



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 16th May, 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 - 11 April 2006 (Pages 1 - 4)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. Planning Applications Group Business Plan (Pages 5 - 40)

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application SH/05/53/R2 & R5 - Details submitted pursuant to Condition 5 of Permission SH/05/53: Code of Construction Practice which refers to the matters that are required to be covered, details of the mitigation and management of construction at New Romney and Greatstone-on-Sea Waste Water Treatment Scheme; Southern Water (Pages 41 - 56)
2. Application TM/03/2563 - Development of new factory to manufacture aerated concrete products with outside storage, parking, new access and associated facilities at Ightham Sandpit, Borough Green Road, Ightham, Sevenoaks. (Pages 57 - 104)
3. Applications TM/06/806 and MA/06/457 - Continuation of development without compliance with Condition 5 of Permissions TM/98/1428 and MA/98/1212 and submission of details pursuant to Conditions 3, 11 and 13 in respect of minor amendments to the approved plant site layout, amendment to the phasing of landscaping, and relaxation of the requirement for the full implementation of the approved landscaping and restoration scheme prior to the importation of waste materials at Allington Quarry, Lavers (Pages 105 - 112)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal MA/06/118 - Construction of all weather football pitch with associated fencing and floodlighting at Maplesden Noakes School, Buckland Road, Maidstone; Governors of Maplesden Noakes School and KCC Children, Families and Education (Pages 113 - 128)
2. Proposal TW/06/365 - Demolition of part of E Block and construction of a multi-purpose hall with associated changing accommodation and 1st floor classroom, alteration to existing car park, creation of bus turning point and temporary site access at Mascalls School, Maidstone Road, Paddock Wood; Governors of Mascalls School and KCC Children, Families and Education. (Pages 129 - 146)
3. Proposal DA/05/768 - Two storey extension to existing school building comprising facing brick external walls and pitched tiled roof to match the existing roof and provision of additional classroom facilities. Internal rationalisation of existing building and external ramparts to improve DDA provisions at Sedley's CE Primary School, Church Street, Southfleet; KCC Children, Families and Education. (Pages 147 - 162)
4. Proposal SW/06/218 - Retrospective application for the installation of CCTV poles and cameras at Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness; Governors of Minster-in-Sheppey Primary School and KCC Children, Families and Education. (Pages 163 - 174)
5. Proposal SW/06/351 - Retrospective application for the levelling of existing school playing field at Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness; Governors of Minster-in-Sheppey Primary School and KCC Children, Families and Education. (Pages 175 - 188)
6. Proposal SE/03/2186/R7 - Details of external lighting pursuant to Condition 7 of Permission SE/03/2186 for a new arts and media centre, additional car parking, bus and drop off laybys at Hextable School, Egerton Avenue, Hextable; Governors of Hextable School and KCC Children, Families and Education. (Pages 189 - 200)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 201 - 208)
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, 8 May 2006

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11 April 2006

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held at Sessions House, County Hall, Maidstone on Tuesday, 11 April 2006.

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

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

UNRESTRICTED ITEMS

23. Minutes
(Item A2)

RESOLVED that the Minutes of the meeting held on 21 March 2006 are correctly recorded and that they be signed by the Chairman.

24. Site Meetings and Other Meetings
(Item A3)

The Committee agreed to visit Maplesden Noakes School, Maidstone on Tuesday, 9 May 2006; Ursuline College, Broadstairs on Thursday, 16 May 2006; and Conways Waste Facility, Dartford on Thursday, 18 May 2006.

25. Proposal CA/06/193 – Construction of a DDA compliant access ramp to the frontage of the property at Adult Support Unit, 88 Whitstable Road, Canterbury; KCC Adult Services
(Item D1 – Report by Head of Planning Applications Group)

- (1) Mrs P Cherry addressed the Committee in opposition to the proposal.
- (2) RESOLVED that planning permission be refused on the following grounds:-
 - (a) the proposed access ramp, due to its scale and massing, would have a detrimental impact on the surrounding Whitstable Road Conservation Area and the adjoining semi-detached property, contrary to Policy ENV17 of the Kent Structure Plan and Policy D17 of the adopted Canterbury City Council Local Plan;
 - (b) the proposed development would give rise to an increased amount of intrusive visual clutter from the over-engineered and inappropriately scaled access ramp that would detract from the character of the front gardens of

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properties in the Whitstable Road Conservation Area, contrary to Policy D16 of the adopted Canterbury City Council Local Plan; and

- (c) the Chairman be requested to write to the Adult Services Portfolio Holder to ask why this application had not been withdrawn following the advice of the Head of Planning Applications Group

26. Proposal TW/06/270 – Provision of mobile office for use by the Special Educational Needs Co-ordinator and other agencies at Sandhurst Primary School, Rye Road, Sandhurst; Governors of Sandhurst Primary School
(Item D2 – Report by Head of Planning Applications Group)

(1) The Committee agreed that the school should only be granted permission for a temporary period of two years and that it should report back to the Planning Authority on the provision of alternative accommodation within 1 year.

(2) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions requiring the paving of the mobile office to match the adjoining mobile nursery building; the removal of the mobile officer from the site by 31 March 2008 and the development being carried out in accordance with the approved plans; and
- (b) the School be urged to investigate the provision of alternative accommodation within the main school building and report back to the Planning Authority by 31 March 2007.

27. Proposal CA/05/423/R5 – Details of a landscaping scheme pursuant to Condition 5 of Permission CA/05/423 at Wickhambreaux CE Primary School, The Street, Wickhambreaux; Governors of Wickhambreaux CE Primary School and KCC Children, Families and Education
(Item D3 – Report by Head of Planning Applications Group)

(1) The Head of Planning Applications Group reported correspondence from the Planning Consultant representing the neighbouring objectors. This requested a Members' site visit should the Committee be minded to approve the scheme.

(2) RESOLVED that the details be approved.

28. Proposal SE/03/2186/R6 and 7 – Details of external lighting and landscaping pursuant to Conditions 6 and 7 of Permission SE/03/2186 for a new arts and media centre, additional car parking, bus and drop off laybys at Hextable School, Egerton Avenue, Hextable; Governors of Hextable School and KCC Children, Families and Education
(Item D4 – Report by Head of Planning Applications Group)

(1) Mrs D Morris and Miss N Avis addressed the Committee in opposition to the proposal.

(2) The Committee agreed to approve the landscaping scheme but to defer consideration of the external lighting scheme until the next meeting of the Committee.

(3) RESOLVED that:-

- (a) the submitted landscaping scheme be approved;
- (b) consideration of the external lighting scheme be deferred to the next meeting of the Committee to enable further details of light spill to be gathered; and
- (c) the Head of Planning Applications Group be requested to take steps to have the lighting switched off overnight pending the outcome of the proposal.

29. County Matters Dealt with under Delegated Powers

(Items E1-6 – 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 Matters applications;
- (b) consultations on applications submitted by District Councils or Government Departments;
- (c) County Council developments;
- (d) detailed submissions under the Channel Tunnel Rail Link Act 1996 (None);
- (e) screening opinions under Environmental Impact Assessment Regulations 1999; and
- (f) scoping opinions under Environmental Impact Assessment Regulations 1999 (None)

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SECTION B
GENERAL INFORMATION

Item B1

Planning Applications Group Business Plan

A report by Head of Planning Applications Group to Planning Applications Committee on 16th May 2006

Summary – End of Year report against 2005/06 Business Plan and Business Plan for 2006/07

Recommendation: for information

Local Member: n/a

Unrestricted

Background

1. The half-yearly report on performance against Business Plan targets was reported to the 11th October 2005 meeting. This report summarises the position for the full year. It also attaches as an appendix the Business Plan for the Planning Applications Group for 2006/07.
2. The Planning Applications Group undertakes the statutory development control function on behalf of the County Council. In terms of forward planning, the Group is also leading in the preparation of the emerging Local Development Frameworks for Minerals and Waste and plays an important role in influencing emerging policy at national, regional and local level.
3. The Business Plan sets out key performance indicators for the delivery of the development control service and for the preparation of the Minerals and Waste Development Frameworks. This report summarises progress against these national and local performance indicators.

Development Control

4. The Group is responsible for the determination of planning applications for minerals and waste developments (county matters) and the Council's own developments (Regulation 3). The work includes pre-application advice, Appropriate Assessment and assessment in accordance with the Environmental Impact Assessment legislation. The Group is also responsible for site monitoring and planning enforcement.

County Matter Development

5. The number of applications remains around the same level as 2004/05. The bulk of proposals (85%) are for waste developments. As a reflection of national policy to move waste management away from landfill, applications determined were for a range of non-landfill solutions. Key applications that were permitted included:

- Improvements to waste water infrastructure for New Romney, Greatstone and Lydd, Tenterden and amendments to the approved scheme for Margate Headworks and Weatherless Waste Water Treatment Works;
- integrated Household Waste Recycling Centre and Waste Transfer facility at Pepperhill, Dartford;

- drainage treatment plant to deal with highway gully waste and aggregate washing plant at Dartford;
- plant to process incinerator bottom ash into secondary aggregate at Ridham Dock, Sheppey;
- Soil blending at Borough Green Sandpits
- Composting facilities at Conghurst Farm
- Extension and revisions to Hermitage Quarry, Aylesford to permit the extraction of ragstone and haddock and backfill with inert waste;
- Borrowpit at Dungeness for sea defence purposes.

A Members Resolution to permit was also given for an extension to mineral working with restoration by landfill at Norwood Quarry, Minster, Sheerness. The decision is dependant upon a legal agreement.

Planning permission was refused for

- Open windrow composting at Little Bayhall Farm, Tunbridge Wells,
- vehicle breaking at sites in Longfield and Sellindge;
- the screening, crushing and processing of aggregate and demolition waste at Dartford.
- Recycling facilities at Snodland

Planning appeals were successfully defended on sites in Detling (2), Lydd and Queensborough

Performance against 'County Matters' Best Value Performance Indicators

6. The National Best Value Performance Indicator (BVPI 109) which is set locally relates to county matter applications. For 2005/06 a target of 70% of applications to be determined within 13 weeks was set. The end of year performance measured against this target is almost met with 66% of applications processed within this timescale. The average time taken to determine 'county matter' applications has risen to 23 weeks, chiefly due to 3 linked applications at Hermitage Quarry which took nearly 2 years to process due to their complexity and the need for legal agreements.
7. In terms of local indicators, 34% of applications were determined within 10 weeks and 66% within 16 weeks. The end of year performance targets for these indicators is 50% and 70% respectively. The failure to meet the targets is a reflection of a combination of factors including the complexity and nature of the cases, the need for additional information to address consultee concerns and the diversion of experienced planning officers away from development control to work on the emerging Minerals and Waste Frameworks. Whilst the Group strives to meet the performance indicators, it is equally aware of the need to ensure that the speed of processing does not compromise quality of decision making.
8. The local indicators for applications to be acknowledged within 3 days and applicants notified of case officers within 10 days are set at 100%. The Group achieved 93% and 92% respectively. In the last financial year no decisions were challenged or the subject of an upheld Ombudsman complaint.
9. It should also be noted that due to the relatively small number of county matter applications involved in calculating the statistics, the processing of just one or two applications can significantly affect the results. For example the exclusion of the Hermitage cases referred to above results in an average processing time of 15 weeks (as opposed to 23 weeks)

County Council Development (Regulation 3)

10. The Group continues to process a large number of applications for County Council development. During the last financial year it determined 325 full applications and a similar number of amendments or details submitted pursuant to conditions. Applications have included a number of care housing developments in Folkestone, Herne Bay, Wilmington, Broadstairs, Faversham, Dover and Ashford, which are being promoted by the County Council as part of a Private Finance Initiative (PFI). New educational and sports facilities across the County have been permitted including major expansions at Milestone School, New Ash Green, Rowhill School, Wilmington, the North School, Ashford and Hythe St Leonards and Hythe Community Schools. Applications for new schools have been permitted at Platt and Longfield.

Performance against 'Regulation 3' Best Value Performance Indicators

11. This area of the Group's Business does not have a national indicator. Performance is assessed against 2 locally set targets. The first seeks 65% of applications for County Council development to be determined within 13 weeks. The second sets an average time to determine applications of less than 12 weeks. For the financial year 2005/06 the Group exceeded both indicators, determining 83% within 13 weeks and an average determination period of 8.8 weeks.

12. No decisions were challenged or the subject of an upheld Ombudsman complaint.

Community Liaison Groups

13. A number of the mineral sites and the new school academies have established Community Liaison Groups where representatives from the community, interested parties and sites representatives meet on a regular basis to discuss site issues. These are ongoing throughout the year. Officers represent the Planning Authority at these meetings.

Planning Enforcement and Monitoring

14. The Planning Enforcement Team operates in accordance with the Enforcement Protocol that was adopted by the Council's Regulation Committee. This targets resources at those sites that have the potential to inflict the greatest environmental damage. Workloads throughout 2005/06 have remained high with formal action being pursued on 9 cases and investigation of some 30 other cases. Where possible a negotiated solution is sought, although Enforcement Notices were served on 3 sites, all of which were appealed. The Group successfully defended appeals on 2 cases and a third is to be heard by way of a public inquiry later this year.

15. As of April 2006, new Regulations came into force that establish the principle for charging fees for selected monitoring for mining and landfill sites. The Group has been active in preparing for the new monitoring regime and intends to bring a report to a future Regulation Committee setting out proposals as to how best to implement the requirements of the new Regulations.

Minerals and Waste Development Frameworks

16. Work to prepare the new style Local Development Frameworks for Minerals and Waste continues to require a considerable input from the Group. A number of experienced planning officers have been diverted away from development control work to bring forward the Framework documents.

17. A Minerals and Waste Development Scheme and a Statement of Community Involvement (SCI) have been prepared and submitted to Government Office for the

South East (GoSE) for approval. The Scheme sets out a timescale for delivering various milestones in the Plan making process. National Best Value Indicator 200a required the County Council to publish the Scheme by 28th March 2005 and maintain a 3 year rolling programme, to met the milestone dates in the scheme and to publish an annual monitoring report in December 2005. These targets were met. Discussions have taken place with GoSE and a revised programme is being submitted for formal approval. The forward planning work is reported to an all cross-party Informal Member Steering Group. It is anticipated that a Member Seminar is to be held in June/July 2006 to update Members on progress on the two plans. This seminar is likely to be of considerable interest to Members of this Committee as its aim is to bring the content of the emerging plans to members attention.

Influencing Emerging Policy and Guidance

18. The Group continues to play a key role in influencing emerging policy and guidance at national, regional and local level. In particular the Group was successful in influencing the new PPS10 (Planning and Sustainable Waste Management). It has been involved in developing options for the management of nuclear waste particularly relating to the decommissioning of Dungeness A Power Station and via its work with SEERA and SERTAB advised on the apportionment guidelines for recycled aggregates, hazardous waste and on London's waste apportionment. Recently, officers assisted SEERA on preparing evidence for the EIP into revisions to the Mayor of London's waste policy. At the local level, officers gave evidence to the County Council's Member Select Committee on Ashford Future – Water Resources and Cabinet Briefings on Water Policy for Kent.
19. The Group also provided planning guidance to other Directorates which has assisted in the wider delivery of Corporate policy initiatives including Building Schools for the Future Programme, PFI Social Care Housing, Fastrack and East Kent Access and advice on Thames Gateway and Kent Design.

Freedom of Information Requests

20. The Group has dealt with 9 requests in the last year. In accordance with the legislation the Group has also prepared an entry for the County Council's Publications Scheme. This scheme is approved by the Information Commissioner and is a guide to the types of information that the Group routinely publishes, the format it is available in and where there are charges, how much it charges for information. The Group works on the premise that information is freely available, although there is a charge where officers need to interpret the data in order to respond to a request.

Member Training

21. Following the County Council elections in May 2005, the Group organised training for Members of the Planning Applications Committee, the Regulation Committee and their regular substitutes. Further training is envisaged for Summer, Autumn 2006. To assist in the consideration of the Norwood Quarry, Minster application, Members of the Committee visited a similar waste facility in Bishops Cleeve, Gloucester. Prior to the determination of a number of controversial proposals the Committee undertook site visits.

Electronic Government

22. In December 2005, Northgate Information Systems acquired MVM, the company that provides the Group's computerised planning application system. Following the acquisition, the Company announced that it was to cease supporting the MVM 20/20 system currently used by the Group. Discussions are in hand to establish whether the

Company's alternative system is 'fit for the Council's purposes' or whether we need to investigate further alternatives.

23. In terms of e-government, some services are currently available electronically. The extent of information available electronically includes Committee reports, agendas and minutes, planning application forms, the development control and enforcement protocols, various planning guidance and a weekly list of applications received. Comments on planning applications can be sent electronically to individual case officers or to the Group's email account. In addition, many of the District Councils in Kent make available on their web-sites details of applications submitted to Kent County Council for determination, thereby making details available online to interested parties.
24. At present the County Council scores poorly against other County Council's in terms of e-government. The Pendleton Survey undertaken in December 2005 on behalf of the Office of the Deputy Prime Minister scores the County as 'Fair' (2nd of 4 possible ratings). The County Council scored in 12 of the 21 assessment criteria. There are a number of potential improvements that could be made to the service which would improve this score, although achieving a score of 20 or 21 (which would allow for the submission of applications electronically) would require a significant investment in IT resources. Any improvements pending the review of the current computerised system are potentially premature and arguably may result in poor use of resources.

Internal Audit

25. The Planning Applications Service was the subject of a review by Kent Audit in March 2006. A copy of the final report of its findings is awaited. Once this information is received I will report further to this Committee.

Staffing Issues

26. The preparation of the Minerals and Waste Development Frameworks has resulted in the diversion of 2 principal planning officers and partial diversion of the Group Head away from development control responsibilities. This diversion of resources away from development control is expected to continue into the current financial year and coupled with the recent resignation of two senior planning officers (SPOs) there is the potential for an adverse impact upon the development control service. The Group has successfully recruited two planning officers to replace the SPOs but was unable to backfill the posts with candidates with development control experience. As a consequence there will be a skills shortage at the SPO level for the foreseeable future. The Group is also looking to recruit (on a term contract) for an officer to assist on the Waste Development Framework.

Business Plan for 2006/07

27. Since April 2006, the Planning Applications Group forms part of the Strategy and Planning Division of the newly created Environment and Regeneration Directorate. As in recent years, the Annual Operating Plans (Business Plans) are approved by the relevant Cabinet Member. I therefore attach as an appendix a copy of the Plan for 2006/07 for information of Members of the Planning Applications Committee. In addition to setting out the purpose and outcome of the service, it sets out the performance indicators (page B.21 and B.22) and key projects for the current financial year.
28. In terms of specific projects for the Planning Applications Group, the following are of note:
- Work with SEERA and SERTAB on apportionment guidelines for recycled aggregates, hazardous waste and London's waste apportionment

- Progress Minerals and Waste Development Frameworks
- Influence the work of agencies involved in developing options for the management of nuclear waste with particular regard to the decommissioning of Dungeness A Power Stations
- New Statutory Monitoring regime for mineral and landfill permissions
- Review of the development control system and assess scope for e-government
- Training for this Members of this Committee and regular substitutes
- Customer satisfaction survey to meet BVPI 111 (undertaken every 3 years)
- Review of computerised planning application system following take over by Northgate Information Systems.

Conclusion and Recommendation

29. Despite the diversion of experience staff away from development control activities, the Group has performed well this year balancing the merits of controversial developments and the need for quality decisions against the performance targets.

Recommendation

30. Members are asked to endorse this report.

Case Officer : Sharon Thompson

Tel. No : 01622 696052

**STRATEGY AND PLANNING
ANNUAL OPERATING PLAN
2006/07**

Purpose and Outcomes of the Service

The Strategy and Planning Division has a central role in developing policy for the County and in influencing, on behalf of KCC, policy development at international, national, regional and local level. The Division also undertakes the Council's statutory Development Control and Enforcement function. The work, carried out in consultation with the public and key stakeholders, seeks to balance social and economic needs with the purpose of protecting and enhancing Kent's environment. In addition, the Division is responsible maximising the net inflow of European funds to the County.

Our mission is

"to set a vision and strategy for a dynamic and sustainable Kent and ensure its implementation for the benefit of Kent's communities and environment"

Our primary focus is the formulation and implementation of planning and transport policy including the Kent Environment Strategy and the Kent Economic Strategy, statutory minerals and waste frameworks, the determination of minerals and waste developments and County Council facilities and lobbying and influencing international affairs policy development.

International Affairs Group is responsible for

- providing intelligence on European policy affairs to support the work of KCC directorates and influencing the evolution of European policy
- helping to secure European funding for Kent and KCC
- strengthening and developing partnerships with external European organisations and other regions

Planning and Transport Strategy (including Environment and Economy) is responsible for

- formulating statutory planning and transport policy
- preparing and implementing the Kent and Medway Structure Plan, Local Transport Plan and Waste and Minerals Plans in support of the Kent Community Strategy and monitoring of these policies
- influencing the preparation of the Regional Plan and Sub Regional Studies in Kent's interests
- representing the Council's interests at public inquiries relating to transport and planning policies
- developing and co-ordinating implementation of the Kent Environment Strategy and the Kent Economic Strategy (Kent Prospects)
- delivery of Strategic Environmental Assessments (SEA) and Sustainability Appraisals (SA) of relevant plans and strategies
- influencing national and regional policy on Kent's behalf for planning, transport and environment
- influencing and commenting on District Local Development Frameworks

Planning Applications is responsible for

- determination of planning applications for minerals and waste management facilities
- determination of applications for the Council's own developments (education, social services and transport infrastructure)
- monitoring of minerals and waste development against its planning permission and where appropriate taking enforcement action
- representing the council at appeals and in court relating to the above functions
- acting for client on preparation of the emerging Minerals and Waste Development Documents
- determination of submissions under the Channel Tunnel Rail Link Act (CTRL) and where necessary to act as consultee to District and Borough Councils
- advising County Council on minerals, waste and wider development control matters, including officer input into County Council's Select Committees
- influencing policy, guidance and good practice relating to the above at national, regional and local level

- providing officer input to various Community Liaison Groups for active minerals and waste site
- acting as consultee to various permits and licences issued by the Environment Agency

Legislative Context

The legislative framework for the Division's work is contained within the Town and Country Planning Act 1990 as amended, the Planning and Compensation Act 1991, the Planning and Compulsory Purchase Act 2004, the Environment Act 1995, the Channel Tunnel Rail Link Act 1996, the Transport Act 2000, Energy Act 2004, Waste Emissions Trading Act, Local Government Acts 1972, 2000 and 2003, Environmental Assessment of Plans and Programmes Regulations (2004), other principal transport and environmental legislation, European Waste Directive and all associated Regulations and Statutory Instruments and Orders.

The work of the International Affairs Group is set within the European Policy Framework for Kent and is consistent with Kent objectives within the Vision for Kent, Public Service Agreement and the Kent Economic Strategies.

POLICY CONTEXT AND LEAD ROLES

User Feedback

In developing policy and strategies, we engage in extensive consultation with the public, our partners and stakeholders. We carry this out through focus groups, workshops and written and electronic public consultation. During 2005/06 the Division undertook and led on several consultations. Appended to this business plan is a full list of these consultations showing the policy area, timescales, organisations involved and the lead officer. (Appendix 1)

Partnership Working

The division works in collaboration with other partners in the public, private and voluntary sectors. Partnership working enables two-way dialogue to receive views and inform strategy and policy. The Division seeks to influence development and implementation of strategic policies impacting on Kent. Particular focus is on joint working with Kent and International partners in Europe, plus the Commonwealth of Virginia USA.

Policy Drivers

KCC Strategies

Community Plan - The Vision for Kent

The Division's work supports the development and delivery of the Vision for Kent Community Strategy and especially contributes to all themes through its policy formation and determination of planning applications functions. The Division also provides support in the form of Theme Leaders for Transport, Economy and Environment themes.

Towards 2010 (T3)

The Division will fully contribute to T3 targets currently being developed.

Supporting Independence Programme (SIP)

The Division's work on reviewing, updating and developing Kent Partnership and KCC led strategies aims to provide policy to support the achievement of SIP objectives and Kent Agreement outcomes. In particular the Division provides a key role in linking strategic priorities across KCC directorates and between partners, through its policy development and influencing role.

Kent Local Area Agreements (LAA and PSA2)

The Kent LAA comprises the Local Area Agreement (LAA) and the Local Public Sector Agreement (PSA2), and provides a framework for increased local autonomy for decision-making and resource allocations. The Division will input to most targets, but will in particular have a key role in developing and co-ordinating frameworks for the following blocks and outcomes:

Block 2: Safer and Stronger Communities:

Outcome 9: To make Kent a safer place in which to work, live and travel

Outcome 14: Cleaner and greener public spaces

Block 3: Healthier Communities and Older People

Outcome 15: To promote independence through employment for those who are able to work

Block 4: Economic Development and Sustainable Communities

Outcome 8: To develop the economic prosperity of Kent

Outcome 13: To increase the capacity of local communities so that people are empowered to participate in local decision-making and are able to influence service delivery

Outcome 17: To improve Kent residents' access to homes of excellent quality, in the right place, at the right time and at the right costs

Public Service Agreement (PSA)

The Division's work supports priorities in the PSA2, specifically quality regeneration and growth in Kent.

Housing Strategy

Kent is facing major development over the next 10-15 years with an estimated 100,000 new homes planned for the County. The Division's role is to guide the scale of and location of development and to assess the impact of planned development / house building programmes. In addition, to lead Planning input to a joint County/District approach to housing strategy that complements objectives in KMSP, Vision for Kent, Kent Economic Strategy and Kent Environment Strategy.

Statement of Community Involvement (SCI)

The SCI sets out the County Council's proposals for stakeholder and public involvement in the emerging Minerals and Waste Development Frameworks and in considering planning applications for minerals and waste development.

Other Business Plans

Successful delivery of this plan will also rely on making appropriate links to business plans in other Strategic Planning Divisions and other Directorates and in making sure these divisions/units are able to link into both our work activity and the broader strategic objectives of the County Council.

National Drivers:

Planning and Compulsory Purchase Act 2004

The Planning and Compulsory Planning replaces the current Development Plan System with a new two-tier system of Regional Spatial Strategies, (which includes sub-regional policies) and Local Development Frameworks. The Act also places a statutory duty on County Councils to support the preparation of regional spatial strategies including the formulation of proposals for constituent sub regions.

The preparation of Minerals and Waste Development Framework including an Annual Monitoring Report (AMR) remains a statutory duty of the County Council, replacing the former Minerals and Waste Local Plans. Details of the plan making process for minerals and waste development and relevant timescales are set out in the Kent Minerals and Waste Development Scheme approved by the Government.

Strategic Environmental Assessments and Sustainability Appraisals (SEA/SA)

This is a legislative requirement to undertake SEA/SA for all major strategies to ensure that they deliver on environmental protection and sustainable development principles. The Division leads development of a framework to co-ordinate quality and consistency across Environment and Regeneration Directorate

Income Generation

Income derives mainly from fees for planning applications and Service Level Agreements (SLAs) with other organisations for work carried out by International Affairs Group. Government set planning application fees nationally and we have no influence in determining the final charges. SLAs are re-negotiated annually with partner organisations. In 2005/06 prices were raised 20% following a five-year period during which prices had remained static. Government also allocates a Planning Delivery Grant to local authorities based on performance against a range of measures. It is difficult to calculate with certainty, the amount of grant the Division will receive as the performance measures used by Government vary considerably each year.

Moreover, the Division, through its LTP work levers in £68.4m for spending on capital transport programmes. Kent receives one of the largest Government allocations for capital maintenance and in 2006/07 received the highest

increase for allocation for smaller schemes up to £5m.

Risk Management

We record risks and mitigating actions to manage them, on a Directorate-wide risk register that is regularly reviewed. Risks are scored against a matrix measuring their impact and likelihood. Within Strategy and Planning, we have identified four risks with a medium rating. These are:

- Planning application decisions or enforcement action subject to successful legal challenge or Council decision overturned on appeal
- Failure to comply with approved dates within Minerals and Waste Development Scheme risking Planning Development Grant
- Failure to secure sufficient government funding through the LTP or rate support grant, and therefore have to reduce necessary transport infrastructure investment
- Loss of European influence and funding

In 2006/07, we will be working to implement a Business Continuity Plan to ensure our services can quickly recover from a major emergency.

Equality Statement

KCC is committed to ensuring equality of opportunity and supporting diversity within the organisation and through policy development and service delivery. The Division will work towards meeting and consolidating compliance to level two of the Equalities Standard for Local Government.

ISO 14001

KCC recognises that its activities and services have an impact upon the environment. As such, we are committed to identifying, monitoring and reducing these impacts to ensure we meet or exceed all environmental legislation. ISO14001 is the international standard for environmental management and all clauses must be met to ensure and maintain certification. The Environment and Regeneration Directorate will seek to achieve ISO14001 status and lead the way to sharing best environmental practice.

Summary of performance in 2005/06

- The Division achieved simultaneous delivery of major strategic documents on behalf of the County
- All deadlines for production and consultation on major community, planning and transport plans were met. These include The Vision for Kent, Kent and Medway Structure Plan and Local Transport Plan.
- The review of Kent Prospects to take it forward from 2006 to 2012 is at an advanced stage, with a consultation draft out for consideration during March 2005, and the final versions scheduled for launch on July 2006
- The Provisional LTP and APR were submitted in July 2005 and secured over £46m funding allocations - by far the highest in the South East
- The APR 2005 report rating improved from 64% (average) to 84% (good) allowing increased integrated transport funding borrowing approval by £900k
- The 2006-2011 full Local Transport Plan was published in March setting out a five-year small scheme investment programme of over £60m
- New franchisee for the Integrated Rail Franchise selected and high level and range of domestic services on the CTRL secured
- The review of the Vision for Kent has been brought forward from 2007 to 2005 and a first draft was formally launched at the Kent Partnership Conference in November after extensive stakeholder engagement
- A progress report on the Kent Environment Strategy was published in March 2006 and launched at the 2nd Kent Environment Conference, which was addressed by Environment Agency Chairman Sir John Harman
- Successful recruitment has enabled the Division to begin meeting statutory obligations in respect of Sustainable Assessment work for all major strategies
- The Division has determined 300 planning applications and a further 300 submissions for details pursuant to conditions. No decisions were challenged or made the subject of an upheld Ombudsman complaint.
- Planning applications data for the first three quarters of 2005/06 show 82% of planning applications for the County Council's own development were decided within 13 weeks, significantly exceeding the 65% target figure.
- Determination of minerals and waste development applications are controversial. In the same period data, shows 63% were decided within 13 weeks against a target of 70%. Four applications took more than one year to process due to complexity of issues raised, the need for legal agreements and referral of the application to GOSE. The diversion of three officers from development control casework to prepare the Minerals and Waste Development Framework is also impacting on the development control service
- The Division has been successful at influencing emerging policy and good practice including the new PPS10 (Planning and Sustainable Waste Management). Officers gave evidence to the County Council's Member Select Committee on Ashford Future - Water Resources and Cabinet Briefings on Water Policy for Kent
- Good progress has been made in preparing the Minerals and Waste Development Frameworks and the first Annual Monitoring Report was submitted to GOSE in December.
- The Division has provided planning guidance to other Directorates which has assisted in the wider delivery of Corporate policy initiatives including Building Schools for the Future Programme, PFI Social Care Housing, *Fastrack* and East Kent Access and advice on Thames Gateway and Kent Design
- Planning Applications Group won important appeals at 2 sites in Detling and received confirmation of a number of Enforcement Notices

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- The Division has maintained EU policy leads in respect of future of EU programmes such as Interreg and the future management of Structural Funds to the long-term benefit of KCC and Kent
- New international partnerships have been forged with Eastern European countries particularly Hungary and Latvia.
- Business Support Team awarded Team Bronze Quality Service Award in June

Appended to this plan is a full monitoring report for 2005/06 activity. (Appendix 2)

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Revenue Budget (from finance)

| 2005-06 Controllable Expenditure £'000 | FTE | Activity/budget line | 2006-07 | | Running Costs £'000 | Contracts & Projects £'000 | Gross Expenditure £'000 | External Income £'000 | Internal Income £'000 | Controllable Expenditure £'000 | Cabinet Member |
|---|-----|---|-------------|--------------------------------|-------------------------------|---|-----------------------------------|---------------------------------|---------------------------------|--|-------------------|
| | | | FTE | Employee Costs £'000 | | | | | | | |
| | | Development Planning | 12.5 | 598.5 | 11.8 | 372.7 | 983.0 | 94.0 | 0.0 | 889.0 | GG |
| | | Planning Applications | 25.2 | 916.0 | 219.0 | 0.0 | 1135.0 | 84.0 | 224.0 | 827.0 | GG |
| | | International Affairs Group | 8.0 | 363.2 | 102.8 | 0.0 | 466.0 | 145.0 | 0.0 | 321.0 | AK |
| | | Transport Planning | 6.5 | 295.2 | 7.8 | 224.0 | 527.0 | 0.0 | 0.0 | 527.0 | KF |
| | | Total Divisional Budget | 52.2 | 2172.9 | 341.4 | 596.7 | 3111.0 | 323.0 | 224.0 | 2564.0 | |
| | | Controllable Totals | | | | | | | | | |
| | | Divisional Director and PA ¹ | 2.0 | 151.9 | 1.1 | 0.0 | 153.0 | 0.0 | 0.0 | 153.0 | |
| | | Central Overheads | | | | | 1033.0 | | | 1033.0 | |
| | | Directorate Overheads | | | | | 196.0 | | | 196.0 | |
| | | Capital charges | | | | | | | | | |
| | | Total Cost of Unit | 54.2 | 2324.8 | 1571.5 | 596.7 | 4493.0 | 323.0 | 224.0 | 3946.0 | |

¹ Appear in controllable budget of Resources Group

CORE SERVICES AND FORECAST ACTIVITY LEVELS

The approval of this business plan will delegate authority to the County Planning Officer, to carry out business operations; initiate new projects, developments and service improvements within the overall budget set out in sections below.

International Affairs Group - Accountable Officer: Marie Dancourt-Cavanagh

1. Provide information, intelligence and advice about EU policies and funding opportunities of relevance to KCC and partner organisations
2. "Mainstream" the European dimension into all relevant aspects (policy and service delivery) of KCC activities
3. Influence European policy and future EU funding programmes on behalf of KCC Directorates and partner organisations in Kent
4. Work with KCC and partner organisations to develop Kent as a Centre of Excellence on European/International Affairs.
5. Strengthen and develop strategic partnerships with other organisations in Europe and internationally.
6. Provide a strong representation for Kent interests in Brussels and play a continued lead role in the activities of South East England House
7. Lead and co-ordinate KCC's and Kent's participation in the current INTERREG III Programmes: (cross-border, inter-regional and transnational)
8. Lead KCC's preparation for deployment of Structural and other Funds under the EU budget round for 2007-2013

Transport Planning - Accountable Officer: Mick Sutch

1. Monitor progress of the delivery of the LTP through the Annual Progress Report. Ensure that schemes brought forward by KHS fully reflect the LTP's objectives by introducing prioritisation methodology.
2. Influence European, national and regional transport policy in Kent's interest, In particular:
 - ensure Kent's preferred pattern of domestic services on the CTRL is agreed and implemented
 - lobby for improved rail services in Kent generally
 - assist the transfer of goods to rail freight
 - ensure Kent's views prevail in the planning of motorway and trunk road schemes
 - lobby for Kent's interests in the development of national and regional ports policy
 - lobby to ensure Kent's view on National and Regional Airports policy prevails at Gatwick and in the growth of air services and employment at Manston and Lydd
 - lobby for solutions to the growing problems with international road freight
3. Monitor traffic flow and travel trend data in the County to inform Kent's transport policies and to ensure that the Local Transport Plan best meets the needs of Kent's residents and users of the county's transport systems
4. Ensure that a coherent Kent view on the development of cross Channel links and supporting infrastructure is established and that Kent's requirements are made known particularly through the Kent Ports Liaison Group
5. Provide advice to area-based teams and other Directorates on transport planning strategy and

implementation

Development Planning - Accountable Officer: Mick Sutch

1. Influence national and regional planning policy in Kent's interest. Co-ordinate, either directly or through joint working, all consultations that have a relationship to planning, transport, regeneration, environment and economic strategies
2. Develop and agree a protocol with the Regional Assembly guiding KCC's work in connection with the Regional Strategy
3. Respond to consultation on the submitted versions of the South East Plan and secure Kent's best interests at the Examination in Public.
4. Adopt and publish the Kent and Medway Structure Plan before July 2006.
5. Support preparation of Minerals and Waste Local Development Documents in accordance with Planning Minerals and Waste Development Scheme.
6. Deliver SEA and SA or relevant plans and Strategies
7. Influence Development Planning Documents policies prepared by the 12 District planning authorities so that they are compatible with Kent's overall strategy and act to influence decisions on major planning applications
8. Monitor progress and impact of the existing and emerging Structure Plan in conjunction with Strategic Planning Analysis and Information Team (SPAIT)

Environment and Economic Strategies- Accountable Officer: Leigh Herington

1. Develop, co-ordinate and monitor implementation of Kent's Environment Strategy and related activity.
2. Develop co-ordinate and monitor implementation of Kent's Economic Development and Regeneration Strategy and related activity.
3. Develop and support joint working across the directorate and in particular support the work of the Kent Partnership and delivery of the Vision for Kent
4. Contribute to the delivery of the LAA in particular outcome 8
5. Develop the County Council's approach to climate change and water resources

Planning Applications - Accountable Officer: Bill Murphy

1. Determine planning applications for minerals, waste and County Council development in accordance with the Development plan and other material planning considerations. Estimate 400 applications and a similar number of submissions to satisfy planning conditions during 2006/07.
2. Undertake pre-application discussions with applicant as required and where necessary carry out scoping and screening processes in accordance with Environmental Assessment legislation.
3. Undertake preparation of Minerals and Waste Development Frameworks in accordance with Planning Minerals and Waste Development Scheme
4. Monitor compliance with planning permissions. Work in accordance with emerging statutory monitoring

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scheme for mineral and selected waste management development. Take appropriate enforcement action where breaches of planning control have taken place in accordance with the Council's approved Enforcement Protocol.

5. Comment on behalf of the County Council on draft waste management licences and IPPC permits and variations to existing waste management licences issued by the Environment Agency (approximately 30 per annum)
6. Represent the County Council on various national, regional and local partnerships and specialist working groups relating to the group's activities. Provide officer input to Community Liaison Groups for active minerals and waste sites (approximately 10 sites) and key new Community Developments (e.g. school academies).
7. Provide advice and training to Members and officers on development control, planning enforcement and monitoring functions. Raise Member's awareness of the policy content of the emerging minerals and waste development framework.
8. Determine any revisions to planning submissions under the CTRL Act 1996 and advise District Councils of the views of the County Planning Authority on reserved matters under the Act. Estimate to be less than 5 during 2006/07.

