



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 10th October, 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 - 12 September 2006 (Pages 1 - 4)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. Planning Applications Group Business Plan 2006/07 - Half Year Progress Report (Pages 5 - 14)
2. Design and Access Statements (Pages 15 - 18)

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. 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. (Pages 19 - 24)
2. 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. (Pages 25 - 34)
3. 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. (Pages 35 - 48)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. 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. (Pages 49 - 68)
2. 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. (Pages 69 - 80)
3. 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. (Pages 81 - 90)
4. Proposal MA/06/1584 - Retention of existing mobile classroom with change of use to a nursery unit at Archbishop Courtenay C E (Aided) Primary School, Church Road, Tovil, Maidstone; Governors of Archbishop Courtenay C E Primary School and KCC Children, Families and Education. (Pages 91 - 98)
5. 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. (Pages 99 - 140)
6. 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. (Pages 141 - 154)
7. 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. (Pages 155 - 162)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 163 - 172)
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, 2 October 2006

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KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held at Sessions House, County Hall, Maidstone on Tuesday, 12 September 2006.

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

OTHER MEMBERS: Mr M J Northey and Mr G Rowe

OFFICERS: The Head of Planning Applications Group, Mr B J Murphy (with Mr J Crossley and Mrs A Hopkins); the Senior Transportation Engineer, Mr T Drury; and the Democratic Services Officer, Mr A Tait.

UNRESTRICTED ITEMS

62. Minutes
(Item A2)

RESOLVED that subject to the amendment of Minute 59(7) to read “put” instead of “part” the Minutes of the meeting held on 18 July 2006 are correctly recorded and that they be signed by the Chairman.

63. Future meetings of the Committee
(Item A3)

Tuesday, 10 October 2006	Tuesday, 15 May 2007	Tuesday, 11 December 2007
Tuesday, 7 November 2006	Tuesday, 19 June 2007	Tuesday, 15 January 2008
Tuesday, 12 December 2006	Tuesday, 17 July 2007	Tuesday, 12 February 2008
Tuesday, 16 January 2007	Tuesday, 14 August 2007	Tuesday, 18 March 2008
Tuesday, 13 February 2007	Tuesday, 11 September 2007	Tuesday 15 April 2008
Tuesday, 20 March 2007	Tuesday, 9 October 2007	Tuesday, 13 May 2008
Tuesday, 17 April 2007	Tuesday, 6 November 2007	

64. Site Meetings and Other Meetings
(Item A4)

The Committee agreed to visit the site of the proposed wind turbine at Sandwich Technology College on Tuesday, 10 October 2006.

65. Application TM/05/4134 – Expansion and improvement of the sludge recycling centre including improvements to the site access junction with Bull Lane, improvements to visibility splays and creation of passing bays along the access road at Aylesford Wastewater Treatment Works, Bull lane, Aylesford; Southern Water
(Item C1 – Report by Head of Planning Applications Group)

(Mr G Rowe was present for this item pursuant to Committee Procedure Rule 2.24 and spoke)

- (1) A package of correspondence from Aylesford Parish Council Members, Tonbridge and Malling Borough Council Local Members and Eccles residents was tabled.
- (2) The Head of Planning Applications Group reported the receipt of correspondence from four local residents objecting to the application on traffic grounds, together with further correspondence from Tonbridge and Malling Borough Council and Aylesford Parish Council restating their objections.
- (3) Mr J Walrond from Aylesford Parish Council, Mr D Davis (local Borough Councillor), Mrs G Hurley (a local resident) and Jonathan Shaw, MP addressed the Committee in opposition to the application. Mr M Hendry from Adams Hendry Consultants spoke in reply on behalf of the applicants.
- (4) Mr R A Marsh moved, seconded by Mrs S V Hohler that permission be refused.
- (5) Mr A R Poole moved, seconded by Mr T J Birkett that the question be put.
Lost 7 votes to 8
- (6) Mr J B O Fullarton moved, seconded by Mrs E Green that the question be put.
Carried 13 votes to 5
- (7) On being put to the vote the original motion was carried unanimously.
- (8) RESOLVED that permission be refused on the grounds that:-
 - (a) the traffic generated by the proposed development would cause an unacceptable impact on the local highway network, particularly in Eccles village, contrary to Policy TP15 of the Kent and Medway Structure Plan; and
 - (b) the development and associated traffic would have an unacceptable impact on existing community facilities in the locality, particularly in terms of the usage of roads and footways and would therefore be contrary to Policy QL11 of the Kent and Medway Structure Plan.

66. Application TH/06/729 – Retrospective application for recycling centre at Unit J1C, Channel Road, Westwood Industrial Estate, Margate; MPL Recycling Ltd.

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

(1) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried by 16 votes to 2.

(2) RESOLVED that permission be granted to the application subject to the imposition of conditions including the change of use being for a temporary period of 3 years; the use being carried out in accordance with the submitted documents and plans; hours of operation; limitation of waste delivery and segregation to inside the industrial unit; no operations taking place within the externally marked areas for storage and the roller doors being closed outside specified hours; limitation of annual through put; limitation of the storage and height of waste within the redlined area; type of materials accepted; and the removal of all machinery and stored waste on the cessation of use.

67. Proposal AS/06/1270 – Conversion and extension of redundant caretaker's house to nursery at The Towers School, Faversham Road, Kennington, Ashford; Governors of The Towers 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; hours of working during construction; and prevention of mud being deposited on the highway.

68. Proposal CA/06/554 – Retrospective amendment to positioning of playground extension at Pilgrim's Way Primary School, Pilgrims Way, Canterbury; Governors of Pilgrims Way Primary School and KCC Children, Families and Education

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

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

(1) The Head of Planning Applications Group reported the receipt of correspondence from two local residents in objection to the proposal.

(2) Mrs S V Hohler moved, seconded by Mr J B O Fullarton that the recommendations of the Head of Planning Applications Group be agreed subject to the hours of use of the playground being limited to 8.00 am to 6.00 pm on weekdays.

Carried by 14 votes to 4

(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 submission of a scheme of landscaping, its implementation and maintenance including the provision of boundary fencing where required by neighbouring properties; the provision of low level timber fencing to the perimeter of the playground; hours of working during construction; and the hours of use of the playground being limited to 8.00 am to 6.00 pm on weekdays.

69. 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).

06/aa/pa/091206/Minutes

Planning Applications Group Business Plan 2006/07 – Half Year Progress Report

Report by Head of Planning Applications Group to the Planning Applications Committee on 10 October 2006

Summary: Half yearly report on progress against 2006/07 Business Plan

Recommendation: Members are asked to note progress as contained in the report and agree minor revision to officer delegation.

Local Member: n/a

Unrestricted

Background

1. This report summarises progress for the half year¹ against Business Plan Targets for 2006/07. The report includes progress against national and local performance indicators. The Business Plan for 2006/07 was reported to the 16th May 2006 Planning Applications Committee.
2. The Planning Applications Group undertakes the County Council's statutory development control function. This relates to minerals and waste development, the Channel Tunnel Rail Link and the County Council's own development ie. new school facilities. It includes the processing of applications, as well as pre-application advice, enforcement and monitoring. In terms of policy development, the Group is leading on the preparation of the emerging Local Development Frameworks for Minerals and Waste and takes an active part in influencing new policy at national, regional and local level. The current Business Plan identifies these as key activities for the Group. It also includes raising Members' awareness of relevant planning issues, the implementation of a customer satisfaction survey and a review of the Group's Planning Applications systems.
3. The Business Plan sets out key performance indicators relating to the development control service, and the preparation of the Minerals and Waste Development Frameworks. The Audit Commission have set the parameters for the Customer Satisfaction Survey.

Development Control

County Matter Development (Minerals and Waste)

4. The national performance indicator BVPI 109 applies to this activity and has a locally set target to determine 70% of County Matter applications (excluding those with an environmental statement (EIA development)) within 13 weeks of validation. For the first half of the year, the indicator has been met with 70% of relevant applications determined within 13 weeks. We continue to receive a higher proportion of waste applications, which reflects Government policy to shift the management of waste away from landfill.
5. In recent months permission has been granted for a range of waste management facilities. These have included two facilities at Ridham Dock, Iwade - a waste recovery facility and plant to process incinerator bottom ash, composting facilities at Blaise Farm, West Malling and upgrades to the waste water treatment facilities at Ashford, Aylesham

¹ Includes development control data 1st April and 21st September

Planning Applications Group Business Plan 2006/07 – Half Year Progress Report

and New Romney and Greatstone. Variations to working arrangements have been approved at Shepherds Farm Quarry, East Peckham Quarry and Tarmac's Quarry at Snodland. Members resolved to grant planning permission for the development of a new factory at Ightham Sandpits, Ightham. This application was called in by the Government Office for the South East (GoSE) and is to be the subject of a planning inquiry. Similarly, Southern Water Services is considering whether to appeal the County Council's decision to refuse planning permission for a sludge treatment facility at the Aylesford Wastewater Treatment Works.

6. In addition to the national performance indicator, there are a number of County Council (local) set indicators relating to County Matter development. These seek to measure the percentage of applications (including EIA development) determined within 10 and 16 weeks and the percentage of applications determined or resolved to permit within 13 weeks of validation. Targets are set at 50%, 70% and 75% respectively.
7. For the first 6 months of the Business Plan period, performance against the 10 week and the 16 week target has been exceeded with 54% (target 50%) determined within 10 weeks and 80% (target 70%) within 16 weeks. The percentage of applications determined or resolved to permit within 13 weeks currently stands at 66% compared to a target of 75%.

County Council Development (Regulation 3 Applications)

8. There are a number of local performance indicators relating to this area of work. Targets seek to determine 65% of applications within 13 weeks of validation and seek an average determination period of less than 12 weeks. To date, the Group's performance has considerably exceeded the 65% target with 84% of applications determined within 13 weeks. Average time taken to determine applications is currently at 9 weeks, again exceeding the target of 12 weeks.
9. Two additional indicators relate to both County Matter development and the Council's own development. They seek to acknowledge all applications with 3 working days of receipt and advise the applicant of the case officer within 10 working days. Performance against these targets is currently at 94% and 97% with a very small number of applications (2) not acknowledged or notified of a case officer within the target period.
10. In recent months planning permission has been granted for improvements to a wide range of community infrastructure. This included approval of two major road schemes – East Kent Access Phase 2 and the Sittingbourne Northern Relief Road and improvements to numerous school premises. This included a replacement primary school for Seabrook C of E School, Hythe and new nursery accommodation at Herne Bay and Canterbury.
11. Pre application advice is a key part of the planning application service and is encouraged on a case by case basis for both county matter development and the County Council's own development proposals. As part of the latter, officers from the Group are represented on a range of cross directorate working groups. These include Education's Development Review Group, and working groups on Building Schools for the Future, Adult Services Care Housing initiatives and Turner Contemporary.

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Planning Enforcement and Monitoring

12. The Group is responsible for monitoring and enforcement of minerals and waste development and the Council's own development. Details of breaches of planning control are reported to the Council's Regulation Committee that meets three times a year. I reported to the September 19th Committee that resources have been focussed on 9 sites where formal enforcement has been taken, 22 cases where investigations are under investigation and a further 11 cases which have been satisfactorily resolved.
13. Resources are targeted in accordance with the Council's Enforcement Protocol to those sites where the activities being carried out have the potential to create the greatest environment damage. These are investigated as a priority. Where possible we seek to resolve cases without the need for lengthy and expensive formal action. To date we have had a number of successes halting unauthorised waste activities without the need for formal action, although enforcement notices may be required in some cases to bring about appropriate restoration.
14. In April this year, Regulations came into force giving Minerals and Waste Planning Authorities the power to charge for the monitoring of minerals and selected waste permissions. Good progress has been made in preparation of implementing a chargeable monitoring scheme. The Group does not currently have sufficient resources to deliver the required number of monitoring visits to meet best practice and so some element of prioritisation is currently envisaged.

Minerals and Waste Development Frameworks

15. The plan making process is the subject of a third national performance indicator, BVPI 200. It requires the County Council to meet the milestones in the Local Development Scheme (LDS) which has been agreed by Government Office for the South East (GoSE).
16. A number of the milestones have now been achieved. In August the Statement of Community Involvement which sets out how the County Council will engage with the Community and Stakeholders on the Minerals and Waste Frameworks and planning matters was formally adopted. Public consultation was undertaken on three Development Plan Documents for the Minerals Development Framework between June and July of this year - the Preferred Options Consultation on the Core Strategy, the Primary Mineral Development Control Policies and Construction Aggregates. The Minerals Development Framework is to provide the policy context until 2021. Work is progressing on analysing the results of the consultation process and reviewing the Project's Sustainability Appraisal report. The submission document is due for publication in November 2006.
17. Work on the Waste Development Framework continues. A 10-week consultation period on potential spatial options ends on 4th October 2006. This work has included presentations to various sectors of the community, stakeholders and elected Members of both this Council and the District and Borough Councils. Specifically a Stakeholder event was undertaken on 14th September that focussed on developing the Core Strategy policy. A briefing of Parish Councils on 13th September 2006 in East Kent was well attended by Parish Council representatives in East Kent and an update was given to the Kent Waste Open Forum on the 19th September 2006.

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Influencing Emerging Policy and Guidance

18. The Group continues to play a key role in influencing emerging policy and guidance. In particular, the Group is working at the regional level with SEERA (South East Regional Assembly), SERTAB (South East Region Technical Advisory Body (waste issues) and SEERAWP (South East England Regional Aggregates Working Party) in relation to apportionment guidelines for recycled aggregate and London's waste. The Group is also preparing the County Council's case for the Examination in Public to the South East Plan with regard to minerals and waste issues. This is scheduled for December 2006. Officers from the Group also represent the County Council at the Planning Officer's Society (POS) on the Waste and Development Control Working Groups and on various working groups relating to the decommissioning of Dungeness A Power Station. The Group has prepared a number of responses to Government consultation's on emerging guidance. This has included guidance on Environmental Impact Assessment and a response to the Environment Agency of the Review of British Energy Generation Limited's nuclear power station authorisations in July.

Audit

19. The Planning Applications Service was the subject of an internal review by Kent Audit in March 2006. The review considered whether planning applications are determined in accordance with statutory requirements and that management information is available to support this. Kent Audit concluded that *'there is **substantial** assurance that risks, which could prevent achievement of business objectives* pertaining to the audited system are managed effectively.' The process recommended 3 Management Action Plans which seek to improve service delivery. These related to the issuing of receipts for payments by cheque, improved recording of planning fee calculations and the incorporation of software to assist with the collation of data to support performance indicators in the replacement computerised planning application system. Measures have already been put in place to address the first 2 recommendations. The 3rd recommendation is to be addressed by 31st March 2007.
20. In September, the Group's work in relation to the delivery of the national performance indicator BVPI109 was the subject of an audit by the County Council external auditors Price Waterhouse Cooper. Findings of the audit are awaited.

Customer Satisfaction Survey

21. The national performance indicator BVPI 111 requires the County Council to undertake a customer satisfaction survey every third year. The survey content and format are prescribed by the Audit Commission and seek to understand the percentage of planning applicants who were satisfied with the service received. In previous years the survey has been limited to County Matter development and undertaken on the telephone by parties unrelated to the Planning Applications Group. This year, the survey is to include Regulation 3 development and must be carried out as a postal survey. Those applicant /agents who have received notification of a planning decision between 3 April and 29 September 2006 will be invited to take part. Questionnaires are to be sent out at the beginning of October.

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Member Training

22. Training for Members of the Planning Applications and Regulations Committee and their regular substitutes is being planned for this Autumn. The agenda has yet to be finalised but is likely to consider recent legislative changes relating to development control, the implications of the emerging PPS 25 (Flooding) and the respective roles of the Environment Agency particularly with regard to waste. The latter may be a joint session with staff from the Environment Agency.

Freedom of Information Requests

23. The Group has responded to 6 requests for information under the Freedom of Information Act 2000.

Staffing Issues

24. The preparation of the Mineral and Waste Frameworks has necessitated the diversion of 2 principal planning officers away from development control activities. An element of this work is also undertaken by the Group Head. This diversion of resources is expected to continue for the current financial year and beyond. Whilst the half year review shows that the targets are being met, the statistics mask that this year there has been significant staffing and work changes within the Group that seriously affect the level of development control experience available at senior and principal level. These changes have included the diversion of principal staff from development control functions to work on the Policy Frameworks, the failure to be able to recruit experienced planning officers following the resignation of 2 senior officers earlier this year (they were replaced with planning officers without development control experience) and the imminent retirement of a principal planning officer with 30+ years experience. In addition, the Group's Business Support Officer retired this Summer. Her post was backfilled in September.
25. These changes have potentially serious repercussions for the way in which we deliver the planning application service. Experience to address the skills that have been lost to the Group cannot be gained quickly. In the short to medium term we consider that there may be an adverse impact on the development control service potentially resulting in lengthier decision making. In light of the changes above we are considering how best to deliver the service given the current structure of the Group.
26. In order to meet best practice for the chargeable monitoring programme referred to in paragraph (14) above, additional staff will be required. Discussions are currently underway to achieve this.

Review of Development Control Practices

27. The Group's development control practices are reviewed on a regular basis so as to take account of changes in legislation and best practice. Recent changes have been introduced to the development control regime by the Planning and Compulsory Purchase Act 2004. On 10th August 2006 changes were introduced to require Design and Access Statements to accompany applications. Details of these are set out in Item B2 to these papers. This new requirement is a validation issue and further changes to the validation process including the introduction of standard application forms and 'local validation criteria' are to be introduced next year. Measures will need to be put in place to deliver these changes over the next few months.

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E Government

28. In May 2006, I advised that the current provider of the Group's computerised planning application system MVM 20/20 had been acquired by Northgate Information Systems. Following acquisition, the Company announced that it was to cease supporting the Group's current MVM system. Discussions are ongoing as to whether Northgate's alternative system is suitable for the County Council's purpose. The ability to improve e-government facilities and the Council's Pendleton score is linked to the outcome of the Northgate discussions.

Officer Delegation

29. In developing systems and working practice, officers are mindful of the Group's performance indicators and seek to make good planning decisions within the shortest possible time. The use of officer delegated powers is a key element in helping the Group meet its performance targets. These powers were last reviewed in October 2001.
30. Officer delegation applies in a limited number of circumstances and in such cases there is no need to report to the Planning Applications Committee prior to determination of an application. In terms of permitting an application, these circumstances can be summarised as where there is no relevant planning objection. Delegated authority to refuse an application is given to the Head of the Planning Applications Group where the development does not accord with the Development Plan and there are no overriding material reasons for granting approval; the application is retrospective and is aimed at rectifying a breach of planning control against which enforcement proceedings have been instigated; or the application is a repeat application within 12 months of a previous refusal or withdrawal and does not address the grounds of refusal or concerns raised by the earlier proposal. This delegation to refuse is rarely used and only following consultation with the Chairman and Party Group Spokesmen.
31. Recent changes to legislation and working practice have identified 3 further areas of work where they would be potential benefits in having improved or clarified delegation arrangements. These relate to the undertaking of Appropriate Assessment, applications for Certificate of Lawful of Existing Use (CLEUD) and screening and scoping considerations pursuant to Environmental Impact Assessment legislation.
32. Appropriate Assessment is a requirement pursuant to the Conservation (Natural Habitats) Regulations 1994 (the Habitats Regulations). Where a project is likely to have a significant effect on conservation objectives of a European designated site and is not directly connected with or necessary to the management of the site, the Habitat Regulations require that appropriate assessment of the impacts be carried out. In terms of Appropriate Assessment, the County Council is defined as a competent authority under the legislation. The purpose of the assessment is to assess the implications of a proposal in respect of the site's 'conservation objectives' either alone or 'in conjunction' with other plans and projects. Natural England advise on a case by case basis whether an Appropriate Assessment is required.
33. In carrying out the assessment, the County Council takes advice from Natural England (formally known as English Nature) as to the impacts and mitigation proposed towards achieving these conservation objectives. The conclusions of the assessment should enable the competent authority to ascertain whether the proposal would adversely affect

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the integrity of the European Designated site. Planning permission should not be granted until the assessment has concluded that either it will not affect the conservation objectives or that the mitigation measures proposed are acceptable. However, where the assessment concludes that the conservation objectives would be adversely affected or the proposed mitigation is unacceptable, it is likely that this would constitute a material objection to the planning application, triggering an automatic referral to the Planning Applications Committee. The Planning Authority, however can in exceptional circumstances permit a scheme which has a negative assessment but for imperative reasons of an overriding public interest must be carried out, but not without first referring to the Secretary of State who has 21 days to consider the scheme. Such proposal would be reported to Members.

34. It is possible however under the current delegated arrangements that an application that requires Appropriate Assessment may not raise any material planning objection and would need to be reported to Committee solely to 'sign off' the Appropriate Assessment. I therefore propose that the officer delegation arrangements be revised so that where officers are satisfied following advice from Natural England that the Assessment has concluded that it will not affect the conservation objectives or that the mitigation measures are acceptable that the approval of the Appropriate Assessment be delegated to the Head of Planning Applications. Any decisions taken would be reported in retrospect to the Planning Applications Committee as is the current practice with delegated decisions.
35. Clarification is also sought as to the determination arrangements with regard to applications for the Certificate of Lawfulness of Existing Use or Development (CLEUD). These applications seek confirmation that a development is lawful (ie it has been established for 10 years or more) and therefore exempt from enforcement action. Current practice has normally been to determine CLEUD applications under officer delegation on the basis that the process is a legal determination rather than a process which considers planning merits. These decisions are then reported to the next Planning Applications Committee under Section E of the Committee papers.
36. In reviewing working practices, there would be benefit in clarifying specific determination arrangements for CLEUD applications and incorporating the current practice by direct reference into the delegation scheme. Whilst these types of applications are submitted infrequently, there is merit in having a swift and clear mechanism to determine them. These applications are determined solely on legal evidence rather than planning merits and where unsuccessful ie a certificate is not issued, the next consideration is whether it is expedient to pursue enforcement action. As such a decision on a CLEUD may result in legal action at some later date.
37. Finally as a result of the prescribed timescales for screening and scoping opinions in relation to the Environmental Impact Assessment legislation, these decisions are taken by officers in accordance with the relevant legislation and the decision reported to the next Planning Applications Committee (Sections E.5 and E.6). This arrangement has been in place for a number of years. The current review of working practices allows the opportunity to incorporate this practice into one delegation scheme.
38. A revised scheme of Officer Delegation reflecting the above is set out in Appendix 1. The Appendix also sets out those Decisions to be taken only by the Planning

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Applications Committee and includes any matters referred to the Committee by officers or at the request of the Committee Chairman.

Conclusion and Recommendation

39. For the first half of the Business Plan period, the Group has performed well against the key performance indicators, meeting and in some cases exceeding the targets set for the speed of planning decisions. Good progress has been made in developing the Minerals and Waste Development Frameworks which will provide the policy context for these areas over the next 20 years. A number of the key milestones have been met. The Group's working practices have been the subject of both internal and external audit and work is in hand for a customer satisfaction survey this Autumn. As a result of staffing issues (para 24-26), we are considering how best to deliver the service given the current structure and experience available within the Group.

40. Part of this consideration, has resulted in a review of delegation arrangements. A number of minor revisions are proposed which seek to ensure a challenge proof process for the validity of planning decision documents as well as enabling routine issues to proceed without the delay of a purely formal reference to a Committee Meeting. The revisions are incorporated into Appendix 1.

41. I RECOMMEND that MEMBERS

- (i) NOTE the half year progress against the current Business Plan as contained in this report;
- (ii) AGREE the minor revisions to the delegation arrangements as set out in Appendix 1.

Case Officer: S Thompson
Background Documents: see heading

01622 696052

S:DOCS/COMM/012004PEI

Planning Applications Group Business Plan 2006/07 – Half Year Progress Report

APPENDIX 1

Responsibility for Development Control Decisions

Decisions to be Taken only by the Planning Applications Committee

1. The determination of any application not delegated to officers as set out below or which relate to land or buildings managed by the Managing Director of Environment and Regeneration Directorate or to which there are material planning objections.
2. Any actions which might give rise to liability to pay compensation.
3. Responses to planning circulars or Government advice of particular relevance to the operation of the Development Control service.
4. Any matter referred to the Committee by officers or at the request of the Committee Chairman.

Decisions normally to be taken by Head of Planning Applications Group

1. To determine any application for which there has been no relevant planning objection raised by consultees or as a result of advertising;
2. To determine an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD)
3. To determine a screening or scoping opinion pursuant to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
4. To determine an Appropriate Assessment application pursuant to the Conservation (Natural Habitats) Regulations 1994 (the Habitats Regulations), where Natural England (formally English Nature) has advised the County Council that it is satisfied that the proposal will not affect the conservation objectives of the designated site or that the mitigation measures proposed are acceptable.
5. To refuse applications (including details submitted under conditions) where such applications meet any of the following criteria:
 - The proposal does not accord with the Development Plan and there are no overriding material reasons for granting approval;
 - The application is retrospective and is aimed at rectifying a breach of planning control against which Enforcement proceedings including Court prosecutions have already been instigated;
 - The application is a repeat application within 12 months of a previous refusal or withdrawal and does not address the grounds of refusal or concerns raised by the earlier proposal.

Such decisions in relation to 5 above will only be issued following consultation with the Chairman and Party Group Spokesmen unless reasons of urgency make this impracticable.

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Design and Access Statements

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

New procedures introduced in August 2006 by the Town and Country Planning (General Development Procedure) Order for the submission of Design and Access Statements to accompany planning applications.

For Members' information.

Unrestricted

Background

1. The Planning and Compulsory Purchase Act 2004 (Section 42) introduced a series of changes to the existing planning control regime, amongst other planning related matters, which are being brought into effect at various subsequent dates. On 10 August 2006 the requirement for developers to produce statements to cover both the design principles and equal access provisions for new development was implemented, through an Amendment to the Town and Country Planning (General Development Procedure) Order. Although design and access are actually two different but equally important areas of interest, Government has opted to combine the requirements by requiring one statement to cover both aspects.
2. From 11 August 2006 new planning applications must be accompanied by a Design and Access Statement in order for them to be accepted as valid by the Planning Authority. It follows therefore that any applications without such Statements have to be treated as invalid until one has been received by the Planning Authority. There are no stipulations as to the precise contents or substance of Design and Access Statements and no provisions are included for rejecting incomplete, inadequate or inaccurate Statements.

What Design and Access Statements Cover

3. In broad terms the Design and Access Statement is intended to explain the proposed development and design approach, with particular reference to achieving a high quality design solution and ensuring proper provision of equal access to and within the proposed development. Statements are therefore expected to include a description and explanation of the proposed development, justifying the particular design solution being proposed and demonstrating how far equal access provision has been included within the design and layout.
4. The Government defines a Design and Access Statement as “....a short report accompanying and supporting a planning application, to illustrate the process that has led to the development proposal, and to explain and justify the proposals in a structured way”. Although Government advice on the content of Statements is rather skeletal, in most types of application/development the following aspects are expected to be addressed:

Design and Access Statements

- The design principles and concepts applied to the proposals (i.e. the thinking behind the chosen design), with regard to the **process** (site assessment), the **amount**, the **layout**, the **scale**, the visual **appearance** (of the proposed new development), and the **landscaping** and the **use** (of the proposed site), including how the proposed design takes into account its local context, and how far it complies with relevant Development Plan policies on design.
- The consideration and arrangements for equal access provision in the proposed development and the ease of movement for all users within and around the proposed development, together with access points into the site and from the existing transport network (during both construction and occupation), including emergency access.

Where the Requirements Apply

5. The Department for Communities and Local Government Circular 01/2006 provides guidance on where the new requirements apply, but provides little in the way of exemptions. The requirement essentially relates to proposals for new built development, but there are many planning applications which do not involve buildings to which the requirements are arguably less relevant – changes of use of land, intensification of uses, minor works and householder developments. However the Circular only offers the following exemptions:
 - change of use of land or buildings (if no operational development involved)
 - engineering or mining operations (e.g. County Matter developments)
 - development of an existing dwelling house, or within its curtilage where incidental to the enjoyment of the house, if outside any designated area such as Area of Outstanding Natural Beauty, Conservation Area, etc. (i.e. most householder applications)
 - advertisement proposals
 - works to protected trees
 - storage of hazardous substances
 - Certificates of Lawfulness

There would appear to be no specific exemptions for temporary developments, renewals of previous development already in existence, minor works, plant and equipment or repairs to existing properties (such as Listed Buildings).

6. For the County Planning Authority, there are two key areas where the requirements apply – waste disposal proposals and County Council Developments. However, whilst mining operations are specifically exempted, there may be other mineral related development that is not. There is no such exemption for any waste proposals, which have formed the main bulk of the workload of late for minerals and waste development. Not all waste proposals have any obvious design implications and very few would have any equal access obligations, but arguably they all must have some wider transport access implications. Examples of the type of mineral and waste development that may require a Statement include:
 - ancillary development at a quarry (e.g. a bagging plant)
 - a waste transfer station
 - a materials recycling facility
 - a green waste windrow composting facility
 - an in-vessel composting facility
 - development at a sewage treatment works requiring planning consent.

7. With particular reference to wastewater related developments, there is an argument that such development could fall within the definition of engineering operations, and as such

Design and Access Statements

would be exempt from the requirement for Statements. There are other uncertainties as to the types of development that are caught by the changes. It is likely that the position relating to the need for Statements in relation to such development will continue to be subject to debate until it is confirmed one way or the other through the Courts.

8. Many County Council development proposals do involve new buildings, but many relate to alterations/extensions to existing premises, car parks, fences, plant and equipment, where the options for design and/or access could actually be extremely restricted or governed by other factors. Nevertheless, we expect that some mineral related applications, most waste applications and most County Council applications (under Regulation 3) will now need to be accompanied by Design and Access Statements. However, some applications will only require a relatively brief submission in that regard, whilst others will be expected to be accompanied by a more substantial justification of how the design and access issues have been considered and concluded.

