10) above. The activities that would be supported by this building would be community based activities and would allow the opportunity for the continuation of craft work that has currently had to cease operations due to a lack of a permanent facility. In my opinion, the building proposed here is a functional building, chosen specifically for the purpose in which it is proposed to serve.

Design

18. In my opinion, the most important considerations for determination of this application are: the design of the building; the Development Plan Policies; and, the effect on residential amenity.
19. Design is an important consideration in this case, given that the building which is proposed is large in its size and massing (14m x 21m), is of an industrial nature, and is somewhat of an unusual proposal for a school site. The design of the building needs to be considered in the wider context, having regard for the local landscape, the existing built environment and the impact upon residential amenity.
20. One of the most important factors for the School when choosing the design of the proposed building to erect, was the budget in which the applicants are working with. The applicants have selected a warehouse type building, as it could be self-erected and would not require a vast amount of footings, thus keeping the overall build costs down. Although monetary considerations should not be directly related to the planning process, the School has stated that it is important to note as this is the only type of building in which their limited budget allows for. Therefore, *'it is this or nothing at all'*.
21. The District Council expressed concerns relating to the design of the building at an early stage. Therefore, negotiations between the applicants and the County Planning Authority took place and, in my opinion, a more appropriate colour scheme was agreed. The proposed building would, if Members were minded to grant planning permission, be finished in a buttermilk colour with a goosewing grey roof to reflect the colour scheme used in the adjacent new building. In addition to the colour scheme, the applicant has chosen to install windows in the proposed community building in an attempt to match in with the existing built environment as well as providing natural light and ventilation in the building.
22. In my opinion, the applicants have attempted to amend the design to accommodate the existing built environment within the school site. I note that following this amendment the District Council still has concerns with regard to the scale and form of the proposal, and feel that any proposal should reflect the design of the new three-storey building to the

**Out of hours community building at Sandwich Technology School, Sandwich – DO/06/507**

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north. I do however, accept that the applicant is unable to produce a similar structure which reflects the new major development which has occurred at the school during the last two years.

Development Plan Policy

23. Policy QL1 of the Kent and Medway Structure Plan states that *'all development should be well designed and be of high quality. Development should respond positively to the scale, layout, pattern and character of their local surroundings'*. Similarly, Policy DD1 of the Dover District Council Local Plan states that *'proposals for development will not be permitted unless they are acceptable in terms of their layout and functional needs, siting, massing and scale of new buildings and architectural style and materials [...]'*
24. In connection to the above policies, I consider that the building chosen does not meet all of the criteria. However, it is my opinion that the proposal is located on a Technology School site where the School are trying to promote and strengthen community relationships. I consider that with the correct colour scheme, the building would not be unduly prominent in visual terms, to the detriment of nearby residential properties or the road frontage. Notwithstanding Policies QL1 and DD1, I consider that in this case there is an exceptional need for such a large-scale building of utilitarian nature. Whilst design should always be given the highest regard during the determination of an application, I accept that there is an overriding need for the development of this nature in this particular case.
25. In my view the overriding need for the community building is strengthened by Policy CF1 of the Adopted Local Plan which states that *'proposals for the establishment of expansion of community facilities will be permitted, provided they are well related to the community that they serve'*. I am of the opinion that the community building is well related to the community in which it is proposed to serve, both within the School and the wider community of Sandwich and East Kent.
26. Policy OS1 of the Adopted Dover District Council Local Plan states that *"proposals for development which would result in the loss of open space will not be permitted unless: - in the case of a school site, the development is for educational purposes [...]"*. Given that the development proposes the use of a school site for a community and school led venture, I consider that the development proposed would not be contrary to this Development Plan Policy.

Residential and local amenity

27. Sandwich Technology School is located within open countryside on the outskirts of Sandwich. The site is screened by mature trees along the Deal Road to the east and at other points. The nearest residential properties are located along Dover Road, as can be seen on the attached plan. The proposed location for the community building is relatively well screened from local residents, largely due to the distance and separation provided by Dover Road, the school playground and the existing built structures within the site. Therefore, I am of the opinion that such a building would not cause an adversely detrimental effect to the nearby residents of Dover Road.

Noise

28. As stated in paragraph (15) above, local residents have raised concerns relating to noise disturbance brought about by the proposed development. In the past, residents have raised issues with the School relating to noise generation from a student band that practises after school on weekdays. In response to the concerns raised, the applicants have stated that this building would by no means be used as a performance space for band practice or for discos.

**Out of hours community building at Sandwich Technology School,  
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Litter

29. Residents have expressed concerns relating to students dropping litter at the start and end of the school day. Claims have been made that this situation would worsen if the community building were granted planning permission. This is a School management issue and I have advised both the School and the neighbour(s) to take this issue up outside of the realms of this application.

Car Parking

30. As stated in paragraph (15) above, concerns have been raised relating to the on-street parking situation being worsened by this application. In response to this point, the applicants have confirmed that if Members were minded to grant permission for this development, sufficient parking would be made available for users of the community building in the school playground. It should be noted that the Divisional Transport Manager has raised no objection to the proposal, given that the proposed community building replaces existing mobile classrooms at the site.

**Conclusion**

31. In conclusion, whilst I acknowledge the Policy backing which supports high quality design, I consider that in this particular case there is a justification for permission to be granted. I am of the opinion that the site is relatively well screened from neighbouring properties and the roadway, and therefore I believe it would not constitute inappropriate development. Whilst I note that the building proposed here is of a large scale and is of an utilitarian design by its nature, I consider that the proposed use of the building justifies such a structure. Accordingly, I would recommend that permission be granted subject to the conditions outlined in paragraph (31) below.

**Recommendation**

34. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO
- the development to be carried out in accordance with the submitted documents and plans;
  - the materials used to construct the fabric of the building shall be those stated in the application documents and there shall be no deviation from these unless otherwise agreed in writing with the County Planning Authority; and
  - sufficient parking should be made available to the users of the out of hours community building within the school grounds at all times;

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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**APPLICATION DO/06/507 – OUT OF HOURS COMMUNITY BUILDING AT SANDWICH TECHNOLOGY SCHOOL, DEAL ROAD, SANDWICH**

NOTES of a Planning Applications Committee Members' site visit to Sandwich Technology School on Tuesday, 10 October 2006.

MEMBERS PRESENT: Mr R E King (Chairman), Mrs E Green, Mrs S V Hohler, Mr S J G Koowaree, Mr J F London, Mr T A Maddison, Mr R A Marsh, Mr A R Poole. Mr L B Ridings was present as the Local Member.

OFFICERS: Mr J Crossley and Mr J Moat (Planning) and Mr A Tait (Democratic Services).

THE APPLICANT: Mr R Wallis (Head Teacher), Mr A Fisher (Site Manager), Mrs Hibberd and Mr R Martin (Teachers).

OTHER LOCAL AUTHORITIES: Dover DC: Mr T Flisher (Development Control Manager); Sandwich TC: Mr B W Butcher (Deputy Mayor), Cllrs P Scott and M B Trussler.

ALSO PRESENT were some 12 members of the public.

- (1) The Chairman had already welcomed everyone to the first site meeting concerning the proposed wind turbine.
- (2) Mr Crossley said that the proposal was to locate the building in the corner of what was currently a tennis court at the south western end of the built up area of the site. The purpose of this building was to enable the School to continue with its "Out of School" activity of making the giant carnival figures and lanterns that it had historically made for the local community. He clarified that the building would not be used for noisy activities such as discos or band practice.
- (3) Mr Crossley went on to say that local residents and Dover DC had raised questions about the impact of the design and finish of the proposed building on the local area, although amendments to the external treatment of the building had been made. Some local residents also had concerns over the impact on their amenity if the building was permitted.
- (4) Mr Fisher (Site Manager) said that the activities that would be supported by this building were community-based. It was essential for the building to be constructed as there was currently no space or facility to make the figures and lanterns. He added that local residents had recently been invited to attend an Open Afternoon to look at what was proposed. As a result a number of fears (such as parking provision) had been allayed. There would be sufficient spaces for parking in the playground.
- (5) Mr Flisher (Dover DC) said that his Authority had no objections in principle to the proposal or to its location. The building would be well screened and had in any case previously been the site of a temporary building. Dover was, however, concerned over the industrial "muscular" form and appearance of what was proposed. This was not appropriate for its location and the District Council saw no overriding reason to set its concerns aside. It was recognised and appreciated that changes had been made but these changes were not sufficiently fundamental in nature.

- (6) Mr Trussler (Sandwich TC) said that the Town Council held similar views to the District. A community building was clearly needed. It was important that its appearance should be less bland.
- (7) Mr Ridings said that the design of the proposed building was appropriate to its purpose. It had to be functional rather than beautiful. The activity that it would be used for would be impossible to carry out in an ordinary classroom. He asked the Committee Members to bear in mind that this would be a building that would benefit the people of Sandwich and East Kent.
- (8) Mr P Scott (Sandwich TC) said that as a supporter of the Support the Arts “Star Initiative” he was very familiar with the community buildings that were needed. They had to be of firm construction and inevitably of utilitarian appearance.
- (9) Mr Martin (Member of staff and Tamboo Bamboo Project) said that the location and design had been chosen after careful discussion with Officers from Dover DC. He had believed that the revisions to the building had made it acceptable to the District Council and was disappointed that this was not the case. If the building was not granted permission, the community activity would cease to take place.
- (10) Mr Wallis (Head Teacher) said that the Planners were suggesting a design that catered for “Champagne Taste”, whereas the School only had “Beer Money” available. He asked the Committee to recognise that the proposed building represented a fabulous opportunity to resume the much admired work that had currently ceased.
- (11) Mr Fisher said that the School had spent a day discussing changes to the design and colours amongst other matters with Dover DC. He was mystified as to why the District Council had continued to raise an objection.
- (12) Mr Maddison said that the design of the building was an important planning consideration and asked what scope there was to improve it. Mr Fisher said that a block building would be completely out of the range of the Tamboo Bamboo Project and of the School itself.
- (13) The Chairman thanked everyone for attending. The notes of this meeting would be appended to the report to the determining Committee.



**Item D3****Construction of all-weather football pitch with associated fencing & floodlighting at Maplesden Noakes School, Maidstone – MA/06/118**

A report by Head of Planning Applications Unit to Planning Applications Committee on 07 November 2006.

Application by the Governors of Maplesden Noakes School and Kent County Council Children, Families and Education for the construction of an all-weather football pitch with associated fencing and floodlighting at Maplesden Noakes School, Buckland Road, Maidstone.

Recommendation: Permission be re-affirmed subject to conditions.

Local Member(s): Dan Daley & Jeoffery Curwood

Classification: Unrestricted

**Background**

1. This application at Maplesden Noakes School, Maidstone was reported to the Planning Applications Committee on 16 May 2006 following a Members siting meeting on 9 May 2006, where Members were minded to permit the proposed all weather pitch and floodlighting subject to conditions including the submission of a detailed landscaping scheme, hours of use of the pitch and floodlights and that the floodlights must be extinguished when not in use. The original committee report is appended to the back of this report.
2. Locational issues, noise and lighting issues, and visual impact and landscaping issues, along with hours of use, traffic generation and archaeology were taken into consideration during the May Committee Meeting. However, the impacts of the proposed development on the adjacent Listed Building were not examined in great detail and therefore, the application has been brought back for Members' attention. To date no decision notice has been issued.
3. Whilst the planning application was advertised at the outset as one which could affect the setting of a Listed Building and the report assessed the impacts of the proposed sports pitch and lighting on it, I was not aware, until after the May Committee Meeting, that the building had a star rating, which carried the additional requirement to consult with English Heritage. This error was brought to my attention after the Committee decision and I have since consulted with English Heritage. English Heritage only need to be consulted on Grade I and Grade II\* Listings.
4. The purpose of this report is to consider the points raised by English Heritage, given that all other issues have already been considered by the committee. The location of the Listed Building is shown on the site location plan attached.

**Proposal**

5. The application is for the construction of a full size, senior, all-weather football pitch with 2.0m high open-mesh fence, with 6 floodlights. In response to earlier concerns, the application was amended to included a cut and fill exercise of the pitch area, which would require that the pitch at its closest point to properties at Little Buckland Avenue be cut into the existing field area and be set at a level in the order of 4 metres below that of

**Construction of all-weather football pitch with associated fencing & floodlighting at Maplesden Noakes School, Maidstone – MA/06/118**

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### **Item D3**

**Construction of all weather football pitch with associated fencing & floodlighting at Maplesden Noakes School, Maidstone – MA/06/118**

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existing gardens. The inclusion of a landscape mound and acoustic screen was also included in order to mitigate any potential impacts to neighbouring properties.

**Further Consultations****6. English Heritage:** Has commented as follows:

“The proposal raises very interesting but extremely difficult questions, particularly in terms of the balance between community benefit and the preservation of the setting of a highly graded Listed Building, one which we would suggest has more than purely local significance.