Management - Accountable Officer: Leigh Herington

1. Support Investors in People (IiP) through staff development and appraisal and internal communications (team building, focused training, staff briefings). In 2006/07 KCC will undergo an external re-accreditation process against the revised IiP Standard.
2. Support and encourage participation in Environment and Regeneration Directorate's Peoples Groups, In particular lead the Directorate's work on Health and Safety. In 2006/07 work to achieve level 2 of the Equality Standard for Local Government.
3. Promote cultural change in line with the Directorate vision. Develop and review services in line with continuous improvement and KCC's Performance Review Programme.
4. Manage reputation of the Division (thereby the Directorate and KCC) across internal and external audiences through marketing, communications events co-ordination
5. Respond positively to customer enquiries and complaints.
6. Manage Divisional budget and ensure budget managers are compliant with and understand corporate guidelines
7. Ensure the work and outputs of the Division are made known to the Local Boards as appropriate to each District area and to involve the Boards in consultation

PROJECTS, DEVELOPMENTS, KEY ACTIONS

| Project/development/key action | a/c manager | Links to other plans | Deliverables or outcomes planned for 2006/07 | Target dates |
|---|--|------------------------------|--|--|
| Policy/Strategy | | | | |
| Develop and publicise an International Strategy for Kent | Marie Dancourt Cavanagh | V4K, PSA2 | <ul style="list-style-type: none"> Publicise strategy as reference document for international activity undertaken by KCC and Kent organisations | March |
| Influence development of future Structural Funds post 2007 and maintain Kent in its lead position on regional policy in the South East region | Ron Moys Richard Tuffs | V4K, PSA2 | <ul style="list-style-type: none"> Future Co-operation and Competitiveness programmes in line with Kent's interests, in particularly cross-border co-operation and URBAN) | March |
| Co-ordinate activity across Kent for European affairs/international work and develop it into a Centre of Excellence | Marie Dancourt Cavanagh, (Ron Moys Richard Tuffs) | V4K, PSA2 | <ul style="list-style-type: none"> Establish network/contact group | March |
| Review Regional Economic Strategy (RES) 2006 - 2016 | Steve Arnett | LAA KP | <ul style="list-style-type: none"> Prepare review and report on impact of RES on Kent | May - June |
| Influence the South East Plan in the best interests of Kent | Tim Martin, Richard Feasey | V4K, SERP | <ul style="list-style-type: none"> Response to consultation draft Lobby on behalf of KCC interest Preparation for and attendance at Examination in Public | June 2006/07 November - March |
| Advise SEERA on Sub-regional Investment Framework | Tim Martin | RES | <ul style="list-style-type: none"> Influence Regional Strategy | 2006/07 |
| Joint work with SEERA and SERTAB , in particular apportionment guidelines for recycled aggregates, hazardous waste and London waste apportionment | Bill Murphy | KMSP MDF WDF | <ul style="list-style-type: none"> Influence apportionment figures in Kent's interests to feed into Minerals and Waste Development Frameworks | Date will be determined by Regional Body |
| Maximise Government funding for transport capital projects via submission of Annual Progress Report (APR) | Tim Read | V4K, LTP, KMSP, SIP | <ul style="list-style-type: none"> Submission of APR Government decision on funding for maintenance and integrated transport schemes | July December |
| Respond to Government progress report on Airports White Paper and Ports Strategy | Mick Sutch | | <ul style="list-style-type: none"> Influence Government strategy | Date determined by Government |
| Progress Kent's Development Plan | Richard Feasey | V4K | <ul style="list-style-type: none"> Adoption of KMSP | May |
| Progress Minerals Development Framework to balance the adequate supply of minerals with the need to protect the environment | Richard Feasey, Bill Murphy | V4K KMSP SEP | <ul style="list-style-type: none"> Produce Preferred Options and Proposals paper for consultation and draft SA report Produce Submission Document and final SA report for GOSE Preparation and review of Annual | March - April November October - |

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| Project/development/key action | a/c manager | Links to other plans | Deliverables or outcomes planned for 2006/07 | Target dates |
|--|-----------------------------|-------------------------------------|--|--|
| | | | <ul style="list-style-type: none"> Monitoring Report (AMR) Submission of AMR to GOSE Following AMR process, review and where necessary revise Development Scheme Continue to meet BVPI 200 | November December March March |
| Progress Waste Development Framework to balance the adequate disposal of waste with the need to protect the environment | Richard Feasey, Bill Murphy | V4K KMSP SEP | <ul style="list-style-type: none"> Produce Preferred Options and Proposals paper for consultation and draft SA report SA report of Joint Municipal Waste Management Strategy Produce Submission Document and final SA report Preparation and review of Annual Monitoring Report (AMR) Submission of AMR to GOSE Following AMR process, review and where necessary revise Development Scheme Continue to meet BVPI 200 | March - April September November October - November December March March |
| Wye - Imperial College Development | Leigh Herington | SEP, Ashford LDF, LTP, LAA | <ul style="list-style-type: none"> Consideration of Imperial's Development proposal at key stages in South East Plan preparation and at key stages of Ashford's LDF Assessment of submitted planning application | November - March May - March Determined by application receipt |
| Review and publish revised Kent Prospects Strategy (improving economic well-being of Kent and meet LAA outcome 8, Block 4) | Steve Arnett | V4K, LAA, K- WPG, SIP | <ul style="list-style-type: none"> Consultation period for draft strategy Final draft publication and launch Delivery events (subject to budget) | April - June July July - December |
| Review of LAA outcome 8, Block 4 to increase number of jobs in Kent and ongoing support | Steve Arnett | V4K, LAA, K- WPG, SIP | <ul style="list-style-type: none"> Updated outcome 8 delivery plan | April - June |
| Deliver 2007 progress reporting on Kent Environment Strategy | Peter Moore | V4K, KMSP, LTP | <ul style="list-style-type: none"> Publish progress report and launch at 3rd Kent Environment Conference | March |
| Develop KCC strategy for climate change including ecological foot-printing | Peter Moore | | <ul style="list-style-type: none"> Delivery of specific programme of activity agreed at February Cabinet meeting | 2006/07 |
| Develop KCC strategy for sustainable management of water resources | Peter Moore | V4K, KMSP | <ul style="list-style-type: none"> Paper for Cabinet Briefing | February |
| Influence the work of agencies involved in | Bill Murphy | | <ul style="list-style-type: none"> Ensure representation on key working groups and influence | 2006/07 |

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| Project/development/key action | a/c manager | Links to other plans | Deliverables or outcomes planned for 2006/07 | Target dates |
|---|--|----------------------|---|------------------------------|
| developing options for the management of nuclear waste with particular regard to the decommissioning of Dungeness A Power Station | | | emerging strategy | |
| Influence District Council Plans Review and Local Development Frameworks to reflect KCC policies | Richard Feasey | KMSP | <ul style="list-style-type: none"> Respond to consultations received (Expect to receive consultations from 10 Districts during 2006/07) | 2006/07 |
| Monitoring of Mineral and Landfill Permissions - statutory function from April 2006 | Bill Murphy | | <ul style="list-style-type: none"> Consultants report on options for introducing a charging regime including resource implications | Summer |
| Partnerships | | | | |
| Maintain an active and strategic partnership with Nord-Pas-de-Calais (NPdC) region | Marie Dancourt Cavanagh Ron Moys | | <ul style="list-style-type: none"> Work programme for co-operation agreement delivered Renewed links with the Regional Council for NPdC Development of a partnership with Dunkerque and SMCO | August 2006/07 2006/07 |
| Implement the work programme developed as a result of the renewed partnership with Bacs Kiskun | Ron Moys | | <ul style="list-style-type: none"> Strategic Innovation Gateway Network (SIGN) project underway | March |
| Corporate work | | | | |
| Match KCC priorities with key EU policy, legislation and funding opportunities | Richard Tuffs, Ron Moys | V4K, PSA2 | <ul style="list-style-type: none"> Table of key EU policy, legislation and funding developments against relevant KCC priorities | March |
| Projects | | | | |
| Lead and actively participate in the current Interreg IIIA programme | Ron Moys | | <ul style="list-style-type: none"> Continued strong representation of Kent projects in the programme | December |
| Produce Congestion Plans | Tim Read | | <ul style="list-style-type: none"> Plans for 10 principal urban areas produced | December |
| Influence the new franchisee of the Integrated Kent Franchise in the best interests of Kent | Mick Sutch | LTP | <ul style="list-style-type: none"> Agree Memorandum of Understanding with GoVia | June |
| Influence major road and rail proposals by other agencies in the best interests of Kent | Mick Sutch | KMSP, LTP | <ul style="list-style-type: none"> Press for urgent examination of Lower Thames Crossing and Junction 5 schemes Press for implementation of M25, A2 and A21 schemes Press for extension and early delivery of Crossrail and Thameslink schemes | 2006/07 |
| Review of the development control system and assess scope for improvements for e-gov | Bill Murphy | E-gov | <ul style="list-style-type: none"> Identification and costing of potential improvements to the Development Control service leading to a higher Pendleton score | 2006/07 |

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| Project/development/key action | a/c manager | Links to other plans | Deliverables or outcomes planned for 2006/07 | Target dates |
|---|--|----------------------|--|--------------------|
| Information and Communications | | | | |
| Promote IAG activities in KCC to increase awareness and understanding of how EU policy affects service delivery | Marie Dancourt Cavanagh, Richard Tufts, Ron Moys | V4K, PSA2 | <ul style="list-style-type: none"> Briefing and information sessions for KCC Requests for information / support | 2006/07 2006/07 |
| Management and Development | | | | |
| Implement management actions arising from Business Continuity Plan | Leigh Herington | | <ul style="list-style-type: none"> Deliver actions identified in risk and issues register | March |
| Implement actions from Investors in People Action Plan | Leigh Herington | Staff Strategy | <ul style="list-style-type: none"> KCC retains liP accreditation | November |
| Ensure all Members of the Planning Applications and Regulation Committees and agreed substitutes receive prior and continuing training to improve decision making | Bill Murphy | | <ul style="list-style-type: none"> Comprehensive package including briefing on new legislation, awareness of minerals and waste issues and a tour of key sites | 2006/07 |
| Customer Satisfaction Survey to meet BVPI 111 requirements | Bill Murphy | BVPI 111 | <ul style="list-style-type: none"> Report from independent research resource on satisfaction levels | December |
| Determine mechanisms and resource to ensure currency and accuracy of web site information | Shirley Smith, Shivaun Riley | | <ul style="list-style-type: none"> Subject to training and web team availability protocol for updating web information agreed for implementation | September |
| Review of computerised planning application system following take over by Northgate Information Systems in December 2005 | Bill Murphy | BVPI | <ul style="list-style-type: none"> Implement outcome of review process including possibility of tender for alternative system | 2006/07 |
| Review with SPAIT work needed to support KCC strategic function | Tim Martin | | <ul style="list-style-type: none"> Provision of evidence supporting KCC's interests at South East Plan Examination in Public and in advice to Regional Assembly | November - March |
| Continue to secure external income from Service Level Agreements with Kent based organisations | Ron Moys, Richard Tufts | | <ul style="list-style-type: none"> £100k income secured | Summer |

KEY PERFORMANCE INDICATORS

| Indicator | Actual performance 2004/2005 | Estimated performance 2005/06 | Target 2006/07 |
|--|------------------------------|-------------------------------|---|
| NATIONAL INDICATORS | | | |
| BVPI 109 - Percentage of planning applications, excluding those involving an environmental assessment, determined within 13 weeks | 69% | 63% ² | 70% |
| BVPI 111 - Percentage of planning applicants who were satisfied with the service received (collected 3-yearly) | Not collected | Not collected | To maintain previous figure of 92% net satisfaction |
| BVPI 200 - Plan-making | | | |
| a. Did the local planning authority submit the Local Development Scheme (LDS) by 28 March 2005 and thereafter maintain a 3-year rolling programme? | Not Applicable | Yes | Yes |
| b. Has the authority met the milestones that the current LDS sets out? | Not Applicable | Yes | Yes |
| c. Did the local planning authority publish an annual monitoring report by December of the last year? | Not Applicable | Yes | Yes |
| LOCAL OPERATIONAL INDICATORS | | | |
| Percentage of land for <i>housing completions</i> during the year on previously developed land (N4Ys) | 76% | Not Available ³ | 70% |
| Percentage of land newly <i>allocated</i> for housing development on: | | | |
| <ul style="list-style-type: none"> • Previously developed land • Greenfield sites (N4Ys) | None ⁴ | None | Sub indicator of above |
| Percentage of dwellings built in: | | | |
| <ul style="list-style-type: none"> • Towns and villages (incl. Peripheral sites) • Countryside (N4Ys) | 85% 15% | Not Available ² | Sub indicator of above |
| Local Transport Plan Settlement £M Major schemes | | | |
| <ul style="list-style-type: none"> • Block allocation | £24.6m (Majors £8.7m) | £26.3m (Majors £8.8m) | £30.3m (Majors £16.1m) |
| Local Transport Plan rating (out of 85 authorities) | 62 | 69 | 84 |

² Figure based on data for April 05 to December 05

³ Collection of data is annually in arrears. 2005/06 data is not available until October 2006

⁴ Allocated land, whether it is employment or housing is required to be identified in a District Plan before it is included for monitoring purposes. Local plans are governed by statutory requirements and can take several years to adopt and once adopted last for several years. As a consequence of the new planning arrangements introduced by the 2004 Planning Act no new local plans / local development documents came forward during 2005/06

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| Indicator | Actual performance 2004/2005 | Estimated performance 2005/06 | Target 2006/07 |
|--|--|-------------------------------|----------------|
| Percentage of planning applications determined or resolved to permit within 13 weeks from receipt of valid application | Not collected. New indicator for 2005/06 | 59% | 75% |
| Percentage of county matters applications determined within 10 weeks (including EIA development) | 47% | 38% | 50% |
| Percentage of county matters applications determined with 16 weeks (including EIA development) | 73% | 62% | 70% |
| Average time taken to determine all applications for the Council's own development proposals | 9.54 weeks | 9 weeks | < 12 weeks |
| Percentage of applications for the Council's own development proposals determined within 13 weeks | 87% | 82% | 65% |
| Percentage of planning applications acknowledged within 3 working days of receipt | 100% | 94% | 100% |
| Percentage of applicants advised of case officer dealing with application within 10 working days | 100% | 94% | 100% |
| Corporate Indicator BVPI 8: Payment of invoices within 30 days | N/A | 90% | 95% |

Consultation Log 2006/07

| Consultation Subject | Timescale | People/Organisations Involved | Reason | Contact name |
|---|---|---|---|--------------------------------|
| Kent Prospects | March - June | Districts, Growth Area delivery Boards, Area Partnerships, LSPs, Kent Partnership organisations, businesses, FE/HE sector, Voluntary Sector, Public, KCC Directorates | To influence final draft | Steve Arnett |
| Kent and Medway Structure Plan | April - May | Stakeholders and public | Statutory consultation before formal adoption | Richard Feasey |
| Kent Minerals and Waste Development Frameworks | April - June (possibly two consultations) | Stakeholders and public | Inform preparation of submission document | Richard Feasey and Bill Murphy |
| | November - January | As Above | Inform participants of issues for 2007/08 Examination in Public | |
| Kent Mineral and Waste Annual Monitoring Report | September - November | Stakeholders and public | Inform final report | |
| Consultation on Deposit South East Plan organised by GOSE | April - June | KCC, local authorities, Stakeholders and Public | KCC will make its own response and consult as appropriate with Kent local authorities. Issues identified may be pursued at the Examination in Public (November 2006 - March 2007) | Tim Martin |
| Planning Applications Customer Survey Consultation | | Service users | Meet BVPI 111 requirements to canvass customer satisfaction | Bill Murphy |

7. STAFFING SUMMARY

| | 2005/06 | 2006/07 ⁵ |
|---|---------|----------------------|
| J and above or equivalent (FTEs) | 5.0 | 6.0 |
| I and below (FTEs) | 26.0 | 48.2 |
| TOTAL | 30.0 | 54.2 |
| | | |
| Of the above total, the estimated FTE which are externally funded | 0.5 | 0.5 |

⁵ Increase in staff numbers due to internal restructure

Strategy and Planning People Chart

Divisional Director: Leigh Herington - extn 1600
PA Alex Bernard - extn 1601

Planning Applications
Planning applications, development control, monitoring and enforcement
Group Manager: Bill Murphy-
Extn 6131

Principal Planning officers Extn

| | |
|-----------------|------|
| Jerry Crossley | 1052 |
| Mike Clifton | 1054 |
| Robin Gregory | 1067 |
| Mike Hare | 1055 |
| Sharon Thompson | 6052 |
| Jim Wooldridge | 1060 |

Senior Planning Officers

| | |
|----------------------|------|
| Mark Funnell | 1058 |
| Andrea Hopkins (p/t) | 1056 |
| Paul Hopkins | 1051 |
| Lucy Owen | 1053 |
| Angela Watts | 1059 |

Planning Officers

| | |
|----------------------|------|
| James Bickle | 1068 |
| Mary Green | 1066 |
| Anna Michalska-Dober | 6979 |
| Julian Moat | 6978 |
| Helena Woodcock | 1063 |

Enforcement and Monitoring

| | |
|---------------|------|
| Alan Goodison | 1065 |
| Hazel Mallett | 1075 |
| Rod Maloney | 1064 |

Transport and Planning
Policy, Minerals and Waste, Structure Plan, Local Transport Plan, Regional and Sub-regional Strategies
Group Manager: Mick Sutch - Extn 1612

| <u>Planning</u> | Extn | <u>Transport</u> | Extn |
|-----------------------|------|------------------|------|
| Richard Feasey | 1611 | Tim Read | 1602 |
| Tim Martin | 1618 | Darren Cook | 1613 |
| Julian Dipper | 1607 | James Lewis | 1614 |
| Patrick Feehily | 6960 | John Luckcock | 1616 |
| Jo Florey | 1605 | Rob Smith | 1050 |
| Martin King | 1606 | | |
| Graham Philips (sec.) | | | |
| Liz Shier | 1505 | | |
| Vacancy (f/t) | | | |

Economy & Environment
Strategy development and implementation

| | |
|--------------|------|
| | Extn |
| Steve Arnett | 1938 |
| Peter Moore | 1983 |

International Affairs Group
EU Policy, EU Frameworks, Funding, Partnerships
Group Manager: Marie Dancourt-Cavanagh -
Tel: 00 322 504(0752)

| <u>Maidstone</u> | Extn | <u>Brussels</u> | Tel 00 322504 (then) |
|------------------------|------|------------------|----------------------|
| Ron Moys | 1943 | Richard Tuffs | 0754 |
| Alice Chapman-Hatchett | 1945 | Suzanne de Steur | 0750 |
| Steve Samson | 1944 | Nadia Elhaggagi | 0766 |
| Shirley Smith | 4046 | Dafydd Pugh | 0759 |

Business Support
Business development, administrative support, technical planning applications assistance

Minerals and Waste Extn

| | |
|---------------|------|
| Shivaun Riley | 6908 |
|---------------|------|

Planning Applications Extn

| | |
|-------------------|------|
| Richard Bore | 1071 |
| Angela Arnold | 1070 |
| Sue Brownfield | 1061 |
| Christine Coppock | 1070 |
| Gill Johns (p/t) | 1062 |
| Ann Manston | 6100 |

Strategy*

| | |
|-----------------|------|
| Barbara Sacher | 1609 |
| Theresa Warford | 1927 |

*Shared resource with Regeneration and Economy and Change and Development

Consultation Log 2005/06

| Details of consultation/ satisfaction survey/review | Timescales Start/Finish | People/Orgs involved | Basis for conducting work / How we will use the information | Contact Name |
|---|---|--|--|--------------------------------|
| Vision for Kent Review | April 05 -June 05 Nov 05 - March 06 | Key stakeholder events and workshops including on-line consultation with over 200 organisations, all districts and local boards Public, District Councils, Kent Partnership organisations, Businesses, Voluntary sector, Government organisations | To inform revision and development of Kent's Community Strategy | Frances Martin |
| Sustainability Reviews: ➤ Scope and detail of assessment ➤ Interim Sustainability Appraisal report ➤ SA report on Minerals and Waste Development Framework (MWDF) ➤ MWDF issues and options ➤ MWDF consultations | April 05 - May 05 Sept 05 - Nov 05 Jan 06 to Feb 06 Feb 06 - Aug 08 March 06, Aug 06 (plan publication)and Oct 06 (GOSE submission) | Designated bodies Public Designated bodies and public Key stakeholders and public Key stakeholders and public | Agree scope and detail of reviews Inform on process and draft SA Agree report Input to preferred options Process leading up to adoption of plan | Richard Feasey/Patrick Feehily |

| Details of consultation/ satisfaction survey/review | Timescales Start/Finish | People/Orgs involved | Basis for conducting work / How we will use the information | Contact Name |
|---|---|---|--|----------------|
| South East Plan Sub Regional Strategies for East Kent and Ashford and Kent Thameside Gateway and rest of Kent | 2005/06 - stakeholder engagement May 05 - Nov 05 formal public consultations Sept 05 - Oct 05 | Public and stakeholders | Underpin the policies for Kent sub regions in the South East Plan. Inform, influence and mobilise public support for policies in Kent's best interests | Tim Martin |
| Kent and Medway Structure Plan proposed modifications following EIP | July 05 - Sept 05 Jan 06 - Feb 06 | Public, Stakeholders, Respondents to EIP process | To take forward plan to formal adoption in December 05 (now Spring 06) | Richard Feasey |
| Review of Kent Prospects (Kent Economic Development Strategy) incorporating Kent's Economic Report and progress | April 05 - June 05 April 05, Jul 05, Oct 05, Nov 05 Jan 06 to March 06 | Stakeholder workshops Stakeholder workshops Stakeholders and public | Setting scene and context of review advisory group and review update To inform review Input to review | Steve Arnett |
| Local Transport Plan | April 05 - May 05 May - June 05 | Stakeholder panel Focus groups (hard to reach groups, socially excluded, possible SIP archetypes) Discussion groups (users, providers, geographical communities, district forums) As above on draft LTP Stakeholder panel | Agree objectives and parameters for research process and contribute to process design. To inform future transport infrastructure planning and development Consider results and implications of LTP for final plan (March 06) | Tim Read |

| Details of consultation/ satisfaction survey/review | Timescales Start/Finish | People/Orgs involved | Basis for conducting work / How we will use the information | Contact Name |
|---|-------------------------------------|--|--|--------------------------------------|
| | Sept 05 - Nov 05 Nov 05 - Dec 05 | | | |
| Minerals and Waste Development Frameworks | Various between 2005 - 2007 | Public, Businesses, Voluntary organisations, Government organisations, | Requirement of new development framework system | Mike Hare (Planning Applications) |
| Consultations on Planning Applications | Continuous throughout plan period | Public, Statutory consultees | Required by statute. Basis set out on Statement of Community Involvement (SCI) | Bill Murphy |

2005/06 Monitoring Report

| Project/development/key action As per business plan | Planned outcome/deliverable as per business plan | Progress | Any Comments |
|---|--|----------|---|
| Policy/Strategy Review vision for Kent | Improved economic, environmental and social well being of Kent: <ul style="list-style-type: none"> • Project plan developed Establish partners priorities/key policies • Stakeholder engagement workshops • Produce draft for consultation | Green | Highly successful and well supported review. |
| Develop strategy for formal links with District Local Strategic Partnerships | <ul style="list-style-type: none"> • Report to Chief Officers Group with recommendations | Green | |
| Review and implement the Kent Economic Strategy | Improve the economic well being of Kent <ul style="list-style-type: none"> • Consultation with partners to set strategic direction/policies • Production of progress report | Green | |
| Progress implementation of the Kent Environment Strategy | Protection and enhancement of Kent's environment <ul style="list-style-type: none"> • Publish summary statement on future directions | Green | |
| Under auspices of the Environment Strategy develop policies for: Natural Resources Climate Change | To inform other plans such as the South East Plan, District LDFs, KCC strategies <ul style="list-style-type: none"> • Produce carbon reduction action plan • Agreed approach to water resources | Green | |
| Progress Kent and Medway Structure Plan to formal adoption | <ul style="list-style-type: none"> • Planning framework for development and environmental protection in Kent • Consultation on formal modifications following Inspector's report (January) • Formal adoption of plan | Red | Adoption of plan now planned for May. Action in 2006/07 business plan |
| Lead work to co-ordinate County input to District Local Development Frameworks (LDFs) | <ul style="list-style-type: none"> • Influence District LDFs to reflect KCC policies and site allocation requirements • Develop internal protocol to co-ordinate corporate | Green | |

| Project/development/key action As per business plan | Planned outcome/deliverable as per business plan | Progress | Any Comments |
|--|--|----------|--------------|
| | KCC response to District LDFs | | |
| Accessibility planning and the Local Transport Plan (LTP). Includes strategies for: <ul style="list-style-type: none"> • Public Transport • Freight • Ports • Cycling • Airports • Strategic Environmental Assessment (SEA) of LTP • Target setting for LTP | Improved social, economic and environmental well being of Kent through sustainable traffic patterns of movement <ul style="list-style-type: none"> • Provisional LTP draft consultation • SEA Environmental Report • SEA Environmental Statement • Production of annual progress report • Publication of provisional full LTP • Draft Accessibility Plan published for consultation • Full Accessibility Plan published • Strategic Assessment (SA) complete | Green | |
| Maintain a watching brief on developments in national airports policy and promote Manston and Lydd airports | <ul style="list-style-type: none"> • Ensure Cliff does not reappear as an option for airport expansion • Sustain sustainable growth at Kent's airports | Green | |
| Co-ordination of Strategic Environmental Assessment/Sustainability Appraisal work within major strategies/policy areas | Appraisal of: <ul style="list-style-type: none"> • Issue and Options reports for Minerals and Waste Local Development Documents • Modifications to Structure Plan • Appraisal framework developed | Green | |
| Contribute to the development of the South East Plan including further work on development of East Kent and Ashford and Thames Gateway sub regional strategies to comply with statutory duty | Furtherance of Kent's interests in the plan <ul style="list-style-type: none"> • Consultation on housing numbers to agree KCC response • Further response of sub regional strategies • Formal GOSE consultation and KCC response | Green | |
| Develop the Statement of Community Involvement (SCI) | Appropriate and inclusive consultation on major strategies <ul style="list-style-type: none"> • SCI adopted | Green | |
| Progress the Minerals and Waste Development Framework | Plan balancing adequate supply of minerals against the need to protect the environment <ul style="list-style-type: none"> • Consultation on issues and options (two papers) | Green | |

| Project/development/key action As per business plan | Planned outcome/deliverable as per business plan | Progress | Any Comments |
|---|--|----------|--------------|
| | <ul style="list-style-type: none"> • Initial SA completed • GOSE submission | | |
| Promote Kent as a place to live, work and visit both in the UK, EU and Internationally | <ul style="list-style-type: none"> • Develop links to Virginia and support work programme • Develop links to new entrant EU countries • Maximise promotional opportunities • Ensure promoting Kent is reflected in the Kent Economic Strategy review | Green | |
| Influence development of future policy of EU Structural Funds. Maintain Kent as South East Centre of Excellence on EU Regional Policy | <ul style="list-style-type: none"> • Paper on future management and delivery mechanisms • Lead on development of SEEDA Action Lines on Co-operation and URBAN to ensure positive outcome for Kent in post 2006 programmes • Scenario planning for future INTERREG IV programme | Green | |
| Lead KCC input to Lisbon Agenda (Competitiveness and knowledge economy) | <p>Kent benefits from Lisbon Agenda</p> <ul style="list-style-type: none"> • Respond to March Council Strategy proposal • Disseminate and analyse importance of Lisbon Agenda for Kent • Ensure EU Structural Funds retains a Competitive Strand that can benefit Kent-based projects | Green | |
| <p>Partnerships Promote joint working with partners on policy development: Nord Pas de Calais Bacs Kiskun</p> | <ul style="list-style-type: none"> • Renewed Transmanche agreement between Kent and Nord Pas de Calais • Implement co-operation agreement with Bacs Kiskun | Green | |
| <p>Corporate⁶: Support KCC and Directorate work</p> | Represent KCC and secure influence for KCC strategic objectives | Green | |

⁶ Joint agenda with Change and Development Division

| Project/development/key action As per business plan | Planned outcome/deliverable as per business plan | Progress | Any Comments |
|--|---|----------|--------------|
| Supporting Independence Programme, Local Public Service Board and Local Area Agreements | <ul style="list-style-type: none"> Review economic prosperity outcomes Establish links to Vision for Kent | | |
| Future of Local Government | <ul style="list-style-type: none"> Input to working group on the ODPM 10-year vision | Green | |
| In partnership, develop joint County/District Kent Housing Strategy | <ul style="list-style-type: none"> Produce strategy linking housing and planning function to community planning objectives | Green | |
| Investigate KCC areas of activity in respect of Corporate social responsibility | <ul style="list-style-type: none"> Issues and Options paper | Green | |
| Projects Integrated Kent Franchise | <ul style="list-style-type: none"> Influence future rail service patterns by discussions with franchisees and establish with Train Operating Company | Green | |
| Kent Travel Report | <ul style="list-style-type: none"> Produce annual report | Green | |
| Input to trunk road and rail schemes | Influence Highways Authority and Strategic Rail Authority in Kent's interests re: <ul style="list-style-type: none"> M25 (1b-3 and 5-7) Route management schemes A282 Dartford Interchange A2 Bean - Cobham A21 Tonbridge to Pembury T2000 | Green | |
| Input to the ODPM Lower Thames Crossing Study | <ul style="list-style-type: none"> Influence Department of Transport ODPM study in Kent's interests | Green | |
| Kent Partnership projects | <ul style="list-style-type: none"> Briefing paper on business contact mapping | Green | |
| Dependent on funding work with Environment and Economy and SPAIT to deliver DEFRA LIFE proposal | <ul style="list-style-type: none"> Project funding secured Enhanced SPAIT resource on Sustainable Development Indicators Preliminary BASELINE Model investigations | | |
| Develop and co-ordinate Directorate input to European projects promoting joint working between maritime boarders | <ul style="list-style-type: none"> Begin implementation of MOT COOPMAR and Arc Manche EMDI projects | Green | |
| Information and communication | <ul style="list-style-type: none"> Confirm primary objective of group as policy | Green | |

| Project/development/key action As per business plan | Planned outcome/deliverable as per business plan | Progress | Any Comments |
|--|---|----------|--|
| Mainstreaming International Affairs work in Directorate and KCC | influencing and obtaining EU funding supporting KCC core business | | |
| Management and Development Behaviours for Success | <ul style="list-style-type: none"> Review career grade structure and clarify links to behaviour standards and reward strategy | Green | |
| Recruitment, Retention and Reward | <ul style="list-style-type: none"> Training for and successful implementation of Reward Strategy Production of Divisional Learning and Development Plan | Green | |
| Capacity building | <ul style="list-style-type: none"> Deliver training for skills to deliver SCI work | Green | Successful course held - further development of the network planned once funding secured |
| Management of resources | <ul style="list-style-type: none"> Delivery of core objectives within resource allocation Secure additional resources for IAG to take on new work streams and unlock potential future income streams Secure budget to meet Community Planning objectives Review future funding requirements to determine on "honest" budget for IAG | Green | |
| Planning Applications National Influence Continue to take an active role in key working groups | <ul style="list-style-type: none"> Exchange/develop best practice and work together to influence national and regional policy | Green | Played key role in influencing - PPS10 - Planning and Sustainable Waste Management |
| Regional Policy Guidance Review (RPG) Contribute fully to the preparation of the Regional Spatial Strategy | <ul style="list-style-type: none"> Influence regional policy | Green | |
| Respond to consultations on SE Mineral and Waste policy documents following the EIP of South East Plan | <ul style="list-style-type: none"> Production of a sustainable regional policy capable of guiding County Council decisions | Green | |
| Joint work and input into SEERA and SERTAB including work on apportionment guidelines for | <ul style="list-style-type: none"> Inform RPG process and agree new apportionment figure for incorporation into | Green | Contributed in particular to apportionment methodology for London residue waste and |

| Project/development/key action As per business plan | Planned outcome/deliverable as per business plan | Progress | Any Comments |
|--|---|------------------------------------|--|
| recycled aggregates, hazardous waste and any London waste apportionment | emerging minerals and waste development frameworks | | recycled construction and demolition targets |
| Minerals and Waste Following receipt of the Inspectors report into the Examination in Public to the Kent and Medway Structure Plan, assess the need for and make any appropriate changes to the Minerals and Waste Sections of the strategy | <ul style="list-style-type: none"> Sustainable strategic policy capable of guiding County Council decisions and the emerging LDDs | Green | Only minor changes to supporting text necessary |
| Prepare Minerals Development Framework | <ul style="list-style-type: none"> Sustainable strategic policy capable of guiding County Council decisions. Improved performance against BVPI indicator | Green | Successful issues and options consultations stage |
| Prepare Waste Development Framework | <ul style="list-style-type: none"> Sustainable strategic policy capable of guiding County Council decisions. Improved performance against BVPI indicator | Green | Successful issues and options consultations stage |
| Development Control Consider the need for further improvements to the efficiency of the development control function with particular consideration to progressing electronic access by statutory consultees and the general public and issues arising from FOI | <ul style="list-style-type: none"> Improved performance against BVPI and local performance indicators | Red - new project from December 05 | In December, the Computerised MVM Planning Application system used was acquired by Northgate Information Solutions who do not intend to maintain the system. During 2006/07, we will assess the impact this will have on service performance and budget. |
| Political Process Ensure all new Members of the Planning Applications and Regulation Committees and agreed substitutes receive prior and continuing training. Training to include development control and an awareness of minerals and waste issues | <ul style="list-style-type: none"> Improved decision making Reduced number of third party challenges | Green | No third party challenges or upheld Ombudsman complaints |
| Behaviours for Success (Now Ways to Success) Ensure B4S is embedded in the appraisal process for the group | <ul style="list-style-type: none"> B4S embedded into working practices and appraisal processes | Green | |

| Project/development/key action As per business plan | Planned outcome/deliverable as per business plan | Progress | Any Comments |
|---|---|----------|--------------|
| Business Continuity Planning Develop and implement Business Continuity Plan | <ul style="list-style-type: none"> To comply with the key timescales for re-establishment of the service as identified within the emerging Business Continuity process | | |

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MINERALS AND WASTE DISPOSAL

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

Item C1**Details submitted pursuant to Condition (5) of Planning Permission SH/05/53 – New Romney & Greatstone on Sea Waste Water Treatment Scheme – SH/05/53/R2 & R5**

A report by Head of Planning Applications Unit to Planning Applications Committee on 16 May 2006.

Application by Southern Water PLC for details submitted pursuant to Condition (5) of Planning Permission reference SH/05/53 – Code Of Construction Practice (CoCP) which refers to the matters that are required to be covered in the CoCP, details of the mitigation and management of construction activities, and compliance with the planning permission as approved.

Recommendation: Approval be given.

Local Member(s): Fred Wood-Brignall

Classification: Unrestricted

Background

1. Planning permission was issued to Southern Water Services for the construction and operation of a first time sewerage system for New Romney and Greatstone on sea in Kent in October 2005.
2. As part of the planning application, a Code of Construction Practice was submitted and compliance with it was required by condition. This sought to control in detail all elements of how the scheme was to be constructed and included: Waste Management, Contamination Management, Surface and groundwater drainage management, Archaeological management, Ecological management, Restoration of all construction, working and storage areas and hours of construction working with particular emphasis on traffic management.

Proposal

3. Southern Water have submitted an amended document intended to update the approved Code of Construction Practice (CoCP) that takes account of modifications to the construction methods and traffic management. It forms part of the CoCP and should be considered in conjunction with that document. All other requirements of the CoCP would continue to apply.

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4. Matters of traffic management are normally dealt with by the Highway Authority. However, as the application was accompanied by an Environmental Statement and approval of the original traffic management scheme was a condition of the planning permission it is appropriate for its amendments to be formally considered.
5. The proposals are in accordance with Conditions 2 and 5 of the planning permission SH/05/53, which refer to the matters that are required to be covered in the CoCP, including details of the mitigation and management of construction activities, and compliance with the planning permission as approved. The proposed amendments affect the area from point A to point B, along the main road in Greatstone-on-sea. See attached set of plans, presented in construction phases.
6. The need for the proposed variation to the construction activities and traffic management arrangements in Greatstone is due to the construction methods having had to be changed in light of constraints imposed by the location of other utility services beneath The Parade and Coast Drive, the main road along the sea front at Greatstone. There has been no fundamental change to the overall scheme and, most importantly, the changes relate to the need to maintain access along these roads and through the residential areas.
7. The original construction method allowed for maintaining single lane access along The Parade and Coast Drive at all times as it was anticipated that it would be possible to carry out all works within the width of one lane. It has subsequently been found that this will not be possible for all aspects of the construction work and therefore it will be necessary to temporarily close off some sections of road completely on a rolling programme basis. This application is being reported to Members because of a number of objections to the proposals.

Amended Construction Methods:

8. The works comprise open cut excavation of trenches, installation of vacuum sewer pipelines and the open cut excavation of vacuum sewer chambers and installation. Reinstatement of the works will be carried out on a rolling basis, with each section completed prior to moving on to the next. Two types of construction are proposed to be used: the first involves full closure of the main carriageway, allowing full installation of the vacuum chambers and sewer pipes from within the confines of the closure area. This will be completed in 1 pass, allowing full reinstatement of the carriageway following completion of the works. The second involves full or single lane closure of the main carriageway allowing the installation of chambers and road reinstatement in the first pass, a second pass will be required to install the pipeline and complete the reinstatement.
9. Specified diversion routes have been identified to cope with traffic flow when road closures and temporary traffic lights are in place.

Details submitted pursuant to Condition (5) of Planning Permission SH/05/53 – New Romney & Greatstone on Sea Waste Water Treatment Scheme – SH/05/53/R2 & R5

10. An updated version of the current position in terms of construction and traffic management has been submitted (following concerns that the submitted plans were out of date). In general, the changes fall within Phase 1 of the amended scheme. Some of the dates listed for temporary road closures and traffic lights continue into Phase 2 due to delays in the scheme. However, the overall time table remains the same, and as from 20 April 2006, the majority of Phase 1 has been completed or is nearing completion.

Planning Policy

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

(i) **The Adopted 1996 Kent County Structure Plan:**

Policy S1 – Seeks to promote sustainable forms of development.

Policy S2 – Seeks to conserve and enhance the quality of Kent's environment.

Policy S9 – Highlights the need for co-ordinated implementation, and the relationship between infrastructure provision and land availability.

Policy ENV1 – Protection of the countryside for its own sake.

Policy ENV2 - Conserve and enhance Kent's landscape and wildlife (flora and fauna) habitats.

Policy ENV4 – Seeks the long-term protection of Special Landscape Areas.

Policy ENV6 – Seeks the protection of scientific or wildlife interests in Local Nature Reserves, or Sites of Nature Conservation.

Policy ENV15 – Conserve and enhance the character, quality and functioning of Kent's built environment.

Policy ENV20 – Seeks to ensure that development is planned and designed so as to avoid or minimise any potential pollution impacts.

(ii) **The Kent & Medway Structure Plan: Deposit 2003:**

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

Policy E1 – Kent's countryside will be protected for its own sake. Development in the countryside should seek to maintain and enhance it.

Policy E3 – Landscape and wildlife habitats will be conserved and enhanced.

Policy E5 – Special Landscape Areas will be protected and enhanced.

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Policy E6 – Scientific or nature conservation interests will be protected.

Policy E8 – Important wildlife habitats and species will be protected, maintained and enhanced.

Policy NR4 – The quality of Kent's environment will be conserved and enhanced.

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

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

(iv) **Shepway District Local Plan, 2001:**

Policy TR3 – Seeks the efficient and safe movement of traffic.

Policy CO3 – The long-term protection of Special Landscape Areas will be sought.

Policy CO4 – Seeks the protection of the special character of Local Landscape Areas.

Policy CO7 – Seeks protection of Sites of Special Scientific Interest and Special Areas of Conservation.

Policy CO8 – Seeks the protection of sites of Nature Conservation Interest.

(v) **Shepway District Local Plan, Deposit 2001:**

Policy TR1 – As Policy TR3.

Policy C01 – The District Planning Authority will protect the countryside for its own sake.

Policy CO4 – As Policy CO3 above

Policy CO5 – As Policy C04 above.

Policy CO8 – As Policy CO7 and C08 above.

Consultations

12. **Shepway District Council:** no comments received to date.

New Romney Town Council: no observations.

Lydd Town Council: no comments received to date.

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St Mary in the March Parish Council: no comments received to date.

Folkestone & Dover Water Company: confirm that they have no particular observations to make and state that they are in close contact with the main contractors for the project and are discussing various water supply related matters with them.

English Nature: state that the application site is directly adjacent to the Dungeness Site of Special Scientific Interests (SSSI) and Special Area of Conservation (SAC). However, providing that no vehicles would be stored or used on areas of shingle within the designated sites and all materials necessary for the development are not stored within the Dungeness SSSI and SAC, English Nature has no further comments to make.

English Nature also request that all staff working on site are made aware of the importance and fragility of the designated site to ensure that accidental damage does not occur to the site. An informative could be added to any planning permission to this effect

Kent Wildlife Trust: no comments received to date.

Environment Agency: has no objection to the proposal, but would like to offer the following advice:

“The only issue from the submitted report of concern to the Agency relates to de-watering activity. Although the applicant has stated that no de-watering is necessary, the Agency has received an application for de-watering adjacent to New Romney WWTW into the Littlestone Sewer. Clarification of this point would be appreciated.

“We would like to refer the applicant to the Environment Agency Pollution Prevention Guidelines for construction sites, oil storage and wheel washing”.

SEEDA: No comments received to date.

English Heritage: Do not wish to comment on the application.

Conservation Officer: Has no observations to make regarding the proposal.

Divisional Transportation Manager: states that the proposed diversion routes are purely residential in nature and as they are mainly concrete slabs, are likely to be damaged as a result of heavy use by larger vehicles. “As such we will require a condition survey to be carried out before the closure and diversion is carried out, and any damage caused as a result of the diversion to be repaired at the expense of the applicant.