The Implications of the Changes

9. The **design** elements clearly stem from the Government's longstanding agenda to improve the quality of design in new developments, and to assist Planning Authorities in negotiating good design and rejecting poor design. Planning Policy Statement 1 has long identified the achievement of high quality design as a key objective to be addressed as part of the planning decision process, although in practice most Planning Authorities have had some difficulty in resisting poor design proposals, because of the lack of robust Government guidance, unimaginative designs promoted by developers, inadequate in-house design expertise, insufficient time for negotiations because of the time target driven decision culture and ineffective support from Planning Inspectors when contesting design issues on appeal cases. Various actions have been promoted within Kent to address these aspects, including:
 - more and better in-house training of planning staff, including a partnership with the University of Westminster running courses in Urban Design;
 - publication of updated design guidance, including the *Kent Design Guide (2006)* and locally based Village/Parish Design Statements;
 - promotion of the annual *Kent Design Awards* contest from 2003, to raise general design awareness and appreciation in the private sector; and
 - inclusion of new policies in the *Kent and Medway Structure Plan (2006)* and the emerging Local Development Frameworks reinforcing the importance of good design.
10. It is hoped that the new requirements for Statements will also raise the priority ranking of design amidst all of the issues that developers and Planning Authorities need to consider in deciding planning applications. By encouraging developers to consider design issues at the outset, and to respond to the local characteristics and particularities of a development site rather than imposing a remotely conceived and indistinct universal design solution, should save time in trying to negotiate better design after a planning application has been submitted. However, this culture change for many developers will not happen overnight and a period of adjustment may have to be expected before there is any marked change.
11. The **access** dimension derives from other initiatives, including the Disability Discrimination Acts 1995 and 2005, in ensuring that full and equal provision is made for disabled or mobility impaired persons. Hitherto, access requirements for new buildings have been addressed largely through the Building Regulations 2001, although there has been a series of planning applications in recent years for access improvements for all

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buildings to which the public have access to comply with the requirements of the Disability Discrimination Act. Clearly most buildings owned and/or occupied by the County Council are public buildings, so the access elements are particularly important. Private buildings are the subject of applications dealt with by the District Councils, where consideration will also need to be given to the ability of buildings such as houses to accommodate the access requirements of residents over time (e.g. young people as well as elderly/infirm)

The Experience So Far

12. Since the new requirements have come into force, there has been mixed reactions. Some applicants are well accustomed to submitting supporting statements to cover planning and transport issues, covering design issues when new buildings are proposed in sensitive locations. In such cases applicants will need to re-package such information and more closely address the specified key issues of site assessment, amount of development, site layout, scale of buildings, site landscaping, visual appearance, site uses and access. In other cases, some applicants have been either unaware of the new requirement or reluctant to accept the need to comply it. We have issued new guidance to alert applicants to the changes, and have had to withhold registering some incomplete planning applications, but expect the incidence of invalid applications to gradually decrease with familiarity with the new requirement.

Available Guidance

13. There is currently limited information available on Design and Access Statements, but best practice guidance can be expected to emerge as experience develops amongst Planning Authorities and practitioners. In the meantime, there is an advisory document available from the Commission for Architecture and the Built Environment (*Design and Access Statements – How to Write, Read and Use Them*), although this is geared primarily to the development of large new sites in a typically urban context, so by no means universally applicable.

Conclusion and Recommendation

14. This report is presented for Members' information. It is recommended that I should keep you informed as to the impact of the new requirement via my 6 monthly reports on progress against the Business Plan Targets.

Case Officer: Jerry Crossley	Tel. no. 01622 221052
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Background Documents – <i>Planning and Compulsory Purchase Act 2004, Town and Country Planning (General Development Procedure)(Amendment)(England) Order 2006, and DCLG Circular 01/2006 (Changes to the Development Control System).</i>

Item C1

PLANNING PERMISSION: DO/03/477 – INTEGRATED WASTE MANAGEMENT FACILITY, RAMSGATE ROAD, SANDWICH.

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

DO/03/477- Proposed revisions to the Method Statement in relation to the approved Ecological Management Plan. Thanet Waste Services Ltd

Recommendation: FOR MEMBERS INFORMATION AND ENDORSEMENT

Local Member: Mr Leyland Ridings

Classification: Unrestricted

Background

1. Planning Permission (Ref. DO/03/477) was granted for this waste management facility in July 2004. In reaching their decision Members were mindful that the site was one identified in the Kent Waste Local Plan as suitable in principle for the type of facility proposed and was consistent with both European and Government Policy in terms of helping to increase recycling rates and reduce the need for waste to go to landfill. The application was accompanied by a number of separate reports which assessed the proposal against the principles of Best Practicable Environmental Option and also included measures employed to mitigate against any unacceptable impacts, including impacts on nature conservation.
2. The permission was granted subject to a separate Section 106 Agreement which required amongst other matters the submission and approval of an Ecological Management Plan. Prior to the commencement of the development a mitigation plan was formally submitted and approved under the terms of the Section 106 Agreement along with a number of other details submitted and approved pursuant to conditions imposed under the planning permission. Before being approved formal consultations were undertaken with a number of bodies including English Nature, Kent Wildlife Trust and the County Ecologist together with Sandwich Town Council. With the exception of Sandwich Town Council no objections were raised. The Town Council however, who had also raised objections to the original application, objected to the submissions on the grounds amongst others that in their opinion the mitigation measures were not sufficient to protect the interest of nature conservation present on site. The Town Council have continued to object and raise concerns over a number aspects relating to the development since permission was granted.
3. As part of the initial site preparation works reptiles were translocated from the development site in accordance with the approved Ecological Mitigation Plan. This involved the erection of a reptile fence around the site perimeter followed by a period during which reptiles were captured and placed on the outside of the fence. The intention being that reptiles cannot then venture back onto the site during site construction. Once the site is fully developed the fence will become redundant and be removed. The surrounding area into which the reptiles have been translocated which forms part of the application site will be landscaped and managed in the longer term for the purposes of nature conservation.

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4. During the course of site construction the reptile fence became damaged along its southern boundary. Upon investigation it transpired that the reptile fence had been erected in the wrong location in this part of the site some 7-8 metres inside the site boundary. The contractors who were employed to construct the development platform had not been made aware of the significance of the fence and had continued to clear the site towards the southern boundary removing the fence as they progressed. As soon as this became apparent operations in this area were halted and the fence reinstated. The applicant agreed that no further works would take place within this part of the site pending a meeting between their Ecological Consultants and English Nature to agree how best this small remaining area should be developed whilst safeguarding any ecological interest present. A meeting was subsequently held and it was agreed that a revised Method Statement should be produced amending the approved Ecological Mitigation Plan relating to this part of the site.

**Submission and approval of Revised Ecological Management Plan
Method Statement**

5. Following the meeting between the applicants ecological consultants and English Nature a revised Statement was formally submitted. In effect this made provision for the relocation of the reptile fence along the southern most development site boundary and thereafter the careful clearance of the remaining scrub under the close supervision of reptile specialists. It was intended that any reptiles found would be moved immediately into the adjoining mitigation area on the other side of the fence. The applicant stated that as a result of these works there would be no loss of the surrounding habitat as provided for in the original Ecological Mitigation Plan.
6. Formal consultations were undertaken with relevant bodies including English Nature, Kent Wildlife Trust, the County Ecologist and Sandwich Town Council. English Nature, Kent Wildlife Trust and the County Ecologist raised no objections. In particular English Nature were happy for the protected species work to proceed as outlined. Sandwich Town Council however objected on the grounds amongst other matters that in their opinion it was too late in the year for such an exercise to be undertaken which would have led to predictable harm to protected species in breach of the Wildlife and Countryside Act 1984. With the exception of the Town Council, no other adverse comments were received.
7. Under normal circumstances, in the light of the objection raised by Sandwich Town Council, I would have had to have reported the matter to the Planning Applications Committee before any formal decision could be issued. Given the views of English Nature together with Kent Wildlife Trust and The County Ecologist, upon whose expert advice I rely on such matters, I would have made a favourable recommendation to Members. However, (as recognised by the Town Council), the timescale for completing the necessary works, albeit only affecting a relatively small part of the site, remained crucial and unless such works were undertaken within the revised time table proposed it would not have been possible to do so until the beginning of next spring. Such a delay would have also led to a severe delay in the completion of the development, where the applicant had already committed to a substantial investment employing a number of separate contractors to undertake various works.

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PLANNING PERMISSION: DO/03/477 – INTEGRATED WASTE MANAGEMENT FACILITY, RAMSGATE ROAD, SANDWICH.

8. It was my firm opinion under the circumstances, that notwithstanding the objections from the Town Council there was no overriding reason for delaying issuing formal approval pending this month's meeting of Planning Applications Committee, where in my view there were clear sound planning reasons to allow the remaining site clearance works to be carried as soon as possible. I therefore sought your Chairmans' advice who agreed that the circumstances warranted such an approach being taken. Before issuing any formal decision. I also discussed the matter with the local Member, Mr Ridings, who concurred with this view. Formal approval of the Revised Ecological Method Statement was therefore subsequently issued last month as an amendment to the previously approved Statement pursuant to paragraph 4.3 of the Section 106 Agreement in time for the works to be completed within the proposed timescale.

Submission of future outstanding details for approval

9. On a separate note, there are a number of remaining details needing to be formally submitted for approval pursuant to conditions imposed under the planning permission before certain activities take place. When received these will be subject to formal consultation with appropriate consultees before any formal decision is issued. In order to avoid any unnecessary delays in determining such details I would therefore seek Members' endorsement where, on any future submissions objections are raised, unless they constitute material planning objections that I be allowed to determine them without having to resort to reporting the matter to the Planning Applications Committee for Members to determine. This approach has previously been adopted elsewhere where similar issues arose in respect of a permission granted for a sand and gravel working site at Allens Bank, Lydd and in my view would not therefore set any precedent. Meanwhile I will continue to report on matters where it is considered grounds of objection are material to the outcome of any decision.

Recommendation

10. I RECOMMEND that;

- (A) Members receive this report for **INFORMATION** in relation to the approval of the revised Ecological Mitigation Statement.
- (B) **I BE GIVEN AUTHORISATION** to formally determine any future details submitted pursuant to outstanding conditions under planning permission Ref.DO/03/477 where, following statutory consultations no material planning objections are raised.

Mike Clifton

(01622) 221054

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Item C2

TM/06/1899 VARIATION OF CONDITION (xiii) OF TM/01/3081/MR95 TO ALLOW FOR THE RETENTION OF STORAGE BUILDING AND ACCESS ROAD FOR THE ONGOING MAINTENANCE OF THE LAND – LAND AT PEARSONS SANDPIT, ADDINGTON LANE, ADDINGTON

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

TM/06/1899 – Variation of condition (xiii) of 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, Kent (MR. 650 595)

Recommendation: Refusal

Local Member: Mrs S Hohler

Classification: Unrestricted

Site Description and Background

1. This site is a former sand quarry which has been fully worked out and nearing completion of full restoration. It is located on the north side of Addington Lane to the south of Trottiscliffe village. The site falls within the Green Belt (MGB), a designated Area of Outstanding Natural Beauty (AONB) and close to a designated Special Landscape Area (SLA).
2. Planning permission for the excavation of sand was granted in 1978 as an extension to the original workings with a further extension granted in 1986 under permission reference TM/85/1384. In 2001, consent was granted under the provisions of the minerals review legislation (reference TM/01/3081/MR95), with a number of conditions updating the 1986 permission covering, amongst other matters:
 - ❑ the site to be fully restored by 31 December 2005;
 - ❑ compliance with a scheme of aftercare for a period of 5 years from the date of final restoration; and
 - ❑ a requirement to remove all plant, buildings, machinery and sanitary facilities and their foundations and bases, together with the internal access roads and vehicle parking areas.
3. In 2002/03 the site was purchased by Station Haulage Limited, who have since been responsible as operators for restoring the site to original ground levels and returning it to agricultural use. Whilst every endeavour was made by the operator to restore the site within the required timescale (December 2005), there were difficulties attracting suitable final restoration material during 2005 which ultimately led to a delay in meeting the restoration timetable. In late 2005 the operator was informed that given the timescale for completion was nearing expiration and in our view there was sufficient material available on site to complete final restoration, every effort should be made to re-contour the site with the material available on site. To date the operator has made, in my view significant progress despite difficulties in attracting suitable final cover material.

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However given the restoration timescale has now expired the site is closely monitored by officers and progress reported to Members of the Regulation Committee as necessary.

4. With the site nearing completion, the operator has recently submitted an application to Tonbridge and Malling Borough Council to use the adjoining land which formed part of the original site to erect a stable block, together with associated facilities. In order to facilitate this use he has submitted a section 73 application seeking the variation of condition (xiii) of the existing consent TM/01/3081/MR95, which is outlined in more detail below. All that remains on site to date is the existing internal road, access arrangements/gates and storage building, all of which were originally permitted to facilitate the temporary sand extraction and infilling operations and which are required to be removed under the current planning consent.

Current Proposal

5. As referred to in para 3 above, the applicant has aspirations to erect stables on the adjoining land and an application which has been submitted to Tonbridge and Malling Borough Council for determination. In order to gain access to this area of land, the applicant is seeking a variation of the current minerals review planning permission (which requires the removal of all buildings, hardstanding, access etc) to allow the following:
 - ❑ the retention of the existing internal access road – it is proposed that this road be reduced from a width of 10m to 3m (from the access gate to the storage building);
 - ❑ the reduction of the bell mouth to 3.6m along with new traditional five bar agricultural style gates (adjoining Addington Lane), along with the reinstatement of the embankment and hedgerow; and
 - ❑ retention of the existing storage building (of some 7m x 5m), to house equipment the applicant feels is necessary to be kept on site to house machinery for maintenance and management of the land for its intended use beyond the completion of restoration and aftercare required under TM/01/3081/MR95.

In addition the applicant states that the concrete hardstanding area surrounding the building would also be removed to leave a small working area around the building. All other hardstanding, including the weighbridge and any other structures have or will be removed in accordance with planning permission TM/01/3081/MR95.

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Planning Policy Context

6. The application site, comprising the site access and storage building are located within the Metropolitan Green Belt and is therefore protected from inappropriate development. The site also falls within an Area of Outstanding Natural Beauty and lies close to a Special Landscape Area. In the context of planning policy guidance therefore consideration would need to be given as to whether this proposal would represent inappropriate development in this location
7. Government guidance on the location and design of development in such areas is contained in Planning Policy Guidance notes (PPG's), as being replaced by Planning Policy Statements (PPS's) and Government Circulars.

National Planning Policy – National Planning Policies are set out in PPG2 (Green Belts) which is discussed in more detail below.

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

Policy SP1	Seeks to conserve and enhance Kent's environment and ensure a sustainable pattern of development.
Policy SS2	Within the Green Belt there is a general presumption against inappropriate development.
Policy SS8	Non-residential development in rural Kent should amongst other matters re-use, adapt or redevelop an existing rural building where the change is acceptable on environmental, traffic and other planning grounds.
Policy EN1	Kent's countryside will be protected for its own sake. Development in the countryside should seek to maintain and enhance it. Development which will adversely affect the countryside will not be permitted unless there is an overriding need for it which outweighs the requirement to protect the countryside. Development so permitted should include appropriate mitigation and/or compensation.
Policy EN4	Protection will be given to the nationally important landscapes of the Kent Downs and High Weald Areas of Outstanding Natural Beauty. The primary objective will be to protect, conserve and enhance landscape character and natural beauty.
Policy EN5	The primary objective in Special Landscape Areas will be the long

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term protection and enhancement of the quality of the landscape.

Policy QL1

All development should be well designed, of high quality and should amongst other matters protect the amenity of residents. Development detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted. Existing built environment of high quality and character will be protected and enhanced.

Policy MN3

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

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

Tonbridge and Malling Borough Local Plan (Adopted December 1998)

Policy P2/16:

Provides for long term protection of the Green Belt unless acceptable under the terms of other development plan policies or otherwise exceptionally justified.

Policy P3/5:

The borough council will give priority to the conservation and enhancement of the natural beauty of the area.

Policy P3/6:

Within the Special Landscape Areas, priority will be given to conservation and enhancement of the natural beauty of the landscape over other planning considerations. Where development is permitted, particular regard will be paid to the design, location and landscaping of the proposal and its impact on the character of the landscape. Where necessary and practicable it must be accompanied by appropriate measures to mitigate its impact and provide for appropriate enhancement elsewhere in the SLA.

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8. Consultations

Tonbridge and Malling Borough Council: Whilst the Borough Council have raised no objection to the proposal, they have also made the following comments:

- “1. The County Council must be satisfied that the principle of the development is acceptable under existing development plan policies or otherwise exceptionally justified, and*
- 2. That surface materials and boundary treatments are used that are appropriate to this rural site, which is located within an Area of Outstanding Natural Beauty.”*

Trottisccliffe Parish Council: The parish council has expressed the following view: *“although the storage building may be screened from Addington Lane it is all too visible from the village and from School Lane, as are the vehicles alongside it. Considering the removal of this building was one of the conditions in the restoration of the land it is felt that if the building cannot be re-sited in a less obvious position from the village and AONB then at the very least appropriate screening should be insisted upon.”*

Addington Parish Council: No comments received.

Environment Agency: No objection raised.

Divisional Transportation Manager: No objection raised.

Landscape Consultant: Whilst the Landscape Consultant welcomes the reduction in width of the access track he states the following in particular relation to the retention of the storage building:

“I still have concerns that the applicant needs to demonstrate the need to have this storage facility on site. If it can be demonstrated that this need exists and that other alternative sites are less suitable, such that the landscape objection is outweighed, I suggest that suitable conditions are attached to the approval to ensure that the building is only used for storage and activities directly related to the agricultural aftercare of the site. Additionally further details of the hedgerow landscaping, giving plant species, sizes and spacing, together with a five year aftercare programme should be conditioned.”

Local Member

9. The Local County Member, Mrs Hohler was notified of the application on 1 June 2006.

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Publicity

10. The application was publicised by the posting of a site notice, advertisement in the local newspaper and individual notification of 2 neighbouring properties.

Representations

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

Discussion

12. This application is for the retention of an existing internal access road, (albeit reduced in size) and storage facility originally intended to facilitate the site for the duration of its life as a working sand extraction and landfill site. Upon completion of operations, the site is required under the terms of the existing planning consent to be fully restored by the end of 2005. There is also a requirement to remove all plant, machinery, buildings and access upon determination *‘that they are no longer required for the working or restoration of the site and adjoining previously worked and backfilled areas of land’¹*.
13. This site is situated within the Green Belt and AONB where there is a strong policy presumption against development and a requirement to maintain the open character of the Green Belt. In addition, long term protection should be provided for designated AONBs and conservation and enhancement are priorities in such areas.
14. Therefore, given the sensitive location of this site, in my view there are two main issues to consider:
- ☐ Whether the proposal represents inappropriate development; and
 - ☐ If the development is considered to be inappropriate, have very special circumstances been demonstrated by the applicant to allow such development in this location.
15. PPG2 advises that with suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already in existence. However it also advises that the re-use of buildings inside a Green Belt would not necessarily be considered to be inappropriate development providing, amongst other matters *“it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it and that strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (e.g.*

¹ Condition (xiii) of permission TM/01/3081/MR95

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because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing)". This is reinforced by Policy SS2 of the Kent and Medway Structure Plan and Policy P2/16 of the Tonbridge and Malling Borough Local Plan. PPG2 outlines the circumstances where the re-use of buildings might be inappropriate, for example where any extensive associated hardstanding, may be included. It also states that any development approved within the Green Belt will be required to be designed and sited so as to maintain the open character of the area and should not conflict with the purposes of including land within the Green Belt.

16. The policy constraints referred to above indicate the requirements for proposals in the Green Belt / AONB / SLA. The emphasis for the AONB / SLA is on the protection and enhancement of landscape character. In addition, Kent and Medway Structure Plan Policies EN4 and EN5 require the conservation and enhancement of the quality of Kent's environment, incorporating the visual environment, including as appropriate measures to minimise and where appropriate, mitigate, any adverse impacts arising from development and land use change.
17. The site benefits from tree screening on its north, east and south sides however there are few locations where a clear view into the site could be obtained. Nevertheless, the proposed storage building, would still be visible within the wider landscape, particularly during winter months. For this reason it is important that the external colour and material of the building would blend into the surrounding landscape. The existing building is blue in colour and in my view is fairly prominent given the rural surroundings however mitigation measures such as the imposition of conditions requiring it to be painted along with some screening/planting could provide sufficient mitigation measures. However, although the principle of re-using existing buildings within this sensitive location need not prejudice the openness of the AONB and Green Belt, it is the associated hardstanding area (in the form of the access and hardstanding in front of the building) that in my view would have a wider detrimental impact on the area. This in turn would bring into question the need to retain such a building in this location.
18. The existing purpose-built access road was constructed to facilitate the quarrying and infilling operations on site. In this location PPG2 supports mineral extraction operations and associated operations on the basis that such activity is considered to be a temporary activity as such the permission was granted for a temporary sand extraction operation with a condition that upon completion any buildings and the access be removed. However, as referred to in PPG2² the applicant accepts that given the sensitive location of the site, the existing access arrangements including the 10m wide internal access road should be significantly downgraded to reflect the character of the area. He has proposed the reduction of both the bellmouth and width of the internal concrete road to what he considers would better reflect the agricultural setting of the site and reduce the impact on the AONB. Despite the applicants proposal to reduce it from 10m in width to some 3m, the road would still

² Para 3.8(b)

TM/06/1899 VARIATION OF CONDITION (xiii) OF TM/01/3081/MR95 TO ALLOW FOR THE RETENTION OF STORAGE BUILDING AND ACCESS ROAD FOR THE ONGOING MAINTENANCE OF THE LAND – LAND AT PEARSONS SANDPIT, ADDINGTON LANE, ADDINGTON

stretch some 150m back from Addington Lane. Therefore the concrete internal haul road along with the hardstanding proposed in front of the building would still in my opinion represent a significant permanent impact that is uncharacteristic in the area. I do not consider the applicant has fully justified a need to retain such a large concrete area in this location, given its purpose would only be to access the adjoining field and the retained storage building. I remain of the view that the only acceptable access onto this site, given its location, would be an access more akin to an agricultural use and more reflective of its rural location. The applicant does not in my view provide any clear justification for retaining such an access in this location.

19. Whilst I would agree with the County Council's landscape consultant who has advised that the building proposed is not acceptable in landscape terms and that no special circumstances have been demonstrated, I am of the view that it is not necessarily the building that would represent the largest impact, but the access road/hardstanding area proposed for retention. Whilst I do not consider that the access would be acceptable in landscape and visual terms, if Members are minded to refuse planning permission for its retention, I would question whether there would be a demonstrable need for the retention of the storage building in its current location.
20. To conclude, the proposed development would be contrary to the Development Plan, I consider that the applicant has not demonstrated the very special circumstances required nor does the proposal respect the openness of the Green Belt and the natural character of the AONB / SLA. I therefore consider the application represents inappropriate development in this sensitive location and clearly conflicts with Green Belt, AONB and SLA policy.

Conclusion

21. The proposed development represents a departure from the Development Plan due to the policy constraints in place in the Green Belt and in AONBs/SLAs. The proposal therefore constitutes inappropriate development with a presumption against permission being granted. Very special circumstances needed to be demonstrated in order that such development could be accepted.
22. Given the planning history of the site and the requirement to fully restore it under the minerals review permission, I conclude that very special circumstances have not been demonstrated in this case and that the applicant should be advised to re-commence final restoration following the outcome of this committee. I therefore recommend accordingly.

Recommendation

23. I RECOMMEND that PERMISSION BE REFUSED on the following ground:

TM/06/1899 VARIATION OF CONDITION (xiii) OF TM/01/3081/MR95 TO ALLOW FOR THE RETENTION OF STORAGE BUILDING AND ACCESS ROAD FOR THE ONGOING MAINTENANCE OF THE LAND – LAND AT PEARSONS SANDPIT, ADDINGTON LANE, ADDINGTON

- (i) The proposal represents inappropriate development in the Green Belt and Area of Outstanding Natural Beauty and the applicant has failed to demonstrate the special circumstances necessary to override presumption against permitting the proposal. The proposal 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.

24. I FURTHER RECOMMEND that the applicant be advised that the access road and associated buildings and hardstanding be removed and the site be restored in accordance with the requirements of planning consent TM/01/3081MR95. I would also advise that close supervision be kept on restoration by officers and that a final progress report be reported to Members of the Regulation Committee for any future enforcement action deemed necessary.

Case Officer: Angela Watts

01622 221059

Background Documents: See Section Heading

Item C3

Recycling of inert waste/crushing and screening to produce secondary aggregate at Borough Green Landfill Site – TM/06/2171

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

Application by Cemex UK Materials Limited for the recycling of inert waste/crushing and screening to produce secondary aggregate at Borough Green Landfill Site, Wrotham Road, Borough Green.

Recommendation: Permission be granted subject to conditions.

Local Member(s): Valerie Daggar

Classification: Unrestricted

Site

1. The site lies within the former Borough Green sandpit, which is situated north of Borough Green. The sandpit is bounded to the north by open farmland, beyond which lies the M26. To the north-east, there is a small woodland and Sports Ground and to the east is the A227 Wrotham Road, from which access to the site is gained. A small industrial estate is located immediately to the east of the sandpit, with a number of residential properties fronting the A227 beyond that industrial estate. The southern edge of the sandpit abuts a residential area, with a nursing home and isolated residential property to the south-west. To the west lies the Celcon block making plant, and an associated sandpit which supplies raw materials to that plant.
2. The site is within the Metropolitan Green Belt, Green Wedge, Special Landscape Area and adjacent to an Area of Outstanding Natural Beauty. The site is also within the Wrotham Ward and Borough Green Ward. A site plan is attached.
3. The application site itself is just over 0.9 hectares and is located at the base of the former Borough Green Sand Pit. It forms part of the clay base that was created within the northern area of the site prior to the commencement of infilling, and therefore lies above the level of the natural water table.
4. The site comprises part of the base of what would become 'Phase 4' of the approved landfill restoration scheme, and the proposed location therefore offers the benefit of allowing infilling and restoration to take place on its eastern, southern and south western sides, without interfering with the recycling operation. The applicant considers that it also has the consequential advantage of the on going infilling increasingly enclosing and attenuating any noise, visual or dust effects.
5. Access to the site would be obtained via the existing site entrance on to the A227, and then via an internal haul road from the site office compound, situated close to the eastern boundary of the site. That haul road runs westwards down a ramp to the base of the quarry, and the current 'Phase 1' operational area.

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Background

6. The extraction of sand and subsequent restoration of the void by infilling after extraction was complete at the Borough Green site was originally permitted in June 1948. The extraction of sand has now been completed and the only activity taking place on site since 2005 has been the infill as part of the restoration scheme.
7. The restoration scheme was approved by Kent County Council in September 2003, subject to conditions, including a requirement that working and restoration must be completed no later than 21 February 2042.
8. The scheme confirmed that the sandpit contained a total void space of some 3 million cubic metres, and that it was anticipated that waste would be imported at an annual rate, which would not exceed 300,000 tonnes per annum. This would give an operational life of some 17 years.
9. The infilling operations began in 2005 up until the beginning of 2006, a total of some 120,000 tonnes of inert material has been imported to the site, which has been infilled within 'Phase 1' in accordance with the approved scheme. The material has principally consisted of subsoil and clay, but with a proportion of brick and concrete rubble (20%). That rubble has been infilled with the soils and clay, but a proportion of that material has the potential to be recycled. The applicant has confirmed that the site is failing to attract certain inert waste streams (notably bricks and rubble) because of the absence of an on-site recycling facility, which would provide opportunities for back-haulage off-site of recycled products.
10. Cemex advise that "A recycling facility would therefore be likely to act as a catalyst for attracting a greater volume of waste", such additional material would both add to the volumes of soils and clay available for landfill restoration, but which would also provide scope for recycling a proportion of other suitable material. The introduction of recycling to process some 20% - 30% of inert waste is the only new element to operations on site.

Proposal

11. The recycling operation would be integrated into the established inert infill restoration scheme by re-directing from the landfill a proportion of the waste, which is suitable for recycling, which would otherwise be landfilled (see paragraph 10).
12. The IPPC Permit for the landfill operation incorporates detailed waste acceptance procedures and the intention is to update those established waste acceptance procedures to allow the identification of waste, which would be suitable for recycling. That material would be directed to the waste recycling area, where the waste would be placed in separate segregated stockpiles of 'clean' bricks and concrete, mixed builders rubble, and glass. Other material, principally subsoil and clay and builders rubble mixed with a high proportion of fine material/soil/ceramics etc. would be directed to the landfill area.
13. The recyclable material would be crushed and screened via a mobile plant, comprising a feed hopper, crusher and screen, with radial conveyors to stockpiles of finished products. The intention is that the plant would be hired and operated on a 'campaign basis' when stockpiles of unprocessed waste were at sufficient quantities to provide a processed throughput for circa 2-3 weeks production. The objective would be to

Recycling of inert waste/crushing and screening to produce secondary aggregate at Borough Green Landfill Site – TM/06/2171

generate stockpiles of recycled material to a maximum of some 30,000 tonnes, with those stockpiles to then be periodically replenished depending on sales and availability of suitable replacement recyclable material. The principal products which would be provided would be clean concrete, mixed demolition rubble, dried washings from concrete plants, glass and road planning's.

14. The application site has been sized to provide sufficient area to accommodate the raw material stock piles, the temporary and periodic installation of the crushing and screening plant, and the finished stock piles. The anticipated general arrangement of the respective elements is illustrated on the enclosed plan, with elevational details of the plant.
15. The applicants anticipate that the availability of a recycling facility at the site would increase the attractiveness of the site to the waste industry, since there has been evidence that contractors are deterred from using the site because of a lack of recycling facilities, and the unavailability of back haulage of recycled products to construction projects. Cemex advise that "The more comprehensive service which could be offered by the site, via the recycling facility, would therefore act as a catalyst in attracting additional waste, up to the specified annual limit".
16. The proposal would not increase the upper limit of waste inputs to the sand pit, which is restricted to 300,000 tonnes per annum.

Additional Information from the Applicant

17. Following receipt of concerns relating to noise and traffic implications; the applicant submitted additional information addressing these aspects in more detail. This additional information has been considered by consultees.

Planning Policy

18. The principle of restoration using imported inert materials has already been established at this site. The extant permission already regulates site operations through other conditions that cover hours of operation, access and plant and machinery etc. There is general development plan support for sustainable quarry restoration and recycling. The following plan policy is specific to the application site:

The Tonbridge & Malling Borough Local Plan Policy P3/10 provides that

"Subject, where appropriate, to the protection and enhancement of nature conservation interests and the water environment, the Borough Council will seek the restoration of the following sites, in accordance with the requirements below:

(g) Borough Green Sandpit: restoration to a use appropriate to the Green Belt"

Other Plan Policies include:

- (i) **Regional Minerals Strategy (RPG9) – Waste & Minerals, June 2006:**

Policy M2 – The use of secondary aggregates and recycled materials in the South East should increase by 34% by 2016 so as to reduce the

Recycling of inert waste/crushing and screening to produce secondary aggregate at Borough Green Landfill Site – TM/06/2171

need for primary aggregates extraction. To enable this target to be met, mineral planning authorities should assess the need for mineral recycling sites in their area.