“...I note that the number of surviving stone built houses pre-dating the middle of the Fourteenth Century in Kent cannot number more than 50 and probably rather fewer. This against the background of a total of something like 6000 surviving rural Medieval houses in Kent (and more Medieval town buildings are included). ...It is difficult to be definite, it is very probable that stone also means a high status for the building. Little Buckland Farm Cottage is therefore of greater than local significance, though it is difficult to be sure just how significant without investigating deeper into the history of the building and its locale.

“On the other hand, there is also no doubt that the all-weather football pitch would be a very useful community facility. Given also the difficulties in terms of the association between the two schools and Kent County Council which preclude the laying out of the pitch being as close as possible to the new sports hall (without which a new road layout would be needed), we are unable to suggest an acceptable alternative.

“That said, it is certainly true that an all-weather football pitch makes a very bad neighbour. Not only does the character of what is currently a grassed sports field change to become extremely artificial in its landscaping, its cost to the school will require it to be used at a rate which is far beyond the usage of the current sports field. To an increase in noise pollution will be added the new nuisance of light pollution.

“Given, however, that we are unable to suggest an alternative, we can only strongly recommend increased mitigation. Currently a bund would be raised between the pitch and the boundary. This should be increased if possible and the planting bulked up to mask the glow, which will certainly result from the lit pitch. Given the lower elevation of the house, below the pitch, the masking should be carefully designed to ensure the glow against the sky is reduced as far as possible. In terms of noise we note that your Council is proposing restricted usage but we would ask that this be revisited to ensure that what is currently a relatively tranquil site remains so.

“This is a difficult case, as I say, but it seems to us to be one which is best left to the sound judgement of your Council’s Planning Committee, deciding on a case which is very finely balanced”.

**Conservation Officer:** No objection subject to landscaping to screen the new pitch from the Listed Building, and painting the floodlighting columns green to lose them against the tree planting.

**County Archaeologist:** Happy that the original advice for a watching brief would be appropriate to secure archaeological recording.

**Construction of all weather football pitch with associated fencing & floodlighting at Maplesden Noakes School, Maidstone – MA/06/118**

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**Discussion**

7. Many of the issues raised by English Heritage have been discussed before and mitigation measures were considered in order to minimise impact from the proposed development. However, the issues raised within the comments made by English Heritage shall be addressed individually below:

**Listed Building**

8. There has been some discussion as to why Little Buckland Farm Cottage was accorded Grade II\* status. Therefore further research was required on the history of the site and after undertaking research at the Kent Archive Centre, it has been revealed that the Buckland Estate was once in the ownership of Allan de Bocland (1270 AD). During the reign of Henry IV (1399 – 1413) the Estate was part of the College of All Saints (built by the Archbishop of Canterbury in 1395 adapting some much older existing buildings, as a college of priests with 24 chaplains and clerks serving beneath the master). It is likely that that cottages at Buckland Farm were built during this period. At the Dissolution (started 1538) it passed to the Crown from where it was granted by Edward VI to George Brooke, Lord Cobham, whose grandson forfeited it for treason in 1603. It went on to become the property of Robert, Earl of Salisbury, when he broke the Estate into three portions in 1618 and sold them. William Horsepool brought Great Buckland and eventually it came into the ownership of the Earl of Aylesford in the 18<sup>th</sup> and 19<sup>th</sup> Century. South Buckland was alienated by Heneage Finch (fourth earl of Winchelsea) in 1720 to Lord Romney. Little Buckland comprised 52 acres and belonged to John Fletcher in the reign of Charles II (1660 – 85) from where it passed through many hands.
9. The Valor Ecclesiasticus (a detailed valuation of parish churches made in 1535, published by the Historic Manuscripts Commission in 1810-1834) refers to The College of All Saints returns including “Farm of Buckland with all lands lying in the West Borough (Westree) let out to farm – 14 pounds 13 shillings and 4 pence”.
10. Apparently, records of the sales of the land were lost in the fire at the Houses of Parliament in 1834, so no further detailed information is forthcoming from this avenue.
11. Under the circumstances, it would appear that the cottages were built during the time of ownership by All Saints College and associated with farming from this period. We also presume that the building’s construction in stone rather than timber would be the result of an owner who could afford to build in a more expensive material, which may relate to its significance. The association with an important owner ‘of historic significance’ would also be a reason for listing a building (at II\*). Since there is no convincing evidence that the historic setting was particularly important in this case, I can only conclude that the building was warranted its II\* status because it is of both architectural and historic association interest rather than any specific landscape setting.

**Impacts on the Listed Building****Locational Issues**

12. Concerns have been raised by English Heritage regarding the proposed location of the pitch and their query regarding the possibility of rotating the pitch to encroach on the

**Construction of all weather football pitch with associated fencing & floodlighting at Maplesden Noakes School, Maidstone – MA/06/118**

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Maidstone Girls Grammar School land (which had been discussed during the May 2006 Committee Meeting). I remind Members that this application has been submitted by the Governors of the School and the County Council as Education Authority. Site management and budget management are some of the responsibilities which have long been devolved to School Governing Bodies under Local Management and subsequent initiatives. Under the circumstances, the Education Authority maintains only a minimal input in the day to day running of its schools, and many development projects are promoted, funded and managed by the Schools themselves. This is particularly true of sporting developments, which are principally funded from the sports bodies etc by direct negotiations by the School. Whilst the Education Authority does have an over-arching interest in the Curricular provision and performance standards of its schools, it would not normally get involved in negotiations over new sports facilities, unless the School had specifically commissioned its services in that regard. In this particular case, I understand that the School Governing Body has opted to appoint its own advisors and consultants, which is a prerogative all Schools can exercise.

13. The possibility of relocating the pitch onto land owned by the Girls Grammar School has been raised with the applicant, but this had to be discounted as impracticable. The land between the two schools was divided when the Maplesden Noakes School became a Foundation School and the Maidstone Girls Grammar School land was retained by the Local Education Authority, and the applicant has stated that there is no current opportunity to occupy any of their land or share such a facility. Moreover the Planning Authority can only consider the proposal that is before them.
14. Given the time scale for the provision of this facility I do not consider that an alternative configuration of the pitch onto the Girls Grammar School land would be a practical alternative.

**Visual Impacts**

15. This report is focused on this issues raised by English Heritage in respect to potential impacts upon an adjoining Grade II\* Listed Building. In forming a view on the potential impact, as English Heritage themselves advise, the Council's Planning Committee must take a balanced view. Clearly all new development always has some impact upon the setting of development, which adjoins it. In this regard however, Members should in my view take account of the rationale for the grading of the Listed Building. As set out earlier (see paragraphs 8 –11) the listing does not seem to reflect the importance of an old building within any specific historical context. The principal reason for its star status would appear to be the high status of the original ownership at the time the farm cottage was developed. Of equal importance Members should be mindful that the original setting would probably have been agricultural in nature. Whilst English Heritage refer to an all-weather pitch as making a bad neighbour and it altering the character of a grassed area it can also be argued that a completely flat, drained playing field already represents a significantly artificial setting to the Listed Building.
16. I would therefore advise that whilst the development would inevitably affect the setting of the building that the true issues to focus upon, as also referred to by English Heritage, would be the potential impacts associated with the lighting to reduce glow against the sky and any potential noise impact. I have therefore addressed these two issues in more detail below.

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**Impact of lighting**

17. The pitch would be lit using 8 ultra low glare asymmetric beam floodlights with metal halide lamps. The floodlights would sit in a close to “flat glass” orientation that reduces glare and spillage and produces no direct upward waste light. The lamps would produce a white light ideal for sports. These would be aimed to produce a maintained average horizontal illumination level of 200 Lux. The proposed floodlights would be attached to 15 metre high columns (which can be lowered for maintenance). Due to the design of the floodlights there would be no light spill above the horizontal.
18. Consideration has already been given regarding the potential effect of the lighting on nearby residential properties and on the local area. Details submitted with this application have shown that when lighting the whole pitch at 200 Lux much of the surface illuminance would be restricted to within the school site. The adjacent railway line would experience a surface illuminance of 1 Lux over a limited area and 2 residential properties would experience a surface illuminance of 1 Lux in the gardens of their properties (including Little Buckland Farm Cottage). There would be no surface illuminance at the façade of any residential property (see enclosed plans). Illuminance levels of less than 5 are normally considered to be acceptable for residential properties and the acceptable illuminance level for roads and rail varies depending on the existing levels of lighting on the roads and rail in question.
19. Consideration has also been given to the issue of light glare. The technical information submitted with the application states that the asymmetric distribution of the floodlights allows for a lower tilt angle from the horizontal, hiding the lamp and therefore reducing glare not only on the players and spectators but also to any surrounding residents. Additionally the applicant advises that for this proposal all floodlights have been tilted as flat as possible, the tilt of the light being 68.1°. Furthermore, the revised proposal moved the floodlit pitch further away from the neighbouring housing, the field area being set 4 metres below the existing gardens and new planting together with the existing vegetation would minimise the effect of any glare.
20. At the closest point the pitch would be located approximately 8 metres from the boundary of the site and 11 metres from the railway. Existing boundary planting is present along both boundaries of the site, although it is acknowledged that this varies in thickness and height and does not provide all year long cover. The floodlighting results in no light spill above the horizontal, and visibility of the lamps would be kept to a minimum through the use of ultra low glare floodlighting. Additionally, the proposed new landscape mound with acoustic screen, once established would help to screen the development, providing all year round cover and again reducing the potential for glare.
21. English Heritage has acknowledged that a bund would be raised between the pitch and the boundary but ask that further consideration is given to increasing the height of the bund and that the planting is bulked up to mask the glow from the lighting. My own view is that additional bunding would itself be visually intrusive as an alien feature and I would not recommend any increased bunding, which would have very little further screening benefit.
22. I therefore consider that subject to conditioning the design of the floodlighting and implementation of the screening bund that light spill would not cause an unacceptable impact upon the Listed Building.



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**Noise**

23. Potential noise impacts from the proposed development have also already been discussed. In particular, noise consideration has followed the relevant Government Guidance. Planning Policy Guidance Note 24 (Planning and Noise) stipulates four *Noise Exposure Categories* for assessing noise impacts on residential properties. In broad terms these are:

- A - where noise need not be considered as be a determining factor,
- B - where noise should be taken into account by imposing appropriate planning conditions,
- C - where planning permission should not normally be granted unless there is adequate mitigation,
- D - where planning permission should be refused.

Ranges of decibel levels are cited for each of these Categories, with 45-55 decibels applying to Category A. On the basis of the advice from our noise consultants, it is apparent that the proposed sports pitch would, at worst, fall within Category A, where no further consideration of noise impacts is recommended as part of the planning process. Under the circumstances, there is no need for further noise information, nor to impose any noise restrictions or to require any noise attenuation measures. In this particular case, however, there have been negotiations with the applicants regarding measures to mitigate noise impacts and these resulted in the amended proposals, which were presented to the Planning Applications Committee on 16 May. Apart from the earth bunding, the amendments included fencing of the sports pitch and additional noise fencing on its northern side to protect adjacent residential properties. I do not consider that any further noise mitigation is warranted in these circumstances.

**Hours of Use**

24. Despite the mitigation measures, English Heritage has requested that the hours of use are reduced further (following those agreed at the 16 May Planning Committee) in order to further mitigate noise intrusion.
25. The issue of 'hours of use' were debated at length at the 16 May 2006 Planning Committee Meeting. The hours of use put forward by the applicant were 0900 to 1700 during the school term. Community use was proposed to be between 1700 and 2200 on weekdays and 0900 and 2200 weekends. Members were, however, minded to reduce the proposed hours of use to 0800 to 2130 on weekdays, 0900 to 1800 on Saturdays and 0930 to 1400 on Sundays and Bank Holidays.
26. Since the May Committee Meeting, the applicant has requested that the hours of use be reviewed, given that the proposed hours of use were reduced by 4 hours, principally on Saturday and Sundays. The applicant has stated that the reduction of the hours as currently drafted would affect the funding and operational revenue and render the project nonviable. The applicant states that although the reduction of 4 hours seem insignificant, they bring the total hours to 81, below the minimum 85 hours required by the Football Foundation, who are the principle funders for this project. The applicant therefore asks that the hours are reviewed to allow 85 hours of operation as originally sought.

**Construction of all weather football pitch with associated fencing & floodlighting at Maplesden Noakes School, Maidstone – MA/06/118**

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27. English Heritage, however, would like to see the 'hours of use' further reduced from those previously decided in order to further mitigate noise disturbance. However, given that noise levels meet the relevant Government Guidelines, I consider that a further reduction in 'hours of use' would not be appropriate or necessary. I do not however, consider it appropriate to reconsider the hours of use in terms of increasing those already decided upon to those originally applied for. In particular, I do not consider it acceptable to have floodlighting in use until 10pm on weekends, and I would suggest that the hours of use are retained as agreed by the Planning Applications Committee on 16 May 2006.

**Conclusion**

28. The comments raised by English Heritage relating to the adjacent Grade II\* Listed Building have been further considered and I acknowledge that the proposed development would have an impact upon the setting of the Listed Building. However, given the proposed mitigation measures put forward by the applicant and the Committee, which relate to landscaping and acoustic screening, I am satisfied that appropriate and satisfactory measures have been taken to minimise potential intrusion on the setting of the Listed Building, which in any event does not seem to reflect the original setting of the building.