The Divisional Transportation Manager further states: “To minimise the potential damage caused and disruption to residents we would like the full road closures only to be used as a last resort”.

Jacobs: comment as follows:

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Noise: It is anticipated that a significant adverse noise impact is predicted for the roads, along which the diverted traffic is to be re-routed. As this change is to be of relatively short duration Jacobs are of the opinion that further detriment in amenity should not arise.

Air Quality: Jacobs are satisfied that there should be no detriment to amenity from air quality due to traffic pollutants along the proposed diversion route.

Landscaping: Although adverse visual impacts for road users and from the front of some nearby properties would be caused when the works are progressing, all adverse visual impacts would be temporary, and therefore Jacobs have no objection to the proposal or any further comments to make.

Public Rights of Way Officer: has one observation regarding the proposal which relates to pedestrian access along Taylor Road, Williamson Road and Leonard Road during the temporary road closures via footways adjacent to them. There are two public rights of way that join the above roads, which need to be accessible at all times.

The main contractor for the scheme would need to confirm that the rights of way would be accessible at all times from these roads. The contractor should also confirm that pedestrian access, to all properties along roads where construction work is proceeding, would be maintained at all times. [A condition could be added to any planning permission to this effect].

Conservation Officer: No comments received to date.

County Archaeologist: is satisfied that the traffic arrangements should not have a detrimental effect on the Lade Fort a Scheduled Monument. The archaeological programme should be implemented as originally agreed.

Local Member

13. The local County Member, Fred Wood-Brignall was notified of the application on the 10 March 2006.

Publicity

14. The application was publicised by the posting of 15 Site Notices, advertisement in the local newspaper and individual notification of 1128 neighbouring properties.

Representations

15. 10 letters of representation have been received to date, including a petition of 297 signatures. The points raised in the letters can be summarised as follows:

- Health and safety concerns, including inadequate street lighting, narrow road width, no existing footpaths along verges, poor road maintenance.
- No account has been taken for access of service vehicles.
- Coast Drive is the main emergency escape route from Dungeness Nuclear Power Station; it is also the only connection to New Romney and Lydd.
- Unacceptable noise levels.

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- Potential impact on air quality.
- Dispute over the number of properties quoted by the applicant as directly affected by the works.
- Works have already started, and there appears to be more than the maximum stated 36m trench and 3 chambers broken into at any one time.
- Traffic Management Proposals are out of date.
- The scheme does not take into account the residents ability to leave and access their properties.
- Damage to roads and properties occurring due to construction works.
- No mention of risks imposed on the railway from additional road movements.
- Has an appropriate risk assessment been carried out?
- Request site visit for Members in order to witness level of traffic in area.

Discussion

16. 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.
17. Planning permission already exists for a first time sewer network to serve individual properties in existing settlements, associated upgrade of existing waste water treatment works and associated infrastructure to serve the settlements of New Romney, Greatstone-on-sea and Lydd-on-sea. Under consideration here are proposed variations to the Code of Construction Practice and Members are informed that there has been no fundamental change to the overall scheme and the changes relate to the need to maintain access along these roads and through the residential areas. A number of concerns have been raised by local residents, which I shall address under the following headings.

Damage to road surfaces:

18. The Divisional Transport Manager and a number of local residents have referred to the potential damage to the concrete slab road surfaces along some of the diversion route. The potential damage is anticipated as a result of additional use by larger and heavier vehicles. The contractor has agreed with the Divisional Transport Manager that it would be appropriate to carry out a highway condition survey to check the effects of the additional traffic.
19. I therefore suggest a condition be placed on any approval requiring a highway condition survey be carried out and submitted to the County Planning Authority for written approval prior to closures and diversions being carried out. A planning condition would ensure reinstatement of the highway network to the original condition should damage occur.
20. The Traffic Management Scheme has already commenced and I have advised the applicant of the request made by the Divisional Transport Manager for a Road Condition Survey and the need to make contact with the local area office to give a methodology on those sections of the route where work has commenced.

Representations and Objections from Local Residents:

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21. Residents have raised a number of issues regarding the revised traffic management proposals and planned temporary road closures, in particular about access to individual properties, the problems for disabled residents, the width and condition of roads and inadequate street lighting.
22. In summary, the residents affected strongly object to the diversion of traffic along the roads which are considered unsuitable for the purpose. The concerns are about disruption, problems for deliveries, increased noise levels, air pollution, and the closure of the emergency route to Dungeness Power Station. I recognise that the diversion route for traffic is not ideal, but I consider, given the necessity to close sections of Coast Drive for temporary periods, it seems to represent the only practical alternative.
23. The original construction method included for maintaining single lane access along The Parade and Coast Drive at all times as it was anticipated that it would be possible to carry out all work within the width of one lane. It has subsequently been found that this will not be possible for all aspects of the construction work and therefore it will be necessary to temporarily close off sections of road completely. Other arrangements for constructing the pipeline separate from the highway were examined at the time of the original Environmental Impact Assessment but were rejected since the development proposals (both during construction and subsequently in operational use) would be likely to have a significant affect on the Dungeness area of International Importance for nature conservation. The impacts on the integrity of these sensitive areas would have been strongly opposed by English Nature.
24. The area affected by the construction scheme and traffic management programme is directly adjacent to the Dungeness Site of Special Scientific Interest and Special Area of Conservation, which is subject to Structure plan Policies ENV4, and ENV6 and Local Plan Policies CO3 and CO4. English Nature raise no objections to the amended CoCP provided that no vehicles are stored or used on areas of shingle within the designated sites. I would also consider that no long-term damage to the character of these designated areas is expected due to the temporary nature of the works.
25. It is recognised that the revised arrangements, and changes to traffic management during the construction programme, would result in disruption to local residents and additional noise and other environmental issues. However it should be acknowledged that the construction work represents a major infrastructure project in the Greatstone area, which, I consider, will provide long term benefits in return for relatively short-term disruption and inconvenience. The agent has confirmed that the construction work has been programmed to try and avoid major disruption in the summer months, and following the applicants consultation with Lydd Town Council and others, to ensure that, for example, construction work on roads serving the Greatstone Primary School, will take place during the school holidays rather than term time.
26. In response to concerns regarding vehicular access to individual residential properties following the temporary closure of individual roads, the applicant has confirmed that it would not be possible to enable access by cars to properties. However, the length of time a particular property is affected will only be for part of the period the road is temporarily closed (i.e. it is a 'rolling' construction site of up to 60 metres at any one time). There will be an on the spot liaison with residents, particularly anyone who is disabled or infirm, to try to ensure they are inconvenienced as little as possible and to liaise with residents for daily access.

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Details submitted pursuant to Condition (5) of Planning Permission SH/05/53 – New Romney & Greatstone on Sea Waste Water Treatment Scheme – SH/05/53/R2 & R5

27. The issue of emergency access to the Dungeness Power Station has been the subject of a separate consultation with emergency services by the applicant. They have been advised of the proposed dates for temporary closure of Coast Drive, and, as part of the working procedures, regular liaison with the police, fire and ambulance services will be maintained throughout the construction period. The emergency services have alternative routes to and from the power station and they are satisfied that the temporary closure of sections of Coast Drive will not prevent full emergency cover for the power station being maintained.
28. The disruption and inconvenience in the short term should also be seen in the context of trying to secure the speediest possible completion of the construction work. Along some sections of the road it is not possible to achieve single lane working, but even where this arrangement might work, the agent has confirmed that it would result in a significantly longer period of construction, and continuing disruption over an extended length of time. On balance, I would consider the shorter periods of inconvenience and disruption are recommended as the best and, for parts of the scheme the only feasible solution for local residents.
29. The applicant is committed to regular liaison with Lydd Town Council and representatives of residents of the specific roads within Greatstone to ensure that there is an ongoing channel of communication, that everyone is brought up to date with the construction programme and implementation of the work, and that there is a proper system of dealing with complaints that arise.

Implications of revised traffic management for Romney, Hythe & Dymchurch Light Railway Company (RHDR):

30. The issue of ensuring the safe operation of the railway has been examined previously in connection with the construction operations at Battery Road level crossing at the southern end of Coast Drive, as part of the original temporary road closure programme, and the applicant fully accepts that the overriding safety requirements of the RHDR need to be addressed.
31. The agent has stated that, following initial discussions with management at RHDR, a draft 'Safety Method Statement' has been prepared to cover matters including: the hazards associated with the construction work and operations; the subsequent work that will take place; the railway and public 'interface' arrangements; the arrangements and responsibilities between Four Delivery (main contractor), RHDR and other contractors; the identification of specialised plant to be used; risk assessment; working procedures and emergency procedures. The RHDR have been consulted and I have received no negative response to it.
32. I am satisfied that the concerns raised will be met with the above matters raised within the Safety Method Statement.

Conclusion

33. Although there are to be some expected impacts from the new proposals, and I accept a degree of disruption to local residential amenity, these would be temporary in nature and I would not wish to impede or delay the delivery of these vital improvements to the

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Details submitted pursuant to Condition (5) of Planning Permission SH/05/53 – New Romney & Greatstone on Sea Waste Water Treatment Scheme – SH/05/53/R2 & R5

sewerage network. Although there are some concerns from Kent Highway Services, they do not object in principle to the traffic management scheme, which is to include temporary traffic lights and road closures, would be in place temporarily and as stated above any disruption to residential amenity would be on a temporary basis.

34. The proposals will provide for the long-term benefit and improvement of infrastructure and services within the area and consider the short-term disturbances to be a necessity if these works are to be carried out. I would consider that the proposal gives rise to no overriding material harm, is in general accordance with the development plan and that there are no material considerations that would indicate that the amendments are not supportable. I therefore recommend accordingly:

Recommendation

35. I RECOMMEND that APPROVAL BE GIVEN to the proposed amendments to the Construction and traffic management plan, SUBJECT TO conditions including the submission of a highway condition survey, the full reinstatement of the highway should damage occur during construction, maintaining accessibility to Public Rights of Way at all times, and that all other details within the CoCP remain the same.
36. I FURTHER RECOMMEND that the applicant BE ADVISED that all staff working on site are made aware of the importance and fragility of the adjoining designated site to ensure that accidental damage does not occur and that road closures should only be used as a last resort.

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| Case officer – Helena Woodcock | 01622 221063 |
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| Background documents - See section heading |
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A report by Head of Planning Applications Unit to Planning Applications Committee on 16 May 2006.

Development of new factory to manufacture aerated concrete products with outside storage and parking and new access and associated facilities at Ightham Sandpit, Borough Green Road, Ightham, Sevenoaks by H + H Celcon Ltd.

For Refusal

Local Member: Mrs. V Dagger

Unrestricted

Introduction

1. This application was reported to committee on 21 March 2006 where it was resolved to defer consideration of the application pending a Member's site visit. The notes of that site visit are attached at Appendix 1, and the original committee report is reproduced in full at Appendix 2. This report is intended to update all correspondence received since the first report as well revisiting a number of issues raised in discussions at the committee meeting and subsequent site visit.
2. Officers reported verbally at the March meeting that a confirmation letter had been received from Cemex (formerly RMC) stating their willingness to enter into a legal agreement to deliver up their land to enable the completion of the Bypass in accordance with the extant planning permission.
3. The applicant has also submitted a letter requesting response from the planning authority to a number of points that they consider were not reported accurately. The Applicants presented Members with this letter at their site visit, but for simplicity it is reproduced at Appendix 3. The main areas they raise relate to , delivery of the Bypass, element production, access to raw materials, landscape impact, noise and sustainable benefits.

Updates from Consultees

4. **Tonbridge and Malling Borough Council:** The formal views of the Borough Council were reported verbally at the meeting and are as follows:

Considers that material planning considerations such as the location of the site within designated areas, the provision of the bypass, the environmental impacts and the special circumstances promoted by the Applicant must be balanced in the context of sub-regional, countywide and local factors surrounding minerals considerations and strategic highway matters. If planning permission were to be granted then the following should be secured by legal agreement and /or conditions:

- completion of the bypass,
- provision of safe and updated access for pedestrians and cyclists to Wrotham school,
- need for traffic calming and speed management as a result of modified traffic patterns,
- the possibility of works to White Hill roundabout, including those in relation to air quality being required,

- site access,
- noise and odour emissions,
- provision of landscaping mitigation,
- control over the external appearance of the buildings,
- limiting future expansion without consent,
- protection of ecology,
- impact on Listed buildings,
- construction impacts including traffic,
- air borne particulates arising from the movement of the aircrete products themselves,
- construction traffic routing,
- impacts upon Dark Hill Cottages, Cricketts Farm and Cricketts Farm Cottages,
- the issue of whether or not the proposed factory would be sited on what is colloquially known as 'brownfield' land because there is an enforceable restoration condition,
- it should be noted that while the buildings and plant are tall structures, they will be set down in the landscape,
- encourage the completion of the bypass in advance of the commencement of construction of the new factory.

KCC should fully investigate the following matter once the Borough Green Bypass is opened:

The potential impacts upon the A25 and especially at Wrotham Heath and the possible need for traffic management (including prescribed primary traffic and HGV routing)

Wrotham Parish Council: Further comments have been received with photographs illustrating the parish council's concerns regarding the loss of a beautiful nature conservation haven once restoration and recolonisation are complete and the significant impact upon the residential properties of Cricketts Farm and Cricketts Farm Cottages. Illustrative diagrams are also submitted showing the height and scale of the proposed development relevant to the bypass. Also included are copies of correspondence from the current owner of Cricketts Farm and the Cottages stating that they have not agreed a sale on the properties to the Applicant.

English Nature: Further comments upon the Reptile and Amphibian Strategy were also reported verbally to Members at the March meeting. To summarise they advise that population estimates for protected species of reptiles and amphibians are not sufficiently accurate to be confident that the proposed strategy is capable of adequately mitigating the adverse impact of the development on these species.

KCC Biodiversity Officer: Further comments upon the Reptile and Amphibian Strategy have been received since reporting to committee. He shares the concerns of English Nature and advises it is still not possible to make a considered response on the efficacy of the mitigation strategy, when concerns still exist upon the adequacy of the survey data.

Publicity

7. Nine further letters of representation (two from Borough Members) have been received following committee supporting the application. The following points are made:

- The provision of the Bypass should be viewed as valid planning gain for granting permission for the second factory.
- A precedent was set when the existing factory was permitted
- The new factory would be sited on ground that is lower than the existing factory so the silos and chimney would not be as high as the existing ones.
- The new factory would have no more visual impact than the one that exists at present.
- There would be no harmful emissions from the factory.
- The application would provide for some 60+ semi-skilled workers.
- The factory would help maintain the vitality of the local economy
- Any newts on site could be encouraged to move to specially created lagoons/ponds nearby without any difficulty.
- Ightham Sandpit is an ideal site to expand Celcon's operations and ticks the right boxes of sustainability promoted by both central and local government.
- There are approx. 400 dwellings in Borough Green and St. Mary's Platt that directly front on to either the A25 or A227. At certain times of the day the two junctions in Borough Green Village are up to capacity. Two primary schools and a secondary school also front on to these two roads. The mythical slip roads on the M26 are many many years away.

8. The Keep Boroughs Green campaign has responded to the Applicants letter and make the following points:

- East facing slips are currently planned to be incorporated into the M25 widening post 2010 and would bring relief to traffic flows to all A25 villages.
- The production of purely elements in the new factory is clearly aspirational as far as the Applicant is concerned, for the foreseeable future there will be plenty of spare capacity to produce both blocks and elements in a footloose factory and enable joint load deliveries.
- The Applicant is now suggesting that they will use 100% sand with no PFA in its element production, this is at odds with the Environmental Statement submitted with their planning application. Whatever the sand content no consideration has been given to sustainable transport modes.
- The plant and equipment are still higher than the proposed bypass and in such close proximity that it cannot fail to have a huge impact on the greater landscape and particularly from the Bypass. The existing mixer tank is smaller than the new one proposed and is clearly visible from numerous vantage points, therefore the new one will be even more visible.
- It is understood that no agreement has been reached to sell Cricketts Farm and Cricketts Farm Cottages to the Applicant. The residents of the properties would be in an intolerable position, surrounded by block factories and an HGV depot and subject to severe noise pollution. The

setting of the listed building would be destroyed and pedestrian safety compromised.

- The proposal does not have the full support of the local community, even opinion in Borough Green is very much split.
- The company has made numerous redundancies since Christmas.
- Unemployment rates are much higher in the areas of alternative sites under consideration, with rail and water links, which enable sustainable transport methods.

Discussion

9. Following discussion of the proposals at committee in March a number of issues were raised by Members that warrant further discussion. In no particular order these are; sustainability, employment, the precedent set by the existing factory, the status of the application site in planning terms and the up to date position on the potential provision of east facing slips at Junction 6 of the M25. I shall discuss each of these in turn.

Sustainability

10. The sustainability of the proposal can be considered in a number of ways, economic, environmental, social and financial. Whilst the previous committee report did not specifically have a paragraph dedicated to sustainability, each one of the issues discussed goes towards consideration as to whether a proposal is sustainable. Indeed the Policies contained within the Kent and Medway Structure Plan have been themselves through a sustainability appraisal.
11. The Jamera system of manufacture and building by itself is in my opinion no more or less sustainable than manufacturing ordinary aircrete blocks. It could be argued to be less sustainable in terms of the use of raw materials as the Applicant has confirmed that the elements would solely use sand as a raw material and not PFA, thereby losing the benefit of utilising a waste material in the manufacturing process. This would also utilise the remaining on-site reserves more quickly thus bringing forward the need to rely on imported raw materials, increasing vehicle miles. There is no obvious reduction in the use of energy in the manufacturing process; the same quantity of raw material would be used. It is however acknowledged that having the two factories located together could bring about significant benefits in operational terms and reduce energy and transport costs should both sets of product be delivered in common loads. Indeed the Applicant argues the ability to deliver combined loads of blocks and elements to the market are one of the special circumstances existing to override green belt policy. There has however been no serious commitment from the Applicant to achieving this aim in terms of restricted production at the second factory or the provision of evidence of this practice being achieved elsewhere.
12. The proximity to available raw materials and the market for the finished product are also considered by the applicant as part of the sustainability of the proposal. The life of the on-site reserves has been discussed above, but little analysis has been put forward to discount the benefit of locating the factory adjacent to the market. It could be argued that taking the raw materials to a site closer to the product market was more sustainable as the transport of bulk raw materials would reduce transport costs. Furthermore there has been no analysis of the costs of alternative modes of transport for the raw materials.

13. In my opinion the only obvious sustainable advantage the Jamera system of construction offers over more traditional house building methods is the speed of construction on site which has the potential to lead to savings in terms of labour costs.
14. It is also however necessary to consider whether locating the factory at this particular site has any specific advantage over other sites. There is nothing in the Jamera Building System that in manufacturing terms requires the production building to be located adjacent to the existing factory. In that sense the manufacture of the Jamera elements could be carried out in a footloose factory located elsewhere within the Applicants market area. A number of the alternative sites examined in their study are more proximate to major house-building sites within the region.
15. It is further acknowledged that the new factory would generate a number of new jobs, this will be discussed below.

Employment

16. The planning application suggests that the proposed development would generate 60 new jobs and contribute to the continued viability of the existing H + H Celcon Ltd works at Borough Green. It is further stated that it would provide for a wide range of valuable local employment and training opportunities. Objectors to the scheme have cited recent redundancies at Borough Green and other factories, as well as due to a lack of market demand the stoppage of the production of Jamera products at the Pollington factory in Yorkshire. These issues have been put to the Applicant and I await their response. Furthermore it is suggested that the need for additional jobs within the vicinity of the application site is not as great as some of the other alternative sites locations.
17. Unemployment figures for March 2006 published by the Analysis & Information Team (AIT) of the County Council shows 916 unemployed in Tonbridge and Malling Borough. This represents 1.4 % of the resident-based working population, with only Tunbridge Wells and Sevenoaks having lower figures. The East Kent Districts have much higher rates of unemployment Dover and Shepway having 3.1% and Thanet with the highest at 4.1%. Gravesham and Swale, where some of the other alternative sites were identified have a rate of 3.3% and 2.9% respectively. The creation of new jobs is to be welcomed, wherever they occur but other parts of Kent and particularly the location of the alternative sites considered by the Applicant all have higher unemployment rates than Tonbridge and Malling.
18. Unemployment rates within Tonbridge and Malling Borough (latest figures produced by AIT January 2006 give the unemployment rate as a percentage of economically active). The Borough Green and Long Mill ward has a rate of 1.5%, whilst not the lowest there are 8 other wards with higher rates, Snodland East having the highest at 3.1%. Ightham and Wrotham have rates of 0.2% and 1.2% respectively. Again, whilst the creation of new jobs is to be welcomed, the benefits in this particular location must be weighed against the planning impacts the proposal will have.

Precedent of Existing Factory

19. Following discussion of the application at committee in March officers have been asked to consider whether allowing the existing factory has already set a precedent of allowing development in the green belt.
20. Brick production began at Borough Green before the introduction of the planning system with the first related mineral permission commencing in the early 1950's. The current Celcon block making factory was granted consent in 1988. In doing so it was considered the proposal offered the opportunity for environmental improvements to a major part of site which included an old abandoned brickworks complex and which, most notably, did not have enforceable conditions to achieve this. Furthermore the prime justification for locating the blockworks at this site was in order to utilise on site sand supplies to produce the aerated blocks. At that time the company claimed reserves on site would have been sufficient for a 25 year life of the plant. Having assessed the company's figures for those reserves, the County Council estimated, based on the rate at which they would be depleted for use in the factory, they would have a 23 year life.
21. Minerals Policy M6 of Regional Planning Guidance for the South East requires a permitted reserve of clay for brick and tile manufacture sufficient to last for at least 25 years. Although not strictly applying to sand for the manufacture of blocks, I consider similar principles are material in the determination of this application. Whilst clearly in granting permission for the existing block works, considerable weight was given to the availability of on site reserves, a similar argument could not be asserted in this case, where the remaining permitted reserves by the applicant's own estimation would be exhausted after about 9 years requiring the importation of materials thereafter.
22. The new factory application site covers an additional site area of 18.85 hectares of green belt land and would include built development on around half of this area. In comparison to the previous blockworks application the current proposal relates to a greenfield site. Whilst this land was previously subject to mineral extraction, this is a use which is universally accepted as an activity which has to take place where the mineral occurs and one which is an acceptable exception within the green belt. Mineral workings have a limited life and are restored, thereby maintaining in the longer term the objectives of green belt policy.

Planning Status of the Application Site

23. A number of commentators have suggested that the application site is a despoiled mineral working and therefore should be considered as brownfield. As stated earlier the mineral permissions at Ightham are subject to restoration and aftercare requirements. In many instances such sites are given over to nature conservation after use that is achieved by managed regeneration. The main policy aim for such former mineral workings is to maintain and respect the landscape quality of the area whilst also respecting the open character of this green belt location. Whilst the land has been recontoured the application site has yet to receive final planting. In due course full restoration will be achieved. This is not a brownfield site but a greenfield location which respects the planning policy designations set by national, regional and local plans.

M25 widening/East facing slips

24. There is discussion within the original report about the relative merits of traffic flow relief that the bypass would bring compared with shift in flows that would result from the provision of east facing slips on the M26 at Chevening. Questions were raised as to the timing of the latter road improvements. Widening of the M25 from junction 5 to 7 within the existing Highway limit was a recommendation of the Government's Multi Modal Study "Orbit" (2001). These widening plans entered the Government's Target Programme of Improvements in April 2004 but it is not certain that the provision of east facing slips onto the M26 will be part of the scheme, as this would require land acquisition outside the highway. Whilst the Highways Agency intend to award the contract for widening the M25 between Junctions 5 and 7 in 2008, the provision of the slip roads is being studied at this time for feasibility. If this study concludes that provision is feasible and/or desirable there would be the opportunity of the scheme going to a public inquiry before being constructed, either at the planning stage or during the Compulsory Purchase Order and Side Roads Order stage. With the above procedures being carried through it is not expected that any scheme would be commenced until post 2010/2011.
25. The timing of the M25 scheme does not however have a material impact upon the acceptability or otherwise of the new factory proposal. Without these improvements it is acknowledged that the A25 from Wrotham Heath to Sevenoaks remains a primary route. The completion of the Borough Green and Platt bypass will undoubtedly bring traffic relief to some of the local highway network. It is anticipated that while there would not be any noticeable impact on traffic flows on the M20 or the M26, changes to traffic flows on the A20, A25 and A227 would be local to the area of Borough Green, Platt and Wrotham. The predicted figures provided by the applicant's transport consultants show a 38% reduction on the A25 through Platt (east of the A227) and a 53% reduction on the A25 to the west of the A227. The predicted reduction of flow on the A25 (east) results primarily from the transfer of traffic to and from the M20/M26 motorway interchange onto the section of the A20 between the M26 junction and the A227 at Wrotham. This section of the A20 would be subject to a significant increase in traffic flows of the order of 30-40% or some 5000-6000 extra vehicles per day.
26. In support of the bypass it is confirmed that the capacity of the proposed bypass itself is more than adequate for future growth and the completion of the bypass would mitigate for the additional traffic impact arising as a result of the proposed new factory. It has been suggested that it would be possible to manage the speed and quantity of traffic along the A25 without the Bypass. However it is acknowledged that restrictive traffic calming measures alone would not be appropriate on a strategic primary route.
27. Despite this the planning issue still remains whether the bypass delivers net benefits that outweigh a principal green belt policy objection to building a new factory at Ightham Sandpits. It is the openness of the countryside that green belt policy seeks to protect. I remain unconvinced that the offer to bring forward the bypass overcomes the inappropriateness of the development and does not by itself represent the 'very special circumstances' that would make the proposal acceptable in green belt policy terms.

Other Issues

28. Combined Loads -The Applicants are critical of my report dismissing the views of

the house building industry as to the possibility of combined loads of elements and blocks. Given the confidentiality of this correspondence it is difficult to elaborate on the detail given. However whilst comment is made that combined loads could be beneficial to house building programmes they do not guarantee that the Applicant would deliver combined loads. I am not dismissing the requirements of the building industry but comment that there would be nothing to prevent two lorries leaving the factories, one full load of blocks and one full load of elements. The correspondence does not confirm that housebuilders would accept building materials in combined loads only; nor would the Applicant be prepared to accept restrictions on the production of elements only from the second factory. It would therefore be quite possible that vehicles leaving the Borough Green site would leave with blocks only.

29. The delivery of both blocks and elements on one vehicle may contribute to the efficient and speedy construction of houses but it is not essential that they are delivered in this way. Despite requests to the Applicant no evidence of the combined load being put into practice elsewhere has been forthcoming.
30. Access to Raw Materials – The Applicant comments that because the current reserves are utilised in the existing factory and other block-making companies use other nearby sand reserves from the Folkestone Beds they are deemed to be of a suitable quality for the new factory. The addendum to the Environmental Statement discusses the availability of soft (building) sand, yet the Applicants letter discusses the high silica content of on-site reserves. There is still no specific analysis of the availability of supplies of sand to the appropriate quality or quantity to serve the production of Jamera elements.
31. Landscape Impact – The Applicant raises questions relating to the landscape chapters of my report. It should be noted that the specific comments from Jacobs, the County Councils landscape advisors were inadvertently omitted from the consultees list. However their comments were taken account of in the discussion section of my report and subsequent grounds of refusal and the policy objections in landscape terms remain. The Applicants argue that the quality of the planting proposed within the application outweigh the quantity of green space that would be created under the restoration scheme associated with the mineral permission. My advisor comments that whilst the applicant proposes additional woodland planting this does not mitigate the permanent loss of other landscape elements and habitats of nature conservation interest.
32. Furthermore it is important to understand the dual function of the AONB and green belt designations. The AONB designation seeks to protect and enhance landscape character and natural beauty of these nationally important landscapes. In contrast Green Belt policy is much more a spatial strategy seeking to maintain the open countryside between the edge of Greater London and the urban areas of Medway, the Medway Gap and Tunbridge Wells and containing urban growth. Green belt policies therefore seek to protect against inappropriate development and maintain the open character of the area. This policy is further reinforced by the Green Wedge Policy P2/19 contained in the Tunbridge and Malling Borough Local Plan. The application for the existing block works covered an area of some 7 hectares, a substantial part of which was occupied by the old brickworks complex. It is located in an area which is set significantly lower than the embankment of the railway line which runs adjacent to the south of it and which acts as an effective visual screen. When weighed against the environmental benefits in terms of the improvements to a major part of the sand

working/brickworks complex, the strategic countryside and Green Belt designations were not considered to be overriding in granting permission. In my opinion neither can be said of the current application, which is located in an open part of the countryside forming part of a old mineral working which has been restored and is required to be landscaped in accordance with an approved restoration scheme. Furthermore, given the scale and height of the facility the site will be seen when viewed from the surrounding area. Under these circumstances the proposal is clearly contrary to both Green Belt policy as it would lead to erosion of the Green Belt and the built development form of the factory and associated development must impact significantly on the character of the AONB.

33. Noise – It is confirmed that the environmental noise impact of the proposed blockworks is acceptable in principle subject to the acquisition of Cricketts Farm and the cottages so that Cricketts Farm is not in residential use. My noise consultant's comments were based on the residential amenity of these properties and therefore do not differ from those of the Applicant. Despite reference to the Applicant moving forward on the acquisition of the properties they are currently capable of residential occupation and must therefore be assessed as such. Certainly the change of use of these properties is some way off even if they are sold to the Applicant (which is challenged by one of the owners). They would need to be subject to planning permission being obtained from Tonbridge and Malling Borough Council for their change of use that would by no means be certain to be forthcoming.

Conclusion

34. I have revisited some the issues pertinent to the consideration of the planning application. I am still required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 to consider this proposal in accordance with the development plan unless material considerations indicate otherwise. I have concluded that I do not support the Applicants argument that 'very special circumstances' exist sufficient to override the normal restraint policy in this sensitive location. Furthermore consideration of the environmental impacts of the proposed development have highlighted a number of issues where the proposal is in conflict with the policies contained in the Structure and Local Plans. I have concluded that beside the principal green belt policy objection the impact of the proposal is such that there are other significant material planning objections. There is no new evidence provided that leads me to a different recommendation to that made to Members in my earlier committee report. I cannot therefore support the planning application. For simplicity I repeat the grounds of refusal below.

35. The application has been advertised as a departure from the development plan and therefore should Members be minded to grant planning permission it would be necessary to refer the application to the Secretary of State for him to decide whether it should be called-in for his determination.

Recommendation

36. I RECOMMEND that PLANNING PERMISSION BE REFUSED on the following grounds:
- i The proposed site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The Applicant has failed to demonstrate that very special circumstances exist sufficient to demonstrate that those national and development Plan Policies which seek to protect such areas should be overridden. The proposal is therefore contrary to government guidance in Planning Policy Guidance Note 2 - Green Belts, Policies S3 and MGB3 of the Kent Structure Plan 1996, Policy SS8 of the emerging Kent and Medway Structure Plan and Policy P2/16 of the Tonbridge and Malling Borough Local Plan.
 - ii The proposed site lies within the Kent Downs and High Weald Areas of Outstanding Natural Beauty (AONB) and Special Landscape Area (SLA) where the primary objective is to protect, conserve and enhance landscape character. The proposal to locate a second factory of significant scale and massing is contrary to Policy ENV3 and ENV4 of the Kent Structure Plan, Policies E4 and E5 of the emerging Kent and Medway Structure Plan and Policies P3/5 and P3/6 of the Tonbridge and Malling Borough Local Plan.
 - iii The proposal lies within the Area of Local Landscape Importance between Borough Green and Ightham, specifically identified as an area of woodland, open countryside and mineral workings contributing to the rural character of these settlements as viewed from the A25 and A227. The siting of a large factory with its associated development within this protected area would result in long term damage to the open character of this area contrary to Policy P3/7 of the Tonbridge and Malling Borough Local Plan.
 - iv The application site lies within the Green Wedge as identified in the Borough Local Plan, where the land performs an important separating function between existing villages. The proposal by virtue of its scale and massing conflicts with this separation function and cannot be adequately designed or landscaped so as not to compromise this function and as such is contrary to Policy P2/19 of the Tonbridge and Malling Borough Local Plan.
 - v The proposal does not afford adequate conservation or enhancements to wildlife habitats and species and there is no overriding need for the proposed development demonstrated and as such is contrary to Policy ENV2 of the Kent Structure Plan and Policy E8 of the emerging Kent and Medway Structure Plan.
 - vi The proposed impact upon the sensitive groundwater environment has not been fully assessed and the impact of the proposed development cannot therefore be measured. As such I consider the proposal would be contrary to Policies ENV20 of the KSP and Policies NR4, NR5 and NR7 of the emerging Kent and Medway Structure Plan.
 - vii The noise levels associated with the proposed development would have an unacceptable detrimental effect upon the residential amenity of Cricketts Farm and Cricketts Farm cottages contrary to Policies ENV20 of the KSP and

Policies and Policies NR4 and NR5 of the emerging Kent and Medway Structure Plan.

- viii The siting of the proposed development in close proximity to the adjacent existing factory would result in an unacceptable detrimental effect upon the setting of the Grade II listed Cricketts Farmhouse contrary to Policy ENV19 of the Kent Structure Plan and QL9 of the emerging Kent and Medway Structure Plan and Policy P4/1 of the Tonbridge and Malling Local Plan;

and subject to any minor amendments to these reasons as agreed to be necessary by the Committee.

Consequential variations to other permissions

37. I further recommend that MEMBERS NOTE that the Applicants have also proposed in writing to vary the working, restoration and aftercare scheme for the permitted sand reserves to the west of the proposed factory site (Ref. TM/85/1436 & TM/87/1851). Particularly, they seek to vary Condition 4 of the above permissions to allow the excavation and subsequent stockpiling of the sand to the east of the existing factory in a former quarry void. Should Members approve the substantive application this would allow the prior working of sand beneath and to the west of the line of the bypass in advance of the bypass being constructed and thus avoid their sterilisation.
38. Should Members be minded to accept the recommendation set out in paragraph 90 of the original report I WOULD RECOMMEND that this request be REFUSED as there would be no need to remove all these reserves at this point in time.
39. Additionally, there remain outstanding working, restoration and aftercare requirements under permissions TM/85/1436 and TM/87/1851 which the applicants requested originally that completion of working and restoration be extended to 30 June 2006 and by further letter dated 1 March 2006 until 30 June 2008. I have concerns that the submitted schemes of working and restoration remain unapproved and until approved we cannot secure with any confidence the end date of these permissions. In the circumstances it is now urgently necessary to ensure these schemes are submitted in a sufficient and acceptable form to allow them to be approved and to secure controlled working and restoration under the permission. Should Members agree the recommendation in paragraph 90 of the original report I also SEEK AGREEMENT from Members to remind the applicant of this outstanding issue setting a deadline for their submission within 6 months and also refer the matter to the Regulation Committee to consider taking of appropriate enforcement action should the submission of acceptable schemes within this timescale be further delayed.

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| Case Officer: Andrea Hopkins |
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| Background Documents - see section heading (or specify particular documents)* |
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APPENDIX 1

Members Site Visit Notes

APPLICATION TM/03/2563 – DEVELOPMENT OF A NEW FACTORY TO MANUFACTURE AERATED CONCRETE PRODUCTS, ACCESS AND ASSOCIATED FACILITIES AT IGHTHAM SANDPIT, BOROUGH GREEN ROAD, IGHTHAM

BRIEF report of a Planning Applications Committee Members' site visit to Ightham Sandpit and tour of the outlying road scheme on Tuesday, 11 April 2006.

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

OFFICERS: Mrs W Murphy and Mr M Clifton (Planning), Mr R Dines (Kent Highways) and Mr A Tait (Democratic Services).

THE APPLICANT: Celcon Ltd: Mr S Brittle (Celcon) and Mr I Painting (Barton Willmore)

OTHER LOCAL AUTHORITIES: Tonbridge and Malling BC: Cllrs Mrs Murray and M Coffin. Mrs M Geary (Planning)

BOROUGH GREEN PC: Cllrs Mrs J Lazarus and Mr C Willsher.

IGHTHAM PC: Cllr Mrs G Bowden and Mr J Edwards (Clerk).

PLATT PC: Cllrs B Bank and R Searle.

WROTHAM PC: Cllrs H Rayner and C Perree.

ALSO PRESENT were Mr P Gillin from Keep Boroughs Green Action Group and Mr M Taylor from Borough Green Traffic Action Group.

- (1) The party set out by coach from the Oakdene Café, just north of the M26/A20 Roundabout.
- (2) The coach travelled north along the A20 before turning south on to the A227 Borough Green Road. It travelled into Wrotham and back to the Whitehill Roundabout via Wrotham High Street and Bull Lane.

- (3) The coach then rejoined the A227. This time it went past the turn off to Wrotham, crossing over the M26 into Borough Green. It stopped briefly at the entrance to Western Road so that Members could get an idea of the traffic flows along this road.
- (4) The coach followed the A25 to the Dark Hill Roundabout, where it joined the A227 towards Ightham. It then turned back again, this time heading north from the Dark Hill Roundabout and entering the Celcon site.
- (5) At the Celcon site, Members were shown the existing blockworks factory in operation.
- (6) Members were then shown the model Jamara building within the built complex. Mr Brittle briefly explained the thinking behind the Jamara concept. He said that in terms of construction, their aircrete form made them light, strong and easily workable. They offered excellent insulation and reduced daily temperature fluctuations. They were also fire-resistant, did not rot or decay and were resistant to sulphate attack in poor soil conditions.
- (7) Mr Brittle also said that the Celcon Thin-Joint System was an integral part of the Jamara concept. It comprised a specially developed thin-joint mortar, enabling thin-joint blockwork. This enabled walls to be built very quickly without having to wait the conventional 24 hours for the mortar to set. Amongst the benefits of thin-joint blockworking were a reduction in wall construction times, increased productivity, an increase in bond strength and the elimination of piles of sand on site.
- (8) In response to a question, Mr Brittle said that he was unable to estimate how much of the future operation would concentrate on the Jamara concept and how much on the block production.
- (9) Members then travelled to a point just west of the application site. From there they observed the application site, which would need to be subject to final planting if permission were refused. The applicants had set up markers showing the area of the proposed operation in outline.
- (10) Members were transported along the route of the permitted Borough Green Bypass from where they were offered the opportunity to visualise the operation and its impact on the landscape if permission were granted.
- (11) Members returned by coach to the Oakdene Café via the A25 and the M26/A20 interchange.
- (12) A second party of Members was taken along the same route and was shown the same aspects of the site on Friday, 28 April.

Appendix 2 Committee Report 21 March 2006

A report by Head of Planning Applications Unit to Planning Applications Committee on 21 March 2006.

Development of new factory to manufacture aerated concrete products with outside storage and parking and new access and associated facilities at Ightham Sandpit, Borough Green Road, Ightham, Sevenoaks by H + H Celcon Ltd.

For Decision

Local Member: Mrs. V Dagger

Unrestricted

Introduction

1. A planning application seeking permission for a new works adjacent to the existing blockworks was received in July 2003 but was invalid. Following a report to committee in December 2003 the application was held in abeyance whilst an Environmental Impact Assessment was carried out. This was duly submitted in January 2005 and the application went out to consultation immediately after. A further package of information in the form of an addendum to the Environmental Statement was submitted in November 2005, which has been subject to a second round of consultation.

The Site and Background

2. The application site lies to the west and north west of Borough Green, to the north of the A25 and the Maidstone East to London railway line. The village of Ightham is to the west (and south-west) of the application site. The Dark Hill roundabout on the A25 provides access under the railway to the application site and forms the south-western end of the Borough Green Bypass. The Bypass was granted planning permission in 1991 and as a result of a need to carry out works to a freight line on the railway, this end of the new Bypass and a rail bridge over it were constructed. This effectively implemented the planning permission even though the majority of the new road and the dedicated roundabout access into the site has yet to be built. (A recent application TM/05/219 permitted in June 2005 effectively renewed the provision of that roundabout).
3. The A227 runs south from Dark Hill roundabout to Tonbridge. The M26 motorway runs east to west approximately 1km to the north of the application site and to the north of that is the village of Wrotham.
4. The application site is to the north of the existing blockmaking works. In total the application site covers approximately 18.85 hectares within the applicant's wider ownership of 35 hectares. The built development area would account for around half of the application site area, the remainder being given over to landscaping.