A proposed revision to Policy M2 is being promoted within the emerging South East Plan. The revision proposes the setting of apportionment's to Minerals Planning Authorities. The Kent apportionment is proposed to provide capacity for up to 1.4 mtpa to be recycled by 2016. The proposed apportionments are currently illustrated but will be subject to testing at the Examination In Public (EIP) planned to commence in December 2006.

Policy W17 – Where temporary recycling facilities are to be proposed in the Green Belt, they should be sited at existing minerals or waste sites wherever possible.

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

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

Policy EN1 – Development in the countryside should seek to maintain and enhance it.

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

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

Policy NR6 – Development which would be sensitive to adverse levels of noise, air, light and other pollution, will not be supported where such conditions exist.

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

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

Policy W7 – Proposals to prepare category A waste for re-use would be considered against whether they seek to minimise impact on the local and natural environments, have suitable access to the main road network and are within or adjacent to existing waste management facilities or are part of a location within an established or committed general industrial type area.

(iii) **Tonbridge and Malling Borough, December 1998:**

Policy P2/16 – Long term protection will be given to the Green Belt.

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Development outside the built up confines of the urban areas will not be permitted unless acceptable under the terms of other policies of this plan, or otherwise exceptionally justified.

Policy P2/19 – Within Green Wedges, development will not be permitted which significantly extends the built confines of rural settlements or urban areas or has a significant adverse effect on the function of the Green Wedge in ensuring the separation of these areas.

Policy P3/16 – The Borough Council will not permit development where outputs from the proposed use would have an unacceptable adverse effects on air, land and/or water quality of the area.

Consultations

19. Tonbridge & Malling Borough Council: Object to the proposal for the following reasons:

- "The proposal is harmful to the Green Belt due to its inappropriateness, which has not been justified by a convincing set of 'very special circumstances'. This is contrary to PPG2 and Policies SS2 of the Kent & Medway Structure Plan, 2006 and P2/16 of the Tonbridge and Malling Borough Local Plan, 1998".
- "The acoustic report submitted by the applicant appears to be flawed since it does not include a 5db correction for certain acoustic occurrences such as bangs, clatters or thumps. These will almost certainly occur within the site as a result of the nature of the operations to be carried out. Moreover, there is an unexplained use of 'average' levels of noise and the average levels may not adequately take account of existing restrictions on hours of access by HGV traffic. The recycling plant and the associated HGV traffic have the potential to cause increased disturbance to residential properties and harm to the amenities of the Green Belt".
- "The Borough Council is concerned with the number of vehicles that could potentially be generated by the proposed development. On the basis that a maximum of 300,000 tonnes of material would be imported into the site per annum with some 100, 000 tonnes recycled for sale off site, it is possible that in the absence of significant back loads, the number of vehicle movements generated could be greater than those generated by the quarry during its more productive years. This will harm residential amenities and the amenities of the Green Belt".
- "Inadequate evidence has been submitted from the applicants to confirm that the introduction of recycling will not significantly extend the period of infilling operations at this site with consequent harm to residential amenities and the amenities of the Green Belt".

The Borough Council state that "in the event that the County Council is minded to permit the application, it is requested that measures be imposed to ensure HGV ingress and egress is to the north, that is, they do not travel through the centre of the village of Borough Green".

Borough Green Parish Council: No objection to the proposal but advises that if the planning authority is mindful to approve this application, the Parish Council stresses the need to ensure that the usual constraints re: noise/dust/dirt/hours of working are applied to this application, as with any and every other application for crushing in this area. It is suggested that calculations are made in advance to allow time for necessary provisions

Recycling of inert waste/crushing and screening to produce secondary aggregate at Borough Green Landfill Site – TM/06/2171

to be made to overcome the effects on residents in Borough Green and the wider area, including Wrotham School.

It is further suggested that KCC include conditions in the approval of this application, such that the Environment Agency, or other responsible authority, makes regular periodic assessments of the noise, dust and traffic levels.

There is concern about the high level of HGV movements entering and leaving the site. The Parish Council and local residents will, therefore, continue to rely on the Planning Authority to maintain the level of all vehicle movements to within those specified for the operation of this site.

Environment Agency: No objection to the proposal.

SEERA – It is not considered that the proposed development would materially conflict or prejudice the implementation of the regional spatial strategy (RPG9 and adopted alterations) or draft South East Plan, subject to the following:

- the County Council being satisfied that there is a need for the facility in this location in light of alternative sites in accordance with policies W3, W4 and W17 of the RPG9 Adopted Alterations on Minerals and Waste and the draft South East Plan.

Divisional Transportation Manager: No objection subject to:

- the infill and recycling operation input to the site should be restricted to the limit of 300,000 tonnes per annum'
- Times of operations, including the need to comply with existing traffic restrictions during school periods'
- The need for wheel washing'
- Egress should be north bound/left turn out only with access the reverse of this.

Jacobs: Comment as follows:

Noise

Is of the opinion that there should be no detriment to residential amenity at the closest noise sensitive properties.

Dust

No comments to date.

Waste Management: No objection and welcomes the additional handling or processing capacity for this category of waste, that would provide an increased choice, together with operational flexibility, a reduction in waste haulage in Kent, and the export of waste from Kent.

County Archaeologist: advises that no archaeological measures will be necessary in this case.

Local Member

20. The local County Member, Mrs Valerie Daggar was notified of the application on the 27 June 2006.

Recycling of inert waste/crushing and screening to produce secondary aggregate at Borough Green Landfill Site – TM/06/2171

Publicity

22. The application was publicised by the posting of a Site Notice, advertisement as a departure to the Structure Plan in the local newspaper and individual notification of 34 neighbouring properties.

Representations

23. 1 letter of representation has been received raising concerns relating to:
- disturbance from dust etc caused by the crusher.

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.
25. Planning permission already exists for the restoration of Borough Green Sand pit by infilling with inert waste. Under consideration here is the proposal for the recycling of inert waste/crushing and screening to produce secondary aggregate, which would involve the temporary use of a mobile crushing and screening plant within the existing quarry on a campaign basis. A number of concerns have been raised by consultees, which I shall address under the following headings.

Metropolitan Green Belt

26. Tonbridge and Malling Borough Council have raised objection regarding the potential impact of the recycling and crushing facility on the openness of the Metropolitan Green Belt and are concerned that a case for 'very special circumstances' has not been carried out by the applicant.
27. Planning Policy Guidance 2 sets out what the purpose and objectives of Green Belt are and the definition of what may or may not constitute inappropriate development within the Green Belt. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and help to protect the openness of the countryside. The principle of quarry restoration by infilling has been established. The proposed recycling is only a minor element of the restoration and in itself would not be detrimental to the aims of PPG2. The recycling plant will only be on site some 3 times per year and for the greater part of the restoration will be out of site being located on the quarry floor.
28. Regional Policy as set out in Policy M2 and W17 advises that Waste Management Facilities should not be precluded from the Green Belt, the recycling facility is within an existing site where restoration is currently taking place. Regional Policy for temporary recycling facilities to existing mineral sites is supportive of applications such as this and given the proposed targets, 1.4 mtpa, for Kent, this proposal would benefit the County and contribute towards reaching that target.
29. In the context of the above, and given that:
- (I) the wider inert infill restoration development is already taking place, which is designed to enhance the landscape. The proposed recycling and crushing plant will be located at the bottom of the void some 30m below ground level and could speed up the restoration programme with the potential to complete prior to 2042;

Recycling of inert waste/crushing and screening to produce secondary aggregate at Borough Green Landfill Site – TM/06/2171

- (II) the very small scale nature of the recycling operation. The proposed recycling element is a campaign process and based on the calculations in paragraph 13, the proposed recycling and crushing facility would only be in operation 2 or 3 times per year; and
- (III) its inter-relationship with the infill restoration scheme to deliver a beneficial after use;

I do not consider the development would have a detrimental effect on the Green Belt, or that it would represent inappropriate development and there is no requirement to demonstrate 'very special circumstances' in the Green Belt

30. I consider that the development would not prejudice the openness of the Green Belt or harm its purpose. The latter issue is particularly relevant given the location of the recycling operation at the base of a void, some 30m below adjoining undisturbed ground level.

Environmental Effects and Mitigation Measures**Noise**

31. The existing planning consent for the infill restoration scheme dealt with issues relating to noise mitigation including the use of bunding and barrier attenuation. Consideration is given to the potential noise impacts of the proposed campaign recycling and crushing facility, and any further mitigation measures that may be needed above and beyond what has already been given planning consent. The proposed recycling facility would result in the benefit of additional barrier attenuation. These barriers comprise bunds varying in height between 2 meters along the southern boundary and increasing to 3 meters at the north west extremity and continuing to a 4 meter high bund to the north, before reducing to a 3.5 meter bund along the south western site boundary (plan attached). Those heights have been designed to ensure compliance with the noise criteria at the nearest properties.
32. The noise assessment for the recycling proposals suggest that noise for plant items associated with the recycling be limited to no more than 5 db(A) above average background noise levels at dwellings. The applicant, in response to concerns raised regarding the potential for noise impacts, has advised that the assessment and approach to suggesting site noise limits for recycling does not specify particular guidance or standards but draws on the advice in Minerals Policy Statement 2:2005 "Controlling and Mitigating the Environmental Effects of Minerals Extraction in England" specifically Annex 2: "Noise", and has regard to the British Standard for the 'Method for rating industrial noise affecting mixed residential and industrial areas'.
33. The noise study undertaken by Walker Beak Mason (WBM) has already shown that the worst case noise level at a dwelling for noise arising from the proposed recycling plant and associated HGV movements is 46 db Laeq, (1 hour, free field) at the nearest properties, if both crushing and screening plant are operated simultaneously. With only the crusher or screen operating, with associated recycling and HGV movements, the calculated noise levels at dwellings for the recycling proposals, which are 9 db (A) or more below the noise limit at dwellings for the permitted, landfill/restoration operations. Jacobs noise consider these figures to be acceptable and there should be no detriment to residential amenity.

Recycling of inert waste/crushing and screening to produce secondary aggregate at Borough Green Landfill Site – TM/06/2171

34. The ground height for the application has been taken as 14ha and 30 meters deep and the screening and crushing plant would be at this ground level. As the inert landfill site fills up with waste material there maybe a requirement to relocate the crushing and screening plant and this possibility would then require a separate noise assessment. I consider that this could be dealt with via condition to the planning consent.
35. The potential noise impact of the proposed recycling plant and associated HGV movements is considered in the noise assessment and Statement in support of this planning application. As indicated above, I consider that the findings of the noise assessment represent an acceptable potential noise impact in the context of the existing noise climate in the area and the permitted landfill and restoration operations. The ground heights and barriers proposed also help to mitigate any potential disturbance. The crusher as a campaign operation will be limited in its operation to some seven weeks in any one-year. Also, there have been no complaints to date with the restoration infilling on site.

Dust

36. The permitted restoration scheme required the submission of a Dust Control Scheme which has been granted approval and put in place in order to mitigate the potential for dust arisings. Assurance has been given that dust from the site does not cause any inconvenience to local residents, and the applicants are committed to the successful implementation of the mitigation measures covered within the Dust Control Scheme. I am satisfied that this is sufficient to mitigate any concerns raised regarding potential impacts from dust. No complaints have been received in respect of the infilling to date. A condition modifying the existing Dust Control Scheme to incorporate the recycling operations on site can be applied.

Traffic

37. Tonbridge & Malling Borough Council object to the proposal with regards to the potential impact on traffic as a result of the proposed recycling facility.
38. The proposal does not require any further additional traffic above that required to transport the permitted 300,000 tonnes of inert waste for the permitted restoration of the quarry. The proposal includes the use of back loading of vehicles for the export of recycled materials and is considered acceptable by the Divisional Transport Manager. The proposed conditions raised by the Divisional Transport Manager are already in place for the infill restoration scheme, including signs at the entrance of the site indicating the required route for HGVs leaving the sand pit. These can be reiterated and enforced through the inclusion of suitable planning conditions and informatives for the recycling facility proposed.
39. The applicant re-emphasises the commitment to adhere to the existing traffic restrictions relating to HGV movements during school periods. These are from 08.15 to 0900 and 1500 to 15.45 and HGVs will be prevented from exiting the site during these periods.
40. In light of the above I do not consider the proposed recycling facility to have a detrimental effect on traffic within the surrounding area but do however consider it appropriate to attach a relevant planning condition, which would restrict overall movements associated with the combined operation to the maximum levels associated with the infill operation i.e. 300.000 tonnes per annum, to any planning consent.

Recycling of inert waste/crushing and screening to produce secondary aggregate at Borough Green Landfill Site – TM/06/2171

Time scales

41. In response to Tonbridge & Malling Borough Council's objection regarding the possibility that the recycling operation, and export of material off site, could significantly extend the time scale of the infill restoration.
42. Given that planning consent exists for the restoration and infill of the sandpit up until February 2042, the proposed recycling operation cannot 'extend the time scale for infilling as Tonbridge & Malling Borough Council suggest. The recycling facility has the potential of reducing the time period to restore the pit by speeding up the infilling process from the current 120,000 tonnes per annum. I do not therefore consider there to be an overriding objection in this case as there are no proposed changes to the time-scales for restoration.

Conclusion

43. Provision already exists for the restoration of Borough Green Sand pit by the infilling of inert waste. This is controlled by a full modern planning permission. The introduction of an element of recycling into the restoration process is to be welcomed in principle in that it delivers both a more sustainable management of waste stream and potential for speeding up restoration. The objections raised to the recycling are not overriding and has or are capable of being fully addressed by appropriate conditions.
44. The proposals would provide for the long-term benefit and improvement of operations on site, with the opportunity to accelerate proceedings with the existing landfill operation. I would consider that the proposal gives rise to no overriding material harm, particularly to the Green Belt given the existing operations on site and proposed location of the recycling facility, is in general accordance with the development plan and that there are no material considerations that would indicate the proposal is not supportable. I therefore recommend accordingly:

Recommendation

45. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO conditions including:
- The standard time condition;
 - The development be carried out in accordance with the plans/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;
 - All conditions under the original infill restoration consent must be fully adhered to, including traffic restrictions during school travel periods.
 - Wheel washing;
 - Further noise assessments to be submitted for the written approval of the County Planning Authority, should the screening and crushing facilities need to be moved to a different location.
46. I FURTHER RECOMMEND that the applicant BE ADVISED of the advised raised by the Environment Agency and Policy Planning & Environment Manager.

Item C3

Recycling of inert waste/crushing and screening to produce secondary aggregate at Borough Green Landfill Site – TM/06/2171

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

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Extension, refurbishment and new build including a new sports hall, secondary school extension and specialist classroom block at Bower Grove School, Maidstone.

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

Application by Kent County Council Children, Families & Education Committee and the Governors of Bower Grove School for the proposed 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. (Ref: MA/06/859)

Recommendation: Permission be granted subject to conditions.

Local Member(s): Mr Dan Daley & Mr Jeffrey Curwood

Classification: Unrestricted

Site

1. Bower Grove School is located to the south of Fant Lane, situated in West Maidstone. Bower Grove School can be seen to have developed in a piecemeal fashion over the last 20 years or so, with modern additions and extensions to the main school building. Currently split between junior and senior schools, the school caters for children with special educational needs from key stage 1 to key stage 4. Externally, the school site area equates to just over 5 acres (2 hectares) and slopes from north to south, with the school buildings to the north of the site, and playing fields at the rear. The site is bounded by facing residential properties in Fant Lane to the North, residential properties to the east, south-east and north west. Open recreational space lies to the west of the site. A site plan is attached.

Background

2. This application has been amended due to objection from neighbouring properties. Objection was raised on the grounds of overlooking/loss of privacy, loss of light, overshadowing, visual appearance/design, traffic generation and the generation of noise and smells. The design of the Key Stage Three and Four, 6-classroom extension has been amended in an effort to overcome these objections. It is the revised submission that will be outlined and discussed throughout this report, although the original submission will be referred to within the discussion.

Proposal

3. This application has been submitted by Kent County Council Children, Families & Education and the Governors of Bower Grove School and proposes the extension, refurbishment and new build to an existing special educational needs school, including a new sports hall, secondary school extension and specialist classroom block. The project forms one element of a County wide Special School Review Programme, undertaken by

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Extension, refurbishment and new build including a new sports hall, secondary school extension and specialist classroom block at Bower Grove School, Maidstone.

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

Application by Kent County Council Children, Families & Education Committee and the Governors of Bower Grove School for the proposed 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.
(Ref: MA/06/859)

Recommendation: Permission be granted subject to conditions.

Local Member(s): Mr Dan Daley & Mr Jeffrey Curwood

Classification: Unrestricted

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Kent County Council, which encompasses the revised designations and pupil numbers within the existing special needs schools. Currently, the school is a Special Educational Needs school but is to be re-designated as a behaviour and learning difficulties (BNL) school. Following re-designation, the current split between junior and senior schools will be maintained.

4. The applicant states that a significant problem with the existing site layout of Bower Grove School is that the majority of the buildings have to be entered into from the outside. This poses a potential security problem, whilst also being undesirable in inclement weather. The proposals improve the existing internal and external circulation routes around the site enabling all areas to be accessed without the need to venture outside. The basis for evaluating the existing area provision has been via two benchmarks, the 'Atkins Model' and the *Dfes* Building Bulletin 77. The following proposal meets with both criteria in terms of recommended area allocations.
5. This proposal includes the construction of a new extension housing general teaching classrooms, a new music room, art room, design technology room, food technology room and student common room, in place of an existing technology block which is to be demolished. In addition, the existing dining hall would be extended, and a new sports hall provided adjacent to the existing 'Oast' complex. An extension to the existing administration area, in conjunction with external works remodelling, including the re-orientation of the sports pitch, is also proposed. Additionally, significant internal alterations are proposed throughout the school to rationalise existing spaces and create a 'central street', incorporating social spaces, spill out zones and withdrawal areas. The following paragraphs summarise the proposal, taking each phase of the scheme in turn.

Main Entrance

6. Located centrally on the north elevation the existing entrance area and administration area is undersized. An extension to the existing administration facilities is proposed to the north of the current provision, immediately adjacent to the main school entrance. New head teacher, deputy head teacher and parent offices are proposed, in addition to staff welfare facilities. The form of the proposed extension would be very simple and would follow the general height of the existing buildings on site. The extension would not try to follow the existing façade patterns as this enables the entrance to the school to be clearly defined and articulated. Internally, a dedicated visitor waiting area is proposed which would be away from the main circulation routes.
7. Remodelling of the existing entrance area is also proposed, which would create a new security lobby, waiting area and ramped access to the existing dining hall. A projected entrance canopy is proposed, offering visitors some protection against inclement weather. Externally this element of the extension would be rendered using a through colour render system.

Key Stage One

8. Currently the junior classrooms are located off the main entrance to the school, and it is intended that this arrangement is maintained. Internally, the existing three classrooms are to be remodelled into two key stage one class bases, with welfare facilities located between. By extending the current central corridor through to the existing 'oast' a simple and direct circulation route would be established. Based around the concept of an internal street, the proposed circulation spine would be sculpted to create a space that connects the pupils to the central social area of the junior school. Centred around the existing 'oast', it is proposed to open up the area to form withdrawal and social spaces.

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A small infill extension is proposed between the 'oast' area and the key stage one area to provide storage for external play equipment.

Key Stage Two

9. The existing 5 classrooms around the 'oast' would remain, with only minor internal modifications proposed. A new sunshade would be added to the southern façade in order to mitigate the excessive solar gain experienced during the summer months. A small infill extension is proposed between the barn complex classroom and the key stage two classrooms, to provide office and withdrawal facilities. It is proposed that this extension follows the height of the adjacent buildings and the southern elevation be predominately glazed. Minor modifications are proposed for the existing barn complex primarily consisting of internal alterations.

Sports Hall

10. A new two court sports hall is proposed toward the northern edge of the site, adjacent to the existing barn complex. It is proposed that the hall be constructed from either a glue laminated timber or steel frame, depending on costs. Externally the roof of the building would curve away from the adjacent barn complex, and would be covered using a standing seamed metal roofing system. Translucent panelling would be cut into the north and east facades at high level in order to provide natural lighting within the building. The upper areas of the façade would be clad using a composite panel system, which on the east reaches down towards ground level, and on the west terminates above door height. A brick plinth would extend from door head height on the west of the building towards ground level on the east. All windows would be powder coated aluminium.
11. In addition, two changing rooms and an external sports equipment store are proposed on the south of the building. Both would be clad using masonry with flat membrane roof coverings. It is proposed that the external sports equipment store, located on the south western corner of the hall, be clad externally using facing blockwork. Additionally, an infill extension, housing a further store and a plant room, is proposed to the north of the linking corridor between the barn complex and the hall.

Dining Hall

12. It is proposed to extend the existing dining hall and provide ramped access between the junior and senior school. A new glazed curtain wall on the southern elevation of the extension would face into a newly formed courtyard. It is intended that the existing variegated Oak Tree located within the courtyard would remain, although the applicant has concerns about this tree and its proximity to the existing and proposed buildings. It should be noted that the applicant has no records to indicate that this tree is subject to a Tree Preservation Order, and should the tree be lost as a result of this proposal then replacement trees would be provided within the school grounds. Internal modifications are proposed to the existing key stage two area enabling an internal ramped access to be created between the junior and senior wings.

Specialist Classrooms

13. It is proposed that the existing specialist classrooms located to the east of the dining hall be demolished and replaced with new facilities on the same footprint. It is proposed that the new roof level would be split between the upper roof over the corridor, music room and food technology rooms, and the lower roof over the art and design technology rooms. The upper roof level is proposed to match that of the existing key stage one area. A small extension is proposed to the north eastern corner of this area to create a design technology store. Externally the walls would be clad in a mixture of masonry

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plinths, powder coated aluminium windows and composite cladding panels. A sun shade is proposed along the eastern façade to minimise solar heat gain and glare.

Key Stages Three and Four

14. A new single storey six-classroom extension is proposed on the eastern portion of the site. This extension is curved in plan and the finished floor level set one metre below the adjacent existing building. In order to break the mass of the proposed extension down, the roof of the building reflects the changes of the internal finish floor level of the building, thereby avoiding a continuous ridgeline and creating the effect of a stepped roof construction. Externally the elevations are proposed to be predominately masonry, with powder coated aluminium windows.

Playing Field

15. The existing playing field, located to the south of the site, would be regraded to enable the proposed key stages three and four extension to be accommodated on site. The land contouring is proposed along the whole eastern and southern edge of the site. The applicant notes that rather than significantly building up these areas, a continuation of the existing sloped landform is proposed, enabling the football pitch to be re-orientated. The existing bank on the western edge of the football pitch would be remodelled to allow this re-orientation. It is proposed that, where possible, all excavated material would be redistributed, and/or used under the footprint of the secondary school extension. However, as site levels cannot be raised on the eastern boundary of the site (due to the proximity of neighbouring properties) some spoil may have to be removed from site.

Accessibility

16. The modifications and associated works have been designed to enable access for all, wherever possible. All new extensions would incorporate level thresholds and wide door openings and, where appropriate, way-finding and tactile signage/surfacing would be used to aid those with visual impairments. The proposed internal modifications would enable the building users to access all areas of the school without the need to venture out doors. Accessible welfare provision would be located throughout the building for pupils, staff and visitors.

Sustainability

17. The new extensions would be constructed to higher insulation levels than required in the building regulations, thereby minimising the carbon emissions for the building. Under floor heating is proposed in all of the new extensions, and the existing heating system in the remainder of the school is to be upgraded to comply with current legislation. Wherever possible natural lighting and ventilation would be incorporated, and additional sun shading to key glazed elements would be incorporated to minimise solar gain. In addition, all new windows and doors would incorporate glazing units which provide high levels of thermal insulation. Wherever possible, locally sourced materials and labour would be used during the construction of the project. The proposal includes the removal of two existing garages and an existing mobile classroom.

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

Planning Policy

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

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

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

Policy QL1 – Seeks to conserve and enhance the environment through the quality of development and design.

Policy QL12- Provision will be made for the development of local services, including schools, in existing residential areas. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

Policy TP19 - Development proposals must comply with the respective vehicle parking policies and standards adopted by Kent County Council and Medway Council.

(ii) Maidstone Borough Local Plan: Adopted December 2000

Policy ENV2 – Planning permission will not be granted for development in the defined urban area unless:

- (1) Proposals relate sympathetically to the context provided by their setting and by adjoining buildings with regards to scale, height, proportion, detailing and materials, building frontages, topography, public views, landmark buildings, existing landscape features, highways and car parking; and
- (2) Due regard is given to the reasonable enjoyment of their properties by neighbouring occupiers.

Policy ENV6 – In appropriate cases, the Borough Council will require a landscape scheme, including surfacing and boundary treatments, to be carried out as part of development proposals.

Policy T13 - The Borough Council will adopt parking standards for all new development, generally to ensure minimum provision.

Consultations

19. **Maidstone Borough Council** - officer level views received that raise no objection to the application subject to conditions, to carefully control the levels to ensure no loss of amenity to 17 Portsdown Close, and tree protection for the tree adjacent to Fant Hall as well as details of the foundation construction.

The Environment Agency: raises no objection, but requests conditions be placed on any subsequent decision in order to protect groundwater quality. In addition, a number of detailed comments regarding surface water drainage, foul drainage, protection of Source Protection Zones, contaminated land and storage of fuel, oil and chemicals are made.

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The Area Transportation Manager: raises no objection to the proposal as the development would not have a detrimental impact upon the local highway network.

Sport England: raises no objection to this proposal, subject to the imposition of a planning condition which requires details of the regrading of the pitch to be submitted for approval. In addition, a condition is required to limit a time frame for the implementation of the regrading, and the provision of the sports pitch. It is suggested that the pitch should be ready in time for the football (autumn) season following completion of the external fabric of the new buildings.

Local Member

20. The local County Members, Mr Daley and Mr Curwood, were notified of the application on the 9 May 2006.

Publicity

21. The application was publicised by the posting of a site notice, advertisement in a local newspaper and the individual notification of 65 nearby properties.

Representations

22. 4 letters of representation were received regarding the initial proposal. The main comments/points of concern can be summarised as follows:

- The size, density and subsequent impact of the development is a cause of concern and disappointment for neighbouring residents.
- It is questioned why the new buildings cannot be located to the opposite side of the playing field, where there are no residential homes to be effected.
- The 6-classroom block would be very close to the rear of properties in Portsdown Close, which would be intrusive.
- The classrooms near to the properties in Portsdown Close would generate noise, smells and disturbance.
- The school field is at a higher level than the properties and gardens in Portsdown Close, so issues of overlooking, loss of light, overshadowing and loss of privacy are raised. A one-metre drop in floor level is woefully inadequate as the building would be significantly taller than the current boundary fencing.
- The design of the building is questioned, and it is suggested that the development does not fit in with surrounding buildings, particularly the 'Oast', and would be an eyesore.
- Concern is expressed that boundary planting and trees would be removed.
- It is felt that this application does not adequately address the issue of drainage, especially run off from the proposed development, and associated hard landscaping.
- Concern is expressed that this proposal would generate additional traffic, which cannot be accommodated on Fant Lane.

Following revisions to the design of the Key Stage 3 and 4 classroom block the neighbouring properties that made written representations over the initial proposal were re-notified and given a further 21 days to comment.

2 further letters of representation, from 1 neighbouring property, have been received. The main comments/points of concern and objection can be summarised as follows:

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- Concerns remain over the impact of the development on properties in Portsdown Close.
- Concern is expressed that the properties in Portsdown Close, as shown on the sections through the site, have been put on the plans with the comments 'to be surveyed' and that the height of the properties is 'assumed'.
- Amendments to the classroom block are welcomed, although it is noted that this will not eliminate issues of loss of light, overshadowing, overlooking and loss of privacy.
- Concern is expressed over drainage issues, and run off.
- Concern is raised over the change in levels to the sports pitch and the impact that this could have.
- Pupil numbers could increase in the future, generating additional traffic and subsequent highway issues.
- Noise would be generated much closer to properties than is currently the case, resulting in disturbance. Smells may also be an issue due to the close proximity of the science classrooms.
- Alarms on the proposed extension may sound, causing disturbance.
- Concern is expressed over the loss of trees and vegetation on the eastern portion of the site.

Discussion

23. In considering this proposal regard must be had to the Development Plan policies outlined in paragraph (18) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance include impact upon residential and local amenity, highway and traffic implications, visual impacts and possible effects on the local environment, particularly the loss of playing field.
24. Policies SP1 and QL1 of the Adopted Kent and Medway Structure Plan, and Policy ENV2 of the Maidstone Borough Local Plan seek to conserve and enhance the environment and require development to be well designed and respect its setting. This is particularly relevant to this site which is within the built confines of Maidstone, although suburban in character, and in close proximity to residential properties.

Siting and Design

25. Policy ENV2 of the Maidstone Borough Local Plan states that planning permission will not be granted for development in the defined urban area unless proposals relate sympathetically to the context provided by their setting and by adjoining buildings with regards to scale, height, proportion, detailing and materials, building frontages, topography, public views, landmark buildings, existing landscape features, highways and car parking. In addition, due regard must be given to the reasonable enjoyment of their properties by neighbouring occupiers. Bower Grove school is located within the defined urban area and, therefore, this proposal needs to be considered in relation to Policy ENV2 and the criteria set out within that policy.
26. As detailed earlier in this report, this application proposes the construction of a new extension housing general teaching classrooms, a new music room, art room, design technology room, food technology room and student common room, in place of an

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existing technology block which is to be demolished. In addition, the existing dining hall would be extended, and a new sports hall provided adjacent to the existing 'Oast' complex. An extension to the existing administration area, in conjunction with external works remodelling, including the re-orientation of the sports pitch, is also proposed. Additionally, significant internal alterations are proposed throughout the school to rationalise existing spaces and create a 'central street', incorporating social spaces, spill out zones and withdrawal areas. A new single storey six-classroom extension is proposed on the eastern portion of the site, and it is this element of the proposal that has met with greatest objection from neighbouring properties.