29. I do not consider that the concerns raised by English Heritage warrant refusal, and all other issues relating to lighting, noise and location in respect of their impact upon the wider community have been discussed and considered at the earlier Meeting. I would therefore advise that my recommendation remains unchanged.

**Recommendation**

30. I RECOMMEND that PERMISSION BE REAFFIRMED, SUBJECT TO conditions requiring the development is carried out strictly in accordance with the approved plans, the submission and implementation of a landscaping scheme, hours of use of the pitch and floodlights, the floodlights being extinguished when not required for all or part of the pitch and operated at the proposed Lux level at all times, Lighting to be inspected by a qualified lighting engineer, an archaeological watching brief being carried out during development, and details of surface materials for the proposed pitch to be submitted prior to work being commenced.

Case officer – Helena Woodcock	01622 221063
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Background documents - See section heading
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**Item D4**

**New school buildings, playground, access/car park, and extension of existing accommodation. Greenfields Community Primary School, Oxford Road, Maidstone – MA/06/1560.**

A report by Head of Planning Applications Unit to Planning Applications Committee on 7 November 2006.

MA/06/1560 – Application by Greenfields Community Primary School and Kent County Council Children, Families and Education for new school buildings: Junior classrooms, Library, SEN (Special Educational Needs)/small group rooms, FSES (Full Schools Extended Services) building, Staffroom and Nursery; New Junior hard play area; reconfiguration of existing car parking off Rutland Way (including new access point, one way system & additional parking); extension to existing dining room and reconfiguration of existing Infants block. Greenfields Community Primary School, Oxford Road, Maidstone

Recommendation: Permission be granted.

**Local Members:** Mr A. Chell

**Classification:** Unrestricted

### **Site**

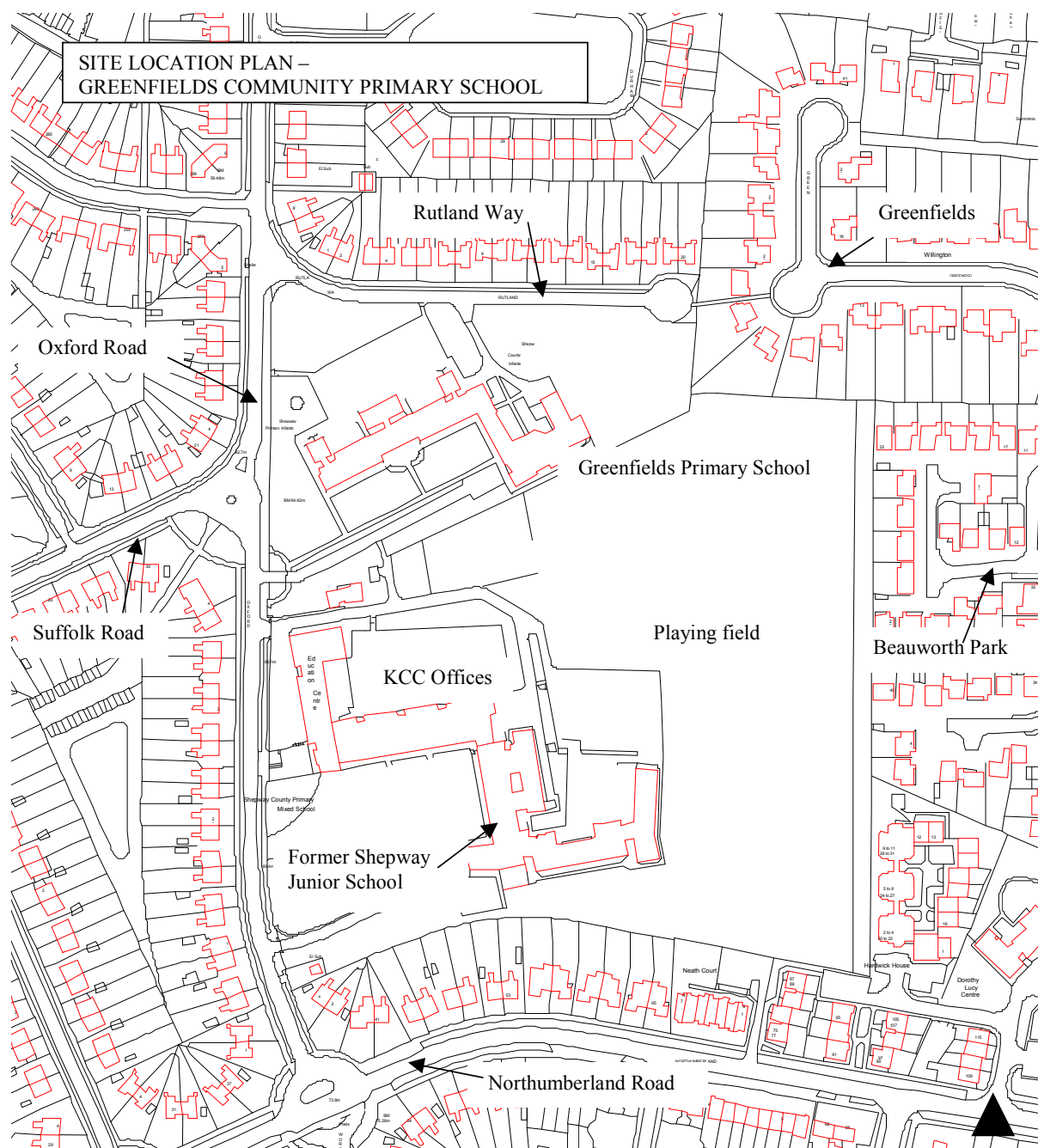
1. Greenfields Community Primary School is situated within the residential area of Shepway, Maidstone. The application site is bounded by Oxford Road to the west, Rutland Way and Greenfield to the north and east, Beauworth Park to the east, and the County Council's offices at Oxford Road along with the former Shepway Junior School site to the south. Residential property surrounds the site to the north, east and west (see attached location plan).
2. The existing main school building consists of a primarily single storey flat roof construction housing the infant school classrooms and a double height administration block that houses office and ancillary accommodation, school hall, kitchen and dining room. Various temporary buildings are located in close proximity to this building, including an existing nursery building and mobile units accommodating the junior school classrooms. The main access to the site is via Oxford Road with a secondary vehicle access point off Rutland Way. Car parking is available for approximately 36 vehicles.
3. There are no specific land designations within the Development Plan in association with the site.

### **Background**

4. Greenfields Community Primary School was recently formed as a result of the amalgamation of Shepway Infant and Junior Schools, accommodating children from nursery age through to 11 years. In June 2006 planning permission was granted on the Infant School site (under reference MA/06/756) for the provision of temporary classroom accommodation to cater for the junior school classes. Permission was granted for a temporary period allowing a scheme for the extension and refurbishment of the Infant School building to be brought forward. This application comprises the permanent extension and refurbishment proposals.

## Item D4

**New buildings, playground, access/car park, and extension of existing accommodation. Greenfields Primary School, Maidstone – MA/06/1560.**



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### **Proposal**

5. This application for planning permission is being proposed jointly between Greenfields Community Primary School and KCC Children, Families and Education. Planning permission is being sought for built development extending the existing school buildings to provide permanent accommodation for Greenfields Community Primary School and associated educational functions.
6. The development comprises:
  - New school buildings accommodating 4 junior school classrooms, library, Special Educational Needs (SEN) room, small group rooms, community rooms and Full Schools Extended Services (FSES) building;

**New buildings, playground, access/car park, and extension of existing accommodation. Greenfields Primary School, Maidstone – MA/06/1560.**

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- Extensions and reconfiguration of existing school building to improve the existing accommodation and provide a new staff room, nursery, and extension to the existing dining room;
- A new junior hard play area/Multi Use Games Area (MUGA), and amphitheatre;
- Reconfiguration and relocation of an existing car park including creation of new access point off Rutland Way, one way system within the site, and 3 additional parking spaces; and
- Removal of 8 trees and their replacement as part of a landscape scheme (if appropriate, details to be agreed at a later date).

New school buildings

7. Three new school buildings are proposed extending the built development to the south and east of the existing administration block. These structures would accommodate the junior classrooms, library, SEN/small group rooms, and FSES office space. The construction method proposed for the buildings incorporates lightweight prefabricated metal modules, completed in materials to contrast with the existing buildings. The structures would be finished in silver painted metal, with dark grey aluminium door and windows frames, translucent polycarbonate cladding and steel framed glazed canopies.

Extensions and reconfiguration of existing buildings

8. Internal alterations are proposed to the existing Infants block, reconfiguring the space to extend the classroom accommodation, office space, and provide new WC's. Extensions to the Infants block would accommodate the existing nursery provision currently accommodated within a mobile building on site, and improved staff room and dining room accommodation. As part of the proposals, the temporary nursery building would be converted into new community rooms.
9. The permanent nursery accommodation is proposed to the north west end of the Infant building within an existing block that would be converted and a new build element, triangular in shape with a mono pitched roof and translucent cladding.
10. The staff room extension proposed to the north east end of the Infants' block is shown as a modular unit similar to the new school buildings detailed above.
11. The improvements to the dining room are shown as a flat roof extension matching the existing arrangements. The brick work proposed would match the existing with the dining room windows reused in the new façade.
12. New community rooms are proposed within an existing mobile building, which is currently occupied by the nursery provision. The applicant proposes to retain and upgrade the building to the standard of the other new build elements within the scheme, improving the structure both aesthetically and to comply with the current building regulations. The proposal is to retain this structure on site as a permanent solution. Detailed specifications for this building have not been received to date.
13. The community rooms proposed would create new provision on site allowing the school to provide space for out of hours clubs, for meetings and courses in support of the schools function and as a facility offered to the wider community. The functional use of

**New buildings, playground, access/car park, and extension of existing accommodation. Greenfields Primary School, Maidstone – MA/06/1560.**

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the space would be primarily during the hours 0800 to 1800, with occasional use during evenings and weekends as required.

New junior play area and amphitheatre.

14. The proposed development includes a new junior hard play area situated to the south of the built development. This Multi Use Games Area (MUGA) would provide a tarmac court, cut into the slope of the ground, with gabion blocks providing seating adjacent to the court.
15. The application also includes external teaching space located adjacent to the dining room between the buildings proposed on site. This is shown as a sunken amphitheatre that would be finished with gabion seats and timber deck as part of the external landscaping associated with the development.

Proposed car park and access.

16. Permission is also sought for a new vehicle crossover to the site at the eastern end of Rutland Way, along with the relocation of the car parking and the creation of a one way circulation route connecting to the existing access point back onto Rutland Way. The proposed car park would reconfigure an existing provision, accommodating 15 parking spaces in place of 12.
17. The drawings received show a future 37 space car park extension to the main vehicular access off Oxford Road. This provision does not form part of the current application, falling outside the application site proposed. The car park extension is shown for information purposes only and represents a future aspiration for the site.

**Additional Information provided by the Applicant**

18. During the processing of the application, the layout of the proposed hard surfacing has been amended by the applicant to reflect comments received from consultees and local residents. The junior hard play area originally shown to the east of the school site on the playing field to the rear of properties on Greenfields, has been relocated to a site south of the school buildings away from residential property. The revised site location plan is included with this report.
19. A copy of the approved Greenfields Community Primary School Travel Plan adopted in February 2006, has been provided in support of the application. The plan details the School's approach to managing the travel arrangements for staff and pupils and, amongst other matters, sets out objectives to reduce the reliance on private motor vehicles, improve the safety of children travelling to school, encourage walking as a healthy way to get to school, and raise environmental awareness.
20. Survey work in relation to the trees that would be affected by the development has been requested. The applicant has advised that this will be made available in the near future.
21. In justifying the educational need for the development, the applicant states the following motivations:

**New buildings, playground, access/car park, and extension of existing accommodation. Greenfields Primary School, Maidstone – MA/06/1560.**

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- To provide appropriate permanent accommodation for the amalgamated Infants and Junior Schools.
- To refurbish and upgrade the present school buildings, which are undersized and under serviced.
- To provide a fully accessible school for the physically disabled that integrates the requirements of special needs users in a non-stigmatic way.
- To provide a local community centre for the nearby housing estates; a social centre; a strong presence in the locality.
- To provide a meeting place for local schools, providing professional facilities for education, sport, drama, IT and culture.
- To provide community sports areas, including athletics and basketball.
- To provide a facility which focuses on the relationship between parents/carers and the school.
- To provide a state of the art life time learning centre.
- To provide a responsive, bioclimatically aware and sustainable building.
- To provide a Surestart Nursery environment, and meet Wraparound Care.