5. The application site includes former sand workings backfilled to a lower level to provide as part of the approved restoration scheme a nature conservation after use. The site has been subject to extensive naturalisation and has now attained considerable wildlife interest.
6. The site lies within the Metropolitan Green Belt, an Area of Outstanding Natural Beauty (AONB), Special Landscape Area (SLA), an Area of Local Landscape Importance and a Green Wedge. To the west of application site boundary is the Grade II* listed building of Ightham Court and its Grade II registered Historic Park and Gardens. Sandwiched between the existing blockworks and the application site (not within it) is the Grade II Cricketts Farm, to the east of which is a small parcel of land where further sand has been extracted (by the owner of Cricketts Farm) and is currently being infilled with inert material.
7. The nearest residential properties are Cricketts Farm and Cricketts Farm Cottages, to the north of the existing blockworks, and The Dene and West Bank Nursing Home to the north east of the existing site occupying an elevated position above the existing factory.
8. I attach a site plan [page C2.2]. I also enclose reduced copies of the currently approved restoration scheme [page C2.3] and the current proposals [page C2.4]. Larger scale copies of these drawings will be displayed at the meeting.

Proposal

9. The Applicants are proposing to introduce a new building system into the UK known as the Jämerä building system. The Applicants claim that this system could provide aircrete components for an entire house - walls, floors, roof and foundations. Celcon have also developed a 'Thin-Joint' quick-setting mortar system thus enabling rapid construction times for new houses. I will discuss the merits of this type of construction later in this report.
10. The proposed development comprises a main factory building of 12,300 square metre with associated storage area covering 9.58 hectares with the remainder of the application site (about 9 ha) being given over landscaping, including two woodland areas. The factory building would include a boiler house with a 20 metre high emissions stack, 25 metre high mixer tank tower, silos, banded storage vessels, water balancing tanks, sand hopper, 12 autoclave ovens office and amenities area. To the north of the factory building would be an area for the external storage of the manufactured product. A transport office and weighbridge would be located at the site entrance, to the south-west of the factory.
11. Access to the site would be off a dedicated roundabout from the Borough Green Bypass. The Applicant would fund the completion of the bypass. This new roundabout would serve the existing factory also. Parking for 44 cars and 24 HGV spaces are to be provided south west of the proposed new factory.
12. The site is a former sand quarry and would be remodelled to achieve a consistent base level of 75.5 m above ordnance datum (AOD). Current levels across the site range from 72-74 m AOD. This remodelling is expected to involve the movement of approximately 250,000 m³ of on-site material (understood to be mainly in-filled inert material), it is not intended to import any materials for this purpose. The sides of the main void (south of the Bypass) would be planted with

trees and two additional areas of woodland to the north of the line of the Bypass would be created. The overall landscaped area within the current proposal amounts to about 9 ha compared with the approved restoration scheme, which is in the order of 10 ha. The landscaped areas in the new scheme are more fragmented than in the approved scheme and would circle around the proposed factory.

13. The proposed development would operate 24 hours a day, 7 days a week with a four-shift pattern. A total of 60 people would be employed; 53 skilled and semi-skilled process workers, 7 office, laboratory and canteen staff and also 15 contract drivers once the factory were up and running. The construction of the factory would also generate local employment albeit temporary in nature.
14. The proposed factory could manufacture up to either 4000,000m³ of blocks or 300,000m³ of elements, or any combination of the two, per year. It is proposed that the Applicant would switch production plans depending upon customer orders. Raw materials imported to the application site would include pulverised fuel ash (PFA – a waste by-product from coal burning power stations currently from Kingsnorth), cement, lime anhydrite and aluminium, which together would total 195,000 tonnes per annum. It is intended that sand would be used from the applicant's existing quarry until these reserves are exhausted (about 9 years), following which sand would be imported from nearby quarries.
15. The raw materials would be mixed together and poured into moulds. When the mixture has partially set the resultant cakes are wire-cut into units of predetermined size and transferred to autoclaves for high pressure steam curing. The steam-raising plant includes two boilers, one on duty one standby, which along with the autoclaves would produce clean steam emissions. The manufacturing operations would take place within an enclosed building to prevent odour and dust escaping. The boiler operations would be computer controlled with emissions from the stack continuously monitored.

Main Planning Policy Designations

16. The whole of the application site, the existing factory and the bypass route are within the Metropolitan Green Belt and protected from inappropriate development. The application site is also designated an Area of Outstanding Natural Beauty and Special Landscape Area. The area of the site to the south-east of the line of the bypass is also protected by Green Wedge Policy (P2/19 Tonbridge & Malling Borough Local Plan) and is designated as an Area of Local Landscape Importance. Cricketts Farmhouse which lies immediately to the south of the application site is a Grade II listed building, whilst Ightham Court to the west is Grade II* listed. The land around Ightham Court is also a listed Historic Parks and Gardens. The route of the permitted bypass is safeguarded. Public Right of Way MR244 runs along the eastern boundary and to the south of the application site, however the route of the approved bypass to the north dissects it.

Planning Policy Context

17. There is a range of planning policy implications relating to these proposals. The policy issues are set out in detail in the Environmental Statement submitted with

the application. The most significant policies and advice follow:

Government Guidance

18. Government guidance on the location and design of development is contained in Planning Policy Guidance notes (PPG's) and Government Circulars. PPG's are being replaced (through a rolling programme) with focussed statements of national planning policies – Planning Policy Statements (PPS). The Environmental Impact Assessment has been prepared in light of this national guidance.

| | |
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| PPS1 - | Creating Sustainable Communities |
| PPG2 - | Green Belts |
| PPG4 - | Industrial, Commercial development and small firms |
| PPS7 - | Sustainable Development in Rural Areas |
| PPS9 - | Biodiversity and Geological Conservation |
| PPS11 - | Regional Spatial Strategies |
| PPG13 - | Transport |
| PPG15 - | Planning and the Historic Environment |
| PPS23 - | Planning and Pollution Control |
| PPG24 - | Planning and Noise |
| PPG25 - | Development and Flood Risk |

Mineral Planning Statement 2 – Controlling and mitigating the environmental effects of mineral extraction in England.

19. Development Plan Policy

Kent Structure Plan 1996

- S1 - Seeks to promote sustainable forms of development.
- S2 - Seeks to conserve and enhance the quality of Kent's environment.
- S3 - Seeks to stimulate economic activity respecting the environment and Green Belt constraints
- ENV1 - Seeks to protect of the countryside for its own sake.
- ENV2 - Seeks to conserve and enhance Kent's landscape and wildlife (flora and fauna) habits.
- ENV3 - Seeks long-term protection of Kent Downs and High Weald Areas of Outstanding Natural Beauty. The siting of major industrial or commercial development will not be permitted unless there is a proven national interest, and a lack of alternative sites.
- ENV4 - seeks long-term protection of Special Landscape Areas giving priority to the conservation and enhancement of natural beauty of the landscape over other planning considerations

- ENV19 - Seeks to preserve listed buildings and protect and enhance the character of their settings
- ENV20 - Seeks to ensure that development is planned and designed so as to avoid or minimise any potential pollution impacts.
- ENV25 - Seeks to minimise environmental impact of construction projects
- MGB3 - Sets a general presumption against inappropriate development
- T20 - Seeks to ensure the funding of future transport improvements which are necessary to enable a development project to proceed

Tonbridge and Malling Borough Local Plan 1998

- P2/16 Protection of Green Belt
- P2/19 Protection of the separation function of areas defined as Green Wedges
- P3/5 Protection of Areas of Outstanding Natural Beauty, the siting of major industrial or commercial development will not be permitted unless there is a proven national interest or a lack of alternative sites.
- P3/6 Seeks conservation or enhancement of the natural beauty of the landscape within the Special Landscape Areas.
- P3/7 Seeks protection of Areas of Local Landscape Importance
- P4/1 Seeks to protect the integrity and setting of listed buildings.
- P6/17 Allows for limited infilling on established sites within the Green Belt (refers to existing factory site)
- P7/4 Promotes maintenance and improvements to the public rights of way
- P7/7 Safeguards the route of the Borough Green Bypass from prejudicial development

Emerging Planning Policy

The Kent & Medway Structure Plan – Deposit Plan September 2003

- SP1 - Seeks to promote sustainable forms of development.
- E1 - Protection of the countryside for its own sake.
- E3 - Conserve and enhance Kent's landscape character and wildlife habits.

- E4 - Seeks long-term protection of Kent Downs and High Weald Areas of Outstanding Natural Beauty. The siting of major commercial development will not be permitted unless there is a proven national interest, and a lack of alternative site or unless appropriate provision can be made to minimise harm to the environment.
- E5 - Seeks long-term protection and enhancement of Special Landscape Areas giving priority to the conservation and enhancement of natural beauty of the landscape whilst having regard to their economic and social well being.
- E8 - Seeks protection and enhancement of biodiversity
- QL9 - Seeks to preserve listed buildings and protect and enhance the character of their settings
- QL10 - Seeks protection of historic landscape features
- QL18 - Green space networks and rights of
- SS8 - Sets a general presumption against inappropriate development in the green belt
- TP7 - Promotes Borough Green and Platt Bypass to be funded partially or fully by development.
- NR4 - Seeks to conserve and enhance the quality of the environment. Development should be planned and designed to avoid, or adequately mitigate, pollution impacts.
- NR5 - Presumption against development sensitive to pollution.
- NR7 - Safeguarding of water quality.

20. The principle change in the strategic context since the adoption of the Kent Structure Plan has been the inclusion of Ashford and the Thames Gateway as two of the Government's four growth areas for the South East. The required level of house building in these areas is significant and the construction industry will be expected to meet the volume and pace of development set by the Government.

Tonbridge and Malling Borough Local Development Framework – Preferred Options Report September 2005

21. This document is in the process of being worked up into a Development Plan Document, which is likely to go before Tonbridge and Malling Members in June/July 2006. Until then it has little weight for development control purposes however it does not propose any major allocation of land within the vicinity of the application site (within the green belt).

22. **Consultees**

Tonbridge and Malling Borough Council: considers that material planning considerations such as the location of the site, the provision of the bypass, the environmental impacts and the special circumstances promoted by the Applicant must be balanced in the context of sub-regional, countywide and local factors surrounding minerals considerations and strategic highway matters. Were permission to be granted then the following should be secured by legal agreement and /or conditions; completion of the bypass, provision of safe and updated access for pedestrians and cyclists to Wrotham school, need for traffic calming and speed management as a result of modified traffic patterns, site access, noise and odour emissions, provision of landscaping mitigation, external appearance of the buildings, limiting future expansion without consent, protection of ecology, impact on Listed buildings and construction impacts including traffic.

Borough Green Parish Council: Supports the application subject to the council being satisfied as to the impact and public health issues of the emissions. And subject to the the planned crossing and roundabout from the bypass be in place before any factory construction work commences and the bypass be open before the factory becomes operational.

Ightham Parish Council: Object as the proposal is contrary to green belt policy as the provision of the bypass and/or the need to locate next to the existing factory are not sufficient to represent very special circumstances. The proposed factory is not sustainable for staff journeys nor employing local staff. Concerned at the impact upon the listed buildings at Cricketts Farm and their residential amenity. Critical of traffic assessment post 2007 and the capacity of the Whitehill roundabout to take the additional traffic. Concerned at the lack of and unwillingness to carry out surveys and provide mitigation strategies for protected species. The alternative sites study does not take account of the fact that the new factory could produce both blocks and elements and therefore could be footloose, nor does it consider sites outside eof Kent.

Wrotham Parish Council: Object – The Applicants have not considered wharf access for delivery of raw materials in their choice of site contrary to government policy. WPC dispute the life of remaining reserves, the future availability of pulverised fuel ash, the accuracy of the traffic assessment particularly in relation to capacity at Whitehill roundabout. The council also questions the impact upon air quality, the lack of ecological assessment and safeguards, effects upon amenity of listed residential properties, poor alternative sites assessment, and considers there are a lack of ‘special circumstances’ in the green belt.

Platt Parish Council: No objection as the scheme brings benefits both in terms of traffic relief through Borough Green and Platt and the provision of local employment.

SEERA: Does not consider the proposal would conflict with the Regional Spatial Strategy but the planning authority should be wholly satisfied that there is no adverse impact on the AONB in accordance with Policy E1 of RPG9 and that sufficient mitigation measures can be secured to protect and enhance the landscape. The planning authority should also be satisfied that the biodiversity of the application site is at least maintained in accordance with Policy E2 of RPG9; and that the form of the development proposed is appropriate in a green belt location in line with PPG2 and local planning policy.

Environment Agency: no objection subject to a condition requiring water vole survey and mitigation scheme, object to culverting of water courses and state scrub clearance and tree removal should be done outside the bird breeding season. Appropriate remediation should be established if contamination is found.

Mid Kent Water: Very concerned that there are no specific environmental assessments or land-use investigations to clarify the potential for contamination. However if their involvement in the approval of assessments and mitigation can be guaranteed by condition they would be prepared to withdraw their objections.

English Nature: Object, the information provided for protected species as it stands is insufficient to determine the impact the development will have on protected species. Also consider the number of surveys for reptiles is insufficient and the time of year that these took place (July-August) not ideal, nor do they give details of weather conditions on the day.

Kent Wildlife Trust: Object, no account has been taken of PPS9, inadequate and inappropriate surveys carried out for great crested newts and reptiles and no evidence is provided that the development would lead to ecological enhancement.

KCC Biodiversity Officer: Object, a detailed mitigation strategy for great crested newts should be submitted for approval prior to any permission being granted. The survey effort for reptiles is inadequate and as above a detailed mitigation strategy should be submitted. Survey details for water voles and a mitigation strategy should be submitted, same for bats. There is no consideration of effects upon breeding birds. Details of how the scheme contribute to targets set in the UK and Kent BAP have not been provided.

English Heritage: No comment other than ' the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.'

Highways Agency: No objection subject to parking standards being set low and a request for a travel plan (to cover both existing and proposed development).

Division Transport Manager: confirms that the proposed bypass would bring local relief through Borough Green and Platt, would wish to see satisfactory improvements to White Hill roundabout, a moving the pelican crossing to the north of the new roundabout on the A227 and contributions to a new traffic management strategy for the surrounding area. Approval of highway details (including a travel plan) should be required prior to starting works and all highways works being completed prior to first occupation of the new factory.

Public Rights of Way: satisfied that the new factory and access at Ightham Sandpit would not affect Public Footpath MR244. However the condition of MR244 is still less than satisfactory, having been severely compromised by continual development at the site and would therefore welcome any opportunity to divert the footpath permanently.

Jacobs

Odour – no objection

Noise – The predicted noise levels at Cricketts Farm and Cricketts Fram Cottages are unacceptable and would have an adverse effect upon the residential amenity of those properties.

Dust – no objection subject to mitigation measures identified.

Network Rail: No comment

KCC Heritage (Archaeology): No objection

Countryside Agency: no views received

DEFRA: National Land Management Team – Where there are surplus soil resources due to the proposals these should be used in a sustainable way. This may include consideration of their use on other land in the area to effect a satisfactory standard of restoration.

National Grid: no comments

CPRE: Object to inappropriate development in the green belt, critical of the Alternative Sites Study, the Bypass is less needed now as an improved access into the existing works has now been provided, the road is not essential to the development. There are also air quality issues on this part of the M20.

Local Member

23. The Local Member, Mrs Valerie Dagger, was notified of the application on 31 January 2005 and upon the addendum and supplementary to the application on 22 November 2005.

Publicity

24. The application was publicised by way of site notices, advertisement in the local newspaper and a neighbour notification exercise. Upon receipt of the addendum to the Environmental Statement the application was re-advertised and a reconsultation exercise with neighbours and those making representations was undertaken.

25. Initially approximately 80 letters of representation had been received, (mainly from residents in Ightham and Wrotham) as well as a lengthy submission from the Keep Boroughs Green group. The following were the main points of objection:

Green Belt, Landscape and Ecology

- The site is within the Green Belt and is an Area of Outstanding Natural Beauty which should be protected against development.
- The proposal will damage an existing habitat occupied by protected species.
- The scale and size of the proposed development and its 24 hour operation would create an industrial landscape instead of the present rural atmosphere.
- The conditions on the mineral permission required the site to be fully restored

- and therefore it must be viewed as a greenfield site
- The proposal is not appropriate in the Green Belt as there are no 'very special circumstances', there is no proven national interest and inadequate evidence on the lack of alternative sites.

Traffic

- The proposed development would generate significant number of HGV movements within the vicinity of a school.
- The increased traffic movements would be detrimental to the area and would be certain to increase further when on-site sand reserves run out and raw materials have to be imported from elsewhere.
- The offer to fund the bypass is a bribe; the County Council should find another way to fund the construction of the Bypass.
- The construction of the bypass would increase the traffic levels through all neighbouring villages
- The majority of the raw material currently used is not sand but pulverised fuel ash from Kingsnorth Power station in North Kent, to avoid traffic crossing Kent the factory should be located nearer there.
- The bypass should not be considered until additional slip roads off the M26 are built.

Amenity Impacts

- The existing factory already causes noise pollution, a second factory will only make matters worse.
- The factory emissions and the increase in traffic will result in an unacceptable effect on air quality in the area, as will the increased use of pfa.
- The bypass would take passing trade away from the local shops causing a serious effect on the viability of Borough Green.
- The proposed development would be detrimental to the listed buildings.
- Liquid effluent from the factory already affects local watercourses.

Economic

- The present workforce is not locally based and in any case Ightham has one of the lowest unemployment figures in Kent, the new development should be located in area of high unemployment.

26. Since re-publicising the application an additional 30 letters of representations have been received, the following new objections have been made:

General

- The addendum offers nothing to make the proposals any more acceptable.
- As the new factory could produce both blocks and elements it is totally footloose and does not need to be located next to the existing factory.
- The justification for selecting Ightham Sandpits in the alternative site selection is transparently weak and retrospective. It is based solely on convenience and profitability for the applicant in being able to expand operations adjacent to one of their existing factories.
- Government advice on the use of legal agreements to secure planning gain requires that it must be 'directly related to the proposed development' and

'fairly and reasonably related in scale and kind to the proposed development', these conditions are clearly not met in this case.

Green Belt, Landscape and Ecology

- ❑ Unless KCC takes a stance against this proposed development, it will open the floodgates for development in the greenbelt.

Traffic

- ❑ The Applicants have ignored the advice contained in PPG13, which requires consideration for such factories to be located where wharf or rail connections could be used.
- ❑ There is much misleading comment that there is overwhelming support for the bypass.

Amenity Impacts

- ❑ The proposal would lead to further light pollution.
- ❑ The new factory would make Cricketts Farm and Cricketts Farm Cottages uninhabitable.

27. Borough Green Traffic Action Group submitted a lengthy representation insisting that the bypass and outstanding traffic calming measures (pedestrian crossing) be resolved as soon as possible by KCC for the benefit of the residents of Borough Green and Platt.

28. The Keep Boroughs Green campaign has also made additional representations on the addendum maintaining their objections (same comments as above).

Discussion

Introduction

29. The application is for a new factory to produce aerated concrete (aircrete) products, including tongue and groove aircrete elements for ground and upper floors and roofs, and aircrete lintels and steps to form staircases. The new factory also has the potential to produce blocks. The proposed system of building manufacture is hailed as being extremely flexible, quick to construct and of high thermal efficiency. The proposal includes a new access into the site from the permitted (not yet built) Borough Green Bypass. The submitted document confirms the Applicant's intent to fund the bypass including land acquisition and construction costs. Subsequently the Applicants have agreed in principle to fund further traffic calming measures along the A25, a new pedestrian crossing close to Wrotham School and improvements to Whitehill roundabout. The issue of costs associated with these additional works will be discussed later in the report. The site lies within the Metropolitan Green Belt and has been advertised as a departure from the Development Plan.

30. Determining Authority - Schedule 1 of the Town and Country Planning Act 1990 defines those categories of applications which fall as 'county matter', two parts of which apply to this proposal. In essence these are:

- (i) The use of land, or the erection of any building for the carrying out of any process for the manufacture of any article from a mineral where the land forms part of or adjoins a site to be used for the winning or working of minerals.
 - (ii) Carrying out of operations where the land in question forms part of a site used or formerly used for the winning or working of minerals where those operations would conflict or prejudice compliance with a restoration or aftercare condition.
31. It was agreed with the Borough Council that the proposal was a 'county matter'; and should therefore be dealt with by the County Council.
32. Initial considerations of the submission in late 2003 identified a deficiency of information in a number of areas. Of importance was the conclusion that the proposal should be subject to a full Environmental Impact Assessment (EIA) as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The preparation of the EIA took a good deal of time but was eventually forthcoming in December 2004, when the application was made valid. Whilst this was not usual practice and was against the protocol for handling planning applications it was agreed with the Borough Council that the applicants be given more time to prepare the detail essential to allow full consideration of the proposal. The County Council wrote to the Applicants in March 2005 requesting additional information in the form of an addendum to the Environmental Statement. The Addendum was submitted in November 2005.

History of the Site and Surroundings

35. The site has a long history of sand workings and brick and block manufacture commencing prior to the introduction of the modern Town and Country Planning System in 1948. The original permission for sand extraction was granted in 1951. Since then, there have been a series of permissions granted for the sand reserves beneath and to the east and south of the line of the permitted Borough Green bypass. Permissions to work the remaining reserves of sand exist in the southern working section and east of the works. Permission MK/4/51/43 to the east of the existing blockworks is estimated to contain some 400,000 tonnes of sand. Permissions TM/87/1851 and TM/85/1436 on the line of the proposed bypass are estimated to contain some 160,000 tonnes. The application site was previously worked for sand under these 1980's permissions. Under a separate submission the Applicant has sought to extract and stockpile the remaining reserves which would be sterilised by the bypass, were it to be built. This would be done through a revised working, restoration and aftercare scheme.
36. The site was partly restored at a lower level using imported, inert waste under a 1991 restoration scheme. The restoration scheme was subsequently amended with a revised scheme TM/02/583 requiring further works that have been partially completed with some areas of planting outstanding. The amendment sought shallower side slopes, greater emphasis on nature conservation with the provision of woodland and grassland and covered an area of approximately 16 ha.
37. The existing works adjacent to the application site were permitted in 1988 on land

adjoining the railway line that runs to the south, on the basis that it made use of on-site sand reserves then around 25 years.

38. The bypass itself was permitted under reference TM/91/636, its route has been safeguarded in the Tonbridge and Malling Borough Local Plan (TMBLP). Part of the bypass from the Dark Hill roundabout under the railway line has been implemented and therefore the remainder is capable of completion. Planning permission was recently granted for a dedicated roundabout into the existing works. Permission granted previously for this roundabout had lapsed.

Principle Issues

39. The application site is located within the Metropolitan Green Belt (MGB) where Planning Policy Guidance Note 2 (PPG2) - Green Belts is clear that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open:'. There is presumption against inappropriate development and PPG2 states that such development should not be approved, '...**except in very special circumstances**. Inappropriate development is, by definition, harmful to the Green Belt.' PPG2 makes it clear that it is for the applicant to show why permission should be granted.
40. The scale and height of the building and structures proposed are such that they would have a significant impact upon the MGB. The applicant acknowledges that the proposed factory would be inappropriate but submits that the very special circumstances of the scheme are:
41. Provision of the Borough Green Bypass as a major public benefit in accordance with the requirements of the Development Plan;
42. Unique operational requirements of the applicant in terms of the need to deliver combined loads from both factories of aerated concrete products with its associated sustainable transport benefits and the ability to share on-site management and expertise.
43. However I have also included consideration of the following issues:
- Location requirements in terms of access to raw materials and the product market;
 - National need requirements in terms of the provision of the Jamera Building System building products, an innovative Modern Method of Construction (MMC); and
 - Availability of suitable, available and commercially viable alternative sites.
44. Each of the above issues will be discussed and considered to establish whether it can be agreed that those 'very special circumstances' do indeed exist. It will then also be necessary to consider the environmental impacts of the proposed scheme on the site and surrounding vicinity.

Delivery of the bypass

45. As stated above the bypass has been partially implemented and therefore

remains an extant planning permission, having also been safeguarded in the TMBLP. Policy TP7 recognises that the scheme would be funded partially or fully by development. It is unlikely that the bypass would go forward without external funding. The Applicant has made representation both to the Kent Structure Plan Review and the Tonbridge and Malling Local Development Framework Issues Report seeking the appropriate review of the Green Belt boundary to provide for the enabling development necessary to fund the bypass. The Local Plan at Policy P6/17 makes provision for sites within the greenbelt that could be subject to acceptable infilling, this includes the existing factory site, but not the application site.. However the Borough Council has advised that the issue be pursued through the development control process.

46. The line of the bypass lies on land within the ownership of the Applicant (approx. 60%) and Cemex (formerly RMC) (approx. 40%) and therefore both parties would need to be signatories to a legal agreement to give over that land. Initially Cemex offered their land on the understanding that Celcon also obtain planning permission for an access from the proposed bypass to their land both north and south of the route. All of this land is also within the green belt and any future aspirations for the development of this land would be subject to policy restraints. Cemex have re-confirmed in writing that they would be prepared to give up their land although I have yet to receive clarification that this would be unconditional.
47. It is also not clear whether Cemex in agreeing to give over their land would be prepared to sign a legal agreement to this effect in so far as they would only relate to the line of the Bypass.
48. The Applicant submits that provision of the bypass offers substantial highway benefits in transferring significant vehicle movements off the immediate highway network. The Division Transport Manager (DTM) comments on the position as follows:

"I consider that the predicted figures provided by the applicant's transport consultants provide a reasonable indication of the likely percentage changes to existing traffic flows in the local area. These show a 38% reduction on the A25 through Platt (east of the A227) and a 53% reduction on the A25 to the west of the A227.

The predicted reduction of flow on the A25 (east) results primarily from the transfer of traffic to and from the M20/M26 motorway interchange onto the section of the A20 between the M26 junction and the A227 at Wrotham.

This section of the A20 would be subject to a significant increase in traffic flows of the order of 30-40% or some 5000-6000 extra vehicles per day. These additional flows would impact on some 37 residential properties along this road. A further 10 properties on the A227 opposite Wrotham School will be subject to additional traffic arising from the construction of the by-pass. I am not aware whether the environmental impacts of these increases have been fully assessed but it is fair to say that the properties on the A20 are fairly well set back from the edge of carriageway

However, it should be noted that some 379 properties on the A25 and A227 (south) would benefit from a significant reduction in traffic flows. The A227 south of the by-pass junction would be reduced by some 55%.

There would also be increases in the traffic flows at the Whitehill Roundabout at Wrotham and it is evident that this junction would need to be improved to cater for year of opening traffic and future growth. It is understood that the applicants would be willing to fund these works but they are reluctant at this stage to commit resources to detailed design work for such improvements.

The capacity of this junction and indeed the A20 itself could well be a controlling factor in the likely level of transfer from the A25 through Borough Green and Platt. The current assessments are based on an opening year of 2007 and clearly it is unlikely that the by-pass will be completed by that date.

The local highway network as a whole will be under increasing pressure post 2007 with or without the by-pass due to normal traffic growth. However, the assessments submitted do provide a useful indication of the changes in flows that would result from the by-pass construction.

The proposed improvements to the Whitehill Roundabout should not be out of balance with the capacity of the route as a whole. Longer term relief to the A25 and the A20 would be dependent on improvements to the M25/M26/A21 interchange at Sevenoaks.

The capacity of the proposed by-pass itself is more than adequate for future growth and there is no doubt that the construction of the by-pass would mitigate the impact of the development now and in the future. The issue is whether the by-pass delivers net benefits that outweigh any greenbelt objections and negative impacts on parts of the A20 and A227.

In the case of the latter there does appear to be a net benefit for local residents but I am unable to judge whether this would outweigh other objections and negative impacts.”

49. It is therefore acknowledged that the bypass would remove traffic from the A25 and A227 (south) but increase traffic on the A20 and A227 (north). The DTM comments further that “The impact of the proposed Borough Green and Platt Bypass will be relatively local. In my previous comments I indicated the likely impact on the A25 east and west of the A227 in Borough Green. It is not anticipated that there will be any noticeable impact on traffic flows on the M20 or the M26 and changes to traffic flows on the A20, A25 and A227 will be local to the area of Borough Green, Platt and Wrotham.”
50. It is generally acknowledged that the length of the A25 from Wrotham Heath to Sevenoaks is a primary route because of the lack of east facing slips at the M25/M26/A21. I am advised that the provision of these slips is likely to be addressed as part of a future phase of the M25 widening but there is no firm programme date for this work and no details of any modifications to the above mentioned interchange.
51. It is therefore considered that whilst the bypass would impact locally by shifting vehicles away from Borough Green and Platt the longer-term solution to removing traffic from the wider area has to be via the introduction of east facing slips.
52. The Applicant further submits that there are no known alternative schemes within the locality able to provide funding and land to deliver the bypass. As such the

proposal offers the only means of meeting the Development Plan commitment and therefore must be considered as the very special circumstance to over ride green belt policy. Members may agree that it is unlikely that there would be any other development coming forward likely to be able to fund the bypass, but that is not in my opinion, good enough reason to ignore government guidance on maintaining the openness of green belt. Even acknowledging that planning permission exists for the bypass the net benefit as indicated by the DTM would be relatively limited to the residents of Borough Green and Platt. This has to be balanced against the disbenefit to residents on the A20 and A227. Furthermore the provision of the bypass does not resolve the traffic problems of the wider area that could be addressed to a much greater extent by the east facing slips at the M25/M26 and A26.

53. I have not therefore been convinced that the offer to bring forward the provision of the bypass overcomes the inappropriateness of the development and does not by itself represent the 'very special circumstance' that would make the proposal acceptable in green belt policy terms. I have investigated case law regarding the issue of whether the provision of a bypass could be considered adequate 'very special circumstances' sufficient override green belt policy. Whilst I accept that no case is ever directly comparable my conclusions that the provision of a bypass would not be sufficient to outweigh the detriment that would be caused by a development to the open countryside are supported.

Combined Loads

54. The Applicant submits that the new works would enable production of the reinforced building elements alongside blocks produced from the existing works and the combined delivery on each separate load of the full range of aerated products to construction sites in Kent, London and the South-East. It is also proposed that the new facility would benefit from the use of on-site silica sand and future potential local sources as well as a wide range of other benefits gained from proximity to the existing works including management and staffing expertise. (The issue of sand reserves will be discussed further later in this report).
55. Following discussions with officers the Applicant has confirmed that the second factory has the capability to produce blocks as well as elements. The Applicant would not be prepared to restrict production to elements only for commercial reasons, which in my view undermines the need for the two factories to co-locate. Confidential evidence from a number of house builders in the form of exchange of emails does not convince me that the possibility of delivering all building components on one vehicle to a construction site is adequate reason for the two factories to be located side by side. Whilst I accept that there would be economies of scale in management and staffing issues of co-location, the new factory, having the ability to also produce blocks, could effectively be footloose. A factory capable of producing either elements or blocks does not therefore need to be located adjacent to the existing factory.
56. I am not convinced on that basis that the new factory must be located at Borough Green. The Scale and height of the proposed buildings would undoubtedly have a significant impact to the detriment of the MGB. Accordingly I cannot support the Applicants submission that the potential to deliver combined loads by co-locating the two factories presents a 'very special circumstance'.

Access to raw materials

57. The Applicant argues that the Borough Green site offers the benefit of having 9 years supply of on-site permitted sand reserves and 5 active sand pits located within approximately 10 km of Borough Green. The existing factory requires approximately 20,000 tonnes of sand per annum. The proposed factory would require between 20,000 tonnes and 85,000 tonnes of sand per annum depending on the products produced and market demand. (Manufacture of elements uses more sand than blocks). The application does not make it clear as to the quality of sand they would need for either the manufacture of blocks or elements in the proposed factory. It states, "The sand requirements of the existing factory are very much dependant upon demand, however approximately 20,000 tonnes per annum is typically required". The addendum to the Environmental Statement goes on to say, "With half of all soft sand workings in Kent located within approximately 10km of Borough Green, there is likely to be significant available provision to meet the requirements of the proposed and existing plant" manufacturing requirements." The original Environmental Statement refers to "...reliance will be placed upon alternative sources of silica sand...". Without details of the required specifications it would be extremely difficult to determine whether the availability of permitted sand reserves meets those requirements. Indeed availability of industrial sand from some of those quarries is questionable given the quantities available and existing supply contract commitments.
58. The existing factory currently uses large quantities of Pulverised Fuel Ash (PFA) from Kingsnorth Power Station as an alternative raw material to sand. The Applicant submits that, "The sand requirement will increase post 2016 when PFA supply is curtailed with the decommissioning of Kingsnorth Power Station." The exact date of decommissioning is yet to be confirmed, so the supply of PFA could still be the main source of raw materials for some time to come.
59. I conclude that there is doubt over the supply and type of raw materials to be used in the manufacturing process. I accept that it is very difficult to predict with certainty the availability of raw materials from sites that are not within the ownership of the Applicant. However it is this very point that leads me to conclude that the second factory, without greater certainty of where the raw materials would come from, does not have to be located at Borough Green within the MGB.

Access to the Product Market

60. The Applicant submits that the new range of products would mostly serve a 30-mile radius market including London, Kent and South East England. It is also acknowledged that the growth areas of the Thames Gateway and Ashford would provide the main potential market areas outside London. Other factories are located at Pollington, Nr Goole and at Westbury in Wiltshire, and it is argued that a second factory at Borough Green would provide the company with national coverage in terms of the Jamera products. I have no reason to disagree with the principle point of their argument that a site within the south east region would be better located to meet the proposed market needs. This point also accords with SEERA's observations on the application as the Regional Planning body. However this alone does not justify releasing a substantial green belt site. Alternative sites within the locality are discussed later in this report.

National Need for Jamera Building Concept

61. It is acknowledged that many of the Jamera building system products meet the definition of a Modern Methods of Construction (MMC) which facilitate fast construction of buildings with certified standards. The planning application is accompanied by an economic report by the Director of Economic Affairs at the House Builders Federation (John Stewart). The report concludes that:
- Southern England will see a substantial increase in house building over the next 15-20 years;
 - To achieve the scale of increase envisaged, the house building industry will have to expand its capacity substantially by increasing the supply of skilled labour and by a wider adoption of MMC's.
62. It is submitted that the Jamera System and the proposed new factory proposed at Borough Green, would meet many of the requirements to achieve this capacity expansion and substantial rise in house building. It further concludes that the Jamera system rates highly in sustainability terms, using either a waste product or on-site reserves, so avoiding the need to import materials. It also argues that because the proposed plant would be located within the greater South East region, transportation of the finished product is minimised. The products could in the longer-term be recycled as well as meeting the thermal efficiency requirements of building regulations.
63. The need for faster, more efficient and sustainable construction methods to meet housing demand presently and in the future is not disputed. However none of the above factors demonstrate why the County Council should disregard national green belt policy by allowing an inappropriate use at this location.

Absence of suitable, available and commercially viable alternative sites

64. In carrying out a Scoping Opinion upon the proposal officers requested that an alternative sites assessment be carried out in response to the sites location in the green belt and in accordance with the requirements of the EIA Regulations. The Applicant has always disputed the requirement for such an assessment on the basis that the Development Plan requires enabling development funding of the Borough Green Bypass under Kent Structure Plan policy. It is stated that "The bypass is therefore dependant upon enabling development, for all practical purposes, coming forward within the line of the Bypass, which can provide land for the Borough Green Bypass and derive benefit from the Borough Green Bypass. In addition, the form of enabling development proposed by the Applicant presents operational requirements closely related to the existing Borough Green works which justify the proposed site adjacent to the existing factory."
65. Notwithstanding the above the Applicant has carried out an assessment of potential alternative site opportunities. Following initial considerations of the assessment officers sought further justification as to why in their opinion the Borough Green site represented the best option. Officers asked that the assessment should involve a comparison of the magnitude and significance of the effects of the alternatives considered, as well as the commercial viability of all alternative sites. In response the Applicant has revisited the assessment of each

alternative against the site selection criteria and also commissioned a detailed commercial viability assessment by Harrisons Surveyors involving research into acquisition costs of alternative sites. The financial detail of the latter has been provided in confidence to officers, the conclusions of that report will be discussed later.

66. The following alternatives were considered:

- Northfleet Power Station
- Swanscombe Peninsula West,
- Waterbrook Site , Ashford
- Orbital Park, Ashford
- Canal Basin Area, Gravesend
- Rugby Cement , Halling
- Ridham, Sittingbourne
- Kingsnorth Power Station Site

against the following site selection criteria:

- Outside the Green Belt and Area of Outstanding Natural Beauty (AONB)
- Access to the strategic road network to serve the market
- Access to raw materials
- Adequate Available Land
- Exclusive Occupancy and Security
- Able to accommodate purpose built buildings
- Available for immediate occupation
- Reasonable proximity to the existing Borough Green works to benefit from economies of scale
- Reasonable proximity to the existing Borough Green works to benefit from on-site management, staffing, training and technical expertise
- Ability to provide national coverage with combined loads from existing Borough Green blockworks

67. Not surprisingly the assessment concluded that although the magnitude and significance of the effects of development at these alternative sites were, in principle, comparable with the Borough Green site all could be discounted against the criteria for site selection. In summary none of the sites were found to be realistically suitable, available or commercially practical to meet the requirements of the Applicant. It is notable that the assessment only considered sites within Kent, and specifically it did not consider any within south east London, which is a large area of their product market. However it is acknowledged that the proximity to product market must be weighed against the vehicle mileage associated with accessing raw materials.

68. I would argue that the Alternative Sites assessment did not submit the sites to a rigorous comparative examination. The magnitude and significance of effects has not been weighted on all of the sites when compared to each other. There are other criteria that could have been applied to each of the sites. For example, the availability of alternative modes of transport taking up advice contained in PPG13 "Transport", for raw materials and finished product and proximity to the market for finished product. Points 8-10 of the site selection criteria are largely superfluous as all sites other than Borough Green would by definition fail on these criteria.

69. The Harrisons report provides additional financial and commercial information assessing the practical and commercial viability of each assessed site for manufacturing use. This report also considered two additional sites to those listed above namely the Isle of Grain and Neats Court , Isle of Sheppey. The report concludes that the eight sites in the alternatives assessment are completely unavailable or the owners would not dispose of land for the proposed use either for commercial or planning reasons. Of the two remaining suites Grain is too distant and the complexity and costs of land preparation are currently incalculable. Kingsnorth is available but to date all prospective purchasers have been unable to conclude a site acquisition or development of any significant size. Until the owners can remove the uncertainty in respect of access, site development costs and servicing it is argued this site cannot provide a suitable alternative location for major manufacturing uses.
70. The report concludes that there is no site currently available that would provide a realistic and viable alternative for the Applicant. It is acknowledged that the restrictions placed on sites by Local Plans, the unsuitability of many major sites for B2, and the operation of the property market favouring higher value uses, combine to make it very difficult for large B2 users. Having said that as discussed above there are some criticisms of the rigour of the Alternative Sites Assessment. Given its location within the green belt, I have to be certain that the Borough Green site is the only available site. The total cost of establishing a second factory at Borough Green has yet to be fully established in terms of site remediation, mitigation, provision of the Bypass and other highway improvement costs. I cannot therefore conclude that given the negative score the application site has in terms of location, preparation and associated development funding that it is the optimum site.

Conclusion on the issue of 'Very Special Circumstances'

71. The provision of the Bypass may resolve a local highway issue, but in my view does not address the issues of highway congestion in the wider area, that could be dealt with more substantially by the provision of east facing slips on the M25/M26/A21. The case for combined loads is not supported by hard evidence particularly given the ability of the proposed factory to continue to produce blocks. The choice of site based on the access to raw materials is not substantiated. The principle consideration in the choice of the application site has to be its location within the Metropolitan Green Belt, where the openness of the location must be retained. Given this situation the need for this factory to be located at Borough Green in order to contribute to the governments rapid house building programme cannot be supported. It has not been demonstrated through the alternative sites assessment that Borough Green is the optimum location for a second factory. I do not therefore support the Applicants argument that 'very special circumstances' exist sufficient to override the normal restraint policy in this sensitive location.

Environmental Impacts

72. In addition to considering the principle policy issue it is also appropriate to give attention to the specific environmental impacts the proposal may have. Below is discussion of the key issues that have arisen in terms of the likely impacts of the proposed development.