27. The proposed development incorporates internal refurbishment, demolition, and new build elements, and is proposed to be constructed in phases. The existing school buildings are a collection of approximately 1950's flat roofed single storey elements, with the key feature to the site being a refurbished oast and barn complex to the north west of the school. The applicant states that their approach has been to try and reflect the overall scale of the existing buildings, whilst providing a modern architectural solution. All new build elements of the scheme, apart from the sports hall, would be single storey and therefore would accord with the massing and height of the existing school buildings. The applicant has tried to avoid the institutional language of the existing buildings, and instead has looked at each element of the scheme individually, attempting to generate a complimentary design language that respects the overall mass and design of the existing buildings. The applicant proposes that building mass would be broken down into smaller elements, differentiated by changes in use of materials, roof heights and ground levels. This approach would enable the new build elements of the scheme to be viewed as a series of additions, rather than large monolithic pieces of new build.
28. The proposed layout and masterplan has been carefully considered, and makes reference to the sloping topography of the site, and the proximity of adjoining properties. It is for these reasons that the sports hall is proposed to the western side of the site, and the single storey secondary school extension to the east. As part of the special school review programme, implemented by Kent County Council, the school has been examined and analysed, resulting in the production of a detailed briefing document which specifies the amount of accommodation required for this type of school. The applicant considered many ways of realising this brief, including the possibility of using two-storey development. However, the applicant advises that it was felt that the imposition of a significant two storey extension on this site would impact upon adjoining properties far more than the single storey extensions proposed.
29. The applicant has given an indication of the materials that would be used in the construction of the new build elements of this proposal. Low maintenance materials are proposed, which the applicant advises have been used in many school building projects in the past, and are considered acceptable in principle. A mixture of materials are proposed, including masonry, external cladding panels, render and face blockwork, all of which are considered appropriate for this location. Moreover, the proposal would result in a qualitative improvement of the appearance of the whole school due to the refurbishment of existing buildings, and removal of temporary buildings. The low level design and careful siting of the new build elements, to surround the existing built form would, to some extent, mitigate the overall impact. Therefore I consider that, provided it is conditioned that no works commence on site until the details of all materials to be used externally are submitted and approved, any potential visual intrusion or harm to the local area would be controlled. In addition, I consider that the siting and massing of the proposed new build elements of the scheme are of a size and scale that is appropriate to the context of the site, and are designed in a way which complements, rather than

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competes, with existing buildings. However, the siting of the senior classroom block has met with objection from local residents and will be discussed below.

Residential amenity

30. The applicant proposes to construct a single storey six classroom extension to the east of the existing school buildings. This extension is curved in plan and the finished floor level is set below the adjacent existing building, in an effort to minimise the impact upon adjoining residential properties. In order to break the mass of the proposed extension down, the roof of the building reflects changes in the internal finish floor level, thereby avoiding a continuous ridgeline and creating the effect of a stepped roof construction. Externally the elevations are proposed to be predominately masonry, with powder coated aluminium windows. This element of the scheme has met with objection from neighbouring properties due to its proximity to the rear of properties in Portsdown Close. Following the submission of this application, the applicant amended this element of the proposal in an effort to alleviate the concerns of neighbouring properties.
31. First, concern is expressed that the proposed senior block would overlook neighbouring properties, resulting in a loss of privacy. When the application was originally submitted, the proposed extension was 16.3 metres from the rear of no.17 Portsdown Close, and was sited directly to the rear of this property. Following objection from 4 properties in Portsdown Close, the applicant amended this element of the proposal, moving the footprint of the senior block away from these properties. The revised scheme, as shown on the plans within this report, locates the senior classroom block 21.2 metres from the rear of no.17 Portsdown Close. In addition, the footprint of the building has been moved northwards, and the angle of the end elevation reorientated in an effort to reduce its impact. As a result, the end elevation of the senior block is no longer directly to the rear of no.17 Portsdown Close, but is located to the right hand side of this property. It should be noted that no windows are proposed in this elevation, and the double doors exiting from the central corridor would be designated as fire escape doors only, and not a main entrance into the building.
32. The applicant has amended this proposal in response to neighbouring objection, which has resulted in the senior block now being located over 21 metres from the rear of no.17 Portsdown Close. This is generally considered to be an acceptable guideline for window to window privacy, and in this instance, the gable wall facing neighbouring properties does not contain any windows. In addition, the gable wall would only be visible at an oblique angle from the rear of neighbouring properties. The proposal locates all but one classroom facing away from neighbouring properties and onto the existing playing field. This also focuses any potential noise disturbance towards the playing field. I am satisfied that the applicant has amended the proposal as far as practicably possible in order to reduce the impact upon neighbouring residents with regards to loss of privacy and overlooking. However, local residents also expressed concern over loss of light and overshadowing as a result of the proposed classroom block, and this will be discussed below.
33. The applicant has reduced the height of gable elevation by 75cm in total since the application was submitted. The internal layout of the extension has been altered, locating the science classroom storage areas at the eastern end, thereby enabling the roof structure to be significantly reduced. In addition, the revised internal layout has reduced the overall height of the proposed building significantly, by incorporating internal ramps which follow the curve of the building and the natural slope of the ground. This has enabled the roof height of the whole senior classroom block to be lowered by 50cm, with an additional 25cm removed at the end of the building closest to neighbouring

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properties. To aid in mitigating the overall impact of the building, it is proposed that the roof construction immediately adjacent to the properties in Portsdown Close, be reduced from a 10° pitch to a flat roof make up, thereby further reducing the height of the extension. The building would also step down towards the adjoining properties, thereby minimising the silhouette and potential for lost sunlight.

34. Due to the change in levels at the site, the roofline of the proposed senior classroom block would be approximately level with the roofline of adjoining residential properties in Portsdown Close. However, located over 21 metres away from the closest property, and at an oblique angle from the rear of these properties, the issue of overshadowing and loss of light has been mitigated as far as practicably possible by the amendments made to this proposal. Concern is also raised over the use of the proposed extension, which it is claimed would generate noise, smells and disturbance. The site upon which the extension would be constructed is an area of existing outdoor play space and, therefore, noise would be generated as a result of its existing use. In addition, existing classrooms, which face out onto the playing field, are located just over 50 metres away from the closest residential property and, therefore, noise levels would not increase significantly those currently experienced. I am of the opinion that the amendments made to the design, massing and siting of the proposed senior classroom block have minimised any detrimental impacts upon neighbouring residential properties. Therefore, I consider that this proposal is acceptable in terms of siting, massing and design, and that the senior classroom block would not have a significantly detrimental impact upon the amenity of neighbouring residents.

Landscaping and drainage.

35. Neighbouring residents also raise concern over the removal of boundary planting. When this application was submitted, the only tree to be removed was a large variegated Oak Tree, located within the school's courtyard area. The applicant has amended the proposal to indicate that this tree would remain. However, the applicant does have concerns over this tree and its proximity to the existing and proposed buildings. Should the tree be adversely affected by the construction process, replacement trees would be required in more appropriate locations. The applicant has confirmed that all boundary planting along the eastern edge of the site, adjacent to properties in Portsdown Close, would remain and be unaffected by the proposed works. In addition to this, should Members be minded to permit, a landscaping scheme would be required under condition, which would require details of tree protection measure for existing trees on site, and the provision of additional planting.
36. Residents in Portsdown Close also express concern over drainage, specifically run off associated with the proposed development. The Environment Agency was consulted on this application and raised no objection, subject to the imposition of conditions and informatives. One of the conditions requested by the Environment Agency requires a scheme for the disposal of foul and surface waters to be submitted for approval prior to the commencement of development. The applicant also states that they are imminently aware of the potential drainage problems associated with this site, and it has always been proposed the new foul drainage from the secondary school area, at the very least, would be dealt with via a pump system. Therefore, I consider that subject to the imposition of a condition requiring details of a scheme for the disposal of foul and surface waters, that this development would not have a significantly adverse effect on the drainage of the local area.

Extension, refurbishment and new build including a new sports hall, secondary school extension and specialist classroom block at Bower Grove School, Maidstone.

Playing field

37. The proposed senior classroom block would be located on an area of existing out door play space, and would impede the use of the football pitch. Therefore, the existing playing field, which is currently split into two by a short but steep slope which runs across the centre of the field from north to south, would be regraded to accommodate the extension and the sports pitch. It is proposed that the existing bank on the western edge of the football pitch be remodelled in order to allow for the reorientation of the football pitch. Additionally, land contouring is proposed along the whole of the eastern and southern edges of the site, although it should be noted that rather than significantly build up these areas, a continuation of the existing sloped land form is proposed, enabling the football pitch to be reorientated as proposed. Concern is expressed that levels along the eastern boundary would be raised, but the applicant is aware that raising land levels here is not appropriate, and would not be acceptable. Sport England raise no objection to this proposal subject to the imposition of a condition that requires details of the regrading of the pitch to be submitted. Therefore, I consider, subject to the imposition of a condition requiring the details of the land regrading to be submitted prior to the commencement of development, that the development would not impede the provision of the football pitch, or impact negatively upon neighbouring properties with regards to changes in land levels.

Highways

38. Traffic generation and impact upon the local highway network are further concerns expressed by local residents. As identified in the School Travel Plan submitted with this planning application, the number of pupils that currently attend the school is 197. Following the completion of the proposed works, the number of pupils and staff attending the school would infact fall as the school's new designation is implemented. Should Members be minded to permit, the new accommodation would merely replace the current substandard accommodation on site. Therefore, the only impact that this application would have on the local highway network would be construction traffic and associated vehicles. Unfortunately, the construction of any development does have short term impacts upon the local highway and this cannot be avoided. However, the impact can be minimised through the imposition of conditions. Therefore, conditions would be imposed to ensure that construction traffic does not enter/egress the site at peak school times and that mud and debris is not deposited on the local highway.

Need

39. First, I accept that there is a strong case of need for improved and updated accommodation. In particular, the accommodation is necessary to meet the recommendations of DfEE Building Bulletin 77 for a school with pupils with Behaviour and Learning special needs. The proposals would improve the existing internal and external circulation routes, and would enable all areas of the school to be accessed without venturing outside. All new works would also incorporate level thresholds and wide door openings, and where appropriate way-finding and tactile signage/surfacing would be used to aid the visually impaired. Moreover, the proposal would result in a qualitative improvement of the appearance of the whole school due to the refurbishment of existing areas, and removal of temporary buildings. The low level design and careful siting of the extension to surround the existing built form would, to some extent, mitigate the overall impact.

Item D1

Extension, refurbishment and new build including a new sports hall, secondary school extension and specialist classroom block at Bower Grove School, Maidstone.

Conclusion

40. In summary, I consider that the siting and design of the proposed extension would not have a significantly detrimental effect on the amenity of local residents, and that siting, mass and design of the proposed development is appropriate for the context of the site. Subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the relevant Development Plan Policies. Therefore, I recommend that permission be granted subject to the imposition of appropriate conditions.

Recommendation

41. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:

- the standard time limit,
- the development to be carried out in accordance with the permitted details,
- external materials to be submitted for approval,
- 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,
- prevention of mud being deposited on the highway,

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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Item D2**Multi use play area with floodlights at Dame Janet Junior School, Ramsgate – TH/06/887**

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

Application by Kent County Council Children, Families & Education and the Governors of Dame Janet Junior School for a new multi use play area with floodlights at Dame Janet Junior School, Newington Road, Ramsgate. (Ref: TH/06/887)

Recommendation: Permission be granted subject to conditions.

Local Member(s): Mrs E Green and Mr A. Poole

Classification: Unrestricted

Site

1. Dame Janet Junior School is located to the west of Newington Road, and to the south of Highfield Road in Ramsgate. The main school building is located towards the north east of the site, fronting Newington Road, with playing fields and hard play areas extending to the south and west. Vehicular access to the site is gained from Highfield Road, although the school's main entrance faces Newington Road. The school is bounded by facing residential properties to the north and east, and the Northwood Centre to the west. Dame Janet Infant School is located to the south of the site, separated from the Junior School by a public right of way which runs diagonally through the site. A site plan is attached.

Proposal

2. This application has been submitted by Kent County Council Children, Families & Education and the Governors of Dame Janet Junior School and proposes the construction of a new multi use play area, with floodlights. The applicant states that this proposal is part of the School's attempt to be a local community resource, and to move towards the Extended Schools agenda as set out by the Government. The proposed play area would be located to the west of the site, parallel to the School's boundary with the public right of way, on an area that currently forms part of the schools playing field.
3. The proposed multi use play area would be 34.75metres in length and 18metres in width, and surfaced using a porous macadam with a green polyurethane colour sprayed finish. The play area would be enclosed with ball court fencing, measuring 3.08metres in height along the elevation facing the school, and 4.08metres in height on the other three sides, with 2no. single leaf gates at 1.2metres wide for access. The applicant proposes that all fencing would be finished in green (RAL 6005).
4. The applicant proposes to light the multi use play area with 6no. single lamp high-output sports luminaires, each of which would generate 1000 watts. Each luminaire would be mounted upon an 8metre high static tubular column, painted 'Holly-bush Green' to BS14C39. Each 1000 watt metal halide would be installed at a 1° angle of incline, producing an average illuminance of 399 lux.
5. The applicant proposes that the multi use play area would be used from 8am to 4.30pm by the school to enable the delivery of the National Curriculum. The intention is to then offer the proposed facility for use by organised groups from within the local community,

Multi use play area with floodlights at Dame Janet Junior School, Ramsgate – TH/06/887

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Multi use play area with floodlights at Dame Janet Junior School, Ramsgate – TH/06/887

**Multi use play area with floodlights at Dame Janet Junior
School, Ramsgate – TH/06/887**

Multi use play area with floodlights at Dame Janet Junior School, Ramsgate – TH/06/887

free of charge, from 4.30pm to 6.30pm. Between 6.30pm and 9.00pm the proposed multi use play area would be available to local sports groups for hire. The play area would not be used at all at weekends. The proposed floodlighting would be available as and when the need would arise, which the applicant presumes is not at all in the summer, and from 4.15pm to 9.00pm in the winter. The multi use play area could accommodate football, netball, basketball and hockey practice, and possibly tennis/mini tennis.

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

Planning Policy

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

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

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

Policy QL1 – Seeks to conserve and enhance the environment through the quality of development and design.

Policy QL12- Community Services, including schools and education provision, will be provided as long as there is a demonstrable need for them.

Policy TP19 - Development proposals must comply with the respective vehicle parking policies and standards adopted by Kent County Council.

(ii) **Thanet local Plan: Adopted June 2006:**

Policy D1 – All new development is required to provide high quality and inclusive design, sustainability, layout and materials. New development proposal will only be permitted if it:

1) respects or enhances the character or appearance of the surrounding area, particularly in scale, massing, rhythm and using materials appropriate to the locality;

2) is compatible with neighbouring buildings and spaces and do not lead to the loss of amenity through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or unacceptable sense of enclosure;

[.....]

9) provides safe and satisfactory means of pedestrian and, where appropriate, vehicle access;

[.....]

Policy CF1 - Proposals for new community facilities will be supported and permission given if the proposals are not contrary to other local

Multi use play area with floodlights at Dame Janet Junior School, Ramsgate – TH/06/887

plan policies and the community use and location are demonstrated as appropriate.

Policy SR1 – Proposals for the provision of new recreation and sports facilities including those provided by Schools, particularly where these proposals are available to the public will be permitted provided:

1) the location of the proposal is within of adjoining the urban areas;

2) the intended use is compatible with surrounding land uses and with current planning policies;

[.....]

5) satisfactory arrangements are made for vehicular access and parking, and access by pedestrians and the disabled.

Policy TR17 -Proposals for development will be required to make satisfactory provision for the parking of vehicles in accordance with Kent County Council's Vehicle Parking Standards.

Consultations

7. **Thanet District Council:** raises no objection to this proposal provided that the floodlighting is designed so as not to give rise to loss of residential amenity through light spill to occupants of residential properties in the locality. If the floodlighting is designed so that the front glazing is kept at or near parallel to the surface being lit it should, if correctly aimed, ensure minimum obtrusive light. A condition to ensure that the floodlighting is not used between 9.00pm and 8.00am is requested.

The Divisional Transport Manager: comments as follows:

"I have been informed by the head at Dame Janet that 25 off street car parking spaces would be available to users of the play area. This provision will need to be demonstrated / confirmed in writing by the applicant.

SPG/4 - The Kent Vehicle Parking Standards 2003 - States that for land Class D2 (Assembly & Leisure, Outdoor Facilities, Playing Fields) 1 space per 2 participants and 1 space per 15 spectator should be provided. The 25 spaces will allow adequate provision for 50 participants / spectators combined.

From the dimensions shown the play area measures approx 35mx18m. This will allow (worse case scenario) a single 11 a side football practice / match equating to 22 players + spectators, managers and other relevant personnel. The provision of 25 spaces is ample to accommodate the anticipated vehicle loading, and is unlikely to increase demand for on street parking the surrounding roads.

The spaces provided are presumably used for staff/visitor parking at the school during school operational hours. Therefore, a condition should be imposed to ensure that the area would only be hired to organised groups outside of operational school hours. It should also conditioned that the parking area is accessible to the users at all times during hire periods.

Subject to the above conditions, I do not wish to oppose this application."

Multi use play area with floodlights at Dame Janet Junior School, Ramsgate – TH/06/887

The Civil Aviation Authority: no written comments received to date.

Jacobs (Noise): comment as follows:

“The nearest noise sensitive receivers are located approximately 50m to the east of the proposed Multi Use Games Area (MUGA). The B2014, Newington Road, exists between these residential properties and the proposed MUGA. The B2014 is considered to be heavily trafficked and will dominate the noise environment for properties fronting this road.

We have previously undertaken assessments in relation to the noise impacts arising from the introduction of football pitches and MUGA's. These assessments included obtaining noise levels of football and basketball matches being played. Using this previously obtained noise data it is likely that noise levels at the nearest residential properties, due to the proposed MUGA will be in the region of 40 dB(A) $L_{Aeq,T}$.

Without undertaking noise surveys it is not possible to determine the existing ambient noise levels (L_{Aeq}) in this area. However, with the B2014 dominating the noise environment, it is likely that ambient noise levels at the nearest residential properties are well in excess of 40 dB(A) $L_{Aeq,T}$. I would therefore consider it unlikely that noise from the proposed application will impact upon nearby properties.”

Jacobs (Street lighting): comment as follows:

“The plan shows that the nearest residences to the floodlit area are some 70metres away. The calculations indicate that the lighting level drops to 1 lux or less within 10metres of the play area, whereas the street lighting immediately to the front of the houses produces approximately 10 lux. So there will be no significant increase of lighting level near these houses.

The main area of concern would therefore be the visibility of the light source itself. The school buildings cover most views of the proposed lights with the exception of 179 to 191 Newington Road. There are a couple of trees about 8metres high in the school grounds in front of 179/181 Newington Road, but the rest have a clear view. However, the type of floodlight chosen is mounted horizontally so there should be no upward light and virtually no impact on the houses when compared to the visibility of the adjacent streetlights.

I therefore recommend that the lighting proposals are not a reason to turn down planning approval”

Public Rights of Way: no written comments received to date.

Sport England: does not wish to raise an objection to the proposed development and supports the provision of the multi use games area.

Local Member

8. The local County Members, Mrs E. Green and Mr A. Poole, were notified of the application on the 26 July 2006.

Multi use play area with floodlights at Dame Janet Junior School, Ramsgate – TH/06/887

Publicity

9. The application was publicised by advertisement in a local newspaper, the posting of a site notice and the individual notification of 23 nearby properties

Representations

10. 2 letters of representation, and a signed petition with 13 signatories, have been received to date. The main comments/points of concern and objection can be summarised as follows:
- The proposed play area would increase the use of the school premises to approximately 13 hours per day, with the possibility of weekend use.
 - Concern is expressed that little consideration has been given by the applicant to the hours of use of the facility and the impact its out of hours use might have on the schools neighbours.
 - The proposed play area has the potential to increase parking problems, especially on the busy Newington Road. It may be necessary for the school to improve the on site car parking facilities before proceeding with this application.
 - A play area located next to a busy main road is not appropriate.
 - Concern is expressed over the generation of light and noise pollution as a result of this proposal, and the inconvenience and impact this could have upon neighbouring properties.
 - It is noted that the proposed facilities already exist for public use within a 1 mile radius of the site.
 - The site selected for the proposed development is not practical.
 - Concern is expressed that vandalism, with regards to the play area and neighbouring properties, would increase as a result of this application.

Discussion

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

Design

12. The proposed multi use play area is located within a predominately residential area, and within the confines of the school site. The applicant proposes to surface the play area in a porous macadam with a green polyurethane colour sprayed finish. The play area would be located upon an existing grassed area and, therefore, by finishing the surface in green its impact would be minimised. In addition, all fencing would be finished in green, as would the columns upon which the floodlighting would be mounted. This again would mitigate the impact of the development, and ensure that any visual intrusion of the development is minimised. Therefore, I consider that the design of the proposal is appropriate to the context of the site and acceptable in this case.

Multi use play area with floodlights at Dame Janet Junior School, Ramsgate – TH/06/887

Residential and Local Amenity

13. Concern is raised over the proposed use of this facility out of school hours, and the implications this would have upon local residential amenity. In addition to the highways implications of the proposed additional use, which will be addressed later in this report, concern is raised over light pollution and the generation of additional noise. These issues will be addressed in turn below.
14. The applicant proposes to light the pitch with 6no. 8metre high 1000 watt luminaires. This would enable the multi use play area to be used out of school hours during the winter months and, therefore, facilitates community use of the development. However, the provision of the floodlights is a cause of concern to local residents, with regards to light spill and light pollution. The closest residential properties are located on the opposite side of Newington Road to the school, and face the school grounds. The closest residential property is approximately 60metres away from the proposed development, with Newington Road and play areas/playing field separating them from the proposed development.
15. The floodlighting proposed by the applicant would provide an average lux level of 399 to the multi use play area. However, the applicant has demonstrated that the lighting level would drop to 1 lux, or less, within 10metres of the play area. Jacobs state that the street lighting immediately in front of the houses in Newington Road produces approximately 10 lux and, therefore, concludes that there would be no significant increase of lighting level near these properties. Therefore, I do not consider that there are grounds for objection with regards to light spill.
16. The second issue with regards to the floodlighting is the visibility of the light source itself. Thanet District Council states that if the floodlighting is designed so that the front glazing is kept at or near parallel to the surface being lit it should, if correctly aimed, ensure minimum obtrusive light. The luminaires are proposed to be at a 1° angle from horizontal and are, therefore, as near to parallel to the surface being lit as possible. Jacobs street lighting also state that the type of floodlight chosen is mounted horizontally so there should be no upward light, and virtually no impact on the houses in Newington Road when compared to the adjacent street lights. Therefore, I consider that the floodlighting proposed is appropriate for the context of the site and that there would be minimal risk of glare from the luminaires. The applicant has demonstrated that neighbouring properties would not be significantly adversely affected by the floodlighting, a view supported by Jacobs. In addition, should Members be minded to permit, a condition would be imposed to ensure that the floodlighting would not be used before 8am or after 9pm.
17. Concern has also been raised by neighbouring residents that use of the multi use play area would generate noise, impacting upon residential amenity. During the school day the facility would be used by pupils of Dame Janet Junior School only. As the proposed facility is adjacent to existing areas of outdoor play, and located upon an existing area of playing field, it is unlikely that noise levels during the day would alter from those currently experienced. However, by introducing community use in the evenings noise levels at this time of day may increase. The nearest noise sensitive receivers are located approximately 60metres to the east of the proposed facility, on the opposite side of Newington Road (B2014). Jacobs noise state that the B2014 is considered to be heavily trafficked and will dominate the noise environment for properties fronting this road.

Multi use play area with floodlights at Dame Janet Junior School, Ramsgate – TH/06/887

18. Using previously obtained noise data, from past assessments of multi use play areas, it is likely that noise levels at the nearest residential properties, as a result of the play area, would be in the region of 40dB(A) $L_{Aeq,T}$. However, with the B2014 dominating the noise environment, it is likely that existing ambient noise levels at the nearest residential properties are well in excess of 40 dB(A) $L_{Aeq,T}$. Jacobs noise therefore consider it unlikely that noise from the proposed application would impact upon nearby properties.
19. The applicant has successfully demonstrated that the proposed floodlit multi use play area would not cause light or noise pollution to a level that would significantly impact upon neighbouring properties. Therefore, I am of the opinion, subject to the imposition of conditions to limit the hours of use, that the proposed development would not have a significant detrimental impact upon residential and local amenity. However, the highway implications of this proposal need to be considered.

Highways

20. Concern is raised that use of the multi use play area would generate additional traffic, any subsequently exacerbate existing parking problems on local residential streets. Use during the school day would not have any impact upon the local highway network as the multi use play area would be used by existing pupils of Dame Janet Junior School only. However, the applicant states that the intention is to offer the proposed facility for use by organised groups from within the local community, free of charge, from 4.30pm to 6.30pm. Between 6.30pm and 9.00pm the proposed multi use play area would be available to local sports groups for hire. It is not proposed that the play area would be used at weekends. The additional use of the facility out of school hours, by members of the public, could impact upon the local highway network and increase on street car parking in local residential roads and, therefore, needs to be considered in the determination of this application.
21. The applicant has confirmed that 25 off-street car parking spaces would be provided to users of the multi use play area, and that this could accommodate the expected number of vehicles that would visit the site. Kent Highways state that the provision of 25 spaces is ample to accommodate the anticipated vehicle loading, and that this proposal is unlikely to increase demand for on street parking in the surrounding roads. The spaces to be provided are used by staff/visitors of the school during the school day, and would therefore be free and available out of school hours. The multi use play area would only be made available for community use out of school hours and, therefore, conflict over the use of the spaces would not arise. In addition, should Members be minded to permit, a condition would be imposed to ensure that the multi use play area would only be hired to organised groups outside of operational school hours. It would also be conditioned that the parking area be accessible to the users at all times during hire periods. Subject to the conditions outlined above, I am of the opinion that this proposal would not have a detrimental impact upon the local highway network, or lead to an increase in on street car parking.

Security

22. The applicant states that the security of the site would be the responsibility of a member of the School's staff who would be employed for a half hour a day to securely lock up the site, turn off lights, and ensure that the grounds have been vacated. There is no reason why the provision of the multi use play area within the school grounds would impact upon the security of neighbouring properties, or lead to an increase in vandalism. The school has existing security lighting, as well as CCTV that would be

Multi use play area with floodlights at Dame Janet Junior School, Ramsgate – TH/06/887

trained on the multi use play area so that any trespassers within the school site could be identified. Therefore, I consider that this proposal would not exacerbate existing vandalism/security issues within the local area.

Need

23. The applicant advises that there is an essential need for the facility. There is no such facility within the area that is accessible and free of charge for use of local children. The Government's agenda is to extend the school day and provide extra activities and facilities for school children beyond the traditional school day. This proposal is the School's attempt to meet this agenda. Without floodlighting, the facility would become redundant in the winter months with regards to the extended school day and local community use. Therefore, a case of need for the multi use play area and the floodlighting has been provided by the applicant, and is considered appropriate in this case.

Conclusion

24. Overall, I consider that this proposal would not have a detrimental effect on the amenity of local residents, or local highways issues, subject to the conditions outlined below. In my view it would not give rise to any significant material harm and is in accordance with the general thrust of relevant Development Plan Policies. There are no material planning considerations that indicate that the conclusion should be made otherwise. However, I recommend that various conditions be placed on any planning permission, including those outlined below.

Recommendation

25. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:
- the standard time limit,
 - the development to be carried out in accordance with the permitted details,
 - specified hours of use;
 - restrictions on the hours that the play area can be used by the local community;
 - on-site car parking to be made available during hours of use;
 - inspection of the lighting installation by a qualified lighting engineer;
 - controls over hours of working during construction;

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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Item D3**Retention of temporary access off Heath Lane, Dartford, for construction vehicles in connection Westgate School Project**

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

Application submitted by Kent County Council Children, Families & Education for the retention of temporary access off Heath lane, Dartford, for construction vehicles in connection with Westgate School project. (Ref: DA/06/779)

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Mr T. Maddison

Classification: Unrestricted

Site

1. The Dartford Campus project is the initial phase of a much larger strategic plan to develop and regenerate the whole of the Dartford West site. Parts of the site are to be sold off for housing, with the remaining land forming the new Dartford Campus. The educational campus will include a new nursery school, primary school, technology college and shared sports facilities. This will be achieved by a combination of the refurbishment and extension of existing buildings, and the demolition of some existing buildings, to be replaced with new builds. Each element of the scheme has been/will be subject to individual planning applications, which all aspire to the same masterplan for the site. Dartford Campus is located in west Dartford, and is bounded by residential properties to the north and west, and facing residential properties to the south and east. Heath Lane is located to the south of the site, and has existing playing fields/the Dartford Campus to the north and residential properties to the south. A permanent access into the Dartford Campus from Heath Lane was granted planning permission on the 6 December 2005. A site plan is attached.

Background

2. A temporary access into the Dartford Campus was granted planning permission on the 20 July 2005 under planning application reference DA/05/446. The temporary access is constructed and fully operational on site, and is located opposite the entrance to Sycamore Road. At the time of submission of the initial application it was anticipated that the temporary access would be needed for 6 months, and was required in order to facilitate construction of the permanent access on site. The temporary access was permitted to enable lorries to access the site to remove about 5,000 cubic metres of spoil, and to be used by lorries working on the demolition of buildings within the old school complex.

Proposal

3. This application has been submitted by Kent County Council Children, Families & Education and proposes the retention of the existing temporary access until December 2008. The existing temporary access would not be altered or changed in any way as a result of the application, it is merely proposed to retain it in its existing form. The applicant states that the need for the retention of the access has arisen due to a change

Retention of temporary access off Heath Lane, Dartford, for construction vehicles in connection Westgate School Project

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

Application submitted by Kent County Council Children, Families & Education for the retention of temporary access off Heath lane, Dartford, for construction vehicles in connection with Westgate School project. (Ref: DA/06/779)

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Mr T. Maddison

Classification: Unrestricted

Item D3

Retention of temporary access off Heath Lane, Dartford, for construction vehicles in connection with Westgate School project – DA/0/779

Retention of temporary access off Heath Lane, Dartford, for construction vehicles in connection with Westgate School project – DA/0/779

in the phasing of the construction of the campus. The development programme for the site has delayed the construction of the Westgate Primary School car park to the front of the site, to be accessed from Summer Hill Road. The permanent access from Heath Lane, approved under planning consent DA/05/462, will therefore need to be used as a temporary car park for parents and pupils accessing Westgate Primary School. The option of using the permanent access from Heath Lane for both access to Westgate Primary School and construction traffic was considered, but dismissed on health and safety grounds. Therefore, access to the site for construction traffic can only be gained from the existing temporary access. The applicant has confirmed that upon completion of the works the boundary would be reinstated, as was existing prior to the construction of the temporary access.