**Development Plan Policies**

**22. Kent and Medway Structure Plan (2006)** – the most relevant Structure Plan Policies include:

Policy SP1	Seeks to protect and enhance the environment and achieve a sustainable pattern and form of development.
Policy SS6	Seeks to improve the built and natural environment, functioning and appearance of the suburbs of the major urban areas, including the provision of services and facilities that serve local needs.
Policy EN9	Seeks to maintain tree cover and provision of new habitat as part of development proposals.
Policy QL1	Seeks all development be well designed and of high quality that respond positively to the local character. Development, which would be detrimental to the built environment, amenity, function and character of settlements or the countryside, will not be permitted.
Policy QL11	Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient.
Policy QL15	Seeks to protect existing formal recreation and sports facilities.
Policy TP3	Local Planning Authorities should ensure that development sites are well served by public transport, walking and cycling.
Policy TP19	Seeks development proposals to comply with the respective vehicle parking policies and maximum standards adopted by Kent County Council and Medway Council.

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Policy NR1      Seeks sustainable construction techniques and development that demonstrates prudent use of energy, water and other natural resources.

**23. The Maidstone Borough-Wide Local Plan (2000) – the most relevant Local Plan**  
Policies include:

Policy ENV2      Development should be well designed, respect its setting and have due regard to amenities of neighbouring properties.

Policy ENV5      Requires the protection of trees which make a significant contribution to the amenity of a locality, character or quality of the landscape, or biodiversity, unless the need for the development outweighs the contribution(s).

Policy ENV 6      Requires, in appropriate cases, that a landscaping scheme is carried out as part of development proposals.

Policy ENV22      Proposals to develop existing open areas require regard to be had to the visual contribution which the site and the proposed development would make, the need to uphold and improve the appearance of the locality and the need to conserve wildlife habitats.

Policy ENV23      Proposals which would result in the net loss of open space will not be permitted unless there is a proven overriding need for the development and there is no deficiency of open space or recreational facilities in the locality and alternative provision can be provided.

Policy T8          Requires provisions for cycle parking.

Policy T13          Parking standards will normally be adopted for new development to ensure minimum provision.

Policy CF9          Supports dual use of educational facilities where activities are compatible with local residential amenity.

**Consultations**

**24. Maidstone Borough Council** – No objections, requests conditions covering: the development to be begun within 3 years, details of external materials, a scheme of landscaping, parking/turning area be provided prior commencement of use, confirmation that the development will be constructed in a sustainable and energy efficient form, details of external lighting, details of hard landscaping, no lights to be erected within or adjacent to Junior hard play area, details of a Green Travel Plan.

**25. Divisional Transportation Manger** – No objection on highway grounds. Comments that the vehicle access on to Rutland Way is acceptable and would allow the formation of a one way traffic flow through the site to the existing access. The parking provision would be increased slightly and this coupled with the introduction of a one way traffic flow should assist traffic movements in the area. Highlights improved emergency

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access arrangements would be provided within the school to allow an approach to the new buildings. In conclusion, advises that the proposal would not have a detrimental impact on the highway and would ease traffic movement in the locality.

Confirms a Kent Highway Services School Travel Plan Officer approved the Travel Plan received in March 2006.

Advises that a pedestrian barrier at the point where the footway between Greenfield and Rutland Way meeting the vehicle turning circle at the end of Rutland Way would be an appropriate solution to residents concerns about pedestrian safety.

26. **Sport England** – No objection. Advising that the proposed development of outdoor sports facilities would be of sufficient benefit to outweigh the detriment caused by the loss of playing field.
27. **Fire Safety Officer** – No objection. Advises that the means of access is considered satisfactory.
28. **Jacobs (Landscape)** – Recommends, a tree survey and tree protection plan to BS5837:2005 'Trees in Relation to Construction' should be submitted for further consideration.

Advises no objection to the proposed buildings in terms of design, scale or location. Comments that the proposed access along with the felling of a number of trees would cause a moderate adverse visual impact to adjacent properties. Recommends a full landscape scheme setting out details of location, plant species, sizes and numbers/densities be required as part of the development.

**Representations**

29. The application has been publicised by a site notice and newspaper advertisement. 53 neighbouring properties were notified.
30. 5 letters of representation have been received. The objections raised relate to the following points:
- Concerns about the potential for an increase in traffic congestion on local roads.
  - Concerns that Oxford Road, Rutland Way and Greenfields will become car parking areas for traffic associated with the school.
  - Considers that the proposed new access would not alleviate congestion as suggested.
  - Raises concern over the proposed location of the Junior Hard Play Area shown to the rear of property on Greenfields, by way of the potential impact on residential amenities and on security grounds.
  - Objects to the proposed landscaping shown in association with the Hard Play Area. Raises concern that the landscaping proposed has the potential to impact on natural sunlight, overshadow adjoining gardens, and impact on residential amenity.
  - Raises the question of relocating the play area to a location to the south of the school buildings.

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- Raises concern about the use of the playing field for community sports activities. Asks if this provision is necessary given the facilities located at Cumberland Green, Cumberland Road.
- Given the proposed vehicle access, questions whether a barrier should be erected at the western end of the footway that links Greenfields and Rutland Way to ensure pedestrian safety.
- Raises concern that the amenities of local residents have not been considered within the proposal.
- Objects to the siting of the amphitheatre, community rooms, and car parking proposed.
- Objects to the potential use of the site in the evenings.

**Discussion**

31. In considering this proposal the Planning Authority has to have regard to the provisions of the Development Plan. In this case the Development Plan comprises the Kent and Medway Structure Plan 2006 and the Maidstone Borough-Wide Local Plan 2000. The most relevant policies are outlined in paragraphs (22) and (23) above. 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, 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.
32. Careful consideration should be given as to whether the proposal is acceptable in the location proposed in light of the Development Plan Policies and the material considerations raised during the planning process, including whether the development would result in an unacceptable loss of amenity to neighbouring properties. This report has been prepared to consider points raised by local residents objecting to the application. A summary of the objections being raised is outlined in paragraph (23) above.

**Location**

33. The built development proposed by this application would be sited adjacent to or by extending the existing building, on land that currently forms part of the landscaped areas or playing field within the existing school site. Single storey extensions providing nursery space, staff room and dining accommodation are shown to the existing building, creating approximately 175m<sup>2</sup> of new floor space. Three new modular buildings are shown surrounding the east end of the school building that would accommodate the proposed four junior classrooms, library, groups rooms and office space. A new vehicle crossover and relocated car park would be located along the northern boundary with Rutland Way, with a new hard play area located to the south east of the main school building (see attached plan).
34. The proposed location for the development would appear to have been determined by the location of the existing building and access arrangements, alongside landscaping, and the requirement to preserve the existing hard play space and playing field provision.

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35. There are no specific Development Plan Policies relating to this site. Sport England was consulted as part of the planning assessment due to the potential impact on the playing field. They are raising no objection, advising that the loss of playing field would be off set by the provision of new outdoor sports facilities in the form of the proposed Multi Use Games Area.
36. Objections have been raised by nearby residents regarding the proximity of the proposed development and the potential impact on residential amenities. The closest residential property is located, approximately 15 metres north of the proposed car park, on Rutland Way, and 10 metres to the east of the proposed vehicle access. The distances from any of the proposed buildings to the facades of the closest residential properties would be greater, with the closest façade to façade distance being over 40 metres. Specific concerns were raised in letters received from nearby residents about the proposed location of the car park, community building, amphitheatre and the junior hard play area.
37. As a result of concerns raised about the original location proposed for the junior hard play area, the applicant has relocated this provision on revised drawings received. Moving the facility from a position south of property in Greenfields, to the location shown on the drawings attached to this report, south east of the main school building.
38. The Kent and Medway Structure Plan Policy QL1, and Maidstone Local Plan Policy EN2 require development that responds positively to the local character, respects the existing built environment, amenity and function, and has due regard for the amenities of local residential properties. It is necessary to consider the layout and siting of the proposals in the context of Development Plan Policies.
39. The County Council's Landscape Architects views, set out in paragraph (28) above, should be noted. Specifically, the observations conclude that the proposed access along with the felling of a number of trees would cause a moderate adverse visual impact to adjacent properties. However, they raise no objection to the proposed buildings in terms of design, scale or location.
40. I consider that the layout of the development proposed is a logical response to the need to extend the permanent accommodation provided at the school. The buildings proposed reflect the existing arrangements on site and would not substantially extend the built envelope towards residential property. The form and scale of the buildings proposed would not be overbearing, nor result in an unacceptable loss of privacy for surrounding properties. For the most part the proposed buildings would be shielded from adjoining properties by the existing buildings and landscaping retained on site.
41. The relocation of the junior hard play space to a location approximately 70 metres from the closest resident property would, in my opinion, overcome any concerns about the proximity of this facility to property in Greenfields, and reflects the suggestions received about moving the play area. Whilst the proposed access road and car park off Rutland Way would move activities on site closer to residential property, the retention of the existing hedgerow and majority of trees in that locality would soften the visual impact, and I do not consider that the layout would result in an unacceptable impact on residential property. Therefore, subject to consideration of design of the buildings, transport and access, landscaping and the community use below, I would raise no



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objection to the location of the development and consider that the proposal accords with the appropriate Development Plan policies.

**Design of the building**

42. The issue of design is material to this application in that it involves a proposed expansion of the permanent accommodation on site, creating 884 m<sup>2</sup> of new floor space. The brick built extension to the dining room is fairly straight forwarded in that it proposes to match the existing arrangements. The nursery extension alongside the prefabricated modular units set out in the drawings to accommodate the other built development proposed on site are more contemporary in their approach.
43. Kent and Medway Structure Plan Policies SP1, SS6, QL1 and NR9, and Maidstone Local Plan Policy ENV2 seek, amongst other matters, development that is well designed, respects and enhances its setting, and achieves a sustainable form of development. It is necessary to assess the proposal in the context of these policies.
44. The issue of design has not been raised as a contentious issue by either statutory consultees or third parties. Maidstone Borough Council has not raised objection to the scheme and I acknowledge their comments on potential conditions. Specifically in the context of the design of the buildings, the conditions relating to the need for full details of the materials and external treatments proposed, along with a requirement that details be provided that confirm the new built development would achieve a sustainable and energy efficient form.
45. The design of the buildings and the way they integrate with their surroundings must be of a high standard. In this respect the applicants' architect states that the proposed Junior blocks and staff room extension would use a lightweight prefabricated modular system that allows most of construction work to be carried out off site, where high standards of finish can be assured. In order to distinguish the new buildings, the palette of materials proposed are lighter and more transparent, contrasting between the new and existing. The finish proposed to the exterior of the new buildings would be profiled metal painted silver, which would result in sleek light buildings that act as blank canvas to activities on site. The finish would be supplemented with contrasting dark grey windows and doors and the use of polycarbonate cladding that allows diffuse light into the classrooms. The rooflines proposed are flat reflecting the existing buildings, and would include glazed roof canopies that provide covered play areas and walkways. I see no objections to the design of the new accommodation, which would be modern and innovative, providing a stimulating new environment for pupils learning.
46. The nursery element of the proposed extensions to the main school block would see a triangular shaped development extending the western end of the building. This new build element would be completed in a similar palette of materials to the other proposals, using insulated translucent cladding under a mono pitched profiled metal roof, finished in dark grey.
47. The proposed development also incorporates the retention and extension of an existing mobile building on site, which currently accommodates the nursery provision and would be used as community rooms should planning permission be granted. The applicants' architect has confirmed that this structure would be upgraded both aesthetically and to comply with current building regulations to enable its permanent retention on site.

**New buildings, playground, access/car park, and extension of existing accommodation. Greenfields Primary School, Maidstone – MA/06/1560.**

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Details of the upgrades proposed have not been received prior to writing this report. However, the architect has confirmed that these details will be made available in the near future. Given the modular style of the new build elements proposed within this application, in my opinion, it would not be unacceptable to retain the mobile building on site provided sufficient evidence can be supplied by the architects that the upgrades would bring the building up to the standard of the other elements in the scheme.

48. In respect of the design, the proposals are highly contemporary in their nature and would contrast with the existing built development on site. The proposal represents a modern approach to the extension of a school that would upgrade the facilities on site replacing mobile buildings currently housing the junior classes. The approach proposes to make the most of the landscaping retained on site (this issue is considered further below), providing further soft and hard landscaping to complement the development. In my opinion, the approach has the potential to make a bold statement and, subject to the further details being provided on the upgrades to the proposed community building along with appropriate conditions covering external materials and details on sustainability, consider that the design and appearance of the various built elements are acceptable and would accord with the Development Plan policies.

**Landscaping**

49. As outlined, 8 trees would be removed as a result of the development work. In addition, whilst the development proposes to retain as many trees on site as possible, a number of the larger specimens, that it would be desirable to retain, would be located in close proximity to buildings and hard surfacing.
50. The County Council's Landscape Architects comments are detailed in paragraph (28). They advise no objection in principle to the scheme, however, request further survey work and protection measures in support of the proposals. This detail has been requested from applicant and the survey work is currently being undertaken. Our Landscape Architects confirm that further to receipt of the survey and protection plan a fuller assessment of the proposals in relation to the trees on site can be made.
51. In principle, I have no objections to the trees proposed for removal, most of which are small and in my opinion do not substantially contribute to the amenity of the local environment. However, some of the larger trees located close to the proposed development potentially have a greater value. I therefore consider that it necessary that the applicant provide further supporting information reassuring any concerns about potential impacts of the proposals on the trees to be retained.
52. Objections have been received from nearby residents to the landscaping proposed in association with the junior hard play area include in the proposals. However, as detailed above, this facility is now being proposed along with the associated landscaping in an alternate location well away from neighbouring properties. Therefore, I do not consider that this element of the scheme would have a detrimental impact on residential property.
53. With regard to the issue of landscaping, subject to the submission of appropriate survey work and protection measures for consideration, along with conditions covering tree protection and further landscape details, I have no objections to this element of the proposals.