Landscape

73. As set out above the site is covered by a number of specific planning designations which seek to protect the landscape quality of the area. Besides its green belt designation the site is also within the Kent Downs and High Weald Areas of Outstanding Natural Beauty (AONB) and Special Landscape Area (SLA). Policy within the adopted Structure Plan and the emerging Kent and Medway Structure Plan (ENV3 and E4 respectively) seeks long-term protection of the AONB and states that the siting of major commercial development will not be permitted unless there is a proven national interest, and a lack of alternative sites or unless appropriate provision can be made to minimise harm to the environment. This status is supported by the Tonbridge and Malling Borough Local Plan (Policy P3/5). The SLA is afforded similar protection in the Structure Plan (Policy ENV4 and E5) and Local Plan (policy P3/6) in that proposals should seek to conserve and enhance the natural beauty of the landscape over other planning considerations.
74. The site also lies within the Green Wedge and Area of Local Landscape Importance (ALLI). These designations are applied under policies P2/19 and P3/7 of the TMBLP and essentially object to any development that is likely to extend the urban areas or significantly adversely affect the local function that those areas perform in maintaining separation between existing settlements. The scale and mass of the proposed buildings as well as the large area of hardsurafacing proposed would in my view be contrary to these policies. Although the proposal involves an element of ground remodelling, planting and bunding to screen the development, the presence of such a large built structure with a 20-metre high emissions stack and 25 metre high mixer tank tower would be almost impossible to screen completely. As such it is considered that the proposed factory at this location would have a significant impact upon the landscape quality of the area.
75. The approved landscaping and restoration scheme of the former mineral working covers some and 16 hectares and seeks to return much of the site back to a nature conservation afteruse. Within this area over 10 hectares comprises planting blocks with a further 6 hectares of grassland. This provides a local biodiversity gain and enhanced conditions on site for a range of protected species. The ES states that the application proposals would seek to fulfil the aims and objectives of the national and Kent Biodiversity Action Plans. However there is no further detail produced as to how that would be achieved other than mention of the establishment of a Local Nature Reserve. I am not aware that this has been progressed with the Borough Council. The area proposed for landscaping in the application is approximately 9 hectares thereby resulting in a net loss of landscape enhancement. Additionally, whilst this is not hugely different from the 'landscaped' area in the approved scheme it is more fragmented as over 3 hectares would be north of the bypass. In the revised scheme the 'southern' areas also lose the 'pastures' in the centre of the site to a factory use which further impacts on available 'wildlife' corridors. The addendum to the ES states that the delivery of the enhancements would be via a Section 106 agreement or a set of planning conditions. I consider that this detail should be provided before any permission could be granted.

Ecology

76. The application site does not have a designation, statutory or non-statutory, for nature conservation. The site as currently restored does however contain a mosaic of habitats, which have the potential to support a range of protected species. Specifically great crested newts, reptiles, water vole, bats and invertebrates could all be present. English Nature, Kent Wildlife Trust and KCC's own ecologist all took the view that insufficient information had been provided to enable them to support the proposals. Following discussions with the Applicant the addendum revisited the ecology chapter, however no further ecological evidence was produced. English Nature comment that:

“we would advise you that the information currently provided for protected species is as it stands is not sufficient to determine the impact that the development will have on protected species. Paragraph 14.7 of the Additional Information and ES Addendum (November 2005) states that “Ecology Solutions are in the process of providing and agreeing...a mitigation strategy to enable the planning process to proceed unhindered”. We have been given assurances that this report will be with us shortly but nevertheless, as things stand it is not possible for us to assess what the residual impacts of the development will be on this species and advise you accordingly.

With regard to reptiles we still consider that the number of surveys (four) is insufficient and the time of year that these surveys took place (July-August) not ideal. Even though the number of tins used was high it is much more difficult to attract reptiles to basking areas when the weather is hot and we have no information on the weather conditions of the surveys. We accept that great-crested newt mitigation will also prove beneficial to reptiles but again the absence of this mitigation strategy, combined with insufficient survey effort, means that the potential impacts of the development on reptiles cannot be properly assessed.”

77. The report referred to above has now been received and I await further comment from English Nature. I will report their views verbally to Members at the meeting, however planning case law dictates that the report will need to ensure that the potential impacts upon reptiles and amphibians can be properly assessed and mitigated prior to any grant of planning permission.

78. The Application documents still do not provide any further detail as to impact upon water voles, bats or birds other than suggesting that further surveys would be carried out prior to commencement of works. As things currently stand all three nature conservation interests retain their objections to the proposal. The Environment Agency confirms that surveys for water voles must be undertaken and if such animals are found appropriate mitigation and compensation agreed. They suggest that it is essential to develop any ecological mitigation strategies for different species simultaneously to ensure they do not conflict. On the basis of case law I am not satisfied that this is an acceptable approach and consider that these details should be provided before any decision on the planning application is made. As such the proposal would be contrary to Policy E8 of the Kent and Medway Structure Plan.

Ground Conditions and Water Resources

79. The site has historically been used for quarrying sand. Notably it is believed that the site has been in-filled with inert material and the ES states that this would be confirmed through intrusive investigation once planning permission has been obtained. It further goes on to say that the site is partly located on a Total

Catchment Zone SPZ. The aquifer status is fairly sensitive, and the potential risk to groundwater from activities on site is highest in the south east, it is estimated that the water table rests at 65m AOD. There are numerous small streams, drains and ponds around the perimeter of the site and its surroundings, and there are also several areas of standing water on site. Standing water was present in the base of the pit approximately 70m AOD, although the site is not known to be at risk of flooding.

80. The residual impacts for the short term of the construction of the development, once mitigation measures have been put in place, are considered in the ES to be minor adverse. These relate primarily to the risks of contamination affecting receptors on site, changes in surface water run-off, and the continued low risk potential for contaminated run-off to reach local watercourses. Landslip risks would be addressed prior to development and therefore the ES asserts that the residual impacts would be beneficial. The residual impacts for the medium to long term of the completed development were considered to be minor adverse and again relate primarily to the risks of contamination affecting receptors on site. Other impacts include the accumulation of land gas, and contamination of soils and water as a result of factory activities. The ES states beneficial impacts relate to the elimination of potentially contaminated land and water as well as eliminating slope instability risks through investigation and remedial measures, once planning permission is granted.
81. The Environment Agency have commented that “the potential to cause ground water contamination at this site is high and therefore it is essential to fully address the impact of site drainage on the groundwater and surface water systems during the construction phase and working phase of this development.” They go on to suggest a condition seeking determination of past and present uses of the site and adjacent area to ascertain the likelihood of contamination existing on site, with appropriate remediation being determined.
82. Mid Kent Water have taken a similar view expressing concerns over the potential to contaminate important aquifers but have agreed with the Applicant that provided they be party to agreeing the evidence put forward to the EA suggestion above that they would withdraw their objection. They have stated that if they were not able to voice their concerns in the future with regards to the conditions set they would be failing in their statutory obligation to their customers to protect groundwater. They state, “a detailed Environmental Assessment is required and it is at this stage of the planning procedure that the Company has any voice in making sure groundwater supplies are protected.”
83. Without the information requested regarding potential contamination issues I cannot be satisfied that the impacts of the proposed development could be fully assessed and therefore adequately mitigated. To leave the requirement for this information until after the planning application has been determined would in my view be unacceptable. As such I consider the proposal would be contrary to Policies ENV20 of the KSP and Policies and Policies NR4, NR5 and NR7of the Kent and Medway Structure Plan.

Noise

84. The Applicant as part of the Environmental Impact Assessment has undertaken a noise survey. A number of sensitive receptors have been identified however of most significance is the potential impact upon the nearest residential properties.

The Applicant has stated that it is intended that these properties would be acquired for their use as commercial premises. However the noise assessment should be based upon their residential use. I am advised by my noise consultant that there is predicted to be a significant impact at Cricketts Farm and Cricketts Farm Cottages, all of which are indicated by a situation in excess of a "complaints likely" scenario when assessed using BS 4142. This has the potential to significantly affect the occupiers' residential amenity in terms of the effects of noise. The Applicant's noise consultant does briefly consider mitigation in the form of a barrier but he discounts this due its impractical size and goes on to declare that it is considered "acceptable in principle". This is a view not shared by my noise consultant who considers there would be a significant and substantial impact at three properties. It is concluded that the proposed factory would have an unacceptable detrimental effect upon the residential amenity of Cricketts Farm and Cricketts Farm cottages and is therefore contrary to Policies ENV20 of the KSP and Policies and Policies NR4 and NR5 of the Kent and Medway Structure Plan.

Air Quality

85. Emissions to the atmosphere from the existing Celcon Plant are subject to control by the Borough Council pursuant to the Local Air Pollution Control regime established under the provisions of the Environmental Protection Act 1990 and the Pollution Prevention and Control Act 1999. The Borough Council state that so far as they are aware the new plant would be subject to the same regulatory regime. They advise that the stringent controls should ensure that unacceptable levels of local pollution would not be caused by the new plant.

Affects on Listed Buildings

86. As stated above there are two listed buildings within the vicinity of the proposal. English Heritage has been consulted upon the proposal and has replied that the application should be determined in accordance with national and local policy guidance. I am satisfied that the effects of the proposal upon Ightham Court and its listed garden can be adequately mitigated. However Policy ENV19 of the Kent Structure Plan and QL9 of the Kent and Medway Structure Plan seek to preserve listed buildings and protect and enhance their settings. Policy P4/1 of the Tonbridge and Malling Local Plan supports this position.
87. The Applicant argues that the Farm has been in close proximity to active mineral workings for many years which had led to substantial screening being provided by mounding, reinforced by hedgerows and woodland in some places. Further mitigation proposed as part of the overall scheme, it is argued, would remediate recognised impacts.
88. I am seriously concerned as to the potential effects of the proposal upon Cricketts Farmhouse. The residential complex surrounding the farmhouse would effectively be totally surrounded by industrial development. Although not within the application boundary I understand it is the intention of the Applicants to acquire Cricketts Farm and change the use of some or all of the buildings to workshops, stores and offices. However I am not aware of an application having been made to the Borough Council. Without details of the intended activities at the farm complex it is impossible to fully assess the potential changes to the context of the setting of the listed building. I acknowledge that the Cricketts Farm

site has been subject to active and continuing mineral working for some time, however that working is temporary in nature and subject to a restoration scheme designed to protect the setting once completed. The proposed factory and potential use of this farm complex which would ensure on a permanent basis would have significant detrimental impact upon the setting of the listed building in perpetuity.

Conclusion

89. Earlier in this report I have concluded I do not support the Applicants argument that 'very special circumstances' exist sufficient to override the normal restraint policy in this sensitive location. Furthermore consideration of the environmental impacts of the proposed development have highlighted a number of issues where the proposal is in conflict with the policies contained in the Structure and Local Plans. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. I have concluded that beside the principal green belt policy objection the impact of the proposal is such that there are other significant material planning objections. I cannot therefore support the planning application.

Recommendation

90. I RECOMMEND that PLANNING PERMISSION BE REFUSED on the following grounds:
- (i) The proposed site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The Applicant has failed to demonstrate that very special circumstances exist sufficient to demonstrate that those national and development Plan Policies which seek to protect such areas should be overridden. The proposal is therefore contrary to government guidance in Planning Policy Guidance Note 2 - Green Belts, Policies S3 and MGB3 of the Kent Structure Plan 1996, Policy SS8 of the emerging Kent and Medway Structure Plan and Policy P2/16 of the Tonbridge and Malling Borough Local Plan.
 - (ii) The proposed site lies within the Kent Downs and High Weald Areas of Outstanding Natural Beauty (AONB) and Special Landscape Area (SLA) where the primary objective is to protect, conserve and enhance landscape character. The proposal to locate a second factory of significant scale and massing is contrary to Policy ENV3 and ENV4 of the Kent Structure Plan, Policies E4 and E5 of the emerging Kent and Medway Structure Plan and Policies P3/5 and P3/6 of the Tonbridge and Malling Borough Local Plan.
 - (iii) The proposal lies within the Area of Local Landscape Importance between Borough Green and Ightham, specifically identified as an area of woodland, open countryside and mineral workings contributing to the rural character of these settlements as viewed from the A25 and A227. The siting of a large factory with its associated development within this protected area would result

in long term damage to the open character of this area contrary to Policy P3/7 of the Tonbridge and Malling Borough Local Plan.

- (iv) The application site lies within the Green Wedge as identified in the Borough Local Plan, where the land performs an important separating function between existing villages. The proposal by virtue of its scale and massing conflicts with this separation function and cannot be adequately designed or landscaped so as not to compromise this function and as such is contrary to Policy P2/19 of the Tonbridge and Malling Borough Local Plan.
- (v) The proposal does not afford adequate conservation or enhancements to wildlife habitats and species and there is no overriding need for the proposed development demonstrated and as such is contrary to Policy ENV2 of the Kent Structure Plan and Policy E8 of the emerging Kent and Medway Structure Plan.
- (vi) The proposed impact upon the sensitive groundwater environment has not been fully assessed and the impact of the proposed development cannot therefore be measured. As such I consider the proposal would be contrary to Policies ENV20 of the KSP and Policies and Policies NR4, NR5 and NR7 of the emerging Kent and Medway Structure Plan.
- (vii) The noise levels associated with the proposed development would have an unacceptable detrimental effect upon the residential amenity of Cricketts Farm and Cricketts Farm cottages contrary to Policies ENV20 of the KSP and Policies and Policies NR4 and NR5 of the emerging Kent and Medway Structure Plan.
- (viii) The siting of the proposed development in close proximity to the adjacent existing factory would result in an unacceptable detrimental effect upon the setting of the Grade II listed Cricketts Farmhouse contrary to Policy ENV19 of the Kent Structure Plan and QL9 of the emerging Kent and Medway Structure Plan and Policy P4/1 of the Tonbridge and Malling Local Plan;

and subject to any minor amendments to these reasons as agreed to be necessary by the Committee.

Consequential variations to other permissions

91. I further recommend that MEMBERS NOTE that the Applicants have also proposed in writing to vary the working, restoration and aftercare scheme for the permitted sand reserves to the west of the proposed factory site (Ref. TM/85/1436 & TM/87/1851). Particularly, they seek to vary Condition 4 of the above permissions to allow the excavation and subsequent stockpiling of the sand to the east of the existing factory in a former quarry void. Should Members approve the substantive application this would allow the prior working of sand beneath and to the west of the line of the bypass in advance of the bypass being constructed and thus avoid their sterilisation.
92. Should Members be minded to accept the recommendation set out in paragraph 90 above I WOULD RECOMMEND that this request be REFUSED as there would be no need to remove all these reserves at this point in time.

93. Additionally, there remain outstanding working, restoration and aftercare requirements under permissions TM/85/1436 and TM/87/1851 which the applicants requested originally that completion of working and restoration be extended to 30 June 2006 and by further letter dated 1 March 2006 until 30 June 2008. I have concerns that the submitted schemes of working and restoration remain unapproved and until approved we cannot secure with any confidence the end date of these permissions. In the circumstances it is now urgently necessary to ensure these schemes are submitted in a sufficient and acceptable form to allow them to be approved and to secure controlled working and restoration under the permission. Should Members agree the recommendation in paragraph 90 above I also SEEK AGREEMENT from Members to remind the applicant of this outstanding issue setting a deadline for their submission within 6 months and also refer the matter to the Regulation Committee to consider taking of appropriate enforcement action should the submission of acceptable schemes within this timescale be further delayed.

Case Officer: Andrea Hopkins

01622 221056

Background Documents - see section heading (or specify particular documents)*

Appendix 3 Letter from Applicant

BY POST & E-MAIL: Andrea.Hopkins@kent.gov.uk

Ms Andrea Hopkins
Kent County Council
First Floor
Invicta House
County Hall
Maidstone
Kent
ME14 1XX

Our Ref: 12583/A3/AM

6th April 2006

Dear Andrea

RE: PLANNING APPLICATION REF: TM/03/2563 – DEVELOPMENT OF NEW FACTORY TO MANUFACTURE AERATED CONCRETE (JAMERA) PRODUCTS WITH OUTSIDE STORAGE, PARKING, NEW ACCESS AND ASSOCIATED FACILITIES AT IGHTHAM SANDPIT, BOROUGH GREEN ROAD, IGHTHAM, SEVENOAKS

We write on behalf of our client H + H Celcon Ltd with reference to the above scheme to be considered by Members on the 16th May 2006 at Planning Committee following its deferral at the 21st March 2006 Committee.

We would request your response and consideration to the following points raised in relation to misleading references contained within the Officers Committee Report regarding the nature and benefits of our client's scheme. We would request that Members be fully advised of the following issues raised when reporting the scheme again to Committee.

We respond to the contents of the Officers Committee Report as follows.

Delivery of the Bypass

Paragraph 47 - Cemex have formally confirmed their agreement to make provision of the necessary land on an unconditional basis for the delivery of the bypass.

Paragraph 49 – We accept that the provision of Borough Green bypass will only have a local effect on traffic flows in Borough Green and Wrotham and will not attract traffic generally to the A25 corridor. This was a concern raised previously by Seal Parish Council and Sevenoaks Council. The work our client's Highways consultant have done has shown very clearly that there will be no material change to traffic flows on A25 west of the Borough Green, if the Borough Green bypass were to be provided.

Paragraphs 50-51 – Kent County Council in the mid 1980's carried out a study into the provision of east facing slips at M25/M26/A21 which advised that provision of east facing slips was both difficult and complex, and therefore very expensive to provide. East facing slips would raise serious traffic issues in and around Sevenoaks, with particular reference to the already congestion junctions at Riverhead and Bat and Ball.

There is, as yet, no firm programme or any certainty that east facing slips at Sevenoaks will be provided. Officers at Kent CC have recently in conversation confirmed there are no Government proposals for the delivery of east facing slips, only a Highways Agency investigative study.

Further, there is no analysis or assessment of the likely benefit to traffic flows in Borough Green provided by the KCC Division Transport Manager. Our client's highways consultants WSP have advised that the provision of East facing slips would have some beneficial effect on traffic flows at Borough Green, however the effect would be much less than the provision of the Borough Green bypass, for example, the provision of east facing slips would not reduce A227 traffic passing through Borough Green which is approximately 35% of the total.

The Officers report is therefore quite wrong to assume in paragraph 51 that "*the longer term solution to removing traffic from the wider area has to be via the introduction of east facing slips.*" The Borough Green bypass will provide a much greater relief than would the provision of east facing slips, indeed there would be highways benefits if both schemes were to come forward.

Paragraph 52 – It is not for Members to agree or otherwise the likelihood of other development coming forward to build the Borough Green bypass. It is surely a simple statement of fact that only H + H Celcon Ltd and Cemex who control the necessary land for the bypass, have shown any interest or ability to provide a bypass linked to a development scheme.

Further in paragraph 52, the views of Officers are both biased and incorrect in the reference to the disbenefit to residents of the A20 and A227. This ignores completely the views of his highway officers set out in paragraph 48, that some 379 properties on the A25 and A227 would benefit from the significant reduction of traffic flows, whereas only some 37 + 10 residential properties along A227 and A20 would experience additional traffic flows, albeit of a lesser order, and with an acknowledgement that most of these properties are set back from the edge of the carriageway.

In addition, there is no mention in this report that the village of Wrotham already has the benefit of a bypass.

At the end of paragraph 52 there is the bold statement that provision of the bypass does not resolve traffic problems for the wider area that could be addressed to a much greater extent by east facing slips at M25/M26/A26, this statement is not supported by any traffic analysis.

Element Production

Paragraph 55 - Reference is made to the confidential evidence provided by the Applicant from a number of house builders as not being convincing regarding the possibility of combined loads of elements and blocks. No explanation is, however provided as to why Officers are not convinced and consider themselves better placed to judge the requirements of the house building industry than the industry itself. No reference is made to evidence having been obtained from the house building industry advising to the contrary on the issue of combined loads. H + H Celcon Ltd remain committed to the production of Elements from the proposed plant and the wider acceptance of the Jamera building technique within the construction industry including the delivery of combined loads of Elements and Blocks produced from the two factories.

Access to Raw Materials

Paragraph 57 - Reference is made to the applicant not being clear as to the quality of sand they would need for the proposed factory. This is not the case, the quality of sand required by H + H Celcon Ltd is for it to be of comparable quality to the existing on-site reserves that have supplied the existing factory which is a high silica content, low silt content and low iron content. As the nearby quarries identified are also located within the same Folkestone Beds and supply other aircrete block-making companies the reserves can therefore be deemed to be of suitable quality. The existence of several sandpits within relative close proximity to

Borough Green is therefore clearly a strong supporting argument that the new factory would be ideally located in respect of proximity to raw materials.

Reference is made in paragraph 57 to the manufacture of elements requiring more sand than blocks, no reference is made to the fact that element production therefore requires no PFA within the recipe mix for the product and is totally reliant on local sand reserves.

Landscape Impact

Paragraph 22 - In the summary of the views from consultees there appears to be no professional specialist consultee advising Kent CC on the landscape impact of the proposals, a key consideration in reaching the planning balance. Is the landscape evaluation of the scheme by Kent CC reliant on the views of Planning officers?

Paragraph 74 - There is no mention of the important use of colour as a mitigation measure.

Paragraph 75 - It is stated that *'The area proposed for landscaping in the application is approximately 9ha thereby resulting in a net loss of landscape enhancement.'* This statement is misleading, whilst the overall greenspace area is reduced, that remaining is considerably enhanced. The issue is one of quality as much as quantity and the additional woodland planting in particular will be a significant benefit to the local landscape. Furthermore, the actual built area is approximately 6.25ha south of the bypass with the exclusion of the proposed woodland planting on the sides of the former quarry (see Keith Funnell, Landscape Proposals drawing ref: CBG/L2A), we challenge Officers therefore as to whether they have given due allowance to the extent of greenspace around the development to the south east of the bypass and the qualitative benefits of the proposed landscaping.

Noise

Paragraph 84 - Reference is made to the view held by the Applicant's noise consultant which is misleading and has been taken out of context. For the avoidance of doubt, the Applicant's noise consultant considers that the environmental noise impact of the proposed blockworks to be acceptable in principle subject to the acquisition of Cricketts Farm including the cottages so that Cricketts Farm is not in residential use. Discussions are ongoing between H + H Celcon Ltd and the owners of Cricketts Farm regarding the site's acquisition and is only contingent on the current owner complying with planning and Environment Agency requirements.

Sustainable Benefits

No reference is made in the Officers Report to the sustainable benefits that accompany the scheme which are important considerations given that the pursuit of Sustainable Development is now firmly embedded in national, regional and local planning policy. The principle sustainable development benefits are considered to relate to issues of transport, community and employment. In terms of transport, as set out above, the proposed development will have a significant positive impact on the local transport system in delivering the Bypass and thereby meeting with the requirements and aims of the Kent Structure Plan and Kent Local Transport Plan. In terms of community, the delivery of the Bypass is fully supported by the residents of Borough Green who wish to enjoy the benefits to their local environment that the Bypass will bring. In terms of employment the proposed development will generate some 60 new jobs and contribute to the continued viability of the existing H + H Celcon Ltd works at Borough Green providing for a wide range of valuable local employment and training opportunities. The scheme is therefore considered to provide for overriding sustainable benefits.

We await your considered response to the above matters raised and trust these issues will be taken on board when reporting the scheme to Members at Committee. If you have any queries please do not hesitate to contact us.

Yours sincerely

ALASDAIR MACKENZIE
Associate

| | | | |
|-----|----------------|---|------------------|
| cc: | Stuart Brittle | : | H + H Celcon Ltd |
| | Keith Funnell | : | KFA |
| | Geoff Heard | : | WSP |
| | David Watts | : | AIRO |

Item C3**TM/06/806: MA/06/457: TM/98/1428 : MA/98/1212 – ALLINGTON QUARRY, LAVERSTOKE ROAD, ALLINGTON, MAIDSTONE**

A report by Head of Planning Applications Unit to Planning Applications Committee on 16 May 2006.

TM/06/806:MA/06/457:TM/98/1428:MA/98/1212 – Application to continue development without complying with condition (5) of planning permission TM/98/1428 & MA/98/1212 and submission of details pursuant to conditions (3), (11) and (13) in respect of minor amendments to the approved plant site layout, amendment to the phasing of landscaping, and relaxation of the requirement for the full implementation of the approved landscaping and restoration scheme prior to the importation of waste materials Allington Quarry, Laverstoke Road, Allington, Kent. Kent Enviropower Limited (MR TQ 736578)

Recommendation: For Permission and Approval

Local Member: Mr D Daley and Mr G Rowe

Classification: Unrestricted

Site

1. The site is located immediately south east of Junction 5 of the M20 motorway. It is bounded to the north by the M20, to the east by the 20/20 Business Park which is accessed off Laverstoke Road, to the south by St Lawrence Avenue, and to the south west by the motorway link road.

Background

2. In July 2000 permission was granted (Ref: TM/98/1428 & MA/98/1212) for the erection of an integrated Waste to Energy Plant. The facility is intended to handle up to 500,000 tonnes of household, commercial and industrial waste per year with all materials being imported by road. The site covers an area of approximately 34 hectares of which some 7 hectares would be occupied by the plant itself in the eastern section adjacent to the 20/20 Business Park, with the remaining 27 hectares being recontoured and landscaped with mixed species of shrubs and trees in order to encourage the creation of a diverse wildlife habitat which thereafter is proposed to be managed in perpetuity for nature conservation.
3. The development was formally implemented in October 2001 commencing with initial earthworks in order to create a development platform for the plant site. Surplus soils arising from this activity have then been used to create a screen bund surrounding the plant with surplus materials being used to achieve the final landform for the adjoining nature conservation area. Having created the development platform construction of the main bulk of the plant began in late 2003 and is now almost complete including the erection of the stack. Thereafter there will follow a period of testing the equipment prior to it becoming fully commissioned to accept contracted waste this October. The period of testing itself will require the importation of waste materials

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LAVERSTOKE ROAD, ALLINGTON, MAIDSTONE**

Proposal

Minor amendments to approved site layout and landscaping and restoration scheme

4. With the main bulk of the plant having been built, details of the final plant layout and design have been submitted for approval pursuant to condition (3), reflecting relatively minor alterations to those included in the original application as it has had to evolve during its construction in order to meet current and future legislative requirements. This does not involve any changes to the development footprint neither does it result in any overall increase in the height of the building.
5. Given that the earthworks have been weather dependant, the final recontouring in respect of the western section of the site in relation to part of the future nature conservation area has been delayed. In order to avoid any damage to soil structures these final works are not due to commence until this month. As a consequence it has been necessary to amend the phasing of works to avoid vehicles trafficking over areas already restored.
6. Condition (13) of the permission states; ' No waste shall be imported to the plant until the landscaping and restoration scheme approved pursuant to condition (11) has been fully implemented, unless otherwise approved by the Local Planning Authority.' Whilst taking account of the need to restore the site as soon as practicable, the applicant wishes to commence equipment testing in the near future in order to ensure that the delivery of contracted waste to the site can commence as required in October. Furthermore, owing to the need for contractors and their accommodation to be retained on site during the testing period, where they currently occupy part of the area forming the eastern bund, this phase cannot be fully completed until this area is finally vacated. Other than the contractors compound on the eastern bund, all earthmoving works and seeding will be completed by 31st October 2006, with final planting being undertaken during November 2006 and February 2007.
7. Consequently approval is sort under condition (13) to relax the full implementation of the restoration and landscaping scheme as currently approved under condition (11) in advance of the importation of waste for testing purposes.

Application (Ref: TM/06/806 and MA/06/457) for the continuation of development without compliance with condition (5) of Planning Permission TM/98/1428 and MA/98/1212.

8. Condition (5) of the permission states: ' Waste shall be delivered to the site between the hours of 0700 to 1800 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays. No waste shall be delivered to the site at anytime outside these hours or on Saturday afternoons, Sundays or Bank Holidays without the prior approval of the Local Planning Authority'. Kent Enviropower Limited have applied for permission (Ref: TM/06/806 and MA/06/457) to continue development without complying with condition (5) of Planning Permission: TM/98/1428 and MA/98/1212. The proposal seeks to allow unrestricted time deliveries of waste to take place throughout a 24 hour period with the intention that this would then help avoid deliveries during peak hour periods when levels of traffic on the local road network are at their highest and thus avoid increasing any congestion. The application states that the additional numbers at night will not significantly increase overall HGV activity

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in the locality and would help relieve local congestion at peak periods. They claim the approach roads do not pass any residential areas so there would be no loss of amenity. The application is supported by a separate traffic and highway assessment which compares hourly movements that will be generated based on current restrictions applying under condition (5) with those that would be generated if such restrictions were removed. This demonstrates that based on an 11 hour delivery period per day as currently permitted will result in an average 29 movements per hour including some 2 vehicles per hour removing residual waste from the site. This would reduce to some 19 movements per hour taking account of the period during which deliveries would be made without such restrictions. Attention is drawn to the considerable existing activity associated with the adjoining 20/20 Business Park which shares the same access where overnight flows already average 25 HGV movements per hour throughout the night from midnight to 6am. Between 6am and 7am this increases to 123 HGV's per hour. It concludes that the effect of introducing an additional 8 HGV's delivering waste to the site during these hours will not result in any noticeable change.

9. Reference is also made in the application to a previous permission granted which allowed greater operational flexibility with regard to site construction, during which time a significant number of deliveries were made to the site over a 24 hour period, particularly during major concrete pours. The current application contains supporting information including earlier background noise monitoring data provided to verify whether the 24 hour construction activities could take place outside permitted hours without detriment to the noise environment. The readings, which showed relatively high background levels, was considered to be due to the proximity of the site to the motorway. Subsequent readings taken at the site entrance during the extended site construction hours demonstrated that levels were within the restrictions set under the terms of the permission. More recent background noise levels taken at similar locations shows there have been no material changes. Taking these into account, given the relatively small number of additional HGV's that would be generated outside currently restricted hours in comparison with the existing vehicle movements in the vicinity of the site, it is considered that these could take place without detriment to public amenity.

Consultations

10. **Maidstone Borough Council:** No Objection.

Highways Agency: No objection.

Environment Agency: No objection.

Boxley Parish Council: No objection to the amended plant site layout. Raise objection to the amendments to the approved landscaping and restoration scheme which it is felt should be implemented in full. Also raise objections to extending the hours during which waste would be delivered to the site as there would be loss of amenity and noise pollution to residential properties at some point as lorries accessing the site at night would have to leave other sites and drive through residential areas.

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Aylesford Parish Council: No objection to the amended plant site layout or to the continuation of the development without compliance with condition (5) of planning permission TM/98/1428&MA/98/1212. Object to the commencement of any waste importation prior to completion of landscaping work.

Mid Kent Water: Has some concerns over the construction of the balancing pond used to control surface water discharge and the potential for it to contaminate their Forstal groundwater source. Given the threat to the security of domestic supply, they have registered an objection to the proposals. Their concerns specifically relate to high rainfall events which may overwhelm the capacity of the pond leading to potential contaminants either from roads on site or ash residues area leaking into the aquifer. They have requested further information from the applicant to enable them to further assess the level of risk before providing their final response.

Divisional Transportation Manager: No comments

Jacobs (noise): No comments

Local Members

11. The Local Members, Mr D Daley and Mr G Rowe were advised of the proposals on 13 March 2006.

Publicity

12. The proposal was advertised by way of a site notice, advertisement in the local newspaper and individual notification to some 43 neighbouring properties on the adjoining 20/20 Business Park. As a result I have received 3 letters of representation, 1 from the Maidstone Housing Trust raising concerns over the potential impact if any changes would dilute the effect of the existing restrictions on traffic movements within business "rush hours". Consider the more deliveries that can be organised outside the normal working day the better. The other 2 letters were from local residents both of whom object on the grounds of the detrimental impact caused by noise from traffic travelling along routes to the site during night time together with the noise and odours caused by the delivery/departure, manoeuvring and unloading of the vehicles at the site itself.

13. In addition I have also received a letter from the Chairman of the Allington Quarry Waste Management Facility Community Liaison Committee. This committee which became established early on during the initial site preparation works prior to the construction of the plant site itself, has since met on a regular basis. It consists of members and officers both at County and Borough level along with local parish representatives and local residents. He has drawn attention to the general support members of the committee have given to the proposal on the grounds that it would help ease the traffic situation in the surrounding area. He highlights that the main concerns of local people regarding the plant seem to be related to traffic issues, and anything which can be done to mitigate these will be seen as beneficial by residents. On behalf of the Committee he therefore supports the application.

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Discussion

Minor amendments to approved site layout and landscaping and restoration scheme.

14. It has taken some 2 years since the commencement of the development for the plant to be constructed, during which time given the sheer scale and nature of the facility it was anticipated amendments would have to be made to the plant design as it evolved. The changes have been primarily driven by Health and Safety requirements or as a result of improvements to the design in order to comply with permitting requirements. The permit which has been issued separately by the Environment Agency under the pollution control regime, dictates the operational parameters of the plant, particularly those relating to limits on stack emissions. The changes are relatively minor compared to the main bulk of the plant and fundamentally do not lead to any changes in the development footprint neither do they alter the overall height of the building.
15. Some concerns have been raised by Mid Kent Water over the construction of the balancing pond used to control the flow of surface water discharge from the site direct to the surface water sewer system. They have therefore requested further information from the applicant to enable them to further assess the level of risk before they provide their final comments. Following recent discussions between the applicant and Mid Kent Water I am satisfied that their concerns can be satisfactorily addressed. Pending their final views which I hope to have received in time for the meeting I do not consider there are any overriding reasons why the amendments to the plant should not be approved.
16. The approved landscaping and restoration scheme makes provision for the creation of a bund surrounding the plant site area, which when planted with trees will then provide an effective screen to nearby views to the extent that with the exception of the stack the main bulk of the plant will not be visible. Major earthworks have also been undertaken in the western section of the site, which when completed will be planted and managed for nature conservation purposes. The landscaping and restoration scheme in respect of the screen bund and future nature conservation area has been substantially completed. Whilst the applicants have requested to be allowed to import waste for testing purposes prior to the scheme being fully implemented, the delay sought affects only a small part of it and for a relatively short period of time. The scheme will be completed in full in due course and such minor delays do not in my view compromise the overall intention for adequate screening to be in place before the plant becomes fully operational.
17. Testing the plant is critical to ensure that it can fully meet the requirements of the permit issued by the Environment Agency when it becomes fully commissioned. When this is weighed against the short delay in completing a small part of the remaining landscaping and restoration scheme I do not consider the objections raised to the request made for such a delay are overriding. Accordingly it is my opinion that this request should be approved.

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Continuation of development without compliance with condition (5) of Planning Permission TM/98/1428 & MA/98/1212.

18. In addition to concerns that were raised on the original application regarding stack emissions, traffic impacts represented the other main ground of objection to the proposal. Consequently conditions were imposed when the permission was granted restricting the maximum number of lorry movements, with further restrictions applying during the morning and evening peak hour periods. This was in order to avoid congestion of the local road network. Condition (5) of the permission relating to the hours during which waste can be delivered to the site represents the standard hours of working and at the time the application was submitted reflected the period during which it was proposed waste would be delivered to the site.
19. Permission is now sought to continue the development without complying with condition (5) of the existing permission. This would allow the delivery of waste to the site throughout a 24 hour period. All other conditions including those relating to maximum numbers of lorry movements and peak hour restrictions would remain in effect. In support of the proposal the applicants draw attention to what they consider would be the overall benefits, namely providing for a more even spread of vehicles over a longer period resulting in a reduction in the number of hourly movements that would otherwise be generated during the currently permitted hours. In their view because of high traffic flows on a number of adjoining roads it will be beneficial to all road users if a number of HGVs can be removed from these roads, especially during peak hours, and allowed to operate overnight when travel conditions are easier. They state that even if the HGV traffic spreads evenly over the whole day there will be a reduction of some 10 movements per hour throughout the working day.
20. The applicants draw attention to the proximity of the M20 motorway and the railway embankment which runs between the site and nearest residential properties. They also point out that the adjoining 20/20 business park currently operates on a 24 hours basis where vehicle flows average 25 per hour between midnight and 6am, which rises to some 123 per hour between 6am and 7am. Under these circumstances they do not consider that the additional hours they seek would cause any detrimental impact to the local community. The application includes noise monitoring data which demonstrates that the additional traffic they would add to the road network would not raise levels above those which are restricted by condition on the current permission. It is not the intention for these noise limits to be amended and which will therefore continue to apply.
21. I am mindful that notwithstanding the objections that have been raised on the grounds of increase disturbance from noise, during the period when construction traffic operated on a 24 basis which involved at times significantly higher traffic volumes than would be generated by waste delivery vehicles, I did not receive any complaints over noise. Also from the discussions which have taken place at the local liaison committee meetings, none have indicated that any complaints have been made direct to the borough councils. With the safeguards which would continue to apply controlling noise as limited by condition, in my view I do not consider the objections on grounds of increased noise disturbance noise can be substantiated. With regard to the specific objections raised by Boxley Parish Council in relation to noise disturbance to communities at those sites from which the waste would be delivered, such matters would have been considered separately under the applications

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required to allow their additional hours of operation. I do not therefore consider this represents a material objection to this application.

Conclusion

22. In my opinion there are no overriding reasons why the minor amendments sought to the plant design together with the delay in completing a small part of the landscaping and restoration scheme cannot be formally approved. Furthermore, with regard to the application to allow 24 hour delivery of waste to the site, in the absence of any overriding objections, with the greater flexibility that would derive, particularly from reducing the intensity of traffic during peak hours, in my view this can only be of positive benefit to the wider road users in the vicinity and represents an improvement above that currently permitted.

Recommendation:

23. I **RECOMMEND** that **SUBJECT TO** the final views of Mid Kent Water;

(A) APPROVAL BE GIVEN to the details submitted pursuant to conditions (3), (11) and (13) of planning permission reference TM/98/1428 & MA/98/1212 to amendments to the approved plant site layout, phasing of the approved landscaping and restoration scheme and the relaxation of the requirement for its full implementation prior to the importation of waste to the site.

(B) PERMISSION BE GRANTED to Application reference TM/06/806 & MA/06/357 for the continuation of the development without complying with condition (5) of planning permission reference TM/98/1428 & MA/98/1212.

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| Case Officer: Mike Clifton | 01622 221054 |
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| Background Documents - see section heading |
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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

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

A report by Head of Planning Applications Unit to Planning Applications Committee on 16 May 2006.

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

Recommendation: Approval be granted subject to conditions.

Local Member(s): Dan Daley & Jeoffery Curwood

Classification: Unrestricted

Site

1. Maplesden Noakes School is located at the end of Buckland Road and has a shared access with the adjacent Girls Grammar School. The school is within the Allington Ward. The site is situated between two railway lines and is screened by trees on the sides of the embankments. Residential properties surround the site to the south, west and north. A plan is attached.

Background

2. This application has met with objections from Maidstone Borough Council and neighbours of the School on the following grounds:
 - loss of amenity
 - Proximity of the floodlight pitch to neighbouring gardens.
 - Light pollution created by the proposed floodlights.
 - Traffic generation, and
 - Noise nuisance

As a result of these objections the applicant was minded to amend the proposal. It is the revised submission, which will be outlined and discussed throughout this report.

Proposal

3. The application has been submitted by the Governors of Maplesden Noakes School and Kent County Council Education & Libraries and proposes the construction of a full size, senior, all weather football pitch with a 2.0m high open-mesh fence, with 6 floodlights.
4. The School's current sports facilities are proving inadequate in their provision of areas of the school curriculum and due to the increase in student numbers in recent years, there has become a need for larger, better equipped facilities. With these facilities the curriculum can be expanded to offer additional sports and provide adequate all-weather facilities for this modern secondary school. It is seen that these facilities can be used 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

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

A report by Head of Planning Applications Unit to Planning Applications Committee on 16 May 2006.

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

Recommendation: Approval be granted subject to conditions.

Local Member(s): Dan Daley & Jeoffery Curwood **Classification: Unrestricted**

the school to increase the amount of exercise pupils take part in and the possibility of after school sports clubs.

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5. The pitch would be primarily used for football playable at a senior level. The facility would be available for 'five-a-side' and training. The school would also play hockey on the pitch, but this would only be played at school level. It is anticipated that the highest capacity during school hours would be a year group of around 60 pupils. During community use the estimated number of users would be at a maximum of 100 people.
6. The facility would be made available for hire by the local community/sports clubs outside of school hours. It is envisaged that the facility would be used for training by local senior football clubs as well as for recreational use.
7. The school use of the pitch is proposed from 0900 to 1700 weekdays during the school term. Community use is proposed to be between 1700 and 2200 on weekdays and 0900 to 2200 weekends.
8. The proposed pitch, as revised would be located further away from properties on both Little Buckland Avenue and Buckland Lane in order to address residential concern. Furthermore, to accommodate an economic level field, a cut and fill exercise of the pitch area would be undertaken. This would naturally require that the pitch closest to the properties at Little Buckland Avenue be cut into the existing field area and be set at a level in the order of 4 metres below that of existing gardens. The surface of the pitch would either be a 'third generation' artificial pitch consisting of tufted fibres with sand/rubber infill, or a fully artificial polythene fibre on expanded polypropylene pad. The colour of the pitch would be green. The type of pitch finally chosen would depend on the level of drainage required.
9. Luminance level to be achieved at pitch level is 200 Lux.