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

Planning Policy

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

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

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

Policy QL1 – Seeks to conserve and enhance the environment through the quality of development and design.

Policy QL12 -Community Services, including schools, will be provided as long as there is a demonstrable need for them.

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

Policy S2 - Encouragement will be given to the provision of community facilities.

Policy B1 - The following factors will be taken into account in considering development proposals:

- a) Proposed Use, which should be appropriate for its location and should not have a detrimental effect on the local area through visual impact, traffic generation, noise or other factors.
- b) Design, which should be of a high standard and respect and integrate with the surroundings. Particular attention should be paid to the mass, form and scale of the proposed development and its impact on the environment and neighbouring uses.
- c) Materials, which should be of good quality, pleasing in appearance and durable.
- d) Amenity of adjoining properties, particularly in the case of residential properties, should not be materially detracted from by development proposals. This includes the loss of daylight or sunlight, and overlooking from habitable rooms.

Retention of temporary access off Heath Lane, Dartford, for construction vehicles in connection with Westgate School project – DA/0/779

e/f) Access and parking.
[.....]

Policy CF3 - The Council will encourage and support the provision of social, community, educational and cultural facilities and infrastructure to meet the current and future needs of the Borough.

(iii) Second Deposit Draft (2002) **Dartford Borough Local Plan Review:**

Policy DD5 - Exiting open spaces, as shown on the proposals map, comprise the key components of the Green Grid network and will be safeguarded.

Policy DD11 – A high standard of design will be sought in all proposals. Planning Permission will be granted if the proposed development :

- 1) Is compatible with neighbouring buildings and spaces or improves their surroundings in terms of scale, height, massing, materials and site coverage.
- 2) Incorporates a layout that respects the original topography of the site and retains trees, hedgerows and shrubs which are important landscape features.
- 3) Retains or enhances the privacy and amenity of the local area by reason of form, scale, height, outlook, noise and light intrusion or activity levels including vehicular or pedestrian movements.
- 4) Retains important buildings.
[.....]
- 9) Incorporates appropriate provision for the role of the car.
[.....]

Policy CF2 – New, additional, or replacement utilities infrastructure shall be sited and designed so as not to harm the environment or appearance of existing developed areas, new developments, the Green Belt and other open land.

Consultations

5. **Dartford Borough Council:** raises no objection to the proposal subject to the following comments and conditions:

“The Council is disappointed that the use of this temporary access has been allowed to continue without the details being submitted to discharge the outstanding conditions on the original temporary approval. We are concerned that the temporary use of this access for such a long period is excessive and Dartford Borough Council would have liked to have been made aware of the full length of time to enable this to be taken into account when commenting on the original proposal. The Council also has concerns that the extended temporary permission may not be long enough to ensure completion of all the works at the site and a further temporary permission would be sought at a later date. No supporting statement has been provided as to the need for the access until December 2008.”

Retention of temporary access off Heath Lane, Dartford, for construction vehicles in connection with Westgate School project – DA/0/779

Should the County Council be minded to grant a further temporary permission, Dartford Borough Council request conditions regarding the submission of a landscaping scheme for reinstatement, dust suppression measures, details of wheel washing facilities, and the permission to expire on or before 31 December 2008. It is also requested that the applicants be made aware that vehicles are arriving before the entrance is open and that they advise contractors to arrive later to minimise the impact upon neighbouring residential properties.

The Divisional Transport Manager: raises no objections subject to a condition that requires the access to be removed and the footway/highway returned to its original use upon completion of the development.

The Environment Agency: raises no objection but makes a number of detailed comments regarding drainage, protection of Source Protection Zones, and contaminated land. The letter containing this advice would be attached to the decision notice.

Local Member

6. The local County Member, Mr T. Maddison, was notified of the application on the 18 July 2006.

Publicity

7. The application was publicised by the posting of a site notice and the individual notification of 30 nearby properties.

Representations

8. 1 letter of representation has been received to date. The main comments/points of concern and objection can be summarised as follows:
 - The access road has caused disturbance, noise and air pollution.
 - The location of the access road, opposite the entrance to Sycamore Road, is dangerous.
 - Heath Lane is a naturally busy road, and the extra volume of traffic makes it a much less safe and unpleasant area.
 - Lorries and cars arrive before 7am, some playing loud music and, as the keyholder arrives much later, residents are subjected to much noise.
 - Dust and dirt generated by such large vehicles are most unpleasant, especially in the summer time.

Discussion

9. In considering this proposal regard must be had to the Development Plan policies outlined in paragraph (4) 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. The issues of particular relevance in this instance are whether or not this proposal would have a detrimental impact upon the local highway network and neighbouring residential amenity.

Retention of temporary access off Heath Lane, Dartford, for construction vehicles in connection with Westgate School project – DA/0/779

Highways

10. Concern is expressed that the location of the access road, opposite the entrance to Sycamore Road, is dangerous and, as Heath Lane is an inevitably busy road, the extra volume of traffic makes it a much less safe and unpleasant area. However, Kent Highways raise no objection to the retention of the temporary access, and the merit of its positioning, and the associated implications of this, were considered in the determination of the previous planning application (DA/05/446), which granted permission for the temporary access. In addition, should use of the temporary access cease and the permanent access be used for construction access, as originally intended, the access for construction vehicles would still be on Heath Lane, within 100 metres of the temporary access point. In light of this, I consider that the retention of the temporary site access would not have a significantly detrimental impact on Heath Lane or the surrounding highway network.

Local residential amenity

11. Planning permission was granted for the temporary access, under delegated powers, subject to various planning conditions. Three of these conditions required details to be submitted prior to commencement of development, and included details of a scheme for the disposal of foul and surface waters, details of the proposed gates and details of a scheme for the reinstatement of the boundary planting and fencing along the boundary of Heath Lane. Dartford Borough Council expresses concern over the fact that these conditions remain to be discharged. However, the details relating to all three planning conditions were submitted within this application to retain the access. The Environment Agency is satisfied with the scheme for the disposal of foul and surface waters, and the gates are a typical example of construction access gates and are considered acceptable in this instance. These conditions can therefore be discharged. The applicant also submitted a scheme for the reinstatement of the boundary planting and fencing but this did not specify the height or type of fencing to be used, the details of new trees, shrubs and hedges, or details of the species, size and method of planting to be adopted. I do not consider this to be acceptable. Therefore, should Members be minded to permit, a landscaping scheme would be required under planning condition, which would need to contain adequate detail to ensure that the boundary planting would be re-instated to an appropriate standard.
12. Concern is expressed that lorries and cars arrive before 7am, some playing loud music and, as the keyholder arrives much later, residents are subjected to much noise. When planning permission was granted for the temporary access it was conditioned that the use be restricted to between the hours of 0800 and 1800 Mondays to Fridays, and 0800 to 1300 on Saturdays, with no works taking place on Sundays or Bank Holidays. It is not claimed that the terms of this planning condition have been breached, but it is stated that vehicles arrive in Heath Lane before 0800 hours and wait for the access to open. Although regrettable, this situation is out of the control of the applicant as contractors and delivery vehicles work to their own timetable. However, the applicant has been made aware of this situation and has stated that every effort would be made to ensure vehicles do not arrive at the site before 0800 hours. Should consent be given, an informative would be added to the decision notice to remind the applicant of this concern and the need for the issue to be addressed.
13. It is stated by a neighbouring resident that dust and dirt is generated by construction vehicles, which is most unpleasant, especially in the summer time. Although regrettable, this is a negative feature of construction and would still be an issue of contention should the temporary access be closed in favour of using the permanent access. However,

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Dartford Borough Council requests that, should the County Council be minded to grant a further temporary permission, conditions regarding the submission of dust suppression measures and details of wheel washing facilities be attached to the decision. The original planning permission did not condition the above, and I am of the opinion that they would help to mitigate the impact of the temporary access road. Therefore, subject to the imposition of the conditions outlined above, I am of the opinion that the retention of the temporary construction access would not have a significantly detrimental impact upon the amenity of local residential properties.

Need

14. Although regrettable that the retention of the temporary construction access is required, the applicant has demonstrated a case of need for this. Initially, planning permission was granted until 31 January 2006. This was on the basis that the permanent car parks at the Dartford Campus, the Westgate Primary School car park at the front of the site and the permanent access and car park off Heath Lane, would be completed by this time. The permanent access and car park off Heath Lane would then have been used as the site construction access. However, the re-phasing of the Campus building works has delayed the construction of the Westgate Primary School car park, meaning that both the primary and pre-school pupils will have to utilise the permanent access and car park from Heath Lane. The joint use of this access by both pupils/parents and construction traffic was discounted on Health and Safety grounds. Therefore, the only access available for construction vehicles is the existing temporary access. The applicant envisages that the use of this access will be required for a further two years, which, whilst not to the end of the construction contract, will be sufficient to establish and complete all of the safe permanent routes into the site. In addition, by this time, all of the demolition and heavy works on site, including deliveries, will be complete. Therefore, I consider that the applicant has demonstrated a case of need for the retention of the temporary construction access until December 2008. Should consent be given, it would be conditioned that the access be removed, and the land reinstated to its former condition, on or before the 31 December 2008.

Conclusion

15. Overall, I consider that this proposal would not have a significantly detrimental effect on the amenity of local residents, or local highways issues, subject to the conditions outlined below. In my view it would not give rise to any significant material harm and is in accordance with the general thrust of relevant Development Plan Policies. There are no material planning considerations that indicate that the conclusion should be made otherwise. However, I recommend that various conditions be placed on any planning permission, including those outlined below.

Recommendation

16. I RECOMMEND that PLANNING PERMISSION BE GRANTED 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,
 - hours of working during construction,

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Retention of temporary access off Heath Lane, Dartford, for construction vehicles in connection with Westgate School project – DA/0/779

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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Item D4**Retention of existing mobile classroom with change of use to nursery unit. MA/06/1584.**

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

Application by The Governors of The Archbishop Courtenay CE (Aided) Primary School and KCC Children, Families and Education for retention of existing mobile classroom with change of use to nursery unit at Archbishop Courtenay CE (Aided) Primary School, Church Road Site, Tovil, Maidstone.

Recommendation: Planning permission be refused.

Local Member(s): Mr A Chell

Classification: Unrestricted

Site

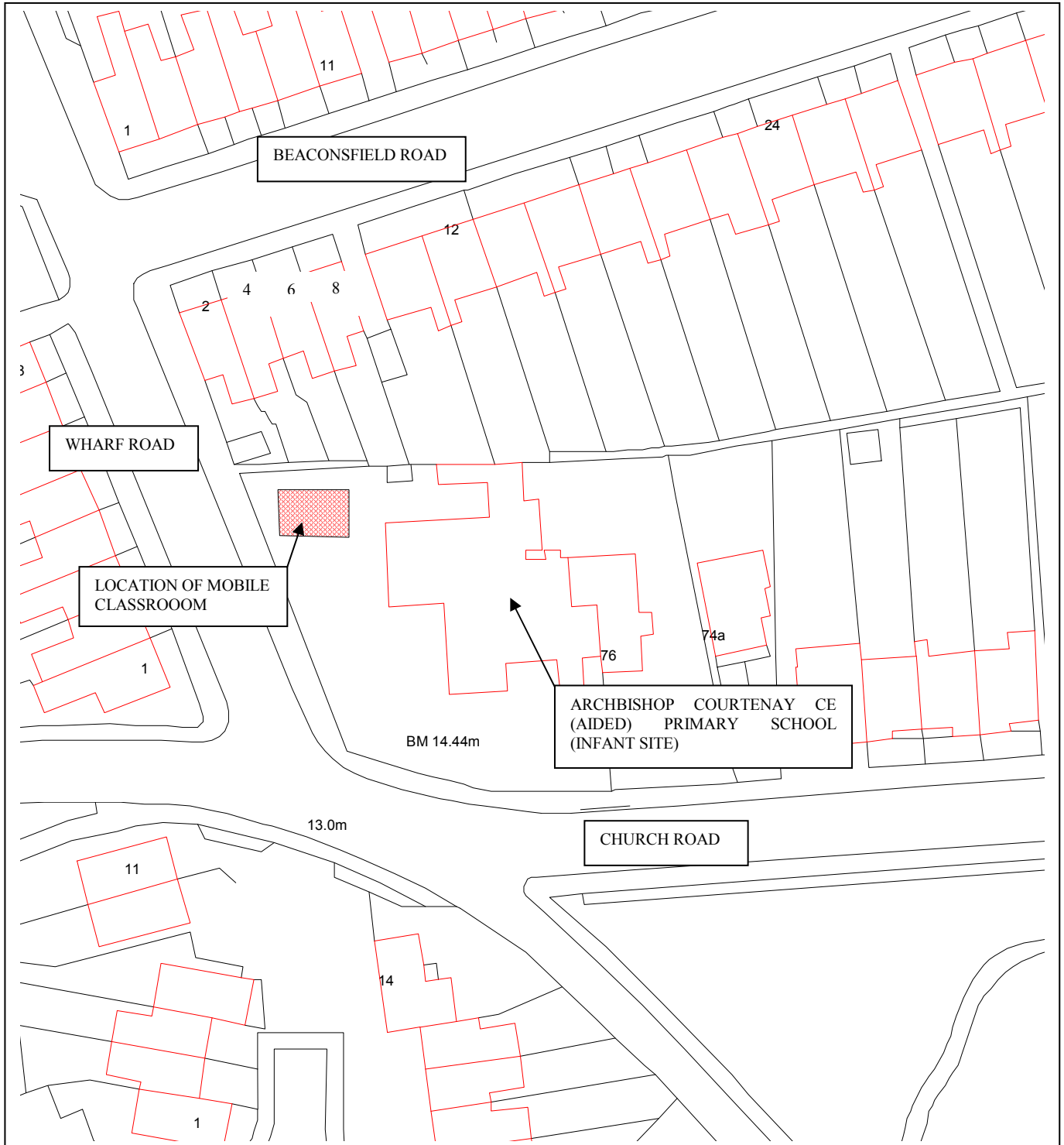
1. The Archbishop Courtenay Church of England (Aided) Primary School (Infants) is located on Church Road, in Tovil, Maidstone. Residential properties surround the site. A site location plan is attached.

Background and Proposal

2. Archbishop Courtenay is a Church of England Voluntary Aided Primary School formed from the amalgamation of St Stephens Primary School, Tovil and All Saints Primary School, Maidstone. It is currently situated on two sites in Tovil and Maidstone. The current school roll is 207, the children occupy seven classes, four of which are situated in the College Road (Junior) site and three on the Church Road (Infant) site. It is the intention that a new primary school will be built at Eccleston Road, Tovil to enable the school to consolidate on one site; outline planning permission was granted in February 2005.
3. The mobile unit has been situated in its current position for 12 years and has been used for a variety of purposes ranging from community to nursery use. It is currently being used by Tovil Parish Council and the School Liaison Officer on a shared basis. The temporary permission granted on 21 October 2004 expires on 31 October 2006.
4. The aim of the nursery is to introduce younger children into the school system, whilst providing a self-contained unit in which staff can develop vital skills required for starting school. The nursery was located on the College Road site, but due to the site at College Road being more suited to Junior years it was felt the Church Road site was more appropriate, acting as a natural progression from nursery to infants school. The School governors are committed to providing pre-school provision and believe that the mobile unit, which was previously used for this purpose, provides suitable facilities until the new school is built.
5. The proposal has the support of OFSTED and HM Inspectorate of Education who have noted that children's attainment on entry to the school is poor and that quality early years provision is vital.

Application for retention of mobile classroom and change of use to nursery unit. MA/06/1584.

Site Location Plan



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View from Wharf Road junction with Beaconsfield Road.



View from alleyway at rear of Beaconsfield Road



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View from 4 Beaconsfield Road.



Vegetation no longer in position
- cut back after renovations to
mobile.

Planning Policy

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

(i) Kent & Medway Structure Plan: 2006

Policy SP1 Conserving and enhancing Kent's environment and ensuring a sustainable pattern of development. 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 Development should be well designed and respect its setting. Development that would be detrimental to the amenity of settlements will not be permitted.

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Policy QL11 Protection and enhancement of existing community services.

(ii) **Maidstone Borough Local Plan: 2000**

Policy CF10 Proposals for mobile classrooms should be sited to minimise visual harm and detriment to residential amenity. Renewal of temporary consents will not be permitted unless there is a proven short-term need. The construction of permanent facilities will be encouraged.

Consultations

7. **Maidstone Borough Council** – Raises no objections but would like to see that the permission has a limit of three years attached from the date of decision.

Tovil Parish Council – Views awaited.

Divisional Transport Manager has raised no objections to the application from a highways point of view.

Local Members

8. The Local County Member, Mr A. Chell, was notified on the 22 August 2006. The neighbouring County Member Mr D. Daley was notified on the 31 August 2006 and has commented as follows:

“I realise that there was a time limit placed on the original placement of this mobile, but in view of the fact that the school is in transition mode at the moment and is in the process of further development, it would be useful and sensible to let the mobile remain for a further period until this process is finalised. I should be obliged if the Committee would take this situation into account when arriving at their decision.”

Publicity

9. The application was publicised by the posting of a site notice and the individual notification of 29 neighbouring residential properties.

Representations

11. I have received four letters of representation from local residents. The main comments/points of concern include the following.
- Twelve years of being observed by people, adults and children alike, from the mobile classroom bearing over our backgarden.
 - The need to complain about the so-called ‘temporary’ structure. It is thirty feet from adjoining property and has proven to be an overbearing, obscure and unsightly eyesore overlooking at least five properties.

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- The ideal building, previously used as a pre-school unit, sited in the old church grounds was removed some weeks ago.
- Requests the earliest possible removal of the temporary building, so that their neighbours and self can have the use and privacy of their rear gardens returned.
- Two owners of properties with gardens backing on to the mobile unit bought their properties on the basis that the mobile would be removed by 31 October 2006.
- Reminder that when consent was granted on 21 October 2004, the Planning Applications Committee informed the applicant that they were not minded to grant any further permission at the end of the time period stated.
- Mobile building vastly out of character with surrounding properties.
- The change of use to a nursery will cause extra noise problems in the summer when windows are likely to be open.
- The new school that was promised when the present permission was granted is no closer to being built than it was in October 2004.

Discussion

12. This application proposes the change of use of the mobile building from use by the Parish Council and School Liaison Officer to Nursery use, (the building was previously used for this purpose prior to the current consent). Whilst need for education provision is acknowledged in Structure Plan Policy QL11, the proposal must also be considered against the relevant Development Plan Policies outlined in paragraph 7. These policies seek to conserve and enhance the built environment and to protect local amenity.
13. The main school consists of attractive stone buildings but is situated on a small-restricted plot, which by its nature has prevented any further expansion. Consequently, the School has for most of the last 12 years required the mobile classroom to fulfil its educational commitments, although over the last two years it has been used by others. It is intended that the school will be relocating to a purpose built development on a site off Eccleston Road, Tovil, but is awaiting a Compulsory Purchase Order to be granted, and at present a time-frame for this is unknown. The mobile classroom is situated in the north west corner of the school site and is connected to the school building by a corrugated perspex roof and has concrete steps up to its main entrance. The mobile unit is located approximately 9 metres (30 feet) from the rear of 6 Beaconsfield Road.
14. Members will note the objections received. The applicant has responded as follows:
- Windows overlooking Beaconsfield Road are obscure glazed.
 - There is normally a natural screen provided by shrubs to the rear of mobile unit, which covers the fence.
 - The School would like it noted that it is very difficult for properties in Beaconsfield Road to be overlooked by children of the nursery as they are not tall enough to see out of the upper sections of the windows when open.
15. The School stated in their previous application for retention that the then change of use from nursery to community use would reduce the level of noise disturbance caused to the neighbouring properties. In saying this, they are in my opinion admitting that noise disturbance is at a greater level with a nursery using the mobile classroom than the present community use. That would contravene Policy CF10 of the Maidstone Borough

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Local Plan which states that proposals should be sited to minimise visual harm and detriment to residential amenity. Policy CF10 also states that temporary consents will only be renewed in a case where there is a proven short-term need and permanent facilities will be encouraged. However, it is difficult to continue to make a case for special circumstances when the mobile has been in this position for twelve years.

16. It was stated in the previous application that the mobile classroom was estimated to be in excess of thirty years old and as a consequence was not in a strong enough condition to be able to relocate to a different part of the school playground. The building has recently benefited from some rudimentary repairs, namely the flooring being reinforced; the roof has been re-felted and the exterior walls have been re-coated in a textured and robust coating. However, when considering the mobile's age, and the fact it was not in a sound enough condition to be re-sited two years ago, it does not reflect Structure Plan Policies SP1 & QL1 which call for high quality design and development. It can not be considered as regarding the need of all sections of the community and most crucially does not afford protection of amenity to local residents.
17. In terms of appearance, given that the application entails a mobile classroom that is already in situ, it could be argued that there would be no further increase in visual impact on the local amenity. However, I consider that its continued siting has an unacceptable visual impact especially for some residents of Beaconsfield Road. It is clearly visible as shown on photographs on pages D4.3 - 4 and in my view the mobile unit is overbearing on these properties as it is situated on higher ground and appears to be very oppressive in visual amenity terms from the residents' gardens and the ground-floor of their properties.

Conclusion

18. Members will note that since consideration of the previous application, circumstances at the school have changed arising from the amalgamation of the two schools and the need for a nursery. I accept that logically the nursery should be located on the infants site rather than the junior school. However the location of the mobile is far from ideal, particularly in relation to its visual impact on adjoining residential properties, as discussed above, and this has been an ongoing cause for concern each time an application for this mobile unit has been considered. The point raised by the applicant in the previous application, which involved the change of use from nursery to community use, as well as retention, stated that a change from nursery use would reduce the level of noise disturbance created. This would effectively see the situation reversed again increasing the noise impacts on the residential amenity. Indeed, I am mindful that in granting temporary permission in October 2004, Members of the Committee asked me to inform the applicant "that the Committee is not minded to grant any further extension to the permission at the end of the time period stated."
19. Whilst circumstances have changed for the School with the need to provide a nursery on site, I do not consider that this should override all other considerations, particularly when a firm date for the purchase of the new school site has not yet been concluded. It could therefore be several years before the new school is completed. In the circumstances, I do not consider it would be appropriate for a further planning permission to be granted for use of the mobile in its current location. The proposal conflicts with Development Plan Policies CF10 of the Maidstone Local Plan and QL1 of the Kent and Medway Structure Plan relating to the renewal of consents on temporary buildings and design of

Application for retention of mobile classroom and change of use to nursery unit. MA/06/1584.

development respectively. My recommendation is therefore that the application be refused because of its overbearing nature and obtrusive impact on the amenity of houses in Beaconsfield Road.

Recommendation

20. I RECOMMEND that PLANNING PERMISSION BE REFUSED ON THE FOLLOWING GROUNDS:

- The proposed development is contrary to Structure Plan Policies SP1 & QL1 and Maidstone Borough Local Plan Policy CF10, given the overbearing and obtrusive nature of the building and the length of time it has been in situ.

Case officer – Adam Tomaszewski	01622 696926
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Background documents - See section heading
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Appendix to Item D5

APPLICATION TM/05/3315 – OUTLINE APPLICATION FOR DEVELOPMENT OF AN INTEGRATED COMMERCIAL SERVICES HQ AND ALTERATIONS TO EXISTING ACCESS AT POPLARS BUSINESS PARK, LONDON ROAD, WROTHAM

NOTES of a Planning Applications Committee Members' site visit Poplars Business Park, London Road, Wrotham on Tuesday, 17 January 2006.

MEMBERS PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mrs V J Dagger, Mr J B O Fullarton, Mrs E Green, Mr S J G Koowaree, Mr T A Maddison, Mr A R Poole, Ms B J Simpson, Mrs P A V Stockell and Mr F Wood-Brignall. *Mrs Dagger was present as the local Member.*

OFFICERS: Mr J Crossley and Mr P Hopkins (Planning), Mr R Dines (Highways) and Mr A Tait (Democratic Services).

THE APPLICANT: Mr P Lott (KCC Highway Services) and Mr D Crofts (R P S Planning).

OTHER LOCAL AUTHORITIES: Tonbridge and Malling BC: Mr M Coffin (local Member) and Mrs M Geary (Planning); Wrotham PC (Mr H Rayner and Mr P Gillin).

- (1) The Chairman opened the meeting by explaining that its purpose was for Members of the Committee to see the application site and listen to the views of statutory consultees and technical officers.
- (2) Mr Hopkins introduced the application by saying that the purpose of the proposal would be to serve the West Kent road network as one of three divisional "super depots" within the County following reorganisation of its Highways Services. He pointed out the proximity of the M20 and M26. The application sought outline permission for the demolition of existing warehousing and storage areas on the site and the erection of a 3 storey office building, garaging for lorries, a salt barn and storage areas, with associated car parking and landscaping to form an integrated Road Services Depot.
- (3) Mr Hopkins explained that an illustrative layout had been submitted with the application to show how the structures and necessary elements of the development might be arranged on the site. Comments made about the proposal had been based on this illustrative layout, although it was not intended to be definitive at this stage and was likely to change.

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- (4) Mr Hopkins then stated that the site was approximately 1.7 hectares in area. He pointed out the Oakdene Transport Café on the north western boundary as well as the neighbouring residential properties on the south western, western and south eastern boundaries and the farmland to the north east and east.
- (5) Mr Hopkins said that the site lay within the Metropolitan Green Belt, although its southwestern half was part of a larger site within the Green Belt that was identified for redevelopment in the Local Plan. The site was also within the Kent Downs Area of Outstanding Natural Beauty and the North Downs Special Landscape Area.
- (6) Mr Hopkins then pointed out the location of the access and parking at the front of the site, the office, salt barn, retention pond, perimeter parking spaces and indigenous landscaping on the illustrative layout.
- (7) Mr Hopkins concluded his presentation by saying that the Planners had asked for clarification and further information on a number of issues. Further consultation would follow once this was received. He then identified the main issues that would need to be considered in determining the application. These were:
- the impact of the development on the openness of the Green Belt and whether or not this was outweighed by very special circumstances;
 - the impact of the development on the Landscape (taking into account that the land was within an AONB and SLA);
 - the impact of the development on local amenity given the proximity of residential properties;
 - the impact of additional traffic generated by the development.
- (8) Mr Crofts (RPS Planning) that the applicants were looking to provide further information to address the concerns of the Borough and Parish Councils. They were particularly concerned about the impact on the Green Belt and AONB. A Landscape and Visual Assessment would also be provided within the next few weeks.
- (9) Mrs Dagger (Local Member) said that her main concern (shared by CPRE) was over the impact of additional emissions, given the proximity of the M26. Mr Hopkins confirmed that the questions of air quality and air pollution had been raised by the Parish Council who had drawn attention to measurements taken by the Borough Council. The concerns and accompanying data had been referred to the applicants and the Planners were taking further advice.
- (10) Mr Crossley answered Members' questions by saying that there were Air Quality Monitoring Stations all over the County, which each covered a wide

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area. Their precise location was factored in to any calculations of measurements taken of sites in their proximity.

- (11) Mr Rayner (Chairman – Wrotham PC) said that he would not repeat what he had already told the Planners. There was, however, additional information that Members might find useful. He had known the site since 1985 when it was a full time packing station. The site had then been unused from November 1985 to 2003. A number of applications had then been brought forward to Tonbridge and Malling BC for general use. Permission had always been refused.
- (12) Mr Rayner then explained that the hardcore at the northeastern end of the site was officially green space that had been laid without permission.
- (13) Mr Rayner continued by saying that the site behind the trees was a Residential Home for the Mentally Handicapped. The Health Authority had informed him that it had not been notified about the proposal. Mr Crossley confirmed that the Health Authority had now been contacted.
- (14) Mr Gillin (Wrotham PC) said that he was concerned about the size and scale of the proposed development in a residential setting. According to the illustrative layout, there would be a three storey office block with an HGV depot in the centre. The applicants had stated that a vehicle would be entering and leaving the site every 20 seconds. This needed to be very carefully considered. So too did the visual impact of large buildings and 100 car parking spaces.
- (15) Mr Hopkins said that information in the application indicated that 182 vehicles would enter and exit the site during peak hours (0800 to 0900 and 1700 to 1800). This would incorporate people travelling to and from work as well as the operational side. Mr Crossley confirmed that this would include office staff from Gravesend as well as operational staff.
- (16) Mr Dines (Divisional Transportation) said that traffic consultants had been asked to look at the detail of capacity. In general terms, the proposal worked in terms of capacity. However, it still needed to be examined in detail before final advice could be given.
- (17) Mrs Dagger said that there was a concern that the danger was that no less than three junctions could be blocked as a result of the proposal.
- (18) Mr Maddison asked about the height of the salt barn and why the offices needed to be three storeys high. Mr Crofts replied that, at present it was proposed that the salt barn would be 13 metres high and that if the offices were to be three storeys, this would amount to 11 metres. Recently received information from KCC Property, however, suggested that there would be

Appendix to Item D5

fewer people working on site, needing less floor space. Therefore the size of the office building could be reduced. Information received at Christmas suggested that the amount of salt to be stored would be 4,000 rather than 2,500 tonnes. It was not intended that it would be any higher but it would cover a larger footprint. In order to lower it, the footprint would have to increase further.