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**Transport and access**

54. There are a number of issues arising in relation to traffic, access and parking as a result of the proposal. These are reflected in the letters of representation summarised in paragraph (23) above and include concerns about the potential for the scheme to intensify congestion and parking problems associated with the school.
55. The existing access arrangements consist of the main entrance to the school grounds on Oxford Road, with a secondary vehicle access off Rutland Way and various pedestrian routes into the site. The Oxford Road access allows on site car parking for 22 vehicles along with a drop off point at the school's main entrance. The Rutland Way access provides parking for a further 12 cars and accommodates delivery vehicles for the kitchen. Parents dropping children off to the nursery also currently use the Rutland Way access. The Primary School accommodates approximately 290 pupils aged 3 to 11, and 32 members of staff.
56. The amalgamation of the former Shepway Infants and Junior Schools on the one site will have focused movements around the school grounds. However, given that the respective school sites are directly adjacent to each other the level of traffic in the locality would not have increased. The amalgamation occurred earlier this year and the junior class are already accommodated on site in temporary buildings. I would advise that the proposed development is primarily for the refurbishment and improvement of existing facilities on site and for permanent accommodation replacing temporary mobile units. The only element of the application that has the potential to generate additional movements associated with the site are the community facilities included.
57. The application proposes to retain the existing Oxford Road entrance, improving the emergency access arrangements to the buildings proposed on site. The drawings received show a 37 space car park that represents a future aspiration and does not form part on the current proposals. Maidstone Borough Council has indicated that they would be unlikely to support this provision in the future. The current proposal includes a new access point off the eastern end of Rutland Way, along with a new road layout and the relocation and extension of an existing car park. The proposals would allow the creation of a one way system through the site and include a small increase in parking provision from 12 to 15 spaces (including 2 dedicated accessible spaces) along with improved arrangements for delivery vehicles.
58. In support of the application the current adopted Travel Plan for Greenfields Primary School has been received. Kent Highway Services have confirmed that the School Travel Plan Officer approved the plan in March 2006. The document details objectives set by the school to reduce the number of children travelling to school as the sole passenger in a car and to increase the number of pupils walking to school by February 2007. The Travel Plan process is an ongoing approach to managing and reducing congestion, which the school are signed up to and is subject to regular review.
59. The Divisional Transport Manager's comments are set out in paragraph (25). In conclusion, he advises that the new access proposed to Rutland Way is acceptable and that the introduction of a new internal road layout along with additional parking spaces on site should assist traffic flow on Rutland Way, and as such raises no highway objection to the application.

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60. Concern has been raised by a nearby resident about potential pedestrian safety in light of the vehicle access proposed at the end of Rutland Way; given that the footpath between Greenfields and Rutland Way joins directly to the highway with no connecting footpaths. A suggestion has been made that an appropriate pedestrian barrier be provided to prevent any conflict between vehicles using the proposed access and pedestrians. The Transportation Manager has advised this would be an appropriate solution and the applicant has agreed to undertake the improvements as part of the scheme.
61. Development Plan policy as set out in the Kent and Medway Structure Plan and Maidstone Local Plan is that development will only be permitted where the site is well served by public transport, walking and cycling and complies with vehicle parking standards. I would advise that the Primary School is well served by public transport and the footpath network, situated within a residential area. The car parking provision is acceptable in light of the staff and pupil numbers attending the school. I acknowledge that there is congestion associated with the school during the peak hours around school start and finish times. However, this is not unlike problems experienced by all schools around the County. The improvements to vehicle accommodation on site along with an ongoing commitment to the Travel Plan process should keep traffic generated by the proposal within acceptable limits. I would advise that the Community facilities included within the application are not of a sufficient scale to generate an unacceptable increase in traffic. On the basis of the details set out above and taking account of the Transportation Manager's comments, I would not raise objection to the proposals on highways grounds.

**Community Use**

62. Concerns have been raised by local residents about the use of the school site for wider community functions. I would advise that this is part of the Primary Schools commitment to the Government initiative for Extended Schools, making the best use of the buildings and facilities for the benefit of the wider communities. It is a Government remit that all schools offer a core set of extended services by 2010.
63. The application proposes a certain level of community use of the development; and the provision of improved facilities to support an extended service at the school is referenced as one motivation/ need for the scheme. The proposal incorporates a Full Service Extended School building providing office space for a function that already exists at the school. The proposal also includes the retention and upgrade of a temporary building on site to provide new community rooms in support of the schools role within the local community. Uses of these new spaces would include supporting the education function, providing accommodation for learning and leisure opportunities for pupils, their parents and the wider community during the day and after school. The primary hours of use proposed would be 0800 to 1800 Monday to Friday, with use of the facilities on occasion outside these hours in the evenings and at weekends, in a similar manner to the use of the existing school facilities.
64. Community/ dual use of school sites is well supported by Structure Plan Policy QL11, and Maidstone Local Plan Policy CF9. Encouraging flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools where activities are compatible with local residential amenity. Clearly, the proposed use beyond normal hours has the potential to impact on residential properties, as a result of

**New buildings, playground, access/car park, and extension of existing accommodation. Greenfields Primary School, Maidstone – MA/06/1560.**

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activities on site and any associated vehicle movements. However, I would advise that space provided within the proposed development is not sufficient in scale to generate a substantial increase in activity at the site. Any use of the existing facilities on site in association with an educational use, such as the playing field and existing school building is a school management issue and does not require the benefit of express planning consent.

65. Being located within the urban area of Maidstone the school site is well related to public transport and pedestrian networks. Taking the above into account along with the scale of the proposals, I do not believe that the facilities proposed within this application, in support of the Extended School function, are likely to result in an unacceptable impact on the residential environment, and as such I would raise no objection to this element of the application.

**Need**

66. Whilst it is not normally necessary to prove a need for a development the applicant has provided confirmation of the motives that have brought about this application. The primary reason being the provision of suitable permanent accommodation for the Primary School, and replacing mobile buildings that have only been accepted on site as a temporary measure. The motives set out in paragraph (21) above also include the refurbishment and upgrade of existing buildings, and to improve the position of the school as a resource supporting the wider community. Given the under provision of suitable permanent teaching accommodation on site and the support provided to community use of schools by Government guidance and the Development Plan, I would advise that this need for the proposed development has been demonstrated and this is sufficient to override the planning concerns which have been raised.

**Conclusion**

67. I consider the proposed development to be acceptable in terms of its location, design and visual appearance. It is noted that a number of concerns have been raised by nearby residents about, amongst other matters, traffic problems associated with the school, as discussed above. However, the Divisional Transport Manager has considered the scheme and has not raised an objection. The proposed development does not propose an increase in pupil or staff numbers over those already attending. Whilst any community activities could increase the number of people visiting the site, I do not consider that any impact would be unacceptable or substantial enough to warrant refusal of the application. The introduction of the new access and car parking arrangements should help assist traffic flow in and around the site. Therefore, subject to submission of appropriate tree survey work and additional information on the design of the community building for further consideration, I would not raise a planning objection and recommend accordingly.

**Recommendation**

68. I RECOMMEND that, SUBJECT TO the submission of tree survey work and design details for the proposed community building for further approval, PERMISSION BE GRANTED SUBJECT TO the imposition of conditions, including the following:

- the standard time limit,

## Item D4

### **New buildings, playground, access/car park, and extension of existing accommodation. Greenfields Primary School, Maidstone – MA/06/1560.**

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- the development to be carried out in accordance with the permitted details,
- details of external materials,
- a scheme of landscaping,
- details of tree protection measures,
- parking/turning area be provided prior commencement of use,
- confirmation that the development will be constructed in a sustainable and energy efficient form,
- details of external lighting,
- details of hard landscaping,
- no lights to be erected within or adjacent to Junior hard play area,
- implementation and ongoing review of the Travel Plan,
- details of foul and surface water drainage,
- hours of working during construction to be restricted to 0800 and 1800 Monday to Fridays, and 0900 and 1300 on Saturdays,
- provision of pedestrian barrier to footway between Rutland Way and Greenfields,
- provisions for cycle parking,
- removal of temporary mobile classroom permitted under planning reference MA/06/756, and
- detailed drawings for the proposed junior hard play area.

Case officer – James Bickle	01622 221068
Background documents - See section heading	

**Item D5****Application for a further section of Kent Thameside Fastrack dedicated public transport route, known as Everard's Link Phase 2, at Greenhithe - DA/06/856.**

A report by Head of Planning Applications Group to Planning Applications Committee on 7 November 2006.

Application by Kent County Council Highways Advisory Board for Kent Thameside Fastrack, Everard's Link Phase 2, being the provision of a bus priority route linking the recently constructed bus/rail interchange with the new development at Ingress Park (including associated landscaping works) which will form part of the Kent Thameside *Fastrack* Major Scheme, Land immediately north of the railway line between Station Road and The Avenue, Greenhithe, Kent – DA/06/856

Recommendation: The application be referred to the Secretary of State and that subject to her decision permission be granted subject to conditions.

**Local Member:** Mr I Jones

**Classification:** Unrestricted

**The Site**

1. The site of about 1.3 hectares is situated to the north of the railway line at Greenhithe between the bus interchange of Everard's Link Phase to the west and a local road called The Avenue to the east. The land is safeguarded in the adopted Dartford Borough Local Plan for the later stages of the South Thameside Development Route. However in the Local Plan Review it is safeguarded for construction of the *Fastrack* public transport system and more specifically for the "Everards Link" Transport Scheme between Station and London Roads. Residential properties are situated immediately to the north of the site and to the east of The Avenue. *A site location plan is attached.*
2. The existing topography within the site predominately rises at a consistent rate approximately 7.0m from west to east. The exception to this is the existing 14.0m high chalk cliff face on the western side of The Avenue.
3. The geology of the site is generally chalk, with some made ground. There is a thin covering of topsoil that supports vegetation consisting mostly of hedgerow trees, grassland/scrub mosaic and general scrub. There are some mature trees, mostly within the Railway land to the south. The geology at The Avenue comprises typically 2 to 3 metres of Thanet Beds overlying chalk with a thin surface capping of Made Ground.
4. The applicant indicates that at the east end of the site mapping indicates cultivated land or 'Allotment Gardens' from 1884 to 1953, but 1974/77 mapping shows an oil depot. Also, that although the depot was still present in 1987/88 it had been removed by 1992, probably as part of the residential development to the south of Eagles Road. The applicant understands that the contaminants associated with the former oil depot have been cleared from the site and states that preliminary geotechnical site investigations verify this.

## **Item D5**

**Application for a further section of Kent Thameside *Fastrack* dedicated public transport route, known as Everard's Link Phase 2, at Greenhithe - DA/06/856.**

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**Application for a further section of Kent Thameside *Fastrack* dedicated public transport route, known as Everard's Link Phase 2, at Greenhithe - DA/06/856.**

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**The Proposal****Context**

5. Planning permission is sought for the construction of the second phase of Everards Link, being an extension to the wider *Fastrack* network. Phase 1, which has been in use since 2005 consists of a bus interchange adjacent to Greenhithe Railway Station and associated linking road from Station Road Roundabout. (*The application for this was considered by Members in October 2003 and granted planning permission on the 6 November 2003.*) Phase 2 consists of a link road from the bus interchange to the eastern side of The Avenue, Greenhithe. It is designed to link in with the section of *Fastrack* the construction of which is a planning requirement for the developer of Ingress Park and subject to a separate application to Dartford Borough Council.

**Proposed layout**

6. The new link comprises a single lane carriageway bus route with a total width of 6.75m and a design speed of 50 kph (31.25mph) to cater for conventional 12m long single deck buses. The route would be on embankment and would pass through a box structure underneath The Avenue into Ingress Park. *Reduced copies showing the alignment of the road, long section and typical cross-sections are attached.*
7. There is a 3.0m wide combined footway / cycleway, offset 0.5m from the northern edge of the carriageway. A 1.0m wide verge runs behind this accommodating a noise barrier. To the south of the carriageway there is a 2.0m wide verge. The verge widths within the 'box' structure would be a minimum width of 0.6m.
8. The carriageway surfacing would be bituminous flexible surfacing with a good ride quality and low noise production but the initial 50m of the carriageway from the end of Phase 1 would be coloured red. Safety kerbing with 365mm up stand is proposed for the north side of the carriageway to eliminate the need for safety fencing. The combined footway / cycleway would be constructed using black bituminous surfacing.
9. Other requirements of the design include the need for regulatory signing to restrict the carriageway-use to *Fastrack* vehicles only. The provision of utilities would be limited to the *Fastrack* operation.