Planning Policy

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

(i) **The Adopted 1996 Kent County Structure Plan:**

Policy S2 – Seeks to conserve and enhance the quality of Kent's environment.

Policy S9 – In considering development proposals, local authorities will have regard to the need for community facilities, including education.

Policy ENV15 – New development should be well design and respect its setting.

Policy ENV20 – Seeks to ensure that development is planned and designed so as to avoid or minimise any potential pollution impacts.

Policy SR2 – Development of an appropriate range and standard of facilities for sports will be provided for.

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(ii) **The Kent & Medway Structure Plan: Deposit 2003:**

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

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

Policy QL12 – Existing community services, including schools, will be protected as long as there is a demonstrable need for them.

(iii) **Maidstone Borough Local Plan, December 2000:**

Policy ENV2 – Planning permission will not be granted for development in the defined urban area and village settlements unless proposals relate sympathetically to the context provided by their setting and by adjoining buildings with regard to scale, height, proportion, detailing and materials and that due regard is given to the reasonable enjoyment of the properties by neighbouring occupiers.

Policy CF9 – The Borough Council will encourage the dual use of educational facilities (new and existing) for recreation and other purposes. Development proposals which incorporate dual use will be permitted except where the increased level or duration of activities is incompatible with local residential amenity.

Consultations

11. **Maidstone Borough Council:** observes that the main amendments are the relocation of the all-weather pitch further to the east of the site in order to retain the mature trees and bund on the western boundary of the site and the provision of additional landscaping and bunding to the northern side of the pitch.

Previously the Council raised objections to the proposals for the following reasons:

“The loss of the mature trees and bund on the western boundary of the site which would provide a valuable visual break between the properties on Little Buckland Avenue and the proposed floodlit pitch would result in a poor outlook for these properties and would detract from the character and amenity of the area...”

Following the amendments the Borough Council now considers that the proposed amendments that would retain the mature trees and bund on the western boundary have overcome the above reason for objection and subsequently raises no objection to the proposals in their amended form.

Sport England: states that the all-weather pitch would provide greater opportunities for the pupils to participate in sport and active recreation. It is also noted there is a possibility

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for the pitch to be used after school hours and it should be stated that Sport England would object to any planning conditions that restricted community use at reasonable times. Sport England would also encourage a community use agreement to be drawn up by the school and the Local Authority to enable wider use of the new facility.

Consequently, Sport England does not wish to raise an objection to the proposed development.

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

“Any visibly contaminated or odorous material encountered on the site during the development work, must be investigated. The Planning Authority must be informed immediately of the nature and degree of contamination present. The applicant should ensure that the existing drainage systems are well maintained and of sufficient capacity to cope with any additional flow or loading that may occur as a result of this proposal. Details of the drainage systems and soakaways shall be requested by condition”.

Network Rail: No comments have been received to date.

Divisional Transportation Manager: raises no objections to the proposals as the sports facilities are to serve existing students and would not generate additional staff and therefore the traffic generation and parking requirement will not be affected. In addition the floodlighting for the all weather football pitch does not affect the highway as it is not located adjacent to the public highway.

Jacobs (Street lighting): make the following observations:

“The proposed site is bounded to the south by various school buildings. To the east the ground falls towards the river with no buildings for several hundreds of meters. On the northern side there are a number of residences fairly close to the pitch, some of which are well screened by evergreen trees. Floodlighting closest to residential property are aimed away from it and back into the pitch.

“To the west is the railway line, behind which is housing in Little Buckland Avenue. These properties are approximately 40m from the western edge of the football pitch. However, there is a mound between the pitch and the railway line with mature trees on top reaching a height of some 12m to 15m. There are also trees on the western side of the railway line. From spring to autumn these trees should provide an effective screen against lighting but as they are deciduous this screening will not be so good during winter months.

“The floodlighting equipment chosen has a sharp cut-off being specifically designed to minimise light overspill and the illuminance plots show the lighting levels dropping only 1 Lux within 25m at the ends of the pitch and 20m along the sides. The luminance plots indicating the amount of the light falling on vertical surfaces shows that they are well within the maximum limits set in the Institute of Lighting Engineers’ “Guidance Notes for the Reduction of Obtrusive Light”.

Jacobs (Street Lighting) therefore has no grounds to object to the lighting proposals on environmental impact grounds particularly in view of the limited hours of use.

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Jacobs (Noise): observes that the proposed all-weather pitch is to be constructed on an existing football pitch, so nearby properties would already experience some degree of noise from the use of the pitch during daylight hours. There would however be an intensification of use with the extended hours especially into the evening with the use of proposed floodlighting. There is an existing bund next to the railway line separating the school from the housing in Little Buckland Avenue and a new 3m high earthbank with acoustic fencing, which is to be built between Buckland Lane and the school. These earthworks should screen some of the noise from the use of the pitch. The main use of the pitch in summer months should not be over that which is currently permitted as daylight exceeds until late evening. In winter, when floodlighting will be used, most nearby residents are not likely to be out enjoying their amenity space and noise from the use of the site should not therefore cause a problem.

Car parking for the community use of the field into the evenings and weekend looks to be at the south western part of the site. This area is adjacent to the railway and not directly adjacent to housing. Noise from use of the car park should not therefore be an issue. Jacobs (Noise) does however have concerns about approximately 100 vehicles leaving the site after 10pm at night, which has the potential to cause disturbance to residential properties along Buckland Road. Jacobs (Noise) would not wish to see this happening 7 days a week but would welcome some sort of restriction to limit the number of occasions each week that the site could be used this late at night”.

County Archaeologist: states that the application site is within an area with evidence of past activity, most notably from Romano-British period. It is unclear from the submitted details whether the proposed site for the football pitch has been subject to past disturbances, from terracing for example. Given its location close to Roman and Medieval settlement and with the important communications route of the River Medway running to the west, there is potential for archaeological remains to be present on site. As such, it is advised that a condition requesting an archaeological watching brief prior to commencement of operations be placed on the decision notice.

Local Member

12. The local County Member(s), Mr. D. Daley and Mr. J. Curwood were notified of the application on the 20 January 2006. Mr. Daley has commented as follows:

“I confirm my conversation with you concerning this proposal and would wish my comments to be reported to the Committee as follows:

Whilst broadly agreeing with the proposal to enhance the sport facilities at this School I am concerned about the possible effect on the established housing to the south and west of the site because of its close proximity. To the South there is Little Buckland Avenue where there are about ten houses which would be most affected but screened from the site by trees (summer leafed). Houses to the West are in the small enclave at the bottom of Buckland Road where the gardens actually abut the proposed all-weather pitch and screening will be minimal.

“My concern is with the intrusion that is likely from both noise and light out of school hours which I believe is being proposed to enable some community use of the facilities. Whilst I note that some amelioration is being offered in siting the pitch about 2m below the current ground level and that the angle of the floodlighting is designed to prevent glare, nevertheless there is bound to be noise and there is also going to be an increase in ambient light no matter how carefully the lights are pitched. It is necessary in my view

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to give some protection to the amenity of the folk who live in close proximity to the school who already suffer from the traffic congestion and parking problems during term times and the normal school day (bearing in mind that there are three schools in this cluster with a total of something approaching 2750 pupils).

“It is the proposal for extensive use outside school hours that is causing the greatest concern to the neighbours. If the school facilities are to be available every night and also at weekends during the day every week of the year – in and out of term time – then this is seen to be too much and I must say I would agree with that view. I strongly believe that good facilities should be made available for the benefit of young people to promote a healthy opportunity for exercise BUT feel that this must balance with the lifestyle of the people who are to be most directly affected by the activity who are equally entitled to some peace and quiet at times to enjoy their own facilities within their own curtilage’s.

“I should be pleased therefore if the Planning Committee is minded to give permission for these facilities that they would take these views on board and make provision for some conditions to be applied to the use of the all-weather pitch ensuring that there is no use on Saturday afternoons, all day on Sunday and on Bank Holidays and that there is also some limit to the number of hours of use during the evening periods in the week. People are entitled to some peace and quiet to be able to enjoy their own domestic gardens and therefore I expect that the Committee will share this view and take such steps as to ensure this outcome”.

Publicity

13. The application was publicised by an advertisement in the local newspaper, the posting of a site notice and the individual notification of 24 neighbouring properties.

Representations

14. I have received 19 letters of representation from nearby resident. A summary of the issues raised are set out below:

- Located far to near adjacent housing.
- Totally unreasonable and excessive hours of use.
- Local residents are likely to suffer considerably from noise in the evenings and at weekends. What controls are being put in place in order to deal with noise levels?
- Suggestion that the pitch be located on shared land between Maplesden Noakes and the Girls Grammar away from residential properties, for joint use.
- Spoil the setting of residential properties.
- Floodlighting would inevitably cause light pollution and a disturbance to local residents.
- Suggestions that the pitch be located at the lower end of the school playing field (east), away from the west railway line and residential properties. This would be several hundred metres further away from residential areas and would reduce the impact of intrusive noise and lighting.
- Applicant has not taken into consideration the negative impact such a pitch (in its current location) would have on neighbouring properties.
- Residents would not be able to enjoy the peace and quiet of their gardens and homes.
- Floodlit pitch would rob residents of their privacy.

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- Request that the pitch not be used Sundays and Bank Holidays if permitted.
- The pitch would affect the setting of a Listed Building (The Cottage, Little Buckland Farm).
- Roman and Medieval archaeology has been found in the area, an archaeological watching brief would be needed.
- The amendment will actually increase the noise level and the proposed 'barrier' will be more of an eye sore than actually solve the noise problems.

Discussion

15. The application has to be considered in the context of the Development Plan and in the light of other material planning considerations, including relevant planning objections raised by consultees and local residents, set against the need for the proposed development.

Locational Issues

16. It is proposed to locate the artificial pitch adjacent to the existing tennis courts on an area of the School's playing field (see attached plan). The railway line is located to the south west of the pitch and residential houses located to the north. The main school buildings are located to the east. The pitch would have an approximate south east to north west orientation.
17. The all-weather football pitch location has been determined by the applicant for the following reasons: The ownership of land that belongs to the school does not extend all the way down the slope to the railway as has been suggested by neighbours of the site. The lower part of the site is owned by Maidstone Girls Grammar school and therefore cannot be used. The boundary line is approximately half way down the length of the second tennis court (see attached drawing). This restricts the area of land for development. The additional area owned by the School, divided by the houses in Buckland Lane is too remote in terms of maintenance, security and accessibility. The pitch needs to be in close proximity to the changing rooms, which are part of the proposed sports hall (considered under a separate application). In addition the slope of the site is a factor in its position. The further down the site the pitch is positioned, the greater the amount of fill that will be required. The proposed position of the pitch has been chosen carefully in order to reduce the environmental and aesthetic impacts on the site and its surrounding area. I would advise Members that it is necessary to consider the proposed location (as amended) of the floodlit pitch as currently submitted, and not any alternative site not currently the subject of an application.
18. The proposed location of the floodlit pitch is already used as a football pitch and school games field and although an all-weather pitch is proposed, the use of the site would remain unchanged. Taking into account the concerns raised by neighbouring residents of the school, the applicant has already amended the proposal to locate the pitch area further away from properties on both Little Buckland Avenue and Buckland Lane. Furthermore, to accommodate an economic level filed, a cut and fill operation of the pitch area would be undertaken. That would naturally require that the pitch closest to the properties at Little Buckland Avenue would be cut into the existing field area and be set at a level in the order of 4m below that of existing gardens. With the existing trees and bank being retained at the boundary to the school field and railway cutting, the additional drop in level would help to hide the pitch from view within the residential gardens and act as a barrier to noise pollution.

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

19. I would therefore advise that the amended proposal has advantages over the previously proposed location. The amendments the pitch further away from residential properties and retains the landscaping and tree cover originally proposed to be removed, helping to shield it from the view of residents. Additionally, Sport England has not raised any objections to the proposed location of the proposed floodlit pitch.

Noise

20. The floodlit pitch would be in close proximity to a number of residential properties, the nearest being those located on Buckland Lane (see attached plans). I acknowledge that the noise emanating from the proposed floodlit pitch including noise from spectator or crowd participation has the potential to be experienced at the closest of these properties. However, I would advise that the potential for an increase in noise occurring would be minimal. The area is an existing playing field and currently there are no hours of use restrictions on its use. Therefore there is currently the potential for the playing field to be used in the summer up to 22:30 hours. Whilst through the introduction of floodlighting there is the potential for the pitch to be used more in winter, during this time it is more likely that residents would be indoors. Jacobs (Noise) is also of the view that noise from the use of the site should not cause a problem.
21. This facility would be made available for hire by the local community and sports clubs outside of school hours. It is also envisaged that the facility would be used for training by local senior football clubs as well as for recreational use. The applicant has addressed the issue of possible noise disturbances on neighbours by these groups within the revised proposal by moving the pitch further away from residential properties and, to the northern boundary, proposing further mounding and an acoustic fence screening to protect the amenity of the properties on Buckland Lane. I consider that given the proposed use of the pitch, there is the potential for the pitch to be audible in the surrounding area (the highest capacity during school hours would be a year group of around 60 pupils. During community use the number of users is estimated at a maximum of 100 people). However, I consider that given the benefits of the pitch, any possible increase in noise pollution that may occur as a result of this proposed floodlit pitch is not significant enough on its own to warrant refusal of this application. A condition could be placed on any planning permission restricting hours of use of the proposed facility.
22. Jacobs (Noise) has commented on the impact of the car parking, in particular for community use of the field into the evenings and weekends, and has noted that the parking is located at the south western part of the site. This area is adjacent to a railway line, and I would advise that noise from use of the car park compared to that of the railway line should not therefore be an issue.

Lighting

23. The pitch would be lit using 8 ultra low glare asymmetric beam floodlights with metal halide lamps. The floodlight would sit in a close to “flat glass” orientation that reduces glare and spillage and produces no direct upward waste light. The lamps would produce a white light ideal for sports. These would be aimed to produce a maintained average horizontal illumination level of 200 Lux. The proposed floodlights would be attached to 15 metre high columns (which can be lowered for maintenance). Due to the design of the floodlights there would be no light spill above the horizontal.

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

24. It is necessary to consider the effect of the lighting on nearby residential properties and on the local area. Details submitted with the application show that when lighting the whole pitch at 200 Lux much of the surface illuminance would be restricted to within the school site. The adjacent railway line would experience a surface illuminance of 1 Lux over a limited area and 2 residential properties would experience a surface illuminance of 1 Lux in the gardens of their properties. There would be no surface illuminance at the façade of any residential property (see attached plans). Illuminance levels of less than 5 are normally considered to be acceptable for residential properties and the acceptable illuminance level for roads and rail varies depending on the existing levels of lighting on the roads and rail in question. Given the above and the fact that there is a certain amount of natural screening at the moment and that more is proposed as part of the development, I am satisfied that the proposed light spill is acceptable in this instance.
25. Consideration also has to be given to the issue of glare. Glare is a particularly subjective issue and the applicant has provided information on why they do not consider that it would be a problem. The technical information submitted with the application states that the asymmetric distribution of the floodlights allows for a lower tilt angle from the horizontal. Hiding the lamp and therefore reducing glare not only on the players and spectators but also to any surrounding residents. Additionally the applicant advises that for this proposal all floodlights have been tilted as flat as possible, the tilt of the light being 68.1°. Furthermore, the revised proposal has moved the floodlit pitch further away from the neighbouring housing, the field area being set 4 metres below the existing gardens and new planting together with the existing vegetation would minimise the effect of any glare.
26. At the closest point the pitch would be located approximately 8 metres from the boundary of the site and 11 metres from the railway. Existing boundary planting is present along both boundaries of the site, however this varies in thickness and height and does not provide all year long cover. The floodlighting proposed results in no light spill above the horizontal, and visibility of the lamps would be kept to a minimum through the use of ultra low glare floodlighting. Additionally, the proposed new landscape mound with acoustic screen, once established would help to screen the development, providing all year round cover and again reducing the potential for glare. Whilst I acknowledge that a level of extra illuminance would occur, due to the fact that the pitch is being floodlit, taking into consideration the specification of the floodlighting proposed and the proposed mitigation, I consider that the development would not result in an unacceptable level of glare.
27. In the interests of amenity, I would recommend that if Members are minded to grant planning permission for the development, a condition should restrict the use of the lighting at 200 Lux. Additionally, a condition should require the floodlights to be extinguished when the pitch is not in use and a further condition should provide the opportunity for the luminaires to be adjusted if necessary.

Visual Impact and Landscaping

28. Due to the proposed location of the floodlights on the school site, there is the potential for them to be highly visible from the surrounding areas. The impacts would primarily be the daytime view of the 15 metre columns and the night time view of the floodlights when they are in use. The existing landscaping is presented along the boundary of the site, adjacent to residential properties and the railway line, and already goes some way to screening the playing field from residential properties. With the existing trees and bank being retained at the boundary to the school field and railway cutting, the additional drop

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

in level of the proposed pitch would help to hide the pitch from view within the residential garden and act as a barrier to noise pollution. I consider that additional tree planting and mounding would reduce the impact on residential properties to low significance over time. I would therefore advise a condition be placed on the consent requesting the submission and implementation of a full landscaping scheme. I would advise however, that further mounding and an acoustic screen are proposed to protect the amenity of the properties on Buckland Lane.

29. With regard to night time impact of the proposal, views of the facility in the immediate area would be limited to the floodlighting itself and the area illuminated by the floodlighting. Potentially from the wider area there could be views of the luminaires. Due to the height of the floodlighting, it would be difficult to completely screen the night-time impact of the development; however, additional planting once established would help to mitigate the impact in the localised area.
30. The proposed 3m high welded mesh fencing has not been raised as a concern by consultees and neighbours of the school.

Hours of Use

31. This proposal offers use of the school site beyond its normal hours of use. This has the potential to be detrimental to local amenity, and in particular impact on the nearest residential properties. The proposed hours of use are outlined in paragraph (7) of this report and consist of weekday use by the school during term time and community use on weekdays and at weekends. I would advise that the hours of use put forward by the applicant i.e. up to 10 pm Monday to Friday, would appear to be acceptable, although I would advise that weekend use be reduced from 10 pm to earlier in the evening. A condition should be imposed on any grant of planning permission restricting the use of the pitch to these times.

Traffic Generation

32. Concerns regarding traffic generation have been raised, however I would advise that the pitch would be used by the School during the course of the school day and only offered for external use outside of school hours. Additional parking would therefore not be needed, and extra traffic experienced during the school day would not occur. I consider that few additional traffic movements would be outside of the peak traffic flow times. The Divisional Transport Manager has not raised objection to the proposal given that the proposed facility would not generate additional staff and traffic generation and parking requirements would not be affected.

Archaeology

33. Concern has been raised with regard to the proposals potential impact on nearby Listed buildings and the potential for Roman and Medieval archaeology. It has been advised that the implementation of an archaeological watching brief be conditioned on any grant of planning consent in order to assess the potential for archaeological remains. No concern has been raised regarding the potential impact of the floodlit pitch on Listed buildings by the Conservation Officer or Archaeologists, however adjacent properties to the pitch have been identified as Grade II listed. I am satisfied that the additional planting would help minimise any detrimental impact on these properties.

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

Need

34. Due to the material planning objections which have been raised, need becomes a balancing factor. With regard to the need for the proposed facilities, the applicant has stated that the School would benefit from the floodlighting to complement the existing sports facilities at the school, to enable the already strong links between the School, local community and District Council to be enhanced, to improve links with sports clubs, and to expedite the curriculum development.

Conclusion

35. The application has to be considered in the context of the Development Plan in relation to the location of the proposed development set against the impacts of the proposal and the need for it. A number of concerns have been raised about the impacts of the development particularly relating to noise, lighting and proximity to residential properties. I acknowledge that there would be an increase in noise, lighting and that the proposed floodlighting would impact on nearby residential properties to a degree. However, I consider that these issues do not warrant refusal of the application and that the imposition of conditions would assist in mitigating the impacts of the development to an acceptable level. Accordingly, I consider that the benefits of the facility would outweigh any potential increase in harm. I therefore consider the development to be acceptable and I recommend accordingly.

Recommendation

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

37. I FURTHER RECOMMEND that the applicant should ensure that the existing drainage systems are well maintained and of sufficient capacity to cope with any additional flow or loading that may occur as a result of this proposal.

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| Case officer – Helena Woodcock | 01622 221063 |
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| Background documents - See section heading |
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Item D2**Demolition of part E block and construction of a multi purpose hall, alteration to car park and temporary access at Mascalls School, Paddock Wood – TW/06/365**

A report by Head of Planning Applications Unit to Planning Applications Committee on 16 May 2006.

Application by the Governors of Mascalls School and Kent County Council Education and Libraries for the demolition of part of the E block and construction of a multi-purpose hall with associated changing accommodation and first floor classroom, alteration to existing car park, creation of a bus turning area and temporary site access at Mascalls School, Maidstone Road, Paddock Wood.

Recommendation: Permission be granted subject to conditions.

Local Member(s): Alex King

Classification: Unrestricted

Site

1. The application site is within the grounds of the existing school, located off Maidstone Road on the south side of Paddock Wood. The school sits within large grounds on the fringe of the built up area and extends into a rural area. The site is outside but close to a Special Landscape Area, the boundary of which runs along Chantlers Hill to the south and Maidstone Road to the west. The land falls away in a northerly direction towards Paddock Wood and raises towards Chantlers Hill to the south. Residential properties are located to the north, south and west of the site. Most of the housing is separated from the built part of the school site by open ground, although some adjoins the main vehicle entrance in Maidstone Road. A site location plan is attached.

Background

2. The school site has had a series of planning applications, including an application for a 3-storey block, comprising of music, dance and drama facilities (TW/04/1935) which was considered, and granted planning permission at the Planning Committee on 9 November 2004. The applicant has referred to this development, currently under construction on site, as Phase 1 of the School's programme of improved works. This current application, for the demolition of part of the E Block and the construction of a multi-purpose games hall, forms Phase 2 of the proposed works on the school site.

Proposal

3. The application has been submitted by the Governors of Mascalls School and Kent County Council Education & Libraries and proposes the demolition of part of the E Block and construction of a multi-purpose Hall with associated changing accommodation and first floor classroom. The alteration to the existing car park and creation of a bus turning area and temporary site access is also proposed.

Item D2

**Demolition of part E block and construction of a multi purpose hall,
alteration to car park and temporary access at Mascalls School, Paddock
Wood – TW/06/365**

Item D2

Demolition of part E block and construction of a multi purpose hall, alteration to car park and temporary access at Mascalls School, Paddock Wood – TW/06/365

Item D2

Demolition of part E block and construction of a multi purpose hall, alteration to car park and temporary access at Mascalls School, Paddock Wood – TW/06/365

Item D2

Demolition of part E block and construction of a multi purpose hall, alteration to car park and temporary access at Mascalls School, Paddock Wood – TW/06/365

Item D2

Demolition of part E block and construction of a multi purpose hall, alteration to car park and temporary access at Mascalls School, Paddock Wood – TW/06/365

Item D2

Demolition of part E block and construction of a multi purpose hall, alteration to car park and temporary access at Mascalls School, Paddock Wood – TW/06/365

4. Mascalls is a mixed school enjoying specialist Visual Arts and Training School status. There are currently around 1300 students on the roll; however the school is oversubscribed and based on the number of recent successful appeals and the increased intake of the main 9 feeder primary schools, it is likely that the roll will increase to nearly 1600 students by September 2008. This increase in roll numbers has highlighted the need for additional space in many areas of the school's curriculum. The School has already started to enlarge their facilities and currently have a building project on site (Phase 1) which increases student capacity in the specialist areas of Dance, Drama, Music, Technology and Arts. This application would address the School's shortfall in capacity for indoor sports, gymnastics, food technology, science and general teaching spaces.
5. Due to financial constraints, Phase 2 has been split in to sub-phases. The first to create a multi-purpose hall, adjacent changing facilities and alterations to the existing car park and the second is to refurbish the remainder of the existing building for food technology, science and general teaching. Phase 2 is dependent on Phase 1 being completed first. This would allow the existing faculties to be relocated prior to work commencing on the new multi purpose hall and changing rooms.
6. Block E is situated slightly off centre, to the east of the main school buildings between blocks D and G. It consists of a 1960s, partly two storey SEAC building with a later single storey brick built extension to the west. The building has a flat roof that has been replaced within the last 2 years. It is proposed to remove the later single storey brick built extension and replace it with a Multi purpose hall and changing facilities. The remainder of the building, with the exception of some additional plant on the existing flat roof would remain unaltered externally.
7. It is also proposed within this application to introduce additional car parking adjacent to the Maidstone Road entrance and provide improved hard standing to facilitate coach/bus parking and turning. The new bus turning area would result in the loss of some trees but would be compensated by the planting of additional trees to the north of this area and the new car park in general.
8. Due to health and safety reasons and in order to minimise disruption to the school, it is proposed to create a temporary site access off Mascalls Court Road. That would be constructed and suitably signed to meet the requirements of the Local Highway Authority. It is envisaged that this access point would be returned to its original state within 3 months of the completion of the building works.

Planning Policy

9. The Development Plan Policies summarised below are relevant to the consideration of the application:
 - (i) **The Adopted 1996 Kent County Structure Plan:**
 - Policy S1** – Seeks sustainable patterns and forms of development.
 - Policy S2** – Seeks to conserve and enhance the quality of Kent's environment.

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Policy S9 – In considering development proposals, local authorities will have regard to the need for community facilities, including education.

Policy ENV1 – Seeks to provide protection for the countryside.

Policy ENV2 – Seeks to conserve and enhance Kent's landscape and wildlife.

Policy ENV4 – Seeks to provide long term protection for Special Landscape Areas and gives priority to the conservation and enhancement of the natural beauty of the landscape.

Policy ENV13 – Seeks to protect and enhance rural lanes, which are of landscape, amenity, nature conservation, historic or archaeological importance from changes which would damage their character.

Policy ENV15 – New development should be well design and respect its setting.

Policy T17 – Development will normally be required to provide for vehicle parking on-site in accordance with Kent County Council's Vehicle Parking Standards.

Policy RS1 – Requires developments at villages, small rural towns and in the open countryside to be well designed and respect its setting.

Policy RS5 – Development will not normally be permitted in rural Kent other than at the villages and small rural towns unless it is, amongst other factors, the provision of public or institutional uses for which the rural location is justified.

(ii) **The Kent & Medway Structure Plan: Deposit 2003:**

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

Policy E5 – Seeks long term protection of Special Landscape Areas.

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

Policy QL12 – Existing community services, including schools, will be protected 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.

(iii) The adopted 1996 **Tunbridge Wells Local Plan:**

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Policy CS5 – Extensions to established school developments should not be visually intrusive when viewed from the surrounding countryside, should respect the character and landscape of the countryside, should have adequate access, car parking and setting down and picking up areas for pupils and in meeting the car parking and access requirements should not affect the character and amenity of the area.

Policy EN1 – New development should be well designed and respect its setting.

Policy EN23 – Development within the High Weald Area of Outstanding Natural Beauty and the High and Low Weald Special Landscape Area should be well designed and respect its setting.

Policy TP1 – Outlines criteria that proposals should meet including vehicle access criteria.

Policy VP1 – The latest edition of Kent County Council's Vehicle Parking Standards will apply to this development.

(iv) The deposit 2002 **Tunbridge Wells Local Plan:**

Policy EN1 – As above.

Policy EN24 – As EN23 above.

Policy TP4 – As TP1 above.

Policy TP5 – As VP1 above.

Consultations

10. **Tunbridge Wells Borough Council:** raises no objection to the proposal, although no comments have been received regarding the temporary access, which was added to the proposal after comments by the Borough Council were received.

Paddock Wood Town Council: Objects to this application on the grounds of road safety.

Sport England: states that it is clear from the plans that the multi-purpose hall would have no effect on the adjacent playing field land. The proposed alteration to the existing car park would slightly encroach onto the playing field; however, this will not affect the use of pitches.

The hall will only accommodate 3 badminton courts, which is not the recommended size for a sports hall. The optimum size is a 4 court hall measuring 33 x 18.5m. This enables it to be used for a wider variety of sports which will benefit not only the school but also the community which in turn may generate more income for the School. The hall should be extended in length a further 8m to meet the minimum standard for a 4-court hall.

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Sport England states that the only limitation appears to be the location but it would seem that if the footpaths around the sports hall were to be re-routed, then the 4 court hall could be accommodated. It is also noted that there are no shower or changing facilities for people with disabilities proposed. If the proposal was amended to meet the above requirements then Sport England would be able to lend its support for the proposal.

Sport England does not wish to raise objection to the proposed development.

Environment Agency: has no objection to the proposal, but would like to offer the following advice:

“The previous use of this building may have left contamination that could impact on the proposed development. The Agency recommends that, prior to determination, a desktop study is carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information.

“If the desktop study identifies that contamination may be a problem then the Agency recommends that development is permitted subject to suitable conditions being imposed relating to site investigation, risk assessment and remediation Method Statement. The design of the site investigation and the remediation methods statements should be approved in writing by the County Planning Authority before being carried out.

“Any visibly contaminated or odorous material encountered on the site during the development work, must be investigated. The Planning Authority must be informed immediately of the nature and degree of contamination present. No soakaway shall be constructed in contaminated land.

“The applicant should ensure that the existing drainage systems are well maintained and of sufficient capacity to cope with any additional flow or loading that may occur as a result of this proposal”

Divisional Transport Manager: states that the use of an access onto Mascalls Court Road would be acceptable in principle subject to certain conditions, but the level of detail supplied is inadequate. I would recommend that a drawing at a scale of no less than 1:500 and ideally 1:200 be provided showing the full extent of the proposals including the precise location (this is particularly important owing to road curvature and limited forward visibility), visibility splays, levels, widths and radii. If this is received and is satisfactory, then conditions should be imposed to cover the following: -

1. Visibility splays to be provided and maintained at a height of no more than 900mm above adjoining carriageway level - the note on the drawing is inadequate and gives incorrect information
2. The first 10m of the access should be level to ensure that vehicles can enter and leave the highway safely.
3. Wheel washing facilities should be provided as close as possible to the highway to prevent mud and loose material from being tracked onto the highway.
4. Temporary signs (full details of which should be provided on the submitted drawings) should be provided and maintained for the duration of the works.
5. If crushed stone is to be used to form the access road, it must be well compacted to avoid it being tracked onto the highway and the contractor shall take all reasonable steps to ensure that no such material is allowed to remain on the highway.
6. Any gates at the access should either be set back to ensure that they cannot swing out across the highway, or restrained in such a way that they cannot do so. They should also

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remain open at all times on days when work is in progress to avoid vehicles waiting on the highway to enter the site.

7. All vehicles to turn right into and left out of the site to avoid the use of narrow country lanes.

Jacobs (Landscaping): comments as follows:

“Impact on the Landscape:

There are no landscape designations covering the site. The demolition and replacement of part E Block would cause little impact on the landscape due to the existing built character of the school complex. The proposed car park extension and bus turning area, however, would involve an increase in hard surfacing and a more developed character, providing a slight adverse impact on the landscape. In order to assess the impact fully, details of the proposed planting surrounding the car park as screening and on the proposed roundabout central to the bus turning area are required. Full landscape plans should provide details of proposed surface treatments, plant numbers, species and sizes.

“Visual Impact:

The demolition of part Block E would not cause any adverse visual impact due to the nature of the replacement development. Proposals for additional car parking and the bus turning area would have visual implications. However, visibility of the site from surrounding public rights of way and residential areas is limited. Visibility of the proposals will only be significantly evident from upon the site itself. The proposals have the potential to provide a beneficial visual impact to the school entrance with careful specification of planting and materials. Again, full landscape plans should be submitted so that a fair analysis of impact can be made.

“Impact on Trees:

Existing trees on site would be affected by the proposals for the additional car parking and bus turning area. In order to comment fully on the removal and management of trees affected by the proposed development, the applicant should submit a survey and report on all existing trees within the site boundary in accordance with BS5837: 2005 ‘Trees in Relation to Construction’. That should be carried out by a qualified arborist to ascertain the trees’ type, worth and size, and to look at their retention or removal. Development should not take place, or levels be substantially altered, within the crown spread of trees which are worthy of retention. Tree protection plans should also be submitted in accordance with BS5837: 2005 ‘Trees in Relation to Construction’.

“Conclusion:

We have no objections to the development with regard to impacts on the landscape and views caused by the plans provided. However, it is necessary for the applicant to submit a full tree survey and plans for the removal and protection of existing trees within the site boundary in accordance with BS5837: 2005 ‘Trees in Relation to Construction’ for us to provide comments on the impact on trees. Proposed landscape plans should also be submitted with details of additional planting including plant species, sizes and numbers and any hard surfacing details for landscape comment.”

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Local Member

11. The local County Member, Mr. A. King was notified of the application on the 18 April 2006. He would like to express his full support for all the proposals as detailed within the application.

Publicity

12. The application was publicised by an advertisement in the local paper, the posting of 2 site notices and the notification of 5 neighbouring properties.

Representations

13. One letter of representation has been received to date. The main points raised can be summarised as follows:

- The proposed enlargement of the car park would result in the removal of 2 mature trees, which are visually attractive and help break up the mass of the school.
- Extension to the car park would increase amount of noise and disturbance to residents.
- There is no reason given as to why the green area between the existing car park and footpath cannot be retained, maintaining the existing trees.
- There is adequate facility to enlarge the car park in the direction of the school.
- The creation of a coach drop off point and turning circle will necessitate the removal of existing trees.
- Concern over environmental impact of the development, if approved a condition should be placed on the decision requesting the replacement of trees lost.
- No provision included for dealing with unauthorised parking of cars by sixth formers.
- Continuing problem of litter needs to be addressed.
- The school is visually intrusive and does not show any difference to the character and landscape of the countryside.

Discussion

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

Policy

15. The key policies for consideration regarding the proposed development are S2 (environment), S9 (community), ENV4 (Special Landscape Areas), ENV13 (Rural Lanes) and ENV15 (built environment). The principle of the development accords with Policy S9 and the detailed layout and design is such that the overall impact on the wider landscape and environment is minimised and is generally acceptable.

16. Overall I consider that the proposed development is in general in accordance with the relevant Development Plan Policies and I see no overriding objection on planning policy grounds. In particular the proposed development, in the main, would be erected over the

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original footprint of the part demolished E Block. However, there are detailed layout and parking issues, which need to be addressed further.

Location

17. Mascalls School is situated on the southern outskirts of Paddock Wood occupying approximately 34 acres. Its main pedestrian and vehicular access point is off Maidstone Road. Phase 2 of the 'programme of improved works' encompasses the redevelopment and refurbishment of Block E, which is situated slightly off centre, to the east of the main school buildings between blocks D and G. It consists of a 1960s, partly 2-storey SEAC building with a later single storey brick built extension to the west. The building has a flat roof that has been replaced within the last 2 years. The ground level to the north of Block E is approximately 1.5m lower than the existing floor level and the building is cut into the ground approximately 1.2m on the south side.
18. It is proposed to remove the later single storey brick built extension and replace it with a Multi Purpose Hall and changing facilities. The remainder of the building, with the exception of some additional plant on the existing flat roof would remain unaltered externally. Under the circumstances I consider the location of the proposed development to be acceptable, since it would involve a rationalisation of the existing built up part of the site.

Design

19. Due to the restrictive nature of the site, financial constraints and level of accommodation required by the School, I consider a mix of new build and refurbishment to be an appropriate design approach.
20. Access to the new building would primarily be from the south side, entering at ground floor level into the entrance lobby with access to all floor via stairs and lift (disabled access has also been addressed). A centrally located staff office would provide good visual control over the entrance lobby, adjacent corridor and access to the changing rooms and multi purpose hall. Upon completion, a wide corridor linking this area with 2 large circulation/social spaces would run east connecting both the existing and proposed stairwells and providing spacious circulation leading to all classrooms on the ground floor. Initially this area would access only the changing rooms and multi-purpose hall.
21. The multi-purpose hall is designed to provide the recognised short fall in area that the school requires for indoor sports, gymnastics, assemblies and examinations. The hall is of sufficient height to play badminton at national level and adjacent storage for the associated sports equipment, chairs and examination tables. Adjacent to the Hall and housed within the new build are two changing rooms with associated showers and sanitary accommodation. The changing rooms have direct access to external sports areas via steps and a ramp on the north side of the building that lead to the playing fields and tennis courts adjacent.
22. Concern was raised by Sport England regarding the number of badminton courts proposed and appearance that no provision was to be made for disabled changing facilities. Concern was also raised with regards to the location of the proposed multi-purpose hall and it was suggested that relocating the proposed hall would make room for a further court. It has been confirmed by the applicant that Mascalls School has an existing sports hall accommodating badminton courts and various other sports facilities, located to the rear of Block E. The proposal for a new multi-purpose hall is in addition to the facilities the existing sports hall already offers. With regard to the disabled shower

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and changing facilities, the applicant confirms that these have been included within the second phase of the project and are indicated within the submitted drawings, which formed part of the planning application. Given the existing sporting facilities on site, and that the proposed location essentially replaces part of the proposed demolished E Block, generally within the existing foot print of the former building, I consider that the proposals are satisfactory and that the proposed facilities are also adequate.

23. The remainder of the ground floor of the existing building would be refurbished to include a general teaching classroom, technology rooms (replacing two existing rooms that are undersized) and two new science demonstration rooms that would compliment the existing science department facilities housed in Block G adjacent. The first floor would accommodate four general teaching classrooms and a wide circulation area. There would also be the introduction of additional storage and a faculty office.
24. Externally, the proposed multi-purpose hall would be designed to complement the adjacent buildings with the use of red stock facing brickwork to match adjacent buildings with coloured cladding to the upper areas. The multi-purpose hall would be 10m at its highest point and 2m higher than the existing building to be extended. The part of the existing building to be extended would retain its flat roof, although the multi-purpose sports hall's roof would have a shallow pitch. I accept that the incorporation of materials, cladding and brick, would help to elevate the building from an industrial to a 'commercial campus' style development. Although this design style would introduce a potentially austere building compared to the essentially rural character that the Local Plan Policy CS5 seeks to maintain, I do not consider that it is visually intrusive in any way and therefore would be acceptable under that policy.
25. Overall, I consider that the design approach is of a satisfactory standard for this particular site, which is unconstrained by any special architectural or historic context. The proposed building form complements the existing buildings and I consider that it is appropriate to its location (situated adjacent to other school buildings). Moreover, the demolition of an old, 1960s style building (albeit part demolition) and replacement with a more modern style structure should be welcomed. Under the circumstances, I consider that the new building would enhance the visual appearance of the site.

Parking and Access

26. Mascalls suffers from a lack of on site car parking. To compensate for this parking currently overflows onto Maidstone Road. This however is a contentious issue with local residents and those who use the road. It is proposed within this application to introduce additional car parking adjacent to the Maidstone Road entrance and provide improved hard standing to facilitate coach/bus parking and turning. The new bus turning area would result in the loss of some trees but would be compensated by the planting of additional trees to the north of this area and the new car park in general. I consider that a condition requesting the submission of a full landscaping, highlighting those trees to be removed and replaced be included on the decision notice should Members be minded to permit.
27. The applicant has also stated that the amendments to the location of the parking bays closest to Maidstone Road would have little or no effect on the properties outside the school. The car park is currently separated from these houses by the busy Maidstone Road and on completion of these works the closest point of the car park would still be 88ft from the closest property.