- (19) Mr Coffin (Tonbridge and Malling BC Member) asked how many alternative sites had been looked at. Mr Crofts said that about 50 sites had been looked at. Mr Hopkins said that Planners were awaiting details of this search. Mr Gillin said that Wrotham PC had sent a long letter to the applicants asking for evidence of the search. The Parish Council supported the co-location strategy but remained to be convinced that this was the right one.
- (20) Mr Rayner asked whether the existing Highways centres would remain or close. Mr Dines said that he did not know. Mr Crossley said that all the Highways Management sites were subject to review. If permission were granted to this proposal, there would have to be an impact on other sites, but it was not known which ones. In planning terms, however, this was not a consideration.
- (21) Mr Rayner said that, nevertheless, the suitability of existing sites should be strongly considered before this Green Belt site was sacrificed to a development of this nature.
- (22) Mr Davies asked how water would be drained from the site (given the gentle slope to the south. Mr Hopkins indicated that details had not been submitted with the application and could be covered by condition. Mr Rayner said that the existing drainage ran underneath the M26 to the hotel, then into a tributary of the Medway, which it joined near Beltring.
- (23) In response to a question from Mr Fullarton, Mr Dines said that Kent Highways was not responsible for the Motorway network. It was unlikely that permission would be granted for an additional access directly onto the M26 from the site.
- (24) Mr Crofts confirmed that vehicles would be able to take on fuel at the site, necessitating storage facilities. He was not yet sure where this would be as the proposal was still at the outline stage. The strict regulations for garages would therefore apply on site.
- (25) The Chairman thanked everyone for attending. The notes of this site visit would be appended to the Head of Planning Applications Group's report to the determining Committee meeting.

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

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

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

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

Local Member: Mrs V Dagger

Classification: Unrestricted

Members' Site Visit

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

Site

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

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

Background and Proposal

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

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

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

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

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

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

Planning Policy

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

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

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

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

In assessing proposals local authorities will take into account:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy P7/18 Provision for parking.

Consultations

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

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

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

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

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

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

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

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

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

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

Alternative Sites

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

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

Sustainable Travel Locations

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

Site Access

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

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HGV lorries and HGV gritting vehicles will share a two way access which is only 3.35 meters wide with oncoming traffic and no separation of lanes. Further comments that it has been given very little time to assess this application but are very concerned about the safety of the proposed access given the severely restricted width. The 6.7 metres access must be capable of accommodating cyclists and potentially two HGV's all in opposing directions. This is particularly important given the high volume of use of the junction during the AM and PM peak periods. On a preliminary assessment having referred to particular guidance it considers that 4.2 metres is the minimum width necessary to allow a bicyclist and motorist to share the same lane without coming into conflict, changing lanes, or potentially reducing the motor vehicle capacity of the lane. Furthermore it considers a safe pedestrian entrance on either side of the road is needed as staff could be walking from either direction. With the frequency of peak vehicle access, they will need dual pavement access and a safe means to cross the entrance road, as at present there appears to be only one pedestrian access. It also considers that this constitutes significant intensification of use of a non-conforming access onto a primary distributor road.

Environmental Impact Assessment

As the site is within the North Downs AONB, the Parish Council is of the opinion that the applicant should have conducted an Environmental Impact Assessment and included an Environment Statement with the application to fully evaluate the environmental implications of the proposed development. It also considers that the applicant would have been better advised if they had requested a scoping opinion from the determining authority.

Bio-diversity

Considers that biodiversity has not been dealt with adequately and comments that it is a material planning issue that must be considered before an application can be determined. Also that as an integral part of an Environment Statement, surveys should have been carried out to determine what species of flora and fauna are present. For example, there is a pond on the site that may contain Great Crested Newts, a European Protected Species, but the applicant has not been forthcoming with this data.

Site Archaeology

The applicant has not provided adequate information or carried out an archaeological assessment in accordance with Kent & Medway Structure Plan and considers that the application cannot be determined without, particularly as archaeological remains have been found in the vicinity of the London Road and close to the application site.

Ground Water Contamination

As an integral part of the Environment Statement a study to determine the possibility of ground water contamination should have been included. The site has aquifers that have resulted in a pond, and a water drain runs from the site. The area is a network of fresh water streams and drainage ditches. The potential for ground water contamination from storage and handling of salt, brine and fuel and from vehicle washing detergents is high. Therefore it is essential to fully address the impact on the groundwater and surface water systems during the construction and working phases of the development.

In addition the site has had a number of unconsented activities taking place over a number of years. This lack of regulation and scrutiny could easily have given rise to activities that have contaminated the ground soil with the potential to further contaminate important aquifers. There is little comment in the application of substance. Soil contamination surveys need to be carried out.

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Without the information regarding potential contamination the Parish Council cannot be satisfied that the impacts of the proposed development could be fully assessed and therefore adequately mitigated, and considers it would be unacceptable to determine the application without it. The applicant has specified salt tolerant plants which is a tacit admission that contamination is likely to occur. The Parish Council therefore considers that the proposal would be contrary to Policies NR4, 5 and 7 of the Structure Plan.

Wind Turbine

Questions why the Design Statement refers to energy being generated by a wind turbine, why it does not appear on the plans and if it would create noise for the local residents?

Exceptional and Special Circumstances

The Parish Council has questioned in some detail the basis for the applicant's case for locating at the application site.

Other comments made in addition to the above in the Parish Council's conclusion include:

The proposal is inappropriate and the applicant has failed to put forward a case for 'very special circumstances'. In addition considers that the alternative site survey was not conducted in a professional manner and it is not possible to determine if there are more appropriate locations. States that consideration should be given to distributed sites linked by networked computer systems and suggests that Kent Highways employ consultants to review their business plan.

The Parish Council would need considerably greater information before it can properly come to a conclusion regarding the suitability of the Wrotham site.

Question whether a single depot can service roads all across west Kent without hugely increasing lorry travel compared to the present arrangements, and whether it is sensible to have the depot at the foot of Wrotham Hill which can get blocked so easily in snow conditions. Comments that these aspects have not been considered in the submission.

Overall the Parish Council "thinks this is an incompetent application that is only worthy of outright refusal. In addition the significant omissions preclude KCC from further consideration."

Environment Agency has no objection to the application subject to the following:

- Note that no details have been provided but comment that all foul and surface water is discharged to the main public sewer.
- Particular conditions being imposed covering foul and surface water drainage, all surface water drainage from roads, parking areas and hard standings being passed through an oil separator and trapped gullies.
- Has several areas of concern in relation to depot activities and enclosed Pollution Prevention Guidelines for Highway Depots, for the applicant to take into account. Comments that written approval is required from the Environment Agency for any discharge of sewage or trade effluent into controlled waters and similarly may be required for discharge into waters which are not controlled. Also comments that such approval may be withheld.
- Comments that the previous use may have left contamination and could impact on the proposed development. The Agency recommends that, prior to determination, a desktop study be carried out which shall include the identification of previous uses,

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potential contaminants that might reasonably be expected given those uses and other relevant information. If the study identifies that contamination may be a problem then the Agency recommends that suitable conditions be imposed relating to site investigation, risk assessment and remediation Method Statement.

- Any contamination or odorous material encountered should be investigated and the Planning Authority informed.

Divisional Transportation Manager has commented as follows:

The site has an existing access from London Road (A20) which is to be modified. Approval of this is to be subject to the safety audit procedure.

Location

Located on the north side of the A20 between the A227 to the west and M26/M20 junction to the east with easy access to the A25 and Seven Mile Lane B2016 this site is very well suited to serve as an operational highway depot serving the West Kent Districts of Sevenoaks, Dartford, Gravesham and Tonbridge and Malling.

Traffic generation.

Given the range of uses declared by the former owner of the site it would not be unreasonable to consider the proposed use as being comparable with the former uses, in terms of staff, traffic type and working practices.

With some 150 members of staff being employed at the site and little if any local facilities within walking or cycling distance of the site TRICS would suggest that 3.7 movements per member of staff would not be unreasonable figure to apply given the transient nature of the employment. Approximate figures suggest that of the order of 550-600 movements in a 24hour period can be expected. Of these there are likely to be 25 - 30% of those movements in the am and pm peak periods, 140 - 200. It is noted that the Transport Assessment has not raised concerns regarding turning movements from the site. I would suggest that a stage 1-2 Safety Audit would raise concerns given the close proximity of other accesses in the vicinity and that egress from the site is restricted to left turn only.

Sustainability

The submitted Travel Assessment sets out the constraints of the site and as previously stated the site is ideally located with regards to operational requirements. It is recognised that the site is not directly accessible by public transport and the numbers of staff accessing the site by foot or cycle will be limited. It suggests that a system of car sharing be introduced and maintained to minimise the number of car trips to and from the site.

Options for transporting staff and visitors from existing public transport facilities including Borough Green railway station are to be explored. The options being considered include extending or diverting existing bus services, providing some form of mini bus shuttle to the railway station, organised lifts and or the use of taxis. These options will be fully assessed in terms of cost effectiveness and sustainability in the light of the staff travel needs survey and the on going operation of the site.

The full Travel Plan package is to be regularly reviewed to ensure that the number of cars parking at the site is broadly consistent with the stated Travel Plan targets and that parking is contained within the curtilage of the site.

With regard to visitors it may well be appropriate for officers to arrange to meet potential visitors at other offices or on site. Provision is being made for visitor parking but for those without access to a private car the County Council should be seen to be making services accessible to the public. It could in special circumstances involve officers arranging for visitors to be picked up from the railway station or other convenient

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locations and meetings be arranged on site or offices is to be encouraged where linked journeys make it more sustainable.

Information sheets should be provided for potential visitors together with information on the KHS web site to include web links.

Parking

Parking is to be provided in accordance with the latest Government and County Council guidance and the provision of 127 spaces for staff and visitors represents those aspirations, coupled with secure cycle and motorcycle provision. The parking of operational vehicles in the main is to be provided undercover. The separation of the operational parking and private vehicle parking is to be welcomed though the parking area at the entrance of the site should be reserved for operational staff only to minimise the potential movements arising in the am and pm peaks. It will be essential that a full scheme of signing be submitted prior to occupation.

Summary

The proposal is for the site to be operated as a highway depot and Area office to serve the West Kent area. Its location gives immediate access to the highway network that serves the West Kent area of Dartford, Gravesend, Sevenoaks and Tonbridge and Malling. The site is not readily accessible by public transport though sufficient links within a 5km range exist such that with compliance with a Travel Plan this site should be considered as sustainable within the area the depot is required to serve.

The site has operated in the past in the form of storage and distribution operating on a 24 hour basis since 1950s. The last uses were somewhat varied having been occupied by independent users. As such various uses of workshops and storage and distribution would be similar to the proposed use the main difference being a likely reduction in large goods vehicle movements and increased private vehicle movements, this is to be welcomed but it is suggested that the egress from the site should be left turn only and I shall require the submission of details and stage two Safety Audit.

Subject to the imposition of the conditions to safeguard parking, access and circulation within the site. The requirement to produce and regularly review a travel plan, produce a scheme of signing and lighting for approval. I raise no objections.

The County Archaeologist has requested that a condition be imposed requiring a watching brief.

Jacobs Babbie (Environmental Science) has commented as follows:

“I have been verbally advised that the Chipping Storage and Hot Boxes are to be relocated northwards to where there is open storage. I have not seen any plans yet with this revision marked. My comments are however based on the revised scenario.

Construction Noise

I am satisfied that noise from the proposal can be adequately controlled by condition to restrict hours of noisy construction work in order to reduce impact on amenity for the closest noise sensitive receivers. It is useful to note that Tonbridge and Malling Borough Council has a different set of “core hours” during the week (i.e. 0730 hours to 1830 hours Monday to Friday) that they expect noisy construction work to be adhered to within their Borough, to those proposed by the Applicant.

Operational Noise

With regard to night-time working on the site, the Applicant has only made mention of up to 12 gritting units departing from the site per hour in times of adverse weather. There is no mention on whether these vehicles will be loaded during the night, or

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preloaded during the previous day; nor of the predicted noise levels at the closest housing when this loading occurs. This potential impact of loading operations should be assessed.

The arrival and departure of the gritting vehicles are stated to generate maximum noise levels of 70 dB L_{Amax} at the nearest noise sensitive receiver. In order to minimize sleep disturbance the WHO state that noise should be limited to less than 60dB L_{Amax} . It is however noted that the existing L_{Amax} levels are in excess of 60dB L_{Amax} throughout the night time period. As such, the departing of gritting vehicles is unlikely to give rise to a detriment in amenity to the nearest noise sensitive receivers.

There is no mention of any other night time activities occurring on the site. The Applicant should be requested to confirm that there will be no other night time use of the depot. No assessment has been undertaken for any deliveries occurring at night time. If these are envisaged, more details will need to be provided. Any potential night time activity must take into account the WHO sleep disturbance criteria.

I am not satisfied that the noise from reversing alarms has been adequately assessed. It is stated that they will be kept to a minimum, but this is not quantified at all. The applicant should demonstrate that this activity (which can be very disturbing) will not detrimentally affect the amenity of the noise sensitive receivers adjacent to the site.

Air Quality

I have looked at the predictions of nitrogen dioxide and particulate matter with the proposal in operation. The slight impact caused by the increase in vehicles on the road network would not be measurable. There should therefore be no detriment to amenity through air quality emissions from the site."

In response to concerns raised by the Parish Council on the previous application has commented as follows:

"I note that the Parish Council raised a concern on air quality at this site due to looking at nitrogen dioxide diffusion tube data for a location 1km away. The Parish Council had concern that NO₂ concentrations appeared to be increasing within their parish area. My investigations show that the years of concern were 2003, which is known to be a high pollution year and 2004, where a tube supplier change led to significantly higher results being obtained. 2005 data, not shown by the Parish Council indicate lower levels once again being achieved (38µgm³)."

Jacobs Babbie (Landscape) has made a number of detailed comments, including the following:

"Visual Effects of the Proposed Development

The current proposals are now accompanied by a Landscape Assessment and I have visited the elevated scarp face within the Area of Outstanding Natural Beauty (AONB), which I had previously assessed as having a high potential for views of the site. However I would concur with the submitted Landscape Assessment that the site is well screened by intervening vegetation and that the strong network of woodland and hedgerows north of the site helps to integrate the site into the landscape. Most importantly it is at sufficient distance from elevated viewpoints and elevated public footpaths (at least 1.5 km) that significant adverse effects on views are not possible. Similarly any indirect effects on the Special Landscape Area (SLA) would not be significant.

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At close range the site is seen either in the context of the existing surrounding development or there is sufficient intervening vegetation to largely screen views of the development. However the height and scale of the proposed buildings is somewhat larger than existing buildings and some nearby properties are likely to experience a moderate degree of visual intrusion. Whilst this can be softened to some extent by new planting, it is unlikely to be mitigated entirely.

Impact on Trees and Vegetation

The site is bounded by a number of hedgerows and trees of various sizes, which are important to its landscape setting. The most visually significant and important vegetation is located around the northern boundary where the site is surrounded by open countryside in the ownership of the National Trust. Proposals here are confined to roads/parking. The use of porous asphalt and reinforced grass will help to ensure that the area below the tree canopy is conducive to root growth, although for this to be fully successful levels should not be reduced within the area of the canopy. The recreational footpath impinges on the canopies of some trees and the alignment of this footpath should be adjusted to avoid them.

The hedgerows along the western boundary, mostly of *Leylandii* conifers, would be removed and replaced with more ecologically desirable species, although at the northern end by the Open Storage area there is the opportunity to retain the existing native hedge. On the eastern boundary trees are outside the site and at sufficient distance that they should be unaffected.

There are proposals to provide additional planting on site, to increase the width of boundary planting, especially around the car park area.

Green Belt Effects

There would be loss of openness within the Green Belt, at least within the northern half of the site. The loss of openness within the Green Belt needs to be weighed against the policy considerations and the 'special circumstances' of the development.

Landscape Effects

There would be a slight direct effect on the AONB, in terms of built development extending further into the protected area (i.e. the redevelopment of the northern sector). As discussed this would not be significantly adverse visually and the most valuable elements, the existing native trees and native hedgerows, would be retained. Indirect impact on the SLA is also low.

Any slight adverse landscape effect on the AONB needs to be balanced against the development criteria as discussed earlier.

Conclusion and Recommendations

Clearly landscape policy supports the conservation of the landscape above that of development, especially where the development would be harmful to the landscape.

From important elevated viewpoints within the AONB the site is well screened by intervening vegetation and is at sufficient distance that significant adverse effects on views are unlikely. Similarly any indirect effects on the SLA would not be significant. There would however be moderate adverse impacts on nearby residential properties, which could not be entirely mitigated. There would also be more intense built development within the AONB. These adverse effects need to be carefully balanced against other planning considerations.

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Apart from the leylandii hedgerow along the western boundary, most of the significant site vegetation can be retained, provided that level changes in the vicinity of the vegetation are not significant. If the application were to be approved, this could be dealt with through a suitable condition requiring tree constraint and protection plans (BS 5837: 2005) and full details of levels, layout and construction details. Full details of planting and aftercare would also be necessary.”

West Kent Shared Services Agency of the NHS (owners of the adjoining Care Home – Bellaville) – views awaited (but raised no concerns about the previous application).

Local Member

17. The local County Member, Mrs Valerie Dagger, was notified of the application on the 10 July 2006.

Publicity

18. The application was publicised by an advertisement in a local newspaper, the posting of a site notice and the individual notification of 6 neighbouring properties. As the site is within the Metropolitan Green Belt the advertisement and site notice indicate that the proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.

Representations

19. I have received 4 letters of representation from local residents, 2 from neighbouring properties. The concerns raised/comments made include those below, and where relevant are covered in the discussion section:
- Notes that the height of office block is reduced from the outline application, but comments that the site and usage of the site is still greater than any which was there previously.
 - There has never been a building on the site where the office block is to be situated; also the salt barn is beyond the existing building line, higher than any building in the immediate area and would be an eyesore. When the leaves are off the trees it will be very visible to travellers on the M26, embankment and crossing the bridge.
 - Have a grave concern that there may be 24hour usage, which would be intolerable to the residential dwellings bordering on the site.
 - Concerned for a family member that stays at the weekend, 70% of the year who would be affected by any sudden or loud noise, which will cause her to go into a muscular spasm, particularly when woken from sleep at night. On several occasions this has caused her to bite through her tongue and quite long spells in hospital.
 - Concerns regarding salt leaking into the surrounding land. Questions whether or not the lake is to be used for the lorry-wash plant. Concerned that even with a filter plant some salt would find its way into the stream, which crosses the site. The stream previously became polluted with oil when lorry washing took place on the site.
 - Comments that there is frequently heavy traffic congestion at peak times very often associated with stationary traffic on the M26. Also that there is no usable bus service on this section of the A20 and notice the reluctance to run a mini-bus from the station on cost grounds and considers it would have limited use any way. Questions therefore whether there would be sufficient parking on site as a result of

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most people having to travel by car and consider that the traffic congestion would be made worse. Comments that the lay by opposite would become an overflow car park, as will their service road which serves 3 residential properties where there is already a problem caused by commuters.

- Whilst not totally opposed to the proposal consider that too much is being pushed into a small site and would like to see it scale down, fitted more sympathetically into the landscape with no night time working.
- Comment that the site has not legally been in constant use, and the illegal use has caused a nuisance and the police have had to be called on many occasions. Due to this have had to erect a fence to separate the two properties. Note that the application for a Certificate of Lawful Development for B1, B2 & B8 uses was withdrawn.
- Notes that the site is in the Metropolitan Green Belt and an Area of Outstanding Natural Beauty.
- What is proposed is about 3 times the size of the combined footprint of the existing buildings. Trusts that the building that does not have planning permission has not been included to justify the new development.
- The site is going from a storage yard to a 24hour/7day week full-blown industrial yard. The disturbance will include flashing lights, noise, car doors opening and shutting especially during the evening when roads are salted and most maintenance is carried out.
- The area where the office would be is going from an open space and being able to see the sun rise, to a 10 metre high building which will block the complete view and light from their kitchen window and garden. The garage building would block the view and light to the bedroom window.
- The salt barn at 14 metres high will be a blot on the landscape, block the sky, views and light etc.
- Concerned about contamination of garden, effect on wildlife, and pollution of stream from the salt including arising from being wind blown.
- The parking is mainly located on the Green Belt land where shrubs and trees should be to absorb the natural water. Their garden already gets flooded from the extensive hard standing on the site and it being higher than their garden.
- It seems that the site is not large enough to cope with the proposed development. Concerned that there will not be enough car parking.
- No mention is made about the need to sprinkle dust over melting roads in hot weather.
- Note that the Areas of Outstanding Natural Beauty receive the highest level of protection and express concern that all planting schemes take years to establish. Questions the accuracy of the Visual Assessment. Also comments that the buildings will be more clearly seen when the leaves are not on the trees.
- The site is not suitable because the salt barn and part of the office building are outside the area designated in the Local plan for redevelopment. The development would take away the complete openness of the site and does not comply with Planning Policy Guidance on Green Belts. There is no point in having planning regulations if they are not abided by. This development could set a precedent resulting in no Green Belts being left.
- Notes that siting of major industrial or commercial development within Areas of Outstanding Natural Beauty will not be permitted. Disagrees with the applicants that this is not a major development.
- Given the location of the site it is not possible to reduce reliance private car use and considers the development will increase the need to travel.

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- The traffic generated by the development in this location would cause congestion, pollution and environmental damage. Asks what mitigation proposals are going to be put in place to address these. Also comments that there will be a significant increase in traffic and therefore the application should be refused. relating to transport impacts
- Concerned about impact on wildlife from construction and operation of the depot.
- The proposal would not enhance anything other than causing a blot on the landscape, destroy the neighbouring houses quality of life by 24 hour/7 days a week pollution, noise, activity, etc.
- Concerned about impact on their property when 95% of their garden runs along side the site with direct views of it. Also comment that there are no buildings adjoining it.
- Finds it hard to believe within Kent there are no suitable alternative sites and also suggest some other locations along A20 that they consider more suitable.
- Asks how often the retention pond would be cleaned and what is going to happen to stream and existing pond. Asks for drainage proposals for the whole property.
- There is no information on security and fencing.
- There is no in depth report on how the work is to be carried out. Also ask about Method Statements, Risk Assessments and Health and Safety Assessment.
- Also concerned about there not being enough room for site offices, plant machinery, parking of contractor's and employees vehicles etc. during construction
- Concerned about security because the site has had many intruders in the past, which has affected their property.
- Concerned about dirt being taken onto the road arising from construction activities.
- Conclude by saying they totally disapprove of this application and under no circumstances are prepared to live next door to a 24 hour/7 days a week working industrial yard they never moved next to when they purchased their property.
- Opposes it because it is an inappropriate development in this residential and rural spot - the site being in the green belt, in an area of outstanding natural beauty and in a special landscape area. I oppose it because the development would be contrary to all relevant plans and central government guidance and because no special case has been made to override the good sense behind those plans and guidance.
- This is predominantly a residential area surrounded closely by countryside. In addition to the houses immediately adjoining, there are many other houses, which would be affected. There are also two Listed buildings in the vicinity - and, additionally, three of the houses date from several centuries ago. The noise and pollution (including throughout the night) which the development would involve is unreasonable in such a residential area.
- As the current entrance to the site is fairly narrow, there is currently no interference with the rural ambience but as the proposal involves demolishing one of the houses the industrial nature would be all too obvious from the road.
- As Wrotham Hill (used by walkers) rises behind the site, the development would be clearly visible also from the rear.
- The development would be against the Special Landscape Areas and Green Belt and Areas Of Outstanding Natural Beauty Policies and, for various reasons, not in accordance with PPS1, PPS2, PPS7, PPS11, PPS13, PPS23 and PPS24. It also would not accord with the Kent Structure Plan or the Local plan.
- Finds it totally inconceivable that in the whole of Kent the Council could not find an alternative site which would not be contrary to all those plans, policies and guidance – and opposes the application also because of inadequate consideration of other locations.
- It would seem far more sensible to have a site towards the centre of the relevant area. There would be a waste of energy and unnecessary pollution from vehicles

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travelling to and from this site. It is irrelevant that there are motorways to the north of the site when the area being served is to the South.

- The applicant has got anywhere near making out any case for 'exceptional and special circumstances' such as to override the plans, policies and guidance mentioned above. Has seen the representations made by Wrotham Parish Council on this point and agrees with them.
- Also, mentions another aspect of the water problem identified in the Parish Council's representations. When a road further up Wrotham Hill was being built, there were serious problems with water and springs. Also, twice in the last ten years water spouted unexpectedly from the Hill and flowed onto the London Road.
- Concurs with the representations from Borough Green Traffic Action Group and Keep Borough Green as well as those of the Parish Council.
- Concerned at the noise [both from lorries coming and going from the site and also the site itself - such as from the proposed wind turbine], the vibration from passing lorries and the fumes and the pollution which the development would mean.
- Suggests that it would make more sense to have several smaller localised depots than to have the large facility proposed. Does not consider adequate explanation has been given for having all the office workers at the depot site.
- Concurs with other objections made to the proposal. Considers there must be other locations that would not be so contrary to planning policy and guidance and does not consider an adequate search has been made or consideration given to other ways of working.

20. In addition to the above I have received two further representations, one from 'Keep Boroughs Green' and the other from 'Borough Green Traffic Action Committee'. The concerns raised/comments made include those below, and where relevant are covered in the discussion section:

Keep Boroughs Green

- In effect Kent County Council is the determining authority on its own planning application and one that is contrary to planning policy, it is therefore an obligation for the Planning Applications Unit to be rigorous in its determination of the application.
- The proposal is massively over intensive in size and form and will be very ugly in its essentially residential, rural setting. In particular the 14-metre salt barn to the rear of the site is particularly hideous and is destined to become a local landmark for all the wrong reasons, if consented. It is very unfortunate that it will clearly be seen from the North Downs, which is why the area is designated MGB, (to the rear of the site), AONB & ASLI.
- The frequent HGV movements caused by the depot and the road gritting service will generate dust, chemical and most of all noise pollution, particularly within the site. Air brakes, reversing beepers and large salt filled vehicles will make life hell for local residents and the NHS care home that is engulfed by the proposed site. The plant is designed to operate through the night, which will be particularly annoying in terms of noise and light pollution.
- As the development would be inappropriate, the nub of the matter is whether the applicant has clearly demonstrated that the claimed efficiencies are enough to override all planning constraints in this sensitive area.
- Bearing in mind gritting operations questions why is it essential to have all of Highways office staff located in an adjacent building since most of the time they will have gone home to bed? We live in a time of distributed network computer systems and it is for the applicant to clearly demonstrate what business process makes particularly office and gritting operations essential to co-locate.

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- KCC Highways have purchased a site that is just capable, though over intensive development, of cramming all of their operations in and now seek to justify this by an exceptional circumstance of alleged efficiency in operations.
- The applicants justification is completely inadequate and any alleged benefit should be properly justified by business process analysis carried out independently by experts. In particular the need to co-locate office and gritting functions should be examined closely because this reduces the number of available sites drastically and would appear to be of relatively little benefit.
- The ES is lacking essential information as follows: -
 1. Biodiversity study/habitat for protected species needs to be assessed in advance of determination.
 2. Archaeological survey.
 3. Groundwater Contamination Survey. The site is crossed by aquifers and fresh water drains and the risk should have been fully assessed and mitigated by appropriate technology.
 4. Soil contamination survey, the unconsented activities on the site might have resulted in soil contamination.
 5. Why the applicant is specifying salt tolerant plants for landscaping?
 6. The alternative site survey was not carried out in a professional manner, the criteria are flawed and it was designed to conclude that the only site possible is the one already in KCC's ownership.

Borough Green Traffic Action Committee

- Concurs with the submissions of Wrotham Parish Council and Keep Boroughs Green.
- Questions why it needs to be located adjacent to a motorway junction when the use of the site specifically excludes motorway and A21 operations.
- What is the point of tucking the depot away in the northern corner of the County, rather than a central location?
- Because of the largely emergency nature of both Highway and Gritting operations, it makes far more commercial and operational sense to have a plethora of small strategically located depots, which can respond quickly to local problems. Modern communications now mean that on the spot management is unnecessary, and even to be discouraged.
- Concerned about salt being stored within half a mile of the local mid Kent Water pumping station, right on top of the aquifers that station draws from. The water table in this area is only a few feet below ground level, and if the depot is allowed we are looking at an imminent ecological disaster. No matter how carefully the site is run, there will be escapes of salt, and whilst a couple of tonnes are discountable from an operational point of view, it will wipe out the viability of Ford Lane Pumping station overnight.
- The unacceptable impact on the residential properties adjacent to the site, and the destruction of both an actual portion of Green Belt land, and the loss of the amenity value of that Green Belt land as part of the view from the North Downs.
- The depot would generate a large amount of extra traffic in an area that already suffers gridlock on a regular basis because of its strategic location, and would only exacerbate the traffic chaos that Borough Green already suffers because of the lack of a Bypass.
- Hopes that the KCC Planning Authority remains aware that they must maintain an arms length relationship with KCC Highways, and rely on the laid down planning guidelines to deliver an unbiased decision.

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Discussion**Introduction**

21. Although the application site, is set within an urban frontage it backs onto the countryside beyond. Its context is outlined in more detail in paragraphs (2) and (3) above. At first considering, it would appear that the proposal just involves the redevelopment of what is in effect a derelict and despoiled site. Indeed part of the site is identified in the Local Plan as being suitable for redevelopment and an overall improvement in the environment is sought subject to certain criteria being met. Furthermore by definition the whole of the site can be considered as 'previously-developed land' even if the north eastern part, bearing in mind the likely unauthorised surfacing of it, should be regarded as if it were an undeveloped grassed area. Since Annex C of Planning Policy Guidance Note 3 (which defines 'previously developed land') includes the curtilage of land attached to buildings as being part of the whole; the site should be treated as a single planning unit.
22. However, it will be noted that the whole of the site is within the Metropolitan Green Belt. Therefore, given that the extent of the proposed development goes beyond the Local Plan designation for redevelopment, and given the type of development, it has to be considered as inappropriate development within the Green Belt. It will therefore be necessary to consider the impact of the development on the openness of the Green Belt and whether or not this is outweighed by very special circumstances, in the light of Green Belt Policy. In addition the proposal also raises a number of other key issues. These include, the impact of the development on the landscape taking into account that the land is within the Kent Downs Area of Outstanding Natural Beauty and North Downs Special Landscape Area, the impact of the development on local amenity of residential properties, and local environmental impacts. Also, the impact of additional traffic generated by the development. These must be considered in the context of the Development Plan policies, referred to in paragraph (15) above, Government Guidance and other material planning considerations arising from consultation and publicity.