**Drainage***Surface Water Drainage*

10. The existing Phase 1 drainage was designed and constructed with a view to taking the run-off from the Phase 2 development. An impermeable area of approximately 900m<sup>2</sup> has also been allowed for in the drainage calculations to cater for a future car park adjacent to the railway station. Surface water run off will be collected via trapped gullies along the north channel connecting into a carrier drain within the footway.

*Land Drainage*

11. Land drainage is required to intercept run off from the proposed embankments from draining onto adjacent properties and to prevent the ponding of trapped water between the existing ground and the proposed embankments.

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12. On the north side of the corridor, the land drainage would be positioned at the toe of the embankment. The drainage system proposed comprises three catchpits connected by filter drains flowing towards a soak-away positioned at the low point into the chalk. On the south side, the land drainage works on the same principles, positioned at the toe of batter but comprising two catchpits connected by filter drains again falling towards a soak-away positioned into the chalk.

### **Earthworks**

13. The main earthworks involve forming an embankment approximately 290 metre long, which commences at the western end from the existing chalk embankment constructed as part of Phase 1 earthworks and continues to the chalk cliff below The Avenue at the eastern end of the scheme.
14. The height of the western section of the proposed embankment is controlled by the Phase 1 embankment height that is approximately 6.5 metres above existing ground level at this point and generally reduces in height as existing ground levels rise to the east. The following table provided by the applicant shows the embankment heights relative to adjoining properties:

House Numbers	Approximate Proposed Level on Centre line (m) (AOD)	Approximate Garden Level (m) (AOD)	Approximate Height of Embankment above Gardens (m)	Approximate Existing Levels on Centre line (m) (AOD)	Approximate Height of Embankment above Existing Ground at Centre line (m)
18 - 28 Smugglers Walk	12.350	7.400	4.950	6.300	6.050
1 - 17 Maritime Close	12.050	7.400	4.650	6.700	5.350
19 - 27 Maritime Close	12.550	7.500	5.050	8.950	3.600
29 - 33 Maritime Close	13.300	7.900	5.400	11.100	2.200
33 - 37 Maritime Close	14.300	8.400	5.900	11.800	2.500
39 - 43 Maritime Close	15.650	8.500	7.150	12.700	2.950
45 - 47 Maritime Close	18.000	8.600	9.400	13.650	4.350

15. The embankment is constrained to the north by a housing development and to the south by the railway. The design has been carried out with a view to achieving 1:2 embankments wherever possible to avoid the need for earthworks reinforcements. However, due to the land constraints it has not been possible to achieve these gradients throughout and it has been necessary to steepen the embankments to 1:1.5 and 1:1 in order to fit the earthworks within the available land. Geotextile earthworks reinforcements or retaining wall structures would have to be used in such areas.
16. The overall volume of fill required in this section is 23,700m<sup>3</sup>. Given that it is estimated that a volume of 6,500m<sup>3</sup> may be excavated as acceptable material from the cut section (which includes the other side of The Avenue not subject of this application), it is estimated that a net import of approximately 17,200m<sup>3</sup> would be required. There is likely to be a quantity of unacceptable fill some of which may be suitable as landscaping material. Any contaminated soils that are encountered during construction would be dealt with appropriately by either removing from the site to a licenced tip, or treating them in-situ as required by the nature of the material found, and in accordance with current environmental legislation.

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**Structures**

17. The existing road 'The Avenue' is a 5 metre wide carriageway with a 1.5 metre wide footway on the west side adjacent to the edge of the cliff face. On the east side of the 'The Avenue' there is a Grade 2 'listed' stone wall and metal fence. A box structure (*see attached drawing for details*) would be constructed through the existing chalk spine to enable the route to pass under The Avenue into cutting up to a maximum depth of approximately 9.0m and link into the road network of the Ingress Park development. (Only the section up to the eastern verge of The Avenue is included in this planning application.)
18. The Avenue would be completely excavated out along with the earth beneath it and replaced on its exact line. A cut and cover underpass would be constructed under the existing position of The Avenue and then material would be required to fill the void between the boxed structure and the newly constructed Avenue.
19. The underpass would be a reinforced concrete box of 16 metres in length. It would extend from the cliff face into the 'Ingress Park' development. The underpass would have an opening approximately 5.7 metres high by 11.0 metres wide. There would be a 3.0 metre wide footway/cycleway to the north side of the underpass and a 0.6 metre raised strip to the south side. Where the underpass emerges out of the cliff at the western end, it will be necessary to construct 'masking walls' to retain the cliff edges.
20. A retaining wall would be required on top of the underpass at each end to retain the existing carriageway and support a vehicular restraint parapet. At the eastern end of the underpass, 6 metre high retaining walls would be required to support the existing ground alongside the new carriageway.
21. The Grade II Listed Wall cannot be avoided by the proposed works. To mitigate the impact on the wall, the wall would be carefully cleared of all vegetation and accurately surveyed. Significant elements of the wall would be numbered. It would then be carefully dismantled and all fabric retained and stored safely during the course of the construction of the box culvert. On completion of the cutting works the wall would be reassembled using as far as possible its original material. Planning Permission for this work is being sought from Dartford Borough Council (as part of the application for the *Fastrack* Link within Ingress Park) together with Listed Building Consent.

**Environmental Fencing**

22. Where the Scheme runs on embankment it is proposed to provide a 2.5 metre high environmental fence on the north shoulder of the embankment (to the rear of the northern footway) to act as both a noise barrier and visual screen. It would run for some 280 metres from the beginning of the scheme at the existing bus interchange through to end as enters the underpass under the Avenue.

**Lighting**

23. Everards Link Phase 2 would be lit throughout to the current standards with a specification that would focus light onto the carriageway and cycleway and that would avoid light spill into the surrounding areas. The columns would be 8 metres high as on Phase 1, placed along the north side of the carriageway so that light from the luminaires would be directed away from residences to the north of the scheme.

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24. If the box structure is extended as part of the Ingress Park development and its overall length is in excess of 25 metres, there would be a requirement to have permanent lighting in the underpass.

### **Landscaping**

25. Sketch landscape proposals have been submitted with the application. These include planting to the embankments and margins of land adjoining. The planting is proposed to mitigate the visual effects of the development including the screening of the environmental barrier, offset the loss of existing trees and vegetation and to restore and enhance habitat. The implementation of the planting is dependent on the eradication of a severe infestation of Japanese Knotweed throughout the site which is currently in the first stages of being dealt with including necessary removal of the existing scrub vegetation.

### **Surveys, Assessments and Reports**

26. The applicant has carried out various surveys and assessments, including of the trees, protected species, noise and vibration, air quality, townscape/landscape and visual impact. The reports are included in support of the application and mitigation concluded necessary included with the proposals.

### **Planning Policy**

27. Regional Planning Guidance for the South East RPG9 requires Local Authorities to encourage a greater proportion of journeys to be made by public transport. The guidance advises that the range of services provided by public transport and the quality of the experience needs to be significantly improved to make it a more acceptable option for the travelling public. The Thames Gateway Planning Framework RPG9a reaffirms this by emphasising the benefits that can be achieved by ensuring that proposed improvements in the transport system and opportunities for new development are considered together. Planning Policy Guidance Note 13 on transport seeks to promote more sustainable transport choices and promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling.
28. The Development Plan Policies summarised below are relevant to consideration of the application:

(i) The adopted 2006 **Kent Structure Plan**:

- |            |   |
|------------|---|
| Policy SP1 | States that the primary purpose of Kent's development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development.  |
| Policy DG1 | As part of this area based policy for Dartford and Gravesend states that provision will be made for a bus-based public transport network ( <i>Fastrack</i> ) linking Dartford and Gravesend town centres, Bluewater and the main Strategic Developments identified by the plan. |
| Policy EN3 | Seeks to protect, conserve and enhance Kent's landscape and wildlife habitats.  |
| Policy EN8 | Seeks the protection, conservation and enhancement of biodiversity.   |

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- Policy EN9 Seeks to maintain tree cover and the hedgerow network. Additionally, states they should be enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats.
- Policy QL1 Requires that all development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.
- Policy TP1 Priorities for transport will include amongst others, provision of travel choice and alternatives to the private car, including public transport walking and cycling.
- Policy TP 2 States that all proposals for enhancing the transport network will be assessed according to their social, transport, economic and environmental effects with specific regard to a number of criteria.
- Policy TP4 States that the programmed major transport schemes listed in Table TP4, which includes Phase 1 of *Fastrack*, will be promoted and land required for their construction safeguarded.
- Policy TP9 Seeks to promote Public transport by providing through partnership.
- Policy TP11 Seeks to provide facilities for pedestrians and cyclists and to promote their use.
- Policy NR5 The quality of Kent's environment will be conserved and enhanced. This will include the visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion.
- Development should be planned and designed to avoid, or adequately mitigate, pollution impacts. Proposals likely to have adverse implications for pollution should be the subject of a pollution impact assessment.
- In assessing proposals local authorities will take into account:
- (a) impact on prevailing background pollution levels; and
  - (b) the cumulative impacts of proposals on pollution levels; and
  - (c) the ability to mitigate adverse pollution impacts; and
  - (d) the extent and potential extremes of any impacts on air quality, water resources, biodiversity and human health.
- Development which would result in, or significantly contribute to, unacceptable levels of pollution, will not be permitted.

(ii) The 1995 adopted **Dartford Borough Local Plan:**

- Policy S7 Seeks the provision and improvement of transport, other infrastructure and service facilities appropriate to the needs of the Borough and its residents.
- Policy T1 The Council will encourage the implementation of an integrated transport strategy for the Borough.
- Policy T2 Encourages the funding and provision of co-ordinated transport infrastructure to serve and contribute to the realisation of major development opportunities in North Dartford.
- Policy T3 Promotes the provision of integrated public transport service with interchange facilities.



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- Policy T7 Advises that the Council will investigate the promotion of other railway stations in the Borough where suitable parking facilities and public transport interchange facilities can be provided.
- Policy T9 Implementation of bus priority schemes will normally be permitted.
- Policy T13 Safeguards land for the later stages of the South Thames-side Development Route from Station Road, Greenhithe to Northfleet. Proposals which would prejudice the implementation of the scheme will not be permitted.
- Policy T33 States that proposals for road schemes and other highway work ...should incorporate access arrangements and other facilities for the less mobile and those with other disabilities'
- Policy S5 The nature conservation resources of the Borough will be protected and enhanced.
- Policy S6 Encourages the conservation and improvement of the existing built environment and a high quality and standard of design in new development.

(iii) The second deposit draft **Dartford Borough Local Plan Review**

- Policy T1 Safeguards the route of Fastrack. Proposals which would prejudice the implementation of the scheme will not be permitted.
- Policy T3 Safeguards the area known as Greenhithe Triangle for the construction of a transport scheme, i.e. comprising the "Everards Link", Station Road to London Road.
- Policy DD11 Seeks a high standard of design and sets out criteria for this.
- Policy DD12 Seeks to ensure that development which the public would have access to will only be permitted if provision is made in the design for safe and convenient access for all.
- Policy NR10 Developments with potentially polluting activities (usually commercial or industrial) will only be permitted if they are sited and designed to minimise the emission of air pollutants and the impact of air pollutants on the local environment.
- Policy NR11 Proposals for development (including any resultant traffic generation) that may adversely affect air quality must be accompanied by an air quality impact assessment, and will only be permitted if it can be demonstrated that such impacts can be satisfactorily mitigated in the context of policy NR12.
- Policy NR12 In considering proposals for development (including any resultant traffic generation) that may adversely affect air quality, the following factors will be taken into account:
- current levels of air pollution in the locality, and the likely cumulative impact on air quality
  - the impact on Air Quality Action Plans and/or the need to create or extend Air Quality Management Areas
  - the scope for mitigation of adverse effects, and
  - the anticipated long term air quality situation, and the length of time before satisfactory air quality in the area can be achieved.
- Policy NR16 Potentially noisy developments will only be permitted where details of present and predicted noise levels (to assess the impact of the development) are provided. Sets out matters that will be conditioned relating to any mitigation measures that may overcome prospective problems.

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Policy C12 Seeks protection of animal or plant species from development which would adversely affect them.

**Consultations**

29. **Dartford Borough Council** – raises no objection subject to the imposition of conditions relating to the following issues:

- A security fence to be erected around the site, to remain after construction is completed, in the interests of security of adjacent residents and also to give the new landscaping a chance to survive;
- Hours of working be restricted to 0800 to 0600 Monday to Friday and 0800 to 1300 hours Saturdays. No working on Sundays or Bank Holidays;
- Details of noise barrier;
- Full details of landscaping and management; and
- Details of all street furniture, lighting, railings, etc.

It is also requested that an informative be imposed as follows:

For the avoidance of doubt, this permission does not grant planning permission or Listed Building Consent for the demolition and alterations to the Listed wall and railings at Ingress Park. No work should begin in this area until planning permission and Listed Building Consent have been granted. Further details will be required to grant any such permission.