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28. Although the car park proposal encroaches onto the playing field, it does not affect the layout of the existing pitches. The existing cricket practice nets that are located within the area to be redeveloped as car parking would be relocated and would not result in the loss of this facility.
29. The School is currently compiling a new School Travel Plan that will be submitted to Kent County Council once completed. This will reinforce the School's encouragement of the School community to use more sustainable modes of transport in the future.
30. I consider that the proposed extended parking facilities would reduce the problem of students and visitors parking along the grass verges of Maidstone Road, raised as a concern by neighbours and consultees. I would also suggest that a detailed landscaping scheme would help reduce any visual impacts that the proposed car parking and new build would have. Jacobs (Landscaping) has also stated that visibility of the site from the surrounding public rights of way and residential areas is limited and that the proposals do in fact have the potential to provide a beneficial visual impact to the school entrance with careful specification of planting and materials.
31. The School's intention is to create a car park close to the existing main road to reduce the visual impact of cars that currently park in various locations both on the approach to the school and within the school curtilage. As mentioned above, it is also proposed that additional trees are planted along the northern boundary of the car park to reduce visibility of the parking area from the north.
32. The applicant has stated that the alterations to the parking arrangements on site are proposed to increase site security (reduction in vehicles entering the main built-up school environment), improve pedestrian safety by introducing designated footpaths for pupil and staff movement away from vehicular areas. The parking arrangements would also include a designated bus drop-off and collection area with dedicated queuing areas (currently the buses park wherever they can stop, mainly in amongst parked cars, which is dangerous when students are entering/exiting the buses and moving between various vehicles). Dedicated turning facilities are also proposed, again to increase pedestrian safety. Currently the coaches and large vehicles carry out three point turns presenting a danger to the many students who enter and exit the site on foot moving between these vehicles.
33. I consider that any noise disturbance from the proposed parking would be limited given the transfer of parked cars from along Maidstone Road and into the school grounds. Overall I consider that the proposal would improve noise impacts on neighbouring properties because of the relocation of vehicle activity.
34. The applicant proposes a temporary site access and objections have been raised by Paddock Wood Town Council. Comments have been made by the Divisional Transport Manager, who has requested that the applicant provide further plans and drawings showing the full extent of the proposals, including the precise location, visibility splays, levels, widths and radii. Although the use of an access onto Mascalls Court Road would be acceptable in principle, the level of detail regarding this aspect of the proposal is limited, I therefore recommend that any granting of planning permission be withheld until such a time as these drawings are submitted and approved.

Landscaping

35. As mentioned in paragraph 18 above, there is a loss of a few trees as a result of

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creating a new coach and bus turning area. However, it is proposed that new trees would be planted to the north of this area and the new car park in general to compensate for their loss. The applicant has confirmed that a management plan would also be established to ensure the remainder of the trees adjacent to this area are maintained, with careful pruning and management. Further information has been submitted following concern regarding the loss of trees, which highlights which trees need to be removed to facilitate the alterations to the car park. Indications are also made regarding the introduction of new trees to soften the visual impact when viewed from Maidstone Road and the adjacent Sports Field. I consider that to be acceptable in terms of protecting the visual amenity of the area. However, I would advise that, should Members be minded to permit, that a condition be included requesting the submission of a landscaping scheme.

Contaminated Land

36. The Environment Agency has requested that a desktop study be carried out and submitted for approval prior to determination. I can confirm that the Ground Investigation has been carried out by the applicant and the report submitted to the Environment Agency. I consider it necessary, along with the further comments from the Divisional Transportation Manager, to withhold issuing any consent until comments regarding the report have been received by the Environment Agency. All other requested conditions shall be included.

Other

37. Concerns raised by objectors regarding the dropping of litter by pupils of the school, creating a visually offensive mark on the landscape, have been conveyed to the School, and I would advise that that this issue is a school management issue and not a material planning consideration.

Conclusion

38. The application has to be considered in relation to the location of the proposed development set against the impact of the proposal in the context of the Development Plan. I consider that the location and proposed design of the proposed development to be acceptable and that the proposal would represent an opportunity to improve the physical image of the school site overall, in conjunction with Phase 1 of the project (already given planning permission), in line with the Development Plan Policies Whilst a number of detailed concerns have been raised, mainly relating to parking, landscaping and visual impact, these matters can be addressed through suitably worded conditions. I therefore recommend accordingly.

Recommendation

39. I RECOMMEND that, SUBJECT TO the further views of the Environment Agency and the submission of additional drawings regarding the temporary access, PERMISSION BE GRANTED SUBJECT TO conditions including the standard time condition, that the development be carried out in accordance with the approved plans, the submission and prior approval of samples of external materials, the submission of a landscaping scheme prior to commencement of the development, the installation of signs to warn of the construction access and controls over hours of use of the construction access and delivery of materials.

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| Case officer – Helena Woodcock |
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| Background documents - See section heading |
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Item D3**Construction of two storey extension to provide additional classroom facilities at Sedleys C of E Primary School, Southfleet – DA/05/768**

A report by Head of Planning Applications Group to Planning Applications Committee on 16 May 2006.

Application submitted by Kent County Council Education and Libraries for a two storey extension to existing school building, comprising facing brick external walls and pitched tiled roof to match existing, to provide additional classroom facilities, plus internal rationalisation of existing building and external ramps to improve DDA provisions, at Sedleys C of E Primary School, Church Street, Southfleet. (Ref: DA/05/768)

Recommendation: Permission be granted subject to conditions.

Local Member(s): Mr Bertie Bassam

Classification: Unrestricted

Site

1. Sedleys Church of England Primary School is located on Church Street within the built confines of the village of Southfleet. The main school building is Grade II Listed and the whole of the school site is included within a Conservation Area. The main school building is a single storey Listed Victorian structure which has been extended at the rear to provide toilets and administration offices. The school site also contains a brick built air-raid shelter which is used as a reception classroom and PE equipment store, and a temporary mobile classroom. The main school building is located in the north eastern corner of the site on Church Street, with playground extending to the southern and western sides of the school. The site is bound by a residential property to the south west, Hook Green Road and facing residential properties to the south and east, and Church Street and further facing residential properties to the north. A number of Listed Buildings are located on Church Street, including the Grade I Listed Parish Church of St Nicholas, and many Grade II Listed properties, the setting of which may be affected should this application be granted. A site plan is attached.

Background

2. This application has been amended since its submission due to objections from neighbouring properties, Dartford Borough Council and Kent County Council's Conservation Officer, and concerns raised by Kent Highways and Southfleet Parish Council. The original application met with objection on the grounds of design and massing, the obscuring of views to Listed Buildings, including St Nicholas Church, impact upon the Conservation Area, proximity to neighbouring properties (particularly Court House), loss of privacy and overlooking, loss of playground space, traffic and highways implications and lack of car parking. Following a number of meetings between the applicant and relevant consultees, which discussed various alternatives for the site, the application has been formally amended. The amended proposal addresses the design concerns and has moved the footprint of the building further towards Hook Green Road in an effort to open up the views through to the Church and reduce the impact on neighbouring properties. It is the revised submission that will be outlined and discussed throughout this report.

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Proposal

3. This application has been submitted by Kent County Council Education & Libraries and proposes the construction of a two storey extension to the existing school building to provide two additional classrooms with associated circulation space. That would facilitate the removal of the existing temporary mobile classroom, currently in a poor state of repair, which the applicant advises would reinstate the area of playground lost by the extension. In addition to this, internal works within the school building are proposed to rationalise and enhance the available space. Due to financial constraints it is proposed to carry out these works in two phases: phase 1 comprising the construction of the extension and associated works, and phase 2 comprising the internal alterations.
4. The applicant advises that the new classroom extension is required to create a unified school building with all facilities contained under one roof. Two classrooms are currently remote from the main building; one classroom is located in an existing outbuilding, which is understood to be a former air raid shelter, and is far too small and cramped for use as a classroom. The other is located in a temporary mobile classroom, which is now beyond its serviceable life.
5. The two storey extension would be located on the southern elevation of the existing school building and would be constructed of traditional materials to match the existing. The proposed materials include brickwork walls with herringbone detailing and corbelling, clay tile roofing, timber windows and cast iron rainwater goods. The building would have a pitched roof with a ridgeline that matches that of the existing building. A number of design features have been included to ensure that the proposed extension is sympathetic to the existing Grade II Listed school building. These include, high level brick corbelling, a brick plinth at the bottom of all external elevations, two vertical projecting bays to add a vertical element to the façade of the Hook Green Road elevation, the provision of dormer windows with herringbone infill panelling and brick band courses. High level dormer windows have been added to the rear elevation, and the fenestration has been amended as far as is practical to avoid overlooking of neighbouring properties.
6. The applicant advises that due to the nature and layout of the existing school buildings, and the limited space available on site, the location of the extension is probably the only one feasible. The building's footprint is as far away from neighbouring properties as is practically possible, although due to the small size of the site the building would be within 11 metres of the nearest neighbouring property at the closest point. Alternative locations for the extension were considered, but the applicant advises that they impinged too much on the area of playground available and obscured the view of the local church and other Listed buildings from Hook Green Road. Although the footprint of the extension would take up an area of the existing playground, the demolition of the mobile classroom would provide an additional area of playground to compensate for this 'loss'.
7. The extension would be linked to the existing school building by a single storey corridor, which would have a flat roof and rooflights. The extension would be accessed via a new secure entrance lobby, and is designed to be fully DDA compliant with a lift to access the first floor and doors wide enough for wheelchair access. There would be some associated works to the existing building under phase 1, including the formation of an opening from the new extension to the existing building, a new partition and addition of a children's toilet to create a new reception classroom and widening an existing opening adjacent to the existing reception area to enable wheelchair users to access the existing school building from the new extension.

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8. Phase 2 of the works proposes the internal rationalisation of existing accommodation to reconfigure the headteacher's office, reception area, staff room and children's toilets, all of which are located within a single storey extension to the rear of the school. This reorganisation aims to maximise use of the space available, facilitate circulation, improve security and further improve the access arrangements initiated with the phase 1 extension.
9. Disabled access would be provided externally by means of a proposed ramp and steps up to the new reception area and school entrance from Hook Green Road. The entrance is existing but is not currently used. This application includes the provision of a pedestrian safety barrier and 'keep clear' road painting with zig-zag lines at this access point in order to improve the safety of its use.
10. There is no car parking within the boundary of the school site, with all staff parking on local roads. Although the size of the existing building is to be increased, it is understood that the new accommodation is to replace substandard existing accommodation. However, due to the current confines of the existing accommodation the school can only admit 11 pupils in the Key Stage 1 year groups (ages 4-6) but 15 pupils in Key Stage 2 (ages 7-10). The new classrooms would enable the school to admit 15 pupils in Key Stage 1 as well as Key Stage 2, so it would increase the overall school roll by 12 pupils. The school roll would increase from what should be 77 to 89, although the current roll is already 82 so the increase over present numbers is 7 pupils in total. No additional staff would be recruited as a result of this application.

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

Planning Policy

11. The Development Plan Policies summarised below are relevant to the consideration of the application:
 - (i) The Adopted 1996 **Kent County Structure Plan**:
 - Policy S2** – Seeks to conserve and enhance the quality of Kent's Environment.
 - Policy S9** – In considering development proposals, local authorities will have regard to the need for community facilities, including education.
 - Policy ENV2** – Kent's landscape and wildlife (flora and fauna) habitats will be conserved and enhanced.
 - Policy ENV15** – New development should be well designed and respect its setting.
 - Policy ENV17** – The primary planning policy towards Conservation Areas is to preserve or enhance their special character and appearance (including buildings and related spaces). Development which would harm that special character will not normally be permitted.

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Policy ENV19 – In the control of development and through policies and proposals in local plans:

- i) Listed buildings will be preserved and their architectural and historic integrity and the character of their settings will be protected and enhanced.

[.....]

(ii) The Deposit 2003 **Kent & Medway Structure Plan:**

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 E3 - Kent's landscape and wildlife (flora and fauna) habitats will be conserved and enhanced.

Policy QL7 - Development within Conservation Areas should preserve and enhance the character of the Conservation Area. Development which would harm the character of a conservation area will not be permitted.

Policy QL9 - Listed Buildings will be preserved and their architectural and historic integrity and the character of their settings will be protected and enhanced.

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

(iii) 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 off 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.

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e/f) Access and parking.

Policy B6 - Proposals for the alteration or extension of a Listed Building will only be permitted where they respect the character and appearance of the building, particularly in terms of the use materials, and do not involve the loss of features or detailing of architectural or historic interest.

Policy B8 - Within Conservation Areas, proposals for new development, alterations, extensions or changes of use will only be permitted where they respect the special character of the particular area concerned and are well designed. The requirements of Policy B1 will be strictly applied, especially in relation to design, materials and use.

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.

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

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.
[.....]

Policy BE2 – Within a Conservation Area, proposals for new development will only be permitted if the following criteria are met:

- 1) the scale, volume, form, materials and detailing respect the characteristics of buildings in the conservation area;
- 2) the proposal incorporates a high standard of quality of design;
- 3) local vernacular architectural features are incorporated;
[.....]
- 5) Important views within, into and out of the Conservation Area are protected;
[.....]

Policy BE5 - Proposals for the alteration, extension or minor demolition of a Listed Building will not be permitted unless they would preserve or enhance the character and appearance of the building and its setting and do not involve the loss of features or detailing of architectural or historic interest.

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Policy BE8 - Proposals for development will not be permitted if they would cause harm to the setting of a Listed Building.

Consultations

12. **Dartford Borough Council:** raises no objections to the revised plans. It is suggested that conditions be attached to any permission requiring the submission of details and samples of all external materials, as well as details of any joinery prior to the commencement of works on site

Southfleet Parish Council: welcomes the measures now proposed to address concerns relating to construction and materials, Listed Buildings and Conservation Area issues, access and highway safety, and overlooking of neighbouring properties.

The Parish Council wishes to liaise closely with Kent Highways with regard to safety measures at the new pedestrian access into Hook Green Road, and express concern over existing problems, particularly a lack of on site car parking.

The Parish Council wishes to see the two sheds on site removed upon completion of the extension. A number of planning conditions are suggested.

The Divisional Transport Manager: raises no objections.

Conservation Officer: raises no objections as the final scheme is as discussed.

Biodiversity Officer: recommends that the precautionary measures detailed in paragraphs 5.2-5.5 of the submitted Bat Survey Report are made a condition on any planning permission granted.

County Archaeologist: requests that a condition is placed on any grant of planning permission requiring the securing of the implementation of a watching brief, to be undertaken by an archaeologist approved by the County Planning Authority. The watching brief shall be carried out in accordance with a written programme and specification and shall be submitted to the County Planning Authority for written approval.

The Environment Agency: raises no objection but makes a number of detailed comments regarding Source Protection Zones, the design of soakaways and the discharge of sewage or trade effluent into controlled waters.

Local Member

13. The local County Member, Mr Bertie Bassam, was notified of the original application on the 27 July 2005. Mr Bassam was notified of the amended proposal on the 10th April 2006.

Publicity

Construction of two storey extension to provide additional classroom facilities at Sedleys C of E Primary School, Southfleet – DA/05/768

14. The application was publicised by advertisement in a local newspaper, the posting of a site notice and the individual notification of 15 nearby properties. 16 neighbouring properties were notified of the amended proposal.

Representations

15. 4 letters of representation were received regarding the initial proposal. Concern was expressed over the design, scale and massing of the proposed extension, loss of privacy and overlooking, increases in noise and disturbance, loss of views through the Conservation Area to Listed Buildings, loss of playground space and highways implications. Following the submission of a revised proposal the neighbouring properties were re-notified and given a further 21 days to comment.

1 further letter of representation has been received. The main comments/points of concern and objection can be summarised as follows:

- Although improvements have been made to the original submission, concern is expressed over the erection of an extension which is 9 metres high, 12 metres in length and 8 metres in width.
- The extension would dramatically effect the residents 'Right to Light', in that the siting of the extension would be directly in line with where the sun rises.
- A resident wishes to see the reinstatement of a brick wall along the boundary between the school and their property once the mobile classroom is removed. A wooden fence would not afford protection from footballs, rubbish and noise etc.

Discussion

16. In considering this proposal regard must be had to the Development Plan policies outlined in paragraph (11) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance include impact upon residential and local amenity, massing and design, visual impacts and possible effects on the local environment, particularly the setting of a number of Listed Buildings and a Conservation Area.
17. Policies S2 and ENV15 of the Adopted Kent Structure Plan, SP1 and QL1 of the Deposit Kent and Medway Structure Plan, and Policy B1 of the adopted Dartford Borough Local Plan, seek to conserve and enhance the environment and require development to be well designed and respect its setting. That is particularly relevant to this site which is within a Conservation Area and is adjacent to a number of Listed Buildings.

Siting and Design

18. Policy ENV17 of the Kent Structure Plan states that the primary planning policy towards Conservation Areas is to preserve or enhance their special character and appearance, and that development which would harm that special character will not normally be permitted. The design and siting of any new development here therefore needs careful consideration and thought, exacerbated by the fact that this site is surrounded by Listed Buildings, and that the original school building is itself Listed. Policy ENV19 of the Kent Structure Plan states that Listed Buildings will be preserved, and their architectural and

Construction of two storey extension to provide additional classroom facilities at Sedleys C of E Primary School, Southfleet – DA/05/768

historic integrity, and the character of their settings, will be protected and enhanced. All of the policies outlined above are echoed in the Deposit Kent and Medway Structure Plan and the adopted Dartford Borough Local Plan, and are therefore a key determining factor in this application. In addition, Policy BE2 of the Second Deposit Draft (2002) Dartford Borough Local Plan Review amplifies this, and states that within a Conservation Area proposals for new development will only be permitted if the scale, volume, form, materials and detailing respect the characteristics of buildings in the conservation area, and the proposal incorporates a high standard of quality of design. In addition local vernacular architectural features must be incorporated and important views within, into and out of the Conservation Area must be protected. In conjunction with other relevant landscape protection and design policies, these issues need to be considered in the determination of this application and will be discussed below.

19. First, the design of the building must be considered in conjunction with its scale, massing and siting. The proposed extension is located to the side of the main school building and would be clearly visible from Hook Green Road. The two new classrooms would be sited upon the existing tarmac playground, although the removal of the mobile classroom would compensate for most of this loss by freeing up further playground. The applicant states that the positioning of the proposed extension was carefully considered during the design process, and I consider that the proposed siting is the most appropriate given the context of the site. Due to the nature and layout of the existing school buildings the location of the proposed extension is probably the only one feasible. Other arrangements were considered but would have resulted in the loss of more playground space, which is already limited, or would have obscured the view of the Listed Buildings, including the Parish Church, from Hook Green Road. The retention of views through the Conservation Area is protected by Policy BE2 of the Deposit Draft (2002) Dartford Local Plan Review, and was a point of objection to the original proposal (which was further back from the road frontage and therefore obscured more of the view). The siting of the proposed extension does impact upon a neighbouring property, which will be discussed below, although the positioning has been carefully considered in order to minimise its impact as far as practicably possible. I do not consider that the siting of the extension would harm the special character and appearance of the Conservation Area. However, the design, choice of materials, and massing of the classrooms needs to be considered in the determination of this application.
20. The proposed extension has been designed to visually fit with the existing buildings without being a simple pastiche. The removal of the mobile classroom, would enhance the site in terms of design and visual amenity, but it is imperative that the replacement extension does not harm the character of the site and the surrounding Conservation Area, or the setting of Listed Buildings. The applicant advises that the extension would be constructed using traditional materials, with brickwork walls to match the existing building as closely as possible, clay tile roofing, timber windows and cast iron rain water goods. However, the precise specifications of the materials would be dealt with under planning condition to allow greater detail, including samples, of the proposed materials and colour finishes to be submitted. The applicant is aware of the sensitive location of the school and the need to use materials that are sympathetic and in keeping with the surrounding listed properties. 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, the two sheds on site, which are currently used for storage, would be required to be removed upon completion of the works. That would ensure that all temporary buildings are removed from the site enhancing local visual amenity. Therefore, the character and appearance of the Conservation Area, and the setting of

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the Listed Buildings, would not be detrimentally or materially altered, and arguably would be enhanced.

21. The design of the proposed building has been subject to much discussion and negotiation. The design of the original proposal met with objection from Dartford Borough Council and Kent County Councils Conservation Officer, and following a series of meetings has been amended to incorporate appropriate design features. Both parties are now satisfied with the design, which includes features such as two vertical projecting bays to add a vertical element to the façade, a brick plinth to the base of all external elevations, high level brick corbelling, dormer windows with brick band courses and herringbone infill panelling. In addition to this, the fenestration has been amended as far as is practical to avoid overlooking to nearby properties, including the provision of high level dormer windows to the rear elevation. The design of the extension borrows from the original Listed school building without trying to produce an exact replica, and is therefore subservient in appearance to the original school. That ensures that the setting of the Listed Buildings, and the character and appearance of the Conservation Area, is not detrimentally or materially altered. The design is therefore considered appropriate for its setting in my view.
22. Although the proposed extension is two storeys in height, compared to the rest of the original school, which is single storey, the ridge height is the same as the upper storey of the new extension is designed to maximise available roof space. The massing of the extension is therefore not out of character with the existing school buildings, or surrounding residential properties, and is therefore deemed to be acceptable in my view.
23. The design of the extension reflects that of the existing Victorian school building, complementing its design and height. The applicant has demonstrated a case of need for the proposed classrooms, and I consider that the impact of the extension has been mitigated as much as practically possible. The character and appearance of the Conservation Area, and the setting of Listed Buildings, may be affected by the massing and design of the proposed extension, but I do not consider this impact to be significantly adverse. Therefore, I consider that the siting, design and massing of the extension are acceptable and conform with the general thrust of Local Development Plan Policies.

Highways

24. Sedleys School is currently accessed via Church Road, a narrow no-through road with very limited on street car parking. Hook Green Road is a busy rural road, which becomes heavily congested at school peak times and is used by large lorries accessing nearby farming facilities. The School has no on-site car parking provision due to the confined nature of the site, and therefore local highway concerns have been raised. However, this application would not lead to an increase in staff numbers and the school roll, which is currently 82, would increase only to a maximum of 89. Should Members be minded to permit, the new extension 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. Should Members be minded to permit, 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.

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25. In addition, the reinstatement of the pedestrian access on Hook Green Road, the provision of safety barriers, and the installation of 'school keep clear' zig zag lines to the front of the school, are all measures that would improve safety and alleviate congestion outside of the school. The School has recently produced an approved School Travel Plan which aims to encourage more sustainable methods of transport, and reduce the reliance on the car. This application therefore, would not have a detrimental impact upon the local highway network, but could in fact improve the existing situation.

Residential and local amenity

26. Due to the confined nature of the site, an extension would impact upon neighbouring residents no matter where it was sited within the school grounds. However, as discussed in paragraph (19) various options have been considered and the siting proposed is deemed the most appropriate for a number of reasons. The applicant has made a number of changes to the original proposal which aim to reduce any negative impacts upon neighbouring properties. First, the extension has been moved away from the closest property and further towards Hook Green Road. This not only maintains views through to the Parish Church and other Listed Buildings, but also alleviates the issues of loss of light and overlooking to neighbouring properties. However, the proposed extension is still only 10metres away from the neighbouring property, with the closest window measuring a distance of 11metres. The issue of overlooking therefore needs to be addressed.

27. The upper floor windows at the rear of the extension would look out over a neighbouring property at a slightly oblique angle, but views into habitable rooms would be possible. The applicant has sought to address the issue of overlooking by raising the cill height of the first floor windows, at the rear of the extension, to 1.8 metres from the floor. Therefore, unless over 1.8 metres tall, staff and pupils would not be able to see out of these windows and, therefore, would not impinge on the privacy of neighbouring residents.

28. Upon completion of the extension the mobile classroom on site would be removed. A brick wall once ran along the boundary behind this mobile classroom, and it is understood that this has been removed. Concern is expressed that replacement boundary treatment is needed once the mobile classroom is removed in order to protect the privacy of neighbouring residents. However, wooden fencing would not afford protection from noise, and could be subject to damage. Therefore a brick wall would be preferred, to run along the boundary between the school and the neighbouring property, details of which would be required under condition. This would give the neighbouring residents privacy, and protection from noise and nuisance. I am satisfied that the applicant has amended the proposal as far as practicably possible in order to reduce the impact upon neighbouring residents. Therefore, subject to a condition to control construction hours, I do not consider that this application would have a detrimental impact on the amenity of neighbouring residents.

Conclusion

29. In summary, I consider that there are special circumstances to justify the proposed development within a Conservation Area and affecting Listed Buildings. Overall, I consider that the siting and design of the proposed extension would not have a detrimental effect on the amenity of local residents, the character and appearance of the Conservation Area, or the setting of Listed Buildings. Overall, I consider that the design solution proposed is a sensitive approach to the heritage and landscape aspects relevant to this particular location. Subject to the imposition of conditions, I am of the

Construction of two storey extension to provide additional classroom facilities at Sedleys C of E Primary School, Southfleet – DA/05/768

opinion that the proposed development, as now amended, would not give rise to any material harm and is otherwise in accordance with the general principles of the relevant Development Plan Policies. Therefore, I recommend that permission be granted subject to the imposition of appropriate conditions.

Recommendation

31. 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 joinery to be submitted for approval,
- hours of working during construction,
- recommendations of the protected species survey to be followed,
- a programme of archaeological work and building recording,
- sheds to be removed upon completion of the extension,
- removal of the mobile classroom upon completion of the extension and details of reinstatement boundary treatment,

| | |
|---------------------------|--------------|
| Case officer – Mary Green | 01622 221066 |
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| Background documents - See section heading |
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Item D4**Retrospective application for the installation of CCTV poles and cameras. Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness – SW/06/218**

A report by Head of Planning Applications Unit to Planning Applications Committee on 16 May 2006.

SW/06/218 – Application by the Governors of Minster-in-Sheppey Primary School and Kent County Council Education and Libraries for installation of CCTV poles and cameras (Retrospective). Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness.

Recommendation: Permission be granted.

Local Members: Mr A. Crowther

Classification: Unrestricted

Site

1. Minster-in-Sheppey Primary School is located south of Brecon Chase, within the built-up area of Minster. The school site is located on the southern flank of a hillside, with two school blocks located across the slope. The site can be entered via access points on Brecon Chase, Minster Road and Bellevue Road. Residential properties surround the site to the north, south, east and west (please see attached plan).

Background

2. The Minster School site is subject to a separate retrospective planning application for the levelling of the existing planning field, under planning reference SW/06/351, which is also being reported to this month's Planning Applications Committee under Item D5.

Proposal

3. Retrospective planning permission is being sought for the installation of CCTV cameras and poles at 5 locations around the Minster Primary School site (see attached plans – points 1 through 5). The application includes 14 cameras and associated equipment and 5 poles that position the cameras in excess of one metre from the closest part on the existing school buildings. The CCTV system installed also includes additional cameras located at 5 other positions around the school buildings. However, these cameras are attached to or within one metre of the school buildings and are therefore afforded permitted development rights under Part 33 of the Town and Country Planning (General Permitted Development) Order 1995.
4. The cameras that require planning consent are positioned on single poles rising above the roofline of the school buildings. All of the cameras are locked in place and cannot be repositioned remotely and the system does not have a zoom function for the images captured. Any alterations to the positioning and field of view would require the manual re-adjustment by the company that installed the system. The camera system can operate under infrared light during low light levels and darkness. This system is triggered by any intrusion into the school site. The range of the infrared facility only extends to the area immediately surrounding the school buildings and does not extend to the perimeter of the school grounds. All images from the cameras are recorded and monitored centrally within the main school office.

Item D4

**Installation of CCTV poles and cameras. Minster-in-Sheppey
Primary School, Brecon Chase, Minster-on-Sea, Sheerness –
SW/06/218.**

Installation of CCTV poles and cameras. Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness – SW/06/218.

5. The 5 locations requiring planning consent are as follows:

- Location 1, as marked on attached plan, consists of a pole with 4 cameras attached above the north-west corner of school building. Two cameras cover the entrance road and gate onto Brecon Chase, one covers the access onto Bellevue Road and one camera covers the car park.
- Location 2, on the north elevation of the southern school building, consists of a pole with 2 cameras covering the adjacent playground and footpaths between the school blocks.
- Location 3 consists of a pole with 1 camera above the north east corner of the main school building covering the pedestrian access onto Brecon Chase.
- Location 4, above the south east corner of the southern building, consists of a pole with 4 cameras attached covering the car park and vehicle access onto Minster Road, the pedestrian access onto Minster Road, the footpath and space between the 2 school buildings and the area directly adjacent to the southern elevation.
- Location 5 consists of a pole with 3 cameras attached along the south west elevation of the southern building covering the playing field internal footpaths and adjacent playground and field.

(Please see photographs of all the above locations and examples of images taken from the CCTV coverage included within the appendix.)

The other locations marked on the plan consist of lower level eyeball and fixed cameras attached to the school buildings covering doorways and internal pedestrian routes.

Additional Information from the Applicant

6. In support of the application, the applicant has provided a statement from the company that installed the system confirming that none of the cameras capture views into residential property. Further to the above, the School has also provided still photographs taken from the system showing the key views towards the various boundaries and access points at the site. In addition confirmation has been provided from Kent Police of the benefits of the system in prosecuting individuals for vandalism at the school.

Development Plan Policies

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

(i) The adopted Kent Structure Plan

Policy S2 Seeks to conserve and enhance the quality of Kent's environment.

Policy S9 Has regard for the need for community facilities and services, including education.

Installation of CCTV poles and cameras. Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness – SW/06/218.

Policy ENV15 New development should be well designed and respect its setting.

(ii) The Deposit Kent & Medway Structure Plan (2003):

Policy SP1 Seeks to protect and enhance the environment and achieve a sustainable pattern and form of development.

Policy QL1 Development should be well designed and respect its setting.

Policy QL12 Seeks to protect existing community facilities and provide local services in residential areas, particularly where services are deficient.

(iii) Swale Borough Local Plan (2000):

Policy G1 Requires all development to accord with Local Plan Policies, have regard to characteristics of locality and setting, avoid unacceptable impacts on natural and built environments, adopt high standards of design, and cause no demonstrable harm to residential amenity.

Policy E50 Requires development to have regard to security and safety measures.

Policy C1 Subject to compliance with other Plan policies, planning permission will be granted for appropriately located social and community facilities.

(iv) Swale Borough Local Plan First Review: Re-deposit Draft (2005):

Policy E1 Requires all development to accord with Local Plan Policies, have regard to characteristics of locality and setting, avoid unacceptable impacts on natural and built environments, adopt high standards of design, cause no demonstrable harm to residential amenity, and integrate security and safety measures.

Policy E20 Seeks development to integrate security and safety measures.

Policy C1 Supports proposals to improve community services and facilities. Where proposals would meet an identified local need in an accessible location, supports proposals to help maximise the use of existing community services.

Consultations

8. **Swale Borough Council** raises no objection, further to the application being reported to the Borough Council's Planning Committee.

Minster-on-Sea Parish Council: no comments have been received to date. Any received prior to Committee meeting will be reported verbally.

Installation of CCTV poles and cameras. Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness – SW/06/218.

Local Member

9. The local County Member for Sheppey Mr A. Crowther was notified of the application on 17 February 2006.

Publicity

10. The application was publicised by the posting of one site notice and the notification of 30 neighbouring properties.

Representations

11. 5 letters of representation have been received from local residents. The main points raised can be summarised as follows:

- The unauthorised works raising the level of the school playing field has resulted in houses on Bellevue Road being completely exposed to the school site.
- Confirmation is requested as to the position and field of view of the cameras as residents are concerned about the possibility of their houses are being spied upon.
- Concern is raised that the works were carried out without the benefit of planning consent.
- Concern is raised that the cameras operate within the infrared spectrum overlooking properties at night.
- No objection to the cameras in principle if the reassurances in respect of our privacy are met.
- Concern is raised that the positioning of the cameras covering the accesses onto Brecon Chase result in the invasion of privacy. Requests that the current situation be altered to prevent residential property being overlooked.
- The replacement gates on Brecon Chase are unattractive. Requests that the gate be painted to allow them to blend in.

1 letter of representation has been received in support of the application.

Discussion

12. This application is for retrospective planning consent for CCTV cameras and poles within the grounds of Minster-in-Sheppey Primary School. It is necessary to consider the development in the context of the Development Plan Policies outlined in paragraph (7) above and the effects of the development in terms of its visual impact, the effects on the local environment and residential privacy.
13. The CCTV system installed consists of 19 cameras positioned at 10 locations around the site, covering the main access routes and thoroughfares. The system includes a number of cameras positioned on poles that rise above the buildings on site. It is these cameras that require the planning consent and have prompted the current application. All other cameras installed on site are afforded permitted development rights.
14. A number of objections have been received from local residents in relation to the CCTV cameras, the views received are summarised in paragraph (11) above. The key

Installation of CCTV poles and cameras. Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness – SW/06/218.

concerns being raised relate to any potential loss of privacy that may result from the installation of the system, and the retrospective nature of the application.

Residential Privacy

15. The CCTV system installed does not have the capacity for the cameras to be moved remotely, nor does it allow the cameras to zoom in. Any alteration of the field of view requires someone to climb up to the cameras and physically reposition them. The cameras are lock into position and the School have provided written confirmation from the company that installed the system that none of cameras capture images into residential property. In addition to this, the School has provided still images of the field of view for the equipment directed toward the boundaries, examples of these are appended below. Having reviewed the system in operation at site, I confirm that none of the cameras capture images that could cause a loss of privacy to any of the surrounding residential properties. Taking all of the above into account, I would not raise objection to the application on residential amenity grounds.

Location and design

16. The locations of the cameras requiring planning consent are set above the roofline of school buildings. Minster Primary School is not subject to any specific policy designation by virtue of its location. However, the appropriate Development Plan policies require that any new development is appropriate to its setting and takes account of the local environment. Photographs of the cameras in position are attached within Appendix 1. The cameras and associated infrastructure installed is of a standard design. In my opinion, given the buildings and the urban location, the size and topography of the site the cameras installed are acceptable in the positions shown and the equipment does not detract from the characteristics of the locality. Under the circumstances I would consider that the CCTV cameras and poles are acceptable and accorded with Structure Plan Policy ENV15, Deposit Structure Plan Policies SP1, Swale Borough Local Plan Policy G1, and Draft Swale Local Plan Policy E1.

Need

17. Due to the material planning objections that have been raised, need becomes a balancing factor. The applicant has confirmed that the development is required to improve the security of the site and has been brought forward in response to criticism of the security at the site following an Ofsted Inspection of the school. In addition I acknowledge the applicant's comments made regarding the increase in the incidents of vandalism at the site prior to the system being installed, and that since the system has been installed 3 acts of vandalism have been recorded on the system with the footage used by Kent Police to aid their investigations. I would therefore advise that there is an established requirement that schools actively maintain and improve security. Taking the above into account, the proposals accord with Swale Borough Local Plan Policy E50, and Draft Swale Local Plan Policy E1 and E20.

Item D4

Installation of CCTV poles and cameras. Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness – SW/06/218.

Conclusion

18. In principle, I can see no overriding objections to the proposal. The application meets the requirements set out in the appropriate Development Plan Policies. The location and design of the equipment does not materially impact on the visual amenities of the location. Whilst concerns have been raised regarding the privacy of local residents the applicant has provided evidence that confirms that this is not an issue in this instance. Therefore I recommend planning permission be granted accordingly.

Recommendation

19. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO a condition requiring that the cameras should only be repositioned with the written approval of the County Planning Authority.

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| Case officer – James Bickle | 01622 221068 |
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| Background documents - See section heading |
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Figure 1 – Cameras positioned at location 1.



Figure 3 – Camera positioned at location 3



Figure 2 – Cameras positioned at location 2



Figure 4 – Cameras positioned at location 4



Figure 5 – Cameras positioned at Location 5.



Figure 7 – Image taken from camera at location 1 directed at Brecon Chase access.



Figure 6 – Image taken from camera at location 1 directed at Brecon Chase access.

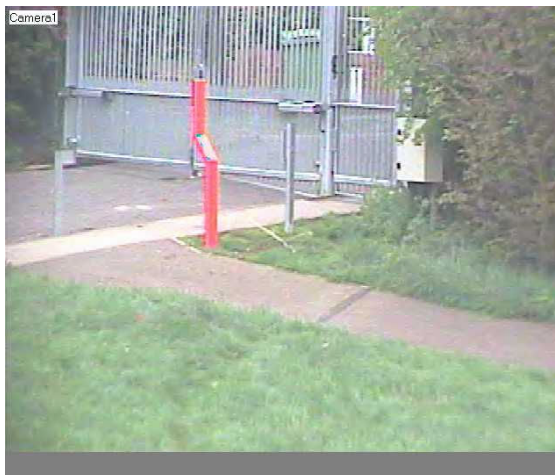


Figure 8 – Image taken from camera at location 3 directed at Brecon Chase pedestrian access.

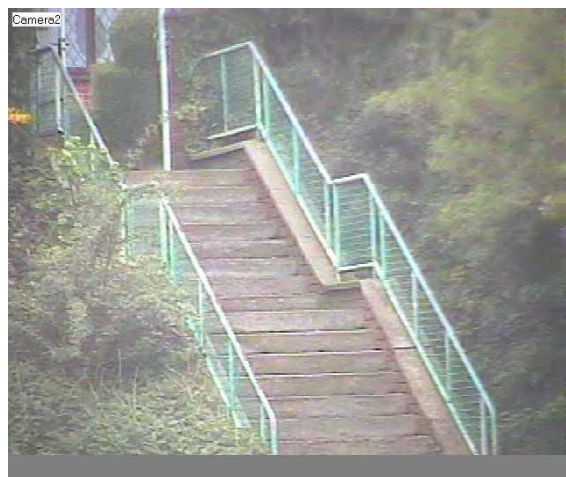


Figure 9 – Image taken from camera at location 4 directed at Minster Road access and car park.



Figure 11 – Image taken from camera at location 5 directed towards the boundary with Bellevue Road.



Figure 10 – Image taken from camera at location 5 directed towards the playing field.



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Item D5**Retrospective application for the levelling of existing school playing field. Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness – SW/06/351**

A report by Head of Planning Applications Unit to Planning Applications Committee on 16 May 2006.

SW/06/351 – Application by the Governors of Minster-in-Sheppey Primary School and Kent County Council Education and Libraries for the levelling of existing school playing field (retrospective) Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness.

Recommendation: Permission be granted.

Local Members: Mr A. Crowther

Classification: Unrestricted

Site

1. Minster-in-Sheppey Primary School is located south of Brecon Chase, within the built-up area of Minster. The school site is located on the southern flank of a hillside, with two school blocks located across the slope and the playing field to the south of the school buildings. The school site can be entered via access points on Brecon Chase, Minster Road and Bellevue Road. Residential properties surround the site to the north, south, east and west (see attached plan). The closest properties to the area affected by this application are located on Bellevue Road to the west.

Background

2. The site is subject to a separate retrospective planning application for the installation of CCTV cameras and poles, under planning reference SW/06/218, which is also being reported to this months Planning Applications Committee under Item D4.

Proposal

3. Retrospective planning permission is being sought for re-contouring and levelling works to Minster Primary School's playing field carried out in July/August 2005. The engineering work involved the redistribution of topsoil to create a level plateau, improving the surface for sport and recreational use. Soil was taken from the eastern side of the site across to infill a dish shaped section of the grounds running from the western boundary across the centre of the field. No cut and fill works were carried out as part of the engineering works.

Item D5

Levelling of school playing field. Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness – SW/06/351

Item D5

Levelling of school playing field. Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness – SW/06/351

Levelling of school playing field. Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness – SW/06/351

4. Prior to the work being carried out, the playing field sloped in an east to west direction, with the gradient varying from an average of 1:30 over most of the field to 1:12 in the north west corner of the site. The ground level at the western end of the field falls to a low spot behind 9 and 11 Bellevue Road within a drainage ditch that has been retained along the boundary. The levelling works raised the height of the land adjacent to the drainage ditch parallel to the boundary by approximately 600-800mm. The engineering work has not brought the plateau of the playing field closer to the boundary of the site. The differences between the level of the land at the western boundary and the level of the re-contoured playing field is made clear within the Playing Field Survey drawing attached. During the development work at the site, the boundary hedgerow between the school and residential properties at 9 and 11 Bellevue Road was removed. As part of the continued maintenance of the drainage ditch, the School will be undertaking undergrowth clearance and management of the trees to be retained along the boundary.
5. The development work has been undertaken for health and safety reasons to improve the quality of field for physical education and recreational use. The School proposes to continue to use the facilities for physical education as part of the curriculum. As part of being an Extended School, the Governing Body propose to allow local community groups to use the field for out of school activities. These activities are proposed outside normal school hours during weekday afternoons, Saturday mornings and potentially Sunday mornings. The existing Minster Road car park at the site is to be made available for vehicles visiting the site in association with out of school hour's activities and clubs.
6. In support of the application, KCC Property Group has provided a Feasibility Study of Surface Water Drainage for the playing field after completion of the engineering work.