Metropolitan Green Belt

23. As already referred to, the proposal involves 'inappropriate development' within the Metropolitan Green Belt and it is necessary to consider the impact of the development on its openness and whether or not there are very special circumstances that would warrant setting aside the general presumption against the development. To my mind it is unquestionable that given the form, extent and nature of what is proposed the development would significantly impact on the openness of the Green Belt, even if in terms of its visual rather than physical presence it could to some extent be mitigated. In particular, the development would extend beyond the area of the existing buildings and the area outside of the land identified in the Local Plan as suitable for redevelopment. This includes part of the office and garage buildings, the salt barn and a large expanse of car parking.
24. Mindful of the Green Belt issues associated with the application site, particularly bearing in mind the need to demonstrate very special circumstances, the applicant goes into some detail about the background and need for the development and site selection process. The proposal arises from the re-organisation of the County Council's Highway service, including co-location of functions, and the need to provide a suitably located site to serve the West Kent Area as referred to in paragraphs (5) & (6) above. The applicant has stressed that the advantages of co-location derive from the highways staff

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performing various different functions being located together in one place, wherever that might be. The existing locations of offices and depots were deemed not to be suitable for a variety of reasons and therefore the applicants undertook a site search, initially identifying 50 potential sites for the proposed principal depots across Kent, prior to pursuing the proposals for the application site.

25. Ten of the sites referred to above are located in West Kent. To have been considered at all, sites needed to be located near the strategic road network, preferably trunk roads and motorways. Although proximity to the motorways is not in itself a requirement, since the Highways Agency remains responsible for their maintenance, and gritting, such proximity ensures easy access to the parts of the strategic road network for which the County Council is itself responsible. Whilst all qualified on this criterion, it did not mean that all were as equally well located.
26. The second consideration was the size of the site and its suitability to accommodate an office for 100-120 people, car parking and an operational depot. Four sites were eliminated at this stage, two simply because they were not large enough. A third, the existing Hayesden depot at Tonbridge, was discarded as too tight a fit. This depot is now proposed for redevelopment as a satellite to the application site. A fourth was eliminated as a result of uncertainties about other developments in the vicinity.
27. The suitability of the remaining six was evaluated according to the following criteria:
 - A location which will enable reasonable access for staff, public, members and contractors to access all parts of the division.
 - Costs of purchasing or leasing the site.
 - The perceived ease or otherwise of obtaining planning permission.
 - Site availability.
 - Suitability for sustainable travel planning.
 - Existence or otherwise of services.

The six were graded for each criterion. The first criterion, of location, was accorded substantially more weight than the others. The application site emerged as the most suitable, having by some way the best location, central to the West Kent Division. It scored well on all but one of the other criteria, but was acknowledged to be the least suitable in terms of sustainable transport planning owing to its essentially rural location away from any settlement of significant size. However, this disadvantage was considered to be substantially outweighed by the site's location advantage and it was concluded that the application site was the best located for the provision of highways maintenance services generally throughout the year and gritting in particular when required in winter. For these functions, the proposed development would effectively replace the Swanley depot, which is to be sold to the Highways Agency for its own use.

28. The applicant states that the very special circumstances derive from the need for the development, and then from the site selection process that led to the identification of application site as the most suitable site. Its central location in the West Kent Division and outstanding access to the relevant parts of the strategic road network, often by means of the nearby motorways, was the most important single criterion and no other site matched its location advantages.
29. The applicant further states that with the exception of a small part of Tonbridge and Malling Borough close to Maidstone, the whole of the West Kent Division, apart from its urban areas, is covered by the Green Belt. This area, on the eastern edge of the four

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Districts, which together make up the West Kent Division, is by definition poorly located in relation to the Division as a whole. It was therefore inevitable that a suitably located site would be in the Green Belt, unless an urban location could be found.

30. In my view, the reasons for the development and the need to locate with regard to the Strategic Highway network and central to the West Kent Division are logical and can be accepted. It is also probable that if there were an acceptable alternative it would also be located within the Green Belt. If that is the case, it must be preferable that any such development should then take place on a site where impact on the openness of the Green Belt would be minimised and in particular (to accord with Structure Plan Policy SP1) locations that do not rely on Green field sites. I consider that taken as a whole that would be true of the application site even though as acknowledged in paragraph (23) above, by definition the development would significantly impact on the openness of the Green Belt because it would effectively infill the whole site with development. However, it will be noted that about half of the site has been previously developed and is identified in the Local Plan as suitable for redevelopment and arguably is located within an area of/adjoining existing built (ribbon) development and curtilages. Some of which is non-residential, including the café adjacent to the site and petrol filling station about 160 metres to the north-west. In addition, boundary trees and hedgerow to some extent enclose the remainder of the site, where the impact on openness would otherwise be more extensive and intrusive on the countryside beyond.
31. Taking all the above factors into account I do not consider that an objection on the basis of the effects of the proposed development on the openness of the Green Belt would be warranted. Particularly, as I consider that very special circumstances have been demonstrated for overriding Green Belt policy constraints in this particular case. However, if Members are minded to grant permission, the application would have to be referred to the Secretary of State for Communities and Local Government for consideration. This is required under The Town and Country (Green Belt) Direction 2005 because the proposal involves inappropriate development that would significantly impact on the openness of the Green Belt.

Landscape/Visual impact

32. Bearing in mind the landscape policy context of the site and the main objective of Development Plan Policies to protect, conserve and enhance landscape character and natural beauty, and landscape quality, the applicants have prepared a Landscape and Visual Assessment to accompany the application and state that the development has been designed and laid out with this context in mind. The extent and layout of the proposed development, the height, scale and bulk of the buildings will be noted from the drawings and as otherwise referred to above. Landscaping proposals are also included that would provide for native tree and hedge planting together with retention of existing trees and hedgerows to assimilate the development into the landscape and protect views. In addition it is proposed that grass reinforcing system would be used for the parking bays and adjoining areas would be seeded with a wild flower mix. Given the expanse of parking this would help to minimise the visual impact compared to a completely solid paved surface. The landscape proposals are to be welcomed but it has to be acknowledged that the benefits of the tree and hedge planting in achieving the stated objectives would not be immediate.
33. Our Landscape Architect's views in paragraph (16) above will be noted. In particular, his conclusions, that:

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“From important elevated viewpoints within the AONB the site is well screened by intervening vegetation and is at sufficient distance that significant adverse effects on views are unlikely. Similarly any indirect effects on the SLA would not be significant. There would however be moderate adverse impacts on nearby residential properties, which could not be entirely mitigated. There would also be more intense built development within the AONB.”

Taking account of his assessment and the applicant's case for the depot to be located at the site, I do not consider an objection on the basis of landscape/visual impact could be sustained. However if permission is granted, full details of the proposed landscaping would need to be reserved by condition, a condition imposed for its subsequent aftercare and maintenance, and conditions imposed covering tree protection and site levels.

34. It is also necessary to consider the design and appearance of the development more specifically. In summary, Development Plan Policies, require development to be well designed and to respect its setting. The layout of the site, relationship of buildings, circulation spaces and parking are logical and would provide a cohesive result. In my view, the design and appearance of the buildings, including their form and scale, are appropriate to the proposed uses and in general respond well to the site context. The offices, garage building and covered storage areas at heights of just over 9 metres, about 7 and 6.5 metres respectively are not in my view unacceptable in design terms. Some concerns have though been raised more particularly about the height of the salt barn at 14 metres, and its design. Indeed the Borough Council has asked for consideration to be given to re-designing the salt barn to follow a more traditional approach and to consider reducing it in height. However I am not convinced that a rectangular building with a pitched roof would have any advantage in visual terms and consider that the elliptical/spherical shape proposed with an appropriate colour roof covering would be less obtrusive in the landscape. In terms of reducing the height I have put this to the applicant and understand that the height is governed by the need for the tipper trucks to unload within the building.
35. A range of materials for the buildings is proposed as set in paragraphs (7) – (10) above and are largely considered to be acceptable. The way they are used to express the elevations, particularly on the office block with a balance of solid and void achieved with the glazed areas, adds interest and helps to reduce the scale of the building. However, I do share the Borough Council's concerns about the colour of the proposed roofing and agree that a darker grey than that currently proposed would be preferable in terms of visual impact, particularly in the wider landscape. As is normal practise, it would be appropriate for the final choice of materials to be reserved by condition to maintain control and to ensure that current intentions of quality are achieved and that acceptable roof colours are chosen both for office, garage and covered storage areas and for the salt barn.
36. Overall, I consider that the design and appearance of the buildings is acceptable and would accord with the Development Plan policies in this respect. Despite the site being more extensively developed, I consider that the new buildings and the layout of the site would offer a considerable enhancement over the existing buildings and site as it currently is.

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Impact on Local Amenity

37. The proximity of residential properties to the site will be noted and has given rise to concerns being raised about the development by local residents, as summarised in paragraph (19) above. The properties closest to the site are to some extent separated by fencing and/or boundary planting although as acknowledged above there would be a degree of visual impact experienced as a result of the development, more particularly from the gardens and because of its height or from where there are gaps in the boundary. The nearest building to these properties would be the office building and this would be 11m and 14m from the neighbouring garden boundaries of Bellaville and Rosador, respectively. In terms of distances from the dwellings the office building would be about 36 metres from the nearest façade of Bellaville which is interrupted by boundary fencing and planting and about 42 metres from Rosador, corner to corner. The office building would be taller than these properties but, in my view, would be an acceptable distance away in terms of not, having an adverse impact on daylight and sunlight, resulting in any loss of privacy from overlooking, or the building appearing to be overbearing. As such I would not raise an objection to loss of residential amenity on these grounds.
38. It will however be noted that the Borough Council has asked the County Council to consider whether changes could be made to the design of the upper part of the south-west elevation of the office block, in the interests of protecting the privacy of neighbouring residential properties yet retaining an adequate internal environment to the office. I have put this to the applicant's Architect and I am awaiting a response, but it is the case that the building has been designed to ensure that there are not opportunities for direct overlooking any way. The first floor mezzanine floor is set back on the other side away from the glazing on the south east and south west elevations, as can be seen from the section AA on page D5.7. Although for the above reasons I do not consider that it is essential, I would not object to an appropriate change that improved the situation.
39. It is difficult to quantify and compare the proposal with previous activities at the site. There would obviously be traffic movements associated with the offices and the depot and a certain amount of onsite activity associated with the depot operations. One of the main concerns has been the perception that the depot would be operational 24 hours a day, 7 days a week and the noise associated with the continuous activity. In the light of these concerns the applicant's agent has indicated that this is not intended to be the case but rather that the depot element of the proposal must have the potential to operate continuously when necessary; and in practice such continuous operation or activity would mainly take place in the winter months during extreme weather conditions. Kent Highway Services has also provided information that the average number of runs from Swanley [which Wrotham will broadly replace] in the period 2001/02 to 2005/06 was about 60. In terms of runs outside normal working hours (defined for these purposes as 0700-1900), it has been advised that the vast majority take place in the evening (1930-2200) or early morning (0400-0700) with runs between 2200 and 0400 only undertaken when absolutely necessary.
40. A noise assessment was carried out on behalf of the applicants and our Environmental Consultant has advised on this as set out in paragraph (16) above. She is seeking some clarification and further assessment in particular of night-time activity. At the time of writing I have received the following response:

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“A 3m solid concrete wall would be constructed to the west of the site which would provide noise attenuation for Oakdene from noise emanating from the site. A two storey office block would be constructed to the southeast of the site which would provide protection to Bellaville and Rosador from noise emanating from the site. The entrance of the site would be bounded on either side by a 2.4m close boarded timber fence, providing additional protection, particularly from HGVs.

The vehicles, with predicted adverse weather anticipated would be loaded during the day. Only on rare occasions would the vehicles need to be loaded during the night and then the vehicles would be loaded internally within the salt barn. The skin of the barn would provide significant noise attenuation. The night-time use of the vehicles during adverse weather obviously depends upon the severity of the prevailing weather conditions and whether the vehicles need to return to the depot to reload; this would not be normal practice.

It must be stressed that this occurrence would be highly infrequent, and occur only during severe weather conditions when properties would have their double glazed windows closed, and be separated from the depot's activities by a 3m concrete wall, building structures and a 2.4m close boarded fence. It is considered that with the salt barn to the north of the depot, some 140 metres from the nearest property, the infrastructure of the depot would provide significant noise attenuation to the activities within the depot.

There is no mention of any other night time activities occurring on the site as they are not anticipated during the normal working week.

The design of the site is such that the vehicles movements within the site are directed clockwise and reversing manoeuvres are therefore kept to a minimum. Where such movements are necessary the vehicles would be moving away from the residential development. Use would be made of localised, directional alarms, which employ broadband white noise rather than a tonal signal, which is perceived as quieter and less disturbing and thus is less likely to cause annoyance, the reversing alarm being localized only in the danger area behind the vehicle, again the infrastructure of the depot would provide significant noise attenuation.”

I have re-consulted our Environmental Consultant and hope to be able to advise on the outcome at the Committee Meeting.

41. Concerns have been raised about pollution levels increasing in this locality arising from the concentration of the traffic generated by the proposed development. An air quality survey was carried out on behalf of the applicant. Our Environmental Consultant advises that having considered nitrogen dioxide and particulate matter with the proposal in operation, the slight impact caused by the increase in vehicles on the road network would not be measurable. She concludes therefore that there would be no detriment to amenity through air quality emissions from the site.
42. No details of external lighting have been submitted with the application and since this can have a significant impact on the local environment/landscape and be a cause of nuisance this should be reserved by condition if permission is granted.

Construction

43. Concerns have been raised about the impact of construction activity and the traffic generated. Clearly a site compound and temporary accommodation for contractors would be needed during the demolition and construction operations associated with the development. If planning permission is granted details particularly in respect of siting could be reserved by condition to ensure that it does not unduly impact on residential

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amenity. Similarly details of parking for contractors and subcontractors vehicles, to be provided on the site to avoid indiscriminate parking elsewhere that would compromise highway safety or inconvenience local residents, could also be reserved by condition if planning permission is granted. It is also normal to impose a condition requiring appropriate measures be taken to prevent mud and other debris being taken onto the highway.

44. In addition to the above, given the proximity of adjoining properties, if planning permission is granted it would, in my view, be appropriate in order to protect their amenities to impose a condition restricting hours of construction and demolition. I would suggest that this should be between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays.

Drainage/Protection of Water Resources

45. Some local residents have concerns regarding water run-off from the proposed development. No details of drainage for the new buildings, access and parking areas have been provided at this stage, but they could be reserved by condition for later consideration, including consultation with the Environment Agency if permission is granted. In fact, the Environment Agency has requested a number of conditions be imposed in respect of foul and surface water drainage.

Salt Contamination

46. A number of concerns have also been raised about contamination from salt. The Environment Agency has provided a guidance note which covers this issue. Their preference is for salt storage to be covered as is proposed in this case, unlike the current practice at some of the existing depots. The drainage of the site would also be important to prevent contamination of the local water environment from salt, and as indicated above the Environment Agency would need to be satisfied with these proposals.
47. In response to concerns about windblown salt, the applicant's agent has commented as follows:

"I am advised by KCC Highways and Ringway that gritting salt consists of particles about 6mm in diameter. Although the salt barn is covered, salt is hygroscopic, that is, it absorbs moisture from the air. The method of loading the salt, either by shovel or hopper, is designed to avoid spillage. A new system (called "pre-wet") will I understand be introduced. These four factors, however – the size of the salt particles, the properties of salt, and the current and future operational methods should in my opinion ensure that the risk of wind blown salt affecting neighbouring properties would be minimal."

Ground Contamination

48. It will be noted that the Environment Agency has given advice about the potential contamination of the site from the previous uses. It is suggesting that in the first instance a desk top study is carried out prior to determination of the application to examine this issue, and imposition of a number of conditions to deal with the issue subsequently. At the time of writing I have been advised that a desk top study has been carried out and is being sent to me. Once received I will be seeking the further advice

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of the Environment Agency. If Members were minded to grant planning permission this issue should be addressed/resolved in consultation with the Environment Agency prior to any decision being issued.

Ecology

49. The applicant has indicated in the Design Statement that surveys of wildlife and habitats on the site have been carried out and that the reports would be responded to. I understand that an initial scoping survey for ecology was carried out. At the time of writing I have just received a report on herpetofauna surveys carried out. This considers the likely presence of Great Crested Newts in appropriate ponds within 500 metres of the site, the likely presence of reptiles on the site, assesses the conservation status of herpetofauna at the site, and advises on mitigation. An assessment of habitat variables has revealed that the ponds surveyed offer 'poor' and 'below average' potential for Great Crested Newts and that an application for a DEFRA Great Crested Newt Licence is not necessary. Survey work confirmed the presence of Common Frog and Smooth Newt from terrestrial habitat within the site boundary and the presence of a protected species, Viviparous Lizard, from within the site boundary. The report advises that mitigation for the Viviparous Lizard would be required if the development were likely to disturb occupied habitat. It further advises that proposals for mitigation should be prepared and agreed with the appropriate authority before commencement of construction activities. I am consulting English Nature on the report and seeking advice on whether details of proposed mitigation are needed before the application is determined or whether they are content for these to be required by condition. In the latter case, conditions could be imposed to require details of the necessary mitigation work to be submitted for prior approval and to ensure that it takes place prior to the commencement of any development. If Members were minded to grant planning permission this issue should be satisfactorily resolved prior to any decision being issued.

Archaeology

50. An archaeological assessment has not been submitted with the application. However it will be noted that the County Archaeologist has asked that a condition requiring a watching brief be imposed, if planning permission is granted.

Transport and Access Issues

51. The proposal would generate a fairly significant amount of traffic arising from both the office staff and from the depot element of the proposal. As a consequence, provision for parking 125 cars, 5 motor cycles, 15 cycles, and garaging for 28 vehicles is proposed as described above. A Transport Assessment accompanied the application together with a Travel Plan to aid consideration of the proposal. In terms of traffic movements the Transport Assessment indicates that a total of 182 vehicle trips would be generated in the AM (0800-0900) and PM (1700-1800) peak periods. The distribution of these trips is relatively evenly split between the office and maintenance uses of the development and similarly split between traffic heading north and south. The total trips correspond to a vehicle entering or leaving the site approximately every 20 seconds during the peak hours (0800-0900) and (1700-1800). However, the Assessment demonstrates that the proposed development would not have a material impact on the local highway network, and that the existing network would be able to accommodate the predicted number of trips calculated. It concludes that the increase

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in trips as a result of the proposed development would not have a detrimental impact on the A20 London Road, or the surrounding local highway network.

52. In addition to requirements to meet highway safety objectives, Development Plan Policies and Planning Policy Guidance, seek to promote sustainable transport. A Travel Plan has therefore been submitted with the application. Whilst acknowledging the constraints arising from, for example, Highway staff needing to travel to locations that are inaccessible to public transport and to carry out their service as efficiently as possible, the applicant is committed to minimising the overall transport impact of its essential operation proposed at Wrotham. The Travel Plan aims to reduce the need to travel as far as possible while recognising operational needs; ensuring the most sustainable transport mode consistent with an efficient and best value service is used for necessary trips; encourage sustainable commuting to the site and especially decreasing the proportion of single occupancy car commuter trips; and influencing travel patterns and managing parking at the site so that demand can be accommodated within the level of 78% of staff numbers assumed in the Transport Assessment. The Plan includes targets and initiatives with the objective of meeting these aims, includes a section on monitoring and review and timescales for implementing initiatives. It is acknowledged that the site is not ideally located for public transport and that car sharing is likely to be the most flexible, convenient and cost-effective means of reducing car trips.
53. The proposal has given rise to a number of objections on account of the traffic that would be generated, particularly at peak periods and the potential for traffic congestion and parking problems in this locality being exacerbated. The points made summarised in paragraph (16), (19) & (20) above will be noted. The Divisional Transport Manager's observations made on behalf of the Highway Authority set out in paragraph (16) above will also be noted. In conclusion, he is not raising a highway objection subject to the egress from the site being left turn only, the submission of these details and a stage two safety audit of the access/egress. In addition, if planning permission is granted he would wish to see conditions imposed to safeguard parking, access and circulation within the site, to require a Travel Plan to be produced and regularly reviewed, and to require a scheme of signing and lighting for approval.
54. It is acknowledged that the site is not well served by public transport and that there would be an increase in traffic generated. However, bearing in mind that the Area Transportation Manager has not raised a highway objection, I consider that these factors are outweighed by the need for the development to be well related to the Strategic Highway network and for it to be central to the area it would serve. Subject therefore to the technical requirements of the Area Transportation Manager being met and to the implementation and ongoing review of the Travel Plan, I do not consider that a refusal would be warranted on highway grounds in this particular case.

Conclusion

55. This proposal has given rise to a variety of issues including the impact of the proposed development on the openness of the Green Belt as discussed above. However, I consider that very special circumstances have been demonstrated in this particular case for overriding Green Belt policy constraints in terms of the need, the lack of alternative sites and the limited visual impact on this part of the Green Belt. On balance therefore subject to satisfactory resolution of the outstanding issues on noise, contamination and ecology, and the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and would otherwise be in

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accordance with the general thrust of the relevant Development Plan Policies. Therefore subject to any further views received by the Committee Meeting and to satisfactory resolution of the outstanding issues, I recommend that the application be referred to the Secretary of State for Communities and Local Government, and that subject to her decision, planning permission be granted subject to conditions.

Recommendation

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

- the standard time,
- the development to be carried out in accordance with the permitted details,
- tree protection measures,
- landscaping and boundary treatment and subsequent maintenance,
- details of site and finished floor levels,
- external materials,
- external lighting,
- details of vehicular access - egress to be designed for left turn only, and a scheme of signing and lighting, for approval,
- provision and safeguarding of pedestrian access,
- provision and safeguarding of parking within the site and vehicular access routes within the site,
- implementation and ongoing review of the Travel Plan,
- details of foul and surface water drainage,
- ground contamination from previous uses,
- location of and construction of contractors site compound and provision of vehicle parking,
- measures to prevent mud and debris being taken onto the public highway,
- hours of working during construction and demolition,
- ecological surveys and mitigation, and
- an archaeological watching brief.

Paul Hopkins	01622 221051
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Background documents - See section heading
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Item D6**Extension to provide 3 classrooms, sports hall and gym, extension to 3 classrooms, and provision of new vehicular access. St. Anthony's School, Margate – TH/06/464**

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

TH/06/464 – Application by the Governors of St. Anthony's School and KCC Education & Libraries for an extension to provide 3 no. classrooms, 3 court sports hall and gym with ancillary storage, changing and WC facilities, extension to 3 no. existing classrooms, and provision of new vehicular access and car park. St. Anthony's School, St. Anthony's Way, Margate – TH/06/464.

Recommendation: Permission be granted.

Local Members: Mr C. Hart, Mr C. Wells

Classification: Unrestricted

Site

1. St. Anthony School is situated on St. Anthony's Way, Margate. The site is located approximately 150 metres north of the B2052 Millmead Road within a residential area. The Margate town centre is located to the north west with Cliftonville to the north. The main entrance to the school grounds is off St. Anthony's Way, with car parking accommodation provided for 14 vehicles. Northdown Primary School adjoins the grounds to the south, between the St. Anthony's School and the B2025. Residential property surrounds the site to the north, east and west on Tenterden Way, Northdown Way and St Anthony's Way. Please see attached location plan.
2. The existing school buildings are located to the north of the grounds adjacent to St. Anthony's Way, with the playing field between the two schools, to the south. The existing school buildings comprise three blocks; the main block consists of a flat roofed building dating from the 1960's. Two further detached buildings from the 1990's provide classroom and ancillary accommodation. The application site adjoins these existing school buildings and constitutes hard surfacing/ grass landscaped area forming part of the school playing field.
3. There are no specific land designations in association with the site.

Background

4. St. Anthony's School is an established Special Education Needs school that currently accommodates children with moderate learning difficulties between the ages of 5 and 16 years old. This proposal forms part of a reorganisation of Special Education Needs provision in the County. The restructuring reclassifies St. Anthony's School to take pupils from the same age range with behaviour and learning difficulties. The reclassification involves the phased reduction of pupils attending the school from 136 to 111 over the next five years. The objective of the application is to ensure that the accommodation at the school reflects the classification, in accordance with similar schools across the County and with Department for Education and Skills (DfES) guidance.

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Proposal

5. Planning permission is being sought for refurbishment/ major extension work to the existing accommodation along with the provision of a new vehicle access and car park off Tenterden Way. The extension work proposed would provide additional accommodation including 3 classrooms, new sports hall and gym, along with ancillary storage, changing and WC facilities, involving the creation 1144 m² of new floorspace.
6. The application comprises:
 - A major extension to the west side of the main school building accommodating 2 additional classrooms, a sports hall and gym with ancillary facilities. The classrooms are shown as a single storey extension under a monopitch roof, with a double height sports hall adjoining the building to the west.
 - The formation of a secondary access off Tenterden Way, an additional 16-space car park and associated bus drop off facility within the parking area.
 - Extension to the east wing of the main block to provide an additional classroom and toilets; in the form of a single storey classroom block with a monopitch roof.
 - Extension to 3 existing classrooms to increase the floorspace provided in accordance with DfES guidance.
 - The provision of access ramps to the Science and Pre-Vocational blocks to the east of the site, provided in accordance with Disabled Discrimination Act requirements.
7. The drawings received detail the external materials specified for the proposed development work, including red engineering brick together with cladding shown in blue and grey with grey block work and cedar cladding, under an insulated metal standing seam roof system.
8. The application proposes a reduction in the number of pupils attending the site as a result of the School's reclassification to accommodate pupils with behavioural and learning difficulties. No further community use is being proposed for the facilities sought by the application.

Development Plan Policies

9. The Development Plan Policies summarised below are relevant to consideration of the application:
10. **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.

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| 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 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. |
| Policy NR8 | Development will not be permitted where it would give rise to an unacceptable impact on the quality or yield of Kent's watercourses, coastal waters and/or ground water resources. |

11. Isle of Thanet Local Plan (1998) – Proposals Map. – the most relevant Local Plan Policies include:

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| Policy CB1 | Seeks a high standard of design that respects the local character and is compatible with neighbouring buildings and spaces, avoids loss of open space which contribute to the local environment. |
| Policy TR8 | Requires that satisfactory provision for vehicle parking in accordance with Kent Vehicle Parking Standards. |
| Policy CF1 | Supports proposals for new community facilities provided the proposals are not contrary to other Local Plan Policies. |

12. Thanet District Local Plan: Revised Deposit Draft (2003) – Proposals Map – the most relevant Draft Local Plan Policies include:

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| Policy D1 | Requires a high standard of design, layout and materials that respects the character of the surrounding area and is compatible with neighbouring buildings and spaces. |
| Policy D3 | Seeks landscape proposals for new development that enhances it's setting. |
| Policy TR17 | Requires that satisfactory provision for vehicle parking in accordance with Kent Vehicle Parking Standards. |
| Policy EP13 | Seeks to protect groundwater. |
| Policy CF1 | Supports proposals for new community facilities provided the proposals are not contrary to other Local Plan Policies. |

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Consultations

13. **Thanet District Council** – No comments received to date.

14. **Environment Agency** – No objection the proposal, offers the following advice:

- Prior to determination, a desktop study should be carried out including identification of previous site uses, and potential contaminants that might be expected. As appropriate, the development be permitted subject to suitable conditions relating to site investigation and remediation.
- The applicant should ensure the drainage systems are of sufficient capacity to cope with any additional loading, and soakaways be designed based upon BS6297:1983.
- The County Council to be satisfied with proposed method of surface water disposal.
- Advice on water conservation and the storage of fuel/chemicals on site.

15. **Sport England** – No objection to the proposed development. Advising that as the proposed development is for an indoor sports facility, the provision of which would be of sufficient benefit to outweigh any loss of playing field.

16. **Divisional Transportation Manager** – No objection, advises that the proposed layout is acceptable, subject to the following conditions:

- 2m x 2m pedestrian visibility splays above a height of 1m on either side of each new vehicle access.
- All works within the highway to KHS specification and satisfaction.

Representations

17. The application has been publicised by a site notice and newspaper advertisement. 74 neighbouring properties were notified. 2 letters of representation have been received. The objections raised relate to the following issues:

- Concerns that the proposal and the inclusion of new vehicle access gates onto Tenterden Way would result in a more serious interruption to traffic flow to that caused by both schools at present.
- Advises difficulties experienced by local residents during the peak hours of movement associated with the school, especially along Tenterden Way.
- Concerns that the increase in capacity would result in the school accommodating larger numbers of students.
- Questions whether a solution would be to provide hard standing on the school site to enable waiting coaches and taxis to park off the public highway.

Local Members

18. The Local County Members for Margate & Cliftonville Mr. C. Hart and Mr. C. Wells were notified of the application on 19 April 2006.

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Discussion

19. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraphs (9 -11) 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.

Access and Car Parking

20. The key concern that has been raised within the two letters of representation from nearby residents relates to the issue of traffic movements associated with the school and the capacity for the network to sustain the level of traffic. The concern being raised by residents is that the proposed development would add to local congestion at peak times, whilst the proposed access' onto Tenterden Way would cause problems along the adjoining stretch of the public highway, disrupting vehicle access for people living locally.

21. It should be noted that the Divisional Transport Manager has considered the scheme and raised no objection to the proposal, advising that the proposed access and car parking layout is acceptable, subject to the inclusion of the appropriate visibility splays and that works to the highway to be carried out in accordance Kent Highway Services specifications.

22. The application advises that the proposed reclassification of the school would result in the staged decrease in the number of pupils attending the site over a 5 year period, from the current figure of 136 to 111 pupils. Under the circumstances I cannot uphold the concerns raised by local residents that the proposal would increase the pressure on the transport network. Whilst I acknowledge that there is a certain level of traffic associated with both the schools in the locality at peak school hours, not unlike that experienced by all schools around the County. This traffic already exists and would not be altered by the proposed development. The provision of a second vehicle access to the school grounds would relocate some of the traffic associated with the school potential from St Anthony's Way around on to Tenterden Way. However, the inclusion of the new car parking capacity and the option to allow the buses attending the site to enter and wait within the proposed access and parking area would, in my opinion, have the potential to alleviate some of the concerns raised about school traffic in the locality. Therefore, subject to the imposition of appropriate conditions covering the provision of the car park before completion of the proposal, the provision of appropriate visibility splays, and all works in accordance with KHS specifications, I consider that the highways aspect of the development accords with Kent and Medway Structure Plan Policies TP3 and TP19, Isle of Thanet Local Plan Policy TR8, and Draft Thanet District Local Plan Policy TR17.

Location

23. The location proposed for the extension works and car parking improvements has been determined by a number of factors. The key considerations are the constraints of the existing built development and the need to preserve and maintain the existing hard play space and playing field available to the school.