**Swanscombe and Greenhithe Town Council** has no observations to make on this application.

**Natural England** comments on the information and assessment regarding Protected Species included with the application as follows:

The proposals set out in the application appear sufficient to mitigate any potential impact on bat populations. A condition should be imposed stating that no development shall commence until a detailed scheme for bats affected by the proposal has been fully implemented.

Natural England is satisfied that the survey information provided by the applicants suggests that no great crested newts are likely to be affected by the proposal and that no reptiles are present.

The proposals set out in the application appear sufficient to mitigate any potential impact on local nesting birds although it is difficult to gauge the impact in the absence of any detailed survey data.

Natural England also comments that it is disappointing that the proposals do not include any commitment in relation to biodiversity enhancements as referred to in Planning Policy Statement 9. It is therefore recommended that should permission be granted a condition be imposed requiring a strategy for biodiversity enhancements to be produced and implemented.

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Natural England further comments that monitoring for all the mitigation carried out should take place and a management plan for all of the habitats and species affected by the proposal should be produced and the results of monitoring fed back into the plan. Funding for the implementation of the management plan in the long-term should be provided. Natural England recommends that this be secured from the applicant.

Based on the information provided, Natural England concludes that it has no objection to the application regarding protected species, subject to the condition described above.

**Environment Agency** has no objection to the proposal but notes that the site lies within a vulnerable location in terms of groundwater protection and has therefore made the following comments:

In order to protect groundwater resource sourced by abstraction the depth of any discharges to ground must be limited. Any soakaways must be as shallow as possible.

There must be no discharge into land impacted by contamination or land previously identified as being contaminated or to made ground, and no direct discharge to groundwater.

Only clean uncontaminated surface water may discharge to any soakaways. Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for access roads and car parking areas to prevent hydrocarbons from entering the surface water system.

The potential for contamination at the eastern end of the site relating to the former oil depot should be fully examined. The Duty of Care regulations for dealing with waste materials is applicable for any offsite movements of wastes.

The Environment Agency also requests conditions be imposed covering the use of clean in fill materials and dealing with contamination at the site not previously identified.

Attention is drawn to the proximity of the adjacent Knockhall Chase landfill site and advises that the applicant take appropriate measures to mitigate against any off site problems that may be associated with this landfill.

The standard informatives relating to storage of fuels and chemicals should be drawn to the applicant's attention.

The Environment Agency notes that provision was made in the design of Phase 1 to accommodate the surface water drainage for this Phase and comments that it would appear from data provided that adequate capacity exists within the system.

**Network Rail** has commented that:

"It should be noted that network Rail are concerned about the substantial excavations and ground level alterations associated with the proposal in close proximity to the operational railway, and will need to be assured that these works will not impact on the stability of the railway and the embankment. A full method statement must be supplied and agreed with network Rail's Outside Party Engineer."

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**Jacobs (Environmental Science):**

Considers that as long as the proposed noise fence is installed, the residents of the closest properties would not experience a significant noise increase. Does not consider that the Applicants report raises any significant air quality issues.

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

“The proposed road has to balance its significant visual impact on the surrounding housing against the benefits of providing better public transport links. The levels of the proposed elevated roadway cannot be revised due to the existing phase 1-development and surrounding landform. With these points in mind the landscape proposal provides a satisfactory solution to a difficult site. The existing landscape elements are poor and therefore the long-term visual benefits of creating a planting screen either side of the road are positive.

We do not have any objections to the proposed scheme, but would offer the following recommendations. Firstly, consideration should be given to the exact position of each semi-mature tree to achieve the maximum screening effect for the adjacent houses on Maritime Close and Smugglers Walk. Secondly, I would recommend replacing the *Quercus ilex*, in Plot 1 planting mix, with *Pinus nigra*, which will provide a quicker growing evergreen element.”

**Area Transportation Manager** has no highway objections to this proposal.

**County Archaeologist** agrees with the mitigation proposed in the submission and comments that the impacts on buried archaeological remains can be mitigated through a programme of archaeological survey, investigation and recording. Further comments that the impact of the proposals on the Listed wall should be mitigated through cleaning and careful recording prior to dismantling, and that following completion of the culvert the wall should be reinstated using as far as possible the original material. Accordingly, imposition of conditions securing the implementation of a programme of archaeological work and of building recording is requested.

**Local Member**

30. The local County Member, Mr I Jones (Swanscombe & Greenhithe) was notified of the application on the 4 August 2006.

**Publicity**

31. The application was publicised by an advertisement in a local newspaper, the posting of site notices, and the individual notification of some 135 neighbouring residential properties. The advertisement and notices indicate that the proposed development does not accord with the provisions of the Development Plan in force in the area in which the land to which the application relates is situated.
32. All those who have made representations to the proposal, together with those originally notified of the application that had not made representations have been notified of recently submitted amended drawings that include one showing typical cross-sections through the scheme, amended landscape proposals and table of embankment heights.

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Any further comments received in the light of these will be reported verbally at the Committee meeting.

**Representations**

33. I have received 10 representations to the proposal from local residents. The objections, concerns and issues raised/points made are summarised below:

- They were aware when they purchased their house of the probability of a road link but there was never any mention of the road level being raised.
- Asks whether the road would be purely for *Fastrack* buses and not for private cars and lorries. Also whether the road would be screened off to stop noise and visual intrusion of buses and passengers as Phase 1 and whether CCTV will be installed to cover the bus interchange as was previously requested.
- Maritime Close residents are opposed to any proposal to build in the area between them and the railway which acts as a buffer and is home to countless wildlife. The site is not large enough, the length of the gardens is short, and anything built would be close to their boundaries and homes, and there would be noise all the year round.
- The noise, pollution, unsightliness would cause distress and loss to quality of life, including enjoyment to sit in their gardens.
- The high embankment means the road cannot be concealed.
- Considers that the project is out of scale with the benefits it would be delivering in terms of a time saving of a couple of minutes, when buses have a perfectly good route to access Ingress park via the A226 London Road.
- Concerned about the embankment, which would dominate and spoil the environs of Maritime Close. At about 5.5 metres in height it would tower over the houses, ruining the current 'green' views and would take away the privacy of back gardens which would be exposed to bus passengers and walkers. Also concerned at the height of the 8 metre columns rising above the embankment.
- If the project is to proceed asks that:
  - the height of the embankment be lowered by entering the cliff face to Ingress park lower down;
  - lower lighting columns are installed;
  - the Phase 1 fencing is continued along the entire length of the scheme to the cliff face and hopefully prevent some of the vandalism and graffiti that already plagues the Bus Interchange from spreading to residents' back doors; and
  - there is a commitment to keep the mature trees between the proposed embankment and the gardens of Maritime Close.
- Ask that any fauna and flora at present growing in the land adjacent to the properties be left in situ not only to reduce the work involved in site clearance but also because it would provide a natural screen leaving a slightly more pleasant outlook and help lessen the noise pollution from the new road. New replacement trees that would otherwise have to be planted would take years to grow.
- Although the land has been designated as a transport route for a number of years the proposals do not give due consideration to the properties adjacent to the proposed works. The acoustic, privacy and pollution issues would benefit from the road levels being reduced generally, and hidden within an embankment or retaining wall structure and by situating the road closer to the railway line.
- Increase in noise levels would be significant from the new road and noise levels from the railway would increase with the removal of existing trees, which are acting as an acoustic barrier.

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- Concerned at misuse of the road by general traffic (or as a race track late at night) and that the Traffic Regulation Order controlling use would not be enforced. Suggests that CCTV or some other form of camera monitoring should be used to enable penalties to be imposed and to provide additional security to pedestrians subject to sensitive siting to ensure no infringement of residential privacy.
- Should permission be granted would like to see conditions imposed to prevent weekend working disrupting quality of life and to protect privacy, as during construction would be severely compromised.
- Comments that when Phase 1 was proposed the residents were assured that there would be thorough landscaping of the finished site and suggests that was not achieved. In this respect, states that there was a stockpile of chalk left in place for at least a year and was only removed after numerous phone calls. Once this was removed it revealed a view of the Station platform when before there was an array of trees and plants. If this is an example of landscaping then they despair.
- Have deep concerns over the visual impact of the high level carriageway, (the effects are difficult to imagine without 3D images), and its 8 metre high lamp standards and light spill from these.
- Comments that there is light spill from the lights at the Station where the trees were removed from the previous phase and questions why the carriageway has to be lit when buses have lights.
- Concerned about increased pollution, dust, noise and traffic.
- Asks whether there will be any vibration caused during construction of the underpass or by buses along the route.
- Asks that traffic lights be installed before construction begins on the roundabout with Crossway Boulevard, as with no access via The Avenue during construction it will make it very difficult for the public living in the area to exit at peak Bluewater times via the roundabout and worse than it is now at weekends.
- Questions whether people from Ingress Park would use the link as at present buses between Ingress park and the Station are empty, with most commuters using Eagles Road as a car park, creating a one lane road with passing places.
- Concerned about the effect on the wildlife that already exists at the site.
- Hope that landscaping proposals would include a mix of mature, semi-mature and smaller trees to aid in minimising the visual impact of the embankment. They feel it is unreasonable to have to wait a number of years for the landscaping to mature and recover after the works are completed.
- Concerned about privacy and security of properties.
- Asks how their property would be protected during construction as the impact of vibration is likely to be significant because it is very close to the site.
- Concerned about the frequency of buses and the times the buses will start and finish each day.
- Would like some reassurance that pedestrian access would be maintained along The Avenue during construction of the 'cut and cover' element. This route is used by residents taking children to school as well as by others. Any alternative route would be considerably longer and add to the congestion because more parents would have to use their cars.
- The Avenue and Eagles Road are being used as 'rat runs' at the moment due to works on the A2. Therefore signing would be essential to prevent drivers attempting to do this when The Avenue is closed and it would be preferable to wait for the A2 works to be completed. It would also help if there were non-resident parking restrictions in Eagles Road for the duration of the works to The Avenue.

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**Discussion****Introduction**

34. This proposal is the second phase of Everards Link. Together with the first phase of Everards Link already implemented it would be part of the wider *Fastrack* network and part of a key riverside route. The first section of the core public transport route between Dartford and Gravesend town centres opened in March 2006. This runs between Dartford Railway Station and the bus interchange at Gravesend Railway Station, via Home Gardens, Darenth Road, Princes Road, Darenth Valley Hospital, Bluewater and the bus interchange at Greenhithe Railway Station (i.e. the first phase of Everards Link), and is known as *Fastrack* Route B. The proposal would also provide direct access for public transport between the Crossways Business Park and the Ingress Park residential development. The current proposal accords with and would (as indeed do the parts of *Fastrack* already implemented) advance the aims relating to transport set out in the Regional Planning Guidance and Planning Policy Guidance referred to in paragraph (27) above.
35. *Fastrack* has developed as a result of a study carried out during the period of 1996-98 on public transport in the Kent Thames-side area. This work confirmed that the key to a successful public transport system for Kent Thameside was segregation from general traffic to provide fast and reliable public transport journeys. The need for *Fastrack* to serve both new developments and existing communities was agreed and the principle of the scheme has been established and reinforced by the safeguarding of the route within the Local Plan Review under Policy T1. Further specific policy support is given in the adopted Kent & Medway Structure Plan, i.e., Policy DG1, includes provision for a bus-based public transport network (*Fastrack*) linking Dartford and Gravesend town centres, Bluewater and the main Strategic Developments identified by the plan. Additionally Policy TP4 states that Phase 1 of *Fastrack* will be promoted and land required for construction safeguarded.
36. Policy T3 of the Dartford Local Plan Review also safeguards land to the north of the railway line between Station Road and The Avenue, which includes the application site, for the construction of "Everards Link" transport scheme. This scheme included a single carriageway road for the general traffic and a separate road for *Fastrack*. Following a review of this scheme the general traffic element of the adopted Everards Link scheme was abandoned and an alternative scheme approved for grade separation at the St Clements Way/London Road roundabout, but this did not alter the safeguarding. The *Fastrack* element of the Everards Link scheme remains.
37. It will be noted that in the adopted Local Plan, the land is safeguarded for part of Stage Two of the later stages of the South Thameside Development Route (STDR) - a two-lane dual carriageway road. The original concept behind STDR was to provide a high quality route between Thamesmead and Gravesend and goes back many years, at least to the 1950s. STDR Stages 2 and 3 were abandoned because the alignment of the Channel Tunnel Rail Link effectively ruled out the future construction of Stage 3. The County Council adopted the Everards Link Scheme in 1998 partly to replace STDR2. Notwithstanding the policies in the emerging Local Plan referred to above, in view that the land is safeguarded for STDR in the adopted Local Plan, the application must be considered as a departure application. Therefore should Members be minded to grant permission, it would be necessary for the application to be referred to the Secretary of State for Communities and Local Government for consideration.

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38. Although the route is safeguarded in the Local Plan Review, and the proposal accords with current Transport Policy, the proposal must also be considered against the other Development Plan policies, outlined in paragraph (28) above and other material planning considerations arising from publicity and consultation. The main issues arising are considered below and include the, visual impact, impact on residential amenity, including from lighting and noise, and the potential for ecological impacts.