Development Plan Policies

7. The Development Plan Policies summarised below are relevant to consideration of the application.
 - (i) The adopted Kent Structure Plan

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| Policy S2 | Seeks to conserve and enhance the quality of Kent's environment, and measures will be taken to minimise, and mitigate, any adverse impacts arising from development. |
| Policy S9 | Has regard for the need for community facilities and services, including education. |
| Policy ENV15 | Development, which would be incompatible with the character of a settlement, or detrimental to its amenity or function, will not normally be permitted. |
| Policy SR2 | Has regard for the need for sports and formal recreation facilities provided the site is capable of being served by public transport and the footpath network. |
 - (ii) The Deposit Kent & Medway Structure Plan (2003):

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| Policy SP1 | Seeks to protect and enhance the environment and achieve a sustainable pattern and form of development. |
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Levelling of school playing field. Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness – SW/06/351

Policy SS5 Seeks to improve physical environment, function and appearance of urban areas.

Policy QL1 Development work should respect its surroundings, consider the needs of all sections of the community, protect the amenity of residents.

Policy QL12 Seeks to protect existing community facilities and provide local services in residential areas, particularly where services are deficient.

Policy QL16 Has regard for the continuing need for recreation and sports facilities.

(iii) Swale Borough Local Plan (2000):

Policy G1 Requires all development to accord with Local Plan Policies, have regard to characteristics of locality and setting, avoid unacceptable impacts on natural and built environments, and cause no demonstrable harm to residential amenity.

Policy IN21 Seeks adequate provision for the disposal of surface water.

Policy C1 Subject to compliance with other plan policies, planning permission will be granted for appropriately located social and community facilities.

Policy C4 Subject to compliance with other plan policies, seeks to support proposals for dual use of educational facilities for recreation and other purposes.

(iv) Swale Borough Local Plan First Review: Re-deposit Draft (2005):

Policy E1 Requires all development to accord with Local Plan Policies unless material considerations indicate otherwise, have regard to characteristics of locality and setting, avoid unacceptable impacts on natural and built environments, cause no demonstrable harm to residential amenity.

Policy C1 Supports proposals to improve community services and facilities. Where proposals would meet an identified local need in an accessible location, supports proposals to help maximise the use of existing community services.

Consultations

8. **Swale Borough Council:** no comments have been received to date. Any received prior to Committee meeting will be reported verbally.

Minster-on-Sea Parish Council comments as follows:

- Minster-on-Sea Parish Council suggests a limitation be put on sports timings particularly at weekends.

Levelling of school playing field. Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness – SW/06/351

- Minster-on-Sea Parish Council would prefer native British hedging rather than conifers.
- Surface water drainage is a concern; Minster-on-Sea Parish Council asks that this is monitored regularly as well as any other nuisances that might cause damage to the neighbouring properties including noise damage.

Environment Agency: no objection, but advises that The Medway Internal Drainage Board should be consulted.

The Medway Internal Drainage Board: no comments have been received to date. Any received prior to Committee meeting will be reported verbally.

Sport England raises no objection and supports the application in the context of the Town and Country Planning Acts.

Landscape Architect: raises no objections or outstanding comments to make with regard the Feasibility Study of Surface Water drainage on the Playing Field. The conclusions and recommendations appear reasonable from the information gained. A native hedgerow is advised as suitable boundary screen around the playing field and the applicant should submit a suitable landscape scheme for approval.

Local Member

9. The local County Member for Sheppey Mr A. Crowther was notified of the application on 14 March 2006.

Publicity

10. The application was publicised by the posting of a site notice and the notification of 16 neighbouring properties.

Representations

11. 4 letters of representation have been received from local residents and a petition including approximately 93 signatures objecting to changes carried out to Minster Primary School field and the intention to use the field between 8am to 6pm on Saturday and Sunday. The main points raised within the representations can be summarised as follows:

- Objects to not being consulted on the works carried out at the site, the first residents of Bellevue Road learned of the development was the ground works being carried and removal of mature hedgerows at the foot of the gardens.
- Concerned that the governors knew planning permission was required but continued work on site, obviously under the impression that permission would be 'rubber stamped'.
- Invites Members of the Committee to view the site to appreciate first hand the impact of the planning field before making a decision.
- Objects to the total lack of privacy afforded properties on Bellevue Road on schooldays as a result of the raising and levelling of the school field, concerned that the increased use of the field by the school and other sports clubs during the weekends would result in a loss of amenity.

Levelling of school playing field. Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness – SW/06/351

- Objects to the considerable inconvenience generated by the traffic associated with the 'school run'; raises concern that the proposed use at weekends would result in a large number of vehicle movements similar to mid week traffic.
- Objects strongly to the grant of planning permission, but should consent be granted requests that conditions be put in place in respect of residential privacy, close boarded fencing and new tree planting/landscape work.
- Should planning permission be granted without any stipulations regarding residential privacy then the residents will be seeking a reduction in Council Tax due to the added intrusions to privacy and noise.
- Minster Primary School field is not appropriate for wider community use. Would something of this scale not be better suited to one of the bigger schools, such as Minster College, that have a larger approach road?
- Requests that future developments at the school be subject to consultation with local residents.
- Objects to the height of the playing field above residential property, concerned that the increase in height allows direct views into residential property.
- The use of the site at weekends would make it unbearable for local residents to enjoy their homes and gardens.
- Raises concern that the proper planning permission was not sort prior to the work being carried out, feels strongly that 'unfair play' is at work. Suggests that the rules of planning are in place for a reason and everyone should have to adhere to them.
- Raises concern about the potential drainage implications of the work completed.
- Raises concerns about the security implications of the loss of the barrier created by the boundary planting removed during the works carried out on site. Requests clarification of any perimeter fencing.

Discussion

12. In determining this application the Planning Authority has to have regard for the provisions of the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises the Kent Structure Plan, the Deposit Kent & Medway Structure Plan, the Swale Borough Local Plan, and the Swale Borough Local Plan First Review: Re-deposit Draft. The key Development Plan Policies appropriate to this application are outlined in paragraph (7) above.
13. This application has been submitted on behalf of the Governors of Minster-in-Sheppey Primary School and KCC Education and Libraries. The proposal is for retrospective planning consideration of engineering works carried to level and re-contour the playing field at the school. The works were carried out during July/August last year, and undertaken to improve the playing field provision. The works undertaken involved the redistribution of topsoil on site to infill a dish shaped depression on the west side of the playing field. Due to the sloping nature of the school site, the playing field has always been higher than adjoining properties on Bellevue Road, with the low point at the site falling to a drainage ditch adjacent to the boundary with 11 Bellevue Road. The re-contouring work raised the height of the playing field plateau adjacent to the drainage ditch to level the depression with the eastern part of the field. The works raised the height of the land by up to 750mm.
14. Further to the levelling works carried out at the site, the School propose to extend the use of the planning field to the community to allow sports and recreational clubs the opportunity to use the facilities outside normal school hours during week nights and in the mornings on the weekend. This practice is in line with the guidance being brought

Levelling of school playing field. Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness – SW/06/351

forward by Government and receives strong support through the Development Plan policies.

15. A number of letters objecting to this application have been received from local residents including a petition with approximately 90 signatures. A summary of the objections being raised is outlined in paragraph (11) above. Careful consideration should be given as to whether the proposal is acceptable in the location and whether the works undertaken result in an unacceptable loss of amenity to neighbouring properties, either through overlooking and loss of privacy resulting from the increase in the height of adjoining land and the removal of boundary planting, alterations in the drainage of the site given the changes made, or whether the proposed community use would intensify the use of the site to a level that could result in a loss of residential amenity.

Re-contouring and levelling

16. The engineering work carried out at the site has raised the level of land in the vicinity of residential property, which has further increased the difference in height between the playing field and these properties. The impacts of these changes have been amplified by the removal of the part of the hedgerow and boundary-planting which screened the school grounds. The height of the land directly adjacent to residential property has remained unchanged and forms part of a drainage ditch that serves the field and protects residential property from water draining from the site. The height of the playing field plateau now rises above the adjoining land along the boundary by 1000 to 1500mm, creating a situation where people using the field are able to view the length of the adjacent gardens over the boundary fencing.
17. The County Council's Landscape advisers have reviewed the application and the site. They advise that boundary screening around the playing field, comprising of a native hedgerow with some standards along the length, would provide a visual screen replacing the vegetation lost as part of the development work and reducing the potential for any loss of privacy to adjoining properties. They also advise that would provide a valuable habitat for wildlife at the site.
18. In response to the concerns being raised, I would advise that the School are proposing to erect a 6 foot close boarded fence 2 metres inside the external boundary on the perimeter of the field, along with the planting of a new native hedging along the inside boundary to mature over time. Should Members be minded to approve the application full details of these proposals would need to be submitted.
19. I acknowledge the concerns being raised by local residents in relation to a potential loss of amenity resulting from the situation that has arisen. The increase in height of the playing field and the reduction in boundary screening has allowed individuals using the field, to potentially overlook private property. It is regrettable that the circumstances arise without proper recourse to the planning system. However, I would advise that any potential impact on residential amenity could be mitigated through careful consideration of the boundary treatment as advised by our landscape architects. The provision of a close boarded fence would provide a short term solution with the planting of appropriate vegetation providing the longer term replacement for the screening lost as part of the development work. Therefore, subject to the consideration below of the drainage of the field, the use of the field and the security arrangements at the site, I advise that the development generally accords with Structure Plan Policies S2 and ENV15, Deposit Structure Plan Policies SP1 and QL1, Swale Borough Local Plan Policy G1, and Re-Deposit Draft Borough Local Plan Policy E1.

Levelling of school playing field. Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness – SW/06/351

Drainage

20. The drainage of the site has always been sensitive given that surplus water run-off flows east west toward adjoining properties on Bellevue Road. The site is afforded the provision of a drainage ditch along the western boundary that collects run-off from the field. The development work carried out on the site has not altered the levels within this ditch. The Surface Water Drainage Investigation provided confirms that the ditch was created in the early 1980's and runs along the rear of properties 7 to 19 Bellevue Road. The low spot within this ditch is level with the garden of 11 Bellevue Road and the outlet runs through the garden. The Report confirms that the ditch has become overgrown with brambles and shrubs and infilled with debris, which could affect its efficiency and advises the need for regular maintenance work. The applicant proposes to carry out the maintenance in the near future. My understanding is that this maintenance work will involve the clearing of debris, undergrowth and the lopping of low level branches on the trees growing within the school grounds in the vicinity of the ditch. No trees are to be removed during these operations. I would further advise that this work can be carried out without the benefit of planning consent and is a site management issue. The Report also advises that the legal status of the outlet through the garden of 11 Bellevue Road should be verified. That is an issue that needs to be taken up by Kent County Council's Property Group with the owner(s) of the property. I am unable to debate the outcome of these discussions within this report; the outcome of any discussions could potentially have implications for the drainage of the field irrespective of the outcome of this application.
21. Careful consideration has to be given to whether the alterations to the playing field could potentially result in the overloading of the drainage system in place. The Surface Water Drainage Investigation included hand auger trial holes and soakage tests to ascertain whether the earthmoving operations have compromised the drainage of the field. The Report concludes that 'the newly spread material on the upper layers has a greater depth and as such will have a greater porosity before becoming saturated, which could mean that surface water run-off will be reduced.' The Environment Agency and the County Council's landscape advisers have reviewed the findings of the report, and raise no objections. Further to the advise of the Environment Agency, the Medway Internal Drainage Board has been provided with a copy of the application. To date, no views have been received, but any received prior to Committee meeting will be reported verbally. Given the conclusions of the drainage report, that the drainage could be improved, and the comments made by the consultees; subject to no objections being received from the Medway Internal Drainage Board prior to Committee meeting, and the advised maintenance works being carried out, I would not raise objections to the application on drainage grounds. However, I would acknowledge the comments made by Minster Parish Council in relation to the drainage of the site above and advise that the applicant be advised to keep the situation under review.

General Use

22. To date, the playing field is not being used by the School, pending the outcome of this application, whether for educational purposes as part of the curriculum or for any proposed wider community use. Until recently there has been a need to restrict use of the area to ensure that the grass establishes itself on the new surface. However, the School are keen to begin use of the field for sport and recreation purposes. Further to the normal expected use of the field by children attending the school, the Governing

Levelling of school playing field. Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness – SW/06/351

Body (as part of the Extend Schools scheme) propose to allow the use of the field for sports and recreational clubs from the surrounding community. That would allow community groups for local children of the same age group as those attending the school to use the field for out of school hours activities. I would acknowledge that the School has confirmed that this would only be during weekday afternoons during the summer and for a couple of hours on a Saturday morning and potentially in the future a couple of hours on Sunday morning. The existing car parking arrangements off Minster Road would be made available for people attending the site.

23. From the correspondence and petition received, it would appear that the community use of the playing field is being strongly objected to by local residents, the concern being the potential for any use to generate a similar disruption to that experienced at peak school hours during the week. I would advise that the petition raises concern at the site being used 8am to 6pm Saturday and Sunday. The School has confirmed that this would not be the case and that the field would potentially only be used for a couple of hours in the mornings.
24. Clearly the proposed use beyond normal hours has the potential to impact on residential properties. However, the use of the site for school activities during these times is a school management issue and does not require the benefit of planning consent. However, the hiring out of the sports field for wider community use should be considered in the context of this application.
25. Concerns have been raised that the use of the facility by the community on the weekend would increase traffic congestion at the site. I can advise that community use of the pitch would occur when the school is closed. That means that the existing school car park could be made available for people visiting the site. The playing field is not of sufficient size to generate a large-scale increase in vehicle movements. I would advise being within the urban area of Minster that the site is well related to the transport and pedestrian networks. I acknowledge that the access points on Brecon Chase, Minster Road and Bellevue Road may cause concern during peak weekday movements. However, the School propose to manage entry into the site for any out of school hours community use with access being allowed through the well served Minster Road entrance.
26. Community/dual use of school sites is well supported by Structure Plan Policies S9 and SR2, Deposit Structure Plan Policies QL12 and QL16, Swale Borough Local Plan Policy C1 and C4, and Re-Deposit Draft Borough Local Plan Policy C1. Taking all of the above into account, I would advise that in the interests of local amenity, the community use of sports field could be limited by a condition on the times the playing field can be made available for hire. Therefore I do not believe that wider community use proposed is likely to result in an unacceptable impact on the local environment, and therefore raise no objection to this element of the application.

Security

27. Concerns have been raised that the boundary planting removed during the development work has decreased the security of residential properties adjoining the site. I would advise that the School appears to take the issue of site security very seriously and recent efforts have been made to improve the situation, eg. The installation of security cameras. I would further comment that the provision of any replacement planting and new fencing could improve the security arrangements from the original situation.

Levelling of school playing field. Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness – SW/06/351

Need

28. Due to the material planning objections which have been raised, need becomes a balancing factor. With regard to the need for the proposed facilities, the applicant has advised that work was required for health and safety reasons. The level changes in the middle of the field prior to the re-contouring work being carried out made the space unsuitable for sporting activities or for use as part of a sports pitch. Given that the playing field is the School's main outdoor teaching space to support the physical education curriculum, I would advise that a need for the development work has been demonstrated.

Conclusion

29. The application has to be considered in the context of the Development Plan and in relation to the location of the levelling work and its impact set against the need for the proposal. Issues have been raised, amongst other points, in relation to the potential impact of the development on residential property, the drainage of the site, and the wider community use of the space.

30. Overall I can see no overriding policy objections to the application, although I acknowledge the concerns expressed regarding the application by local residents. However, with careful management there is no reason why these concerns cannot be mitigated. I therefore consider that subject to conditions, planning permission should be granted.

Recommendation

31. SUBJECT TO no objections being received from Swale Borough Council or the Medway Internal Drainage Board prior to the Committee Meeting, I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions, including the submission of a landscaping and boundary scheme, and the timing of community use

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| Case officer – James Bickle | 01622 221068 |
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| Background documents - See section heading |
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**Minster In Sheppy Primary School
SW/06/351**

Figure 1 – View across playing field to Bellevue Road houses prior to engineering works being undertaken





Figure 2 – Panoramic view east to west across playing field after engineering works

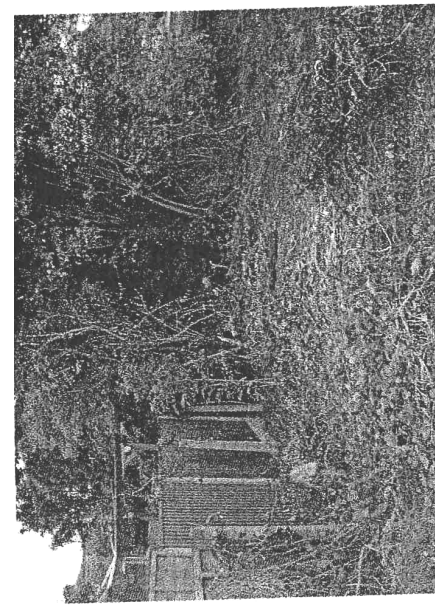


Figure 3 – Clearance work carried out near No's 9 and 11 Bellevue Road after engineering works.

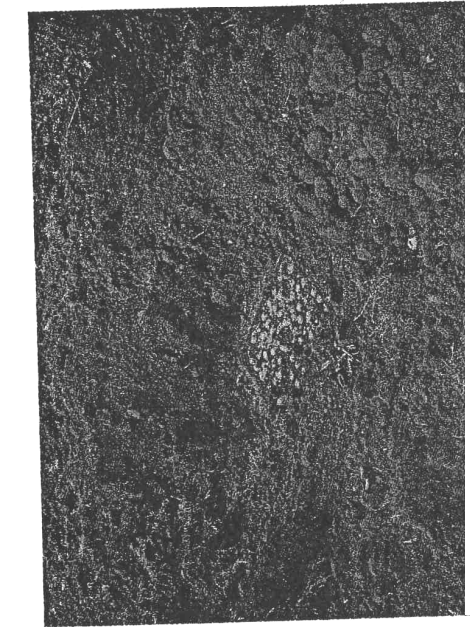


Figure 4 – Raised topsoil around manhole at western end of site after engineering works.

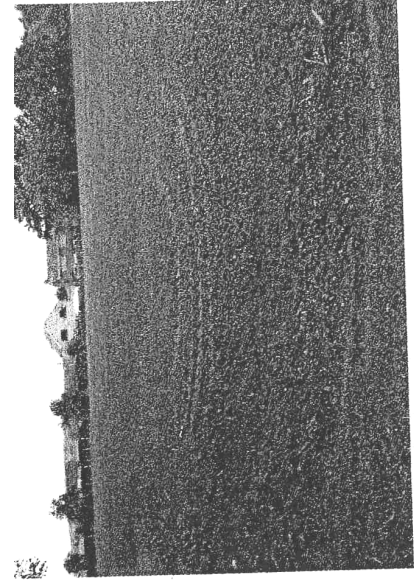


Figure 5 – View across playing field to Bellevue Road houses after engineering works

Item D6**Details of external lighting for new arts & media centre,
Hextable School – ref. SE/03/2186/R7**

A report by Head of Planning Applications Group to Planning Applications Committee on 16 May 2006.

Details of external lighting pursuant to condition (7) of permission SE/03/2186 for a new arts & media centre, additional car parking, bus and drop off laybys, Hextable School, Egerton Avenue, Hextable.

Recommendation: Subject to resolution of the outstanding matters, the external lighting details be approved.

Local Member: Mr M. Fittock

Classification: Unrestricted

Background

1. At the last Committee meeting on the 11 April 2006 Members considered the report (attached as an appendix) which deals with details of landscaping and external lighting pursuant to two planning conditions imposed on the original planning consent for what is now known as 'Hextable Dance'. It will be seen from the minutes attached at the beginning of this agenda that Members resolved that the submitted landscaping scheme be approved. However consideration of the external lighting scheme was deferred to enable further details of light spill to be gathered. In addition I was requested to take steps to have the lighting switched off overnight pending the outcome of the proposal.

Action and current position

2. Following the Committee meeting, both the applicants' Architect and the Artistic Director of Hextable Dance have been contacted to advise them of Members' resolution relating to the details of the external lighting and of the concerns expressed. Further information has been requested relating to luminance and light spill levels and the applicant has been asked to consider some means of reducing the glare from the bulk head lights at the front of the building facing Egerton Avenue. A request has also been made that the lighting is not left on overnight.
3. I am awaiting the further information requested and any possible proposals for mitigating glare from the lights at the front of the building. In the meantime, I have been advised that the canopy lights and the illuminated 'Hextable Dance' sign have been set to switch off at 2200 hours. The Artistic Director of Hextable Dance has also confirmed that the bulk head lights have been switched off pending Engineers re-programming the time switch for these lights to also switch off at 2200 hours. In respect of the column - mounted street type lamps, that is the two relocated in the car park to the side of the building, and the three new ones to the rear of the building, I am seeking clarification on how and when these are switched on and off. Indications are that these are integrated with the rest of the school lighting.
4. Further to the above, Members will recall that the night time photograph(s) displayed at the last Committee meeting showed a very intense bluish light. The photograph was of the rear of the school/Hextable Dance and, having visited the site, I have established that that light was at the rear of the school buildings and not under the control of Hextable Dance. It appears that the particular light source was from a pair of column mounted floodlights directed across tennis courts. Although not part of the submission

Details of external lighting for new arts & media centre, Hextable School – ref. SE/03/2186/R7

under consideration, I have drawn the School’s attention to the nuisance of them being left on into the night. I have asked for clarification as to when they are switched on and off, and information on how they manage the rest of the external lighting under their control within the school site. I have had a response, which indicates that the former lights are left on when the tennis courts are used on a few occasions a year for overflow car parking. The School Bursar has asked to be contacted if these are left on unnecessarily. There are also two lights on the front of the building that may be causing nuisance and the school have asked their electrical contractor to reset the timers to go off around 2200 hours, although possibly 2300 hours on a Tuesday (if the timers can be set to specific days).

Conclusion

- 5. I hope to be in a position to give updates at the Committee Meeting on receipt of the further information and clarification on the various outstanding matters relating to the Hextable Dance external lighting, referred to above. My recommendation is therefore subject to resolution of these, including proposals for mitigating the impact of the lighting, as discussed, and switching the lighting off at an appropriate time, in order to safeguard the amenity of local residents.

Recommendation

- 6. SUBJECT TO resolution of the outstanding matters relating to the Hextable Dance external lighting, I RECOMMEND that the details of the external lighting, as amended and amplified, BE APPROVED.

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| Case officer - Paul Hopkins | 01622 221051 |
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| Background documents - See section heading |
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Appendix to Item D6

Details of external lighting and landscaping for new arts & media centre, Hextable School – ref. SE/03/2186/R6+7

A report by Head of Planning Applications Group to Planning Applications Committee on 11 April 2006.

Details of external lighting and landscaping pursuant to conditions 6 and 7 of permission SE/03/2186 for a new arts & media centre, additional car parking, bus and drop off laybys, Hextable School, Egerton Avenue, Hextable.

Recommendation: APPROVAL be granted.

Local Member: Mr M Fittock

Unrestricted

Introduction and Background

1. Planning permission for a new arts and media centre at Hextable School was granted in 20 January 2004 (ref. SE/03/2186). The building, which is now referred to as 'Hextable Dance', has now been constructed. At the Planning Applications Committee meeting in October 2005, Members approved amended plans showing more extensive roof top plant, including air conditioning equipment. It was also agreed that the applicants (the Governors of Hextable School and KCC Education & Libraries) would be reminded of outstanding details required by planning conditions. Retrospective details of external lighting have now been received, and have elicited objections from local residents. Details of landscaping have also been submitted for consideration.

Site

2. The new building is located in the north-eastern corner of the Hextable School site. Access is from Egerton Avenue via an 'in-only' entrance to the south and an 'out-only' exit to the north. Hextable School is located at the south-western edge of Hextable village, itself just north of Swanley. The school site is within the Metropolitan Green Belt although the surrounding houses are not. A site location plan is attached.

Proposal

3. The current submission included details pursuant to two planning conditions imposed on the original planning consent:

Landscape planting within the site, comprising 3 areas of shrub planting (with a mix including berberis, ceanothus, contoneaster, euonymous, hebe, spirea and weigela) and 6 rowan trees (sorbus arnoldiana) in the car parking area.

External lighting within the site, comprising 3 new column mounted lights to the rear of the new building, 2 repositioned column mounted lights in the car parking area to the front, external illuminated sign, ramp/stair lights, bulkheads and canopy lights, to the front side and rear of the new building.

External lighting and landscaping details, new arts & media centre, Hextable School – SE/03/2186/R6+7

Development Plan Policies

4. The following Development Plan Policies are relevant to this application:

Kent Structure Plan 1996 / Kent and Medway Structure Plan (Deposit) September 2003

- S2 The quality of Kent's environment, including the visual, aural, ecological, atmospheric, and water environments, will be conserved and enhanced, and measures will be taken to minimise, and where appropriate, mitigate, any adverse impacts arising from development and land use change.
- S9 Local Authorities will have regard to the need for community facilities and services, including education, health and cultural facilities. *(This policy is carried forward in the form of Policy QL12 of the emerging Kent & Medway Structure Plan, which provides for the development of existing local community services, particularly where services are deficient).*
- ENV15 The character, quality and functioning of Kent's built environment will be conserved and enhanced. Development should be well designed and respect its setting. *(This policy is carried forward in the form of Policy QL1 - which relates to the quality of development and design - of the emerging Kent & Medway Structure Plan).*
- MGB3 Within the Green Belt there is a general presumption against inappropriate development. The construction of new buildings is inappropriate unless it is for a number of specified purposes. Any development approved within the Metropolitan 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. *(This policy is carried forward in the form of Policy SS9 of the emerging Kent & Medway Structure Plan).*

Sevenoaks District Local Plan 2000

- EN1 Outlines several criteria to be applied in the consideration of planning applications, including built form, layout, local amenity, means of access/parking and traffic generation.
- GB1 Defines the Metropolitan Green Belt boundary and lists a number of settlements, including Hextable, where for development proposed beyond settlement boundaries policies GB2 (see below), GB3A (re-use of buildings), GB3B (re-use of agricultural buildings) and GB4 (see below) apply.
- GB2 Within the Green Belt there is a general presumption against inappropriate development. The settlements in which infilling or other development is considered appropriate are listed in Policy GB1.
- GB4 Any development approved within or conspicuous from the Green Belt must be sited, designed and use materials which maintain the open character of the area, avoid detriment to visual amenity and minimise potential harm.

External lighting and landscaping details, new arts & media centre, Hextable School – SE/03/2186/R6+7

- PS2 Proposals for new or improved social and community facilities including infrastructure works will be permitted in suitable locations provided that they comply with relevant criteria of Policy EN1 and other relevant policies.

Consultations

5. **Sevenoaks District Council:** No objection.
6. **Swanley Town Council:** No comments received.
7. **Landscape architect:** No objections to the proposed details:

“Although the proposed lighting is of relatively low strength, we feel that lighting throughout the duration of the dark hours could detract from the dark character of the designated Green Belt land. However, as the proposed development is at the edge of the Green Belt and not within open countryside, the impact will be less noticeable.”

Local Member

8. The Local Member, Mr M Fittock, was notified of the submission on 28 September 2005.

Publicity and Representations

9. Neighbour notification of 31 local residents has been carried out. The points raised in 5 letters of objection to the external lighting details are summarised below:
 - The existing lighting at the site causes significant light pollution for nearby houses. The “high performance wall mounted luminaires” on the north facing wall shine directly into houses all night. The School should have motion sensors and ‘downlights’ that illuminate the walkways rather than the whole neighbourhood. Although the Architects have asked for the illumination to be turned off overnight, that has not happened, or will not be happening.
 - The existing ‘street lighting’ on the site is in a bad state of repair, with up to half not working. Maintenance of this existing lighting should be undertaken.
 - Objection is raised because we currently have floodlights and security lights that flood into our home, which is a disturbance. Although they may be on a timer, they do not go off until 3am. We say no to more external lighting.
 - Questions why the lighting proposal is retrospective. The lights are on from dusk to dawn, which in winter is a very long time. The lights help children who break-in or throw bricks at 10pm. Light pollution should be minimised and at least go off at night.
 - The School is constantly abusing the original plans of which they obviously did not adhere to. The lights are on all night and shine through our bedroom window thus affecting our sleep pattern. They do not deter children who loiter on the school premises in the evening. We wish to express our views at the Planning Committee Meeting.

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- How many more applications does the School want to make? The lights are just another addition the School has made without the proper planning approval. Residents are tired of these constant applications that seem to be approved without a care as to how they have truly upset our rural life.
- The lights are not only excessive, they are on all night and light up bedrooms. It is supposed to be dark living in the country, but this centre has changed the rural character of Hextable and not for the better.
- The lights are not needed for security reasons because since the building has been erected it has attracted children who loiter in the grounds, with or without the lights.
- The School has no concept of being environmentally friendly as they seem quite happy to burn energy with these lights on all night.

Discussion

10. This submission proposes details of external lighting and landscaping for the new Hextable Dance development at Hextable School. The submission needs to be considered in the context of the relevant Development Plan Policies together with other material considerations brought to the County Council's attention through publicity and consultation.
11. The key Development Plan policies of relevance are those seeking to minimise the impacts of pollution, particularly in the countryside. The landscaping details do not conflict with these policy objectives, but the lighting proposals are inevitably going to introduce an additional element of light intrusion in the locality. If the need for the lighting and the on-site amenity advantages are to be accepted, then I consider that the wider impacts on the adjacent countryside are minimal and not therefore significantly conflicting with the policies. In particular, the building and its lighting is enclosed by other existing buildings within the school site and so does not intrude into the wider countryside. However, given the building's proximity to the neighbouring residential development, there is some intrusion for local residents as reflected in the representations received.
12. The Policies which relate to the Green Belt are primarily concerned with maintaining its openness and preventing built up areas from coalescing, rather than protecting the intrinsic quality of the countryside, and are therefore not strictly relevant to the currently submitted details. The original planning applications for the new built development, were twice referred to the Secretary of State as departures from the Development Plan, with particular regard to the Green Belt location, but he chose not to intervene in the decision process.
13. Several letters of objection have been received with respect to the proposed lighting (which is actually in place already). The complaints focus both on the fact that the external lighting is left on all night, and also on the brightness and the light disturbance caused by the lighting itself. The initial lighting specification provided for most of the lights to come on at dusk and off at a predetermined time, and for the emergency lighting and fire escape bulkheads to come on at dusk and off at dawn. Although lighting can be sensitively designed and located to reduce both light glare and light spill, where it is required for health and safety and/or site security reasons, there is likely to be some

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impact beyond the immediate area to be lit, otherwise it would be of little use. Clearly though there is some light disturbance for residents and I consider that a better balance between the security and safety requirements of the School and the residential amenity impacts needs to be sought.

14. Having investigated the matter further with the applicants, I am advised that all the external lights are governed by time controls and are therefore capable of being adjusted and operated in a more neighbourly fashion than hitherto. In particular, the external lights switch on at dusk by photocell and extinguish by timers located in various parts of the new building. The only lights that are intended to be on all night are the low intensity security lights, which should not themselves prove to be a nuisance or have any impact beyond their immediate siting, being small bulkhead fittings.
15. The Director of the Dance Centre has recently written to local residents on various points, including the complaints over the external lighting and stated as follows:

“Centre Management are doing their utmost as part of the ‘snagging process’ to work with the building engineers to resolve the issue of the ‘Hextable Design’ sign staying on all night. I only wish it was as simple as flicking a switch.

Hextable Dance has had a positive impact on crime prevention and anti-social behaviour on the site of the Hextable School. The Centre has ‘state of the art’ CCTV surveillance equipment that will ensure that any culprits are caught and prosecuted, and that any visitors to the facilities after dark feel safer. Centre Management will endeavour to tone down exterior lighting, but not if it impedes CCTV surveillance and general security.”

16. Whilst I can accept the need for some lighting within the site, given a chronic problem with vandalism and unauthorised access at this particular school site, I consider that the current operation of the lighting is unnecessarily intrusive and detrimental to residential amenity. Under the circumstances, I consider that all the lighting (including the externally illuminated ‘Hextable Dance’ sign) other than the security lighting and that needed for CCTV surveillance should be extinguished within a reasonable time of the Dance Centre actually closing for use. The permitted hours of use of the Centre currently provide for evening use up to 2230 hours (and until 2130 hours on up to 20 Sundays or Bank Holidays per year), and I would expect such lighting to be extinguished within 15 minutes of those times, to allow for departure of all staff and visitors.
17. Details of the proposed landscaping scheme have also been received. No objections have been raised to this element of the proposals and I therefore intend to approve the landscape scheme as submitted.

Conclusion

18. On balance, I consider that the submitted lighting details should be approved, subject to a strict requirement for the extinguishing non-security lighting within 15 minutes of the previously permitted closing time of the Dance Centre. I also consider that the landscaping details should be approved as submitted.

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Recommendation

19. I RECOMMEND that APPROVAL BE GIVEN TO the submitted landscaping scheme and the submitted external lighting scheme, SUBJECT TO the extinguishing of all non-security lighting by 2245 hours on Mondays to Saturdays and by 2145 hours on those Sundays and Bank Holidays when the premises are in use.

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| Case Officer: Mark Funnell |
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| Tel. no. 01622 221058 |
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| Background Documents - see section heading |
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Appendix to Item D6

External lighting and landscaping details, new arts & media centre, Hextable School – SE/03/2186/R6+7

APPENDIX

Photographs 1 and 2: Architect's photos of completed building.



VIEW FROM NORTH



VIEW FROM SOUTH-EAST LOOKING TOWARDS MAIN ENTRANCE

HEXTABLE DANCE SCHOOL
VIEWS SHOWING ROOF-TOP PLANT INSTALLATION

Appendix to Item D6

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Photograph 3: Architect's photo of completed building.



VIEW FROM EAST

HEXTABLE DANCE SCHOOL
VIEWS SHOWING ROOF-TOP PLANT INSTALLATION

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.

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| SH/05/274/R9 | Details pursuant to Condition (9) being detailed design of new plant and machinery including colour and cladding. Hythe Plant Services, Park Farm Road, Folkestone. |
| CA/05/228/MR23 | Application for the determination of conditions in respect of Planning Permission references CA/88/474 and CA/96/129. Highstead Farm and Upper Grounds Farm, Highstead, Chislet, Canterbury. |
| DO/92/1098/R3A | Variation of Condition (3) of Planning Permission DO/92/1098 to alter the existing hours of operation of the waste transfer station. Dover Waste Transfer Station, Honeywood Road, Whitfield, Dover. |
| SH/06/230 | Section 73 application to carry out development without compliance with conditions 5 and 6 of planning permission reference SH/05/53 (Amendment to permitted hours of working and extension of time to complete all Construction work at the Lade Car Park until mid-July 2006). New Romney and Greatstone on Sea Wastewater Treatment Scheme, Greatstone, New Romney. |
| TM/06/121 | Section 73 application to vary condition 2(ii) and 3 of permission TM/01/1862 to not cover the existing dust storage bays on site. Tarmac Limited, Snodland Quarry, Hays Road, Ham Hill, Snodland. |
| TM/06/798 | The erection of covered dust storage bays. Tarmac Limited, Snodland Quarry, Hays Road, Ham Hill, Snodland. |

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

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

Background Documents - The deposited documents.

SW/06/209 Vehicle access comprising of dropped kerb and vehicle gate. Entrance to Church Marshes Country Park, Grovehurst Road, Sittingbourne.

MA/06/586 Provision of new access from existing path network with Mote Park. Raigersfeld Lodge, Ashford Road, Weaving, Maidstone.

**E3 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS
PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS
MEMBERS' INFORMATION**

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

Background Documents - The deposited documents.

- SW/05/1446/R2 Details pursuant to Condition (2) of Planning Permission Reference SW/05/1446 being a report on the trees in accordance with BS5837 (2005). Trees in relation to construction.
Lansdowne Primary School, Gladstone Drive, Sittingbourne.
- MA/05/871/R Amendments to the approved plans – alterations to the access arrangement. Single storey classroom extension.
Laddingford St Mary's CE Primary School, Darman Lane, Laddingford, Maidstone.
- MA/05/871/R3 Details of external materials pursuant to condition (3) of planning permission MA/05/871. Single storey classroom extension.
Laddingford St Mary's CE Primary School, Darman Lane, Laddingford, Maidstone.
- SW/06/85 Two storey head teacher's office, Library, Boiler Room and disabled WC. Selling Church of England Primary School, The Street, Selling.
- SW/05/1426/R3 Reserved matters – Details of obscured glazing window film and fencing. Mobile classroom.
Tunstall CE (Aided) Primary School, Tunstall, Nr. Sittingbourne.
- GR/04/23/RA Amended details – Amendments to the approved external materials and two external canopies. School extension.
Shorne CE Primary School, Cob Drive, Shorne Gravesend.
- SW/04/1043/R Amended details of amendments to the roof line, the approved canopy materials and omission of turning head. Extension to administration area.
St Mary of Charity Primary School, Orchard Place, Faversham.
- MA/05/2213/R4 Details of archaeological watching brief.
Boughton Monchelsea Primary School, Church Hill, Boughton Monchelsea.
- TW/04/2025/R6 Reserved matters – Lighting proposals. Disabled access improvements.
Tunbridge Wells Library, Mount Pleasant Road, Tunbridge Wells.

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| TM/04/3357/R | Amended details – Amendments to building design and layout details. New school buildings. The Malling School, Beech Road, East Malling, West Malling. |
| TM/04/3357/R9 | Details of external lighting pursuant to condition (9) - New school buildings. The Malling School, Beech Road, East Malling, West Malling. |
| CA/05/902/R3 | Reserved details of landscaping scheme. School extension. St Nicholas School, Holm Oak Close, Nunnery Fields, Canterbury. |
| DA/05/773/R3 | Reserved details – School Travel Plan. Erection of 2 mobile classrooms. The Craylands Community Primary School, Craylands Lane, Swanscombe. |
| AS/06/415 | New entrance and reception extension. Willesborough Junior School, Highfield Road, Willesborough, Ashford. |
| TW/06/800 | 2 no. ramps and raised path to rear of school for disabled persons. Goudhurst and Kilndown C of E Primary School, Beaman Close, Cranbrook Road, Goudhurst. |
| GR/04/967/R3A | Reserved details of flint work. New Visitors Centre. Shorne Wood County Park, Brewers Road, Shorne. |
| SW/06/254 | Erection of canopy. West Minster Primary School, St Georges Avenue, Sheerness. |
| TW/06/543 | Widening of existing crossover and vehicle entrance. Cranbrook School, Waterloo Road, Cranbrook. |
| TM/01/2993/R6 | Details of landscaping works. Proposed Leybourne and West Malling Bypass Scheme. |
| TW/06/828 | Amended scheme to create a single storey extension to provide House Masters accommodation at Scott House. Scott House, Cranbrook School, Bakers Cross, Cranbrook. |
| DA/06/186 | Refurbishment of fire damaged building to include the installation of security fencing, new aluminium doors and windows with external shutters and the erection of an external access ramp and landings. The Bungalow, Hesketh Park, Park Road, Dartford. |
| AS/06/480 | A wall mounted aluminium canopy system to provide shelter and shade for a single classroom. Bethersden Primary School, School Road, Bethersden, Ashford. |
| GR/05/970/R3 | Reserved matters – Details of foul and surface water treatment methods. School extension. Shears Green Junior School, White Avenue, Northfleet, Gravesend. |
| TW/06/772 | Construction of external steps and handrail provision. St Mark's C of E Primary School, Ramslye Road, Tunbridge Wells. |

E3.2

- SW/04/1574/R4&R6 Details pursuant to Condition (4) – Bat Survey and Condition (6) – School Travel Plan.
Lynsted and Norton School, Lynsted Lane, Lynsted, Sittingbourne.
- SW/06/419 New bin store and the erection of a covered way.
St Mary's of Charity (Aided) Primary School, Orchard Place, Faversham.
- AS/05/687/R4 Reserved details – Details of external materials pursuant to Condition (4).
The John Wesley Primary School, off Cuckoo Lane, Singleton, Ashford, Kent.
- AS/05/687/R13 Reserved details – Details of surface water drainage pursuant to Condition (13).
The John Wesley Primary School, off Cuckoo Lane, Singleton, Ashford, Kent.

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

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

DC29/06/MA/0001 The improved CSO Scheme at Allington Wastewater Pumping Station.

DC29/06/DO/0001 Phosphorous control improvements at Eastry Wastewater Treatment Works, Felderland Lane, Eastry.

- (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

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