Extension to provide classrooms, sports hall, extension to existing classrooms, and provision of new vehicular access. St. Anthony's School, Margate – TH/06/464.

24. The application advises that a number of solutions were considered, and that due to the floorspace required for the sports hall and the bulk of the building in comparison to the existing structures, an extension to the west of the existing buildings has been proposed.
25. Sport England raises no objection to the loss of playing field proposed, advising that 'it is regrettable an area of playing field would be lost due to the development, however Sport England is of the opinion the small loss would not adversely affect the quality and use of any existing sports pitches. The new sports hall would also provide greater opportunities for the pupils to participate in sport and active recreation.'
26. There are no existing land designations in association with the site. In my opinion, the proposed location for the development works is the most appropriate given the constraints of the site. The location sought limits the loss of playing field, and does not compromise the useable sport pitches on the site. The proposed development would form a logical extension of the existing buildings, positioning the sports hall over 30 metres away from the closest residential building. Therefore, subject to consideration of design and visual impact below, the proposal would accord with Kent and Medway Structure Plan Policies SP1 and QL1, Isle of Thanet Local Plan Policy CB1, and Draft Thanet District Local Plan Policy D1.

Design and Visual Impact

27. The issue of design is material to all applications for development work, in this instance the proposed new single storey extensions to the main block, the proposed sports hall, and various minor alterations to the other buildings on site. In the context of this application, neither the siting nor design has been raised as a contentious issue by either statutory consultees or by third parties.
28. Notwithstanding this, Policy QL1 of the Kent and Medway Structure Plan, Policy CB1 of the Isle of Thanet Local Plan (1998), and Policy D1 of the Draft Thanet District Local Plan (2003), require development should be of a high standard of design that respect and integrate with the surrounding environment, safeguarding the amenities of the local environment. In this respect, I consider that the design of the building has been approached in a manner that enhances the existing buildings on the site. I acknowledge that the development, and in particular the sports hall, would increase the height and mass of the existing buildings. However, I would advise that, in my opinion, the proposals would not have an unacceptable impact on the surrounding residential properties. I consider that the low pitched rooflines and mixture of contemporary materials, including brick work, cladding and cedar boarding, meet the requirements of the Development Plan Policies.

Environmental Impacts

29. The Environment Agency recommends that, prior to determination, a desktop study be carried out which should include the identification of previous site uses. The Agency draw attention to the planning guidance in Planning Policy Statement 23: Planning and Pollution Control (PPS23). The guidance set out in PPS23 advises, on a precautionary basis, that the possibility of contamination should be assumed when considering applications where the uses being considered are particularly sensitive to contamination, like schools. The desk top study allows an assessment of the likelihood of

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contamination being present and a guide to the potential requirements for further investigation and remediation on site.

30. I acknowledge the guidance provided by the Agency. Were Members minded to approve the scheme, given that the site has been in operation for educational purposes for a considerable time period, I would consider that the need for a desk top study and potentially further investigation and remediation can be covered by appropriately worded conditions. The conditions requiring further information be supplied for consideration prior to commencement of major works on site.

Need

31. In determining this application, it is necessary, to examine the education need for the proposed development. The application advises that the proposed development is being brought forward as a result of the reclassification of St. Anthony's School to accommodate children with behavioural and learning difficulties. The proposed improvement work would bring the school in line with similar schools around the County and with the appropriate guidance offered by the DfES. The additional classroom accommodation being sought is to facilitate the smaller class sizes appropriate to the students attending the school. In my opinion, the application establishes that there is an educational need for the proposed development, and that, in principle, the proposals accord with the objectives of Kent and Medway Structure Plan Policies SS6 and QL11, Isle of Thanet Local Plan Policy CF1, and Draft Thanet Local Plan Policy CF1.

Conclusion

32. In principle, I can see no overriding objection to the proposal. The application accords with the requirements set out in the appropriate Development Plan Policies. The development would enhance the services provided by the School to meet a local educational need. The design of the proposed development is in keeping with the surrounding built environment and would enhance the overall appearance and function of St. Anthony's School. Whilst I acknowledge the concerns raised by nearby residents in relation to the traffic surrounding the site, the Divisional Transport Manager has not raised an objection and the proposed development would not alter the existing level of traffic movements associated with the school. With this in mind, alongside the improved car parking and vehicle access facilities proposed, subject to appropriate conditions being imposed on any decision, I would not raise any planning objections to the application and recommend accordingly.

Recommendation

33. I RECOMMEND that, SUBJECT TO the receipt of any views from Thanet District Council prior to Committee meeting PERMISSION BE GRANTED SUBJECT TO the imposition of conditions, including, the standard time limit, the development be carried out in accordance with the permitted drawings, the submission of a desk top study into previous land uses along with further survey work and completion of remedial work as appropriate, hours of operation during construction, no external lighting to be 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 to be completed

Item D6

Extension to provide classrooms, sports hall, extension to existing classrooms, and provision of new vehicular access. St. Anthony's School, Margate – TH/06/464.

in accordance with KHS specifications, and submission of details covering foul and surface water drainage.

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

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Item D7**Retention of a mobile classroom, Sir Roger Manwood's School, Sandwich. DO/06/1034.**

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

Application by The Governors of Sir Roger Manwoods School and KCC Children, Families and Education for the retention and renewal of consent of a mobile classroom at Sir Roger Manwoods School, Manwood Road, Sandwich.

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Mr L. Ridings

Classification: Unrestricted

Site

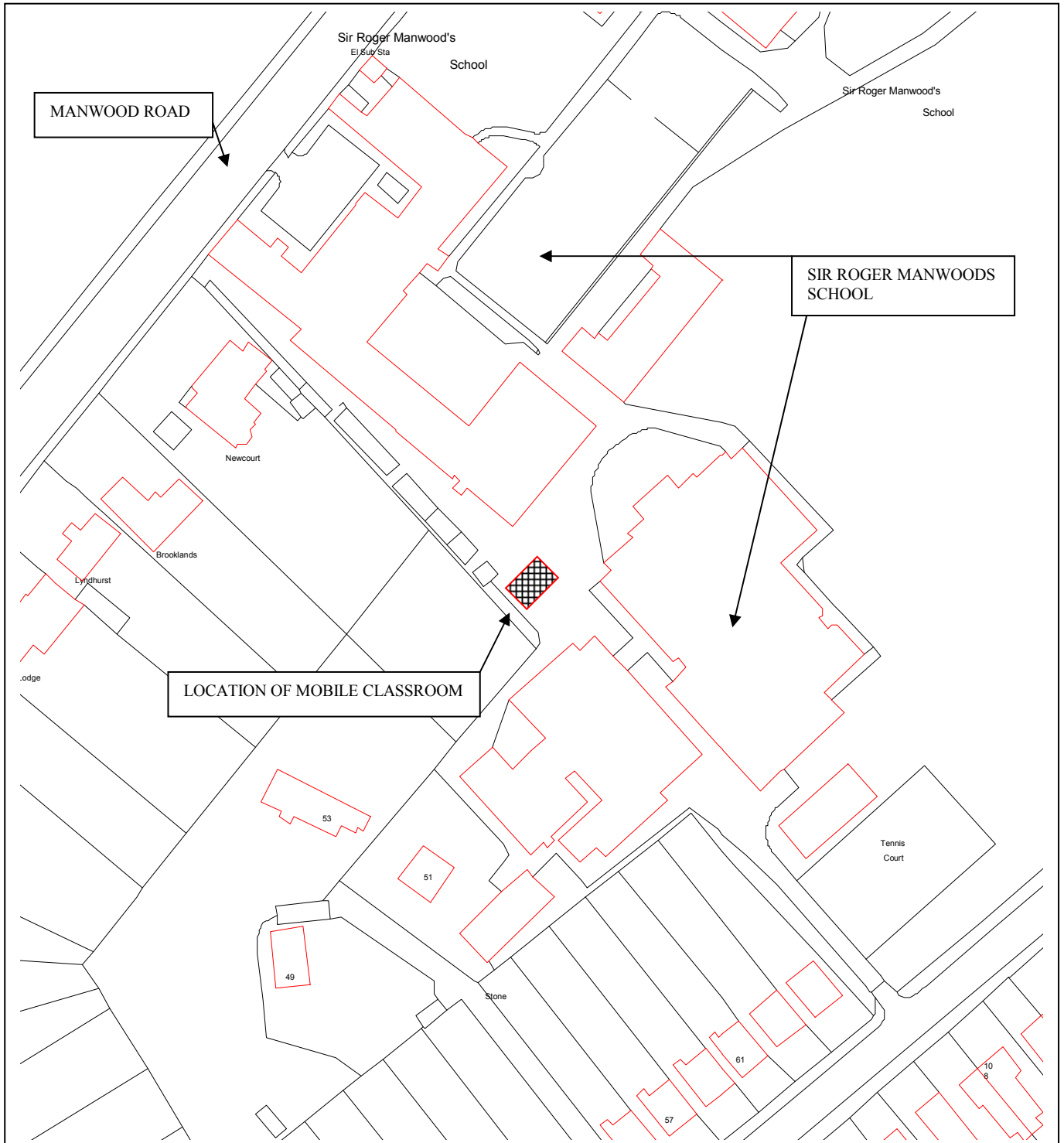
1. Sir Roger Manwoods School is situated in a residential area to the south east of the town of Sandwich. A site location plan is attached.

Background and Proposal

2. Sir Roger Manwoods School is a co-educational grammar school catering for students between the ages of 11-19. The two bay mobile building was permitted and installed on the site in March 2004 as a result of the school roll increasing from 878 to 905 from the previous academic year. The temporary permission DO/04/95 granted on 18 March 2004 expired on 31 March 2006. School rolls have been maintained since 2004 and from September 2006 the roll was 910. The sustaining of the roll has been due to the increase of students staying on in the sixth form as well as year seven intakes being maintained at recent levels. The School was hopeful of receiving Modernisation Fund money for capital provision so that permanent buildings would replace the mobile classroom. However, It has been decided in consultation with KCC Children, Families & Education and the Property Group, that the money should be directed at this time into refurbishment and not redevelopment.
3. The School and local community have benefited from a £40,000 project to improve the surface of Manwood Road. The road surface prior to this improvement was in very poor condition, containing many large potholes and loose surface material, which increased the risk for pedestrians and motorists alike at congested times with cars swerving to avoid them.
4. It was recommended in the last consent that it would be wise for the School to submit a School Travel Plan for approval prior to any further development at the School. In early 2006 the School's Travel Plan was submitted and approved. As part of implementing the Plan, the School has encouraged parents to drop students off and collect them from points in Sandwich, about half a mile from the School. It also urged parents/students/staff who do park in Manwood Road to avoid obstructing driveways to properties.

**Retention and renewal of consent for a mobile classroom.
DO/06/1034.**

Site Location Plan



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Planning Policy

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

(i) Kent & Medway Structure Plan: 2006

Policy SP1 Conserving and enhancing Kent's environment and ensuring a sustainable pattern of development. 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 Development should be well designed and respect its setting. Development that would be detrimental to the amenity of settlements will not be permitted

Policy QL11 Protection and enhancement of existing community services.

(ii) Dover District Local Plan 2002

Policy DD1 Proposals for development will not be permitted unless they are acceptable in terms of: -
(i) Layout and functional needs of the development;
(ii) Siting, massing and scale of new buildings;

Policy CF2 Planning permission for mobile classrooms will only be granted where:
(i) There is a proven short-term need;
(ii) They are located so as to minimise visual harm; and
(iii) Their siting would not result in the loss of or damage to important trees.

Consultations

6. **Dover District Council** – Raises no objections.

Sandwich Town Council – Raises no objections but requests that a two-year time limit be placed on any approval.

Divisional Transport Manager - Raises no objections to the application from a highway point of view.

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Local Members

7. The Local County Member Mr L. Ridings was notified on 23 August 2006 and has confirmed that he is in agreement with the proposal.

Publicity

8. The application was publicised by the posting of a site notice and the individual notification of twenty neighbouring residential properties.

Representations

9. I have received five letters of representation from local residents. The main comments / points of concern include the following:
- Opposed to any increase in pupil numbers whatsoever, temporary or permanent, unless there are adequate parking facilities to service the numbers.
 - School Travel Plan hurried through in order to gain extra funding.
 - Consideration to be given to improving car parking facilities.
 - Do not feel children should be housed in temporary accommodation.
 - Continued applications for mobile classroom retention will inevitably lead to further increases in both pupils and vehicles.
 - Coaches have for too long caused chaos outside properties, leaving engines running for up to an hour.
 - Coaches and delivery vehicles damaging surface of Manwood Road.
 - School has gradually been increasing roll in the eleven years I have been living here, with no opposition from local community.
 - The provision of the mobile classroom is to provide capacity for growth in pupil numbers, which can not be done without impacting on neighbouring areas.
 - Local residents not consulted on School Travel Plan; there are a number of issues to be considered e.g. parking and access by buses.
 - Effectiveness of communication between the School and the local community is poor.

Discussion

10. This application proposes the continued use of a mobile classroom at the school. The increase in school roll that occurred between 2003-2004 has been maintained, requiring the classroom to be retained in the short term. If the school roll is maintained or increased in the future, permanent accommodation will be sought. Whilst the need for education provision is acknowledged in Structure Plan Policy QL11, the proposal must also be considered against the relevant Development Plan Policies outlined in paragraph 5.
11. The school is situated on a large site in a residential area of Sandwich. The mobile classroom is sited along the north-western boundary of the school and is obscured from

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sight from Manwood Road at the front and St George's Road at the rear by the main school buildings, as shown on the site location plan on page D7.2.

12. Members will note the objections received; to which the applicant has made the following points in response:
- Resurfacing and improvement works to Manwood Road costing £40,000 have benefited the local residents of the school.
 - The School Travel Plan has been submitted and approved by Kent County Council.
 - The school roll has increased by only 5 students in the period since 2004, so it can not be said to have any increased traffic impacts on the locality.
 - The assertion that the School Travel Plan was hurried through is incorrect, as is the comment about the lack of consultation and it is quite wrong to link the production of the Plan with the retention of the mobile classroom.
 - Advisory road markings and speed limit signs are to be put in place as part of KCC funded improvements to Manwood Road.
 - The School Travel Plan aims to reduce parents' car use; the School supports this objective in their newsletters to parents, but it is very difficult to police.
 - The pupil survey suggested that far more pupils come to school by train and bus than car. The School also states that there may well be 200+ sixth formers but not many can drive and few of them bring cars in.
 - The retention of the mobile classroom (needed until KCC can provide a larger permanent building) has nothing at all to do with car parking, coaches or any other Highways issue.
 - Pupil numbers are static; we are not expecting growth but hope not to suffer a significant reduction in numbers either, so further highways issues are not expected to arise due to any large influx of extra pupils.
13. Members will note from the objections received, that they do not relate directly to the mobile classroom and its retention, but rather of traffic and transportation issues evident in the immediate vicinity of the school. It is necessary to assess whether the objections are relevant to the application or whether they are unrelated traffic issues that are prevalent at many other similar large secondary schools. It can be mentioned here that Kent Highway Services and Dover District Council do not hold any objections to the proposal from a highways point of view. It has been suggested that consideration is given to parking facilities as a result of the proposal, but this would only be relevant if it was for a new mobile classroom or where the school roll would be increasing. The mobile classroom was permitted in 2004 and the school roll has only increased by 5 students from 905 in 2004 to 910 in September 2006. I consider that such a small increase in numbers would not cause any further impact upon traffic issues than is already evident. Relating to the objection that the retention of mobile classrooms provides capacity for growth and will impact upon the neighbouring area, this again could be said to be true if it was for a new building to handle an increase in roll, but the mobile classroom is already in position and there is to be no greater increase in roll than at the present time.
14. The issue of the School Travel Plan is the other major concern amongst the neighbours' objections. At the time of the previous consent it was suggested that the submission and approval of a School Travel Plan would be advisable prior to any future developments, but it was not a condition. The major stumbling block is the perceived lack of consultation between the School and neighbouring residents. I consider that if there was greater consultation and communication between the School and local

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residents then a more amicable resolution could be achieved. Whilst I understand the local residents' points of view, they are ultimately not relevant, when coming to a conclusion on this particular case. I believe that if there was improved and more effective lines of communication between the School and their neighbours, then many of the issues of traffic congestion and parking could be resolved. It is important for the School to understand that more thorough and rigorous enforcement of the School Travel Plan is required and for it to enhance its stance on improving neighbourly parking by all users of the school. The school needs to be aware of the fact that objections will be raised to any new proposed developments at the school until these traffic issues are resolved. They should also make it clear to the coach and bus companies that they ensure vehicles are not to idle for long periods unnecessarily, to the detriment of residential amenity and the environment.

15. Dover District Local Plan Policy CF2 highlights that permission will only be granted for mobile classrooms where there is a proven short term need and that they are located so as to minimise visual harm. Dover District goes on to elaborate on what exactly can be defined as 'short-term'. Short-term need can be justified if permanent accommodation is being constructed/planned or to meet a predicted rise in school roll. Temporary accommodation should not be intended to be used for longer than five years. In this case, if it were to be permitted we would only permit it for a further two years, which would bring it under the Districts guidance of five years for a temporary consent. The school's roll has levelled at 910 and if this were to increase again then permanent accommodation would be recommended in the place of temporary. The proposal is also in accordance with SP Policy QL1 & DDLP Policy DD1 relating to the design and setting of development and affording the protection of amenity for residents and SP Policy QL11 regarding the protection and enhancement of community services. Therefore, I do not consider the retention of the mobile classroom to pose any significant detriment increase, to the residential amenity, than at the present time.

Conclusion

16. In conclusion, whilst I acknowledge the problems associated with traffic around the school, and in particular Manwood Road, I am mindful that these problems are not directly related to the application in question, but rather a specific management issue for the School itself to deal with. Furthermore, I consider that the proposal is not significant enough to warrant demands on the School to improve parking facilities. Therefore, I recommend that the planning application be approved, subject to a time restriction of two years, and that after this time the area be restored to its previous condition. I further recommend that the School work more closely with the local community so as to ease the problems associated with parking and traffic congestion in Manwood Road.

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Recommendation

17. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions requiring the removal of the mobile classroom on or before the 31 October 2008 with the site to be returned to its former use; and for the development to be carried out in accordance with the approved plans.

I FURTHER RECOMMEND that the School be urged to investigate the provision of permanent accommodation if the school roll remains at this level or increases; in that eventuality, to also explore the potential for increased car-parking provision.

Case officer – Adam Tomaszewski	01622 696923
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Background documents - See section heading
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**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT
PERMITTED/APPROVED UNDER DELEGATED POWERS - MEMBERS'
INFORMATION**

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents - The deposited documents.

CA/06/823	Temporary trial for up to 18 months to allow small traders and local businesses to use the Householder Waste & Recycling Centre (HWRC). Kent County Council HWRC, Vauxhall Industrial Estate, Vauxhall Road, Canterbury
TM/06/2406	Provision of GRP Kiosk (S73A) by Southern Water. Ditton Water Treatment Works, Bell Lane, Ditton, Aylesford
TM/06/2446	Retrospective planning application for installation of a leachate storage tank within the existing Stangate Landfill Gas Control and Utilisation Compound, together with the submission of details seeking approval for associated ancillary infrastructure, pneumatic leachate pumping equipment and associated pipework and headworks pursuant to condition (x) of planning permission TM/82/1138 and condition 11 of planning permission TM/94/579 at the former Stangate West Landfill Site. Stangate West Landfill Site, Borough Green, Sevenoaks
CA/97/936/R2, R6 & R7	Reserved Matters – Revised restoration scheme. Land adjoining Milton Quarry, Thanington, Canterbury
TM/98/1428 & MA/98/1212	Reserved Matters – Revised Traffic Routing Agreement – Allington Waste to Energy Plant, Allington Quarry, Laverstoke Road, Allington, Maidstone
SW/05/1392	Development of waste recovery facility including in-vessel composting materials, recovery facility and continued use for secondary recycled aggregate production. Countrystyle Recycling Ltd, Ridham Dock, Iwade, Sittingbourne

E2 CONSULTATIONS ON APPLICATIONS SUBMITTED BY DISTRICT COUNCILS OR GOVERNMENT DEPARTMENTS DEALT WITH UNDERDELEGATED POWERS - MEMBERS' INFORMATION

Since the last meeting of the Committee, I have considered the following applications and - decided not to submit any strategic planning objections:-

Background Documents - The deposited documents.

DO/06/895	Erection of 3 storey link extension to provide 40 flats. Bede & Dunstan Houses, College Road, Deal
SH/06/1001	Change of use of part of existing car park to leisure use to include a multi-use games area with 3-4m high fencing and associated equipment and marked multi-court together with re-siting of existing car park entrance. Greatstone Car Park, The Parade, Greatstone, Romney Marsh
GR/06/607	Erection of a dwelling. Land adjacent to 47 Huntley Avenue.
AS/06/1338	Change of use of highway to market. (Renewal of planning ref: AS/04/1009). Street Market between 16 -24 & 58 – 66 High Street, Tenterden
GR/06/551	Renewal of temporary planning permission number GR/05/434 for the continued use of land as an extension to existing Milton Place Car Park to provide an additional 74 parking places for a temporary period. Corner of Ordnance Road & Milton Place, Gravesend
MA/06/1458	Application for Listed Building consent for improvements to the heating & ventilation installation supplying the Council Chamber, works to include; changing the convector units in the Chamber, renewing plant and ductwork in the roof space, provision of heat exchanger unit on the roof, provision of a new oak covered dormer window and a new diffuser in existing ceiling vent. Town Hall, High Street, Middle Row, Maidstone
TH/06/936	Erection of a 2 mtr high galvanised steel palisade fence to protect newly renovated greenhouse within park. King George VI Memorial Park, Montefiore Avenue, Ramsgate
TH/06/934	Erection of single storey rear extension. 83 Prestedge Avenue, Ramsgate
TH/06/948	Erection of a two storey rear extension. 113 Prestedge Avenue, Ramsgate
TH/06/954	Erection of a single storey and rear extension. 26 Addiscombe Gardens, Margate

DA/06/861	Application for variation of condition (31) to amend the hours of operation on Fridays & Saturdays from 08:00 – 23:00 hours to 08:00 – 00:30. Princess Park Stadium, Grass Banks, Dartford
DA/06/901	Application to allow the use of the stadium pitch, terracing & seating for entertainment and music on the official opening day (Saturday 11 November) only as an exception to the terms of condition 28 and also condition 24 (level of sound). Princess Park Stadium, Grass Banks, Dartford
TM/06/2709	Development of practice ground building, additional car parking area and erection of safety netting and supporting poles. Poultwood Golf Course, Higham Lane, Tonbridge
AS/06/1510	Flying the flag of the European Union on existing flag poles. Civic Centre, Tannery Lane, Ashford
TH/06/1035	Outline application for the erection of 2 dwellings. Land adjacent to 2 Park Place & 208 High Street, Margate
TW/06/2650	Change of use from office/resource and information centre for the visually impaired to A2/B1. 27 Monson Road, Tunbridge Wells, Kent
TH/06/1073	Erection of a single storey rear extension. 74 Norman Road, Broadstairs
DA/06/1015	Construction of a skate park with associated facilities. Central Park, Market Street, Dartford, Kent
GR/06/753	Renewal of temporary planning permission GR/01/703 for the continued use of shop as Part Retail (A1), Part Café (A3) and Part Information and Advice Centre (D1) with ancillary offices. 43 New Road, Gravesend, Kent

3 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS MEMBERS' INFORMATION

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents - The deposited documents.

DO/06/923	Proposed detached drama studio. Archers Court Maths and Computing College Melbourne Avenue, Whitfield, Dover
TW/06/1648	Outline application for 2 storey extension to the east elevation and enclosing existing undercroft to the south-east. Claremont Primary School, Banner Farm Road, Tunbridge Wells
CA/06/932	Provision of an external canopy to the infant school. Swalecliffe C.P. School, Bridgefield Road, Tankerton, Whitstable
DA/06/793	Single storey extension to create a toilet facility. Knockhall Primary School, Eynsford Road, Greenhithe
DA/06/817	Erection of two storey sixth form building and refurbishment of adjoining dining hall block with link corridors and associated external works, plus the temporary retention of mobiles and construction access road at Wilmington Boys Grammar School, Wilmington Hall School, Common Lane, Dartford
DA/06/520	Proposed mobile complex and garage. North West Kent College, Dartford Campus, Oakfield Lane, Dartford
CA/06/1047	Provision of two 5-bay mobile classrooms. The Archbishops School, St. Stephen's Hill, Canterbury
SW/06/871	Provision of quiet play area, all weather play area and wc upgrade. Tunstall C E (Aided) Primary School, Tunstall, Sittingbourne
MA/06/1363	Erection of a set of gated fences – Coxheath Primary School, Stockett Lane, Coxheath, Maidstone
SW/04/215/R4	Details pursuant – Details of a landscaping scheme. New sports hall and facilities. The Abbey School, London Road, Faversham
DO/06/839	Replacement windows to front elevation of the school. St. Martin's School, Markland Road, Dover
AS/04/456/R2	Reserved details of a landscaping scheme. Provision of a multi-use games area. Christ Church CE High School, Kingsnorth, Ashford

SW/05/1143/R5	Reserved details of foul and surface drainage works. Construction of new classrooms with associated facilities. Meadowfield School, Swanstree Avenue, Sittingbourne
SW/05/1143/R6	Reserved details of external materials. Construction of new classrooms with associated facilities. Meadowfield School, Swanstree Avenue, Sittingbourne
SW/05/1143/R7	Reserved details of fencing details. Construction of new classrooms with associated facilities. Meadowfield School, Swanstree Avenue, Sittingbourne
SW/05/1143/R8	Reserved details of a landscaping scheme. Construction of new classrooms with associated facilities. Meadowfield School, Swanstree Avenue, Sittingbourne
TM/06/1325/R4	Details of surface materials proposed for the synthetic pitch. The Judd School, Brook Street, Tonbridge
SW/05/1278/R4	Details of landscaping scheme pursuant to condition (4) of planning permission SW/05/1278. Minster College, Minster Road, Minster on Sea, Sheerness
TH/04/457/R10	Reserved details – Landscape scheme - Amendments. Athletics track with floodlighting . The Ramsgate School, Stirling Way, Ramsgate
SE/06/1276	Construction of means of access for wheelchair bound disabled children from school building to lakes and woods. Valence School, Westerham Road, Westerham
TM/06/2454	Single Storey extension to provide additional classroom and WC for disabled use. Wouldham C of E Primary School, Wouldham, Rochester
MA/05/101/RA	Amendments to elevations due to re-organisation of the internal layout. Astor of Hever Community School, Oakwood Road, Maidstone
MA/05/101/R3/R	Amendments to external materials approved under planning permission reference MA/05/101/R3. Astor of Hever Community School, Oakwood Road, Maidstone
TM/04/3357/R23	Details of School Travel Plan. Malling School, Beech Road, East Malling
TM/04/3340/R19	Reserved details of School Travel Plan. New School Buildings, Aylesford School, Teapot Lane, Aylesford
SE/05/1275/R3A	Details of external render pursuant to condition (3). Furness Sen School, Rowhill Road, Hextable
MA/05/964/RA	Amendments to elevations including relocation of kitchen ventilation louvers and changes to glazing. Hollingbourne Primary School, Eythorne Street, Hollingbourne

DA/06/347/R4	Details of a scheme of landscaping – Wilmington Hall School, Common Lane, Dartford
CA/06/364/R11	Reserved details of scheme for the disposal of foul and surface waters. New classroom block and facilities. Reculver C.E. Primary School, Hillborough, Herne Bay
TH/06/717	Change of use to playing field. Ursuline College. Proposed playing field, Quex Estate's Land, Birchington
AS/06/413	Temporary planning consent for 3 no. 2 bay mobile classrooms. Highworth Grammar School for Girls, Quantock Drive, Ashford
CA/06/1036	Wooden Cycle Shelter with Cycle Racks. Herne Bay Infant School, Stanley Road, Herne Bay
DO/06/957	Proposed new refectory and kitchen. Astor College of Arts, Astor Avenue, Dover
SE/06/2043	Provision of two temporary mobile accommodation units to assist the internal refurbishment of the infants school. Downsview Primary School, Beech Avenue, Swanley
SW/06/992	Erection of three mobile classrooms on a temporary basis (12 months). Borden Grammar School, Avenue of Remembrance, Sittingbourne
TW/06/2325	Extension to main school building and refurbishment of side elevation. Bishops Down Primary School, Tunbridge Wells
SW/06/884	Replacement of the curtain walling to five various elevations. Meadowfield School, Swanstree Avenue, Sittingbourne
AS/06/1421	Single storey extension to, and modernisation of Victorian School Building. Smeeth Community Primary School, Caroland Close, Smeeth
SW/06/881	Replacement of window and doors. The Challenger Centre, Upton Lane, Sittingbourne
AS/06/975	Installation of timber pergola structure playground and erection of 1.95m high timber close boarded fence. Wittersham C of E (Aided) Primary School, The Street, Wittersham, Tenterden
SE/04/2043/R	Amendment to macadam surfacing area (playground). St. Katherines Knockholt CEP School, Main Road, Knockholt, Sevenoaks
DO/05/488/R4A	Amendments to the details of the external materials of planning permission DO/05/488/R4. Harbour School, Elms Vale Road, Dover
DO/05/488/R10	Details pursuant to condition (10) of planning permission DO/05/488. Harbour School, Elms Vale Road, Dover

CA/06/469/R6	Details of the external materials for nursery building pursuant to condition (6). Herne Bay Infant School, Stanley Road, Herne Bay
TM/01/2993/RAB	Amended details for proposed station access road. Proposed Leybourne and West Malling Bypass Scheme.

**E4 DETAILED SUBMISSIONS UNDER CHANNEL TUNNEL RAIL LINK
ACT 1996**



Since the last meeting of the Committee, the following matters have been determined/responded to by me under delegated powers:-

Background Documents - The deposited documents.

None

E5 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 - SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents -

- *The deposited documents.*
- *Town and County Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*
- *DETR Circular 02/99 – Environmental Impact Assessment.*

- (a) since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an environmental statement:-

DC29/TW/0001 – Proposed refurbishment work at Tunbridge Wells South Waste Water Treatment Works, Tunbridge Wells

- (b) since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does need to be accompanied by an environmental statement:-

None

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

- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an environmental statement:-

Background Documents -

- The deposited documents.
- Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
- DETR Circular 02/99 - Environmental Impact Assessment.

None