**Visual impact**

39. Development plan policies in general terms require development to respect its setting and seek the protection, conservation and enhancement of the landscape and maintenance and enhancement of trees and hedgerows. The main visual impacts of the proposal would be from the loss of existing trees and scrub on the site and the view of the embankment from the adjoining housing area. Views of the site currently screened by hedgerow and trees would also be opened up from The Avenue as a result of the works associated with the cut and cover underpass. Mature trees and vegetation along the railway largely screen views from the south. Views from the east would be from the link and bus interchange of the Phase 1 development.
40. The removal of trees and scrub would largely be needed because of the proposed earthworks but the invasion of Japanese Knotweed mentioned above in paragraph (25) is likely to lead to more extensive removal of vegetation than that originally envisaged particularly at the margins of the site. The existing trees and scrub include hawthorn, birch, poplar and sycamore. Although the site is in an un-maintained state and of relatively poor visual quality the trees and scrub collectively do provide a green backdrop to the housing. Therefore the loss of the trees and scrub would initially result in a considerable change to the visual appearance of the area opening up views across the site to the rail line and also from trains across the application site to the housing development. However, the mature trees on the railway land which are outside the boundaries of the application site would not be similarly affected by the proposal.
41. In addition to loss of trees and scrub, the proposed embankment would noticeably alter views of the site. This is mainly because it would be up to about 6.5 metres above existing ground levels (see cross-sections on page D5.5 and also the table in paragraph (14) above) in order to achieve an optimum vertical alignment for road design between the bus interchange and the underpass at The Avenue. Consequently it would be a significant feature across the site and in its immediate vicinity. Furthermore it would have a steep slope with a 2.5 metre high environmental barrier at the top and 8 metre lighting columns. Given its physical nature therefore the proposed development would completely change the character of the area particularly for those properties bordering the site by creating a sense of enclosure and domination. In addition, the lighting would be very noticeable creating a very urban appearance and a potentially uncomfortable juxtaposition with suburban residential housing. However, the applicants are proposing landscaping including new tree and hedge planting to the embankment to mitigate the loss of trees and to address the visual impact of the development.
42. The landscape proposals are to be welcomed but it has to be acknowledged that the benefits in achieving the stated objectives would not be immediate. Nevertheless as it begins to establish it would soften the views of the embankment and environmental barrier. In the long term it could provide an attractive setting and restore the green landscaped backdrop to the views from the housing. Planting of the embankment on the south side is also proposed although in the context of the adjoining railway land the



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impact of the embankment on that side would be less significant overall. Full details of the landscaping of the development to mitigate its visual impact and loss of trees could be reserved by condition. Subject to its implementation and subsequent maintenance, I would not on balance, raise a planning objection on grounds of the loss of trees and scrub or landscape/visual impact. I do, however, have a reservation in that there could be a delay in implementation of the planting because of the ongoing treatment necessary to eradicate the Japanese Knotweed. Any re-growth has to be sprayed and this has to be checked over a number of growing seasons. I understand the chemical used could also kill off other vegetation and therefore lead to the loss of any new planting. I am currently discussing with the applicant how this situation might be overcome to avoid an unreasonable delay in the necessary new planting being implemented, although it has to be recognised that the Japanese Knotweed must be dealt with properly to avoid longer term problems with it re-establishing and spreading.

**Impact on residential amenity**

43. Given the proximity of the proposed development to the residential areas to the north of the site there are concerns about its impact on local residents. As already indicated the bus route would be on an embankment up to about 6.5 m higher than existing levels along the centre line of the route. The typical cross-sections provided show that the carriageway height would be at least as high as the eaves level of adjoining properties and higher where existing levels rise to the east. The table in paragraph (14) above indicates that it would be between about 4.95 and 9.4 metres above adjoining garden levels. At its closest, the toe of the embankment would be only 2 metres away and the top of the embankment 9m from the garden boundary of the adjoining residential properties. The façade of approximately one third of properties would be about 17 - 20 metres away from the top of embankment, most about 21 to 23 metres away and several about 30 or more metres away.
44. I have discussed with the applicant the possibility of reducing the height of the embankment to reduce its impact on local residents. It will be noted that there are two fixed points at either end of the route, the level of the existing bus interchange at the western end and the level at which the route would have to pass under The Avenue at the eastern end. Clearly it is not possible to lower the embankment at the western end and to lower it at the eastern end is not possible due to constraints on the other side of The Avenue into Ingress Park. It would be difficult to reduce the height of the embankment between the two fixed points further as I understand that it would affect the required levels for the gravity surface water drainage system to work. There is already a dip in the carriageway rather than it being a straight line and the levels are already rising eastwards – see the long section on page D5.4. Any further increase in the gradient would not accord with the design parameters for new roads.
45. In the light of the above, I do not consider that the reduction in the height of the embankment is something that could be satisfactorily achieved if the scheme is to remain viable. The horizontal alignment is also constrained due to the narrow width of the site between the housing to the north and the railway embankment/land to the south. As discussed above, the planting of the embankment would therefore be critical in softening its visual impact and perception by local residents of its dominance. This should be reduced in the long term as the vegetation matures and covers the bank providing a good amenity for residents in terms of creating a landscaped area adjacent to their houses. The proposal would otherwise be unacceptable and contrary to the Development Plan policies that seek to protect local amenity.

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46. Some concern has been expressed about loss of privacy, particularly of back gardens which could be overlooked by bus passengers, walkers and cyclists. However, the proposed environmental barrier of 2.5 metres in height would screen views of, as well as from, the properties and gardens. Furthermore the proposed planting would provide additional screening above the height of the fence in the longer term.

**Construction**

47. Construction of the proposed development is also likely to have an impact on residential/local amenity. In order to minimise the impact of construction activities appropriate conditions should be imposed on any planning permission. These should include those restricting hours of working, requiring measures to be implemented to control dust and to prevent mud and debris being taken onto the public highway, details of any site compound and temporary accommodation for contractors, and provision being made for the parking of contractor's vehicles. Given the proximity of adjoining properties, I would advise that the hours of operation during construction should be restricted to between the hours of 0800 and 1800 Monday to Friday and between the hours of 0800 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays.

**Lighting**

48. Concern has been expressed about the impact of the lighting columns and the light spillage. These are proposed to be the same as those on Phase 1 and are of a specification designed to direct the light to where it is required and to prevent any unnecessary light spill. There would be 10 columns, 8 metres in height, along the length of the route, which are principally provided for the safety and security of the users of cycleway/footway. To introduce lower columns would result in the need for additional columns and therefore I do not consider that this would reduce the overall impact of them. It has to be acknowledged that the lighting would have an impact above the environmental barrier but in the longer term this would be mitigated to a limited extent by the proposed planting as it becomes established and matures.

**Noise**

49. As the new road would result in a new source of road traffic noise being introduced to the rear of a number of residential properties the applicants have carried out a noise survey and prepared a report into potential impacts and suggested mitigation. The 2.5 metre environmental barrier is proposed to mitigate the increase in noise levels as well as providing a visual barrier. The report concludes that properties in the vicinity of the proposed road would experience slight adverse noise impacts, where there are currently low levels of ambient noise. It further states however, the noise level changes in all cases are of negligible to slight significance and noise levels would remain significantly below the qualifying level defined in the Noise Insulation Regulations 1975. The report also states that there are no properties that are predicted to experience an increase in vibration nuisance. Our Environmental Consultant of the opinion that that as long as the proposed noise fence is installed, the residents of the closest properties will not experience a significant noise increase. On this basis I would not raise a planning objection on grounds of noise nuisance being detrimental to residential amenity.

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**Air quality**

50. An Air Quality Assessment has been undertaken and a report submitted with the application. A minor deterioration in the local air quality is indicated due to the introduction of the new traffic source to the area; however it is stated that the change in concentrations would not be readily detectable using current measurement techniques. It is concluded that the proposed road scheme would result in a mainly negligible impact with regard to local air quality. On the basis of this I do consider that it could be argued that as a result of the proposal air quality would deteriorate to the extent that a planning objection would be warranted.

**Ecological Impacts**

51. The applicants have carried out a scoping survey of the site to identify any ecological and/or protected species that may be found on the site. This was supplemented by more detailed surveys of species that could potentially be present on the site. Bat surveys were carried out, no bat roosts were found on the site but it appears that bats use the site for foraging. Further emergence surveys would be required of the trees to be felled immediately prior to felling. Given the loss of trees on the site the applicants are proposing that appropriate planting and ecological enhancement is carried out on the site in order to mitigate against any loss of foraging habitats. Further detail would need to be submitted and this could be reserved by condition as part of any landscaping scheme.
52. Surveys found that there were no badger setts within the application site and no foraging routes. Site surveys have been carried out to look for reptiles on the site but none were found and it was concluded that reptiles are not considered to be a constraint for the Scheme. Surveys for invertebrates were also undertaken which identified six invertebrate species. Mitigation measures would involve the retention of existing habitat as far as is reasonable possible and the creation of new areas of appropriate habitat. In addition to the above, the site has the potential for nesting birds. Site clearance would take place outside the nesting season but if this was not possible, an adequate examination would be undertaken by an ecologist.
53. Natural England has expressed disappointment that the proposals do not include any commitment in relation to biodiversity enhancements as referred to in Planning Policy Statement 9. It has also commented that monitoring for all the mitigation carried out should take place and a management plan for all of the habitats and species affected by the proposal should be produced and the results of monitoring fed back into the plan. Given the constrained nature of the site I consider that the priority should be given to planting to reduce the impact of the development for the reasons discussed above. I therefore do not consider it appropriate to take up Natural England's full recommendations in this particular case. There may, however, be limited opportunity for some enhancement of appropriate habitat types within the different planting areas. This could be covered by the landscaping condition.

**Archaeology and Heritage Issues**

54. Given the archaeological potential of the area the County Archaeologist has asked that a condition securing a programme of archaeological work be imposed. In addition he has asked for condition to be imposed securing a programme of building recording relating to the listed wall along The Avenue that is to be dismantled and rebuilt. These

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works although referred to in the application have not been set out in sufficient detail for a full assessment to be made. However as already indicated they are to be subject to a separate but related application for planning permission to the Borough Council together with an application for Listed Building Consent. I would therefore agree with the inclusion of the Borough Council's suggested informative, on any planning permission, set out in paragraph (29) above. Given that this would be dealt with separately it would not be necessary to impose the County Archaeologist's second condition.

**Conclusion**

55. The proposal is a small but significant extension to the *Fastrack* dedicated bus route and would also provide improved access to Greenhithe Station, both of which are essential to encourage public transport use within the Kent Thameside area. It will also be noted that the land has been safeguarded as a transport route for many years. The proposal has however given rise to a number of concerns (as discussed above), particularly those relating to the visual impact and impact on residential/local amenity. Although there would inevitably be a significant impact from the earthworks, in terms of construction activity and noise, loss of vegetation and creation of the embankment, overall I consider that in the long term the proposals would provide an acceptable environment for existing residents. As the proposed planting on the embankment establishes and matures it would soften and screen views creating an attractive appearance for residents and providing a buffer to residential gardens. On balance therefore, and subject to any further views received by the date of the Committee meeting, I would not raise a planning objection the proposal.
56. However, as already referred to in paragraph (37) above, the proposal would be a departure from the adopted Local Plan on the basis that it safeguards the site for part of the now abandoned later stages of the South Thames-side Development Route. It would, in my view, otherwise be in accordance with the general thrust of the relevant Development Plan policies and with policies in the emerging Local Plan, including those that relate to the provision and safeguarding of a route for *Fastrack*. Therefore subject to any further views received by the date of the Committee meeting, I recommend that, subject to the Secretary of State's consideration of the proposal, planning permission should be granted subject to conditions.

**Recommendation**

57. SUBJECT TO any further views received by the date of the Committee meeting, I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government as a departure from the Development Plan, and that subject to her decision, PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:
- the standard time limit,
  - the development to be carried out in accordance with the permitted details,
  - details of finished surfaces, structures, signing, walls, railings, fences and street furniture,
  - details of lighting,
  - details of drainage,
  - investigation and method of dealing with ground contamination from previous uses,

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- hours of working to be restricted to between the hours of 0800 and 1800 Monday to Friday and between the hours of 0800 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays,
- environmental safeguards during construction (e.g. prevention of mud and debris being taken onto the existing public highway and dust control),
- location of and construction of any contractors' site compound or temporary accommodation,
- details of parking for contractors' vehicles,
- full details of landscaping including details relating to habitat mitigation and enhancement, planting and its maintenance, and details of the environmental barrier;
- implementation of bat mitigation proposals prior to commencement of the development, and
- archaeological investigation provisions.

58. I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informatives:

- For the avoidance of doubt, this permission does not grant planning permission or Listed Building Consent for the demolition and alterations to the Listed wall and railings at Ingress Park. No work should begin in this area until planning permission and Listed Building Consent have been granted. Further details will be required to grant any such permission.
- Account should be taken of the comments made by the Environment Agency.
- A full method statement of the works in close proximity to the operational railway must be supplied and agreed with Network Rail's Outside Party Engineer.

Case officer - Paul Hopkins	01622 221051
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Background documents - See section heading
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